

**Reference:** 13/00256/FUL

**Date Submitted:** 07.05.2013

**Applicant:** Mr C and Mr N Birch

**Location:** Station Farm, Station Road, Waltham On The Wolds, Melton Mowbray

**Proposal:** Installation of a single wind turbine with a maximum height to tip of 36.5m, a new access track, hardstanding, small substation building, temporary wind monitoring mast and associated infrastructure.



**Proposal:-**

The application seeks full planning permission to erect a 36.5m high wind turbine with a new access track, hardstanding, substation, temporary wind monitoring mast and associated infrastructure. It is proposed that the turbine would have a hub height of 24.5m and rotor diameter of 24m. The proposed turbine would be a typical modern design. When the application was originally submitted, it was proposed that the development would be 77m in height. This has been amended to the current 36.5m height to tip but some of the comments received for the application still relate to the original height of 77m.

The site is a current arable field, located to the North of Waltham on the Wolds and it is proposed that the site would be accessed off a new track from the A607. The boundary with the A607 is currently a 2.5m high hedge. There is also a bridleway through the field in which the proposed development would be situated.

The amended statement submitted as part of the planning application estimates that the proposed 36.5m tall turbine would be capable of generating 319 000 kWh of electricity, the equivalent to 70 households (approximately 10.5% of households within Waltham on the Wolds and Thorpe Arnold Parish).

The application is presented to the Committee on matters of policy and the number of representations received.

It is considered that the main issues relating to this proposal are:-

- **Impact upon the character of the countryside and landscape**
- **Impact upon residential amenities**

#### **History:-**

An EIA screening was carried out in 2012 for a 77m high turbine at the site. This established that the development would not be likely to have a significant effect on the environment by virtue of its nature, size or location and would not be EIA development.

#### **Planning Policies:-**

Melton Local Plan (saved policies):

Policy OS2 of the Melton Local Plan 1999 states that development will not be granted for development outside the town and village envelopes, except for development essential to the operational requirements of agriculture and forestry and development essential to the operational requirements of a Public Service Authority, Statutory Undertaker or licensed telecommunications code system operator.

Policy C1 states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, unless all the following criteria are met: there is an overriding need for the development, there are no suitable sites for the development within existing developed areas or where agricultural land is of poorer quality and the proposal is on land of the lowest practicable grade.

Policy C2 states that planning permission will be granted for farm diversification proposals provided that the activities would be ancillary to the main agricultural use and would not prejudice the future operation of the holding, the proposed development is compatible with its rural location in terms of scale, design and layout, there is no significantly adverse impact on the character and appearance of the rural landscape or conservation of the natural environment, access, servicing and parking would be provided at the site without detriment to the rural character of the area and any traffic generated can be accommodated by the local highway network without reducing road safety.

Policy C13 states that planning permission will not be granted for development that could adversely affect a designated ecological SSSI, or nature reserve unless there are no other sites suitable for the purpose and an overriding national need can be demonstrated. Where there is a risk of damage to a designated site, planning conditions will be used to secure the long term management of the site or to restrict operations.

Policy C15 states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development and the development is designed to protect the species or provision is made for the transfer of the species to an alternative site of equal value.

#### **National Planning Policy Framework:**

Paragraph 7 of the National Planning Policy Framework (NPPF) states that the planning system will contribute to building a strong, responsive and competitive economy, including by supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The planning system also has an environmental role, in that it should contribute to protecting and enhancing our natural, built and historic environment, including minimising waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 11 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 states that proposed development that accords with an up-to-date Local plan should be approved and that proposed development that conflicts should be refused unless other material considerations indicate otherwise.

When decision taking paragraph 17 sets out 12 core planning principles. These include to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it and to not simply be about scrutiny but be a creative exercise in finding ways to enhance and improve the places in which people live their lives. Planning should also support the transition to a low carbon future in a changing climate, by encouraging the use of renewable resources (for example, by the development of renewable energy). The planning system should contribute to conserving and enhancing the natural environment and reducing pollution. Planning should also conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity and meeting the challenges of global competition and of a low carbon future. Paragraph 19 explains that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth.

Paragraph 58 states that planning decisions should ensure that development function well and add to the overall quality of the area, respond to local character and history, and reflect the identity of local surroundings and materials.

Paragraph 65 states that Local Planning Authorities should not refused planning permission for infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape, if the concerns have been mitigated by good design (unless if the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits).

Paragraph 97 relates to “Meeting the challenge of climate change, flooding and costal change”. This states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should have a positive strategy to promote energy from renewable and low carbon sources and design policies to maximise renewable energy and low carbon energy development whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

Paragraph 98 states that when determining applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils, minimise impacts on biodiversity and providing net gains in biodiversity where possible, prevent new and existing development from contributing to or being put an unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Paragraph 118 further explains that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying the following principle: If significant harm resulting from

the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, through the use of conditions and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 129 relates to conserving and enhancing the historic environment. This states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including affecting the setting of a heritage asset) taking account any evidence and necessary expertise. The assessment should be taken into account when considering the impact of a proposal on a heritage asset to avoid or minimise conflict between the heritage assets conservation.

