

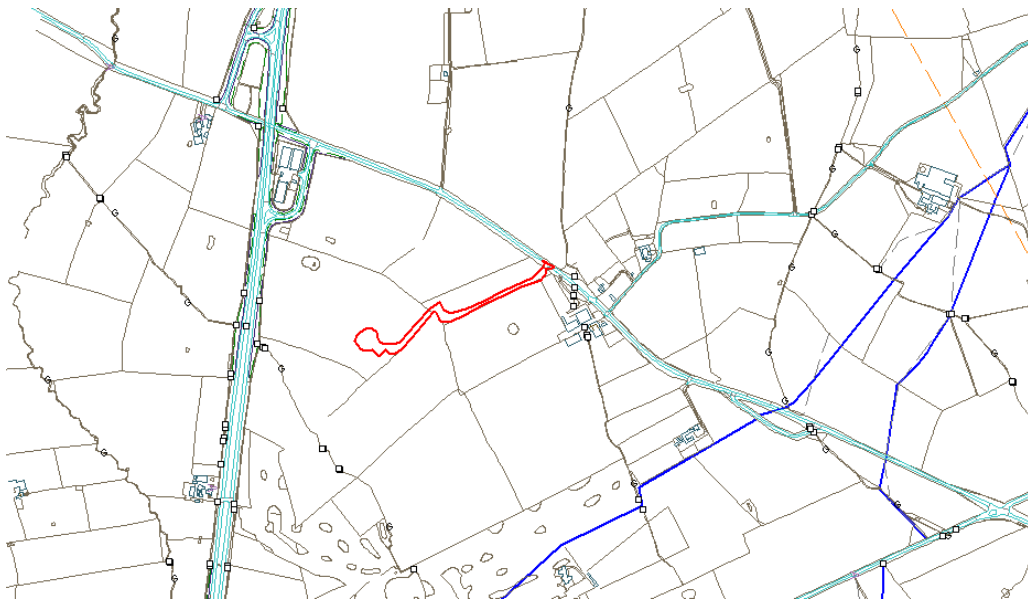
Reference: 13/00596/FUL

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.

Members may recall that the application was initially heard at Planning Committee in December 2013 where the decision was deferred whilst the applicants consulted further with East Midlands Airport.

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

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

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 27th 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)

National Planning Practise Guidance: Renewable & Low Carbon Energy

Guidance was issued by the Department for Communities and Local Government in April 2014 and replaces the previous guidance issued in July 2013. The guidance offers 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.
- Where decisions are finally balanced the ‘Capacity Factor’ can be useful information in considering the energy contribution to be made by a proposal.

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>Environmental Health Officer: No objection, subject to conditions</p> <p>The Noise Assessment submitted with the planning application at Appendix F was reviewed by the Environmental Health Officer, and the Officer has advised that they have no objections to the proposal subject to conditions.</p> <p>The first two conditions have been agreed with TNEI, the authors of the Assessment, and are considered by the Officer to be technically correct and appropriate.</p> <p>There is however disagreement over a third condition which the Officer considers would be appropriate. The condition would be worded as:</p>	<p>Noted.</p> <p>Under ETSU R 97 guidance, wind turbine noise (expressed as $L_{A90,10min}$) should not be greater than 5 dB above the prevalent background level ($L_{A90,10min}$) at that wind speed, except where the background level is very low.</p> <p>With reference to the ETSU document minimum typical daytime targets fall within the range of 35-40 dB L_{A90}. For properties with financial involvement, a target of 45 dB L_{A90} can be used. The night-time noise limit (expressed as $L_{A90,10min}$) is an absolute minimum target level of 43 dB $L_{A90,10min}$</p> <p>The application was supported by a noise assessment and the Environmental Health Officer has been</p>

“The turbine will not produce any irregular noise or noise of such a character at the boundary of the residential properties identified in tables 1 and 2 sufficient to attract attention.”

consulted who has raised no objections with the methodology used. The applicants noise assessment assessed the impact of the proposed wind turbine on the residents of nearby dwellings against the guidance contained within ETSU-R-97, and included an assessment of the cumulative impacts of the scheme alongside the consented Old Dalby wind farm. The assessment demonstrated that the predicted turbine noise would have a negligible impact at properties close to the consented Old Dalby wind farm as noise levels were found to be 10dB below the existing noise limits for this proposal.

