PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

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BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance and Advice, together with relevant Government Circulars, Orders, Directions and Planning Policy Guidance:

Development Plans
Essex and Southend-on-Sea Replacement Structure Plan
Maldon District Replacement Local Plan
The Regional Spatial Strategy - The East of England Plan

Legislation
The Town and Country Planning Act 1990
The Planning and Compensation Act 2004
The Town and Country Planning (General Permitted Development) (Amendment) Order 2008
The Town and Country Planning (Control of Advertisements) Regulations 2007
The Town and Country Planning (Use Classes) Order 1987
Planning Policy Guidance Notes
Planning Policy Statements
Government Circulars

Supplementary Planning Guidance and Other Advice

i) Essex County Council
   Essex Design Guide for Residential and Mixed Use Areas
   Essex Historic Towns
   The Highway Aspects of Development Control

ii) Maldon District Council
   Access to Opportunity – The Transportation Strategy for Maldon District
   Affordable Housing
   Cycling in Maldon and Heybridge
   Gypsy Sites
   Car Parking
   Maldon Town Centre Improvement Scheme
   Childrens Play Spaces
   Developer Contributions

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.
PL1 FUL/MAL/10/00004 SOUTHWIND

Construction of nine wind turbine generators with an overall height to tip of 125m, and associated crane hardstanding areas, access tracks, substation building, 80m meteorological mast, hardstanding area for marine access, temporary laydown area, temporary construction compound, and associated electrical infrastructure.

Land Between Middlewick Farm And Wraywick Farm The Marshes Southminster Essex

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1. **INTRODUCTION**

1.1 This is a major planning application for a wind farm which has been submitted with an Environmental Statement which demonstrates that an Environmental Impact Assessment has been undertaken by the applicant as required under Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

1.1 This application was considered by the South-Eastern Area Planning Committee on 12 July 2010 at which it was recommended to this Committee that the application be refused for reasons relating to character and quality of local landscapes, living conditions of nearby residents, traffic issues including highway safety, and lack of community support. An update report on this and the issues raised at that meeting is to follow.

2. **SITE DESCRIPTION**

2.1 The surrounding area forms reclaimed marshland which is mainly flat and low-lying. The majority of the marshes are between 1 – 2m above sea level (AOD). There are a number drainage ditches and the Asheldham Brook meandering through the area. The area is sparsely settled with scattered farm buildings and cottages. The surrounding land uses are mainly agricultural with fields. There are few trees/vegetation in the area apart from those either along some of the drainage ditches or those surrounding existing buildings. The roads serving the area are one and half carriageway width.

2.2 The application site covers a large ground area of mainly agricultural fields in between Middlewick Farm to the east and Wraywick Farm to the west. The nine turbines would be positioned within the field areas between these two farms. An area of private road linking Middlewick Farm, Middlewick Cottage and Court Farm forms part of the application site. Further to this the application site crosses the fields to the south of Middlewick Farm where a temporary road access would be formed linking to the road at a corner point north of Deal Hall. The application site then follows the existing road south as far as the embankment to the River Crouch. Part of the application site to the south of Holliwell Farm follows an unmade farm track to the river embankment.

2.3 The approximate nearest turbine to building distances around the wind farm site are listed as follows:

- Middlewick Cottage (775m);
- Turncole Farm (855m);
- Brook Farm (855m);
- Court Farm (880m);
- Wraywick Farm (945m);
- Middlewick Farmhouse (1010m);
- Montsale Bungalow (1030m);
- Brook Cottage (1045m);
- Broadward Farm (1095m);
- Bridgewick Farm (1.35km).

3. **THE PROPOSAL**

3.1 Planning permission is sought for the construction of nine wind turbine generators with an overall height to tip of 125m, and associated crane hardstanding areas, access tracks, substation building, 80m meteorological mast, hardstanding area for marine
access, temporary laydown area, temporary construction compound, and associated electrical infrastructure.

3.2 The proposal seeks planning permission for a development life time of 25 years and is forecast in the Environmental Statement to generate 43,500 MW of electricity to supply 9260 homes per year. This equates to 38% of total homes in the Maldon District providing 15% of electricity supply by renewable energy by 2015. These figures are based on data UK Energy Statistics from the Department of Trade and Industry (2005) and from the British Wind Energy Association (2006).

3.3 Each turbine would have a total height of 125m from ground level to the tip of the blade when positioned in a vertical arrangement in alignment with the tower of the turbine. Each turbine is made of three key parts:
   - the rotary blades comprising of three blades;
   - the nacelle (also referred to as the hub) is the section where the blades are connected to the turbine structure which includes the gearbox and cooling systems;
   - the tower is the structure linking the turbine to the ground where the high voltage electrical cables are internally passed down.

3.4 Each turbine has a rated capacity of 2 to 3 MW. The maximum electricity generation from the wind farm would be 20.7 MW from wind speeds of 13m/s (30mph) to 52m/s (56mph). The turbine structure would be positioned in a concrete circular base foundation spanning a diameter of 17.3m. The foundation is 2.85m deep which is mainly below ground level apart from a compacted infill layer which means the base would project 0.95m above the existing ground level.

3.5 Located adjacent each turbine a transformer enclosure would be sited. Each of these utilitarian structures feeds the electricity cables from the turbines which transforms the 690 volts of electricity from the turbine to a higher voltage of 33,000 volts. The high voltage electrical cables are run underground from the transformer to the sub station in underground conduits.

3.6 A metrological mast would be installed within the site area of the turbines measuring 80m high. The structure would have a lattice tower design with monitoring equipment installed at varying heights.

3.7 The substation building would be positioned adjacent to farm buildings at Wraywick Farm. The building would cover a floor area of 7.5m by 10m comprising of a control room, equipment room, and switch rooms. The building would be a brick built structure with dual pitched roof to a ridge height of 6.1m. The substation distributes the electricity to the local electricity network via another underground connection to the existing overhead power line, which is 300m to the North West of the Wraywick farmstead.

3.8 Access tracks would be formed linking to each turbine for construction and routine maintenance requirements. These tracks would comprise of a loose shingle surface material over a stone sub-surface. The width of the access tracks will vary from single to dual carriage width in places. The access tracks would cross existing ditches in the area and where this happens a cylindrical concrete pipe would be laid in the
foundations to ensure continued water flow. Hardstanding areas would be created adjacent to each turbine to allow for the crane to be positioned whilst constructing the turbines. These hardstandings would remain in situ (like the access tracks) for the life of the development to allow for routine maintenance.

3.9 The construction stage of the development would last for a period of nine months and would require temporary construction compounds within the site and adjacent the sea wall. The temporary compound would be formed in a fenced compound area with locking gates. The temporary compound would include a number of buildings including two offices, storage facilities, toilet block, drying room and mess. Externally a re-fuelling area, parking zone, a generator and storage area would be formed. Around the boundaries of the compound two temporary topsoil stockpiles would be formed. The temporary marine area would have a road mat system laid over the part of borrowdyke where a crane would be positioned to unload turbine parts from a barge moored adjacent the sea wall. The borrowdyke would have a cylindrical concrete pipe installed for water transfer. Lorries would manoeuvre to a position next to the crane to allow for loading purposes. The crane would extend up to 30m in height. A temporary lay by area would be formed off the existing unmade track. Temporary diversion footpaths would be formed whilst the construction work is on going.

3.10 The application is accompanied by a number of documents including an Environment Statement which identifies the following main issues to be considered:

4. RELEVANT PLANNING HISTORY
   - FUL/MAL/04/01014 - Erection of a 40m high wind monitoring mast to measure the wind speed and direction at 40m and 20m above ground level – Refused 11.02.2005 but allowed on Appeal 06.09.2005.

4.1 Bradwell wind farm site at Hockley Farm, Hockley Lane, Bradwell on Sea:
   - FUL/MAL/06/00291 - Construct Wind Farm comprising of 10 turbines of maximum 121m to blade tip height, sub-station building, anemometer mast and ancillary infrastructure. Refused 07.07.2006.
     - First Appeal allowed and planning permission granted subject to conditions on 10.09.2009.
     - High Court Challenge Decision to quash the planning permission granted on appeal 19.06.2008.
     - Second Appeal allowed granting planning permission subject to conditions on 25.01.2010.
CONSULTATION REPLIES - TOWN / PARISH COUNCILS

Southminster Parish Council – Object for the following reasons;

1. The proposed development is not compatible with the surrounding area in particular due to the scale/bulk/height of the turbines (including the full extent to the tips of the blades). Landscape and seascape panoramic views would be detrimentally affected.

2. The proposed development is not compatible with the surroundings in particular due to the visual impact on the surrounding countryside and specifically to the important landscape features of the Marshes, which is designated as a “Special Landscape Area” as defined in the Maldon District adopted Local Plan (November 2005), and a Ramsar site.

3. The proposed development will be detrimental to the natural beauty and tranquillity of the Marshes and as such will not protect, conserve or enhance the area.

4. The Dengie peninsular is an important area for birds and is an important migration route, especially Brent Geese, and the proposed development would lead to a loss of habitat for many of the wild life species.

5. The proposed development is likely to result in high noise disturbance, as the turbines are located close to the village. There is also likely to be interference with TV reception, and the potential for shadow flicker.

6. The application states that the hardcore and gravel could be transported to Southminster via rail. This would introduce noise and pollution to the local area as the rail network would have to be used at night. However the application also states that if the rail network cannot accommodate the volume of traffic needed to transport the materials needed then the road network would have to be used (see 7).

7. Should the above occur, the current highways structure is totally inadequate to cope with the increased traffic, particularly during the construction phase. Proposals for construction traffic movements have not been researched thoroughly enough. Current levels of heavy traffic already cause major congestion in Station Road. During the proposed construction phase excessive traffic is anticipated to drive through Southminster Village where the road network is totally inadequate for the purpose. Residents would be subjected to continuous heavy lorry movements during the construction period (in excess of 6000) with the associated inconvenience, noise, vibration and pollution. This would reach crisis point during the concrete pouring phase when 76 lorry movements through the village would occur in one day on nine separate days.

8. During the construction phase major safety issues would be created with the continuous flow of heavy Lorries. The junction in the village centre is a major crossing point especially for children. Safety measures would be needed to mitigate this threat.

9. Renewed investigations are needed with Southend Airport in light of the recent approval of increased air traffic with the runway directly in line with the proposed turbines.

The following Planning Policies as adopted by Maldon District Council apply:

PU6 The development WOULD have a significant impact on the appearance of the surrounding area, generating unacceptable noise and traffic and have an adverse impact on areas of ecological, landscape and conservation importance and have a detrimental effect on adjoining properties.
BE1 The proposed development is of a size and scale that is NOT compatible with the surrounding area. The visual effect WILL be detrimental to the surrounding area and therefore should not be allowed.

CC6 The natural beauty tranquillity amenity and traditional quality of the District’s landscape will NOT be protected, conserved or enhanced and that harm WILL be caused to the landscape character, therefore the application should not proceed.

CC7 That the proposed development is within / adjacent to a special landscape area (Dengie Marshes) and therefore should not be allowed.

5.2 **Burnham on Crouch Town Council** – Object on the grounds of short term and long term detrimental impact on the environment and the environs of the Dengie Hundred Peninsular, noise pollution and the intrusive nature of the turbines in this very rural and open landscape.

5.3 **Tillingham Parish Council** – Object to this application as it would be contrary to policies BE1, CC6 and CC7 of Maldon District Replacement Local Plan. There is insufficient information on Barn Owl population and the siting are unrealistic.

5.4 **Asheldham / Dengie Parish Council** – Object. Not compatible with the surroundings due to the scale / bulk / height of the turbines. Not compatible with the visual impact upon the countryside and important landscape feature of the Marshes as a Special Landscape Area. Detrimental to the beauty and tranquillity of the Marshes. Concerned over noise disturbance, interference with TV reception, shadow flick, increase traffic on the roads and general inconvenience and loss of amenity to residents.

5.5 **Bradwell on Sea Parish Council** – Strongly object on the same basis as the previous objections to the Hockley Farm Windfarm. Also object on the basis that there is nothing in the application which coordinates both wind farms project should they proceed at the same time, for emergency vehicle entry or evacuation procedures. The result being that both entry / exit points to the Dengie would be blocked. The photo montages are not accurate as they are not correctly scaled.

5.6 **St Lawrence Parish Council** – Object as the structures should be located in river or offshore.

5.7 **Steeple Parish Council** – Does not oppose wind farm. Notes that this compares with the Bradwell application. In particular indivisible loads will be brought in by sea and moved to the site over private roads. Although road movements will be fewer than the Bradwell application movements will cause major inconveniences to residents and businesses. Is it possible to amend the Bradwell approval so ‘indivisible loads’ are offloaded near the Power Station so they can moved to the site with little disruption.

5.8 **Mayland Parish Council** - Object for reasons of bringing in aggregates by road, possible interference with television at the switch over, house prices maybe affected, visual impact – change area significantly, the setting of St Peter’s Chapel will be impaired and two wind farms being built at the same time will cause congestion. No economic benefit to the UK as turbines are likely to be manufactured abroad. Wind farms are better suited in off shore locations.
5.9 **Latchingdon Parish Council** – Object for the following reasons:
1. Lack of infrastructure in the Dengie Peninsula;
2. Damage to the local environment and to the enjoyment of local amenities; and
3. Lack of evidence to show necessity.

5.10 **Althorne Parish Council** – Support this application.

5.11 **North Fambridge Parish Council** – Wish to comment that Noise Limits Tables 1 and 2 appear to allow more noise to be generated at night than during the day. At higher speed levels (10-12 m/s). Table 2 shows excessive increases in noise compared with Table 1.

5.12 **Purleigh Parish Council** – Recommends approval being of the opinion that the application is broadly in line with national policy regarding renewable energy.

5.13 **Cold Norton Parish Council** – Object to the proposal contained within the above application and recommends that Maldon District Council refuses consent. The Parish Council’s reasons for this recommendation are:
1. Wind farms are not cost effective and are ineffective at generating power.
2. The proposed wind farm would be visually intrusive in one of the very few unspoilt remaining areas of natural beauty and home for a variety of wildlife.
3. The noise pollution that would result from such a development would have detrimental effect on the quality of life for both human and wild life.

5.14 **Mundon Parish Council** – The Parish Council has the following areas of concern:
1. **Noise Levels** – The noise levels indicate 43 dbl, which would indicate quite a significant noise compared to background levels. This is one of the quietest in the country and believe that noise will travel over an extremely large distance, further than 700m. Ask how far 35 to 40 dbl can be heard, several miles with the noise being carried east to west. Welcome further investigation into this issue and the matter of wind shear and believe the Council should seek advice on the figures.
2. **Visual Intrusion** – The wind turbines are visually intrusive and are so high they will be seen over significant distances.
3. **Traffic** – There will be an increase in traffic along the designated route we believe there is a need to improve the junction at Fambridge bends and suggest a roundabout is considered for traffic travelling south from Palepits Corner. It may be difficult to incorporate for the main road in North Fambridge. At least one should be considered and perhaps even sponsored by RidgeWind.
4. **Transmission Lines** – There is a significant amount of power generation anticipated on the Dengie and it is not possible for all of the power generators to use the same single line. There will be a need to upgrade a power line that is already out of service and not useable. This will mean increase in height and substance of the power line whereas the local communities could have looked forward to the removal of this line.
5. **Flooding** – Are unable to understand the flood portion of the Environmental Statement but believe the area is vulnerable and the applicants are almost certainly unaware of the fact that landowners are going to be responsible for maintaining sea walls and that consultation with the necessary legislation is currently going through the machinations of preparation. As far as we can make out, to protect their portion of land, which has a significant investment
on it, they would have to protect the entire east coast of the Dengie itself. It may be uneconomic for a farmer to do so, and he may well let it flood, especially as there is inducement to do so to encourage wetland areas for birds.

6. **Other Developments** – Following the decision on the Bradwell clust of wind turbines, one can easily jump to the conclusion that there will be others that will follow Middlewick. Don’t believe the Dengie should become a large windfarm. An element of restraint is required.

7. **Construction Hours** – In the event of permission being granted, construction to be limited between the hours of 9am and 4pm, Monday to Friday. Reason: noise, disturbance and traffic.

5.15 **Stow Maries Parish Council** – Object on the following grounds:
1. Not compatible with the surrounding are in scale / bulk / height, contrary to policy BE1.
2. Would have a significant visual impact on the area.
3. Dengie is a low wind area and is not likely to produce the power output predicted.
4. Detrimental to the natural beauty and tranquillity of the marshes contrary to policy CC6.
5. Would not converse or restore character of the area contrary to policy CC7.

5.16 **Woodham Walter Parish Council** – Concerned to see another application in a similar area and feel that the results of the Bradwell windfarm should be seen before approving any further developments of this nature. Also comment that the success of the Bradwell site risks a proliferation of similar projects in the Dengie. Councillors are concerned about the long term plan for removing the turbines when they come to the end of their life cycle.

5.17 **Woodham Mortimer & Hazeleigh Parish Council** – Would support the line taken by Maldon District Council and the Dengie Councils in respect of this application. Concern was expressed about the additional traffic in the area which will be generated by construction and maintenance of the wind farm.

5.18 **Maldon Town Council** – No objection.

5.19 **Heybridge Parish Council** – No response.

5.20 **Langford & Ulting Parish Council** - Have the following objections:
1. The surrounding countryside is low lying and the 125m turbines would be a prominent and overpowering feature visible from Maldon.
2. In this very peaceful and quiet area, the noise produced could have an adverse impact on residents and wildlife.
3. Despite possibly providing sufficient electricity to power 9260 homes, the power expected to be produced by these nine turbines is insignificant with regard to the volume of power required to provide electricity to the rapidly increasing needs of this country.
4. Although the Parish Council supports renewable energy provision, their preferred option is offshore wind farms.

5.21 **Wickham Bishops Parish Council** – No response.
5.22 Little Braxted Parish Council – Object for the following reasons:
1. Not convinced the value of wind turbines as being dependent on the wind blowing they are most unreliable.
2. The financial gain is unreliable and in any even small.
3. The visual impact of these structures would be tremendous and cast a blight on the surrounding area.

5.23 Great Braxted Parish Council – No response.

5.24 Goldhanger Parish Council – No response.

5.25 Tolleshunt Major Parish Council - No response.

5.26 Tolleshunt Knights Parish Council - No response.

5.27 Tolleshunt D’Arcy Parish Council – Although the proposal would detract from the scenic beauty of the area it was resolved support the application.

5.28 Tollesbury Parish Council – No issues were raised and it was resolved to recommend approval of this application.

5.29 Little Totham Parish Council - No response.

6. CONSULTATION REPLIES - EXTERNAL

6.1 Essex County Highways (including Footpath/Public Rights of Way) - The Highway Authority would not wish to raise an objection to the above application subject to the following:
1. No development shall take place until such time as the following have been completed to the satisfaction of the Highway Authority.
2. Provision of an access into the site from the existing carriageway to be constructed with sufficient dimensions to allow simultaneous entry and exit of HGVs. All details to be agreed with the Highway Authority.
3. Provision of passing bays to be constructed along the proposed HGV construction traffic route on Hall Road between Southminster and the site access. All details to be agreed with the Highway Authority.
4. Provision of an off-loading area adjacent to the sea wall bordering the River Crouch in order to accommodate off-loading of wind turbine components from barges directly onto vehicles for transportation to the application site. All details to be agreed with the Local Planning Authority.
5. Upgrading of the following existing tracks as shown on the submitted in-principle drawing numbered Figure 3.3:
   • between the points marked A (the River Crouch sea wall) and B (the property named Coney Hall) on the attached plan;
   • between the points marked C (where the proposed site access meets the existing carriageway) and D (north of the proposed site access) on the attached plan.
6. The upgraded tracks to be constructed at a minimum width of 4.5m and to be retained following the site development for future use by the public. All details to be agreed with the Highway Authority.

7. Construction of a new access track as shown on the submitted in-principle drawing numbered Figure 3.3 between points marked E and F on the attached plan. The access track to be constructed at a minimum width of 4.5m and to be retained following the site development for possible future use by the public. All details to be agreed with the Highway Authority.

8. Provision of segregated temporary footpaths to be constructed at a minimum of 2m in width, together with associated signage and fencing where deemed necessary, adjacent to sections of the proposed route for the delivery of the wind turbine components at the following locations:
   - between the points marked A (the River Crouch sea wall) and E (where the existing carriageway and Public Right of Way [PROW] turns westward) on the attached plan;
   - between the points marked C (where the proposed site access meets the existing carriageway) and D (north of the proposed site access) on the attached plan.

9. Temporary diversion Orders to be implemented for the Definitive Public Rights of Way numbered 20 and 22 during the construction phase of the works to divert the existing PROWs along these segregated temporary footpaths. All costs associated with the implementation of such Orders to be borne by the applicant. All details to be agreed with the Highway Authority.

10. Implementation of a temporary diversion Order together with but not restricted to, all associated signage as deemed necessary for the Definitive Public Right of Way numbered 23/24 during the construction phase of the works, to divert the existing PROW in accordance with the submitted in-principle plan numbered Plate 8.3. All costs associated with the implementation of such Orders to be borne by the applicant. All details to be agreed with the Highway Authority.

11. The submission of a comprehensive traffic management plan to include, but not restricted to, construction traffic routes, site access, abnormal load traffic management, diversion routes/orders and all signage associated with the site etc. All details to be agreed with the Highway Authority.

Other Requirements:
(i) A before and after condition survey to be conducted in co-operation with the Highway Authority of, but not restricted to, the following routes, together with an agreement with the applicant that they will complete any extraordinary maintenance work required as a result of the construction traffic. This agreement is to be supported by a £100,000 bond should the applicant default.

(ii) proposed HGV construction traffic route between the roundabout junction with the B1018 Scotts Hill and the B1021 Southfield Way, Southminster and the application site.

(iii) proposed HGV construction traffic route between the B1010 / Rectory Lane junction and the B1018 / Rectory Lane junction.

(iv) the existing sections of the proposed route for the delivery of the wind turbine components between the proposed loading area at the sea wall alongside the River Crouch and the application site.
(v) Where existing areas of the above routes are not considered structurally adequate to accommodate the planned construction traffic, replacement of these sections to be undertaken by the applicant prior to commencement of development. All details to be agreed with the Highway Authority.

(vi) No unbound material shall be used on the surface finish of the haul road within 50 metres of the highway boundary of the site. All details to be agreed with the Highway Authority.

(vii) The provision of wheel washing facilities to prevent the deposition of mud and debris onto public highway, such facilities to be maintained and used for the duration of the construction works. All details to be agreed with the Local Planning Authority.

(viii) Any gates / barriers provided at the access shall only open inwards and shall be set back a sufficient distance to allow a Large Goods Vehicle arriving and leaving the site to stand clear of the nearside edge of the carriageway. All details to be agreed with the Highway Authority.

Informative:

- The applicant has proposed to consider the feasibility of importation of materials via rail. This feasibility study should be conducted prior to development commencement and the results of which should be made available.
- The above conditions are required in order to ensure that the proposals conform to the County Council’s Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by cabinet Member decision in the 19/10/07.
- Prior to any works taking place in the public highway the developer shall enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- All Highway related details are to be agreed with the Highway Authority prior to implementation and all works affecting the highway are to be carried out to the satisfaction of the Area Highway Manager.

Following this consultation response further information has been provided in response to questions over the impact upon Station Road in Southminster and the cumulative impact of construction traffic if both this wind farm and the Bradwell wind farm were constructed at the same time. In response County Highways have stated the following:

*On the basis of 4000 vehicles over a four month construction period, this equates to around 5.2 vehicles per hour during an 8 hour working day although it is acknowledged that there will be periods when daily movements will fluctuate above and below this figure according to the phase of the construction programme. The management of this construction traffic would be dealt with by a traffic management plan which must be submitted and agreed by the Highway Authority before the development commences. This traffic management plan will take into account any issues with parking along Station Road and measures that may be employed to deal with this which could include temporary parking restrictions during the construction period.*
Whilst we are aware that a situation may arise whereby both the Bradwell wind farm site and the Middlewick site (if granted permission) may overlap in terms of their construction phases, it is believed that it would be unreasonable and therefore unacceptable to condition that either site is unable to begin development whilst the other development is commencing. Whilst one would expect that this situation is unlikely, if this problem did occur we would need to manage the construction traffic for each site accordingly and to ensure as little disruption to the highway network as possible through each development's traffic management plans. Upon examination of the agreed route for Bradwell and proposed route for Middlewick there are some areas where the routes coincide however these are on identified Main / Secondary Distributor Routes largely devoid of significant concentrations of population.

6.2 Essex County Countryside Officer – No response.

6.3 Essex County Archaeology – Have had extensive discussions with the developer and their archaeological contractor, Cambrian Archaeology regarding the archaeological requirements needed for the Equality Impact Assessment (EIA). Both a desk based assessment and two phases of archaeological evaluation have been undertaken. The results have established that no known significant archaeological deposits will be affected by the applicant’s proposals and therefore no archaeological conditions are being recommended by this office.

6.4 Environment Agency – Comments below:

6.4.1 Flooding:
6.4.1.1 In accordance with paragraph 4.39 of the recent update to the PPS25 Practice Guide, dated December 2009 there is no requirement to apply a Sequential Test to the proposals for new wind turbines. The Exception Test is still applicable, in particular parts a) and c). The Local Planning Authority should confirm whether they are satisfied that parts a) and b) are met. The Environment Agency is satisfied that the requirements of part c) are met.

6.4.2 Ecology:
6.4.2.1 The main potential impact of the wind farm on water voles will occur at the ditch crossing points and from culverting of the seawall borrowdyke where the turbines are to be located. Water voles are protected species and the Dengie Peninsular is a stronghold for this declining mammal and that construction operations do not lead to the loss of populations in the ditches of the site. Prior to commencing the permanent culverting works shall be carried out by a suitably qualified ecologist and should also be agreed with Natural England. Works should be avoided during the bird nesting season (March to July). If this is not possible a nesting survey by a suitably qualified ecologist should be undertaken to confirm whether nests are present and if they are clearance works must stop until the fledglings have left the nests.

6.4.2.2 The other ecology issues relates to the construction of the crane pad and temporary culverting activities at the seawall which is within the Essex Marine SAC, Mid Essex Coast SPA, Ramsar site and the Crouch and Roach Estuaries Site of Specific Scientific Interest (SSSI). The construction of the crane pad and culvert will lead to the loss of nesting habitat on the seawall folding and along the borrowdyke edge. There will be a loss of important borrowdyke vegetation and potential impacts on water voles and reptiles. There will be visual and noise disturbance to birds of the...
Special Protection Areas (SPA) while the crane is operational but this will only be temporary while turbines are unloaded.

6.4.2.3 If mitigation measures for birds of coastal habitats is not possible a nesting bird survey by a suitably qualified ecologist should be undertaken to confirm whether nests are present on the seawall or on the borrowdyke banks.

6.4.2.4 Prior to culverting, vegetation of borrowdyke banks and seawall should be cut back to discourage bird nesting and usage of unloading area. Once the culvert has been removed after nine months it is recommended that natural regeneration of the borrowdyke is allowed. If the borrowdyke does not regenerate then an appropriate seed mix from a local source should be sown to restore plant communities. Similar restoration methods should be used for the crane pad area ideally between April and September.

6.4.2.5 The non-avian ecology section of the Environment Statement (ES) does not identify the impact upon invertebrates along the seawall including bumblebees and crickets. It is recommended that grass strips are created along the field boundaries to be beneficial to invertebrates in general providing a food resource. A management plan for the creation and maintenance of these grass strips is required.

6.5 Natural England – No objection. Comments below:

6.5.1 Natural England considers that wind energy developments, appropriately designed and sited, play an important part in a low carbon, more efficient and sustainable energy system, which is needed to tackle climate change. Therefore, whilst supportive of the principle of wind energy developments, our comments below seek to ensure that the impacts to the natural environment have been fully identified, to provide the necessary assurance and confidence that the Middle Wick wind farm proposal is sustainable sited.

6.5.2 Consultation under Regulation 48(3) of the Habitats Regulations 1994

6.5.2.1 The application site is in the vicinity of the Dengie Special Protection Area (SPA) and Ramsar site. The application site is also in the vicinity of the Crouch and Roach Estuaries, Foulness, Colne, Blackwater SPAs and Ramsar sites. The above SPAs form components of the Mid-Essex Coast SPA.

6.5.2.2 The location of the proposal in relation to these European and Ramsar sites means that the application must be determined in accordance with the requirements of the Habitat Regulations in particular Regulations 48 and 49. Listed Ramsar sites as a matter of policy should receive the same protection as designated SPAs.

6.5.3 Nature Conservation – Designated Sites Impact - The additional information submitted by the applicant supplements and clarifies the material found in the ES. Regarding the avoidance rates suitably robust monitoring need to be carried out. As a result there are no objections and the Council are not required to undertaken an Appropriate Assessment under the Regulations.

6.5.4 Monitoring - Notwithstanding the above comments, should the Council be minded to grant planning permission, Natural England considers it imperative that a programme of post-construction monitoring is implemented, and secured via an appropriate planning mechanism (whether planning condition or legal agreement). Natural
England supports the proposed monitoring scheme including for the breeding bird assemblage, and for wintering birds the field counts and vantage point surveys, and collision risk monitoring.

6.5.5 **Construction Impacts**

6.5.5.1 Natural England understands that it is proposed that all wind turbine components are delivered by barge to a Marine Access Point, located at the southern end of the access track (near Holliwell Farm). A hardstanding offloading area will be constructed adjacent (landward) to the sea wall to facilitate access for an offloading crane and low loaders to accept turbine components (non-technical summary paragraph B.10). The ES recognizes that this may present adverse impacts to the Essex Estuaries Special Area of Conservation (SAC), however at paragraph 12.58 advises that “works in this area would be designed to avoid any impact on the SAC, with ground works restricted to the landward side of the sea wall on agricultural land. As a result there would not be likely to be any significant adverse effect on this SAC (nor on any other statutory site.” To provide the necessary planning safeguards, Natural England advises the planning authority that a method statement is produced detailed the construction, operation, and de-commissioning as required of the Marine Access Point and associated facilities (e.g. offloading area). These works should be subject to a Habitats Regulations Assessment to determine whether or not a likely significant effect is predicted to the Essex Estuaries SAC, and Crouch and Roach SPA. The production of such a method statement should be secured with a suitable worded planning condition, or other mechanism.

6.5.5.2 Part I B of **ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System** describes the procedure for the consideration of plans and projects that may affect European and Ramsar sites.

6.5.6 **Consultation under Section 28I(2) of the Wildlife and Countryside Act 1981 (as amended)**

6.5.6.1 The conservation features under consideration for the European and Ramsar sites are also the features of interest for which the component SSSI Sites of Special Scientific Interest are notified. As such, Natural England’s advice on the European and Ramsar sites also applies in relation to the SSSIs.

6.5.6.2 There are also a number of additional features of interest exclusive to the SSSIs, however Natural England is satisfied that the additional interest features will also not be harmed by the proposed development.

6.5.6.3 Local Planning Authorities should note that under Section 28I of the **Wildlife and Countryside Act 1981 (as amended)**, should the Council be minded to grant permission contrary to Natural England’s advice you must ensure that:

- a copy of the decision notice is given to us detailing the date and terms of the permission and how, if at all, you have taken account of our advice; and
- the permission does not permit operations to begin before 21 days after this notification is given to Natural England.

6.5.6.4 If the application is amended with additional information, Natural England should be re-consulted for a further 28 days.
6.5.6.5 Protected species.

6.5.7 **Breeding Birds**
6.5.7.1 Natural England notes the findings of the breeding bird surveys, but generally considers that this group (excluding raptors, to which some of the above points are also pertinent) is generally less directly prone to wind farm-related impacts, and considers that impacts are limited to loss of nesting habitat to e.g. to facilitate access, turbine base construction etc. In our opinion however, some uncertainty remains regarding indirect impacts, in particular whether breeding birds suffer displacement owing to changes to their environment incurred from a wind farm. For instance, does the wind farm compromise the open habitats favoured by sky larks? We would welcome sight of any studies known by the applicant’s ecologists on the displacement effects of breeding birds.

6.5.7.2 In light of the above, we support the inclusion of breeding bird studies in the proposed monitoring scheme, and advise the planning authority that this should be secured with an appropriate planning mechanism.

6.5.8 **Bats** - Natural England’s original concerns have been addressed through the submission of the applicant’s new information. It is noted that the survey data is now included for September and October. This has increased the survey window enough for conclusions to be drawn regarding seasonal variation. It is clear that there is more activity later in the year and that bat activity is low. Whilst Natural England considers that bat detection at turbine height is a valuable technique, we are satisfied that, given the sub optimal habitat on the site, the surveys conducted at ground level provide sufficient information in this instance. It is accepted that potential impacts may be higher if a roost is located within 500m. Natural England is therefore satisfied that the wind farm is unlikely to significantly impact upon bats and the comments on this issue from the first consultation have been adequate addressed.

6.5.9 **Badgers** - Whilst the ES reports a number of badger setts in the survey area (some sizeable), Natural England considers that disturbance to badger setts is likely to be minimal if the mitigation measures suggested are employed. We refer the applicant to our website\(^1\) for recent guidance on badgers and disturbance, which moves away from the 10-20-30m distance thresholds. Mitigation should be secured by planning condition, as should the pre-construction survey.

6.5.10 **Water Vole & Otter** - Much of the suitable habitat in the study area is thought to support water voles, however this species should only be affected where ditch / stream crossings are required. Natural England supports the mitigation measures proposed, which should minimise impacts as far as possible. We also support the precautionary approach to possible otter presence, and welcome the pre-construction surveys for both species.