Paragraph 134 states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

**Planning Practice Guidance**

The National Planning Practice Guidance provides advice for Local Planning Authorities, to be read in conjunction with the NPPF. The NPPG provides advice relating to assessing wind turbines and the particular planning issues that should be considered for this type of development.

On 18<sup>th</sup> June 2015, DCLG released a written ministerial statement relating to local planning. This states that when determining planning applications for wind energy development involving one or more wind turbines, Local Planning Authorities should only grant permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Whether the proposal has the backing from the local community is a planning judgment for the Local Planning Authority.

It has been explained that “Where a valid planning application for a wind energy development has already been submitted to a local planning authority (after 18<sup>th</sup> June 2015) and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.” The Written Ministerial Statement has now been included as part of the National Planning Practice Guidance.

**Consultations:-**

Consultation Reply	Assessment of Head of Regulatory Services
<p><b>Clawson, Hose and Harby Parish Council – Object</b></p> <p>The site is highly visible to many surrounding villages.</p> <p>The development would set a precedent for further similar applications.</p>	<p>The application submitted included a landscape and visual assessment. This has been assessed as part of the decision making process.</p> <p>Each application received for similar development would be assessed on its own merits.</p>

<p>The cumulative effects of the developments are difficult to quantify when viewed individually and is a subjective judgement.</p> <p>It is proposed in a well know area of natural beauty with a large volume of tourism and is a National Character Area: 74 (Leicestershire and Nottinghamshire Wolds).</p>	<p>Each turbine would be viewed individually but also collectively. Any impact would be for the decision maker to determine. It is not considered that the development would have a significant impact on the appearance of the area.</p> <p>The impact on the landscape has been assessed as part of the determination of the application. It is acknowledged that the site is within National Character Area 74 and this has been taken into account.</p>
<p><b>Eaton Parish Council – Object</b></p> <p>The Parish Council are in favour of renewable energy but not at this site or other large scale wind turbines installed on an ad hoc basis to the landscape which is inappropriate. Wind turbines should be grouped together in areas which are not so open. The proposed development would be in the middle of the historic landscape which is known for its unspoilt landscape and the site would be visible from several villages and possibly Belvoir Castle.</p> <p>The proposed access is off the A607 and the proposed site is adjacent to this road. The proposed development is bound to draw the attention of drivers and could distract concentration on this busy road.</p>	<p>Any application for a turbine would be assessed on its own merits. The grouping together of any wind turbines would not be a material planning consideration. .</p> <p>It is not considered that the proposed development would be significantly harmful to the character of the area and the impact of the development on the amenity of local residents has been assessed. The loss of a view is not a material planning consideration.</p> <p>LCC Highways are satisfied that the proposed development would not result in any highway safety issues.</p>
<p><b>Freeby Parish Council – No objection in terms of impact on parishes within the Parish Council boundary.</b></p>	<p>Noted.</p>
<p><b>Scalford Parish Council – Observation</b></p> <p>The Parish Council are concerned about the number of such developments in the area and that careful consideration should be given to the number, location and size of the turbines and their impact on the development.</p> <p>Should be determined specifically how many wind turbines are proposed and whether appropriate for the site.</p>	<p>Only one wind turbine is proposed for the site in this application. It is considered that the site is large enough to accommodate the proposed turbine. The cumulative impacts of the turbine with others in the area have been assessed when determining the application. It is considered that the proposed turbine would not have a significant impact on the visual appearance of the area.</p>
<p><b>Waltham on the Wolds and Thorpe Arnold Parish Council – Object</b></p> <p>The Parish Council feel that the wind turbine would potentially decimate the area for wildlife.</p>	<p>The application has been assessed by the Council’s Ecological advisors who raise no objection. It is not considered that the development would be harmful to the nearby Croxton Park SSSI. It is considered that there is a relatively low risk of harm to bats and birds.</p>

