

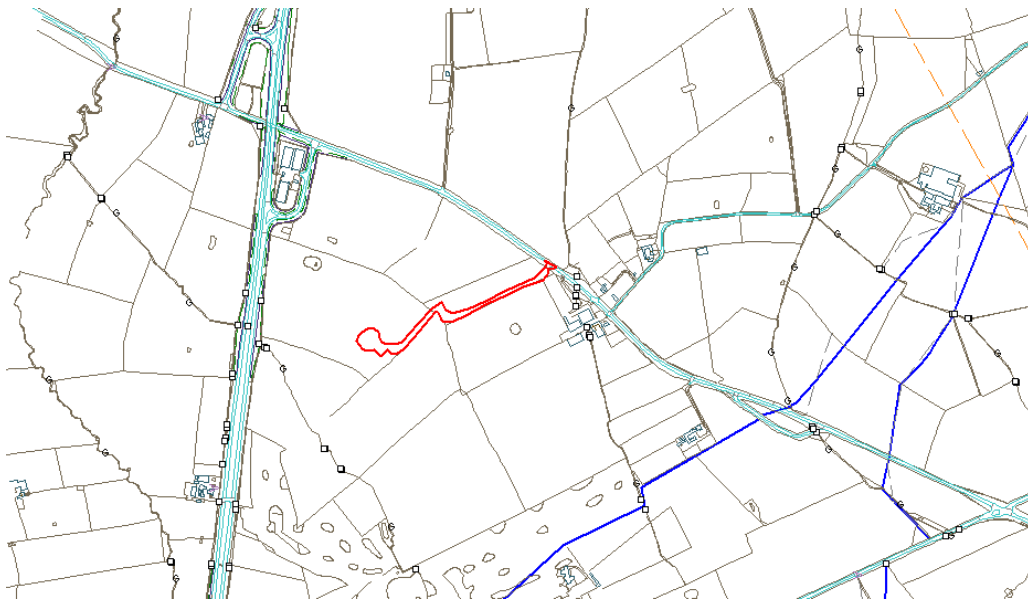
**Reference:** 13/00596/FUL

**Date submitted:** 20.08.2013

**Applicant:** Mr G Habenicht – Six Hills Renewables Limited

**Location:** Six Hills Farm, Paddys Lane, Old Dalby LE14 3LY

**Proposal:** Erection of a single wind turbine (79m to blade tip) and associated infrastructure including transformer substation, crane hard standing and temporary construction area. Also upgrade and extension of farm access track and widening of existing site entrance



**Proposal:-**

**This application seeks approval for the erection of one wind turbine with a blade tip height of 79m and associated infrastructure for the generation of renewable electricity at Six Hills Farm. The turbine would have a rotor diameter of 56m and a hub height of 51m.** It is estimated that the turbine would generate 1196MWh of electricity per year, enough to meet the annual electricity demands of over 250 homes. The proposal would qualify for the Government's Feed-In Tariff and would provide a new source of income for the rural business.

The site is located approximately 9km to the North West of the town of Melton Mowbray, in the open countryside on a parcel of land between the A46 Fosse Way and the A6006 Melton to Rempstone road. The site is at present an agricultural field in arable use bounded by hedgerows, with some trees in the vicinity. The site lies within an area identified within the Melton Landscape Character Appraisal as mixed farmland. The landform is gently rolling and is characterised by a mixture of larger scale arable fields and medium scale pastures with a number of large agricultural buildings.

Access to the site will be via an existing entrance and farm track off Paddy's Lane (A6006), the existing track being resurfaced with compacted stone and widened up to 5m, and extended by 200m in length to the base of the turbine.

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

- **Impact upon the character of the countryside and cumulative landscape and visual impacts with other turbine developments**
- **Impact upon residential amenities**

**The application is to be heard by the Development Committee due to the nature of the application.**

**Relevant History:-**

There is no relevant history at the site.

**Planning Policies:-**

**Adopted Melton Local Plan**

Policy OS2 – planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy C2 - planning permission will be granted for farm based diversification proposals provided:

- the activities would be ancillary to the main agricultural use and would not prejudice the future operation of the holding;
- the proposal should reuse or adapt any suitable farm building that is available. if a new building is necessary it should be sited in or adjacent to an existing group of buildings; 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
- the traffic generated by the proposal can be accommodated on the local highway network without reducing road safety

Policy UT7 has not been ‘saved’

**The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- support the transition to a low carbon future.....by encouraging the development of renewable energy
- recognising the intrinsic beauty of the countryside
- contribute to conserving and enhancing the natural environment

**On Specific issues relevant to this application it advises:**

**Climate Change:**

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. (Paragraph 93)

Paragraph 97 states that to increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute energy generation from renewable or low carbon sources.