6.5.11 **Reptiles & Great Crested Newts** - Impacts to reptiles are restricted to the works at the sea wall (to facilitate transportation of material by barge), and are not predicted to be significant. Whilst this may be the case, some local mitigation is likely to be required, and no specific measures are proposed at this stage. Such works will therefore require further consideration, but are easily implementable. Natural England agrees that great crested newts present no constraint to development.
6.6 Royal Society Protection for Birds (RSPB) – Comments below:

6.6.1 Supportive of renewable energy projects providing that there are no adverse impacts upon wildlife.

6.6.2 The available evidence suggests that wind farms can pose three main problems for birds: disturbance, habitat loss or damage, and collision. Birds may be scared away by construction noise, vehicle movements, or the presence of operating turbines. The wind farm itself may physically destroy bird’s feeding, breeding or roosting sites. In addition, birds may fly into the turbine tower or blades and be killed or injured’ storms or conditions of poor visibility will increase the likelihood of this occurring.

6.6.3 RSPB understands that the emerging Shoreline Manage Plan will recommend maintenance for the next 20 years but believe there is uncertainty after that time. However, RSPB would not want to see development constrain future sustainable coastal management and therefore recommend a condition be affected so that turbines and associated infrastructure are removed if a retreat line policy of coastal management is adopted and implemented.

6.6.4 Middlewick Farm is a hotspot for arable birds including the Corn Bunting, Yellow Wagtail, Grey Partridge, Turtle Dove, Skylark, Linnet, Yellowhammer and Reed Bunting. Whilst not a high collision risk these species could experience displacement and recommend that a biodiversity enhancement for declining arable birds be made a planning condition. It is accepted that current knowledge indicates that bird species are not affected by the operation of a wind farm but the construction of a wind farm would be significant disruptive to breeding birds and that no construction takes place in the breeding season of April to September.

6.6.5 Recommends post construction monitoring every year for a minimum of five years as a condition of consent to determine the impact upon farmland bird populations and allow adjustment of mitigation as required. This will make a valuable contribution to our knowledge of wind turbines and farmland bird interactions.

6.7 Essex Wildlife Trust – No objection.

6.8 North East Essex Badger Group – Awaiting response.

6.9 English Heritage – Comments below:

6.9.1 The proposed development would have some effect on the setting of a variety of historic sites, buildings and places, and might have some effect on buried archaeological features but I would seem that these effects would not be of great significance. The turbines rising to 125m would appear colossal in many rural landscapes and would be particularly so in the open landscape of the Dengie peninsula and adjacent stretches of the Essex coast.

6.9.2 The Environmental Statement demonstrates that both this and the Bradwell wind farm would significantly alter the character of the landscape. The Environmental Statement identifies five scheduled ancient monuments, three grade II* buildings and two conservation areas. The consultants’ appraisal on the effect of the development on the monuments and buildings rests on a mistaken understanding of setting and is incorrect in a number of respects. In respect of the scheduled ancient monuments and
highly graded buildings they observe that the official descriptions do no refer to their setting this does not contribute to their significance. References to setting in such documents is extremely rare and it does not follow that this can be discounted as not contributing to the significance of the places concerned, or to their appreciation. In the case of Asheldham Camp and earthworks in Pandole Wood the consultants’ misunderstanding that the development would not affect the setting of the scheduled ancient monument is questionable. The principal factor in the location of this monument would have been topographical advantage and strategic view from and to the monument. There is no visualisation of the relationship between the scheduled site and the development. It seems unlikely that the development would not affect the setting of this monument from the proposed wind turbines but it is not believed that the effect on the setting of the camp would be so significant as to mitigate against the approval of the scheme. The proposal would have no physical effect on designated sites, and understand that County Council’s archaeological advisers are satisfied with the provisions for archaeological assessment and evaluation.

6.9.3 Recommendation - No objection to the proposed development.

6.10 Defence Estates (representing the Ministry of Defence) – No objection. In the interest of air safety the MoD requests that the turbines and meteorological mast are fitted with 25 candela omni-directional red aviation lighting at the highest practicable point. It is confirmed that the infra red lighting will be suitable for this proposal and we are currently in the process of determining the strength of lighting required, which will involve flight trials within the next few months. The principal safeguarding concern with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations. If planning permission is granted you must tell us the date constructions starts and ends, maximum height of construction equipment, and the latitude and longitude of every turbine as this information will be plotted on flying charts to make sure that military aircraft avoid this area.

6.11 Civil Aviation Authority – Comments below:
6.11.1 Like any wind turbine development, the proposed subject development has the potential to impact upon aviation-related operations. In line with the above and as detailed within the associated Environmental Statement (ES), I can advise that in an effort to gauge the scale of any such impact the CAA has been previously involved in consultation related to the subject proposal. Most recently, during October 2008 we advised that the infra red lighting will be suitable for this proposal and we are currently in the process of determining the strength of lighting required, which will involve flight trials within the next few months. The principal safeguarding concern with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations. If planning permission is granted you must tell us the date constructions starts and ends, maximum height of construction equipment, and the latitude and longitude of every turbine as this information will be plotted on flying charts to make sure that military aircraft avoid this area.

6.11.1 Like any wind turbine development, the proposed subject development has the potential to impact upon aviation-related operations. In line with the above and as detailed within the associated Environmental Statement (ES), I can advise that in an effort to gauge the scale of any such impact the CAA has been previously involved in consultation related to the subject proposal. Most recently, during October 2008 we advised that the development might have the potential to impact upon operations associated with Southend Airport and, as detailed in the ES, recommended that the developer initiate consultation with the Airport licensee to establish a related viewpoint. I note that the ES indicates that such consultation was undertaken and that whilst radar-related concerns were raised “discussions with London Southend Airport revealed a number of potential solutions to the potential impact on their radar systems, some of which were feasible” (quote from ES 17.24). The ES fails to elaborate on the nature of these potential methods of mitigating the radar related concerns, any of which would clearly need the initial agreement of the aerodrome licensee. It is evidently essential that, to validate the Airport position as described within the ES, the Southend Airport licensee is provided the opportunity to comment upon the ES and planning application as a whole.
6.11.2 The ES also documents the findings of related consultation with the Ministry of Defence (MoD) and NATS in respect of the Middlewick development; the MoD requesting aviation warning lighting and NATS (NERL) having “no safeguarding objection to the proposal”. As with any such development the Council will need to formally establish the related viewpoints of both NATS and the MoD.

6.11.3 Additionally, from a more generic perspective, during October 2008 we also advised that:
1. There might be a need to install aviation obstruction lighting to some or all of the associated wind turbines should this windfarm development be progressed. Whilst it is the responsibility of the developer to undertake associated consultation, I can advise that, in isolation, the CAA would not make any case for lighting. If the application is approved the scale of aviation warning lighting should be initially sought from the MoD. If the CAA were asked to comment upon the perceived MoD requirement, it should routinely be anticipated that the Authority would support the MoD proposal.
2. International aviation regulatory documentation requires that the rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study. As with the potential need for lighting, in isolation, the CAA would make no special case for marking. The ES does not appear to acknowledge this potential requirement. If no aviation stakeholders have made any related case, it might be reasonable for the Council to conclude that no such case (for special colour/marking scheme) exists.
3. The number of pre-planning enquiries associated with windfarm developments across the country has been significant. It is possible that the proliferation of wind turbines in any particular area might potentially result in difficulties for aviation that a single development would not have generated.
4. There is a requirement in the UK for all structures over 300 feet high to be charted on civil aviation maps. Should this proposed wind turbine development progress, to achieve any charting requirement, developers will need to provide details of the development to the Defence Geographic Agency.
5. Due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units. The ES suggests that such consultation has taken place and that there are no related issues. It would be prudent for the Council to formally establish the related position of local emergency services air support units by providing such organizations the opportunity to comment upon the application.

6.12 National Air Traffic Services – No safeguarding objection to the proposal. The proposed development has been examined by technical and operational safeguarding teams and although the proposed development is likely to impact our electronic infrastructure NATS has no safeguarding objection to the proposal. NATS assessment identifies that there would be no effect on navigational aids and air-ground voice communication systems. A RADAR safeguarding assessment reveals that the windfarm development is located in an area where there is insufficient terrain shielding from the primary radar service at Debden. Due to the large dimension of the wind turbines and the distance from the radar it is anticipated that the reflected power from the wind turbines will be of adequate value to be detected by the radar and consequently generate false plots. A reduction in the radar’s probability of detection,
for real targets, is also expected. It is concluded that although the proposed development is likely to impact upon the electronic infrastructure NATS has no safeguarding objection to the proposal.

6.13 **London Southend Airport** – Remove the initial holding objection as further discussions have taken place with the applicant and this has now been satisfied provided that the following condition is implemented if planning consent is granted:

1. No development shall take place until details of a scheme to mitigate any adverse effects of the development on Primary Surveillance Radar at Southend Airport, which shall include the arrangements for the implementation of the scheme, have been submitted to and approved in writing by the local planning authority in consultation with the Airport Company. The scheme shall ensure that Southend Airport is capable of providing an air traffic control radar service (both as Deconfliction Service and Traffic Service as defined in CAP 774) to at least the same standard as available prior to the operation of the development. Unless otherwise agreed with the local planning authority, the development shall not be brought into use until the scheme has been implemented in accordance with the approved details.

6.14 **Essex Air Ambulance Service** – No adverse comments to make.

6.15 **OfCom** – Ofcom have found that within the assessed fixed link frequency bands there are currently no fixed link end(s) within or fixed link path(s) that cross a 1500 m radius coordination area for the stated turbine location. This assessment is based on the Ofcom fixed links database status as of 23rd May 2010, which may vary before the windfarm project implementation.

6.16 **Joint Radio Company (on behalf of British Gas and National Grid)** - In the case of this proposed wind energy development it is not foreseen that any potential problems based on known scenarios and the information provided. Any details changing such as the disposition or scale of any turbine will be necessary to re-evaluate the proposal. In making this judgement it is recognised that they may be effects which are not as yet known or inadequately predicted. We cannot be held liable if problems arise that have not been predicted. As the use of the spectrum is dynamic the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

6.17 **Ramblers Association** – With the result of the FUL/MAL/06/00291, Bradwell wind farm, there is concern that this application is but the first of several now to be expected to blight this lovely remote area of countryside. To be constructive, it is noted that the track which everyone has used for years is as the alternative to the unwalkable 22 / 08 path is to be upgraded. It would be in the public interest if the opportunity were now taken to divert this particular path on to the track. Possibly after the construction has been completed.

6.18 **Fire and Rescue Service** – Access for the fire service is considered satisfactory. The applicant is reminded that the additional water supplies for fire fighting may be necessary for this development and is urged to contact the Water Technical Officer at Service Headquarters.
6.19 Port of London Authority – No objection but if the layout of the turbines change we wish to provided with the opportunity for further comment.

6.20 Crouch Harbour Authority – It is noted that the intention is to import turbines / components by barge into the River Crouch and offload by mobile crane over the seawall. The applicants are consulting with the Harbour Authority over the operational aspects of this and there is no objection to this proposal in principle.

6.21 Maritime and Coastal Agency - No response.

6.22 Health and Safety Executive – No objection.

6.23 Rochford District Council – No objections to raise to this development but is concerned at any adverse affect of the proposal upon London Southend Airport. I understand that the turbines may or may not impact upon air traffic control matters and in particular the radar operation. The airport is important to the regeneration plans of Rochford District Council and obviously any development that might frustrate the success of the airport development would set back the provision of economic development. It is understood that the applicants and Maldon District Council have consulted with the airport direct and therefore my Council would add weight to any comments or objections the airport may have made.

6.24 Colchester Borough Council – It is considered that in view of the distance from the Borough boundary the proposal will have no significant visual impact. This Council is generally supportive of alternative forms of energy and wishes to make no comment on the development proposed

6.25 Network Rail – No comments to make.

6.26 British Telecom - No response.

6.27 Anglian Water – No objection as the stated location should not affect Anglian Water Services business microwave or UHF radio links.

7. CONSULTATION REPLIES - INTERNAL

7.1 Planning Policy and Economic Development – Comments below:
7.1.1 Policies S2, CON7, CC1, CC2, CC7, CC11, BE1, T1 and PU6 of the saved policies from the Maldon District RLP apply in this case.

7.1.2 The application site is located outside the development boundaries and falls within the Coastal Zone (CC11) and Dengie Marshes Special Landscape Area (CC7). PPS22 states that such local designations should not be used in themselves to refuse permission for renewable energy developments.

7.1.3 The southern extent of the application site (adjacent to the River Crouch) is located marginally within an internationally and nationally designated nature conservation site (designated a Site of Special Scientific Interest (policy CC2), a Special Area of Conservation, a Special Protection Area and a Ramsar site (policy CC1)). The
purpose of policies CC1 and CC2 is to safeguard the interests of international, European and nationally designated sites with special characteristics.

7.1.4 In the case of international designations, PPS22 states that planning permission for renewable energy developments likely to have an adverse effect on a site of international importance for nature and heritage conservation (Special Protection Areas, Special Areas of Conservation, RAMSAR Sites) should only be granted once an assessment has shown that the integrity of the site would not be adversely affected. In the case of national designations (SSSI), PPS22 states that planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.

7.1.5 It is noted that the wind turbines themselves would be located some distance from these designations, and it is a marine hardstanding area, including a temporary storage area and layby, that is proposed adjacent to the River Crouch. The majority of the proposal will be located on primarily intensively farmed arable land, and mitigation measures are proposed in relation to the impact on birds. The proposal does also include some opportunities for habitat enhancement. The imposition of appropriate planning conditions would help to mitigate any negative impacts, and ensure that the development will not harm the integrity of the nature conservation site. However, it should be ensured that this is not likely to pose any threat to these internationally and nationally designated sites.

7.1.6 The application site is located within the Development Affecting Airports Building Height Restriction Zone (CON7). However, it would appear that the proposal would not give rise to any significant effects on aviation safety in the area.

7.1.7 The entire site is located within Flood Zone 3, meaning that it has a high risk of flooding. In accordance with Policy CS24 of the emerging Core Strategy, a flood risk assessment has been undertaken.

7.1.8 Policy BE1 relates to the design requirements for new development and landscaping. Whilst it is considered that the proposal will not make a positive contribution to the landscape and open countryside, particularly in terms of the visual impact, it is acknowledged that the imposition of appropriate conditions would help to mitigate this, and ensure that the proposal does not have a ‘significant’ visual impact, in accordance with policy PU6.

7.1.9 In terms of noise, PPS22 states that renewable technologies may generate small increases in noise levels, but developments should be located and designed in such a way as to minimise increases in ambient noise levels. It also stipulates that ‘the assessment and rating of noise from windfarms’ ETSU guidance should be used to assess and rate noise from wind energy development. Further guidance on the assessment of noise is included within the companion guide to PPS22. The ES appears to demonstrate that noise measurements have been carried out in conformity with the ETSU guidance, and that the development will not generate an unacceptable increase in ambient noise levels or generate an excessive level of traffic.
accordance with Policy PU6. It is noted, however, that there will be disruption to traffic and footpath users during the construction phase.

7.1.10 Policy PU6 supports the development of renewable energy facilities. Additionally, section 5.4 of the Core Strategy Regulation 25 Consultation document supports an increase in the overall use of renewable energy throughout the District, but larger and commercial renewable energy developments will need to be considered on their merits as well as their impacts on the neighbourhood and the environment.

7.1.11 The proposal includes evidence that measures will be taken to reduce the visual impact, minimise the level of noise or traffic generated, minimise the impact on areas of ecological, landscape and conservation importance, and minimise the impact on adjoining properties and landholdings. Promoting the use of renewable energy will help to deliver sustainable development, in accordance with PPS1, and the proposal would result in economic benefits locally.

7.1.12 It is therefore recommended that the proposal is acceptable in planning policy terms, subject to the imposition of appropriate planning conditions to ensure that any of the potentially detrimental impacts referred to above are avoided where possible, otherwise they should be minimised, or mitigated in accordance with the precautionary principle. DOE Circular 1/85 (WO 1/85) and the Companion Guide to PPS22 give advice about potential planning conditions in relation to the erection of wind turbines. It should be ensured that any part(s) of the proposals which impact upon the internationally, nationally and locally designated areas within the vicinity of the application site will not be contrary to saved policies in the RLP (particularly policies CC1 and CC2), the emerging Core Strategy, or guidance included within PPS22.

7.2 Coast and Countryside Team – Comments below:

7.2.1 It would appear that the likely environmental impacts of the proposed development have been carefully and comprehensively considered. The proposed mitigation measures seem reasonable but a lot more detail will be required in some areas before work starts on site. This is acknowledged in the application documentation.

7.2.3 The proposals to introduce environmental enhancements such as grass margins are welcomed but think it should be possible to undertake additional low-cost measures such as Barn Owl nestboxes, Skylark plots and reptile refugia.

7.2.4 There is clearly quite a lot of water vole activity on the site and it would appear that those occupying the drains around Middle Wick Farm itself are most likely to be adversely affected. In particular there are concerns about the two proposed ditch crossings to take the new section of track between Deal Hall and Middle Wick Farm. The water vole survey found no vole activity in the areas of the proposed crossings but there is a lot of activity on an adjacent ditch and it is possible that some burrows or signs were missed. It may simply be that these ditches are not suitable for voles but a site visit would be required to confirm this. It does state within the application that no construction work on ditches will be carried out within 50m of a water vole burrow but it isn’t clear how the crossings will be constructed if burrows are found close to the proposed crossing locations.
7.2.5 Any proposals to re-profile ditches and/or alter water levels to increase the amount of suitable habitat for water voles are supported. Such measures would most likely also benefit bats and reed buntings.

7.2.6 Three badger setts have been identified within the site, two of which are still active. All appear to be very close to access tracks and will potentially be disturbed or damaged during works to upgrade the tracks. In particular, it will be very difficult not to damage the sett on the raised section of track just north of Holliswell Farm.

7.2.7 There will clearly be some disruption to users of the public footpath network in the area but temporary paths and diversions are proposed which should keep this to a minimum. Is it possible to improve the local footpath network by providing a permissive path around the site, along with a small car park and information boards.

7.2.8 The boards could be used to inform the public about the production of electricity from wind and other sources and the measures taken to protect and enhance the wildlife habitats around the site.

7.2.9 Finally, there is a proposal to establish a local Community Fund. There are concerns that past experiences of similar funds have not achieved what they set out to. If this fund is to achieve real benefits for the local community it should be targeted at addressing some of the shortfalls in facilities and services in the surrounding villages that have been identified in the recent Green Infrastructure Survey.

7.3 Conservation Officer – Comments below:
7.3.1 The development proposed is not small scale. The need for such development appears to outweigh its impact on a given historic landscape and historic built environment (Appeal Decision – Bradwell Wind Farm Inquiry). However, this application must be assessed and considered on its own merits.

7.3.2 The 9 wind turbines and associated infrastructure will impact on the settings of a number of listed buildings in their immediate and wider historic landscape setting. The manors, halls and farms identified on Figure 11.1 ‘Heritage Assets’ in the ES are historic buildings mostly associated with the prevailing agricultural land use on the reclaimed marshes. The marshes were largely reclaimed in the 17th century from tidal marsh land intersected by numerous creeks and shell banks. The natural landscape therefore, is intrinsically linked to the historic built environment. The area is characterised by its open aspect and regular drainage channels. The settings of these listed buildings have not changed significantly since their foundation when the marsh land was reclaimed in the 17th century. The setting of a listed building is not confined to its curtilage as detailed in the submitted ES. The wider historic landscape in this particular application is intrinsically linked to the identified built heritage and therefore such development as 9 wind turbines and associated infrastructure within the natural landscape will have a significant impact on the setting of a number of listed buildings.

7.3.3 It appears that in comparing wind turbines to existing electricity pylons in the landscape as in the Bradwell Wind Farm Inquiry, such development as proposed is a fait accompli (an accomplished fact). Therefore mitigation and positive benefits from such development for the community should be considered. As windmills were used to drain the land in reclamation, a science based visitor centre could educate and
interpret such development where the power of the wind has been harnessed for
different reasons. Also the archaeology of the location could be investigated and
interpreted as there are clear links between the former marshland and the Iron Age
Camp at Asheldham and the Fort at Othona. The natural landscape inspired the duck
decoy ponds (SAMs) of 18th/19th century origin to trap wildfowl on a large scale that
supported the economy and supplied the London Markets with food and feathers (for
eiderdowns). This in turn could support tourism in the District.

7.4 Environmental Health – The main concerns are upon noise and hydrology /
hydrogeology.

7.4.1 Construction Noise - This can be controlled through the Control of Pollution Act 1974
involving a scheme to be agreed between the Council and the developer for controls
on construction noise including the use of plant and equipment and associated hours
of operation.

7.4.2 Wind Turbine Noise
7.4.2.1 A baseline assessment of background noise was undertaken at five residential
dwelling in the proximity of the proposed turbine array. The results were compared to

7.4.2.2 The results were compared to criteria in ETSU-R-97 The Assessment and Rating of
Noise from Wind Farms for specified quiet day-time and night-time periods. The
results show that despite the wind turbine noise exceeding the background levels at
low wind speeds it generally falls within the ETSU criteria.

7.4.2.3 Although accepted in PPS22 as the standard that should be used the ETSU-R-97
criteria was derived in 1996 and is subject to much controversy, not only due to its
age that a number of other studies conducted since, but also that the standard suggests
a higher noise limit at night (43 dB(A) than that of the day time (35-40 dB(A)). This
is unlike any other noise standard which requires the opposite. The reason given is
that the external amenity is more sensitive during the day whereas the levels of noise
generated at night are likely to be attenuated by the structure of a dwelling such that it
would not disturb sleep.

7.4.2.4 Whilst this may hold in some area the background noise measured in the baseline
assessment is as low as 18dB(A) at night, some 25dB(A) below the noise limit in
ETSU and 18 dB(A) below the predicted noise level of the wind turbines in some
locations. This is a significant impact especially as the ear is perceptible to changes in
3dB and a change in 10 dB represents an effective doubling of the loudness of sound.
In addition the report dismisses any effect of low frequency sound or vibration by
stating that “there is no possibility of humans sensing vibrations” and that “infrasound
(below 20Hz) noise emissions from wind turbines are significantly below the
recognised threshold of perception”.

7.4.2.5 This disregards the recognised phenomena of low frequency noise including
infrasound. Studies have shown (indeed one of the studies referenced in the report)
that infrasound and vibrations have been measured from wind turbines and that
individuals are sensitive to noise at these frequencies. At these frequencies noise
control is extremely difficult due to the wavelengths involved. For example these
frequencies travel readily through walls and build up inside rooms. This makes the night-time noise limit problematic.

7.4.2.6 Also the World Health Organisation (also quoted in the report) recognises this phenomena states that health effects due to low frequency noise warrants concern, so much so that their limits introduced to prevent sleep disturbance should be lowered at these frequencies.

7.4.2.7 Nevertheless the assessment suggests that the noise from wind turbines falls within the limits quoted within ETSU-R-97. As this the accepted standard within PPS22 I would envisage that it will strongly influence any decisions made and subsequent planning conditions applied. Despite this it would be prudent to require a planning agreement of sorts for the monitoring of the wind turbines should permission be granted to test the EA findings and any warranty from the manufacturers, including monitoring low frequency noise.

7.4.3 Hydrology / Hydrogeology - The first concern is the potential increase of turbidity of private water supplies in the construction phase and obstruction of ground water flow from the installation of the turbines. Mitigation measures would need to be specific to prevent these including suitable investigation prior to each phase of the development

7.5 Tree Officer – From a tree perspective, no objections, but suggest the road route is checked for possible damage to overhanging trees. Where there is a likelihood of damage from passing development traffic, the owners should be contacted with a view to carrying out remedial/preventative tree surgery.

7.6 Emergency Planning – Awaiting response.

7.7 River Bailiff – Having spoken with the Harbourmaster at Burnham regarding this proposal and the likely effects on navigation for vessels using the River Crouch the alterations to the seawall during the construction phase of the proposal and the use of machinery and clean up following the proposed alterations. The use of the River Crouch to gain access for the delivery of the turbines is a good use of the coast. Support the proposal and raise no objection based on the navigational aspect presented.

8. LETTERS OF REPRESENTATION

Letters of Objection:-

William Brush 8 The Square Tillingham Southminster
Carole Faulkner The Osprey Badnocks Farm Southminster
Sue Evans The Moorings Waterside Bradwell On Sea
Richard Rycroft 14 Ship Road Burnham-On-Crouch Essex
Paula Stanbury 7 Witney Road Burnham-On-Crouch Essex
Zoe Bridges 2 Darcy Close Burnham On Crouch Essex
Noel Stanbury 40 Baker Avenue Chelmsford Essex
Kim Prior 27 King Edward Avenue Burnham-On-Crouch Essex
Letters of Objection continued:-

Mr John Deacon 7 Hermes Drive Burnham-On-Crouch Essex
Christopher & Anabel Maitland-Apps 40 Leslie Park Burnham-On-Crouch Essex
Mr David Onyons 14 Church Street Maldon Essex
Ms Rosemary Thomas Court Farm House The Dengie Southminster
Sandy Sykes 1 Dunbards Cottages East End Road Bradwell On Sea
Vincent And Jean Lomas Canterbells 10 Queen Street Southminster
R Bryant The Manse Brook Road Tillingham
Julia Bouch 13 Willow Close Burnham-On-Crouch Essex
Anne Pluckrose 43 South Street Tillingham Southminster
Alan North 37 Hillside Road Burnham-On-Crouch Essex
Mr & Mrs Burrows 2 The Chestnuts Burnham Road Southminster
Hilary Barnes Glebe Farm Glebe Lane Dengie
Douglas Potter 21 Kings Court Kings Road Burnham-On-Crouch
Mrs M Loft Ard Chroille 11 Burnham Road Southminster
Irene North 37 Hillside Road Burnham-On-Crouch Essex
J Wallis 6 Green Lane Burnham-On-Crouch Essex
James Tothill 56 Maldon Road Burnham-On-Crouch Essex
E Cole Coney Hall Marsh Road Burnham-On-Crouch
J Andrew 89 Sea End Caravan Park Belvedere Road Burnham-On-Crouch
M Smith 5 Lea Court The Leas Burnham-On-Crouch
C Gissing 31 Mildmay Road Burnham-On-Crouch Essex
B Stacey Rice And Cole Ltd Sea End Boat House Belvedere Road
S Dyer 66 Western Road Burnham-On-Crouch Essex
Lynne Boulding Flat 4 The Anchorage Belvedere Road
T Sandors Marsh View 66 Dunkirk Road Burnham-On-Crouch
D Ogden Flat 4 The Anchorage Belvedere Road
E Foxhall 1 Barnmead Way Burnham-On-Crouch Essex
D Russell 4 Holly Close Burnham-On-Crouch Essex
C Melville Creeksea Corner Creeksea Lane Burnham-On-Crouch
L Davis 64 Lilian Road Burnham-On-Crouch Essex
M McClellan Redbrick Cottages The Street Woodham Walter
S Argent 4 Falklands Road Burnham-On-Crouch Essex
L Scott 1 St Peters Field Burnham-On-Crouch Essex
D Brouguton 2 Queens Road Burnham-On-Crouch Essex
Mrs M Almond & Mr S Almond 20 Hester Place Burnham-On-Crouch Essex
Mrs H Burton 6 West Ley Burnham-On-Crouch Essex
Irene Birtwhistle Little Grange Rushes Lane Asheldham
Catherine Newcome Chantilly North Street Tillingham
Mr & Mrs J Faulkner The Osprey Badnocks Chase Asheldham
Alan Hart 4 Sheepcotes Lane Southminster Essex
Martin Skiggs 21 High Street Southminster Essex
Mr A J Ellingford 58 Cherry Orchard Southminster Essex
Patricia Hart 4 Sheepcotes Lane Southminster Essex
A J Bowen Newmans Farm House Marsh Road Burnham-On-Crouch
Mr Nick Skeens Barge Innisfree West Quay Burnham On Crouch
Mr & Mrs Colin & Anne Gray New Montsale Marsh Road Burnham-On-Crouch
E B Moore 3 Charlotte Way Witham Essex
Mrs H M Moore 3 Charlotte Way Witham Essex
Mr Michael Moerel Longshore York Road Burnham-On-Crouch
Letters of Objection continued:-

Neil Fulcher The Holt Bacons Chase Bradwell-On-Sea
Mr & Mrs P O Duce 85 Station Road Burnham-On-Crouch Essex
Mr & Mrs K Seely Willowbrook Devonshire Road Southminster
Edwina Child The Vinnies Manor Road Dengie
K L Maudesley Sheraton Lodge 14 Station Road Southminster
Mr & Mrs Gunner 15 Cripplegate Southminster Essex
Mr N Duce 14 Orchard Road Southminster Essex
Tim Watt Eynhallow The Cobbins Burnham On Crouch
Simon Bouch 13 Willow Close Burnham-On-Crouch Essex
Gill Lightfoot 9 Lavender Drive Southminster Essex
Mr J Dodds 17 Vicarage Meadow Southminster Essex
Mrs S H Dodds 17 Vicarage Meadow Southminster Essex
Mr J R Andrews 5 Witney Road Burnham-On-Crouch Essex
Mrs S Andrews 6 Witney Road Burnham-On-Crouch Essex
P K Mattison Belvedere House Belvedere Road Burnham-On-Crouch
Mr & Mrs Basham 52 Mount Road Benfleet Essex
B W Woodbridge 21 Western Road Burnham-On-Crouch Essex
W H D Leyshon 21 Western Road Burnham-On-Crouch Essex
Mr & Mrs J Shenfield 3 Blackberry Grove Eastend Road Bradwell-On-Sea
Harry Titcombe 9 Devon Way Rise Park Romford
Mrs P D Dodd 19 Lytton Road Heath Park Romford
Mr L E Fox Mark Farm Cottage Bradwell Road Tillingham
Mrs K P Fox Mark Farm Cottage Bradwell Road Tillingham
D W Terry 43 Maple Way Burnham-On-Crouch Essex
B Southcombe 37 Glebe Way Burnham-On-Crouch Essex
Mrs Simpson 7 Beech Close Burnham-On-Crouch Essex
T J Pankhurst 30 Kings Road Southminster Essex
G Pankhurst 30 Kings Road Southminster Essex
C M Spencer 36 Dunkirk Road Burnham-On-Crouch Essex
L Golding 38 Crown Way Southminster Essex
R Perrin 12 Marsh Road Burnham-On-Crouch Essex
G Petrie The Limes 42 Crouch Road Burnham-On-Crouch
G Rice 18 Glebe Way Burnham-On-Crouch Essex
C Tidbury 39 The Leas Burnham-On-Crouch Essex
P Carrigton Victoria Lodge 65 Burnham Road Southminster
W R Stilling Rice And Cole The Quay Burnham-On-Crouch
A Stilling Sea End Caravan Park Belvedere Road Burnham-On-Crouch
G Avsten 4 Compass Gardens Burnham-On-Crouch Essex
W T Carter 166B Station Road Burnham-On-Crouch Essex
S Spurseon 35 Lilian Road Burnham-On-Crouch Essex
T W Buckingham 17 Mildmay Road Burnham-On-Crouch Essex
S Hague 47 Fernlea Road Burnham-On-Crouch Essex
Barry Evans Erinmoor Scotts Hill Southminster
B Rawlings 10 Barnmead Way Burnham-On-Crouch Essex
J M L Cowell Lunendales Farm Steeple Road Southminster
C J Petrie The Limes 42 Crouch Road Burnham-On-Crouch
Mr R Evans 12 Bouvel Drive Burnham-On-Crouch Essex
Mr S Munro 4 Church Road Burnham-On-Crouch Essex
Mr T Rawlinson 24 Russet Way Burnham-On-Crouch Essex
Letters of Objection continued:-

Thomas Barnard Rhomas Manor Road Dengie
Louise Cowell Freshfields Steeple Road Southminster
James Cowell Freshfields Steeple Road Southminster
Mrs E Ayley Wraywick Cottage The Marshes Southminster
V R Davis 47 Fernlea Road Burnham-On-Crouch Essex
S E Halliday 8 Park Road Burnham-On-Crouch Essex
T Roberts 6 Hillside Road Burnham-On-Crouch Essex
P Edwards 22 Princes Avenue Southminster Essex
N Marshall 67 Maple Way Burnham-On-Crouch Essex
J Pugh 7 Orchard Road Burnham-On-Crouch Essex
John Box 34 Worcester Road Burnham-On-Crouch Essex
R Mapes 4 Princes Road Burnham-On-Crouch Essex
J Phillips 4 St Thomas Row Eastend Road Bradwell-On-Sea
Doreen Neobard 5 Trent Close Burnham-On-Crouch Essex
Mrs C Hooper Hillside House 75 Station Road Burnham-On-Crouch
D Phillips 4 St Thomas Row Eastend Road Bradwell-On-Sea
L Sutherland 41 Fernlea Road Burnham-On-Crouch Essex
Mrs J Hearne 16 The Leas Burnham-On-Crouch Essex
Debra White 6 Marsh Road Tillingham Southminster
Maria Fincher 71 North Street Southminster Essex
T L Jones 17 Winstree Road Burnham-On-Crouch Essex
Jane Burgess 25 Mill Road Burnham-On-Crouch Essex
Mr Brian Pickering 2 Glynn Road Burnham-On-Crouch Essex
M Bowton 5 Ramblers Way Burnham-On-Crouch Essex
Mrs Hilling 100 Maple Way Burnham-On-Crouch Essex
K Jones 60 Maldon Road Burnham-On-Crouch Essex
Ross Keeling 3 Brathertons Billericay Essex
Carla Hobden 32 Fernlea Road Burnham-On-Crouch Essex
Miss C Smith 1 Arnheim Road Burnham-On-Crouch Essex
J Kennedy 11 Daphne Street Wandsworth London
N Kennedy Warners Hall 70 High Street Burnham-On-Crouch
A Paine 4 Trent Close Burnham-On-Crouch Essex
S Puxley 1 Winstree Road Burnham-On-Crouch Essex
A J English 6 Crouch Road Burnham-On-Crouch Essex
C A English 6 Crouch Road Burnham-On-Crouch Essex
C Giles 1 Marsh Road Burnham-On-Crouch Essex
A Grover 1 Calm Patch Burnham-On-Crouch Essex
Julia Johnson 10 Chandlers Burnham-On-Crouch Essex
J Crisp 20 Fairway Drive Burnham-On-Crouch Essex
S Brockley 8 West House Estate Southminster Essex
Mrs J Barnard Rhomas Manor Road Dengie
Mark Thorogood Little Moor 3 New Moor Cottages Northwycke
Irene Prentice 12 Regents Court Kings Road Burnham-On-Crouch
M Anderson 71 South Street Tillingham Southminster
Mrs P Marshall The Denery Scarletts St Lawrence
G Mee The Old Vicarage Manor Road Dengie
Tom Tothill
M L Hill 124 Nipsells Chase Mayland Chelmsford
A J Connor Sunnybanks Sandpit Lane Burnham-On-Crouch
Letters of Objection continued:-