<p>The Parish Council feel that the historic views of the field would be ruined and the construction period would have a very detrimental effect on the area.</p> <p>The proposed track could cause considerable disruption during the construction phase, with delay in traffic unable to leave the A607.</p> <p>There are currently two turbines on Eastwell Cross Roads, one proposed at Hindles Farm, one near Twinlakes on Spinney Road and this proposed turbine. The cumulative effect of the turbines on this area which forms part of the Vale of Belvoir and surrounding area would be ruined.</p> <p>There are several wells in the area that feed farms and it is essential that these are not damaged as they are vital for the farms sustainability.</p> <p>The Parish Council noted that when visiting the site there are several houses on Station Road that would have their view completely overshadowed by the turbine and that shadow flicker would be a problem for these properties.</p> <p>The landscape heritage assessment was produced over 7 years ago (this relates to the Melton Borough Council published assessment which has been included in the appendices) and therefore reduces the validity of the report as the landscape with hedgerows and trees will have changed considerably over that period.</p>	<p>A landscape assessment has been carried out by the applicant. Any harm on the appearance of the field is subject to the viewer's viewpoint and perspective.</p> <p>LCC Highways have not objected to the application. Any disruption during the construction phase would be limited in terms of timescale to a very short period.</p> <p>The cumulative appearance of the turbines has been considered and the harm arising from the combination of these turbines would result in would be subjective. The turbines would have a different impact depending on the view point.</p> <p>It is not considered that the proposed development would be harmful to ground water sources.</p> <p>The residents of these dwellings have been considered and it is considered that the development would not result in shadow flicker. The loss of a view is not a material planning consideration and therefore cannot be taken into consideration for this application.</p> <p>The assessment by the applicant is more up to date than the Melton landscape assessment which forms part of the appendices in support of the applicant's documents. However it is not considered that the landscape would have changed significantly over the past 10 years.</p>
<p><b>LCC Ecology</b></p> <p>Acknowledged the reduction in height of the turbine. The proposed turbine would meet the 50m buffer required from a 2m hedgerow (although this should be checked by the LPA). It is suggested that consideration must be given to adding a condition to ensure that any micro-siting fits these requirements.</p> <p>The comments on the potential impact on the SSSI remain the same as in 2013. LCC Ecology noted that the site is very close to Croxton Park SSSI. This SSSI was originally notified partially for the presence of breeding birds. Note that the SSSI has not been surveyed by ecologists but this is understandable as there is no public access to the park. Some of the bird species notified may be at risk from wind turbines and therefore Natural England should be contacted to establish the current condition of the SSSI and any possible impacts from the</p>	<p>Noted. The proposed development would meet the 50m buffer from the hedgerow. Conditions could be included on any decision requiring detailed drawings as to the exact position of the proposed turbine.</p> <p>Noted. Natural England were consulted on the application (comments below).</p>

development.	
<p><b>Natural England</b></p> <p>The amendments to the proposal do not materially affect the original advice provided.</p> <p>(Original comments – This application is in close proximity to Croxton Park SSSI. NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Therefore advise that this SSSI does not represent a constraint in determining this application. It is noted that a survey for European Protected Species has been undertaken in support of this proposal. NE does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats. The ecological assessment concludes that schedule 1 birds will not be significantly affected by the development. We welcome the precautionary measures suggested in the report. We would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining the application: local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species. NE does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application.)</p>	<p>Noted.</p> <p>It is considered that the proposed turbine would not have a detrimental impact on the features of the nearby SSSI.</p> <p>Noted that the proposal is unlikely to affect bats and birds are unlikely to be significantly affected by the proposed development and welcome the precautionary measures suggested in the applicants supporting documents.</p>
<p><b>Heritage England</b></p> <p>Has noted the amended scheme and reduction of height to tip of 36.5m. On the basis of the amendment and proportionate reduction in impacts, recommend that the application should be determined in accordance with national and local policy guidance and on the basis of the LPAs specialist conservation advice and it would not be necessary to consult HE again on the application.</p>	<p>The application will be assessed against local and national planning policy and internal conservation advice has been sought on the proposal.</p>
<p><b>MOD Safeguarding – No Objection</b></p> <p>The application is for one turbine at 36.5m from ground to blade tip. The no objection letter is for a 36.5m turbine and not a 77m turbine. (Had originally objected to the proposal as the development would interfere with radar)</p>	<p>Noted. The reduced height of the turbine was as a result of the original objection received from the MOD.</p>
<p><b>East Midlands Airport Safeguarding – No objection</b></p>	<p>Noted.</p>

<p>The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly there is no safeguarding objection to the proposal.</p>	
<p><b>Civil Aviation Authority</b></p> <p>Reduction in overall turbine height noted. Accordingly, the only CAA comment in relation to the additional information is to reiterate the requirements for the developments to be charted and notified for aviation safety purposes. In terms of charting, there is an international civil aviation requirement for all structures of 300 feet (91.4m) or more to be charted on aeronautical charts.</p> <p>Structures with a maximum height below 300ft (91.4m) above ground level. On behalf of other non-regulatory aviation stakeholders, and in the interest of Aviation Safety, the CAA also requests that any feature/ structure 70ft (21.3m) in height, or greater, above ground level is also reported to the Defence Geographic Centre (DGC) to allow for the appropriate notification to the relevant aviation communities. It should be noted that NOTAMS (Notice to Airmen) would not routinely be required for structures under 300ft unless specifically requested by an aviation stakeholder.</p>	<p>The proposed height of the turbine means that the development would not need to be charted on aeronautical charts.</p> <p>Should permission be granted, the structure would need to be reported to the Defence Geographic Centre (DGC).</p>
<p><b>NATS</b></p> <p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with out safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal. This response application specifically on the information supplied at the time of this application.</p> <p>(NATS had previously considered that the anticipated impact on NATS radio communications infrastructure had been deemed to be unacceptable.)</p>	<p>Noted.</p>
<p><b>LCC Access Officer</b></p> <p>Understand the constraints placed on the choice of location for the turbine and do not object to the proposed condition. Have agreed following conditions with the applicant:</p> <ul style="list-style-type: none"> <li>• No gates or other barriers will be placed across the bridleway – to maintain the public right of way free from obstruction.</li> </ul>	<p>Noted. Appropriate conditions can be included should the development be granted planning permission.</p>