Paragraph 98 states that when determining planning applications, local planning authorities should;

- not require developments to demonstrate overall need for renewable or low carbon energy
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

**Conserving and enhancing the natural environment:**

- Protecting and enhancing valued landscapes
- Apply great weight to protection of designated landscape and scenic areas (e.g. National Parks)
- Avoid noise giving rise to significant adverse impacts
- Minimise other impacts on health and quality of life through conditions
- Identify and protect areas of tranquillity

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Planning Practise Guidance for Renewable & Low Carbon Energy**

Guidance was issued by the Department for Communities and Local Government in July 2013 to offer advice on the planning issues associated with the development of renewable energy, and should be read alongside the guidance within the National Planning Policy Framework (NPPF – above). The guidance is material consideration in planning decisions and should generally be followed unless there are clear reasons not to.

The document states that energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The NPPF states that all communities have a

responsibility to help increase the use and supply of green energy, but this does not mean that the need automatically overrides environmental protections and the planning concerns of local communities.

When considering impact of renewable technologies the document states that landscape character areas could form a basis for considering which technologies at which scale may be appropriate in different types of location. For consideration whilst dealing with planning applications it is important to be clear that:

- The need for renewable or low carbon energy does not automatically override environmental protections
- Cumulative impacts require particular attention, especially the increasing impact that wind turbines can have on landscape and local amenity as the number of turbines in an area increases
- Local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape, and recognise that the impact can be as great in predominantly flat landscapes as in hilly areas.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Advice regarding **cumulative landscape** and visual impacts states that these are best considered separately. Cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. **Cumulative visual** impacts concern the degree to which the proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey.

**Consultations:-**

Consultation Response	Assessment of Head of Regulatory Services
<p><b>Environmental Health Officer</b>                      The Officer has reviewed the information submitted with the application in the document entitled 'Noise Assessment' and has advised that due to the type and way that the data has been presented it would be very difficult to condition should planning permission be granted. The Officer has advised that it is not possible for the authority to measure and verify the noise levels given in the tables.</p>	<p>Noted.                      It would appear from the statement provided that the applicant has not yet decided exactly what make / model of turbine would be used at the site. The make and model of the turbine would be decided via a competitive tendering process if planning permission is granted.</p> <p>The executive summary of the Noise Assessment document states that the developers have demonstrated that:</p> <p><i>“providing the appropriate noise limits are applied to the proposed wind turbine, it is possible for both developments [relating to the Old Dalby wind farm] to co-exist in terms of acceptable noise impacts.”</i></p> <p>However, as the applicant is yet to decide which make and model of turbine would be installed at the site it is not possible to be certain that the noise (and the cumulative noise) would be acceptable and below the levels as recommended by ETSU as a turbine specific noise assessment has not been received.</p>

	<p>Dependent upon the individual make and model of the turbine there may be mitigation of noise that would be required should permission be granted. Although the report has been written based on a EWT DW54 500kW turbine, this may not be the turbine which would be installed. Other turbines may make more (or less) noise, and the noise may be heard in different directions dependent upon how the turbine operates (into or facing away from the wind for example).</p> <p>Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk, or being adversely affected by unacceptable levels of noise pollution. Paragraph 123 states that all decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments. Where other adverse impacts occur these should be mitigated or reduced to a minimum, including through the use of conditions.</p> <p>Whilst it is understood that the guidance states that planning authorities should follow the approach set out in the report 'The assessment and rating of noise from wind farms' (ETSU-R-97), and it is considered to be industry good practise, it is not considered possible in this case.</p> <p>This is because a turbine model has not been decided, and specific, accurate data relating to the noise impact from this turbine alone, and its cumulative impact with the Old Dalby wind farm, has not been received. Therefore, it would not be possible to ensure that any adverse impacts could be suitably mitigated through the use of conditions.</p> <p><b>Therefore the proposal is considered to be contrary to paragraphs 109 and 123 of the NPPF which, through the application of ETSU-R-97, seeks to ensure that the natural and local environment is not put at unacceptable risk from noise, and has not proven that the development would not give rise to adverse impacts upon the health and quality of life of local residents.</b></p>
<p><b>LCC Highways - No objection</b></p> <p>The Highways Officer has no objection subject to conditions relating to the improvement of the access and the submission of a traffic management plan.</p>	<p>Noted.</p> <p>Access to the site will be via an existing entrance and farm track off Paddy's Lane (A6006), the existing track being resurfaced with compacted stone and widened up to 5m, and extended by 200m in length to the base of the turbine.</p> <p>The plans are considered to be satisfactory in</p>