Mr And Mrs Field Coney Hall Cottage Marsh Road Burnham-On-Crouch
R A Barden Stonybrook 19 Basin Road Heybridge
Mr D G Smith 5 Coombe Road Southminster Essex
Alan F Hill 81 Maldon Road Burnham-On-Crouch Essex
Sharon Parker 10 Oakwood Court Althorne Chelmsford
Mr Stephen Greene 25 Lavender Drive Southminster Essex
Ms Helen Fisher Bridgewick Farm Cottage Bridgewick Road Dengie
Mr Terry McEvoy Hyfryd Lle Burnham Road Althorne
Peter Feshwater 3 Robinsons Close Southminster Essex
Brian & Carol Burdon 2 Marsh Road Tillingham Southminster
Winifred Powl St Helier The Endway Althorne
Leslie Powl St Helier The Endway Althorne
Stephen Powl St Helier The Endway Althorne
Andy Coppin 6 St Peters Court Bradwell-On-Sea Southminster
Andrew Podevin Clearview The Endway Althorne
Susan Powl Clearview The Endway Althorne
Kenneth Lawley 7 Cherry Orchard Southminster Essex
Diane Smith 7 Cherry Orchard Southminster Essex
R M Bridge 12 Glendale Road Burnham-On-Crouch Essex
W Bridge 12 Glendale Road Burnham-On-Crouch Essex
J B Sears 6 Longmeads Wickham Bishops Witham
Mr & Mrs D O Duce 12 Riverside Road Burnham-On-Crouch Essex
Mr G Ferguson Badnocks Farm Green Lane Asheldham
Mr Robin Prior 27 King Edward Avenue Burnham-On-Crouch Essex
Roger & Hilary Allen Holliwell Farmhouse Marsh Road Burnham-On-Crouch
Mr Alan Payton 3 Oak Cottages Maldon Road Bradwell-On-Sea
Mrs Jackie Payton 3 Oak Cottages Maldon Road Bradwell-On-Sea
Steven & Debra Griffin Holliwell 17A Chandlers Burnham-On-Crouch
Roy Hutchins New Station House Station Approach North Fambridge
G A Wodhams 1 Northwycke Cottages Northwycke Southminster
John Mecoy 16 Lilian Road Burnham-On-Crouch Essex
Mrs J J Brickwood 7 Primrose Walk Southminster Essex
Mania Row Montsale Bungalow The Marshes Southminster
Mrs Susan E Hilton Hunters Eastend Road Bradwell-On-Sea
Mrs C M Cullen West Wick Bungalow Marsh Road Burnham-On-Crouch
Dr David Search 21 The Cobbins Burnham-On-Crouch Essex
Mr Richard Child Vinnies Manor Road Dengie
Janet Champion And Roy Meadway 3 Queen Street Southminster Essex
Mr Tony Morris Park Farm Foxhall Road Steeple
Sarah And Martin Sayer 16 Buttercup Way Southminster Essex
Mrs V Hatcliff 24 Green Lane Burnham-On-Crouch Essex
George Stringer 6 Albert Road Burnham-On-Crouch Essex
Paul Drew Crouch Yacht Club Coronation Road Burnham-On-Crouch
Frederick Ayley Wraywick Cottage Marsh Road Burnham-On-Crouch
Brian Thomas Court Farm House Bridge Wick Lane Dengie
Helen Fisher Bridgewick Farm Cottage Bridgewick Road Dengie
Terry Pankhurst 30 Kings Road Southminster Essex
Mrs Jean Oyler Ratsborough Farm House Burnham Road Southminster
Jane Williams Rose Cottage 1 Marsh Road Tillingham
Letters of Objection continued:-

R Barrett Hillcrest House Stoney Hills Burnham-On-Crouch
Mrs Austin 61 Winstree Road Burnham-On-Crouch Essex
R Austin 61 Winstree Road Burnham-On-Crouch Essex
Christopher Carter 7 Oyster Cottages Tinnocks Lane St Lawrence
Mike Tolhurst The Hollies Stoney Hills Burnham-On-Crouch
Bob Hill 5 Bakery Close Tillingham Southminster
Tim Drain Orchard House Waterside Road Bradwell-On-Sea
Andy Hutchison 18 Arcadia Road Burnham-On-Crouch Essex
Claire Rumble 90 South Street Tillingham Southminster
Donna Tristram Othona Waterside Road Bradwell-On-Sea
Mrs S Dewick New House Curry Farm Bradwell-On-Sea
Mr W H Bridge 12 Glendale Road Burnham-On-Crouch Essex
John Sapwell 29 Theobalds Road Leigh On Sea Essex
Mr & Mrs J Wallis 2 Sheepcotes Lane Southminster Essex
Alan Hibbard 6 Vicarage Court Southminster Essex
Kathleen Lee 10 Chandlers Burnham-On-Crouch Essex
Mr & Mrs Brown 6 Coronation Road Burnham-On-Crouch Essex
John Yeldham 14 Rose Drive Southminster Essex
Gary Seely Willowbrook Devonshire Road Southminster
Jacqui Hughes 7 Bouvel Drive Burnham-On-Crouch Essex
B White 40 Fitch's Crescent Maldon Essex
George Dibben 38 Kings Road Southminster Essex
Mr & Mrs Young 7 Badgers Keep Burnham-On-Crouch Essex
Toby Mallett 18 Buttercup Way Southminster Essex
Gordon Pirret Bradwell Hall Maldon Road Bradwell-On-Sea
Dr William Boardman 26 Firs Walk Tewin Wood Welwyn
Robert Morris 25 Vicarage Meadow Southminster Essex
Michael Moerel Longshore York Road Burnham-On-Crouch
Peter Chorley Wisteria House Green Lane Burnham-On-Crouch
Chris McDonnell 1 Plane Tree Close Burnham-On-Crouch Essex
Mr G Smith 4 Buttercup Way Southminster Essex
Michael Lewis Bailey Lewis Otter Hut The Quay
Mr & Mrs Littlechild 5 Station Cottages Hall Road Southminster
Mr David Ticker 8 Maple Way Burnham-On-Crouch Essex
Mr Peter Jefferson 17 Chapel Road Burnham-On-Crouch Essex
Mr & Mrs Gorbell Kiln Farm Whitby Road Southminster
Alan A Jupp 4 Oyster Cottages Tinnocks Lane St Lawrence
DJ Serrell Watts (x6) Bradwell Lodge South Street Bradwell-On-Sea
Mr Bob Pease 2 Cornwallis Drive South Woodham Ferrers Chelmsford
Alan And Jen Hill 81 Maldon Road Burnham-On-Crouch Essex
S Wassell 87 Bramley Way Mayland Chelmsford
Royal Corinthian Yacht Club Royal Corinthian Yacht Club The Quay Burnham-On-
Crouch
Mr Ian A Peskett Boreham Lodge Barn 48 Southminster Road Tillingham
Stuart & Philippa Munro 4 Church Road Burnham-On-Crouch Essex
Mrs Jill Yates Teal Croft Marsh Road Tillingham
John & Jackie Body 21 Cherry Orchard Southminster Essex
Mr Stewart Goulding Highfield 32 - 34 Marsh Road Tillingham
Mrs T A Goulding Highfield 32 - 34 Marsh Road Tillingham
Letters of Objection continued:

Mr K P Cooper River View Cottage Brabant Road North Fambridge
Robert & Elaine Harvey Wills Cottage 2 Marlborough Avenue Tillingham
D Burrows 2 The Chestnuts Burnham Road Southminster
E Burrows 2 The Chestnuts Burnham Road Southminster
R Burrows 2 The Chestnuts Burnham Road Southminster
N Taylor 10 Bayard Avenue Brightlingsea Colchester
G Cousins 16 Homefield Southminster Essex
P R McFarlane 69 High Street Burnham-On-Crouch Essex
E McFarlane 69 High Street Burnham-On-Crouch Essex
Mr & Mrs C Faulkner The Osprey Badnocks Chase Asheldham
Mr & Mrs D A Newcombe 8 Kings Road Southminster Essex
C Tuckey 7 Bakery Close Tillingham Southminster
John Saunders 6 Leslie Park Burnham-On-Crouch Essex
Chris Lake 16 Chelmer Way Burnham-On-Crouch Essex
Alan Lake 16 Chelmer Way Burnham-On-Crouch Essex
The Occupier 61 Maple Way Burnham-On-Crouch Essex
Piers Stanbury 28 Crouch Road Burnham-On-Crouch Essex
Andrew Reynolds 8 Hermes Drive Burnham-On-Crouch Essex
Jeanette Smith 17 High Street Burnham-On-Crouch Essex
Colin Smith 17 High Street Burnham-On-Crouch Essex
George Fulbrock 39 Whitefield Court Mayland Green Mayland
Alan Maker 8 West Ley Burnham-On-Crouch Essex
Ernest Brian Mills Anglezarke Batts Road Steeple
D A Newcombe 8 Kings Road Southminster Essex
Mr & Mrs Allen 11 Pinners Close Burnham-On-Crouch Essex
P J Sutton Southminster House 5 Kings Road Southminster
Mrs Karen Skiggs 21 High Street Southminster Essex
Mr & Mrs Sutton 4 Cobbins Chase Burnham-On-Crouch Essex
Miss Jean Thorogood Primley Lodge Grange Road Tillingham
Roy F Hunt 8 Devonshire Road Southminster Essex
Mr D P Warrington 8 Cobbins Grove Burnham-On-Crouch Essex
D.A.W Cornwall 17 Woodside Southminster Essex
Avril Mills Anglezarke Batts Road Steeple
The Occupier 19 Glebe Way Burnham-On-Crouch Essex
Phil White 31 Horkesley Way Wickfrod Essex
Mr Alan Fieldman 15 Homefield Southminster Essex
R Doyle 4 Caidge Row Eastend Road Bradwell-On-Sea
Martin Gubbins Caidge Cottage Green Lane Burnham-On-Crouch
L Gubbins Caidge Cottage Green Lane Burnham-On-Crouch
A L Jessop 20 Park Road Burnham-On-Crouch Essex
A Heel 33 High Street Burnham-On-Crouch Essex
The Occupier Cherry Tree Cottage Eastend Road Bradwell-On-Sea
Mrs J Lynch 23 Chestnut Close Burnham-On-Crouch Essex
J L Dillamore 31 St Nicholas Road Tillingham Southminster
Barbara Dillamore 31 St Nicholas Road Tillingham Southminster
Mrs B Fowler 7 Providence Burnham-On-Crouch Essex
Mrs R E Pollard 2 Hamble Way Burnham-On-Crouch Essex
P Somers 32 Beauchamps Burnham-On-Crouch Essex
Nick Gooden 9 Essex Road Burnham-On-Crouch Essex
Letters of Objection continued:-

Mrs Evelyn 52 North Street Southminster Essex
The Occupier 18 Bouvel Drive Burnham-On-Crouch Essex
Mrs M Genes Silver Road Caravan Site Silver Road Burnham-On-Crouch
Eleanor Bridge 6 Ship Road Burnham-On-Crouch Essex
Mrs L A Hill 26 Cedar Grove Burnham-On-Crouch Essex
M Lumley 19 Lavender Drive Southminster Essex
S Dorks 3 Compass Gardens Burnham-On-Crouch Essex
R C Baker 1 Little Johns Cottages Green Lane Burnham-On-Crouch
R Church 4 Hornet Way Burnham-On-Crouch Essex
A Saunders 115 Maldon Road Burnham-On-Crouch Essex
The Occupier 5 Maple Way Burnham-On-Crouch Essex
E Brown 46 Crouch Road Burnham-On-Crouch Essex
Murray Holland 1 Arnheim Road Burnham-On-Crouch Essex
Nicola Stotter Candleford 44 South Street Tillingham
Neil Stotter Candleford 44 South Street Tillingham
H Hume 13 Hermes Drive Burnham-On-Crouch Essex
W M Powl St Helier The Endway Althorne
D A Bates Sea End Caravan Park Belvedere Road Burnham-On-Crouch
L A Powl St Helier The Endway Althorne
H Mcfarlane 5 St Peters Field Burnham-On-Crouch Essex
Mr Bridge 6 Ship Road Burnham-On-Crouch Essex
Mr John Finn JM Finn & Co 4 Coleman Street London
Mr & Mrs Brian & Barbara Navin 7 Cripplegate Southminster Essex
Ms Lesley More Great West Wycke Farmhouse Marsh Road Burnham-On-Crouch
Mrs K P Fox Mark Farm Cottage Bradwell Road Tillingham
Ann - Marie Stephens 2 Wayfarer Gardens Burnham-On-Crouch Essex
Mrs A Lewis 63 Little Baddow Road Danbury Essex
J Evans 54 Crouch Road Burnham-On-Crouch Essex
Rosemary Norden 35 Station Road Burnham-On-Crouch Essex
S Powl St Helier The Endway Althorne
R Willett 34 Western Road Burnham-On-Crouch Essex
Robert Francis Egypt Cottage 2 Winstree Road Burnham-On-Crouch
B Plumb 37 Pippins Road Burnham-On-Crouch Essex
George Winder 1 Maplins Garden Burnham-On-Crouch Essex
The Occupier 292 Lonsdale Drive Enfield Essex
Georgina Dawin 82 Tower Road Epping Essex
S Tunstall 3 Silver Road Burnham-On-Crouch Essex
Stephen Bratt 24 King Edward Avenue Burnham-On-Crouch Essex
B C Ryan 19 Dragon Close Burnham-On-Crouch Essex
D Phillips 51 The Leas Burnham-On-Crouch Essex
J Norden 35 Station Road Burnham-On-Crouch Essex
Steve White 32 Western Road Burnham-On-Crouch Essex
G B White Melita York Road Burnham-On-Crouch Essex
Mrs E Hopcraft 46 Maple Way Burnham-On-Crouch Essex
J Tunbridge 22 St Marys Road Burnham-On-Crouch Essex
Mr Plumb 37 Pippins Road Burnham-On-Crouch Essex
J Stoddart 4 Beech Close Burnham-On-Crouch Essex
Dawn Kemp Pinners Farm Maldon Road Burnham-On-Crouch
Sue Paterson 8 Mill Road Burnham-On-Crouch Essex
**Letters of Objection continued:**

- D Ing 10 Winstree Road Burnham-On-Crouch Essex
- B Edwards 22 Fernlea Road Burnham-On-Crouch Essex
- Clare Murray 1 Croxon Way Burnham-On-Crouch Essex
- A O’Connell 34 Queenborough Road Southminster Essex
- E Lavell 28 Hillside Road Southminster Essex
- P D Walter 50 Queens Road Burnham-On-Crouch Essex
- D Woodard 45 Beauchamps Burnham-On-Crouch Essex
- Kim Prior 27 King Edward Avenue Burnham-On-Crouch Essex
- J Jarvis 32 Maldon Road Burnham-On-Crouch Essex
- Amanda Tickner 8 Maple Way Burnham-On-Crouch Essex
- Terry Saunders 115 Maldon Road Burnham-On-Crouch Essex
- Mr Hibbard 6 Vicarage Court Southminster Essex
- Stephen Lincoln Saffron Clo Priors Boat Yard The Quay Burnham-On-Crouch
- J Maskell 292 Lonsdale Drive Enfield Essex
- Mr R W Coyle 3 The Belvedere Burnham-On-Crouch Essex
- Mr P Bateman Wraywick Farmhouse Marsh Road Southminster
- Mrs Janet Thorogood Northwycke Farm Southminster Essex
- Mr S J Thorogood Northwycke Farm Southminster Essex
- Mr John Evans 31 Worcester Road Burnham-On-Crouch Essex
- Mr Peter Clayton 11 Cripplegate Southminster Essex
- Mr Alan Fieldman Field Lodge Home Field Southminster
- Mr Peter Payne 12 Maple Way Burnham-On-Crouch Essex
- Claire Prior 27 King Edward Avenue Burnham-On-Crouch Essex
- Mr John F Holland 22 Bouvel Drive Burnham-On-Crouch Essex
- Mr Brian Thomas Court Farm House Bridge Wick Lane Dengie
- William And Sue Jones 3 Maplins Garden Burnham On Crouch Essex
- Rosemary Prior 19 High Street Burnham-On-Crouch Essex
- Crouch Yacht Club The Club House Coronation Street Burnham On Crouch
- SIEGE C/o Mr S J Thorogood Northwycke Farm Southminster
- Mrs Karen Sadler 17 Princes Road Burnham-On-Crouch Essex
- Mr & Mrs Giles Littlemead 1 Marsh Road Burnham-On-Crouch
- Emma Knights 49 Cherry Orchard Southminster Essex
- Mr & Mrs P J Allabush Adrar Cottage 9A Station Road Southminster
- Eleanor Flack 23 Pantile Hill Southminster Essex
- Andrea & John Onslow 1 New Moor Cottages Northwycke Southminster
- Mr & Mrs PJ Sidgewick 9 Marlborough Avenue Tillingham Southminster
- Mr D Cutts 1 Redward Cottages Marsh Road Burnham-On-Crouch
- Mr J Anderson 22 Cherry Orchard Southminster Essex
- Mr & Mrs P E Plumb 18 West House Estate Southminster Essex
- Miss P Malone Marlborough Cottage 14 Marlborough Avenue Tillingham
- Mr A Clarke Marlborough Cottage 14 Marlborough Avenue Tillingham
- Megan Taylor-Fluker The Wheat Barn Keelings Road Dengie
- Adrian Flucker The Wheat Barn Keelings Road Dengie
- Adrain Flucker Vice Commodore Royal Corinthian Yacht Club The Quay
- Richard Bettany 11 Chandlers Burnham-On-Crouch Essex
- Kayley Warrington 8 Cobbins Grove Burnham-On-Crouch Essex
- Sharon Warrington 8 Cobbins Grove Burnham-On-Crouch Essex
- Brittany Warrington 8 Cobbins Grove Burnham-On-Crouch Essex
- Ross Warrington 8 Cobbins Grove Burnham-On-Crouch Essex
Letters of Objection continued:

Derek Osborne 1 Hawthorne Cottages Rushes Lane Asheldham
Mr K P Cooper River View Cottage Brabant Road North Fambridge
Mr & Mrs Rickers 26 Maldon Road Burnham-On-Crouch Essex
Philip Bailey Glebe Barn Glebe Lane Dengie
Marie Richards Orchard Square High Street Bradwell-On-Sea
Mr J Dryden 7 Vicarage Court Southminster Essex
Gill Lightfoot 9 Lavender Drive Southminster Essex
Adrian And Michele Sampson 64 Lavender Drive Southminster Essex
Jeanett And Richard Joly 14 Moors Close Kington Langley Chippenham
Gillian And Kevin Cook 27A Marsh Road Burnham-On-Crouch Essex
Kathy Carnell 25 Primrose Walk Southminster Essex
Brian Hinkins Huxley Grange Tillingham Road Southminster
St Barnard 1 Brook Lane Asheldham Southminster
Mr A R Horner 1 West Ley Burnham-On-Crouch Essex
Mr & Mrs Trevor & Valerie Fulcher 2 Mayland Hill Cottages Mayland Hill Mayland
Michael Tuckett Rotherne 4 Marlborough Avenue Tillingham
Mrs J Oyler Ratsborough Farm House Burnham Road Southminster
Sue Warren 14 Maldon Road Burnham-On-Crouch Essex
A Rowell 43 Buttercup Way Southminster Essex
A Duke 46 Buttercup Way Southminster Essex
T Allgood 49 Buttercup Way Southminster Essex
Mr Lynch 47 Buttercup Way Southminster Essex
P A Knott 6 Mayflower Drive Maldon Essex
D W Knott 6 Mayflower Drive Maldon Essex
G Knott 53 Buttercup Way Southminster Essex
S D Knott 53 Buttercup Way Southminster Essex
Mike & Jackie Cooper 9A High Street Southminster Essex
David W J Edwards 51 Buttercup Way Southminster Essex
E Turpin 2 Bull Close Southminster Essex
Claire Knight 11 The Wellington Kings Road Southminster
Mrs K Waddams 15 Vicarage Meadow Southminster Essex
Mr & Mrs J F R Browne Orchardside Scotts Hill Southminster
Mr B J Pegley 44 Buttercup Way Southminster Essex
A W Shawl Maple Villa The Chase Southminster
C Marshall 12 Primrose Walk Southminster Essex
J W Smith 26 Beauchamps Burnham-On-Crouch Essex
R Innes 8 Rose Drive Southminster Essex
Mr & Mrs John Cleary 42 Buttercup Way Southminster Essex
David J Leete 61 West Avenue Mayland Chelmsford
Keith And Suzanne Thacker Corner Cottage Green Lane Burnham-On-Crouch
Edward Goodwin 3 Woodside Southminster Essex
Ms Marion Glaze Laburnum Cottage Mill End Bradwell-On-Sea
Dianne Dibben 38 Kings Road Southminster Essex
Anne Wodhams 1 Northwycke Cottages Northwycke Southminster
Priors Boatyard R J Prior & Son (Burnham) Limited Quayside Burnham On Crouch
Mr And Mrs P W Robinson Swatchways Wembley Avenue Mayland
Lindsay Mills And Craig Pearson 4 Wick Farm Road St Lawrence Southminster
Debbie Poynter 4 Eastwick Cottages Marsh Road Burnham On Crouch
Christine Dobby 1 Mayland Hill Cottages Mayland Hill Mayland
Letters of Objection continued:-

Mr Ian Cubberly 6 Rose Drive Southminster Essex
Mrs E Cutts 1 Readwards Cottages Marsh Road Burnham On Crouch
Mr N Cutts 22 Cherry Orchard Southminster Essex
Raymond Hart 4 Rose Drive Southminster Essex
Ms S H Mee 3 & 4 Badnocks Cottages Green Lanes Asheldham
Mr & Mrs Wiggins 5 Smyatts Close Southminster Essex
J R Mace 2 Mentmore Langdon Hills Basildon
Mrs J Gooderham 54 Cherry Orchard Southminster Essex
Mr K McClean 165 The Maples Harlow Essex
Gareth Davies 7 Cobbins Grove Burnham-On-Crouch Essex
Vanessa Freshwater 3 Robinsons Close Southminster Essex
R C & V J Perry Butler Cottage 17 North End Southminster
Mr Neil Yates Teal Croft Marsh Road Tillingham
O I Pugh 14 Maldon Road Burnham-On-Crouch Essex
S Sutton 4 King Edward Avenue Burnham-On-Crouch Essex
Mr Nigel R C Newbury 13 Queen Street Southminster Essex
E Dicker Landwick Farm Landwick Lane Dengie
Angela Jennings 16 Station Road Southminster Essex

General public letters:
Siege
Petition with 39 signatures

Main reasons for objection

- Contrary to Maldon District Council policies; Planning Inspectors should realise this as does everyone else
- Disruption to quiet nature of Dengie countryside
- Tranquillity must not be ruined to achieve some Euro Parliament Target
- Adverse effects on wildlife
- Risks to birds
- Wildlife will be significantly disturbed with noise from the turbines
- Adverse effects on skyline
- Wind turbines would cause visual intrusion and would be a blot on the horizon for many miles around
- Sheer size of the turbines at 90 metres will dwarf the Dengie marshes and they are moving 70% of the time – albeit ineffectively
- Wind turbines would be an eyesore on the surrounding countryside
- Wind turbines should be placed offshore and not on shore ruining peoples lives
- Will blight the area. The Dengie is known for its big skies, peace and tranquillity which will disappear if the project goes ahead. Has happened in Spain and France where these constructions have blighted the landscape
- Spoiling of ‘black skies’
- Views ashore from seaward during the day will be disturbed
Main reasons for objection continued

- Noise pollution; experts using ETSU97 directive recognise the serious effects on health and the environment from noise
- Noise generated would spoil the quality of life of the local people
- Wind turbines are inefficient
- Impact upon quality of life – noise issues, sleep depredation/disturbance, and associated links to mental illness (various studies on existing land based turbines show said links)
- Health issues and human suffering
- The application would be a disaster for our beautiful countryside and our way of life
- It will be a disaster to build the Bradwell wind farm or consider any future proposals or applications of this nature
- Current statistics for large scale turbines show poor reliability
- Costs of installation and maintenance of wind turbines outweigh their production output
- More research is needed to gauge the efficiency of wind turbines
- Wind turbines are very inefficient in low and high wind
- Wind power is known to be no more than 20% effective; offshore 25% on the east coast; underwater turbines are the best idea to harness the power of the tide but won’t generate as much money
- If a resident wanted to modify their property the Council would be quick to act if it was ‘not in keeping’ so special treatment should not be given just because of the perceived renewable benefits
- Conflicting information at present regarding the efficiency of wind turbines and a more economical way forward should be sought
- Wind turbines do not make sense economically as standby generation has to be provided in the event of windless periods and the space required per turbine compared with say a nuclear power station; a back-up is needed at all times
- Carbon footprint benefit is neutral if we consider the carbon footprint required to build, install, maintain and dismantle, as well as the infrastructure costs associated with re-road upgrades, pylons, cabling etc
- The life span of the turbines is the equivalent of the time it takes for the carbon debt that has been accrued in their manufacture to be repaid
- Wind power is unsustainable and needs a primary energy source (nuclear, coal/gas fire) at all times; on shore wind farms are proven to be inefficient and the output is well below that of other energy sources
- All the current turbines across the country have put up electricity prices by at least 5% above the norm due to the very high subsidies in the form of Renewable Obligations Certificates. This means wind energy is three times more expensive than the average power station
- Only answer for energy requirements that also addresses the carbon footprint is nuclear; nuclear is far superior and if the wind turbines are to eclipsed by new nuclear power stations they will be unnecessary, permanent scars on the landscape and a substantial drain on resources
Main reasons for objection continued

- Explosions and vibrations from Foulness could cause long term problems to turbine infrastructure
- No provision has been made for resident’s access along the access track from the sea wall. A new footpath is of no use and vehicle access is required at all times
- Increase in road traffic during construction
- Increase in road traffic on very narrow lanes
- Would result in increased deterioration of road surfaces in the area
- Increase in road noise; juggernauts already rumble past from Godsalands Quarry; no calculation as to the CO2 emissions from all the lorries on the roads or the power to manufacture them including ongoing maintenance
- The road to Southminster will be unusable due to construction traffic and residents and visitors will be forced to travel via Burnham
- Roads can not cope with current use by lorries and agricultural vehicles so they could not possibly cope with any heavier traffic during construction; fragile High Street would be damaged and degraded
- Roads from either the A12, A13 or A127 are unsuitable for structures of this size and Southminster only has a single narrow road to the marshes
- Safety of the roads compromised with huge heavy trucks representing a danger to our children
- Safety issues with regard to the flight path to Southend airport – Radar and Navigation aid anomalies.
- Will lower house prices (a fact at existing land based sites)
- Ridgewind’s business longevity is short – what happens if the company goes bankrupt? End of life dismantling and replacement would be difficult, intrusive and financially questionable
- 125 metre high turbines will have serious unpleasant shadow flicker effects
- Danger to migratory birds and other native birds; disruption to other wildlife in the area
- Potential hazard to aircraft from Southend airport; it is undergoing extensive alterations to make it more viable and promote extra business in our area which will be compromised by this proposal
- Potential farming hazards after closure
- No gain to local employment or transport facilities
- Significant negative impact on the character of the landscape and the visual amenities of those within the surrounding villages
- Environmental Statement does not assess noise or vibration from driven piling the turbine foundations
- The ATC data used for the assessment is from the wrong location and the applicants should have commissioned additional surveys; it also does not mention that northern Althorne is affected; data in submitted tables is erroneous when the traffic for a 24 hour period is less than for a 12 hour period; Rectory Lane in Latchingdon is unsuitable for use
Main reasons for objection continued

- Not sure as to the duration of the closure of the sea wall footpath which is highly popular
- The Statement does not consider the cumulative impacts of the Bradwell wind farm in terms of visual or traffic aspects
- One of the best dark sky sites in southern England as recognised by Astronomy Societies. The lights and reflectance of the rotors can only harm the night vision of observers
- Long term nuisance visually and noisily
- Destruction of wildlife and tranquillity of the Dengie Marshes; lasting damage to roads, hedgerows and the complete loss of agricultural of this farm holding; we need to preserve this area of wildlife habitats and its use for recreation
- It is undemocratic to force this upon the local population if they don’t want it
- Unfair to suffer the cumulative impact of Southend airport expansion, new nuclear power station, the wind farm at Bradwell and winds farms at Southminster and Burnham
- Applaud efforts against Bradwell wind farm but a different strategy should be adopted here; this should be probing questions into the various inflated claims into machine efficiencies and carbon-equation balance; the dash for wind is over-hyped and is driven by subsidies when the government has failed to fund more viable alternatives
- No benefit to the local community except the usual bribes from the developer none of which is guaranteed
- Absentee landlords taking the monetary benefits and leaving their neighbours to take the consequences
- Destruction of natural habitat
- Dengie Marshes are an escape from urban lifestyle
- Ruin an unspoilt area of Essex forever
- Noise pollution will affect wildlife
- Noise pollution will affect sleeping patterns of local residents
- ETSU shown to be seriously inaccurate but dismissed by Bradwell Inspector
- Turbines should be located out to sea
- Development will affect ratepayers who pay Council Salaries
- On shore wind farms redundant as off shore developments being developed
- Visually intrusive for many miles
- No long term job creation and only beneficiary will be land owner
- Do not contribute to overall energy needs of country
- Decision makers do not live in area
- Natural quiet beauty will be lost
- Transport movements will damage road surfaces and result in personal costs
- Relocated to area for unspoilt countryside which will be ruined
- Road infrastructure inappropriate
- Wind reliability questionable
Main reasons for objection continued

- Studies identify detrimental health benefits, no development should be allowed until further studies undertaken
- Essex as a county has unfair burden of installations
- Will set precedent for further installations
- Dengie peninsula, which is a place for outdoor pursuits will be ruined
- Ruin the ecology
- Planners usually address visual amenity even on small developments. No conditions will be appropriate or will be able to screen the turbines which will remain visually prominent
- Renewable Energy Foundation Report raises health issues and recommends a minimum acoustic safety distance
- Cumulative effect of wind farms together with Bradwell Power Station in area should be taken into account
- Property prices blighted and residents unable to move out
- Will the development result in further pylons being erected to feed the energy into the national grid
- Use more energy to construct than they produce over their lifespan
- No justification for second wind farm as well as a nuclear power station in the area
- Alternative, cheaper and more reliable sources of energy production such as North Sea underground coal gasification and European electricity from the Saharan “Desertec” Project
- Government’s EU renewable targets are met even if the wind farm does not produce any energy
- Some wind farms forced to stop during bird migratory periods but not until many years of destruction have passed
- Reported UK statistics indicate that wind levels are inconsistent and cannot be relied upon to form firm output statistics
- Dengie Peninsula becoming an industrialized area
- Landowners will receive payment and compensation but not local residents who will suffer from the development
- Have calculations been undertaken as to the effect of the turbines on the sinking land levels of the South East.
- Flicker effect intrusive to whole communities
- Damage to sea wall and habitat due to proposed sea and river barge use at Holliwell Point together with road construction from this area
- Are the turbines structurally sound in high wind conditions
- Negative impact upon local tourism
- Nuclear power at Bradwell is much more efficient
- Large wind turbines cause physical and mental harm in ways not covered by ESTU-R-97
- Customers of tourist facilities come for the peace and tranquillity and the natural open countryside.
Main reasons for objection continued

- Cumulative impact of this wind farm together with the offshore farms will detrimentally impact upon the sailing and yachting community and tourist income
- “Research into Aerodynamic Modulation of Wind Turbine Noise” report by University of Salford recently released into public domain
- Commercial companies would not entertain this type of development if it were not for heavy subsidies
- Detrimental impact upon Listed Buildings and Conservation Areas
- Proposed location of landing point used regularly by racing fleets based at Royal Corinthian Yacht Club and other yacht clubs on the River Crouch
- Racing Buoys within the proposed river area which feature in 60% of river racing. Loss of this would disastrous for clubs
- Wind disturbance for up to 15 miles from turbines will impact upon yachting and sailing community with possible fatal consequences
- 3 of the turbines close to Asheldham Brook that forms an important link in local food chain of ecology
- Transport across farm and rural land will ruin it forever
- Decommissioning outweighs the benefits of the turbines and there is no guarantee that they will not just be left on the land
- Photo montages not taken from Scotts Hill or other more appropriate sites where visual impact would be greatest
- EIA refers to deliveries being between April and October to minimise impact upon wildlife but this does refer to this being within the main sailing season and also its impact upon Burnham Week
- Flash flicker at night if the turbines are illuminated as requested by the MOD
- Local listed buildings such as Dengie Manor, St James and the Wheat Barn, which represent an important part of social history will be impact upon
- Planning Policies BE1, CC6 and CC7 as adopted by MDC should be taken into account
- No dual carriageways within the district therefore congestion on country roads is unacceptable
- Interference to TV reception
- Wind power is unreliable and needs support from gas/coal/nuclear power at all times
- Wind turbines have a greater carbon footprint than a nuclear power station
- Evidence that “Wind Turbine Syndrome” identified as causing numerous health problems
- Electricity bills will rise to pay for wind farms
- Planning rules being bent by the government to get these applications through
- Cause harm to the seascape
- Impact upon the natural Salt Marshes
- In cold weather (such as Jan 2010) demand rose and the output from this development would be minimal as the wind levels drop in cold weather
Main reasons for objection continued