<ul style="list-style-type: none"> <li>• A banksman will man the bridleway whilst vehicles are crossing during construction – in the interests of public safety.</li> <li>• The bridleway approaches to the access track will be surfaced and graded back to field level over a distance of 3m on either side – in the interests of public safety.</li> </ul> <p>(Previous comments – The proposed turbine will be located at least a minimum distance of “tip height plus 10%” from the bridleway and having taken measurements from the plan I am satisfied that the proposed location does achieve the minimum fall over distance from the right of way. However, the proposed turbine is short of the 200m recommended distance from a bridleway. This does give me cause for concern and I would like the applicant to clarify any constraints which prevent the proposed location being further north or indeed move south of the bridleway. The proposed access track will cross the bridleway but if the turbine was located south of the bridleway then this would be avoided.)</p>	
<p><b>MBC Conservation</b> (Comments based on 77m high turbine in Sept 2013).</p> <p>(Original comments made reference to English Heritage guidance “Wind energy and the historic environment” (now archived))</p> <p>The applicant has supplied certain background documents in support of the application and in heritage terms a search area of 2.5km has been applied. Comments are primarily based upon the applicant’s assessments and photographs supplemented by observations made on a site visit.</p> <p>Archaeology – The development may have the potential to damage any underlying archaeological remains although disturbance may be limited.</p> <p>The countryside around Wolds Farm is a typical fields and enclosed land landscape character area, where there has been little change in landform, apart from some hedgerow loss, since the eighteenth or nineteenth centuries. The proposed wind turbine is in an area known as the Wolds. This is a rural character area of rolling landscape with numerous stream valleys mixed with farmland, small villages and little woodland or parkland. The area is also defined as “Particularly Attractive Countryside” in the Adopted Melton Local Plan.</p> <p>A photomontage has been supplied from Eastwell,</p>	<p>Noted.</p>

Scafford and Croxton Kerrial and one from Belvoir. The view from the A607 at Croxton Kerrial indicates that views of the turbine will be obscured by dense tree cover. Similarly it will be barely visible from Eastwell, however it will be seen from certain viewpoints in Scafford.

The view from Belvoir is very negligible against the backdrop but it is acknowledged by the applicant that the view from the Castle terrace may be different. However those views include many modern interventions such as electricity pylons and power station chimneys etc which would certainly reduce the impact of a distant single wind turbine.

Within the 2.5km study area there are a number of designated heritage assets which include Scheduled Monuments, Listed Buildings and Conservation Areas. There are three Scheduled Monuments within the search zone, namely: Croxton Abbey and associated remains, Post Mill at Windmill Hill and Bescaby shrunken medieval village. The proposed turbine would be visible from Bescaby. Clearly the setting of the Scheduled Monument is an important element in contributing to its heritage value and in those terms there is a potential impact on its setting. A photo supplied from a viewpoint in Croxton Park indicating the existing mature tree cover will mitigate and ensure there is minimal impact, if any, on the Monuments setting. No photo has been provided in relation to the Post Mill but feel the same conclusion can be drawn.

There are four settlements within 2.5km from the site which benefit from Conservation Area status.

Branston – The Conservation Area includes all the built up area of the village and extensive open areas to the South of the village. In heritage asset terms there are 7 listed buildings and sever others defined as being buildings of local interest. The Parish Church is the most important listed building which sites within an elevated churchyard, however do not consider this building nor its setting to be directly affected by the proposed turbine. The turbine will be visible but set against a backdrop of trees which potentially lessens the impact on distant views.

Eaton – The Conservation Area centres on the historic core of the village but includes some surrounding countryside. There are 6 listed buildings, the most important and significant being the thirteenth century Grade I Church of St Denys. It is set in an elevated churchyard overlooking the village and the open

It is not considered that the proposed development would have a significant impact on the setting of Belvoir Castle or views from the castle which would be significant enough to warrant the refusal of the application, especially when taking into account other modern interventions in the landscape.

It is not considered that the proposed development would have a significant impact on Branston Conservation Area or the listed buildings in the village.