	<p>highways safety terms, and subject to relevant conditions any dangers could be sufficiently mitigated.</p> <p>It is considered that the proposed locations of the turbine approximately 400m (as a minimum) from the nearest road would not pose an issue for road safety or driver distraction.</p> <p><b>The turbine is proposed to be set back sufficiently from the highway to not have a detrimental impact upon highway safety. The Highways Authority has raised no objections and subject to conditions has recommended approval.</b></p>
<p><b>LCC Footpaths – No comments</b></p>	<p>Noted.</p> <p>There are no public footpaths or rights of way within the vicinity of the proposed turbine, therefore the turbine should not have an adverse impact upon the safety of walkers in the area.</p>
<p><b>MBC Conservation Officer – No objections</b></p> <p>The English Heritage guidance document entitled Wind Energy and the Historic Environment advocates a sustainable approach to renewable energy generation which requires a balance to be drawn between the benefits it delivers and the environmental costs it incurs. Therefore whilst recognising the need to invest in renewable energy it recognises the potential implications for the historic environment.</p> <p>The guidance adds that high quality design is the key to minimising the adverse effect of projects such as the siting of wind turbines in the landscape and suggests that considerable weight should be given to ensuring the reversibility of renewable energy projects and their associated infrastructure</p> <p>Due consideration must be given to the following factors:</p> <ul style="list-style-type: none"> <li>• Impacts of the proposed development on the historic environment (archaeological remains, historic structures and buildings, designed landscapes, designated sites/areas)</li> <li>• The setting of historic sites</li> <li>• The visual amenity of the wider landscape that may detract from its historic character, tranquillity and remoteness</li> </ul> <p>This can be further broken down into the following elements:</p> <ul style="list-style-type: none"> <li>• Visual dominance</li> </ul>	<p>Noted.</p> <p>The site of the proposed turbines is not a designated landscape, nor are there any heritage assets within 2km of the site. As per the Conservation Officers comments, it is agreed that the turbine would have a minimal impact upon the Conservation Areas and Listed Buildings within the villages of Ragdale, Grimston and Old Dalby due to their locations within a valley bowl.</p> <p>The villages of Willoughby on the Wolds and Wymeswold are considered to be a significant distance from these proposed turbines that heritage assets within these villages would not be adversely affected by the proposals, due in part to the level of natural screening which exists within the sight lines. Although there are panoramic views from the West of Upper Broughton towards the application site, the distances involved are considered to be sufficient to negate any significant impact caused by the proposal.</p> <p>Of principal considerations in the determination of this application are both the cumulative landscape and visual impacts of the number of proposals for turbines within the area, and the impact that this will have on the historic environment and landscape.</p> <p>Already consented are 9 turbines to the North of this site, which although are not yet operational, are under construction. The closest of these turbines is approximately 1.3km from this site. Each of these turbines will be 79m to the tip and arranged mostly in pairs in a north to south configuration along the A46 Fosse Way. Also in the planning system are</p>