The assessment selected five residential dwellings as representative of the closest dwellings to this development (marked within the report as S1-S5). Predictions of the wind turbine noise from this development were made based on a model turbine (an EWT DW54 500kW). The predictions of the noise levels indicate that for dwellings neighbouring the proposed development the wind turbine noise will meet the site specific quiet daytime and night-time noise criteria in accordance with ETSU-R-97 and other good practise.

With regards to the cumulative impact of the consented Old Dalby wind farm and this proposal, the noise assessment identified the fifteen dwellings that the Old Dalby wind farm established and conditioned in regards to noise. The assessment demonstrates that the noise predictions for this turbine are at least 10dB below the noise limits established at each of the fifteen dwellings (marked as D1-D15 in the assessment). Therefore it can be concluded that this wind turbine would have a negligible effect at those fifteen dwellings and no further assessment is required.

The applicant has advised that there are a number of turbine models that may be appropriate should the proposal be given planning consent. The applicant has advised that further data can be provided for the final choice of turbine to demonstrate compliance with the noise levels within the report should they be given consent.

With regards to the disputed condition, it is considered that a sensible, pragmatic way forward may be a condition worded such that ‘the turbine hereby approved shall operate in accordance with the manufacturer’s specification’. This would ensure that should the turbine develop a fault it could be dealt with by way of condition even if any noise made did not necessarily breach the limits of ETSU-R-97.

	<p>ETSU-R-97 guidance and International Standard is endorsed within the NPPF footnote 17 which states that in determining application for wind developments Local Planning Authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. This guidance states in very clear terms that ETSU R 97 “should be used” and states also that the Government is satisfied it is “a sound basis for planning decisions”.</p> <p>It is considered that given the NPPF is recent and up to date National Policy which endorses the use of ETSU R 97, and the clarity of the position within the National Policy Statement, that this methodology is appropriate.</p> <p>It is considered that the noise resulting from the turbine would not have any unduly adverse impact upon any of the nearby dwellings. Noise conditions can be imposed in the interest of protected residential amenity.</p>
<p>LCC Highways - No objection</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 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>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.</p>
<p>LCC Footpaths – No comments</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>MBC Conservation Officer – No objections</p>	<p>Noted.</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"> • Impacts of the proposed development on the historic environment (archaeological remains, historic structures and buildings, designed landscapes, designated sites/areas) • The setting of historic sites • The visual amenity of the wider landscape that may detract from its historic character, tranquillity and remoteness <p>This can be further broken down into the following elements:</p> <ul style="list-style-type: none"> • Visual dominance • Scale • Inter-visibility • Vistas and sight lines <p>Archaeology</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>Landscape Character</p> <p>Historic</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</p>	<p>The site of the proposed turbine is not considered a designated landscape locally or nationally, and there are no heritage assets within 2km of the site. The applicant's Landscape and Visual Impact Assessment (LVIA) has judged that no significant landscape or visual effects would arise as a result of the development.</p> <p>As per the Conservation Officer's comments, it is agreed that the turbine would have a minimal impact upon the Conservation Areas and Listed Buildings within the villages of Ragdale and Old Dalby as both villages are within valley bowls.</p> <p>The villages of Willoughby on the Wolds and Wymeswold are considered to be a significant distance from these proposed turbines, so 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>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. In 2014 Melton Borough Council in conjunction with Rushcliffe Borough Council commissioned a Landscape Sensitivity Study with regards to Wind Energy Development. The study provided an assessment of each landscape character area and its sensitivity to wind energy development of different scales. This document notes that as larger numbers of wind energy developments are built it is increasingly necessary to consider their cumulative effects, as development of multiple proposals may eventually result in a situation where wind energy developments become the defining influence on the landscape, such that the landscape character is changed.</p> <p>Of principal consideration 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>At present there are 9 consented turbines to the North of this site (Old Dalby wind farm), which although are not yet operational, are under construction. The closest of these turbines is approximately 1.3km to the north of this site. Each of these turbines will be 79m to the tip and arranged</p>
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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.