- Ancient Monuments under threat
- Some European wind farms abandoned due to lack of productivity
- Dengie Marshes are unique
- Proposed height is only due to lack of wind
- Ample justification to refuse the application as demonstrated by Inspectors at two previous appeals. Brightember Hill, North Yorkshire and Newlands Farm, Cumwhiton, Carlise
- Professional lobbying companies are being used
- Wind farm technology not fully researched and better ones will come along and make these turbines redundant in a short space of time
- The ecology of the area is of a standard to attract a European Designation
- Mechanical reliability of the turbines should be questioned
- Loss of view
- Incorrect information relating to windows within the east elevation of Court Farm House which is also Grade II Listed
- Course of footpaths and their use will be impacted upon
- Impact upon SSSI & RAMSAR sites
- Impact upon mobile phone reception
- Last flat open wild area of Essex
- Photomontage is misleading
- Unique coastal landscape will be lost
- Rural Essex being sacrificed
- Skyline clutter and a massive skyline eyesore
- Bridgewick Farm is a Listed Building and development will result in visual intrusion and will be surrounded by turbines both on and off shore
- Construction traffic will be devastating to rural roads and lanes, which will not recover
- Danger to pre-school and school age children from heavy goods vehicles
- Efficacy of existing turbines within the area are yet to be proved
- Rare flora within the wild uncultivated area
- All forms of leisure pursuits will be affected
- With a large amount of offshore turbines planned why is there a need for this small number of turbines on land
- This area is the last truly wild area of Essex with uninterrupted views by industrial structures
- Shipping traffic to the River Crouch will increase and combined with the Wallasea Island project will seriously affect yachting and sailing resulting in loss of trade, tourism and jobs
- Nuclear will give us a stable and reliable power source
- No need for turbines if nuclear power station rebuilt
Letters of Support:

Jason Turnbull Poplar Farm House Wakerley Oakham
Paula Whitney Colchester And North East Essex Friends Of The Earth C/o 4 Shears Crescent West Mersea
Val Mainwood Bradwell For Renewable Energy C/o 62 Belle Vue Road Wivenhoe
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The Occupier 20 Arcadia Road Burnham-On-Crouch Essex
The Occupier Almondbank Junction Road Cold Norton
The Occupier 13 Crouch Road Burnham-On-Crouch Essex
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P Gilligan 41 Alamein Road Burnham-On-Crouch Essex
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Mrs M Day 62A Victoria Road Maldon Essex
Tracey Collins 7 Hunt Avenue Heybridge Maldon
Miss Caroline Wisbey 55 Cross Road Maldon Essex
Bryan Norris 18 Rugby Road Rainworth Nottinghamshire
Mrs I Hunter 25 Tennyson Road Maldon Essex
Christina Wilson 4 Lilian Road Burnham-On-Crouch Essex
V J Kirby 8 Lynfords Drive Runwell Essex
P Brown 38 Well Lane Galleywood Chelmsford
J Taylor 21 Wentworth Meadows Maldon Essex
P Burgess 23 Basin Road Heybridge Essex
J Woods 39 Victoria Road Maldon Essex
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P B Cable 58 Belvedere Road Danbury Essex
T Broughton 27 North Street Maldon Essex
The Occupier 74 Wantz Road Maldon Essex
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Letters of Support continued:

N Eves 60 Granger Avenue Maldon Essex
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A Gunn 20 Fambridge Road Maldon Essex
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A Keep Ferndale House The Street Woodham Walter
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Mr William Daniels 7 Mount Pleasant Great Totham Maldon
Mr Philip Green 46 The Glebe Purleigh Chelmsford
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K Standfast 85 Tattersalls Chase Southminster Essex
P E Jarvis 61 King Street Maldon Essex
A Loman 5 Festival Gardens Tolleshunt D'Arcy Maldon
Mr P Blackmore 32 Beeleigh Road Maldon Essex
Mrs A Blackmore 32 Beeleigh Road Maldon Essex
Jane Phillips Poplar Grove Farm Broad Street Green Great Totham
J Phillips Poplar Grove Farm Broad Street Green Great Totham
Sarah Collier 60 Wood Road Heybridge Maldon
Tessa Collier 36 Coombe Road Southminster Essex
Natasha Booth 149 High Street Maldon Essex
Sarah Vernau 32 St Nicholas Road Tillingham Southminster
The Occupier A1 Fish Street Goldhanger Maldon
Katharine Grundy 188 Wantz Road Maldon Essex
Mrs J Wootton 2 East End Cottages Eastend Road Bradwell-On-Sea
Claire Speedie 24 Wellington Road Maldon Essex
Jacqui Wall 22 Holloway Road Maldon Essex
M Aspinall 11 Trent Close Burnham On Crouch Essex
C Langford 4 Victoria Road Maldon Essex
Caroline Mouran 33 Wantz Road Maldon Essex
David Park Brooks Farm Twitty Fee Danbury
Anna Roberts 14 Wellington Road Maldon Essex
Miss D Churchman 112 Fitches Crescent Maldon Essex
C Churchman 112 Fitches Crescent Maldon Essex
G Mitchell 1 Halston Place Maldon Essex
Letters of Support continued:

Elaine Studd 163 Wantz Road Maldon Essex
Becky Studd 163 Wantz Road Maldon Essex
The Occupier 4 Fitchs Mews Maldon Essex
Helen Wright 26 Essex Road Maldon Essex
Mrs S Deeprose 49 East Street Tollesbury Maldon
Mr Robert E Bache Wallasea Farms Limited Grapnells Farm Wallasea Island
Melanie Yates 3 Pembroke Avenue Maldon Essex

General public letters:
Friends of the Earth

Main reasons for support

• Proposal forms part of the important strategy to reduce impacts of Climate Change and providing sustainable renewable energy source developments to replace dirty and old coal, oil and gas burning power stations that are affecting the planet; wind farms reduce carbon emissions and are critical source of supplying clean, green British energy
• Site is ideal for wind speeds for an onshore wind farm
• Nine turbines will fit well within the windswept coastal and barren landscape
• Turbines will provide electricity for 9,250 homes; with improved energy efficiency measures they could provide for double that amount
• The proximity of local National Grid connections makes it of local benefit as well as reducing losses in transmission distances
• Subject to ensuring there is no permanent ecological damage we support the delivery of the turbines from the Crouch Estuary
• We have to do our best to combat climate change and to support renewable energy projects; must encourage clean energy sources now including onshore wind
• This is only the third wind farm proposed for the windy Essex coast; the Bradwell and St Osyth wind farms have been approved by separate Inspectors; this is one of the windiest areas in Europe
• Standing right underneath the turbines the sound heard is only a low hum
• From a short distance away the majestic turbines appear small as an attractive group like small copses of trees in a field; if a building or tree gets in the way they are impossible to see
• In our experience that wind farms are quieter than nearby road traffic and aesthetically pleasing.
• Minimal interference with the use of land for agriculture; the area has limited ecological value
• Once outlasted usefulness wind generators can be removed relatively easily leaving little or no trace of their existence; the de-commissioning will not leave a blot on the landscape unlike Bradwell Nuclear Power Station
• I use the Livery regularly when holidaying in the region and do not find the turbines an issue; actually they look quite pleasant.
Main reasons for support continued

- It will bring employment to the region and these kinds of projects tend to help local communities with funding and interest from visitors
- No detriment to my enjoyment of the area; there will be no pollution and wind energy is free; it is quite distant from large populations
- The capacity of 18MW will generate electricity for 8,000 homes
- The visual impact must be put into context with the widespread environmental damage that climate change could cause in this area and accept that it would be necessary feature on the skyline; the time for subjective arguments over visual impact are increasing irrelevant compared to the damage caused by mining, processing a burning of fossil fuels
- Having attended the exhibition in July 2009 I was most impressed with the project and the information provided; this is the way forward to safeguard are future
- Well designed access off the Crouch Estuary to minimise disruption to the local people; larger components being delivered by sea and not by road should not cause excessive detrimental impact to local villages; support providing no extra traffic movements through Southminster
- We suffer with large parts of our aging energy infrastructure needing replacement and we need to make rapid progress towards the de-carbonisation of the economy. Our energy supply is relatively secure under 2015 but significant action will be called for to provide energy after that point. With planning refusals for vital indigenous renewable energy at unprecedented levels there is a real danger of blackouts between 2013 and 2015 due to the Large Combustion Building Plant Directive and the deterioration of the nuclear plants.
- Totally opposed to any new Nuclear Power Station which is illogical and with attendant pollution and contamination; wind is the way forward and is far more aesthetically pleasing than the reactor building at Bradwell
- Provided they are placed at a distance from houses not to disturb normal activity and sleep patterns they should be ok. I would be very concerned if they made too much noise but there must be sufficient data available now to prevent mistakes when siting turbines to mitigate this
- Hundreds of turbines in other European Countries
- The building of this wind farm is a step in the right direction and a step we must take; thousands of tones of carbon emissions could be saved as a result of this wind farm
- As a tourist to the area I would welcome these iconic beautiful windmills
- Limited ecological impact and beneficial for the wider environment in the long term

9. ASSESSMENT OF PROPOSAL

Policy Issues:

i) National Government Guidance
PPS1 Delivering Sustainable Development
PPS Planning and Climate Change – Supplementary Guide to PPS1
PPS5 Planning and the Historic Environment
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG16 Archaeology and Planning
PPS22 Renewable Energy and The Companion Guide
PPS23 Planning and Pollution Control
PPG24 Planning and Noise
PPS25 Development and Flood Risk and the Best Practice Guide

ii) **Regional Level – The East of England Plan (The Regional Strategy)**
ENV2 Landscape Conservation
ENV3 Biodiversity and Earth Heritage
ENG1 Carbon Dioxide Emissions and Energy Performance
ENG2 Renewable Energy Targets

*Essex and Southend on Sea Replacement Local Plan*
CC1 Undeveloped Coast: Coastal Protection Belt

iii) **Relevant Development Plan Policies**
Maldon District Replacement Local Plan
S2 - Development Outside Development Boundaries - Outside the defined development boundaries the coast and countryside will be protected for their own sake.
CON1 - Development in Areas at Risk from Flooding - Development will only be permitted subject to strict criteria/circumstances to avoid the risk of life/property from flood risks.
CON5 - Pollution Prevention - Development having an adverse impact on the environment by means of pollution will be refused.
CON7 - Development affecting airports – Developments of wind farms require consultation with the relevant airport for safety reasons.
CC1 - Development Affecting an Internationally Designated Nature Conservation Site - Development affecting a site of nature conservation will not be permitted unless exceptional circumstances apply subject of rigorous examination.
CC2 - Development Affecting a Nationally Designated Nature Conservation Site - Development affecting a site of nature conservation will not be permitted unless exceptional circumstances apply subject of rigorous examination.
CC3 - Development Affecting Locally Designated Nature Conservation Sites – Seeks to protect areas designated as nature conservation sites.
CC5 – Protection of Wildlife at Risk on Development Sites – Seeks to protect animals, plants and habitats on sites subject to development through the use of mitigation measures.
CC6 - Landscape Protection - The natural beauty and quality of the landscape shall be protected, conserved and enhanced.
CC7 - Special Landscape Areas - Within SLA's permission will not be given unless the development conserves or enhances the character of the area.
CC10 - Historic Landscape Features – Policy seeks to protect historic landscape features such as protected lanes and hedgerows.
The Coastal Zone - Development will only be permitted if it requires a coastal location and its impact upon the rural open character is minimal.

Design of New Development and Landscaping - Development will only be permitted if it is compatible with its surroundings and meets defined criteria.

Development in Conservation Areas - Will only be permitted if design is of high standard with respect to surrounding buildings, spaces and views.

Extensions, Alterations and Additional Buildings in the Curtilage of Listed Buildings - Will only be permitted if satisfied that the proposal will not harm the character or setting of the Listed Building.

Preservation of Sites of Nationally Important Archaeological Remains and their Settings - Development will not be permitted if it fails to preserve the archaeological value and interest of the remains or their settings.

Control of Development at a Site of Local Archaeological Value - Development will not be permitted if it impacts upon local archaeological value.

Sustainable Transport and Location of New Development – New development will be expected to be located in defined development boundaries and achieve sustainability and highway safety throughout.

Transport Infrastructure in New Developments – New development will be expected to achieve sustainability and highway safety throughout.

Improvement to Pedestrian Facilities – Will require improvements to footways adjacent to the site.

Vehicle Parking Standards - New development will be expected to meet the adopted parking standards.

Renewable Energy – Development of renewable energy facilities will be permitted provided subject to a number of considerations such as landscape and visual impact, noise, traffic, ecology, and adjoining properties.

Maldon District Local Development Framework Core Strategy Regulation 25 Consultation

Members will be aware that on the 16 April 2009 the Planning and Licensing Committee agreed the publication of the new Maldon District Local Development Framework (LDF) Core Strategy Regulation 25 Consultation document. This document will, when it is adopted as the new Local Development Framework, supersede the existing Adopted Local Plan. The LDF shows the way in which planning policies are evolving and represents, at this time, supplementary planning guidance, and at this time can only be given limited weight due to its unadopted status in reaching decisions on planning applications. The following policies are considered relevant to this application:

Creating Sustainable Development
Development in the Countryside
Protection and Enhancement of Natural Heritage
Protection and Enhancement of Built Heritage
Design of New Development
Environmental Impact of New Development
Flood Risk
Infrastructure and Services

Other Material Considerations

Bradwell Appeal Decisions September 2007 and January 2010
Agenda Item no. 4

10. THE ENVIRONMENTAL STATEMENT

10.1 The proposal falls within category 3(i) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It exceeds the size thresholds of more than 2 turbines and the hub height of any turbine being more than 15m in height. It is considered that due to the size of the wind turbine structures the development impacts upon the countryside and coastal zone having a significant environmental effect. For these reasons an Environmental Impact Assessment (EIA) was required.

10.2 Under the Regulations the procedure for undertaking an EIA normally requires the submission of an application for a request for a Screening Opinion (to decide whether an EIA is required), or a request for Scoping Opinion (to identify the content and methodology for inclusion in the ES). Both procedures involve consultation and adoption by the local planning authority. The ES identifies that the applicant had no reason to submit a Screening Opinion as it was identified that an EIA would be required. The request for a Scoping Opinion (SOR/MAL/05/01258) was originally submitted in 2004 for a proposal of 16 turbines and adopted by the Council in May...

10.3 In deciding upon a location for the proposed wind farm a site selection process was undertaken. The differences in the two adopted Scoping Opinions derive from the site selection process. The site selection process requires a detailed consideration of a number of factors such as wind resources, electricity connections, road access, land availability, turbine spacing and existing land uses. These were considered before deciding on the layout under consideration with this application. It should be noted that PPS22 does not require that a developer to demonstrate that a proposal site is the best in the area or that other sites have been considered and rejected. PPS22, and the details of the ES, shows that there are so many planning constraints to this form of development that the resource should be realised wherever it is acceptable in environmental terms for this to happen.

11. THE POLICY POSITION AND NEED FOR RENEWABLE ENERGY

11.1 The issue of climate change and its association with global warming effects from human activity, including the burning of fossil fuels, is now well established. The UK Government believes that climate change is the greatest long term threat facing the world (Planning Policy Statement - Planning and Climate Change)

11.2 The International Panel on Climate Change (IPCC) was set up in 1988 to investigate world climate change implications and a number of reports have been produced outlining the likely implications. Such reports have lead to the formulation of climate change policy at International and European levels. Most recently Directive 2009/28/EC of the European Parliament and Council allocated European member states with individual renewable energy targets. For the United Kingdom the target is that 15% of energy must be produced from renewable sources by 2020. Furthermore, the Climate Change Act 2008 requires an 80% reduction of carbon dioxide by 2050. This 80% figure is taken from the baseline of carbon dioxide emissions from 1990.

11.3 Already a number of measures have been implemented at the national level in order to meet the above target through the Renewables Obligation (2002) and the Renewable Energy Strategy (2009). The Renewables Obligation requires each electricity supply company to supply 15% of retailed electricity through renewable energy sources by 2015. The more recent Renewable Energy Strategy has since increased that target to 30% by 2020. It is identified that the UK has the largest wind energy resource in Europe, with 40% of the continent’s potential wind resource.

11.4 National Planning Position

11.4.1 In order to realise the Renewables Obligation existing planning policy has been updated through the Planning Policy Statement - Planning and Climate Change (PPSPCC), which is a supplementary document to PPS1 and was published in December 2007. This identifies the fundamental importance on delivering sustainable development and shaping sustainable communities by introducing low carbon technologies to reduce carbon emissions and stabilising climate change. PPSPCC advises local planning authorities that applicants should not be required to demonstrate the overall need for renewable energy and its distribution, nor question the energy justification for a particular location. PPSPCC requires local planning
authorities to ensure any local approach to protecting landscape is consistent with PPS22, that criteria based policy is developed in line with PPS22, and that suitable areas for renewable energy are identified. For determining planning applications PSPCC advises local planning authorities and applicants to consider landform, layout, building orientation, massing and landscaping; delivering a high quality local environment; recognising the opportunities for wildlife and people; and providing for safe and attractive walking and cycling opportunities.

11.4.2 The more recently published PSPCC expands upon Planning Policy Statement 22: Renewable Energy (PPS22, 2004) and explicitly takes precedence over other Planning Policy Statements where there is any difference in emphasis on climate change. PPS22 states how renewable energy developments can contribute to the government’s sustainable development strategy.

11.4.3 PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. PPS22 indicates that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.

11.4.4 PPS22 indicates that the Regional Spatial Strategy (RSS), or more recently changed to as the Regional Strategy (RS), should include criteria-based policies which can be applied across a region or sub-region and that where appropriate targets may be disaggregated into sub-regional targets. On 27 May 2010 the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, wrote to Council leaders highlighting the Coalition Government’s commitment to rapidly abolish Regional Strategies (RS) and return decision making powers on housing and planning to local councils. However, until a formal announcement is made and / or legislation implemented, there is no change to what constitutes the development plan and therefore the current RS is still part of the development plan. The Companion Guide to PPS22 offers practical advice on the implementation of the PPS. It includes a section setting out key issues for considering onshore wind farms providing guidance to local authorities how to determine such applications. The guide indicates that when submitting a planning application developers should be able to demonstrate that the project meets the requirements of applicable development plan policies (including Regional policies), does not compromise the reasons behind any relevant area designation and addresses the issue of visual impact, and where relevant cumulative visual impact. The guide advises that in determining an application, planning authorities must assess the case for each project put forward and come to an objective view on the range of matters which are outlined in this report.

11.4.5 As regards landscape and visual effects the Companion Guide to PPS22 indicates that proposals should be assessed objectively. It indicates that some areas in England are experiencing much interest from renewable energy developers and that cumulative effects have become a factor in the determination of applications. In these circumstances a base plan of existing wind farms, permitted developments and applications received within a defined radius should be produced in order that their overall effect may be assessed. Members are already aware of the planning permission granted for the wind farm in Bradwell but there has also been a scoping
opinion produced for the site of Turncole Farm which is located to the south side of
the road known as ‘The Marshes’. In March 2010 planning permission was granted
for a one year consent for a metrological mast to measure wind speeds at the Turncole
Farm site. Notwithstanding this information the proposal should be determined on its
own merits.

11.4.6 At the beginning of March 2010 the Government published a Planning Policy
Statement Consultation document: Planning for a Low Carbon Future in a Changing
Climate. This consultation document is part of a 12 week public consultation period.
This document seeks to combine PPSPCC from 2007 and PPS22 from 2004 as a
consolidation supplement to PPS1. This will also support and provide an overarching
framework for PPS 25 on Development and Flood Risk. The reason for the
consultation follows the significant amount of legislation put in place which affects
planning including The Climate Change Act 2008 and European Directive
2009/28/EC amongst others. These documents need to be used through the
production of the consolidation supplement to PPS1. Once published this document
will advise local authorities on the development of new policies.

11.4.7 The Coalition Government through the Open Source Planning Green Paper has stated
that the new Government actively supports getting more of our energy from
renewable sources, including both on-shore and off-shore wind to tackle climate
change, create thousands of jobs, and help guarantee our energy security. The Green
Paper states that on-shore wind farms are not appropriate in all settings: local
community consent is vital, and applications will need to be considered in the light of
the possible impact on the local environment, which means allowing communities to
be active participants in, as well as beneficiaries of, on-shore wind development.

11.5 Regional Planning Position
11.5.1 At the end of May 2010 the Coalition Government announced the intention to abolish
Regional Strategies and return decision making powers on housing and planning to
local councils. However, until Regional Strategies are abolished and any transitional
arrangements put in place local authorise should continue to treat the RS as part of the
development plan.

11.5.2 The Regional Strategy is the East of England Plan (EEP) published on 12 May 2008.
The EEP includes a chapter on carbon dioxide and renewable energy. There are two
policies relevant to the consideration of this application. These are ENG1 Carbon
Dioxide Emissions and Energy Performance and Policy ENG2 Renewable Energy
Targets. ENG1 sets out the contribution the region is expected to make reducing
carbon emissions. Policy ENG2 supports the development of renewable power
generation and sets a target of 4250 Megawatts installed capacity by 2020. The 20
Megawatt production proposed by this application therefore seeks to partly contribute
to the Region’s renewable energy production.

11.5.3 A regional level study was commissioned by the Regional Assembly through a
document titled ‘Placing Renewables in the East of England’, which forms a material
consideration as it informs measures to meet renewable energy target for the region to
2020. It indicates an overall need for about 500 wind turbines in the region if that
target is to be achieved.
11.6 Local Planning Position

11.6.1 Local Plan Policy PU6 Renewable Energy is relevant to the proposal.

11.6.2 The pre-amble to the policy states that the District Council will encourage proposals for renewable energy schemes and that Maldon, as a coastal district, has a greater potential to exploit the wind than any other source of renewable energy. Support has to be tempered by the importance of the coastline in visual and nature conservation terms. Assessment of the visual impact of a proposal must take account of the likely numbers of people who may be affected as well as the scale of the proposal both in terms of individual components and overall impact in relation to the surrounding landscape. Renewable technologies may generate small increase in noise levels and should be located and designed in such a way to minimise increases in ambient noise levels. It is also necessary to determine the impact upon ecology and conservation.

11.6.3 Policy PU6 Renewable Energy states that proposals for the development of renewable energy facilities will be permitted provided they would not:

1. Have a significant impact on the appearance of the surrounding area, the countryside or local landscape; and
   (i) generate an unacceptable level of noise or traffic; or
   (ii) have an adverse impact upon areas of ecological, architectural, landscape, historical or conservation importance; or
   (iii) have a detrimental impact upon the adjoining properties and landholdings.

11.6.4 The Local Development Framework - Core Strategy has no specific policies for renewable energy but a number of policies refer to climate change and improving energy efficiency through new developments. Chapter 5 of the Core Strategy through paragraphs 5.3.2 & 5.3.3 addresses climate change and renewable energy.

11.6.5 In August 2004 Maldon District Council adopted its Energy Strategy 2004-2011. This sets out the Council’s vision of a future in which the District has a safe and secure energy supply, in which the energy system of the District does not contribute to increased climate change, in which the residents of the District do not suffer from fuel poverty, and in which locally available sources of renewable energy are a significant part of the energy mix. 6.22 The Energy Strategy indicates that 10% of Maldon’s electricity should be locally-generated through renewable sources by 2010 and it encourages the production of sustainable energy within existing planning policies. More recently, 2009, Maldon District Council Environment and Climate Change Strategy 2009 states the potential risks posed by climate change are also driving policy makers to consider, and reduce environmental impacts, with a strong focus on reducing carbon dioxide emissions (CO2) and improving energy efficiency.

11.7 Electricity Production

11.7.1 It is recognised that the UK has an annual increase in electricity consumption over the last 10 years and with increased housing stock and population this will increase demand. This combined with the current fossil and nuclear generation plants approaching the end of their productive life only highlights the need.

11.7.2 The ES identifies the following:
   • that each turbine would produce 2.3MW of electricity capacity
• the maximum electricity generation from the wind farm would be 20.7 MW from wind speeds of 13m/s (30mph) to 52m/s (56mph).
• Over life time of the development (25 years) the proposed wind farm is forecast to generate 43,500 MW of electricity per year.
• The proposal would provide the provision of renewable energy allowing for electricity to be supplied to 9260 homes in the District.
• This equates to 38% of the total number of homes in the District. According to the

11.7.3 The Department of Trade and Industry the average annual electricity consumption for the East of England region is 5000 kWh per year. Such provision would help towards the UK Renewables Obligation of 15% of retailed electricity through renewable energy sources by 2015 and the more recent Renewable Energy Strategy increased target of 30% by 2020. To supply the national grid with electricity a Renewables Obligation Certificate (ROC) is issued to an accredited generator (this wind farm) for eligible renewable electricity generated within the United Kingdom and supplied to customers within the United Kingdom by a licensed electricity supplier. One ROC is issued for each megawatt hour (MWh) of eligible renewable output generated.

11.7.4 The proposal would lead to the displacement of fossil fuel powered electricity and would therefore reduce the quantity of pollutants in the atmosphere, with the most significant being reduced carbon dioxide. Nationally and internationally this would help achieve the legally binding reduction obligations from the Kyoto Protocol and Climate Change Act.

11.8 Overall
11.8.1 Based on the above there is a clear and evident need for developing renewable energy resources both nationally and in this region to reach the identified renewable energy targets. The Coalition Government through the Open Source Planning Green Paper has stated their support towards wind farm developments. The development of such renewable energy sources would provide electricity and would help tackle climate change by reducing the need for burning of fossil fuels.

12. CUMULATIVE IMPACT
12.1 Planning permission was granted on 25 January 2010 for a wind farm at Hockley Farm, Hockley Lane, Bradwell on Sea comprising of 10 turbines of a maximum 121m to blade tip height, sub-station building, anemometer mast and ancillary infrastructure. The Bradwell wind farm site is approximately 7.5km (4.6 miles) from the Middlewick application site and therefore is a material consideration with this planning application.

12.2 Since the planning application was submitted the Council has received an application for a request for a scoping opinion to an Environmental Impact Assessment for a wind farm at Turncole Farm (reference SOR/MAL/10/00226) which is located to the south side of the road of this application site. The cumulative impact of a wind farm at Turncole Farm cannot be considered with this application as a planning application has yet to be submitted.
12.3 The nearest off shore wind farm to the application site is located at Gunfleet Sands, which is approximately 27km (16 miles) from the Middlewick application site and is approximately 11km (7 miles) to the south east of Clacton. When weather conditions permit the Gunfleet Sands wind farm can be seen from the locations around the Middlewick site. However due to the distances involved it is considered that any cumulative impact would not be significant. Another operational off shore wind farm is located at a site known as Kentish Flats 10km (6.6 miles) north of the Kent coast. Given the distances to these offshore wind farms there would be no significant negative cumulative impacts.

13. LANDSCAPE AND SEASCAPE

13.1 The landscape character consists of reclaimed marshland which is mainly flat and low-lying. The majority of the marshes are between 1 – 2m above sea level (AOD). There are a number drainage ditches and the Asheldham Brook meandering through the area. The area is sparsely settled with scattered farm buildings and cottages. The surrounding land uses are mainly agricultural comprising of farm holdings and fields. There are few trees / vegetation in the area apart from those either along some of the drainage ditches or those surrounding existing buildings. The roads serving the area are one and half width carriageways

13.2 Policy Context

13.2.1 The national policy context identifies that the Planning Policy Statement - Planning and Climate Change (PPSPCC) seeks to ensure any local approach to protecting landscape and townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances.

13.2.2 PPS22 states that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines. PPS22 also states that planning authorities should also take into account the cumulative impact of wind generation projects in particular areas.

13.2.3 Further assistance on landscape character is identified in the Companion Guide to PPS22 which defines landscape character as a distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape. Character makes each part of the landscape distinct, where particular combinations of geology, landform, soils, vegetation, land use, field patterns and human settlement contribute to a particular sense of place. For determining planning applications PPS22 states that landscape and visual effects should be assessed on a case by case basis and that proposed developments should be assessed using objective descriptive material and analysis wherever possible.

13.2.4 PPS7 advises that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.
13.2.5 Natural England’s Policy on Wind Energy states that it is important to appreciate that there are almost always opportunities to avoid, reduce or minimise potential impacts through good site selection, responsive design and other mitigation measures.

13.2.6 In addition to the national policy framework the site would fall within two national character assessments areas, which are the Greater Thames Estuary and Northern Thames Basin. It should be noted that both these areas were referred to in the recent Bradwell appeal decision as well as the regional level document titled ‘Placing Renewables in the East of England’ by ARUP which indicates an overall need for about 500 wind turbines in the region. Interestingly the report describes the Greater Thames Estuary, which includes the Dengie Peninsula as having a ‘medium landscape sensitivity’ with a potential maximum wind farm typology of 4 – 12 turbines. The Bradwell permission has approved 10 turbines and if approved this application would add another 9 turbines to the Dengie Peninsula landscape creating 19 turbines split between areas towards the north east tip and the south half of the peninsula.

13.2.7 At the County level saved policy CC1 from the Structure Plan seeks the protection of undeveloped coastal area with any development not adversely affecting its open and rural character. Essex County Council had commissioned a report to review the Essex Landscape Character Assessment. This report was produced in 2003. The landscape character profiles of the following areas have been considered as part the submitted ES. The most relevant character profile for the application site is the Dengie & Foulness Coast. Outside of the application site but also contributing to the landscape character are the areas of the South Essex Farmlands, Crouch & Roach Farmland, and Blackwater Estuary.

13.2.8 Local Plan policies CC6 on Landscape Protection, CC7 on Special Landscape Areas, and CC11 on The Coastal Zone are all applicable. Each of these policies seeks to protect the countryside and the coastal zone having regard its landscape character. The area falls within two Special Landscape Areas which are the Dengie Marshes and the Crouch-Roach Marshes. Given the scale of the development the proposal could be argued to also impact upon the Blackwater Colne Estuary and the Upper Crouch Special Landscape Areas. Through the Local Development Framework landscape character assessments have been undertaken for the Maldon District. The application falls within the area identified as the D8 Dengie Drained Estuarine Marsh (D8LCA) identifying the key landscape characteristics including ‘mostly arable farmland on reclaimed marsh’, ‘a sense of huge sky’, ‘sound of birds’, ‘tranquillity’, ‘panoramic views’, ‘the absence of trees except around isolated farms’, and the ‘absence of settlements’. The assessment of the visual character has a ‘strong sense of being windswept and desolate’. Such terminology was considered as part of the Bradwell appeal decision in describing the landscape character of the Dengie Peninsula.

13.2.9 Policy PU6 Renewable Energy states that renewable energy facilities will be permitted provided they would not have a significant visual impact on the appearance of the surrounding area, countryside or local landscape; and have an adverse impact upon the landscape. The pre-amble to policy PU6 states that an assessment of the visual impact of a proposal must take account of the likely numbers of people who may be affected as well as the scale of the proposal.
13.3. Bradwell Wind Farm

13.3.1 There are distinct similarities when comparing this planning application with the Bradwell wind farm in respect of the landscape character and visual impact.

13.3.2 With regard to landscape the Inspector referred to the key landscape characteristics identified in the D8LCA, which includes the following: mostly arable farmland on reclaimed marsh, a sense of huge sky, sound of birds, tranquillity, panoramic views, the absence of trees, isolated farms, and the absence of settlements. The Inspector commented on the key visual character of a strong sense of being windswept and desolate. Reference was made to St Peter’s Chapel, the nuclear power station and the associated pylons which contribute to the landscape. The Inspector commented that the as the sky is so extensive that it is better able to absorb structures as large as those proposed, particularly as the turbine towers and blades would have a slender form. He later states that the skies would provide a neutral background for these tall but slender structures. It was considered that the impact of the Bradwell turbines at ground level would be limited because the ground is so low lying and because the turbine towers occupy only small footprints. The Inspector, on landscaping, concluded by stating that the degree of change would also diminish with distance and recognising that the turbines would create a ‘wind farm landscape character’ or a ‘drained estuarine marsh with wind farm’.

13.3.3 With regard to the visual impact views from the surrounding footpaths would change as would the views from the eastern edges of Bradwell and Tillingham but within the settlements views would be restricted by buildings and foliage. It was noted that the size and movement of the turbines draw would attention to the structures. The Inspector commented that for those who perceive turbines negatively, there would be a marked and major adverse visual impact in the immediate environs but this would lessen with distance. He went onto say that he did not consider that there would be a significant adverse impact and that many of the key characteristics would survive. The Inspector considered that the off shore Gunfleet Sands wind farm would not result in a significant cumulative impact.

13.3.4 The main difference is that the Bradwell wind farm would be located in a much closer proximity to buildings of historical significance i.e. St Peter’s Chapel.

13.4 The Environmental Statement Assessment

13.4.1 The original scoping opinion was for a proposal comprising of 16 turbines with a 70m rotor diameter. Since then the proposal has been reduced to the 9 turbine 90 rotor diameter proposal subject of this planning application.