<ul style="list-style-type: none"> <li>• Scale</li> <li>• Inter-visibility</li> <li>• Vistas and sight lines</li> </ul> <p><b>Archaeology</b></p> <p>It is my understanding that the foundation of a wind turbine would typically comprise in excess of 100 cubic metres of concrete in a block of up to 16 m diameter and 3.5 m depth. There is also additional infrastructure including a new trackway and sub station etc. These combined have the potential to damage underlying archaeological remains although disturbance may be limited.</p> <p><b>Landscape Character</b></p> <p><b>Historic</b></p> <p>Landscape is the product of millions of years of geological evolution combined with thousands of years of human settlement and activity. The ways in which people in the past and the present have and continue to shape our physical environment is not just a matter of academic interest it affects us all both in the way we identify with our surroundings and with our quality of life.</p> <p>The Leicestershire Historic Landscape Characterisation which was recently completed, places the wind turbine site within the Landscape Character Area known as Fields and Enclosed Land, a classification which dominates rural Leicestershire. The countryside around Old Dalby is typical of this classification where there has been little change in landform, apart from some hedgerow loss, since the eighteenth or nineteenth centuries</p> <p>The Leicester, Leicestershire and Rutland Landscape and Woodland Strategy (2001 Revised 2006) places the wind turbine in the area known as Wreake Valley. This is described as an area of mixed arable and pasture with widespread features of historical interest.</p> <p>The Landscape Character Assessment of Melton Borough (2006) prepared by ADAS, places the wind turbine in Area LCA10 Mixed Farmland. This is a relatively small area of mixed farmland and recreational land on the western edge of the Borough adjacent to the A46 trunk road (Fosse Way). Landform is gently rolling and rising to 150 metres, where it merges with the southern end of the escarpment. It is drained by a stream in a shallow valley running northwards. The area is</p>	<p>two further turbines at Vale View Farm which would stand at 49m to the tip. These turbines would be located approximately 1.75km to the North East of this application site.</p> <p>Approximately 4km to the North of this site beyond the approved Dalby Windfarm is a turbine in planning which would measure 45m to the blade tip (being determined by Rushcliffe Borough Council). To the West of the application site is an operational turbine at Glebe Barn Farm which measures 78.5m to the tip, and there are two further turbines which have been consented, one which will stand at 17.4m and one at 24.9m. These turbines are all between 3-5km from the site to the West. Also of consideration is the proposed Asfordby Wind Farm which would be situated to the East of this site (if approved – the public inquiry has now closed and a decision is expected in March 2014). This development would total 9 turbines with a maximum height to the tip of 125m and would be located approximately 6km from this site.</p> <p>Cumulative Landscape Impacts are concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. The land is described within the landscape character assessment as mixed farmland, which is a relatively small area forming almost a triangle in shape. The landform is gently rolling and rising, and it is considered that within this relatively small landscape area the dominance and cumulative landscape effect of this turbine in addition to a significant wind farm already approved to the North and in construction and those which are constructed or have planning permission would have an overdominant impact upon the area and create an unacceptable cumulative landscape impact. The proposed turbine and those in planning, as detailed above, would only exacerbate the harmful impact on the surrounding landscape.</p> <p><b>It is considered that the proposed turbine would have minimal impact upon the designated heritage assets in the vicinity due to the landforms and the distances involved, however it is also considered for the reasons above that the cumulative landscape impact of this turbine close to the permitted Dalby wind farm would be unacceptable and would give the appearance of wind farm ‘clutter’ which is contrary to the guidance offered in the document entitled “Planning Practise Guidance for Renewable &amp; Low Carbon Energy” and policy C2 of the Melton Local Plan.</b></p>
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characterised by a mixture of larger scale arable fields and medium scale pastures, of various shapes and sizes, with a number of large agricultural buildings being visually prominent; creating a fairly bland and unremarkable landscape.

This is further described as.

*A typical gently rolling lowland farmland landscape with contrasting intensive and traditional units, varied field sizes and scattered trees as well as recreational land.*

### **Heritage Assets**

Within the study area (5km) there are a number of designated heritage assets which include Scheduled Monuments, Listed Buildings and Conservation Areas. The potential impact on designated heritage assets is therefore an important consideration, in particular the impact on their setting during the operational lifetime of the turbine.

Within the overall study area (5km) there are a number of designated heritage assets which include Scheduled Monuments, Listed Buildings and Conservation Areas. The potential impact on designated heritage assets is therefore an important consideration, in particular the impact on their setting during the operational lifetime of the turbine.

The Churchyard Cross in All Saints Churchyard, Ragdale is the closest being within the 2.8 km search areas of the turbine site. There are three other SM's within the 5 km search area, the Old Dalby Preceptory site (Ref 17097) and two others which are beyond the Borough boundary at Broughton House and the Monastic Grange and water control features south of Thrussington Grange. These are however sufficiently distant to ensure that the effect of the proposal is minimised.

There are many listed buildings, including grade I and II\* buildings, within the (max 5km) study area the majority of which are located within the villages of Old Dalby, Grimston, as well as Willoughby on the Wolds and Wymeswold (both outside Melton Borough).

There are also conservation areas at Old Dalby, Grimston, Wymeswold and Seagrave.

### **Settlements**

The closest settlement is Ragdale which is



approximately 2.5 kilometres to the south east of the turbine site. The village has no designated conservation area but does contain listed buildings including the grade II\* listed Church of All Saints, as well as other heritage assets. The Churchyard Cross which stands within the Churchyard is a Scheduled Monument and grade II\* listed.

The local topography is such that views between the turbine site and Church tower are not inter-visible and as such their relative settings are unaffected.

Old Dalby is 2.8 km north west of the turbine site. The village has a designated conservation area and several listed buildings including the grade II\* listed St Johns Church, as well as nine others. Old Dalby is set at a lower level than the turbine site, in a valley bowl. In that regard its setting is somewhat intimate and as such their settings will be unaffected by this proposal.