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

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.

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 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.

mostly in pairs in a north to south configuration along the A46 Fosse Way. There is also the operational Wymeswold turbine (Glebe Barn Farm) to the west of this site which stands at approximately 78 metres to the tip (Charnwood Borough Council). In addition there is a consented (and under construction) large scale solar farm approximately 1.5km to the south east of this proposed turbine. Further to the north (within Rushcliffe Borough Council area) there is a consented wind turbine with a total height of 45m adjacent to the A46 road.

The site for this proposed turbine falls within Landscape Character Unit 18 in the study (LCU18) as Nottinghamshire Wolds: Widmerpool Clay Wolds. The unit comprises part of the Mixed Farmland Landscape Character Area as defined within the Melton Landscape Character Assessment.

The land use is a mixture of arable and pasture, although it is considered that pasture becomes more dominant approaching Widmerpool and Willoughby-on the Wolds further to the north. The field pattern includes medium to large scale regular, semi-regular geometric and irregular field patterns and the hedgerows are generally intact, usually made up of hawthorn. The Fosse Way (A46) is a prominent feature within the landscape, with the traffic providing a slight urbanised feature.

The landscape is rolling and varied, with the eastern edge of the LCU considered to be more sensitive to turbines (towards Upper Broughton). The small-medium scale of the rolling hills is moderately sensitive to the principle of wind energy development. Overall, the landscape character unit is considered to have a medium – high sensitivity to a wind turbine of the height proposed, and is considered to be particularly sensitive to turbines over 75 metres in height.

The applicants spoke with the authors of the Landscape Capacity Study following its publication, who advised that they should follow the ‘User Guide’ section of the report and go through each section in turn to help to understand the impact that the proposal would have on the landscape. Whilst the authors of the study have not reviewed the site or development in particular, they can advise that **the approach taken to the review produced by the applicant is sound, and that the review produces useful information to inform the overall planning decision.**

The review notes that the site is not characteristic of the wider LCU area as the key characteristics of the

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

area refer only to the Greater Nottingham Landscape Character Assessment. The application lies within the southern extent of the Mixed Farmland landscape character type from the Melton Borough Landscape Character Assessment. The area is considered to be geographically small and contained by busy roads, and other human influences such as pylons and masts. The review notes that the proposed turbine sits at the bottom end of the sensitivity rating for the area, and the advice is that where a development lies on the edge of a category more than one category may need to be considered. This is the case for this proposal as it sits close to the edge of the sensitivity rating between "medium" and "medium-high". **Arguably, the turbine height could be considered to have a medium impact upon the landscape.**

It is important to note that the assessment only provides an initial indication of the relative landscape sensitivities of the different areas to wind turbine development, and should not be interpreted as a definitive statement on the suitability of a certain location for a particular development.

The turbine is not considered to have an impact upon the identified key sensitivities of the Landscape Character Unit (LCU18), including the views from the Vale of Belvoir, older field patterns, the deserted medieval village at Thorpe in the Glebe, open views within the Vale of Belvoir, formal woodlands, small rural villages and narrow winding lanes.

With regards to the detailed siting and design of the turbine, the proposal accords with the generic guidance as set out in chapter 6 of the study, and with the specific guidance as set out for the landscape character unit 18.

The completion of the User Guide points to the fact that the proposed turbine does not adversely affect key landscape characteristics and is in line with the guidance, and that the proposal is likely to be accommodated in the landscape (from a landscape character point of view).