13.4.2 The ES assessment has considered the impacts of the development upon the existing site and surroundings and has considered the cumulative impact of the Bradwell site. The ES details the findings from the Environmental Impact Assessment through the construction, operational and decommissioning stages. The cumulative impact will also require consideration. The landscape analysis considers the impact upon landscape character and the landscape designations (identified in the Policy Context section above). The visual analysis has been undertaken in three stages which include the theoretical visibility analysis (this is a computer based modelling process using digital terrain information from the Ordnance Survey), a viewpoint appraisal and a viewpoint analysis.
13.4.3 The ES includes 16 different viewpoints used as part of the assessment through photomontages to show the landscape and visual impact. These are taken from the closest positions extending out to various locations as stated in the table below:

<table>
<thead>
<tr>
<th>Viewpoint</th>
<th>Location</th>
<th>Approximate distance from the site</th>
<th>Direction from the site</th>
<th>Overall effect stated in the ES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bridewick Farm</td>
<td>1.12 – 2.23 km</td>
<td>East</td>
<td>Major</td>
</tr>
<tr>
<td>2</td>
<td>Church of St James Dengie</td>
<td>1.73 – 2.71 km</td>
<td>North</td>
<td>Major to Moderate</td>
</tr>
<tr>
<td>3</td>
<td>Marsh Road</td>
<td>2.5 – 3.55 km</td>
<td>South</td>
<td>Major to Moderate</td>
</tr>
<tr>
<td>4</td>
<td>Footpath east of Southminster</td>
<td>3.08 – 4.31 km</td>
<td>West</td>
<td>Major to Moderate</td>
</tr>
<tr>
<td>5</td>
<td>B1021 south of Tillingham</td>
<td>3.16 – 3.98 km</td>
<td>North</td>
<td>Major to Moderate</td>
</tr>
<tr>
<td>6</td>
<td>East of railway bridge, Burnham on Crouch</td>
<td>4.48 – 5.59 km</td>
<td>South West</td>
<td>Major to Moderate</td>
</tr>
<tr>
<td>7</td>
<td>St Peter’s Church Bradwell</td>
<td>8.62 – 9.74 km</td>
<td>North</td>
<td>Moderate</td>
</tr>
<tr>
<td>8</td>
<td>Canewdon</td>
<td>10.24 – 11.33 km</td>
<td>South West</td>
<td>Moderate</td>
</tr>
<tr>
<td>9</td>
<td>Prentice Hall Lane near Tollesbury</td>
<td>10.56 – 11.60 km</td>
<td>North</td>
<td>Moderate to Minor</td>
</tr>
<tr>
<td>10</td>
<td>Tollesbury Marina</td>
<td>10.67 – 11.58 km</td>
<td>North</td>
<td>Moderate to Minor</td>
</tr>
<tr>
<td>11</td>
<td>West Mersea</td>
<td>12.38 – 13.72 km</td>
<td>North</td>
<td>Moderate to Minor</td>
</tr>
<tr>
<td>12</td>
<td>Footpath east of Goldhanger Church</td>
<td>12.51 – 13.72 km</td>
<td>North West</td>
<td>Moderate to Minor</td>
</tr>
<tr>
<td>13</td>
<td>Heybridge Basin</td>
<td>13.96 – 15.25 km</td>
<td>North West</td>
<td>Moderate to Minor</td>
</tr>
<tr>
<td>14</td>
<td>Great Wigborough</td>
<td>15.91 – 16.78 km</td>
<td>North West</td>
<td>Moderate to Minor</td>
</tr>
<tr>
<td>15</td>
<td>Point Clear</td>
<td>17.54 – 18.70 km</td>
<td>North East</td>
<td>Moderate to Minor</td>
</tr>
<tr>
<td>16</td>
<td>Jaywick from sewall</td>
<td>19.35 – 20.52 km</td>
<td>North East</td>
<td>Moderate to Slight</td>
</tr>
</tbody>
</table>

13.4.4 ES has considered the existing circumstances at the site and the wider surroundings where there are currently no operational wind farms within a 20km radius. The nearest operational wind farm is the offshore wind farm positioned at Gunfleet sands and is visible, weather permitting, from locations along the east of the Dengie Peninsula. The distance to this wind farm is approximately 27km from the site.

13.5 Landscape and Visual impact

13.5.1 For the operational phase of the development the most significant impact of the proposal would be the introduction of the tall vertical turbine structures in this low lying flat landscape where the existing buildings form isolated structures and the
landscape is dominated by agricultural fields and the drainage ditches which define some of the field boundaries. The permanent buildings / areas associated with the infrastructure of the turbines would form ancillary buildings to the development and given their scale these would have negligible impact when compared to the turbine structures.

13.5.2 In terms of landscape designations the proposed turbines would be positioned in a central area of the identified county level Dengie & Foulness Coast landscape character assessment, and the locally defined Dengie Marshes and the Crouch-Roach Marshes landscape character assessments. The proposed turbines would therefore impact upon these areas resulting in a change to the landscape character of the area. The turbines would be large structures visible over a wide area extending several km across the land and sea changing the existing landscape character. The scale of the turbines would visually appear to dwarf the existing ground level buildings.

13.5.3 Looking at the specific details the ES viewpoints identify the varying landscape and appearance impacts from a number of locations and commentary to each viewpoint can be found in the table below. Immediately at the site the impact of the turbines would be significant albeit at ground level the horizontal outlook at eye level would be perceived towards the lower parts of the turbine towers and their bases. Nevertheless the sheer scale of the turbines and the views skywards towards the blades and nacelle would be immense. The movement of the blades further emphasises the scale of the structures and would draw attention to the structures. The footprint of each turbine is relatively small in the context of the large arable fields in the surroundings so this would not result in a harmful change of land use or a loss of significant agricultural land. The landscape features which defined the area would remain as existing apart from the footprint where each turbine would be positioned but as stated this is minimal in comparison to the entire field.

13.5.4 The only other tall structure at the site would be a metrological mast which would appear as a more slimline structure of differing scale when compared to the scale of the wind turbines. The metrological mast would be positioned within the site area of the turbine layout and the base of the structure would be most visible at eye level. Within the site but located away from the turbines and adjacent the agricultural buildings of Wraywick Farm the sub station building would not have any landscape or visual impacts. Looking towards the ground level new accesses and paths running through the site area would also be visible but these would appear ancillary features in the landscape.

13.5.5 The table below shows an analysis of each individual viewpoint:

<table>
<thead>
<tr>
<th>Viewpoint</th>
<th>Location</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 1         | Bridgewick Farm       | The landscape is flat and dominated by agricultural uses. In the wider area there are shrubs denoting field boundaries. The ES identifies the overall effects to be major with the magnitude of change to be substantial. Officers consider that the impact of the wind turbines would be immense having a major impact/change upon the landscape and visually would affect the amenities of people including residents and visitors to the area. The metrological mast, as }
<table>
<thead>
<tr>
<th>Viewpoint</th>
<th>Location</th>
<th>Comment</th>
</tr>
</thead>
</table>
| **2** | Church of St James Dengie | This viewpoint is on higher ground than the wind farm site as the ground level rises to the north of the application site although the landscape uses and character does not significantly change. The photograph shows fields, an agricultural building and vegetation on field boundaries. The ES identifies the overall effects to be major to moderate with the magnitude of change to be substantial. Officers consider that the impact of the wind turbines would be immense having a major impact upon the landscape in this location and visually would affect the amenities of people including residents and visitors to the area. When travelling along the road the rotation of the turbine blades would draw attention to the turbines. The metrological mast, as a slimline structure, would have a secondary impact compared to the turbine structures.

| **3** | Marsh Road | The landscape in this location is flat and shows fields with isolated woodland areas. The ES identifies the overall effects to be major to moderate with the magnitude of change to be substantial to moderate. Officers consider that the impact of the wind turbines would be significant having a major impact upon the landscape in this location and visually would affect the amenities of people including residents and visitors to the area. When travelling along the road the rotation of the turbine blades and resultant movement would draw attention to the turbines when passing along the road in this location. The metrological mast, as a slimline structure, would again not have the same significant impact when compared to the wind turbines.

| **4** | Footpath east of Southminster | The landscape at this location is flat and the photograph shows large trees around the field boundaries. These trees have been indicated to help screen the wind farm from this viewpoint. The extent of partial screening would vary depending on the time of the year. This photomontage is shown to give an indication of the impact during in the summer months when the trees were in full bloom. A winter setting with bare trees would show the turbines to appear more distinctive. The ES identifies the impact to be major to moderate. The photomontage shows that the turbines would be visible and whilst the impact would be significant it would not be as imposing as the first three viewpoints. However the impact would change the landscape character of the area and would impact upon visual amenities of residents and users of this footpath and the nearby roads.

| **5** | B1021 south of Tillingham | The landscape at this viewpoint shows a field with a tree lined southern field boundary judged to partially screen the...
<table>
<thead>
<tr>
<th>Viewpoint</th>
<th>Location</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>East of railway bridge, Burnham on Crouch</td>
<td>The viewpoint is located on higher ground than the application site but the photograph location is on the northwardly downward slope giving the impression that the tree line is positioned on higher ground. The photograph was taken at the roadside where the rotation of the turbines would draw attention to the structures above the trees shown. The impact at this location is considered moderate upon the landscape and would visually result in only the top half of the turbine structures being visible.</td>
</tr>
<tr>
<td>7</td>
<td>St Peter’s Church, Bradwell</td>
<td>The landscape at this location is flat with fields and vegetated field boundaries amongst a farmstead. The wind turbine structures, as white coloured structures, would have a significant impact upon the landscape. This photomontage shows that when the sun is shining on them it highlights their visual impact making them appear more striking. Also the rotation of the turbines would draw attention to the structures from the road.</td>
</tr>
<tr>
<td>8</td>
<td>Canewdon</td>
<td>Canewdon is on the south side of the River Crouch and sits on a slightly elevated position. The wind farm would be visible from this site and many areas to the south side of the river where the topography of the land is relatively flat comprising of arable fields to the north east. This allows for the visual impact to be seen across the fields and river. The impact is considered moderate as stated in the ES.</td>
</tr>
<tr>
<td>9</td>
<td>Prentice Hall Lane near Tollesbury</td>
<td>The photograph is taken showing fields and the land sloping towards the River Blackwater and the gently rising land to the south side of the river. At more than 10km distance and with the changing topography the landscape impact of the wind farm would be minor. If possible the turbines may only be seen on the horizon.</td>
</tr>
<tr>
<td>10</td>
<td>Tollesbury Marina</td>
<td>This location has similarities with viewpoint 9 albeit there is more vegetation. The landscape impact of the wind farm would be minor. If possible the turbines may only be seen on the horizon.</td>
</tr>
<tr>
<td>11</td>
<td>West Mersea</td>
<td>The photograph was taken at sea level looking towards the River Blackwater with the Bradwell nuclear power station in the distance. The east coast of the Dengie peninsular is very flat and there is the potential for distant views of the wind turbines but the landscape and visual impact would be...</td>
</tr>
<tr>
<td>Viewpoint</td>
<td>Location</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>minor at a distance of approximately 13km</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Footpath east of Goldhanger Church</td>
<td>The landscape is low lying and comprises of fields and vegetation. At a north westerly direction from the application site there is unlikely to be any impact from this viewpoint other than the potential markings on the horizon. As such it is considered that there would be no significant landscape or visual impact from this viewpoint.</td>
</tr>
<tr>
<td>13</td>
<td>Heybridge Basin</td>
<td>The photograph has been taken at sea level and shows the River Blackwater at low tide creating a large expanse of partly flat terrain and the riverbed. Like the above there is unlikely to be any landscape and visual impact from this viewpoint.</td>
</tr>
<tr>
<td>14</td>
<td>Great Wigborough</td>
<td>This viewpoint is located at a higher ground level looking down towards fields and a collection of buildings with Tollesbury to the right of the photograph and parts of the river in the central area of the photograph. At a distance of approximately 16km there is unlikely to be any landscape and visual impact from this viewpoint other than the potential markings on the horizon.</td>
</tr>
<tr>
<td>15</td>
<td>Point Clear</td>
<td>The photograph has been taken looking towards where the River Blackwater meets the North Sea. Bradwell nuclear power station can be seen as a distant structure. The wind turbines could potentially be viewable from this location but given their more slender appearance when compared to the Bradwell nuclear power station, and the distances involved, the turbines may only visually appear as faint images on the horizon. There would be no landscape change from this viewpoint.</td>
</tr>
<tr>
<td>16</td>
<td>Jaywick from the seawall</td>
<td>The furthest viewpoint at approximately 20km distance from the site means the wind farm is unlikely to be visible on the horizon unless weather conditions permit. It is considered that there would be no landscape impact from this site.</td>
</tr>
</tbody>
</table>

13.5.6 From the ES viewpoints listed above there would be four different zones of impact.

- For viewpoints 1 – 3, which would be zone 1, the impact of the development would significantly alter the landscape and visual appearance of each of these locations resulting in a major/substantial change. The impact of the wind turbines would be significant and distinctive.
- For viewpoints listed 4 – 6, zone 2, the turbines would be visible but their landscape and visual impact ranges between a major to moderate impact.
- For viewpoints 7 – 8, zone 3, the distances from the site have increased and as a result this can be judged as having a moderate impact from these locations.
- For viewpoints 9 – 16, zone 4, the distances to the turbines would be in excess of 10km and from the locations shown at these viewpoints the impact would be minor. The impact of the wind farm would decrease as the distances from the site increase.
13.5.7 At the application site and from a number of the viewpoints there are direct similarities with the landscape character. The key landscape characteristics defined in D8LCA include: mostly arable farmland on reclaimed marsh, a sense of huge sky, sound of birds, tranquillity, panoramic views, the absence of trees, isolated farms, and the absence of settlements, are all pertinent. As is the key visual character of a strong sense of being windswept and desolate. In judging the impact of the Bradwell wind farm the Inspector considered that as the sky is so extensive that it is better able to absorb structures as large as those proposed, particularly as the turbine towers and blades would have a slender form – the same applies here. Nevertheless interference in the landscape through the construction of a wind farm would create a new defining landscape characteristic whilst the existing key landscape characteristic would remain. It could be said that the large skies help neutralise the impact of the turbines on the landscape and the degree of change would diminish over distance. If planning permission were to be granted the landscape character would create a ‘wind farm landscape character’, which does not make the development unacceptable in the opinion of officers.

13.5.8 Turning to the visual impact views into the area would change as would the outlook from many of the nearby dwellings in this sparsely built up area. From the nearby village of Southminster much of the wind farm would not be visible unless you are along the eastern edge of the settlement as the buildings within the settlement have close knit urban layout and along with foliage would screen the wind farm. For the northerly smaller villages of Dengie and Asheldham, where the buildings and dwellings are mainly located along the road side, there are potential views of the turbines from properties. It is considered that whilst the turbines and overall wind farm would be judged by some to create an adverse impact, particularly when viewed from properties in the vicinity, one has to consider that all of the current key characteristics in the area would survive. For this reason the application does not raise any objections on visual amenity grounds from officers.

13.6 Seascape and Visual Impact

13.6.1 The site falls within an area defined through policy CC11 on the Coastal Zone which seeks to protect the open and rural character of the area, and views into and out of the area. As the land is flat and open in nature with a limited number buildings in the area there are distant panoramic views towards the coast and from the sea towards the land. It should be noted that the sea and river are not visible from all properties due to the presence of embankments and sea defences.

13.6.2 The introduction of a wind farm would change the open low lying character of the area and impact upon views out of the area towards the coast. Properties, buildings and areas from the west would be most affected as views would be interrupted by the wind farm although the coast would remain visible upon the horizon and the impact would be less disruptive the further the distance from the turbines. Areas to the north, east and south of the wind farm would not have their seascape or river views affected.

13.6.3 From the North Sea and the River Crouch estuary the wind farm would be visible at a range of distances. Similarly to the off shore wind farm at Gunfleet Sands the proposed wind farm would have a similar impact from a panoramic range of distances at sea. It could be stated that the proposed Middlewick wind farm would introduce landmarking structures helping to define the land when viewed from the sea or river.
Given the site’s close proximity to the coast and the flat low lying nature of the area the wind farm would therefore impact upon the seascape. The proposed wind farm is not considered to have a harmful impact upon the seascape.

13.6.4 In the future the seascape is planned to change further with the construction of the London Array wind farm, which would be more than 20km off the coast but would potentially be visible at sea but at a greater distance than the Gunfleet Sands wind farm.

13.7 Construction and Decommissioning Stages
13.7.1 For the nine month construction stage of the development the landscape would be subject to an evolving change as work progresses on the construction of each turbine. The temporary compound area in the site and the temporary marine access for the delivery of the turbines would result in a change to the landscape character introducing construction vehicles, noise and people into this tranquil area. However, given the temporary nature of this activity there would be no resultant permanent damage to the landscape areas where the compound and marine access would be formed. The decommissioning stage would result in the removal of all structures and would restore the landscape to its current appearance.

13.8 Other Landscape and Visual Matters
13.8.1 When considering changes to the Dengie landscape there would have been similar serious concerns raised when the Bradwell Nuclear Power Station was constructed in 1957. Comparably the scale of the nuclear power station as a collection of large buildings has already had a damaging impact upon the landscape character. The nuclear power station should not be considered as a precedent for such major infrastructure development but unlike the nuclear power station the wind farms can be removed after the end of their 25 years lifetime whereas the nuclear power station remains.

13.9 Cumulative Impact
13.9.1 Consideration has to be given to the cumulative impact of both the Bradwell wind farm and this proposal. The Bradwell wind farm was not considered to create a cumulative impact with the off shore Gunfleet Sands wind farm due to the distances involved. This proposal therefore requires greater consideration in terms of its cumulative impact with the key test being whether the cumulative impact of two wind farms on the east coast of the Dengie Peninsula would demonstrably harm the landscape character of the area and whether the visual impact would be unacceptable.

13.9.2 The ES has considered the cumulative impact of the Bradwell wind farm, which would be the closest wind farm to the application site. The cumulative impact would change the landscape character of the area impacting upon those existing designations. Individually the Inspector judged the Bradwell wind farm to create a wind farm landscape character’ or a ‘drained estuarine marsh with wind farm’ as all of the existing key landscape features would remain. The same can be said for the Middlewick proposal as all of the key landscape character identities would remain, many of which are the same as those stated in the Bradwell decision due to the similarities between the sites. A landscape of two wind farms, one to the south and one to the north locations of the east coast of the Dengie peninsula would be created. Such features would be judged to be negative by some but having regard to the ARUP report commissioned by the Regional Assembly there is a need for wind farms in the
region. It is considered that the landscape can accommodate two distinctive wind farms without significantly harming the landscape character.

13.9.3 Both wind farms would be visible from elevated or open positions around the Tillingham area or from the marshes along the east coast. The cumulative impact would be significant if one was to stand in a location on the east coast with one wind farm to the north and one to the south. Such views would also be seen from the seascape of the North Sea, the eastern end of the river estuaries to the Blackwater and the Crouch. However, for locations within existing settlements or those to the west of both sites the cumulative impact would not be as apparent or even visible. Visually this means the cumulative impact would only be seen from isolated dwellings, footpaths and roads towards the east coast. It should be noted that large areas of the east coast near to both these sites are marshland where there are no dwellings or potential for dwellings. Therefore it is considered that whilst the cumulative impact of both wind farms would be significant this visual impact would not be considered unacceptable.

13.9.4 In coming to the above conclusions on cumulative impact consideration should be given to proposed 25 year lifetime of the development and unlike the Bradwell nuclear power station the wind turbines can easily be removed once permission has expired returning the landscape to its current state.

13.9.5 The existing and proposed off shore wind farms whilst either visible or potentially visible, when weather conditions permit, are considered significantly distant to the cumulatively impact upon the landscape or seascape in this area.

13.10 Overall

13.10.1 In arriving at an overall conclusion to this section it is necessary to consider the policy position and landscape designations, the Bradwell appeal decision, the landscape and visual impact of this application, the seascape impact, the cumulative impact of potentially two onshore wind farm developments on the east coast of the Dengie peninsula, and other existing landmark buildings. Consideration also needs to be given to the 25 year lifetime of both wind farms and their removal after the expiry of their permission.

13.10.2 The landscape character in this part of the County should be protected from new development as much as possible. It is inevitable that the proposed wind farm would have a significant impact upon the site, the immediate surroundings and the wider area when viewed from the landscape and seascape, and would potentially have a cumulative impact where two wind farm developments would be developed. This impact would appear immense at the site and from the viewpoints 1 to 3. However, this immense appearance does not make this unacceptable as all of the key landscape characteristics and visual characteristics would remain. The construction of a wind farm would create a new defining landscape characteristic which would be neutralised to some extent by the large skies and the flat open appearance of the area. The landscape character would therefore change to a wind farm landscape character. These considerations are therefore consistent with the view taken with the very recent Bradwell appeal decision which forms a material planning consideration in the determination of this application. The impact of the wind farm would progressively reduce when distances increase until a point is reached where the turbines can only be seen as structures on the horizon as appears the case for viewpoints 9 – 16.
13.10.3 When considering such large structures they are judged to be landmark structures re-defining the landscape. On the north coast of the Dengie peninsular the Bradwell nuclear power station has already re-defined the landscape with structures that are far more bulky and unattractive compared to the turbine structures. The Bradwell nuclear power station is a landmark building that can be seen from many distances and may have been judged to have been to appear unacceptable by many when planning permission was granted but is now accepted as part of the landscape.

13.10.4 In terms of the cumulative impact the distances between the proposed Bradwell wind farm and this application site is approximately 7km which is significant and means that only from certain locations will both wind farms be viewed. Therefore the cumulative impact is recognised but does not raise grounds for objection.

13.10.5 To conclude it can be said that the proposal would change the existing landscape and visual character of the area but on balance such a change is not considered significantly harmful to raise objections and is consistent with the approach taken with the Bradwell appeal decision.

14. IMPACT UPON LIVING CONDITIONS OF RESIDENTS

14.1 From the Bradwell appeal decision the Inspector stated that it is generally considered that the greater the separation between turbines and dwellings the less likely is it that there will be unacceptable effects in relation to noise and outlook.

14.2 The approximate nearest turbine to building distances around the wind farm site are listed as follows:

- Middlewick Cottages (775m);
- Turncole Farm (855m);
- Brook Farm (855m);
- Court Farm (880m);
- Wraywick Farm (945m);
- Middlewick Farmhouse (1010m);
- Montsale Bungalow (1030m);
- Brook Cottage (1045m);
- Broadward Farm (1095m);
- Bridgewick Farm (1.35km).

14.3 It should be noted that both Middlewick Cottage and Middlewick Farmhouse have a financial involvement with the wind farm proposal falling under the ownership of the landowner to which notice has been served as part of the application validation process.

14.4 Noise

14.4.1 Assessment of noise needs to be considered in accordance with national and local planning policies as well as any other material considerations. To assist officers in the assessment of noise the Council appointed a noise consultant to provide expert advice in addition to the internal consultation with MDC’s Environmental Health service.

14.4.2 PPG24 (Planning and Noise) acknowledges amongst other things that much development of essential infrastructure will generate noise and provides that the planning system should not place unjustifiable obstacles in the way of such development although it must not cause unacceptable noise or disturbance. The policy also states that a change of 3 dB(A) is the minimum perceptible under normal
conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling of loudness of sound.

14.4.3 PPS22 (Renewable Energy) and the PPS22 Companion Guide specifically refers to the consideration of the ETSU report ‘The Assessment and Rating of Noise from Wind Farms’ when dealing with planning applications for wind farms. The ETSU report was produced for the Department of Trade and Industry and describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developments or planning authorities. The current ETSU practice is through the application of noise limits at the nearest noise sensitive properties measured externally from the property. ETSU advises that noise levels should be no more than 5 dB(A) above the prevailing background noise level or within 35 – 40 dB(A) background noise levels during the daytime hours and 43 dB(A) during the night time conditions. Unlike any other form of noise control measures the ETSU guidelines allows for a higher noise impact during the night than the day. The reason for this is that the ETSU assumes that people are likely to be within their dwellings/buildings with doors and windows shut at night as opposed to being in their gardens or having windows open during the daytime. ETSU therefore considers that amenity would be more affected during daytime hours and therefore requires a lower permissible noise level during the day. For properties with a financial interest in the wind farm the noise limits can be increased to 45 dB(A). These measurements seek to protect amenities primarily from noise from the turbines and their operating machinery in the nacelle such as the gearbox for controlling the blade operations.

14.4.4 The ETSU guidelines have been subject to much criticism since they were produced in 1997 and even recent appeal decisions for wind farm developments in other areas of the country have considered other legislation in respect of noise. However, from this Council’s point of view the Bradwell appeal decision forms a material consideration where comparisons will be made and the Inspector with that appeal considered it ‘inappropriate to depart from ETSU as the Government continues to endorse the ETSU limits’.

14.4.5 In March 2010 the government published the Noise Policy Statement for England which is also a material consideration. The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. This Noise Policy Statement for England (NPSE) should apply to all forms of noise including environmental noise, neighbour noise and neighbourhood noise. The document suggests a more sustainable approach to dealing with noise issues and has been heavily influenced by European law. The Government’s noise policy aims to avoid significant adverse impacts on health and quality of life, mitigate and minimise adverse impacts on health and quality of life, and, where possible, contribute to the improvement of health and quality of life.

14.4.6 The World Health Organisation (WHO) is the directing and coordinating authority for health within the United Nations system. Whilst the WHO has no official standing in UK law it is widely accepted as best practice to use. A publication titled ‘Night noise for guidelines for Europe’ was produced in 2006 and recommends that a night time noise guideline of 40 dB should be used as target limit for night time noise.
14.4.7 Turning to the Local Plan, policy PU6 on (Renewable Energy) states that proposals for development of renewable energy facilities will be permitted provided they would not (amongst other things) generate an unacceptable level of noise or have a detrimental impact upon adjoining properties or landholdings. Also relevant for consideration is Local Plan policy CON5 (Pollution Prevention) which states that development having an adverse impact on the environment by means of pollution release to land, air etc will be refused. All developments will be expected to minimise their impact on the environment by adopting environmental best practice and implementing the necessary pollution prevention measures.

14.5 Bradwell
14.5.1 The refusal of the planning application for the Bradwell wind farm has been subject of two appeals which were analysed through the public inquiry process. The appeal was allowed in September 2007 where detailed conditions were imposed to control and monitor noise within distances from any façade of a dwelling and between certain heights above ground level through condition 14, and for specific maximum noise limits at certain dwellings at different wind speeds at two different times of the day through condition 15. The appeal decision and in particular both of these quoted conditions were subject of a High Court challenge by a third party. The High Court judged that both conditions were unreasonable and as a result the appeal decision was quashed.

14.5.2 Since then a second planning appeal has re-considered the refusal of the planning permission in line with the ETSU guidelines. From the appeal decision it is stated that the Appellant and the Council could not agree a noise limit for emissions. The appellant sought a 40 dB limit and the Council a 38 dB limit. The Inspector quoted the 3 factors for determining the appropriate noise level within the 35 – 40 dB, which include the number of dwellings in the neighbourhood of the wind farm, the effect of noise limits on the number of kWh generated, and the duration and level of exposure. The Inspector noted that the number of dwelling near to the wind farm was small, and that to achieve the noise levels of 38 dB would require modifications to the design of the development, and the 38 dB desired by the Council would mean reduced power output potentially resulting in stopping of the turbine and posing a risk to the economic viability of the operation. The Inspector considered the 40 dB limit was justified for this as only a small number of properties would be affected and the noise limit met the range recommended by ETSU. Notwithstanding this the imposed conditions allow for higher noise limits during periods of higher wind speeds during the day time when wind speed exceeds 6 m/s. The Inspector decided to allow the appeal with revised and more detailed planning conditions in respect of noise issues. The conditions imposed on the Bradwell appeal decision allow for high noise limits at higher wind speeds as the higher wind speeds would assist in the noise generated from the turbine movements.

14.6 Construction and Decommissioning Phase
14.6.1 During the construction phase of the development noise will arise from the construction of the turbine foundations, erection of the turbines, excavation of trenches for cables, and from the associated hardstandings, access tracks, construction compound and substation. PPG24 advises on mitigation measures through the use of planning conditions to noisy development. The ES refers to additional noise controls through various British Standards and the Department of the Environment Advisory
leaflet on Noise Control on Building Sites, which both fall outside of the planning legislation. Such criteria for construction noise effects can be monitored through legislation such as statutory noise nuisance controls which the Council’s Environmental Health department controls. However, consideration of controlling construction is also relevant and necessary for this type of major planning application as detailed in the latest Bradwell appeal decision, which through conditions 13, 14 and 15 of that consent seek to control the construction of the development through mitigation measures, hours of working and hours for deliveries. It is therefore essential to consider the imposition of similar conditions should planning permission be granted.

14.6.2 Turning to the predicted implications of construction noise, the ES states that the nearest residential properties affected by the construction of the development are Wraywick Farm, Middlewick Cottages, Landwick Farm, Brook Farm, Turncole Farm and Deal Hall. However, for Deal Hall the ES recognises that the noise levels would be high whilst the site track is upgraded which will only be for a short period of time. The ES predicts that the noise levels for the construction of the development would be below 65 dB(A) for all affected sites and at 65 dB(A) at Deal Hall. The Department of the Environment Advisory leaflet on Noise Control on Building Sites sets a fixed limit of 70 dB(A) in rural areas away from main roads so the majority of the noise predictions would fall within these predictions. In the interests of residential amenities within the vicinity of the site certain construction working hours are proposed by the applicant which are detailed in the ES as 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. Such hours would be imposed through the use of a planning condition.

14.6.3 Noise will also derive from the decommissioning of the wind farm with the removal of the turbines and removal of concrete bases

14.6.4 As stated in the Highway Matters section of this report the proposal would involve a significant amount of traffic movements which would lead to noise implications for properties near to the site and along the vehicle routes to the site. The ES refers to increases in noise at four locations along the delivery route based upon existing traffic and additional HGVs that would be travelling to the site. The likely increases in noise would be more significant at the location point nearest Southminster. However, the noise details do not provide any information about the increases in noise from HGVs passing through the village of Southminster and along the road to the site. Nevertheless any noise impact would be most severe for the four month period when vehicles are travelling to the site and the impact would only be for a short period of time as each vehicle passes through. To protect amenities of residents in the vicinity of the access route a condition would be imposed to control the hours of delivery. Such hours would require deliveries only between 08:00 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. A condition requiring a construction management plan to be submitted can also be imposed.

14.7 Operational Phase
14.7.1 The principle sources of noise from the development derive from the turbine blades rotating in the air and from internal machinery such as the gearbox in the nacelle (hub) and the generator on the ground level. The nacelle is insulated to minimise noise radiation but will create noise above the background noise level during periods of limited wind. This is caused by the need for the machinery within the nacelle to assist in turbine rotation. When conditions are right for increased wind speed the
prevailing background noise would be dominated by the wind masking any noise
from the turbine nacelle.

14.7.2 The blades are designed to minimise noise as much as possible whilst allowing for
optimised power transfer from the wind. Other sources of noise can be from low
frequency noise and vibrations.

14.7.3 The ES identifies that pre-application baseline noise level monitoring was undertaken
at five locations representative of the nearest residential properties to the site. The five
locations used for noise monitoring were Wraywick Farm, Middlewick Cottages,
Landwick Farm, Brook Farm and Turncole Farm. These sites were agreed with the
Council’s Environmental Health dept. Day and night time noise measurements were
taken at a standardised 10m height wind speed measurement in metres per second
(m/s). The noise environment at the chosen locations were mainly dominated by
birdsong and wind in the trees. Other noise sources include passing vehicles, barking
dogs, gardening appliances and cattle at one of the farms.

14.7.4 From the noise monitoring tests the predicted noise levels and limits have been
calculated. The assessment is based upon the ETSU practice guidance of 43 dB(A)
for a night time assessment and between the 35 – 40 dB(A) for a day time assessment
for up to wind speeds of 10 m/s at 10m in height. For those properties financially
involved the maximum guideline level is 45 dB(A).

14.7.5 The predicted day time noise level results showed that only a small number of
readings would exceed the ETSU day time noise limits at Wraywick Farm and
Turncole Farm for wind speeds within a range of more than 7 m/s and all of these
readings are within a 5 dB(A) range above the ETSU day time limit. The majority of
the readings were all predicted to be below the ETSU day time limit at both these
sites. For Landwick Farm and Brook Farm the day time results showed that most of
the predicted noise readings were below the ETSU day time limit but there were
predictions above the guideline for wind speeds ranging between 4 and 10 m/s at both
sites. For Landwick Farm five readings were between 45 to 50 dB(A) but the rest
were less than 45 dB(A). For Brook Farm the readings above the ETSU day time limit
ranged to a maximum level of 62 dB(A) in the worst case scenario. The predicted
night time noise levels at all sites would fall within the ETSU night time limits.

14.7.6 Following consultation with the Council’s appointed noise consultant the advice given
is that the results which show the above guideline readings do not represent the
majority of readings if this were to be taken as a percentage. Therefore the noise
predictions would not result in any significant impact upon residential amenities
which can be controlled through the use of a planning condition to enforce noise
limits. Discussions have taken place between both the Council’s and applicant’s
noise consultants and draft conditions have been created which are lower in noise
level than the ETSU guidelines and lower than those levels stated in the Bradwell
appeal decision. Such conditions would therefore require a lower noise level and
would therefore prevent any adverse impact upon the amenities of the nearest
residential properties. It should be noted that the noise issues with this application are
different to those experienced at the Bradwell site due to the increased distances
between the turbines and residential properties at this site. In addition this approach
has been considered in line with the recent NSPE advice on setting noise levels that
would avoid/mitigate/minimise significant adverse impacts on health and quality of
life, and are in line with the WHO guidelines for night time noise for those properties not financially involved with the wind farm. The applicant is willing to accept the conditions specifying lower noise levels than those imposed at Bradwell. The conditions would be easier to enforce in the event that a noise nuisance arising.

14.7.7 Furthermore the ES identifies the use of mitigation measures to prevent noise issues upon neighbouring properties. The ES operational noise mitigation strategy would involve the use of a 2000 kW sound power level (not a measurement of electricity production) for the turbines during a certain time of the day between 07:00 to 23:00 if wind speeds fall within the range of 5 to 8.5 m/s. If further mitigation is required a further 1600 kW noise reduced mode can operate which would reduce noise by a further 1 dB. Normally the turbines would operate at 2300 kW noise performance mode.

14.7.8 All the proposed mitigation measures can be incorporated into planning conditions as advised by the noise consultant, which offer controlling mechanisms to address any excessive noise period created during the operational life of the wind farm.