Grimston to the east is approximately 3.5 km away from the site. Again there are several listed buildings and a designated conservation area. The grade II\* listed St Johns Church is sited in the centre of the village in a well treed churchyard setting that in many ways can be said to protect its immediate setting. The village itself is sufficiently distant to ensure that the impact of the turbine on the heritage assets is reduced.

Willoughby on the Wolds (3.5 km away), Wymeswold (4.2 km away) and Seagrave (5km away) are within Rushcliffe Borough and Charnwood Borough areas. There are many listed buildings in both settlements and Willoughby and Seagrave benefit from a conservation area. The topography and natural screening together with the relative distances from the turbine site ensure that the impact of the turbine on these settlements and their relative heritage assets is reduced and as such the impact is considered to be low.

The Heritage Collective section of the report that accompanies the application concludes that only the grade I Church at Willoughby on the Wolds would be affected by this proposal, but in their view the effect would be only negligible. In summary it states that the turbine will have a low impact on heritage assets within the study area and would therefore fall within the category of less than substantial harm.

The turbines is 79 metres to tip and hence its height may be an issue. However, in my view the local

topography, tree cover and natural screening together with the turbines relative distance from surrounding heritage assets, should ensure that the impact on their settings is of lesser significance

### **Conclusion**

**Wind turbines by their nature are tall and slender in appearance. In that regard some may consider them as graceful structures that may add a certain character to a landscape rather than detract from it**

**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 turbines is in an area classified in historic landscape terms as Fields and Enclosed Land**

**The landscape in the immediate area of the turbines site has apparently undergone minimal changes throughout the years. The area as a whole displays subtle variations which include unchanged remote and pastoral landscapes. There are however examples of man-made structures within the landscape.**

**Clearly there must be concerns that the introduction of wind turbines within the local landscape will present an ‘alien’ feature in the landscape and potentially mar the settings of some of the heritage assets within the nearby villages.**

**Content that in general terms the distances involved, together with natural screening elements within the landscape and topography ensure that the impact on heritage assets is reduced to a degree to render them of lesser significance.**

**One potential concern is the cumulative effect of this proposal in conjunction with similar proposals locally. This turbine presents no particular issue in the landscape with the proposed turbines at vale View Farm, (13/00617/FUL) however further turbines may create negative cumulative impact upon the landscape, such as the permission for 9 turbines at Paddy’s Lane.**

<p><b>East Midlands Airport – Object</b></p> <p>The proposed development has been examined from an aerodrome safeguarding aspect, and due to the operational sensitivity of the site location and visibility of turbines on primary surveillance radar, the proposed development conflicts with safeguarding criteria. Accordingly the Airport has a safeguarding objection to the proposal in the interests of aviation safety.</p>	<p>Noted.</p> <p>Further information was obtained from the airport in relation to these comments, and to see whether conditions could be used on any approval regarding the mitigation of these effects on the radar.</p> <p>They have advised that at this time and with the current level of mitigation technology available the airport does not consider that mitigation could be certified by the regulator (Civil Aviation Authority) as safe and fit for purpose and deployed within the lifetime of any consent. There is no mitigation solution currently being deployed at the airport; however this is not a feasibility survey for mitigation of turbines in the area around the airport, it is a feasibility study of one particular turbine.</p> <p>The applicant has stated that trials are currently being carried out at the Airport, however the Airport have advised that this is not the case, and it is not possible to anticipate when such a complex piece of technology could be certified and the requirements of the regulator met. The Thruput mitigation system which the applicant has stated could be used, has neither been accepted or rejected as mitigation so the airport cannot comment on the current state of the development and its likelihood of acceptance. In the opinion of the Airport it is not possible to ‘reserve a patch’ to utilise any solution as it is the Airport’s own radar and is the safety critical aid to navigation. Because of the safety critical nature of radar and Air Traffic Control systems, the Airport as the Air Navigation Services Provider (ANSP) needs to have a comprehensive safety case that meets the approval of the CAA as the national regulator. Even if the Thruput mitigation is approved for deployment at a site elsewhere, <u>it is not acceptable at the Six Hills Site</u>. This is because of the site’s critical location for arriving and departing aircraft using East Midlands Airport.</p> <p><b>It is considered that a condition would be unenforceable and unreasonable and fail the tests as set out in circular 11/95. The objection of East Midlands Airport stands and it is not considered that the radar issues could be mitigated by condition. Other cases do not set a precedent as there is no identical case to base precedent on.</b></p>
<p><b>Ministry of Defence (DIO) –No Objection</b></p> <p>In the interests of air safety the MOD requests that the turbine is fitted with aviation lighting. This should be 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern</p>	<p>Noted.</p> <p>The principle concern from the MOD is obstruction to the air traffic control and air defence radar installations. Whilst they have no objection to the erection of this turbine in this location they wish to</p>