Concerns have been raised that the development would adversely affect the wider setting of the Grade I listed church in the village The turbine as viewed with a backdrop of trees is not considered to have a significant impact on the village and listed buildings.

countryside to the east makes an important contribution to its wider setting. The supplied photomontage is taken from the churchyard overlooking those very fields and the turbine can be clearly seen amongst the trees on the horizon impinging on this unspoilt vista. In that regard I have concerns that the turbine will adversely affect this element in the wider setting of the church. The following extracts from the Conservation Area appraisal confirm the perceived importance of the Church and its setting:  
*.....The Church of St Denys stands proudly in an elevated position above the village, its setting enhanced by the clustered hillside form of the village. There is somewhat of a 'spiritual' link between the Church and the former Methodist Church, which also stands proud on the brow of a hill on Chapel Street, ensuring that both buildings have uninterrupted views of each other over the rooftops.....*

*.....There are splendid views over open countryside with the varied roofscape in the foreground from the elevated Church which are quite spectacular. The former Methodist Church is directly in the line of vision from the Church enhancing the spiritual link between the two places of worship.....*

*.....The hillside setting of the village is dramatically enhanced by many significant tree groups both within and on the perimeter of the settlement. Additionally steeply sloping grass meadows, notably on the eastern edge, provide an attractive foreground setting. From within the village there are extensive views over open countryside especially to the south. As well as providing a focal point within the village the Church and its churchyard do likewise for the wider surrounding landscape.....*

Goadby Marwood – There are several listed buildings in the village concentrated at the west end. The photomontage supplied indicates that the turbine will be visible from certain viewpoints within the village but generally view against a backdrop of trees and as such the effect of the designated heritage asset is reduced.

Waltham on the Wolds – The Conservation Area is centred in the historic core of the village, which is approximately 2km from the turbine site. The majority of the listed buildings are also within that part of the village. Do not consider that the turbine will be visible from that part of the village and hence the effect on heritage assets will be very minimal.

The Waltham transmitter is undoubtedly the largest and hence most prominent man made feature in what is generally an unspoilt landscape, albeit described as lacking distinctive qualities. It comprises of a 315m

It is considered that the proposed development would not be visible from the majority of the listed buildings or Conservation Area of the village.

When viewing the proposed turbine, it is considered that the development would be significantly smaller than the existing Waltham transmitter. It is considered that the proposed turbine would have little impact on many viewpoints in the Borough when viewed with the existing 315m tall transmitter.

Notwithstanding the comments submitted by the Conservation Officer relating to the impact that the proposed wind turbine would have on the appearance of the landscape, it is not considered that the proposed turbine would have a significant impact. It is not considered that the proposed development would have an overbearing impact on residential properties. It is considered that local landscape, other manmade structures and vegetation would reduce visibility of the proposed development.

<p>guyed steel tubular mast. As such it is highly visible from many viewpoints within the Borough. By comparison the proposed turbine, although solid and partially animate, is significantly smaller and hence when viewed together would be relatively insignificant.</p> <p>Wind turbines by their nature are tall and slender in appearance. The balance that needs to be drawn is between the necessity for measures to meet the challenge of climate change and the importance of conserving the significance of heritage assets including listed buildings, conservation areas and the wider historic landscape. In this instance the proposed location of the wind turbine is in an area classified in historic landscape terms as fields and enclosed land.</p> <p>The landscape in the immediate area of the turbine site, although described as generally lacking distinctive qualities, has apparently undergone minimal changes through the years and there has been minimal intervention in terms of manmade structures. The area as a whole is referred to as an even elevated wold top landscape with medium to large scale predominately arable fields, homogenous and open with scattered as trees.</p> <p>Clearly there must be concerns that the introduction of a wind turbine within the local landscape will present an “alien” feature within it and potentially mar the settings of some of the heritage assets within the nearby villages. I am however content that in general terms the distance involved, together with natural screening elements within the landscape, ensure that the impact on heritage assets is reduced to a degree to render them of lesser significance.</p>	<p>Overall it is considered that the proposed turbine will have a “less than significant” impact on heritage assets. It also has to be noted that these comments related to the original 77m high turbine and not the 36.5m high turbine under consideration.</p>
<p><b>LCC Highways - No objection</b> (subject to conditions and notes to applicant)</p> <p>Revised comments received October 2016.</p> <p>The Local Highways Authority advice is that, in its view the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with paragraph 31 of the NPPF, subject to conditions and contributions as outlined. The County Highways Authority understands that the revised proposals have reduced the height of the proposed wind turbine and hat access proposals remain the same as for the larger turbine. Due to the location of the site access, the CHA would expect all construction traffic to be using main rotes in the surrounding area.</p>	<p>Noted. Should the development be granted permission, the appropriate conditions and notes to applicant can be included in the decision notice. No contributions were mentioned in the highways response.</p>
<p><b>Joint Radio Company</b></p> <p>Do not foresee any potential problems on known interference scenarios and data provided.</p>	<p>Noted.</p>

<p><b>National Grid</b></p> <p>Not in zone of interest.</p>	<p>Noted.</p>
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**Representations:**

99 objections have been received for the application. This includes a number of repeat objections from some households. Additionally, a petition has been submitted by LOLA (Leave Our Landscape Alone), with 103 signatures. In addition to comments received from LOLA, comments raised in the representations received have been summarised below.