14.8 Blade Swish (Aerodynamic Modulation)
14.8.1 Aerodynamic Modulation (also known as Amplitude Modulation) is a recognised phenomena often referred to as blade swish or thump. A report known as the Salford report which was commissioned by the Government to study Aerodynamic Modulation. The study considered 133 sites and only at 4 of these sites was there any conditions which might be referred to as Aerodynamic Modulation. When this was found such an event only occurred between 7 to 15% of the time at the identified wind farms. PPS22 requires renewable energy developments to be located and designed in a way to minimise increases in ambient noise. PPS22 states that aerodynamic noise is generally unobtrusive and is similar to the noise of wind in the trees.

14.8.2 When considering this phenomena the Inspector from the Bradwell appeal referred to other appeal decisions where no condition was considered necessary as statutory nuisance procedures would be sufficient given that the risks of excess Aerodynamic Modulation is small and would affect few people. As such this did not warrant the dismissal of the appeal. The advice from the Council’s noise consultant suggests that a condition on Aerodynamic Modulation is not required given that it does not occur at all sites. If such an event were to occur the advice given is that the statutory nuisance procedures can deal with such matters.

14.9 Infrasound and Low Frequency Noise
14.9.1 Infrasound is defined as noise occurring at frequencies below which sound is normally audible as human ears are not sensitive to low frequency noise. Noise from wind turbines covers all frequency bands from low to high. As the distance from a wind farm increases the noise levels decrease as the sound energy is spread out. The PPS22 Companion guide states that the ETSU report studied vibrations and low tonal sound and concluded that there is no evidence that low frequency noise is harmful to human health.

14.9.2 The ES refers to historical wind turbines installed in the USA that have been significant producers of infrasound due to their downwind design. However, the continued engineering of wind turbines has allowed for an upwind design. Virtually all of the UK wind turbines installed have the upwind design. The ES states that the
Department of Trade and Industry study in 2006 titled The Measurement of Low Frequency Noise at Three UK Wind Farms reviewed low frequency noise at three wind farm sites and concluded that infrasound noise emissions from wind turbines are significantly below the recognised threshold of the perception for acoustic energy. The ES goes onto state that the World Health Organisation recognises there is no reliable evidence that infrasound below the hearing threshold produces physiological or psychological effects.

14.9.3 For vibrations the ES states that vibrations from wind turbines are well below the criteria recommended for human exposure and at greater distances from turbines vibration levels will be even lower. Therefore the ES states that vibration effects will be insignificant.

14.9.4 Consultation comments from the Environmental Health Officer refers to the ETSU report dismissing any effect of low frequency sound or vibration by stating that “there is no possibility of humans sensing vibrations” and that “infrasound (below 20Hz) noise emissions from wind turbines are significantly below the recognised threshold of perception”. However Environmental Health’s view is that this disregards the recognised phenomena of low frequency noise including infrasound. Studies have shown (indeed one of the studies referenced in the report) that infrasound and vibrations have been measured from wind turbines and that individuals are sensitive to noise at these frequencies. At these frequencies noise control is extremely difficult due to the wavelengths involved. For example these frequencies travel readily through walls and build up inside rooms. This makes the night-time noise limit problematic. The World Health Organisation recognises this phenomena stating that health effects due to low frequency noise warrants concern, so much so that their limits have been introduced to prevent sleep disturbance should be lowered at these frequencies. Nevertheless the assessment suggests that the noise from wind turbines falls within the limits quoted within ETSU and this is the accepted standard within PPS22.

14.10 Wind Shear
14.10.1 Wind shear denotes increasing wind speed with height above ground and is known to be more common in flat landscapes such as this application site. If wind shear were to occur the actual turbine noise would be higher than that at lower levels closer to ground level. The use of the 40m high meteorological mast has measured wind speed over the noise monitoring period. As with the Bradwell case these effects would be a commercial risk for the operator, rather than a risk of harm to living conditions. If necessary, noise conditions can be imposed which would deal with concerns related to wind shear.

14.11 Outlook
14.11.1 Intrinsically linked with the Landscape and Seascape section of this report the visual impact of the proposal would also need to be assessed in respect of outlook from residential properties. As stated in the Bradwell appeal decision there is no right to retain an unchanged a view from a private property. However, it can be in the public interest to safeguard the outlook from such property in respect of unacceptably overbearing and dominating development. The nearest properties around the wind farm would be subject to changes to their existing outlook. It could be said that those properties further a field would also result in a change to their outlook. Inevitably the closer the property is to the wind farm the more likely that outlook would be affected.
For properties with habitable rooms and garden areas facing towards the wind farm these would experience the most change. However, the test is whether the change would result in material harm to residential amenity.

14.11.2 The ordnance survey maps of the area, aerial photography and site visits to the wind farm area reveal that almost all of the properties have elevations that would provide them with an outlook of the wind farm. Some properties such as Wraywick Farm and Court Farm have gardens which allow for an outlook towards the wind farm although both these properties have vegetation along the boundary partly screening outlook.

14.11.3 When compared to the Bradwell appeal decision the distances from the turbines at the application site to the nearest properties is greater. For example the nearest independent dwellings are Turncole and Brook Farm, which are 855m dwelling to nearest turbine distance. For the Bradwell wind farm the nearest independent dwelling of Munkins Farm to the nearest turbine would be 630m. The Inspector from the Bradwell appeal decision considered there would be no unacceptable overbearing or dominating impact upon the nearest properties. Similarly whilst this proposal would have some impact upon nearby residential properties the impact would not be overbearing or sufficiently dominating to cause significant material harm to residential amenity. As stated by the Inspector with the Bradwell appeal decision, whilst the environment of these dwellings would change, the wind farm should not make them unattractive places to live. The same judgement applies to this planning application.

14.12 Overall
14.12.1 Based on the above and the advice provided by the appointed noise consultant the noise implications associated with this type of development can be satisfactorily addressed through the use of planning conditions. The proposed conditions specify a lower acceptable noise level than that taken with the Bradwell appeal decision. The outlook for the properties within the vicinity would change but such a change is not considered to be detrimental to residential amenity.

15. SHADOW FLICKER AND REFLECTIVE LIGHT
15.1 ‘Shadow Flicker’ is a phenomenon caused by sunlight passing through the arc of the turning blades of a turbine resulting in a flickering shadow where light passes through a narrow aperture such as a window in a building. These conditions would only occur when there is an alignment of the sun, turbine blades and receptor buildings. Shadow flicker could potentially impact upon properties east, north or west of the turbines throughout different periods of the day and depending upon the position of sun in the sky. The rotary action of each turbine results in an intermittent and regular shadow flicker impact. The shadow flicker can be experienced up to distances of 900m away from each turbine based upon the proven occurrence to be within ten rotor diameters of a turbine as stated in PPS22.

15.2 In terms of this application only two residential properties would be affected by potential shadow flicker. These are Court Farm and Brook Farm which are 880m and 855m away from the nearest turbines to the east of the site. The ES states that when the sun is positioned in the west these effects will occur. However, this is subject to the sun’s position in the sky at different times of the year. The ES identifies that the effects on Court Farm may occur for a period of 41 days per year for a maximum
15.3 To prevent shadow flicker a sensor detecting sunlight can be fitted to each of the offending turbines which cause the shadowing. The sensor will be linked to the wind farm control system which will allow the individual turbine to be switched off during the period of potential effect. Such measures can be controlled through the use of a planning condition to prevent any detrimental impact upon residential amenities and the landscape.

15.4 The PPS22 companion guide states that turbines can cause flashes of reflective light, which can be visible for some distance. To address this careful choice of blade colour and surface finish can help reduce the effect. Light grey finishes are often used for this, however, consideration has to be given to aviation as the CAA identify that the turbines should be finished in white for air safety reasons. On balance the need for air safety outweighs any potential impact of reflective light upon the area and properties.

16. ICING

16.1 PPS22 Companion Guide defines ‘icing’ as the build up of ice on turbine blades. The PPS22 Companion Guide and the ES identifies that icing is unlikely to present problems on the majority of sites in England as the particular weather conditions required account for less than one day per year. Technology allows for vibration detectors to be fitted to the turbine blades to detect any imbalances. Such measures can prevent the blades from operating and although not stated in the ES a condition can be imposed requiring the installation of vibration detects.

17. AVIATION

17.1 An assessment of the potential impacts of the wind farm on aviation, both civil and military has been undertaken. The ES identifies that pre-application consultation has taken place with the Defence Estates (who represent the Ministry of Defence), the Civil Aviation Authority (CAA), Southend Airport, National Air Traffic Control Services (NATS), and the Essex Air Ambulance.

17.2 The national policy framework through PPS22 and the PPS22 Companion Guide identifies that wind turbines may have an adverse affect on air traffic movement and safety. The risk may be a risk of collision with low flying aircraft, interference with operational radar by limiting capacity to handle air traffic, and impacts upon aircraft landing systems. The PPS makes it clear that the onus is on the applicant to prove that the proposal would have no adverse effect on aviation interests.

17.3 At the local level Local Plan policy CON7 Development Affecting Airports states that permission for wind farms, amongst other things, within airport consultation areas will be granted if the proposed development would not have a detrimental effect on the safe operation of the relevant airport. The application site falls within the Southend Airport restriction zone and the proposal would exceed the 91.4m height as shown on the Southend Airport restriction zone map. The application site is significantly distant from the Stansted Airport restriction zone but the ES identifies that the site is within its 30km safeguarding radius. There also a number of airfields...
and landing strips in the District and surrounding area, which are used for private recreational flying.

17.4 **Civil Aviation**

17.4.1 The Civil Aviation Authority (CAA) have stated that the proposed development has the potential to impact upon aviation-related operations. The ES recognises there are potential impacts upon the operation of Southend Airport’s radar system and there is need for aviation lighting to be fixed to the top of the turbines.

17.4.2 The ES states that whilst radar-related concerns were raised “discussions with London Southend Airport revealed a number of potential solutions to the potential impact on their radar systems, some of which were feasible”. Southend Airport initially placed a holding notice with their first consultation response to this application but have since been in discussions with the applicant. Southend Airport are now satisfied the holding notice no longer applies and have formally suggested that a condition is imposed on any planning permission requiring details of a scheme to mitigate any adverse effects of the development on radar. Southend Airport have suggested a condition to satisfy the Airport’s safety requirements.

17.4.3 In respect of aviation lighting PPS22 Companion Guide advises that such lighting is only required on structures over 150m, however, the ES states that turbines 1, 3, 5, 7 and 9 would be fitted with an aviation light. These details are covered in the Military Aviation section below.

17.4.4 The CAA have advised that the international aviation regulatory documentation requires that the rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines are deemed to be an aviation obstruction and should be painted white, unless otherwise indicated. However, the CAA have stated that they would not make any special case for such markings. The CAA have also advised that there is a requirement in the UK for all structures over 300 feet high to be charted on civil aviation maps and therefore any charting requirement will need to be provided to the Defence Geographic Agency by the applicant. An informative will be added to advise the applicant of this requirement.

17.4.5 With regard to airfields and landing strips in the District and surrounding area, which are used for private recreation flying, the Civil Aviation Authority requires any structure more than 300 feet high to charter on civil aviation maps. This will need to be undertaken separately from any planning permission as the requirement falls within legislation outside of the Planning Acts.

17.4.6 The ES identifies that consultation has taken place with the Essex Air Ambulance service who have stated that the wind farm would not affect their operations. Essex Air Ambulance service has been consulted and raised no objections. The Civil Aviation Authority requirements for structures to be mapped means this information will be available for the Essex Air Ambulance service.

17.5 **Military Aviation**

17.5.1 Defence Estates (representing the MoD) are the principle Government body for advice on military aviation. The principal safeguarding concern with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air
Defence radar installations. The applicant’s ES pre-application consultation did not identify any concerns upon military aviation. The ES and the consultation response from the Defence Estates both identify that a 25 candela omni-directional red aviation light should be fitted to turbines 1, 3, 5, 7 and 9, and the meteorological mast, all positioned at the highest practicable point. The exact details of light and its positioning on the structures can be dealt with through the use of a planning condition.

17.5.2 The Defence Estates have stated that if planning permission is granted details of the date constructions starts and ends, the maximum height of construction equipment, and the latitude and longitude of every turbine will need to be provided as this information is needed for plotting on flying charts to make sure that military aircraft avoid this area. The latitude and longitude of every turbine has been provided by the applicant and has been forwarded to the Defence Estates for their information and no objections have been raised.

17.6 National Air Traffic Control Services (NATS)
17.6.1 From the application consultation NATS have stated that the proposed development has been examined by technical and operational safeguarding teams and although the proposed development is likely to impact on NATS electronic infrastructure NATS have stated that they have no safeguarding objection to the proposal. As a result NATS assessment identifies that there would be no effect on navigational aids and air-ground voice communication systems. NATS radar safeguarding assessment reveals that the windfarm development is located in an area where there is insufficient terrain shielding from the primary radar service at Debden and due to the large dimension of the wind turbines, and the distance from the radar, NATS anticipate that the reflected power from the wind turbines will be detected by the radar and consequently generate false plots. NATS reveal that a reduction in the radar’s probability of detection, for real targets, is also expected. Despite identification of these potential issues NATS have concluded that they have no safeguarding objection to the proposal.

17.7 Bradwell Wind Farm
17.7.1 Two issues were explored during the second public inquiry to the appeal for the wind farm at Bradwell. The main issue identified was the impact upon the line of sight of the primary radar at Southend Airport. The Inspector, as part of the appeal, had visited the control tower at Southend Airport to consider the radar implications. It was identified that Southend Airport control the airspace at higher altitudes around the airport of more than 5,500ft where there are aircraft over-flying to and from the London airports. Most of the air traffic using Southend Airport is smaller craft used for business, leisure or training purposes and have no contact with the Airport but rely on visual flight rules to maintain separation from other aircraft. Other aircraft fly lower than the radar service.

17.7.2 At the time of the second Bradwell public inquiry Southend Airport had no plans to upgrade the radar. Since then planning permission has been granted to extend the runway and another separate permission has been granted for a new terminal building, which is currently being constructed. Both these permissions would allow for the potential growth of the airport with increased passenger numbers. It is therefore likely, as reported with the Bradwell appeal case, that the radar equipment will be upgraded. For this application Southend Airport have not raised any objection to the
application subject to a condition imposed requiring details to be agreed before development commences.

17.7.3 From the Bradwell case the Inspector identifies that Southend Airport have raised no objection to the off shore wind farm at Gunfleet Sands. Information provided during the appeal showed that an exercise with a light aircraft was concealed when it flew over the turbines showing that the plane was intermittently missed in sweeps of the radar. The Inspector considered that the loss of one or more sweeps did not remove all evidence of the presence of an aircraft from the display and there are characteristic differences between the images of the wind turbines and those of moving aircraft. It was established that light aircraft are more likely to be travelling up the coast in a North-South direction rather than travelling on a West-East flight path out to sea. Further evidence at the Inquiry shows that other UK airports operate safely with wind farms in their vicinity. The Inspector concluded that aircraft will continue to be detected over the wind farm even if the image is degraded.

17.7.4 The second issue relates to the economic effects of the wind farm upon Southend Airport and their expansion plans. The Inspector found that there was no significant evidence that the wind farm would hamper their expansion plans stating that there is a strong likelihood that the expansion of the airport would be accompanied by control of airspace and radar improvements such as a secondary radar.

17.7.5 Overall the Inspector considered that the Bradwell wind farm proposal would not have a detrimental impact on aviation interests including the safe operation of the airport.

17.6 Cumulative impact
17.6.1 The planning application was submitted prior to the appeal decision from the Bradwell wind farm. Nevertheless it has been stated throughout the ES that the cumulative impact of both wind farms has been considered. The consultation responses raise no objections to the application subject to the requirement of planning conditions. From the CAA consultation response it has been stated that it is possible that the proliferation of wind turbines in any particular area might potentially result in difficulties for aviation that a single development would not have generated. However there is no objection to the planning application from the CAA and the structures will be required to be mapped for low flying aviation.

17.7 Overall
17.7.1 Based on the consultation responses received the proposal would not pose any significant impacts upon aviation to warrant grounds to refuse the application. Planning conditions can be imposed to ensure safety requirements as requested by the consultation responses.

18. HIGHWAY MATTERS
18.1 The application site is located in a remote location where public highway roads serving the site and the surroundings only consist of one and a half width carriageways, which link to the wider area and connect to the ‘B’ roads in this part of the District. The existing access tracks are either unmade single carriage widths or public footpaths.
18.2 Policy Position

18.2.1 The national policy framework for assessing planning applications is set out in PPG13 on transport. From the Local Plan there are a number of transport policies applicable to the proposal. The pre-amble to the transport planning policies outlines the need for a strategy for traffic management through settlements to enforce speed reduction and identify routes for heavy goods vehicles through working with the County Council as the highway authority. The ES identifies that pre-application consultation has taken place to identify the best route to the site.

18.2.2 Policy T1 on Sustainable Transport and Location of New Development seeks to restrict development to fall within the defined development boundaries. This proposal therefore requires an exception to this policy as the proposal needs to be located in an area outside of a settlement. Policy T2 on Transport Infrastructure in New Developments is relevant as this seeks to deal with traffic management at sites and through the access arrangements to sites. Policy T2 also seeks off site improvements to the highway, facilities for pedestrians and cycling, appropriate road layouts, and links to existing footpath networks.

18.2.3 In this rural location there are footpaths across the countryside and along the coast. Policy T6 on Improvement to Pedestrian Facilities seeks improvements to footways on and adjacent to a site. The proposal during the construction and operational stages of the development could generate the need for parking for construction workers and through interest from the general public when the turbines are operational. Policy T8 on Vehicle Parking Standards encourages off street parking provision and this needs to be taken into consideration.

18.2.4 Specifically to renewable energy provision Policy PU6 states that proposals for development of renewable energy facilities will be permitted provided they would not generate an unacceptable level of traffic.

18.3 Abnormal load delivery

18.3.1 Due to the scale of the proposed turbines the applicant’s delivery route for the turbine towers and rotary blades, which would consist of abnormal loads, would be via a marine access point at the sea wall to the south of Holliwell Farm. The layout plan shows that a marine delivery area would be formed and a crane would be positioned adjacent to the sea wall covering part of the borrowdyke. A road matt system of pads would be laid for the crane positioning and to allow for lorries to load and unload. These are only temporary arrangements for the duration of the construction stage of the development. Existing access tracks have either an unmade finish or tarmac. The existing unmade finish tracks would be upgraded to appear as crushed stone over a stone sub-surface and geotextile membrane. A passing bay area would be formed in close proximity of the sea wall. Away from the marine access between Deal Hall and Middle Wick farm a new access track would be formed partly across existing fields. The location of the wind farm would also have upgraded access tracks and new access tracks formed.

18.3.2 The seaward side of the marine access area is identified to have one of the shortest tidal range areas and is therefore covered by water apart from a short period at low tide. The tidal range at this site is approximately 4.1m. These physical conditions would allow for a barge to be moored in close proximity to the sea wall allowing for the crane on the landward side of the sea wall to unload the turbine parts onto a
delivery lorry to be taken to the site. Works to the sea wall would be required to allow for this operation. The works consist of the installation of mooring bollards and the provision of crane pads. The alterations to the sea wall would be subject to separate Land Drainage Consent from the Environment Agency. The ES identifies that the applicant has already applied for the Land Drainage Consent. The Environment Agency have not expressed any objections to the works to the sea wall and have granted Flood Defence Consent for the works. The Port of London Authority and the Crouch Authority raise no objections to the proposal. The River Baliff considers this a good use of the coast for access purposes and therefore supports the proposal based on the navigational aspect presented. There has been no response to the consultation from the Maritime & Coastguard Agency.

18.3.3 Once loaded onto the delivery vehicles the turbine parts would be taken to the site for construction. Three different types of crane would be used at the wind farm site for construction of each turbine.

18.3.4 The highway implications for abnormal loads from the marine access are that the construction stage involves only a small number of people and low levels of site traffic. Only a small part of the existing highway network would be used as all upgraded/new access tracks do not form part of the public highway. As such there would be no significant disruption to the local highway network in this remote location, and any disruption would be temporary. County Highways have no objections to this part of the proposal subject to a number of conditions. The first of these conditions requires provision of works to the widening of the access from the existing carriageway to the location of the wind turbines to allow for simultaneous entry of lorries to the wind farm location. The second condition requires the upgrading of the existing access and new access tracks so that these tracks can be used for future public use in what capacity. This part of the proposal therefore satisfies the requirements of policy T2 of the Local Plan.

18.3.5 There are public footpaths and public rights of way along parts of the turbine delivery route and these will need to be temporarily diverted. County Highways have no objections to the temporary diversion of footpaths and public rights of way subject to these details being agreed through planning conditions or a legal agreement. The Ramblers Association welcomes the upgrading of public footpaths in the area. The Coast and Countryside team also raise no objections to temporary diversion of public footpaths. There is no conflict with policy T6 on this matter.

18.4 Standard Construction Traffic
18.4.1 The construction stage of the development requires building materials such as stone, aggregate and concrete to be delivered to the site. The applicant identifies that this can potentially be sourced from the local area but if this is not possible then delivery of materials will arrive from outside of the District. There is also a requirement for deliveries of piled and pad foundations. The standard construction traffic route, which passes through the village of Southminster poses one of the most significant impacts of the proposal albeit for a temporary period whilst construction is ongoing.

18.4.2 A delivery route has been identified from the A130 onto the A132 by-passing South Woodham Ferrers then linking to the B1012 (Lower Burnham Road) travelling east. At the road traffic junction with Althorne the route will then travel north along the B1018 (Burnham Road) and through part of the village before turning right onto the
18.4.3 It is estimated that there would be approximately 4,200 lorry trips (30 deliveries per day) during the first four months of the construction of the wind farm. A large majority of these would be via the existing road network as the standard construction traffic route. At this time, which is the most intensive period of construction, there will be 38 redimix deliveries in one day for the requirement of pouring concrete into the foundations for one turbine. This is estimated to occur on nine construction days for each turbine. This level of vehicle movement will be significant and have a significant impact upon the existing road network and through the villages of Althorne and Southminster.

18.4.4 The ES identifies the impact upon the road network and users of the road network. Traffic surveys were undertaken and the Essex County Council Transport Assessment Guidelines have been used for the assessment. These guidelines judge the predicted increases of 30% for heavy goods vehicles and identifies that increases of less than 10% are generally considered as insignificant. An assessment upon each road reveals that the B1010 and the B1018 would experience a 14% and 24% increase in vehicle movements as a result of the construction stage. The B1012 and A132 would have a 7% and 4% increase which is below the 10% threshold set by Essex County Council Transport Assessment Guidelines. County Highways have not raised any objections to this information and consider it an accurate estimate.

18.4.5 Along the proposed route at Station Road in the village of Southminster there are potential difficulties with access as this road is narrow and experiences high levels of on street parking. The nine non-consecutive days of concreting the foundations for each turbine over the four month aggregate delivery period will be the most disruptive period to this area. Having re-consulted with County Highways on this issue they have stated that based on the 4000 vehicle movements over a four month period this equates to around 5.2 vehicles per hour during an eight hour working day, although it is acknowledged that there will be periods when daily movements will fluctuate above and below this figure according to the phase of the construction programme. The management of this construction traffic would be dealt with by a traffic management plan which must be submitted and agreed by the Highway Authority before the development commences. Such measures can therefore be controlled through a traffic management plan submitted through the use of a planning condition. A traffic management plan will take into account any issues with parking along Station Road and highway measures that may be employed to deal with this, which could include temporary parking restrictions during the construction period.

18.4.6 The applicant has stated that an alternative option for delivery of materials via the Southminster branch railway is being explored to reduce and minimise disruption in Southminster. However, following recent discussions with the applicant it has stated that it is not possible to confirm that the rail option is possible and the road delivery route would be used as the worst case scenario. The construction of the development will go out to tender after planning permission has been granted and the rail option depends upon whether the aggregate company has rail access for delivery. If the rail option is successful then lorries would be required to collect the aggregate from a railway siding near Southminster and then deliver to the site via the public road network. Both the road and rail delivery routes could potentially lead to road wear...
and damage to road surfaces and verges. The Council’s Tree Officer has raised concerns over the potential damage to trees and hedges along the roads to the site.

18.4.7 During the operational stage of the development the vehicle movements to the site would be very low and infrequent by workers carrying out routine maintenance to the turbines. There are potential increases in visitor numbers to the site if the suggested car park, footpaths and information boards are erected through planning obligations to make this an attraction in the District.

18.4.8 County Highways have considered all these issues and raise no objections to the application. However, they have suggested a number of planning conditions are imposed for details to be agreed with County Highways. There is a need for a detailed traffic management plan to include definitive construction traffic routes, site access, abnormal load management, diversion routes and signage associated with the site. For the purposes of delivery vehicles there is a need for a condition to control the provision of a new access from the existing carriageway to the site to allow for simultaneous entry of lorries. A third condition requires the provision of passing bays along the proposed traffic route on Hall Road between Southminster and the site access as the existing one and half width carriageway would impede access. A fourth condition will require temporary footpath diversions.

18.4.9 In addition to the planning conditions County Highways have stipulated the need for a legal agreement for a ‘before and after condition’ survey and for any extraordinary maintenance work to be undertaken as a result of the construction traffic. The legal agreement requires £100,000 bond to cover these works for the following routes:

- proposed HGV construction traffic route between the roundabout junction with the B1018 Scotts Hill and the B1021 Southfield Way, Southminster and the application site
- proposed HGV construction traffic route between the B1010/Rectory Lane junction and the B1018/Rectory Lane junction.
- the existing sections of the proposed route for the delivery of the wind turbine components between the proposed loading area at the sea wall alongside the River Crouch and the application site
- the new access track between Deal Hall and Middle Wick.

18.4.10 If the above details are provided and through consultation with County Highways are considered satisfactory the proposal would accord with the relevant Local Plan policies on transport.

18.5 Fire access and emergency access
18.5.1 The Fire and Rescue service have been consulted and they consider the access is considered satisfactory but additional water supplies for fire fighting may be necessary for this development. The applicant’s have stated that a 30,000 litre tank that automatically refills is located between Wraywick Farm and Turbine 2. In addition Wraywick Farm also has a 25,000 litre tank and mobile tank. No comments have been made by the Council’s Emergency Planning officer.

18.6 Potential benefits
18.6.1 The proposal would create new accesses and upgraded accesses/footpaths in the area. Any damage to the road network would result in the applicant paying for replacement
surfacing material. The proposal would lead to improvements to the public highways which form part of the standard construction delivery route.

18.7 Bradwell Decision
18.7.1 The Bradwell wind farm proposes an alternative route to the application site for delivery of the abnormal loads (turbine parts) and for standard construction vehicles. These would all travel to the Bradwell site from the west along the A414 and then along the B1018 (Fambridge Road) before taking an easterly route through the villages of Latchingdon, Mayland and Steeple along the class ‘C’ roads to the site. His level of traffic and in particular the abnormal loads pose a far greater impact upon the road network than this application. These issues have been considered through the public inquiry process for the appeal and the Inspector agreed with the County Highways authority that the road network was capable of accommodating the extra traffic without undue risk to safety of other drivers.

18.8 Cumulative Impact
18.8.1 It is possible that both the Bradwell wind farm and this proposal would be constructed at the same time. County Highways are aware that such a situation may arise whereby both the Bradwell wind farm site and the Middlewick site (if granted permission) may overlap in terms of their construction phases. If this situation did occur there would be a need to manage the construction traffic for each site accordingly and to ensure as little disruption to the highway network as possible through each development's traffic management plans, which can be subject to agreement through a planning condition. County Highways have stated that upon examination of the agreed route for Bradwell and proposed route for Middlewick there are some areas where the routes coincide however these are on identified Main/Secondary Distributor Routes largely devoid of significant concentrations of population. As a result County highways have no raised any objections to the potential cumulative impact.

18.9 Overall
18.9.1 Whilst there would be a period of some disruption from the standard traffic delivery route through lorry loads of aggregates and construction materials this period of disruption would only be temporary. County Highways have not raised any objections to the overall application. No issues have been raised from a highways point of view which cannot be addressed through either the use of planning conditions or through a legal agreement.

19. BIODIVERSITY AND ECOLOGY
19.1 The application site is located in a rural area where the presence of ecology has been identified in the ES. The majority of the site falls outside of any international, national or local designated wildlife areas apart from the proposed landing area at the seawall with the River Crouch which falls within a SSSI, SPA and Ramsar site but would only be used for a temporary period.

19.2 Policy Position
19.2.1 PPS9 Biodiversity and Geological Conservation seeks to promote sustainable development by ensuring that biological and geological diversity are conserved, and by enhancing and restoring the diversity of England’s wildlife and geology by improving the quality and extent of natural habitat. The PPS22 Companion guide on
wind, which was published before PPS9, advises that there is little evidence that bird species and their habitats are affected by wind turbine developments, and advises that wind turbines should be positioned so they do not affect known migration paths of birds. The Companion guide also recognises that other species and habitats can be affected in areas where there are culverts and drainage ditches which are found within the application site. The East of England Plan through policy ENV3 Biodiversity and Earth Heritage seeks similar requirements to national planning policy statements.

19.2.2 Local Plan policy PU6 Renewable Energy states that renewable energy facilities will be permitted provided they do not have an adverse impact upon areas of ecological importance. The proposed landing area at the seawall with the River Crouch which falls within a SSSI, SPA and Ramsar site therefore Local Plan policies CC1, CC2 and CC3 on development affecting nature conservation sites apply.

19.2.3 As identified in the consultation response from Natural England The Conservation (Natural Habitats etc) Regulations 1994, and the Wildlife and Countryside Act 1981 (as amended) form material planning considerations.

19.3 Non-Avain Ecology
19.3.1 The ES states that surveys of the ecology at and around the application site were undertaken to identify the presence of any species including protected species. The position of the ground level developments including the turbine bases, access tracks and temporary site compound areas were assessed. Whilst this land is mainly arable farmland there are a number of culverts which run through the site.

19.4 Water Voles & Otters
19.4.1 In the drainage culvert areas the presence of water voles were found in the larger drainage systems. The proposed access roads from the seawall to the turbine location would cross a number of these drainage culverts. Where these crossings would be established there is the potential for implications upon water voles, which are recognised as protected species. The Environment Agency and the Coast and Countryside team have highlighted that water voles could be present at ditch crossing points and from culverting of the seawall borrowdyke where the turbines will be unloaded. The ES identifies that there is a lot of water vole activity in ditches close to the proposed crossing. The Coast and Countryside team are concerned that water voles may venture into the area where the crossings are proposed. To address this issue the Environment Agency have suggested that a condition is imposed to check if these species are present prior to commencement and with routine monitoring methods. Natural England have no objections providing water vole measures are implemented, which can be controlled through the use of a planning condition.

19.4.2 There was only one record of an otter spraint present in or around the site study area. The mitigation measures proposed to address this involves no construction activity within a 50m area of where otters are present, which raises no objections.

19.4.3 The position of the turbine bases and temporary site compound areas are not within any area of known water vole activity from the surveys undertaken.

19.5 Badgers
19.5.1 From the badger surveys two badger setts were found within the proximity of the access paths. One of these was within 5m of an existing access path. These access
paths follow the route of a drainage ditch. No badger setts were found within 30m of any proposed wind turbine. The Coast and Countryside Team have expressed concerns over potential damage to the badger sett on raised section of track just north of Holiwell farm through the upgrading works. However, this is an existing track and upgrading works could be undertaken separately from this planning application as such works would not require planning permission. Natural England considers any disturbance to badgers setts to be minimal providing adequate mitigation measures are secured by planning condition. Mitigation conditions will be imposed to address these issues.

19.6 Bats
19.6.1 Two species of bats were identified in the ES but none of these species were identified to be within 500m of the site and no mature trees, where bats could be found, will be removed as part of the proposal. The ES has stated that the turbines have been positioned in an area where no significant effects would occur and where the risk of collision would be minimal. The ES reports that the lowest point of the rotor blade would be 35m above the ground level which is much higher than the flight level of bats, and that bat activity can vary seasonally with transitions between hibernation and breeding roost in late spring and autumn. Natural England considers there is more activity later in the year but bat activity is generally low. Bat detection at turbine heights is a valuable technique and given the sub optimal habitat at the site the surveys conducted at ground level provide sufficient information in this instance. It is accepted that potential impacts may be higher if a roost is located within 500m. Natural England is therefore satisfied that the wind farm is unlikely to significantly impact upon bats and the comments on this issue from the first consultation have been adequately addressed.

19.7 Reptiles
19.7.1 The ES identifies three species of native reptiles, common lizard, slow worm and adder were present at the coastal grassland bank location at the southern end of the access road where the temporary crane would be positioned. Natural England advises that such species are restricted to this location and are not predicted to be significant. Natural England therefore recommends that local mitigation measures are required through the use of a planning condition. Natural England reports that great crested newts would present no constraint to development.

19.8 Other species
19.8.1 The Environment Agency have stated that the ES has not considered the impact upon bumblebees and crickets, and recommend that grass strips along the field boundaries are proposed as a mitigation measure for such species. These grass strips, if sown with a flower rich seed mixture can provide a food resource for declining bird species such as Skylarks.

19.9 Ornithology
19.9.1 It is recognised that wind farms can potentially affect the loss of breeding and feeding habitats, potential collision risk and indirect loss of habitats. The ES claims the layout considerations for the siting of the turbines seek to minimise the impact upon ornithology as far as possible.