<p>of 60 flashes per minute of 200ms to 500ms duration at the highest practical point.</p> <p>The Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests. If planning permission is granted they request to be made aware of:</p> <ul style="list-style-type: none"> <li>• The date construction starts and ends;</li> <li>• The maximum height of construction equipment;</li> <li>• The latitude and longitude of every turbine.</li> </ul>	<p>be notified of the installation start and completion dates along with the height of the construction equipment and the longitude and latitude of the turbine. The information will then be plotted on flying charts so that military aircraft can avoid the area.</p> <p><b>The request regarding aviation lighting can be imposed by means of condition, along with the notification of start / completion dates.</b></p>
<p><b>Civil Aviation Authority – No Response</b></p>	<p>Noted. See the comments above from East Midlands Airport.</p>
<p><b>NATS – No objection</b></p> <p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p>	<p>Noted. The consultation response does however highlight that NATS do not provide any indication of the position of any other party, therefore comments from East Midlands Airport (above) would still stand.</p>
<p><b>LCC Ecology – No objection</b></p> <p>Ecology are pleased to see that the exact location of the turbine allows a buffer of at least 50m between the turbine and nearby ecological features, such as the hedgerow and trees in accordance with Natural England Technical Information Note TIN051 (Bats and onshore wind turbines).</p> <p>The ecological report submitted in support of the application (SLR, May 2013) is satisfactory and are in agreement that the ponds are a sufficient distance from the proposed turbine not to require further survey.</p>	<p>Noted. The applicants can be made aware of these issues.</p>
<p><b>Natural England – No objection</b></p> <p>The comments from Natural England are provided in sections and raise no objections to the proposal.</p>	<p>Noted.</p>
<p><b>English Heritage – No response</b></p> <p>The LPA has taken advice from the Conservation Officer in relation to the desirability of sustaining and enhancing the significance of heritage assets.</p>	<p>Noted. Please see above for the Conservation Officer comments.</p>
<p><b>LCC Archaeology – No response</b></p>	<p>Noted. Archaeology were consulted and have not made any</p>

	representations in relation to the application..
<b>Ofcom – No response</b>	Noted.
<b>Telent – No objection</b> The desktop survey regarding the proposed turbine produced by telent on behalf of Vodaphone shows that the nearest Vodaphone link is approximately 1.5Km away from the proposed site which does not pose a threat to the VF ATP microwave network. Vodaphone specify a 100m minimum separation distance from turbines to link.	Noted.
<b>Arqiva – No objection</b> Arqiva is responsible for providing the BBC and ITV’s transmission network and is responsible for ensuring the integrity of Re-Broadcast Links, and also protect its microwave networks.  Arqiva have no objection to this development.	Noted.
<b>JRC – No objections</b> JRC analyses proposals for wind farms on behalf of the UK Fuel and Power Industry and the Water Industry in NW England. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.  In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios according to the data which has been provided.	Noted.
<b>Vodaphone – No objection</b> The nearest Vodaphone link is approximately 1674m away from the proposal which does not pose a threat to the VF ATP microwave network. Vodaphone specify a 100m minimum separation from turbine to link.	Noted. Please see the comments above by both the Highways Authority and the Rights of way Officer in relation to these issues.  <b>It is considered that the use of conditions and the amended plans regarding the access are sufficient to ensure the safety of the users of both the footpath and the local Highway network.</b>
<b>Hoby, Rotherby, Ragdale and Brooksby Parish Council – Object</b> Whilst the development will not impact Hoby, the Parish Council would like to comment that they believe that there are too many wind turbines being erected in the Borough and are concerned about the impact this is having on the rural aspect of Melton Borough.	Noted. The issue of the cumulative impact of wind turbines is discussed in terms of cumulative visual impact and cumulative landscape impact. The cumulative landscape impact has been discussed above in the Heritage / Conservation section, and both the cumulative visual and landscape impact is discussed below in the section headed ‘Landscape and Visual Cumulative Impact’.