With respect to the cumulative visual impact the NPPG 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.

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

The permitted Dalby wind farm is approximately 1.3km from this proposed turbine, therefore issues surrounding the cumulative impact of the proposal need to be assessed. The turbine will be seen in the same visual area as the wind farm particularly when approaching from the south, however there is a reasonable separation distance between this proposal and the Old Dalby wind farm, and a good level of natural screening which will lessen the impact. With regards to the cumulative visual impact, the proposed turbine would be of a similar height to the approved wind farm which would ensure that there would be no jarring visual effect caused by blades rotating at different speeds.

The cumulative impact of the proposal with other consented and existing developments is important to be considered to ensure that wind energy developments do not become a key characteristic of the landscape, or have a defining influence on the overall experience of the landscape. The proposed turbine is to be located in the far southern part of the landscape character unit which as stated above does not have any of the identifiable key characteristics of the area that are sought to protect.

It is considered that the cumulative visual impact on the landscape is acceptable and would not harm the landscape character of the area. As such its impact is considered to meet with the guidance contained within the NPPF and NPPG. On balance, the turbine proposed is similar in height and scale to those already approved at the Old Dalby wind farm and is relatively close to the urbanising feature of the A46 Fosse Way. The turbine is only just considered to be of medium – high landscape impact as it would stand at 79 metres in height, only 4 metres into the medium-high designation within the landscape capacity study. In addition, this turbine would be seen as separate to and distinct from the Old Dalby wind farm due to the separation distance.

The approved and under construction solar farm near to Ragdale is very well screened by natural hedgerows and trees, and it is not considered that this would add to the cumulative landscape or visual impact. Therefore, it is not considered that the turbine would harm the landscape in terms of cumulative impact, and would not have an over dominant impact upon the area.

In terms of cumulative visual impact it is not considered that the proposal would create a jarring impact by way of different rotational

<p>landscape terms as Fields and Enclosed Land</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>One potential concern is the cumulative effect of this proposal in conjunction with similar proposals locally. Further turbines may create negative cumulative impact upon the landscape, such as the permission for 9 turbines at Paddy’s Lane.</p>	<p>speeds or heights. It is considered that the turbine would have no impact upon designated heritage assets in the areas due to the landform and the separation distances.</p> <p>The proposal is therefore considered to meet the objectives of policy C2 of the Melton Local Plan, the NPPF and the NPPG in regards to landscape impact.</p>
<p>East Midlands Airport – No objection</p> <p>Following further discussions with the applicant and Aveillant (a wind turbine mitigation provider) the Airport are now in a position to remove their previous objection to the proposal subject to the imposition of conditions on any planning consent granted.</p> <p>The airport has agreed the conditions with the applicant, and should the Local Planning Authority grant planning permission for the turbine the condition is required to be imposed for the safety of air traffic in the area.</p> <p>The conditions are on file.</p>	<p>Noted.</p> <p>The airport objected to the proposal in 2013 as there was no mitigation available for the radars. As such the proposal could have caused an air traffic safety issue. Their objection centred on the effect of the proposed turbine on the airport’s primary surveillance radar (PSR).</p> <p>Following on-going consultation with the applicant, conditions have now been agreed that can be included on any permission for the turbine to ensure air traffic safety.</p>
<p>Ministry of Defence (DIO) –No Objection</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 of 60 flashes per minute of 200ms to 500ms duration at the highest practical point.</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 be notified of the installation start and completion dates along with the height of the construction</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"> • The date construction starts and ends; • The maximum height of construction equipment; • The latitude and longitude of every turbine. 	<p>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>The request regarding aviation lighting can be imposed by means of condition, along with the notification of start / completion dates.</p>
<p>Civil Aviation Authority – No Response</p>	<p>Noted. See the comments above from East Midlands Airport.</p>
<p>NATS – No objection</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.</p> <p>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>LCC Ecology – No objection</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.</p> <p>The applicants can be made aware of these issues.</p>
<p>Natural England – No objection</p> <p>The comments from Natural England are provided in sections and raise no objections to the proposal.</p>	<p>Noted.</p>
<p>English Heritage – No response</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>LCC Archaeology – No response</p>	<p>Noted.</p>