19.9.2 The ES identifies that surveys were undertaken into the ornithology at and around the site. The main types of surveys consist of a breeding and wintering survey. The breeding survey commenced during May-August 2008 and April-August 2009. The wintering survey was undertaken during the winter of 2003-04, 2005-06 and 2007-08.
The breeding surveys show that the most common species in the area are skylarks, corn bunting and yellow wagtail. The wintering surveys show that the most common species in the area are the golden plover, black headed gull and the lapwing. The wintering survey also counted the presence of Brent Geese. RSPB identify the site as a hotspot for arable birds including most common corn bunting and yellow wagtail as well as protected species including the skylark, linnet, yellowhammer and reed bunting. RSPB recognises that these birds may not be at high risk but would strongly recommend that biodiversity enhancements are made through the use of a planning condition. The ES proposes various mitigation measures through the construction, operational phase and decommissioning phase of the wind farm to minimise any disruption to birds which will be included in planning conditions.

19.9.3 The construction and decommissioning works represent the most disruptive period for birds. The ES states that the applicants intend construction works would take place during April to September, which is outside of the wintering bird season but within the bird breeding season of April to July. RSPB consider the construction period would be significantly disruptive to breeding birds and therefore have recommended that no construction takes place between April and September. However, the proposed construction period would operate over a nine month period. The applicants intend to carry out further nesting surveys prior to the construction of the development and states that if any protected species are found the applicants intend to suspend works for mitigation to take place. RSPB have been re-consulted as to whether they would be willing to accept the nesting survey and resultant mitigation measures to protect birds so that development is not impeded. The Environment Agency have advised that works should be avoided during the bird nesting season (March to July) but if this is not possible then a nesting bird survey should be undertaken to confirm whether any nests are present, which can be controlled through a planning condition. The Environment Agency have identified that the temporary crane area would lead to the loss of bird nesting habitat on the seawall and the borrowdyke edge although this is only a small area and alternative nesting areas away from the site and areas further along borrowdyke can still be used without any harm. There is potential for visual and noise disturbance to birds in this area whilst the crane is operational but such disturbances would only be temporary. Prior to implementation of the works adjacent the sea wall surveys will be undertaken and monitoring of the area will continue whilst work is ongoing to avoid disruption.

19.9.4 The ES states the collision risk is low during the operational phase of the wind farm. The two key species at risk are the golden plover and lapwing birds but risks to both these species has identified to be low and insignificant. The Bradwell appeal decision identified that whilst the loss of birds to turbine strike cannot be ruled out there is no substantive evidence that this would occur to the extent that this would justify resisting the development. Natural England consider that the impact of the development on birds is limited but highlight the need for a suitably robust monitoring scheme including support for breeding birds studies through the use of a planning condition. RSPB accepts that operational wind farms would not affect farmland bird species based upon current knowledge but recommends that post construction monitoring takes place for every year during the operational phase of the wind farm. This can be achieved through the use of a planning condition.

19.9.5 The ES claims that the residual effects upon conservation value have been stated as negligible. Nevertheless, and as mentioned in the Non-Avain Ecology section above,
wildlife enhancements are proposed through the establishment of grass strips and planting of seed bearing crops. It is considered that such enhancements would increase conservation value at the site. These measures are welcomed by Natural England, the RSPB and the Coast and Countryside team.

19.9.6 On another matter, RSPB have raised the issue of coastal squeeze which is a process where the area between low tide and the sea defences is decreased as a result of rising sea levels through climate change. The RSPB are aware of the emerging Shoreline Management Plan which recommends maintenance of sea defences around the entire coast of the Dengie Peninsula. Indirectly RSPB consider that the presence of wind turbines in the area would effectively reduce the value of habitat.

19.10 Ecological Benefits
19.10.1 Compared to the existing state of the site the proposal allows for potential improvements to the biodiversity in the area through the planting of grass strips and seed bearing crops. MDC’s Coast and Countryside team would welcome a number of proposals for improvements such as:
- Any proposals to re-profile ditches and increase water levels for the benefit of water voles, bats and reed buntings.
- Low cost measures such as barn owl nest boxes, skylark plots and reptile refugia
- Improvements to local footpaths and a suggested footpath around the site, along with a small car park and information boards

19.10.2 Such measures can be dealt with through the use of planning conditions apart from the community fund

19.11 Overall
19.11.1 Whilst the proposed development could potentially impact upon the biodiversity and ecology in and around the application site the consultation responses have not raised any objections to the application. The consultation responses require more up to date surveys prior to and during the construction works that would identify whether any species are found and the proposed mitigation measures to protect species. Planning conditions can require details of the survey work to be submitted to allow for further consultation with the necessary consultees to ensure all protection measures are agreed and implemented in the interests of protecting biodiversity and ecology. In addition the Coast and Countryside team have identified potential benefits to the ecology in the area.

20. FLOODING AND HYDROLOGY

20.1 Flooding
20.1.1 The site lies within a high risk flood zone (flood zone 3) as identified on the Environment Agency flood maps. In accordance with PPS25 and the PPS25 Best Practice guide there is specific guidance for assessing wind farm proposals. The Best Practice guide states that local planning authorities should not use a sequential approach for the consideration of such proposals and therefore the Sequential Test shall not be applied. The Best Practice guide also states that whilst wind turbines in a high risk flood zone fall within ‘essential infrastructure’ on the Flood Risk
Vulnerability Classification in PPS25 and would be subject to the Exception Test, the second element of the exception test, which considers development on previously developed land, should not be applied. The other two elements of the Exception Test shall be applied. Furthermore PPS22 states that the local planning authority should not give priority to the re-use of previously developed land for renewable technology developments.

20.1.2 With regard to the Exception Test, part a) requires the development to demonstrate that there would be wider sustainability benefits to the community that outweigh flood risk and that benefit the Council’s Core Strategy Sustainability Appraisal. Firstly, the wider sustainability benefit to the community and the District constitute the provision of renewable energy allowing for electricity to be supplied to 9260 homes in the District. This equates to 38% of the total number of homes in the District. Such provision would help towards the UK Renewables Obligation of 15% of retailed electricity through renewable energy sources by 2015 and the more recent Renewable Energy Strategy increased target of 30% by 2020. The second consideration of part a) of the Exception Test considers that if the Development Plan Document process (DPD) has reached the submission stage the benefits of the development should contribute to the Core Strategy’s Sustainability Appraisal. However the Core Strategy’s Sustainability Appraisal is only at consultation stage and has not reached submission stage to be considered as part of the Exception Test. Despite this the Environment Agency and officers consider the proposal satisfies the requirements of part a) of the Exception Test.

20.1.3 Turning to part c) of the Exception Test, this requires the development to be safe without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The primary issue with this and any planning application regarding flooding is the threat to human life from a flood event. The operational stage would not involve any human presence at the wind farm site other than for maintenance requirements. The construction and decommissioning stage is therefore likely to result in a higher risk to human life. Accompanying the planning application the applicant has provided a detailed Flood Risk Assessment (FRA) which identifies the main sources of flooding at the site to be tidal, fluvial and from rising/high groundwater. The proposal would only result in a small amount of change to the land from present day conditions through the formation of concrete bases for the turbines and associated infrastructure to create increased impermeable surface which would reduce permeable drainage and is likely to increase surface run off to nearby to field drains and water courses.

20.1.4 Tidal flooding is likely to pose the greatest risk of a flood event at the site. The FRA identifies that the Dengie tidal defence offer a 1 in 67 year standard of protection against tidal flooding, which has been taken from Environment Agency data. The risk and extent of tidal flooding is predicted to increase during the lifetime of the development through climate change. The main source of tidal flooding is likely to result from storm surges where increased wave heights would potentially lead to overtopping of existing sea defences. However, given that the site lies inland from the sea defences, and due to the large expanse of flat topography of the ground which would allow for flood water spread, the development is unlikely to pose any significant flood risk as this would cover a large area resulting in the likelihood of only shallow flood depths.
20.1.5 For fluvial flooding the Asheldham Brook flows easterly along the northern boundary of the site and there are several marsh drains passing through the site. The cumulative impact of the brook and the drainage channels could result in localised flooding on site from overtopping of the embankments but this is only likely to be shallow flooding based on the large expanse of flat topography of the ground, and the frequency of such an event is far lower than the predicted risks from tidal flooding. Similarly any groundwater flooding is likely to be minimal and would not constitute any significant flood risk.

20.1.6 The FRA identifies that the flood risk to the site will remain unchanged pre and post development. Mitigation measures have been considered as part of the proposal. These include raising the concrete plinth of the sub station to 600mm above existing ground levels, all turbine foundations would be located away water sources and underground sources. Flood proofing measures would be implemented to the bottom 600mm of each turbine ensuring each turbine can withstand hydrostatic and hydrodynamic forces, and all new access tracks will be finished in a permeable material to allow drainage. The electricity sub station would be built 600mm above the ground level, which accords with the Environment Agency requirements. The temporary marine access adjacent to the sea wall would be the most susceptible location should a breach of the sea defence occur. This particular issue has been explored with the Environment Agency who have granted separate consents (Land Drainage Consent and Flood Defence Consent) to carry out the temporary works adjacent the sea wall, and the mooring of the barge and installation of two lines of tyres on the seaward side of the sea wall. The mooring of the barge would be anchored to the seabed with two concrete mooring buoys. Additional mitigation measures comprising of signing up to flood warning systems and having an evacuation plan are considered essential. The evacuation plan will need to be agreed with the Council and the Environment Agency through a planning condition. This is primarily essential for the construction phase of the development as this work will introduce an increase in human life in the area with workers in an area adjacent to the seawall where the turbines will be delivered. The applicant will prepare a turbine delivery strategy to be regularly updated on weather and tidal conditions, management of storage materials, structural checks of existing drain/culvert crossings.

20.1.7 On the basis of the above the FRA identifies that overtopping of the sea defences is the most likely source of flooding. However due to the distance from the wind farm location to the seawall, and due to the large volumes of flood storage available over the flat topography of the ground, any flood breach is not considered to be a significant risk to the development or human life. Secondly, whilst the turbine bases would increase impermeable surface run off the coverage area of each base would not be significant in terms of the wider site and its impact upon field drainage patterns to nearby field drains. The Environment Agency has confirmed that they are satisfied that part c) of the Exception Test has been passed. It should be noted that the FRA also takes into consideration the construction phases of the development and consequence risk to human life.

20.1.8 Overall the proposal would not present any demonstrable flood risk and there are no objections raised by the Environment Agency.

20.1.9 It should be noted, separate to this application, that the Environment Agency has granted consent under the Water Resources Act 1991 Section 109 & 210 (Byelaws)
for the crane pad adjacent the seawall. This allows the culverting of part of the
borrow dyke adjacent the seawall, the installation of two lines of tyres attached by
rope to the seaward side of the sea defences, and the anchoring of the delivery barges
to the seabed and two concrete mooring buoys.

20.2 **Hydrology and Hydrogeology**
20.2.1 The site is characterised by low-lying land at a general height of 2m AOD. There is a
network of engineered drains which discharge water into the North Sea from the east
coast. The Environmental Impact Assessment has assessed the impact of the proposal
upon local groundwater and surface water environments together with mitigation
measures. The assessment considered the impact upon surface water catchments,
flood risk, surface water quality, surface water discharges, licensed and private water
abstraction, aquifer characteristics and groundwater source protection zones, and
sensitive water related features.

20.2.2 The impact assessment was considered over the three stages of the development: the
construction, operational and decommissioning stages. The construction and
decommissioning stages would have the most impact. The impact recognises there is
a small risk of polluting run off from the site during the construction stage. When
operational the footprint hardstandings of each turbine would reduce saturation and
rainwater infiltration as a consequence of the impermeable concrete bases. This could
also result in increased run off and water volumes into existing drainage ditches.

20.2.3 For the three stages of the development various mitigation measures are proposed.
These include surface water monitoring downstream, segregation of water, limit
stockpile of materials, site tracks of permeable surfacing materials, storage of any
fuels/chemicals in containers, cut off ditches to prevent surface run off and allow for
infiltration.

20.2.4 There have been no objections raised by the Environment Agency to the hydrology
and hydrogeology section of the application. Environmental Health have raised
concerns over the potential increase of turbidity of private water supplies in the
construction phase and obstruction of ground water flow from the installation of the
turbines. The ES identifies various mitigation measures to prevent such events
through monitoring and preventing of dirty water into water supplies which can be
provided through a method statement prior to development. Nevertheless the
Environment Agency provide protection of water supplies through legislation outside
of the control of planning and deal with licenses for water abstraction. A planning
condition requiring a Construction Method Statement can ensure protection of water
courses and ground water and soils.

21. **HERITAGE AND ARCHAEOLOGY**
21.1 Since the application was submitted PPS5 Planning and the Historic Environment has
been published (March 2010) which replaces PPG15 and PPG16. PPS5 enforces the
Government’s overarching aim that the historic environment and its heritage assets
should be conserved and enjoyed for the quality of life they bring to this and future
generations. However, policy HE1 of PPS5 identifies that opportunities to adapt
heritage assets include *inter alia* allowing greater use of renewable energy and goes
onto advise that where conflict between climate change objectives and the
conservation of heritage assets is unavoidable, the public benefit of mitigating the
effects of climate change should be weighed against any harm to the significance of heritage assets.

21.2 Specifically to wind energy proposals English Heritage have issued a publication titled ‘Wind Energy and the Historic Environment’. This publication highlights the impact of wind energy projects upon the historic environment drawing attention to the impact upon the setting and character of areas/buildings, and recognised that climate change is likely to be detrimental to the historic environment. English Heritage have submitted a consultation response outlining that their remit is to consider the impact upon Scheduled Ancient Monuments, grade I and II* listed buildings and Conservation Areas and there comments are covered in this section of the report.

21.3 Part of Local Plan policy PU6 states that proposals for the development of renewable energy facilities will be permitted provided they would not inter alia have an adverse impact upon areas of architectural, historical and conservation importance. Indirectly related to the proposal, as the site does not fall within a Conservation Area and any listed buildings and schedule ancient monuments are located outside of the site, are policies BE13 (Development in Conservation Areas), BE16 (Extensions alterations to and additional buildings in the curtilage of Listed Buildings), BE17 (Preservation of Sites of Nationally Important Archaeological Remains and their Settings), BE18 (Control of Development at a Site of Local Archaeological Value) and CC10 (Historic Landscape Features). The emerging LDF Core Strategy policy CS20 (Protection and Enhancement of Built Heritage) seeks to preserve and enhance historic assets, and ensure that proposals must not cause harm to sites of known, sensitive or potential archaeological value.

21.4 Consideration needs to be given to the site’s location and the nearest identified heritage assets, which include listed buildings, conservation areas, Scheduled Ancient Monuments and archaeology. The Environmental Impact Assessment surveyed a 5km radius from the site to identify all the heritage assets in the area. The manors, halls and farms identified in Figure 11.1 ‘Heritage Assets’ in the ES are historic buildings mostly associated with the prevailing agricultural land use on the reclaimed marshes. The marshes were largely reclaimed from tidal marsh land intersected by numerous creeks and shell banks. The natural landscape therefore, is intrinsically linked to the historic built environment.

21.5 Listed Buildings

21.5.1 Within the 5km survey area there are a number of listed buildings including three grade II* listed buildings. The nearest listed buildings to the site are the grade II listed sites of the Bridgewick Cottages, Court Farmhouse and Old Montsale, which are located to the south east of the site. The nearest listed buildings to the north of the site are Landwick Farm and Keelings, which are also grade II listed. The settings of these listed buildings have not changed significantly since their foundation when the marsh land was reclaimed in the 17th century. The setting of a listed building is not confined to its curtilage. The wider historic landscape in this particular application is intrinsically linked to the identified built heritage. Both English Heritage and the Council Conservation Officer consider the applicant’s interpretation of setting to be incorrect. However, the majority of the listed buildings would be screened from the site by other buildings and vegetation. The closest listed buildings to the site would be most affected. Whilst the proposal would have an impact upon the settings of these listed buildings consideration should be made on whether the impact would lead
to material harm. It is considered that given the distance to the nearest listed buildings, which ranges between 0.87km and 1.7km, the impact upon the setting of these listed buildings is not considered to demonstrate material harm to warrant grounds for refusal.

21.6 Conservation Areas
21.6.1 The site is not in a Conservation Area. The nearest conservation areas are located in Southminster and Tillingham, which are 3.17km and 3.39km away from the site respectively. Given the lack of views into and out of each Conservation Area to the site it is considered that the proposal would not have any significant impact upon these Conservation Areas.

21.7 Scheduled Ancient Monuments (SAMs)
21.7.1 There are five Scheduled Ancient Monuments (SAMs) within the 5km survey area. The nearest SAM is a slight univallate hillfort south of End Way Farm Asheldham and is located 2.4km to the NW of the site. An earthworks and a crop mark SAM are located between 2.63km and 2.67km to the west. Nearest to the proposed marine access point is a World War II minefield control tower and pillbox located adjacent the coast as part of the entrance to the River Crouch. The Conservation Officer has drawn reference to the natural landscape, which inspired the duck decoy ponds (SAMs) of 18th/19th century origin to trap wildfowl on a large scale that supported the economy and supplied the London Markets with food and feathers (for eiderdowns). The nearest duck decoy pond has been identified at Marsh House Farm 4.35km to the NNE of the site and east of the village of Tillingham.

21.7.2 It has been stated in the applicant’s ES that the proposed turbines would be outside the immediate and wider settings of the duck decoy pond, hillfort and earthworks to the north and west of the site and these would be screened by a mix of vegetation and changing topography. The crop markings were not visible in the field and were considered to have no setting. The minefield control tower and pillbox would be viewed in the backdrop of the turbines from the River Crouch estuary and North Sea but from numerous points around the site the minefield control tower and pillbox would not be visible. The ES states that the SAMs would not be affected by the proposal. English Heritage considers the applicant’s interpretation of the setting of the SAMs to be incorrect. However, they consider that due to the topography of the land there is no visualisation of the relationship between the SAM and the development. As a result English Heritage consider that the proposal would impact upon the setting of the SAM but given the distances involved the impact upon the SAM would not warrant grounds for refusal.

21.8 Archaeology
21.8.1 An Archaeological survey was undertaken and the results have been identified in the ES. The survey included a desk-based assessment, site walkover, a geophysical survey around each turbine base location, and intrusive field evaluation. As the land has been reclaimed from the sea within the last 200 years this effectively limits human activity in the area to the recent past. This is recognised by the Conservation Officer who considers there are clear links between the former marshland and the Iron Age Camp at Asheldham and the Fort at Othona.

21.8.2 The results of the survey identified that at the location of turbine 4, which is the middle turbine positioned furthest north and nearest the Asheldham Brook, that there
was a record of a stretch of post medieval seawall, however, there is no trace of the feature at the site so there would be no impact. The survey also revealed a record of a post medieval mill, however, evaluation of trenches on the site only revealed nineteenth century and later ditches. The archaeological assessment therefore reveals that the proposal would not have any impact upon known archaeological features. This view is confirmed by English Heritage and County Archaeology who consider the development would have no physical effect on designated sites.

21.9 Comparisons with the Bradwell Wind Farm
21.9.1 Unlike the Bradwell wind farm decision, which recognised the impact upon a grade I listed building and a schedule ancient monument, this application does not have similar implications heritage implications. The application site is more remote and there are greater distances involved between the listed buildings, conservation areas and the schedule ancient monuments. As such this application is not considered to pose the magnitude of issues associated with the historic environment as the Bradwell case.

21.10 Cumulative Impact
21.10.1 The cumulative impact of this application and the Bradwell wind farm upon the historic environment needs to be considered. As a result the eastern side of the Dengie Peninsula would have two operational wind farms within 7.5km of each other. The cumulative impact of both wind farms and rotary operation would inevitably impact upon the historic environment. However, the issue to consider is whether this cumulative impact would result in material harm. It has been found that the Bradwell wind farm would have an impact upon the historic environment but the wider benefits of renewable energy would outweigh any harmful impact. This application has been assessed to have no detrimentally harmful effect upon the historic environment. Cumulatively the impact upon the historic environment is not considered significant and the recent publication of PPS5, which recognises the need for renewable energy sources to tackle climate change, means that the benefits of the wind farm should be recognised on balance with the heritage implications.

21.11 Overall
21.11.1 Based on the information above the proposed wind farm is not considered to raise significant objections to the heritage and archaeology at the site and in the wider area.

22. UTILITIES AND TELECOMS
22.1 The PPS22 Companion Guide recognises that wind turbines can affect electromagnetic transmissions and communication systems. The Local Plan recognises utility provision through the ‘Public Utilities’ section but does not offer any advice for consideration of this application.

22.2 The impact of the development upon existing utility infrastructure and communication systems has been assessed and is detailed in the ES. The assessment has considered the implications upon television, telecommunication, microwave telecommunication, radio telemetry and utility infrastructure including electricity, gas and water networks. Pre-application consultation was undertaken by the applicant with a number of consultees in respect of these systems. These details have been provided in the ES Appendix and identifies that there are no sewer lines, no water pipes and no gas pipelines in the area.
22.3 The main issues arising from the ES identifies that terrestrial television reception would be affected by turbine blades which may depreciate the analogue television signal to the properties in the immediate vicinity. In the wider area up to 538 homes may also be affected but these areas have an alternative terrestrial off air service available through satellite television. The digital signal is identified as being more robust and less susceptible to interference. The digital switchover in 2011 would result in the analogue signal being switched off. The applicant has stated that if planning permission is granted the wind farm would not be fully constructed until after the 2011 digital switchover and therefore the analogue signal would no longer be available to be affected. Terrestrial television signal in the area would only be via the digital signal unless owners/occupiers of dwellings have satellite reception. Nevertheless the applicant intends to implement mitigation measures to ensure loss of signal quality is rectified through the submission of an investigation and alleviation scheme through a planning condition. The applicant will commission a local television firm to correct any impacts upon nearby residents television signal and if necessary upgrade the television reception at the affected property at the applicant’s cost in the worst scenario. It should be noted that the cable and satellite television services would not be affected. From the consultation responses Ofcom have raised no objections.

22.4 It has been identified that the proposal would not have any significant effect on microwave telecommunication, radio telemetry or utility infrastructure. From the consultation undertaken the Port of London Authority, JRC (on behalf of British Gas and National Grid) and Defence Estates (representing the Ministry of Defence) raise no objections to the application. Despite repeated attempts no response has been received from BT or the Marine Directorate.

22.5 Bradwell Wind Farm
22.5.1 From the appeal decision and during consideration of the planning application process there were no objections to the impact upon utilities and telecoms from the Bradwell wind farm proposal.

22.6 Cumulative Impact
22.6.1 Given the distances between the Bradwell and Middlewick wind farm sites there is unlikely to be any significant cumulative impact upon the utility and telecommunications services in the area.

22.7 Overall
22.7.1 It is considered that the proposal would not result any significant impact upon the existing utility infrastructure and communication systems in the area. Any implications upon terrestrial television reception can be mitigated through the use of a planning condition if necessary.

23. SOCIO-ECONOMIC BENEFITS
23.1 PPS22 advises that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight when determining planning applications. The ES outlines these benefits although some of the information does not form material planning considerations such as the impact upon house prices.
23.2 Employment
23.2.1 With the development of future wind farms across the UK, both on and off shore, the industry has the potential to create a number of jobs in the future. Whilst some of these jobs are specialist roles there were up to 5,500 people employed in the wind energy sector in the UK in 2004 (Department of Trade and Industry, 2004). However, since then the only wind turbine manufacturer in the country has closed and currently all turbines are currently manufactured by companies in Denmark and Holland. With the UK Renewables Obligation leading to increases in renewable energy provision there is likely to be future employment opportunities in the wind energy industry. For this application the proposal will provide employment opportunities for the construction and decommissioning of the wind farm. Local jobs could be provided through the award of construction contracts and the use of local construction materials.

23.3 Tourism
23.3.1 The ES identifies that there are wind farms in areas where there are high concentrations of visitors such Cornwall, Cumbria, Wales and Scotland. However, these areas have always been well visited before the development of wind farms. The ES identifies that one of the wind turbines at a site in Norfolk has a viewing platform at the nacelle to allow people to view the operational systems of a wind turbine and allow for elevated views of the area. The British Wind Energy Association has an annual wind farm open day every August Bank Holiday which attracts visitors. Whilst this proposal would not have the benefit of a viewing platform, like the Norfolk example, this proposed wind farm could become an attraction for visitors to the area increasing tourism potential for the Maldon District. In the early sections of this report it has been identified that new accesses and upgraded footpaths in the area should be provided along with a small car park and information boards advising on the wind farm development and local ecology.

23.4 Health
23.4.1 The PPS22 Companion Guide identifies that around 0.5 % of the population is epileptic and of these around 5 % are photo-sensitive. Of photo-sensitive epileptics less than 5 % are sensitive to lowest frequencies of 2.5-3 Hz, the remainder are sensitive only to higher frequencies. The flicker caused by wind turbines is equal to the blade passing frequency. A fast-moving three-bladed machine will give rise to the highest levels of flicker frequency. These levels are well below 2 Hz. The new generation of wind turbines is known to operate at levels below 1 Hz. Therefore it is not envisaged that the proposed wind farm would cause health issues to the general public in this sparsely populated area.

23.5 Public Safety
23.5.1 The PPS22 companion guide recognises public safety as a material planning consideration with applications for wind turbines/wind farms. The PPS22 Companion Guide states that properly designed and maintained wind turbines are a safe technology and that there have been very few accidents involving injury to humans caused by failure to observe manufacturers’ and operators’ instructions for the operation of the machines. Many blades are composite structures with no bolts or other separate components. Blade failure is therefore most unlikely. Even for blades with separate control surfaces on or comprising the tips of the blade, separation is most unlikely. The Health and Safety Executive, through the consultation process,
has not raised any objections to the application. The proposal therefore is not considered to prevent public safety implications.

23.6 Local Community Benefits
23.6.1 The ES identifies that the applicant will provide an annual fund to the local community from the wind farm. The value of this fund is envisaged to be between £36,000 and £54,000 annually. Potentially this equates to £1.35million over the lifetime of the development. It is stated in the ES that this be managed by the local Parish Council members, however, there are concerns raised over how this fund will work. Having discussed this matter with the Council’s solicitor it is clear that any financial contributions would need to be provided to the Council through a section 106 legal agreement but identification of where the contributions would be spent would be required for this to be a material planning consideration. Currently only County Highways have requested money to cover works to the highway along the route to the site. This is justifiable as it is inherently linked to the development. The ecology and recreational benefits recommended in this report can be controlled through the use of a planning condition and rather than through a legal agreement as the financing of such provisions will be undertaken only by the applicant.

24. PARISH COMMENTS
24.1 All of the Parish Councils in the Maldon District were consulted as part of the consultation process to the application, which equates to 29 Parish Councils in total. The site falls within Southminster Parish Council but borders Burnham Town Council, and Asheldham and Dengie Parish Council. From the 30 consulted only 23 have responded. There were 15 objections received which included Southminster Parish Council, both bordering Parish Councils and a number of Parishes on the Dengie peninsula. Althorne Parish Council represents the nearest supporting Parish Council. In total there were five Parish Councils in support of the application and two raising no objections. The material planning considerations from the Parish Council comments have been covered in the assessment of the application.

25. CONCLUSIONS
25.1 The Coalition Government through the Open Source Planning Green Paper has stated that the new Government actively supports energy from renewable sources, including both on-shore and off-shore wind to tackle climate change. This in turn will also create thousands of jobs and help guarantee the country’s future energy security.

25.2 Planning Policy Statement 22, Planning Policy Statement - Planning and Climate Change (a supplementary document to Planning Policy Statement 1) and the emerging Planning Policy Statement Consultation document: Planning for a Low Carbon Future in a Changing Climate emphasise the need for renewable energy provision. Further until the Regional Strategies are abolished the East of England Plan still forms part of the development plan until new legislation is created. Maldon District Replacement Local Plan policy PU6 encourages renewable energy development providing there is no conflicts with criteria of the policy.

25.3 The proposed wind farm would have a significant impact upon the existing landscape character but all of the existing characteristics which define the landscape in this area would remain. The wind farm would therefore create a ‘wind farm landscape
character’. Visually the wind farm would be viewed by some as having a negative impact upon visual amenity particularly by residents of nearby properties. However, whilst the proposal would change the existing landscape and visual character of the area such a change is not considered, on balance, significant enough to raise objections and is consistent with the approach taken with the Bradwell appeal decision.

25.4 The impacts upon living conditions of residents through noise implications associated with this type of development can be satisfactorily addressed through the use of planning conditions which will specify a lower acceptable noise level than that taken with the Bradwell appeal decision. The outlook for the properties within the vicinity would change but such a change is not considered to be significantly detrimental to residential amenity given the distance from the turbines to nearby properties.

25.5 The proposal would not pose any significant impacts upon aviation to warrant grounds to refuse the application. Southend Airport has recommended the use of a planning condition for air safety reasons as the nearest airport that would be affected by the development.

25.6 From a highway point of view it is recognised that there would be a period of disruption from the standard traffic delivery route through lorry loads of aggregates and construction materials. However, this period of disruption would only be temporary and can be adequately mitigated through a traffic management plan to be submitted through a planning condition. A legal agreement can ensure the applicant funds any repairs to the damaged highway along the routes to the site. Therefore County Highways have raised no objections to the overall application.

25.7 Whilst the proposed development could potentially impact upon the biodiversity and ecology in and around the application site the consultation responses have not raised any objections to the application which cannot be mitigated through the use of planning conditions.

25.8 For flooding and hydrology the Environment Agency have not raised any objections as there are no significant flood risk issues with the development or the construction of the development. The flood risk assessment outlines mitigation measures which will need to be implemented through the use of a planning condition.

25.9 The proposed wind farm is not considered to have significant impacts on the heritage assets and archaeology at or within the immediate vicinity of the site. The nearest listed buildings and Conservation Areas would not be adversely affected. There are a number of Scheduled Ancient Monuments in the wider area but again none of these would be adversely affected.

25.10 With regard to utility infrastructure and communication systems the proposal would not result any significant impact upon the existing systems in the area. The implications upon the analogue signal for terrestrial television reception can be mitigated through the use of a planning condition but by the time the development is operational the analogue television signal would be switched off, which removes any potential problems.
25.11 The socio-economic benefits of the development would lead to the creation of employment opportunities for the construction and decommissioning of the wind farm. Local jobs could be provided through the award of construction contracts and the use of local construction materials. The proposed wind farm could become an attraction for visitors to the area increasing tourism potential for the Maldon District. New accesses, upgraded footpaths, a small car park area, information boards and ecological enhancements at the site could all be beneficial to the area and secured through a planning condition.

25.12 Wind farm developments are not known to cause any health issues to the general public and there are no likely impacts upon public safety. Other issues such as shadow flicker and icing can all be dealt with through planning conditions.

25.13 The overall test for this application is whether the above impacts identified would result in significant harm which outweighs the need for providing renewable energy and reducing carbon emissions. The need for providing renewable energy, on balance, outweighs any harm caused as a result of the wind farm development. The wind farm, once operational, would provide wider benefits to the District and beyond through the production of electricity from a renewable energy source to supply homes and business in the District.

Recommendation

APPROVE subject to the applicant entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act to secure £100,000 bond to undertake highway repair works following completion of the construction works, and subject to the following conditions:

Scope and Duration:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
   **Reason:** To comply with section 91 of the Town and Country Planning Act 1990 (as amended).
2. The date when electricity from the development is first exported to the local electricity grid network, hereafter known as the “operational date”, shall be notified in writing to the Local Planning Authority within 28 days after its occurrence.  
   **Reason:** To establish the commencement date for the 25 year operational life of the wind farm.
3. This permission shall expire no later than 25 years from the operational date. Within 12 months of the expiration of the permission, all elements of the development at and above ground level shall be removed and the land restored, in accordance with the Decommissioning Method Statement required by Condition 6.  
   **Reason:** For the avoidance of doubt and to establish the duration of the planning permission and in the interests of safety and amenity once the plant is redundant in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan
4. If any wind turbine hereby permitted fails for a continuous period of 12 months to produce electricity for supply to the local electricity grid network, then, unless otherwise agreed in writing with the Local Planning Authority, that wind turbine and the ancillary equipment solely relating to that wind turbine shall be removed from the
site and the land shall be reinstated within a period of 6 months from the end of the 12 month period in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. The scheme shall include management and timing of the works and a traffic management plan, and shall be implemented as approved.  
**Reason:** To ensure removal of redundant equipment in the interests of amenity and protection of the local environment in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan

5. The development hereby permitted shall be carried out in complete accordance with the approved drawings which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.  
**Reason:** To ensure that the development is carried out in accordance with the details as approved.

**Decommissioning:**

6. At least 12 months preceding the date of expiry of this permission, a Decommissioning Method Statement shall be submitted to the Local Planning Authority, to include: a noise management plan; a traffic management plan for decommissioning; details of the restoration of the site, including measures to be taken to safeguard wildlife habitats; and a timetable for its implementation. The decommissioning of the development shall be implemented and maintained in accordance with the approved details.  
**Reason:** To ensure the development is decommissioned in an acceptable manner in the interests of highway safety, nature conservation interests and visual amenity in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan

**Design, Layout and Grid Connection:**

7. Notwithstanding the details contained within Figures 6.1, 6.2 and 6.6 of the Environmental Statement no turbine foundations or turbines shall be erected until the technical specification (to include flooding proofing measures), size, design, external appearance, surface finish and colour of the turbines and foundations have been submitted to and approved in writing by the Local Planning Authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines other than those to meet statutory health and safety requirements. Development shall be carried out only in accordance with the approved details  
**Reason:** In the interests of visual amenity in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan

8. All wind turbine blades shall rotate in the same direction.  
**Reason:** In the interests of visual amenity in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan

9. The turbines and access tracks shall be sited within 30 metres of the locations of the positions shown in Figure 3.3 of the Environmental Statement with the details of which shall have first been submitted to and approved in writing by the Local Planning Authority and which shall have regard to the results of the further ecological surveys required by other conditions of this permission. The distance between the centre lines of turbine towers shall at no time be less than three times the diameter of
the rotors. No turbine shall be situated closer to a public highway or dwelling (in existence at the date of this permission) than shown on Figure 3.3 of the Environmental Statement and no part of any turbine shall encroach beyond the red line site boundary as shown on the Planning Application Map.