<p><b>Melton Mowbray &amp; District Civic Society – Object</b></p> <p>The need for clearly developed up to date guidelines for the assessment of wind turbines in Melton Borough has not been recognised and no further applications for wind turbines should be approved until such guidelines have been prepared.</p> <p>This wind turbine would have an adverse effect on visual amenity and landscape character.</p>	<p>Noted.</p> <p>The document “Planning practise guidance for renewable and low carbon energy” was published in July 2013 and it is the most up-to-date advice and guidance available to Local Planning Authorities in dealing with these types of applications. The Council is in the process of formulating a document in regards to landscape capacity of the Borough relating to renewable energy which would form a supplementary planning document. This is unlikely to be available until Summer 2014.</p> <p>All applications received are judged on their individual merits and cannot be postponed until policy has developed to a workable stage Comments with regards to the visual amenity and landscape character are elsewhere in this report.</p>
<p><b>Broughton &amp; Dalby Parish Council – Object</b></p> <p>Although the Council is mindful of the National and local policies regarding the provision of green renewable energy, Councillors feel that the negative affect of the turbine outweighs any benefit to be made from green energy.</p> <p>The turbine should not be considered in isolation and the cumulative affect of this turbine coupled with the 9 that already have planning permission plus others in and around the Parish would have an environmentally adverse effect on the surrounding vistas.</p> <p>The turbine will bring no benefit to the community nor does it support the local economy.</p>	<p>Noted.</p> <p>The cumulative impact of the turbines is assessed above. Since the approval of the Dalby Windfarm in 2011 no further applications for wind turbines in this area of Melton Borough have been received. Turbines at / near Wymeswold are the responsibility of Charnwood Borough Council, and the application in progress by Rushcliffe Borough Council at Manor Barn Farm is taken into consideration in this application, along with the application at Vale View Farm Farm and the Asfordby Windfarm. In this respect, please see commentary above on visual and landscape impacts.</p> <p>The proposed turbine is assumed to bring economic benefit to the local community through an extra source of income for the farm (part of farm diversification). Paragraph 97 of the NPPF states that Local Planning Authorities should recognise the responsibility on all communities to contribute to generation from renewable or low carbon sources. This turbine, if approved would generate energy to power up to 250 homes.</p>

**Representations:**

A site notice was posted in line with consultation procedures, two objections have been received.

The objections are summarised below:

<b>Representation Objection/Concerns</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Landscape and Visual Cumulative Impact</b>	<p>The cumulative impact upon the landscape has been dealt with above in response to the Conservation Officer’s comments.</p> <p>With respect to the cumulative visual impact the</p>

<p>Negative impact on residential amenity, shadow flicker, noise.</p>	<p>planning practice guidance advises that this concerns the degree to which the proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey.</p> <p>Due to the already permitted Dalby windfarm and the proposed location of this turbine only approximately 1.3km from the windfarm it is considered that there will be a significant cumulative visual impact. The turbines will all be seen in the same visual area when approaching the area from all directions, adding to a cluttered feel to the area. This is combined with other turbines in the wider area which may yet be given planning consent. There will in many cases be two or more of the same types of renewable energy development visible together and shortly after each other when travelling by car, or as a pedestrian.</p> <p><b>It is considered that this cumulative visual impact on the landscape is unacceptable, and contrary to the published guidance and the NPPF.</b></p> <p>The loss of a view is not a planning consideration as it relates to the private interests of individuals. The planning process cannot be used to protect the interest of private individuals as it is concerned with controlling development in the public interest. Residential amenity can and should be taken into consideration. It is considered that Upper Grange Farm, located to the north east of this proposed turbine would be significantly affected by the introduction of this turbine. The dwelling is located approximately 1km from this site, and only 500m from the closest turbine of the Old Dalby wind farm which would be to the north of the dwelling. To the west of the dwelling there is the Wymeswold turbine standing at 78.5m to the tip approximately 3km away. Also approximately 600m to the north east of this dwelling are two further turbines (in planning) proposed to stand at 45m to the tip. It is considered that this is an unacceptable impact upon this particular dwelling, where there could be no windows from the dwelling which would offer a view other than that of turbines.</p> <p>The dwelling would feel crowded by wind farm developments.</p> <p>Also, Old Dalby Lodge which is located between</p>
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<p>Recreational Activities / Amenity</p>	<p>the Old Dalby Windfarm (approved) and this development would be very similarly impacted, surrounded to all sides by wind turbines. Wad House Farm which is to the North would be faced with a large amount of wind farm clutter to the South with further turbines proposed to the North in Rushcliffe Borough. Old Dalby Grange which is located to the East of the proposed site would also be impacted by turbine developments to the North and West and would experience the cumulative impact of these proposals. Willoughby Lodge on the A46 approximately 600m to the South West of the proposal would also be surrounded to the West, North and East by turbine developments,</p> <p>This list of dwellings is not exhaustive as there are many single dwellings within a 2km radius which would be affected in different ways and to different extents, but it is considered that Upper Grange Farm, Old Dalby Lodge Willoughby Lodge and Wad House Farm would be most significantly affected.</p> <p><b>Therefore it is considered that the proposal would have a significant negative impact upon residential amenity. It is not considered that there could be any mitigation which would overcome this issue, and it is therefore considered that the proposal is contrary to the guidance within the NPPF which states that when determining applications for renewable energy the application should be approved if its impacts are (or can be made) acceptable (paragraph 98).</b></p> <p>There is no current evidence to show that the development of wind turbines would have an adverse impact on recreational and economic activities.</p> <p>There is also a lack of evidence as to whether wind farms attract or reduce the number of visitors to an area and therefore it is considered unreasonable to refuse planning permission on these grounds.</p>
<p><b>Conservation/Character of the area</b></p>	<p>Please see the commentary above relating to the Conservation Officer's comments.</p>
<p><b>Health Concerns</b></p> <p>Problems for residents who suffer from migraines</p> <p>Sleep disturbance</p> <p>Inner ear problems</p>	<p>No evidence has been provided to show that this turbine, or this combination of turbines would have adverse impacts on health of residents.</p> <p>The issue of amplitude modulation (AM) effects is where noise from the turbine is perceived to rapidly change in amplitude and is also considered as low frequency noise (LFN). This issue has been</p>