<p><b>LOLA (Leave Our Landscape Alone) - OBJECT</b></p> <p>The setting is one of the highest points in the countryside, the proposed turbine imposition as a direct result of its height, colour and movement of both nacelle and the turbine blades. The structure would be seen in the landscape from many local road and footpaths. In addition to the turbine being widely visible within the landscape it is considered that there are a number of villages, that would have a full prominent view of the wind turbine. It would be highly visible and intrusive within the landscape for a distance of over 30km. The artificial flashing lighting arrangements associated with the proposal at night will create a visual distraction for residents within an intrinsically dark landscape, the combined effects would result in an unacceptable visual intrusion affecting and damaging the amenity for a number of residents.</p> <p>Strongly object to the proposed location of the turbine as not only will it spoil the landscape and be out of keeping with the character of the area, it will be positioned too close to a number of houses which are immediately adjacent to the land, plus many others between the site and surrounding villages.</p> <p>Many recognised bodies including the UK noise association state that wind turbines should be sited no closer than 1 mile of the nearest dwelling. The proposed development and its position means that the local residents will be subjected to unnecessary noise and show flicker, the latter also impact on motorists on the A607.</p> <p>Object to the ecology report which is of a poor level. Surveys should be carried out over a longer period of time and during the correct seasons. We can confirm</p>	<p>These comments were received for the original turbine with a height of 77m. The proposed colour of the turbine is a colour typical for this type of development.</p> <p>It is not disputed that the turbine would be visible from a number of local roads and footpaths. From further afield, views of the proposed turbine would be more obscured by vegetation and intervening structures, limiting the view of the development.</p> <p>It is not proposed that the turbine will have a light at the top and therefore the development would not create a visual distraction at night for local residents. Notwithstanding this, it is not considered that a light at the top would be harmful to the amenity of local residents to warrant the refusal of the application. The impact the proposed development would have on the landscape has been assessed when determining the application and also assessed by MBC's Conservation Officer.</p> <p>There is no minimum distance required between wind turbines and dwellings. It is not considered that the proposed development would have a significantly detrimental impact on the amenity of nearby residential occupiers. The proposed turbine is not within shadow flicker distance of nearby residential properties.</p> <p>LCC Ecology and Natural England are both satisfied with the ecology surveys submitted for the application.</p>
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<p>that Buzzards, Red Kites, Brown Owls, Barn Owls, Bats and Falcons to name but a few reside in the area.</p> <p>The proposed access for construction is in our opinion totally unsuitable. No survey has been carried out to confirm that the pressure from the weight of the heavy plan machinery can be taken. For example, one fully loaded concrete mixer lorry is approximately 20 tonnes in weight.</p>	<p>LCC Highways have not objected to the proposed development.</p>
<p>Ecology/ Animals –</p> <ul style="list-style-type: none"> <li>• Unacceptable hazard to bird life/ potential for bird strike.</li> <li>• Distress to horses in nearby fields and local horse riders.</li> <li>• Threat to wildlife habitats.</li> <li>• Harmful to bats (potential for barotrauma).</li> <li>• Impact on dogs at nearby kennels.</li> <li>• Affect local rides/ shoots.</li> <li>• Not all the hedgerows or the dog kennels have been shown on plans.</li> <li>• Loss of agricultural land.</li> </ul>	<p>LCC Ecology and Natural England have not raised an objection to the proposed development (in their comments above). It is considered that the proposed development would not have a significantly detrimental impact on local ecology, wildlife and animals to warrant the refusal of the application.</p> <p>Plans submitted of the site would not need to illustrate the hedgerows around the site. Additionally, the scale of plans would affect if the dog kennels are shown on the plans.</p>
<p>Visual –</p> <ul style="list-style-type: none"> <li>• Devalue quality of landscape.</li> <li>• Cumulative impact – other turbines dominate skyline (and telecommunications masts and other large structures)</li> <li>• Harm view for local residents.</li> <li>• Deter tourists from visiting the local area.</li> <li>• Overshadow Belvoir Castle and impact on the Vale of Belvoir.</li> <li>• Inappropriate industrial construction (size).</li> <li>• Proposal is detrimental to nearby Conservation Areas.</li> <li>• Highly visible due to location – alien feature.</li> </ul>	<p>The impact that the proposed development would have on the character of the landscape has been assessed above by the Conservation Officer.</p> <p>There is no evidence that a wind turbine would deter tourists from visiting the area.</p> <p>The proposed development would not overshadow Belvoir Castle.</p> <p>This has been addressed above by the Conservation Officer.</p>