**Reason:** To safeguard ecological interests whilst maintaining the minimum space between turbines in accordance with the guidance in the Companion Guide to Planning Policy Statement 22 and policies CC6, BE1, PU6 and CC5 of the adopted Maldon District Replacement Local Plan

10. No development other than the access works defined in Condition 19 shall take place until details of the materials to be used for the construction of the turbine and meteorological mast foundations, hardstandings and access tracks and the design, external appearance, materials, colours and surface finishes of all buildings and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan

11. No development shall take place until details of the site compound, including its surfacing and drainage and any temporary structures to be erected, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The compound shall be removed and the land restored within a period of twelve months from the operational date in accordance with a scheme previously agreed in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity and to ensure the compound is removed once redundant in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan

12. No development shall take place until the method of connecting the installation to the local electricity grid network has been notified to the Local Planning Authority in writing. Details including the external finish materials of the on-site substation as shown in Figures 3.3, 3.3a and 6.8 of the Environmental Statement shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. With the exception of the connections within the substation and from the base of the high power line to the substation all cabling shall be laid underground.

**Reason:** In order to ensure a satisfactory appearance in the landscape in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan

13. The meteorological mast as shown in Figure 6.10 of the Environmental Statement shall not be installed before details of its colour and finish and the means of obtaining readings at two different heights (one of which shall be positioned at 10m height on the mast) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

**Reason:** In the interest of visual amenity and to ensure continuous data collection of wind speeds in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan
14. The turbines, meteorological mast and substation shall not carry any form of external illumination unless otherwise approved in writing by the Local Planning Authority. 

**Reason:** In the interest of visual amenity in accordance with policies CC6, BE1 and PU6 of the adopted Maldon District Replacement Local Plan

**Construction:**

15. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved Construction Method Statement, unless otherwise agreed in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

i) A Site Environmental Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration;

ii) Details of the timing of works and methods of working for cable trenches and foundation works;

iii) Details of the timing of works and construction of the substation/ control buildings and anemometry mast;

iv) Dust management;

v) Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal;

vi) Disposal of surplus materials;

vii) Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise);

viii) Details of a site evacuation/flood management plan;

ix) A programme to inform the Ministry of Defence, London Southend Airport and the Civil Aviation Authority of the dates that construction starts and ends, the maximum height of the construction equipment, and the latitude and longitude of every turbine constructed;

x) Any other matters specified by the Local Planning Authority.

The approved provisions of the Construction Method Statement shall be implemented and maintained for the duration of the construction works.

**Reason:** In the interests of highway and aviation safety, residential and visual amenity and protection of the environment in accordance with policies CON5, BE1, T2 and PU6 of the adopted Maldon District Replacement Local Plan

16. Construction work shall only take place between the hours of 08:00 – 18:00 on Monday to Friday inclusive and 08:00 – 13:00 hours on Saturdays with no such construction work on a Sunday or on a Bank Holiday. Outside these hours, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority shall be informed in writing of emergency works within three working days of their occurrence.
Reason: To minimise disturbance to residents in the vicinity of the wind farm in accordance with policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan

17. The delivery of any construction materials or equipment for the construction of the site shall be restricted to the hours of 08:00 – 18:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no deliveries on a Sunday or on a Bank Holiday unless otherwise approved in writing by the Local Planning Authority having been given a minimum of two working days notice of the proposed delivery.
Reason: To minimise disturbance to residential amenities in the vicinity of and on the route to the wind farm in accordance with policies CON5, BE1 and T2 of the adopted Maldon District Replacement Local Plan

18. The noise levels arising from construction works shall not exceed 65 dB $L_{Aeq,1h}$ (free-field) at the boundary of any residential premises lawfully in existence at the time of this planning permission, measured at 1.2 - 1.5 m above local ground level.
Reason: To minimise disturbance to residents in the vicinity of the wind farm in accordance with policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan

Highways:
19. No development shall take place until the following details have been submitted in writing to the local planning authority:
   i) The provision of an access into the site from the existing carriageway to be constructed with sufficient dimensions to allow simultaneous entry and exit of HGVs.
   ii) The provision of passing bays to be constructed along the proposed HGV construction traffic route on Hall Road between Southminster and the site access.
   iii) The provision of an off-loading area adjacent to the sea wall bordering the River Crouch in order to accommodate off-loading of wind turbine components from barges directly onto vehicles for transportation to the application site.
   iv) The upgrading of the following existing tracks as shown on Figure 3.3 of the Environmental Statement:
      • between the points marked A (the River Crouch sea wall) and B (the property named Coney Hall) on the attached plan.
      • between the points marked C (where the proposed site access meets the existing carriageway) and D (north of the proposed site access) on the attached plan.
   The upgraded tracks to be constructed at a minimum width of 4.5m and to be retained following the site development for future use by the public.
   v) The construction of a new access track as shown on Figure 3.3 of the Environmental Statement between points marked E and F on the attached plan. The access track to be constructed at a minimum width of 4.5m and to be retained following the site development for possible future use by the public.
   vi) The provision of segregated temporary footpaths to be constructed at a minimum of 2m in width, together with associated signage and fencing where deemed necessary, adjacent to sections of the proposed route for the delivery of the wind turbine components at the following locations:
• between the points marked A (the River Crouch sea wall) and E (where the existing carriageway and Public Right of Way turns westward) on the attached plan

• between the points marked C (where the proposed site access meets the existing carriageway) and D (north of the proposed site access) on the attached plan

Temporary diversion Orders to be implemented for the Definitive Public Rights of Way numbered 20 and 22 during the construction phase of the works to divert the existing Public Right of Ways along these segregated temporary footpaths.

vii) Implementation of a temporary diversion Order together with but not restricted to, all associated signage as deemed necessary for the Definitive Public Right of Way numbered 23/24 during the construction phase of the works, to divert the existing Public Right of Way in accordance with the Plate 8.3 of the Environmental Statement.

viii) The submission of a comprehensive traffic management plan to include, but not restricted to, construction traffic routes, site access, abnormal load traffic management, diversion routes/orders and all signage associated with the site.

ix) The provision of wheel washing facilities to prevent the deposition of mud and debris onto public highway, such facilities to be maintained and used for the duration of the construction works.

x) The details of the timing of construction works, and the construction and surface treatment of all hard surfaces and tracks.

xi) The details of the proposed temporary site compounds for storage of materials and machinery (including areas designated for car parking).

xii) The details of cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway.

The details of the above shall only be agreed after consultation with the local highways authority. The details shall only be implemented as agreed.

Reason: In the interests of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan.

20. In connection with the legal agreement attached to this permission no development shall commence until a ‘before and after condition’ survey has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority. The survey shall be carried out to the routes listed below:

• The proposed HGV construction traffic route between the roundabout junction with the B1018 Scotts Hill and the B1021 Southfield Way, Southminster and the application site.

• The proposed HGV construction traffic route between the B1010/Rectory Lane junction and the B1018/Rectory Lane junction.

• The existing sections of the proposed route for the delivery of the wind turbine components between the proposed loading area at the sea wall alongside the River Crouch and the application site.

The results of the survey and any repair work shall be submitted to and approved in writing by the local planning authority. Where existing areas of the above routes are not considered structurally adequate to accommodate the planned construction traffic, replacement of these sections shall be undertaken by the applicant in consultation with the Local Highways Authority prior to the commencement of development. Any
repair works identified in the approved ‘after survey’ shall be undertaken within three months of the end of the construction phase of development at the site. Any repair works identified shall be implemented as approved by the Local Planning Authority in consultation with the local highways authority. 

Reason: In the interests of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan.

21. No unbound material shall be used on the surface finish of the haul road within 50 metres of the highway boundary of the site. 

Reason: To avoid the displacement of loose material on to the highway in the interests of highway safety and in accordance with policy T2 of the adopted Maldon District Replacement Local Plan.

22. Any gates/barriers provided at the access shall only open inwards and shall be set back a sufficient distance to allow a Large Goods Vehicle arriving and leaving the site to stand clear of the nearside edge of the carriageway.

Reason: In the interests of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan.

23. No development shall commence until a Tree Protection Method statement shall be submitted to identify all trees along the construction delivery routes that would be affected by the proposed delivery of construction materials to the site. The details of the Tree Protection Method shall be submitted to and approved in writing by the local planning authority. The protection measures shall only be implemented in accordance with the details as agreed.

Reason: To avoid and mitigate damage to any tree in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

24. No turbines shall generate electricity until a Recreational Benefit Scheme to include improvements to the local public footpath network, the inclusion of a public footpath within the site around wind farm, the provision of information boards to display information about the local wildlife in the area and the wind farm project, and the provision of a car park area adjacent or close to the public highway but within the application site. All details shall be submitted to and approved in writing by the Local Planning Authority prior to the ‘operational date’ of the development. The Recreational Benefit Scheme shall be implemented as approved within the first six months of the ‘operational date’ of the wind farm development and shall be maintained as such thereafter.

Reason: To ensure beneficial use of the site for nearby residents and visitors to the area, and to avoid on street parking along the public highway in accordance with policies BE1 and T2 of the adopted Maldon District Replacement Local Plan.

Restoration:

25. Within six months of the removal of the temporary construction compound, the temporary marine access and the storage area/lay-by a restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be implemented in the first available planting season following the approval of the scheme. If within a period of five years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the
same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. 

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

**Flooding & Hydrology:**

26 The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application in Appendix 9 of the Environmental Statement and forms part of this permission, shall be fully implemented and in place prior to the operational date of the wind farm development and retained as such for the life time of the development.

**Reason:** To ensure that maximum flood protection is carried out for the safety of the wind farm and the local area by reducing the damage a flood may cause, in accordance with PPS25 ‘Development and Flood Risk’.

27 No development shall commence until a delivery strategy to ensure the safe delivery of the turbine parts at the marine access point adjacent to the seawall, as shown in Figures 3.3, 3.3b, 8.1 and 8.2 of the Environmental Statement and as referred to in the Flood Risk Assessment detailed in Appendix 9 of the Environmental Statement, shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be fully implemented prior to the commencement of the construction of the development and maintained for the life time of the development.

**Reason:** In the interests of safe delivery and to avoid any potential damage to the existing seal wall flood defences in accordance with PPS25 ‘Development and Flood Risk’.

**Noise:**

28. The rating level (as defined in the Glossary of PPG24) of noise emissions resulting from all combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes shall not exceed the values set out below and as stated in sections (i) to (vii):

i) At the boundary of any residential property not financially involved with the development and lawfully in existence at the time of this planning permission, shall not exceed 40 dB $L_{A90,10min}$ at any time, except where the standardised 10 m height average wind speed is below 7 m/s during the 10 minute measurement interval when the limit shall be reduced to 35 dB $L_{A90,10min}$.

ii) At the boundary of Middlewick Farm, Middlewick Cottages or any residential property which is financially involved with the development, shall not exceed 45 dB $L_{A90,10min}$ at any time, except where the standardised 10 m height average wind speed is below 7 m/s during the 10 minute measurement interval when the limit shall be reduced to 40 dB $L_{A90,10min}$.

iii) No electricity shall be exported to the local grid network until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

iv) Within 21 days from receipt of a written request of the Local Planning Authority following a complaint to it alleging noise disturbance at a dwelling which lawfully exists or has planning permission at the date of this consent,
the wind farm operator shall at its expense employ an independent consultant approved by the Local Planning Authority to assess the rating level of noise emissions from the wind farm in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

v) Prior to the commencement of any measurements to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in parts (i) and (ii) attached to these conditions shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

vi) The wind farm operator shall provide to the Local Planning Authority the independent consultant’s assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes and paragraph (iv) above within three months of the date of the written request of the Local Planning Authority unless otherwise extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and certificates of verification and calibration of the instrumentation used to undertake the compliance measurements as required by paragraph 1(b) of the attached Guidance Notes.

vii) The wind farm operator shall continuously log wind speed, wind direction and rainfall at the permanent meteorological monitoring mast erected in accordance with this consent and shall continuously log power production, nacelle windspeed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with paragraph 1(e) of the attached Guidance Notes. These data shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in paragraph 1(f) of the attached Guidance Notes to the Local Planning Authority on its request within 14 days of receipt in writing of a request. The recording of wind speed and direction at the meteorological monitoring mast shall be at 2 heights (one of which shall be 10m height on the mast) which shall first have been approved by the local planning authority in writing such that wind shear data can be accurately calculated.

viii) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 42 days unless otherwise extended in writing by the LPA.

Reason: To protect the living conditions and amenities of residents at nearby properties from noise emissions in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

Aviation:

29. No development shall take place until details of a scheme to mitigate any adverse effects of the development on Primary Surveillance Radar at Southend Airport, which shall include the arrangements for the implementation of the scheme, have been submitted to and approved in writing by the local planning authority in consultation with the Airport Company. The scheme shall ensure that Southend Airport is capable of providing an air traffic control radar service (both as Deconfliction Service and
Traffic Service as defined in CAP 774) to at least the same standard as available prior to the operation of the development. Unless otherwise agreed with the local planning authority, the development shall not be brought into use until the scheme has been implemented in accordance with the approved details. 

**Reason:** In the interests of aviation safeguarding in accordance with policy CON7 of the adopted Maldon District Replacement Local Plan.

30. No turbines shall generate electricity until wind farm turbines identified as 1, 3, 5, 7 and 9 on Figure 3.3 of the Environmental Statement each shall be fitted with red a 25 candela omni-directional aviation lighting. The approved lighting shall be retain as such thereafter unless otherwise agreed in writing with the local planning authority subject to consultation with the aviation consultees stated in the planning application 

**Reason:** In the interests of aviation safeguarding in accordance with policy CON7 of the adopted Maldon District Replacement Local Plan.

**Shadow Flicker:**

31. No electricity shall be exported to the local grid until a written scheme has been submitted to and approved in writing by the Local Planning Authority setting out the protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of any lawfully occupied dwelling which existed or had permission at the time of planning permission, including remedial measures. Operation of the turbines shall take place in accordance with the agreed protocol unless the Local Planning Authority gives its prior written consent to any variations. 

**Reason:** In the interests of nearby residential amenity to restrict the impact of shadow flicker in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

**Utilities and Telecoms:**

32. No wind turbine shall be erected until a scheme to secure the investigation and alleviation of any electro-magnetic interference to terrestrial TV caused by the operation of the turbines has been submitted to and approved in writing by the Local Planning Authority. 

**Reason:** To safeguard against the loss of television signal in the interests of residential amenity in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan

33. No turbines shall generate electricity until vibration detectors shall be fitted to the turbine structures to detect for icing. 

**Reason:** To ensure the development is safe and protected from icing in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan

**Biodiversity and Ecology :**

34. No development shall take place on site until an Ecological Management Plan that sets out the necessary mitigation measures based on a comprehensive survey undertaken to assess the impact upon the following species: Water Voles, Otters, Badgers, Bats, Reptiles, Barn Owl/Hobby, and Birds (including nesting birds) has been submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall be implemented as approved prior to construction commencing and shall be maintained throughout the duration of the construction period.
Reason: To ensure appropriate protection to protected species is provided in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan.

35. No turbines shall generate electricity until a post construction monitoring scheme, in accordance with paragraph 13.117 of the Environmental Statement (Volume 2) detailing an ornithological monitoring programme has been submitted to and approved in writing with the Local Planning Authority in consultation with Natural England. The details as agreed shall be implemented and maintained for three years from the ‘operational date’ unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure appropriate protection to protected species is provided in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan.

36. No turbines shall generate electricity until a Habitat Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan shall include details for re-profiling of ditches to increase water levels for water voles and otters, provision of nesting boxes for birds, the establishment and management of grassland strips and field margin strips as proposed in paragraph 13.91 of the Environmental Statement (Volume 2). The Habitat Management Plan shall be implemented as approved.

Reason: To ensure appropriate protection to protected species is provided in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan.

Environment:

37. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either the ground or any watercourses or other surface waters, whether direct or via soakaways and there shall be no infiltration of surface water drainage into the ground waters.

Reason: To avoid pollution of the water environment in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

REASON FOR APPROVAL
This permission has been granted having regard to policies S2, CON1, CON5, CON7, CC1, CC2, CC3, CC5, CC6, CC7, CC10, CC11, BE1, BE13, BE16, BE17, BE18, T1, T2, T6, T8 and PU6 of the adopted Maldon District Replacement Local Plan and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies.

INFORMATIVES

Highways:

1. The applicant has proposed to consider the feasibility of importation of materials via rail. This feasibility study should be conducted prior to development commencement and the results of which should be made available the Local Planning Authority in consultation with the Local Highways Authority.

2. Prior to any works taking place in the public highway the developer shall enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
3. All Highway related details are to be agreed with the Highway Authority prior to implementation and all works affecting the highway are to be carried out to the satisfaction of the Area Highway Manager.

Aviation:

1. The applicant is reminded that there is a requirement in the UK for all structures over 300 feet high to be charted on civil aviation maps. It is the duty of the developers to provide details of the development to the Defence Geographic Agency.

2. The applicant is reminded that the Defence Estates (representing the Ministry of Defence) require details of the date constructions starts and ends, the maximum height of construction equipment, and the latitude and longitude of every turbine will need to be provided as this information is needed for plotting on flying charts to make sure that military aircraft avoid this area.

Enquiries To:- Chris Purvis, (Tel: 01621 875740)
1. **Introduction**

   1.1 This application is being referred to Committee as the site is located on Council owned land, and Leisure and Liveability Services is the applicant.

2. **Site Description**

   2.1 The application site is located within the development boundary for Maldon, within the Town Centre and the Conservation area as defined in the adopted Maldon District Replacement Local Plan.

   2.2 The application relates to the south-eastern corner of the Butt Lane car park, which is owned by Maldon District Council. The application site covers an area of approximately 710 sq. m. which covers 38 existing car parking spaces. The site is accessed from the car park itself with pedestrian access from Wenlock Way.

3. **The Proposal**

   3.1 Planning permission is sought to use part of the Butt Lane car park for the Maldon retail market for 2 days per week (Thursday and Saturday) until 31 August 2012. The site currently benefits from planning permission for the retail market until 31 August 2010.

4. **Relevant Planning History**

   - **FUL/MAL/04/00971**  - Change of use of part of car park to Maldon retail market, 2 days per week (Thursday and Saturday) – Approved - 09.12.2004.
   - **FUL/MAL/06/01022**  - Continued use of part of car park as retail market on 2 days per week (Thursday and Saturday) – Approved - 28.11.2006.
   - **FUL/MAL/07/00469**  - Change of use of part of car park to Retail Market for 2 days per week (Thursday and Saturday) until 31st August 2008. – Approved - 30.07.2007.
   - **FUL/MAL/08/00643**  - Use of part of car park for Maldon retail market 2 days per week (Thursday and Saturday) until 31 August 2010 – Approved - 29.07.2008.

5. **Consultation replies**

   **Town / Parish Council**
   
   Maldon Town Council - No objection.

   **External**
   
   County Highways - No objection.

   **Internal**
   
   Conservation – No objection.

6. **Letters of Representation**

   None received.
7. **Assessment of Proposal**

**Policy Issues**

**Policy Considerations**

(iv) **Key Development Plan Policies**

Adopted Replacement Maldon District Local Plan

BE1 - Design of New Development and Landscaping - Development will only be permitted if it is compatible with its surroundings and meets defined criteria.

BE13 - Development in Conservation Areas - Will only be permitted if design is of high standard with respect to surrounding buildings, spaces and views

T8 - Vehicle Parking Standards - New development will be expected to meet the adopted parking standards

(v) **Maldon District Local Development Framework Core Strategy Regulation 25 Consultation**

Members will be aware that on the 16 April 2009 the Planning and Licensing Committee agreed the publication of the new Maldon District Local Development Framework (LDF) Core Strategy Regulation 25 Consultation document, which was out for comment until the 8 June 2009. This document will, when it is adopted as the new Local Development Framework, supersede the existing Adopted Local Plan. The LDF shows the way in which planning policies are evolving and can only be given limited weight due to its unadopted status in reaching decisions on planning applications.

7.1 **Principle of Development**

The application site lies within the Town Centre of Maldon as defined in the adopted Maldon District Replacement Local Plan. The market helps to strengthen and maintain the role of Maldon town centre by improving the range of retailing which helps to promote the vitality and viability of the town centre environment. The application is therefore acceptable in principle.

7.2 **Relevant History**

The application site has had planning permission to run the Maldon retail market since 2004. Temporary consent has been granted previously as it is not considered that a grant of permanent planning permission is appropriate. The granting of temporary consent enables the local planning authority to reassess the impact of the development upon the area. Some concerns have been raised in the past regarding hours of operation and breaches of previous planning permissions. These issues appear to have been resolved; however conditions relating to hours of use and the granting of a temporary consent only are considered appropriate to allow on-going monitoring.

7.3 **Effect upon Character / Appearance of Conservation Area**

Maldon is historically a market town and there is no objection to the continued use of part of the Butt Lane car park to hold the Maldon retail market. It is not considered that it would have a detrimental impact on the special character of the conservation area.
7.4 **Access, Parking & Highway Safety**

It is acknowledged that the market does result in the loss of car parking spaces on market days. However, this has to be considered in the wider context of the overall number of car parking spaces available within the town centre as a whole, as well as the economic benefits of there being a regular market within the town centre.

No objection has been raised to the application by Essex County Council Highways and overall it is felt the benefits gained by the market outweigh the loss of parking on market days.

**Recommendation**

**APPROVE** subject to the following conditions:-

1. The use hereby permitted shall be discontinued on or before 31 August 2012 unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority.
   **REASON:** It is not considered that the grant of a permanent planning permission would be appropriate and a temporary permission would enable the local planning authority to reassess the impact of the development on the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

2. The Market hereby permitted shall operate only between the hours 08:00 to 17:00 on Thursdays and Saturdays only with no setting up of any stall prior to 07:30. All stalls and related equipment shall be removed from the site prior to 18:00 hours on each day.
   **REASON:** To ensure the use is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

**REASON FOR APPROVAL**

This permission has been granted having regard to policies BE1, BE13 and T8 of the adopted Maldon District Replacement Local Plan and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

Enquires To: Julia Sargeant, (Tel: 01621 875851)
Amenity building associated with fishing lake
New House Mill End Bradwell-On-Sea Essex
Applicant:- Mr Richard Dewick
Agent:- Cussen Construction Consultants

1. **Introduction**
   1.1 This application is presented to the Planning and Licensing Committee because the applicant is an Elected Member of the Maldon District Council.

2. **Site Description**
   2.1 Curry Farm is an active mineral extraction site between the settlements of Tillingham and Bradwell. In accordance with a scheme of restoration agreed with the County Council, lakes are being formed on the worked areas of the site for fishing recreation purposes. Operations are nearing completion on the eastern part of the quarry.

   2.2 There is a dwelling known as ‘Mill House’ that is on the haul road approach into the quarry. The next nearest dwellings are to the west of the site and clustered near the junction of the B1021 with Mill End. The private lane of Mill End abuts the southern boundary of the quarry site and leads to Curry Farm. ‘New House’ is to the west and is owned by the applicant.

   2.3 Public Footpath Number 5 formerly crossed the site but was diverted at the time of operations commencing. It follows the southern boundary of the site along Mill End and reconnects with the original route of path 5 along the eastern boundary of the site.

3. **The Proposal**
   3.1 It is proposed to construct a new single storey building for recreational use associated with the use of the adjacent lake for fishing; the intended purpose is to provide sanitary facilities and shelter for users of the recreation facilities. The submitted supporting statement refers to justification based on the size and level of accommodation being a requirement to provide quality sanitary and recreation facilities in a growing market for such specialist angling activities. It would be for those people with private syndicate membership and would also provide for the growing female and family participation in the sport. Disabled users would also be able to have access to the building.

   3.2 The building would be in a log cabin design with a covered terrace area. It would be 3 metres high at the ridge, 5.9 metres wide by 14 metres deep. Internally, changing rooms would be provided alongside a leisure room, kitchen and office facility.

   3.3 The building would be to the southwest of the lake nearest to New House. It is proposed in the Design and Access Statement for the building to be accessed via the existing site entrance and the existing haul road.

4. **Relevant Planning History**
   4.1 The site has a detailed and comprehensive history relating to the aggregate extraction and processing activities on site; these records are the responsibility of Essex County Council (ECC) as the Minerals Planning Authority.
4.2 The most recent permissions of relevance are as follows (Maldon District Council references obtained as a result of County Council consultation):

- **ESS/MAL/08/01356** – Continuation of use as a mineral extraction site without compliance with condition 1 of County Ref: ESS/07/00/MAL to allow restoration to 2 fishing lakes containing 4 islands instead of 1 fishing lake containing 2 islands, no objection and approved

- **ESS/MAL/08/01357** - Continuation of use as a mineral extraction site without compliance with condition 1 of County Ref: ESS/55/97/MAL to allow restoration to 2 fishing lakes containing 4 islands instead of 1 fishing lake containing 2 islands, no objection and approved

5. **Consultation replies**

Town / Parish Council

**Bradwell Parish Council** – Support.

Internal

**Environmental Health** - No objection.

External

**Highways Authority** – No objection.

**Environment Agency** – No objection; a private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable. An acceptable method of foul sewage treatment would be the provision of a private treatment plant installed in accordance with Schedule 10 of the Water Resources Act 1991.

6. **Letters of Representation**

Letters of objection:

Stephen Dewick Curry Farm Mill End Bradwell-On-Sea.

Main reasons for objection:

- The accompanying plan fails to show the public footpath from Mill End to Blue House which runs directly across the site entrance on the southern edge of the site. It also omits to show the adjacent occupied cottage which is part of Mill House.

- It states that access will be along the private lane from Mill End but the plan appears to show the Haul Road used by lorries.

- Ownership certificate: I wish to point out that I am the owner of both the private lane from Mill End and the Haul Road.

7. **Assessment of Proposal**

*Policy Issues*

(vi) **Relevant Development Plan Policies**

Adopted Maldon District Replacement Local Plan
S2 - Development Outside Development Boundaries - Outside the defined development boundaries the coast and countryside will be protected for their own sake.

BE1 – Design of New Development – Development will only be permitted if it is compatible with its surroundings and meets defined criteria.

CC6 - Landscape Protection - The natural beauty and quality of the landscape shall be protected, conserved and enhanced.

T2 - Transport Infrastructure in New Developments – New development will be expected to achieve sustainability and highway safety throughout.

T8 - Vehicle Parking Standards - New development will be expected to meet the adopted parking standards.

CON5 - Pollution Prevention - Development having an adverse impact on the environment by means of pollution will be refused.

(vii) Maldon District Local Development Framework Core Strategy Regulation 25 Consultation

Members will be aware that on the 16th April 2009 the Planning and Licensing Committee agreed the publication of the new Maldon District Local Development Framework (LDF) Core Strategy Regulation 25 Consultation document. This document will, when it is adopted as the new Local Development Framework, supersede the existing Adopted Local Plan. The LDF shows the way in which planning policies are evolving and can only be given limited weight due to its unadopted status in reaching decisions on planning applications.

(viii) Government Guidance

PPS7 – Sustainable Development in Rural Areas – Sets out criteria, guidance and recommendations as to the suitability of certain types of development that may and may not take place within rural locations.


7.1 Principle of Development

Planning Policy Statement 7 indicates that ‘new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction.’ The fishing lakes at Curry Farm are to be part of a premium specialised carp angling facility. This is a specific market being targeted on this site and the proposed building would assist in supporting the facility. The level of accommodation proposed, including sanitary facilities, a leisure room for shelter in inclement weather and an office for angling record keeping is to attract, retain and sustain angling membership at these premises.

7.1.1 The Good Practice Guide for Tourism states that: ‘in order to be commercially competitive tourism developers...should design their developments in such a way that visitors can readily and conveniently enjoy the attraction or facility.’ The proposed building would serve to support the viability of the site and the business, attracting interest and membership to compete in the market for such facilities. Disabled, female, male and families would have access to the facility, providing services to meet the needs of all potential users; it would be sited at the entrance to the site. It is therefore considered that, whilst constituting new development outside of the defined settlement boundary, this small scale facility could be supported provided that there would not be any adverse impact on the surrounding natural or built environment.
7.1.2 **Other Potential Users**
Due to the size of the building and its internal layout there is potential for other uses to be accommodated. Residential occupation, even on a temporary or overnight basis, would not be acceptable and contrary to development plan policies. A condition is therefore considered necessary to mitigate against any such circumstances arising and to ensure the appropriate use of the site.

7.1.3 **Precedent**
Whilst each case has to be judged on its merits, this scheme may set a precedent for further such amenity buildings on fishery sites. There are a number of other fishing and angling locations available within the Maldon District area.

7.1.4 Chigborough Lakes is of a larger scale than Curry Farm though already has support facilities in terms of a smokehouse and small booking rooms for management purposes. The other fishing venues such as Oak Lakes (Southminster) and Ratsborough Farm (Southminster) are designed for recreational fishing and not targeted specifically for the carp market; smaller lakes in the District such as at Limebrook Farm (Maldon) and Twitty Fee (bordering Chelmsford from Woodham Walter) would not be of a scale to warrant or require additional support facilities.

7.1.5 The key factors in this instance are the specialised nature of the angling facility, the scale of the lakes being provided for the fishing and the limited impact the proposed building would have on the landscape by virtue of its positioning in a lowered landscape with the opportunity for planting to screen it further. It is therefore considered the special circumstances of the site are sufficient to not set an undesirable precedent.

7.2 **Impact on Character and Appearance of the Area**
The proposed single storey building and its ancillary parking area would be visible to users of the Highway and public footpath on Mill End. Restoration of the site in accordance with County Council permissions does not make provision for landscaping measures for the southern boundary.

7.2.1 However, the topography of the restored land results in a subtle gradient up from the lakes towards the lane to the south. The proposed building would be situated within the lowered landscape reducing its immediate visual impact. Furthermore, the building is in an area that will soon be restored back to a natural environment. It is considered that further landscaping to the south of the building would assist in screening the development and enhancing the visual appearance of the site.

7.2.2 It is considered appropriate to attach a condition to any planning permission requiring additional landscaping to the south of the proposed building to ensure it does not appear intrusive within the restored site or the local landscape. On that basis, the building would be in keeping with the emerging leisure character of the site and considered acceptable in this instance, in accordance with policy CC6 of the Local Plan.

7.3 **Access, Parking and Highways**
The site is proposed to be accessed via the existing site entrance and haul road. The purpose built haul road was to be removed following the completion of the restoration in accordance with County Council permissions. However, it could be retained if this
application was approved (if permission granted the District permission would supersede the County requirement). No objection has been raised from the Highways Authority to this arrangement, which currently serves larger and more frequent heavy vehicle movements. Furthermore there would only be limited interference with persons on the public footpath by way of the proposal. In principle this is considered acceptable and unlikely to conflict with highway or pedestrian safety in accordance with policy T2 of the Local Plan.

7.3.1 A proportion of the existing hardstanding associated with the current uses on site would be retained alongside the amenity building. This would provide for 20 unmarked parking spaces. Parking already formed part of the restoration plans approved by the County Council. Five dwellings currently use the lane for access as well as Curry Farm; the development would lead to a minor increase in vehicle movements along the lane through fishing club members accessing the site at all hours. It is unlikely however that this would be to such an extent that it would have a material adverse effects upon the amenities of the rural area or nearest neighbours.

7.4 Effect on Neighbouring Properties
The proposed building would be constructed approximately 35 metres away from the nearest residential property to the south. The building itself is not considered to represent a threat to the amenities of the nearest neighbours.

7.4.1 In terms of use the building includes a leisure room, kitchen and office as well as changing facilities. The purpose is to provide shelter and sanitary facilities for the users of the fishing lakes. The building is not intended or equipped for residential purposes; this is for commercial purposes only. It is possible that some noise may be generated by activities within the building, although it is important to recognise this is not a ‘social club’ premises or intended to be such. The level of disturbance likely to arise is therefore considered minimal and not to cause harm to the amenities of the area.

7.4.2 There are no restrictions on the hours of use of the fishing lakes conditioned by the County Council. Night fishing and various other angling events are therefore allowed to occur at any time on any day (subject to the site’s own management and security procedures). It follows that the amenity building should also be made available for use at any time as it would be unreasonable to control this aspect in an unrestricted recreation area. This may be seen as a focal point for activity (and for associated noise), but it would be of a benefit to have this within a building as opposed to being outside. On this basis it is not considered to harm the amenities of the nearest occupiers in accordance with policy BE1.

7.5 Other Considerations
The matters raised in the letter of representation have been addressed by the applicant by way of further submitted plans.

Recommendation

APPROVE subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.  
**REASON** To ensure that the development is carried out in accordance with the details as approved.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application, unless otherwise agreed in writing by the local planning authority.  
**REASON** In order to ensure the appropriate use of the site in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

4. There shall be no amplified sound used within the premises unless otherwise agreed in writing by the local planning authority.  
**REASON** In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

5. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.  
**REASON** To ensure adequate refuse facilities are available in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

6. The amenity building hereby permitted shall only be used for those purposes ancillary and incidental to the recreational use of the fishing lakes to which it relates and not for any for any overnight sleeping purposes.  
**REASON** To protect the amenities of the occupants of neighbouring dwellings and the surrounding rural area in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

7. No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.  
**REASON** To ensure the development and use of the site is appropriate to the locality in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

**REASON FOR APPROVAL**  
This permission has been granted having regard to policies S2, BE1, CC6, CON5, T2 and T8 of the adopted Maldon District Replacement Local Plan and to all other material considerations. The carrying out of the development permitted, subject to the conditions imposed, would accord with those policies and in the opinion of the Local Planning Authority there are no circumstances which otherwise would justify the refusal of permission.

**INFORMATIVE**  
All other particulars relating to the restoration, maintenance and aftercare of the site should be carried out in accordance with the relevant planning permissions from Essex County Council as the Minerals Planning Authority.

Enquiries To:- David Wallis, (Tel: 01621 875744)