	<p>considered by the Environmental Health Officer who is satisfied that this can be controlled by means of a condition.</p> <p>There is no evidence on which to base a rational health fear sufficient to justify the refusal of planning permission, or to seek greater separation between dwellings and turbines.</p>
<b>Impact Upon Wildlife / Birds / Ecology</b>	<p>The site has been assessed both by Leicestershire County Council Ecology and Natural England and meets the requirements of their policies with regards to the separation distances between turbines and hedgerows. No further ornithology surveys have been required and Natural England have also responded (above).</p> <p><b>It is considered that the matters relating to ecology have been addressed and subject to conditions the proposal is considered to be acceptable.</b></p>
<b>Turbines are Inefficient and Expensive</b>	<p>As stated above, the NPPF encourages LPA's to consider renewable energy proposals in a positive light. This proposal would produce additional renewable energy which would help to meet the Governments renewable energy targets which aims to reduce the UK's carbon dioxide emissions by some 60% by 2050 with real progress by 2020.</p> <p>Regardless of these comments it should be noted that <b>the NPPF clearly states that Local Planning Authority should not require applicants for energy developments to demonstrate the overall need.</b></p>
<b>Other Considerations</b>	
A helicopter site has just opened behind Broughton Lodge and the turbines would cause danger to pilots	Noted. East Midlands Airport have objected to the proposal on air safety.

### **Conclusion**

The application seeks approval for the erection of a wind turbine at Six Hills Farm, Old Dalby. There are issues with the application which have been identified through the consultation process and site visits. The application is considered to have an unacceptable impact upon the safeguarding of the radar of East Midlands Airport, with no realistic mitigation prospects in the foreseeable future. The proposed turbine is also considered to have an adverse impact upon the residential amenity of dwellings in the vicinity and to add to a wind farm clutter appearance in the area. Accordingly the application is recommended for refusal.

### **RECOMMENDATION: Refuse:-**

1. The proposal if approved would conflict with safeguarding criteria relating to the safe radar operation of East Midlands Airport, therefore is refused in the interests of aviation safety.

2. In the opinion of the Local Planning Authority the turbines would create an unacceptable cumulative impact in the landscape which cannot be made acceptable and would give the appearance of wind farm clutter, contrary to the guidance offered in the document “Planning Practise Guidance for Renewable & Low Carbon Energy”, the NPPF paragraph 98 and policy C2of the Melton Local Plan.
3. The proposal would have a significant negative impact upon the residential amenity of neighbouring dwellings, specifically Upper Grange Farm, Old Dalby Lodge and Wad House Farm. It is not considered that there could be any mitigation which would overcome this issues, and therefore it is considered that that proposal is contrary to the guidance within the NPPF which states that when determining applications for renewable energy the application should be approved if its impacts are (or can be made) acceptable (paragraph 98).
4. The proposal is considered to be contrary to paragraphs 109 and 123 of the NPPF which seek to ensure that the natural and local environment is not put at unacceptable risk from noise, as it has not proven that the development would not give rise to adverse impacts upon the health and quality of life of local residents. The make and model of the turbine has yet to be decided, therefore specific, accurate data has not been received to enable a thorough assessment of the potential noise impact of the development, and its cumulative noise impact.

**OFFICER: Mrs Sarah Legge**

**DATE: 6<sup>th</sup> December 2013**