<ul style="list-style-type: none"> <li>• Adversely affect character of nearby villages.</li> <li>• Flashing light at night, visual distraction in a very dark area.</li> <li>• Distraction to road users due to close proximity to road – therefore resulting in more accidents?</li> <li>• Set a precedent for further similar development.</li> </ul>	<p>A flashing light is not proposed and has not been requested for aviation.</p> <p>LCC Highways have raised no objection to the proposed development and do not raise any highway safety issues.</p> <p>Should the development be granted permission, this does not necessarily mean that other applications for wind turbines locally would be submitted. Each application is dealt with on its own merits.</p>
<p>Planning policy –</p> <ul style="list-style-type: none"> <li>• Outside of village/ town envelope.</li> <li>• Contrary to Policy OS2 of the Melton Plan 1999.</li> <li>• Quote Ministerial Guidance.</li> </ul>	<p>The relevant planning policies relating to the development (local and national policy)</p>
<p>Environmental Issues -</p> <ul style="list-style-type: none"> <li>• Noise generation from proposal, especially in the direction of prevailing winds.</li> <li>• Flicker effect.</li> <li>• Impact on health/ sleep quality.</li> </ul>	<p>It is not considered that a single wind turbine would generate significant noise which would warrant the refusal of the application. Any potential noise issues can be dealt with by means of condition, should the development be granted planning permission. Additionally, any flicker effect can be addressed through the use of a condition. The Amended Environmental Report has stated that the proposed wind turbine will generate a maximum noise level to the nearest residential property at around 33.5dB L (Station Farm).</p>
<p>Other Issues –</p> <ul style="list-style-type: none"> <li>• Additional pressure on local roads.</li> <li>• Applicant does not live near the site and will have no impact on them.</li> <li>• Local old ironstone walls have been restored which will be dominated by the proposed development.</li> </ul>	<p>LCC Highways have raised no objection to the proposed development. The amended Environmental Report has stated that it is anticipate that there will be 278 HGV movements (including returns). A breakdown of the anticipated monthly movements has been included on page 15 of the report.</p> <p>The location of where the applicant lives is not a material consideration.</p> <p>It is not considered that the proposed development would have a significant impact on the walls as the walls will be viewed separately to the proposed turbine.</p>

<ul style="list-style-type: none"> <li>• Devalue property (not a planning matter).</li> <li>• Concern regarding safety of proposed turbine and flying parts.</li> <li>• Financial incentives for applicant (not a planning issue).</li> <li>• How does the proposal benefit the local community? Need for the development has not been proven.</li>   <li>• Lack of consultation with local residents.</li> <li>• Impinge on Human Rights – enjoyment of property and right to private life and respect for home.</li> <li>• Disturbance of rock and soil, springs and deep well nearby – will the development affect supply.</li> <li>• Distance to footpaths/ bridleways. (Additionally, the applicant has omitted the bridleway from the plans and chose specific times to take photos).</li> <li>• More suitable sites available for the development.</li> </ul>	<p>Any loss in property values is not a material planning consideration.</p> <p>Any financial gain for the applicant is not a material planning consideration.</p> <p>There is no requirement for the applicant to demonstrate the need for such a development. Even small scale development makes a contribution to cutting greenhouse gases. (NPPF)</p> <p>LCC ROW have been consulted on the application and the impact that the proposed development may have on public footpaths/ bridleways.</p> <p>There are no allocated sites for wind development in the Borough. Each application for wind development would be assessed on its own merits and would have its own issues.</p>
<p>Technical Issues -</p> <ul style="list-style-type: none"> <li>• Proposal will have a very small contribution to the national energy supply.</li> <li>• Interference with television/ telephone reception.</li> <li>• Proximity of development to overhead power cables.</li> <li>• How will the development connect to the National Grid?</li> <li>• Lack of information regarding decommissioning of the turbine.</li> </ul>	<p>There is no requirement for the applicant to demonstrate the need for such a development. Even small scale development makes a contribution to cutting greenhouse gases. (NPPF)</p> <p>Telecommunications operators, aviation and OFCOM have been consulted on the proposed development and raise no objection.</p> <p>Details of decommissioning of the proposed turbine would be included as a condition, should planning permission be granted.</p>



**Other Material Considerations Not Raised in Consultations:**

Other Considerations	Assessment of Head of Regulatory Services
<p><b>Planning Policy Considerations:</b></p>	<p>In common with all planning applications, the Authority are bound in law to determine the application under s38(6) of the Act, i.e. in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the Melton Local plan</p> <p>The application is considered to be contrary to Local Plan Policy OS2. However, the application needs to be considered in terms of the Development Plan as a whole and the NPPF (see above in respect of the relationship between policy documents). The issue of compliance with Policy OS2 is required to be balanced against the need for Local Planning Authorities to support the delivery of renewable energy.</p> <p>Amendments to the Planning Practice Guidance attach substantial weight to local affected communities concerns and objections. It advises that permissions should be withheld if wind proposals do not have the backing of the affected community. However where the impacts upon the environment have been addressed and considered to be acceptable permission should be granted.</p>
<p><b>Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development (August 2014)</b></p> <p>This document was commissioned in 2014 to undertake a study examining the sensitivity of the landscape of the two Boroughs to wind turbine development (MBC and Rushcliffe BC)</p> <p>The site is located within Landscape Character Unit 3: Leicestershire Wolds: Dalby to Belvoir Wolds and LCA4 Wolds top.</p> <p>The area does not include any Historic Parks/ Gardens or Conservation Areas, nor are there any primary or secondary landmarks within the unit. Long views are available from the norther edge across the Vale of Belvoir. Within the northeast, views occasionally open out across rural rolling farmland and there are also a number of locally valued views.</p> <p>The predominance of large scale arable fields and commercial forest indicated a lower sensitivity, although these are usually small in scale. The existing large farm buildings and pylons in the area indicate a</p>	<p>The assessment considered that the area is generally of a lower to medium sensitivity to wind development, although the small extent of the area increases its sensitivity.</p> <p>There are number of small roads but the area is generally quite quiet. <b>The addition of the wind turbine proposed may result in an increase in the noise levels in the area to a degree, however this is not considered to be significant.</b> This tranquil, rural nature of the area was considered to be a key sensitive feature of the landscape unit.</p> <p>It is considered that the area would have a landscape sensitivity of medium for the height of turbine proposed. It is considered that the landscape would be particularly sensitive to the presence of more than one single turbine or groups of two to three in a large scale area. At the time of writing the report, there were two operational wind turbines within the LCU (one of 15m and one of 29.5m).</p> <p>The report has noted that any turbine above 50m in height would have an impact on the landscape. The</p>

<p>reduced sensitivity. The skylines in the area are generally wide, flat and mostly open.</p> <p>The intervisibility of the area was rated as having a medium to high sensitivity. The area is located along the top of a prominent ridge and forms part of the skyline of the Vale of Belvoir, as well as small, lower lying and enclosed vales to the South and Knipton Bowl.</p> <p>The assessment considers that the open, simple landform and flat skyline suggests lower sensitivity but the land cover pattern is more varied. There is wide intervisibility between the landscape and the Vale of Belvoir and wind turbine development visible from the vale could affect the perception of scale. There is also wide visibility from other areas to the south.</p> <p>The assessment considers that the landscape would be of particular sensitivity to turbines of over 50m in height and highly sensitive to anything other than single turbines or two to three turbines in larger scale areas. The generic guidance in Section 6 of the Landscape Study should be followed.</p>	<p>report recommended that wind turbine development does not adversely affect the Conservation Areas, including views and that development is set back so that the skyline as viewed from the Vale of Belvoir and Knipton Bowl is maintained.</p> <p>The assessment has concluded that the overall aim is to ensure that wind energy development does not become a key characteristic of the landscape or the overall experience of the landscape. Wind developments can be occasional features and would not result in a change of the landscape character or a cumulative impact. <b>It is considered that the proposed wind turbine at a height of 36.5m would not have an unacceptable impact on the landscape in this area, even taking into account the two other existing turbines within the landscape unit.</b></p>
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### **Conclusion**

The proposed development is considered to be supported in principle by National policy in the NPPF as contributing to the wider aims of encouraging renewable energy and de-carbonising the economy. However, the Written Ministerial Statement advises that Local Planning Authorities should only grant permission for such development if the site is identified as suitable for wind energy development in a local or neighbourhood development plan, and following consultation it can be demonstrated that the planning impacts identified by local communities have been fully addressed and has their backing. The Local Plan has not yet been adopted and transitional arrangements apply when determining the application.

There has been a substantial amount of objection from the local community, raising valid planning concerns in relation to the proposal. The applicant did not carry out any pre-application consultation with local residents, with the only consultation carried out by the Local Planning Authority following the submission of the application. The development site is not identified as suitable for wind development in the Melton Local Plan and does not have the backing of the local community. The application is therefore recommended for refusal.

### **RECOMMENDATION:- Refuse**

The Local Planning Authority is not satisfied that the planning impacts identified by the affected communities have been addressed and therefore the proposal does not have their backing. The application is not within an area identified as suitable for wind energy development within a Local or Neighbourhood Plan, and following consultation does not have the backing of the locally affected community. The proposal is therefore contrary to the Written Ministerial Statement dated 18th June 2015.

**Contact: Miss J Stokes**

**Date: 18<sup>th</sup> November 2016**