	Archaeology were consulted and have not made any representations in relation to the application.
Ofcom – No response	Noted.
<p>Telent – No objection</p> <p>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.</p>	Noted.
<p>Arqiva – No objection</p> <p>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.</p> <p>Arqiva have no objection to this development.</p>	Noted.
<p>JRC – No objections</p> <p>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.</p> <p>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.</p>	Noted.
<p>Vodaphone – No objection</p> <p>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.</p>	Noted.
<p>Hoby, Rotherby, Ragdale and Brooksby Parish Council – Object</p> <p>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.</p>	<p>Noted.</p> <p>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>

<p>Melton Mowbray & District Civic Society – Object</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>Guidance was issued by the Department for Communities and Local Government in April 2014 and replaces the previous guidance issued in July 2013. The guidance offers 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.</p> <p>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</p> <p>All applications received are assessed on their individual merits. Since the application was received the Borough Council has undertaken a Landscape Capacity Study specifically relating to wind turbine developments which is discussed elsewhere in the report. The Council cannot however postpone decisions until the new Melton Local Plan has been adopted. Comments with regards to the visual amenity and landscape character are elsewhere in this report.</p>
<p>Broughton & Dalby Parish Council – Object</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 Old 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 at Manor Barn Farm (within Rushcliffe Borough Council) is taken into consideration in this application. 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</p>

	generation from renewable or low carbon sources. This turbine, if approved would generate energy to power up to 250 homes
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Representations:

A site notice was posted in line with consultation procedures, five representations have been received which are a mix of objections and support.

The objections are summarised below:

Representation Objection/Concerns	Assessment of Head of Regulatory Services
<p>Landscape and Visual Cumulative Impact</p> <p>Negative impact on residential amenity, shadow flicker, noise.</p>	<p>Please see the commentary above in response to the Conservation Officer’s comments.</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.</p> <p>There are dwellings relatively close by that would have views towards the turbine, however direct open views towards the site are fairly scarce and there is a reasonable level of screening. One of the closest dwellings to the proposed turbine is 525 metres away (Willoughby Lodge), however its line of site would be across the A46 and the Six Hills Golf Club which are bound with trees (as is the dwelling) reducing the impact of views.</p> <p>Old Dalby Lodge, Rose Cottage and The Paddocks are all located between the consented wind farm and this proposal, however there is a relatively good level of screening with fairly substantial trees. It is not considered that the proposed turbine would cause an unacceptable loss of residential amenity, and the distances involved from the turbine would be unlikely to produce shadow flicker. Documentation included within the planning application shows that shadow flicker will not affect any dwellings that are not financially associated with the proposal.</p> <p>The impact of noise has been addressed in response to the Environmental Health Officer’s comments and it is considered that this can be dealt with by way of planning conditions.</p> <p>Therefore it is not considered that the proposal would have a significant negative impact upon residential amenity, and therefore would meet the objectives of the NPPF and NPPG as its impacts are acceptable (paragraph 98).</p>

<p>Recreational Activities / Amenity</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>Conservation/Character of the area</p>	<p>Please see the commentary above relating to the Conservation Officer's comments.</p>
<p>Health Concerns</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>Amplitude modulation (AM) 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 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>
<p>Impact Upon Wildlife / Birds / Ecology</p>	<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 has also responded (above).</p> <p>It is considered that the matters relating to ecology have been addressed and subject to conditions the proposal is considered to be acceptable.</p>
<p>Turbines are Inefficient and Expensive</p>	<p>As stated above, the NPPF encourages Local Planning Authorities 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 the NPPF clearly states that Local Planning Authority should not require applicants for energy developments to demonstrate the overall</p>

	need.
<p>Other Considerations</p> <p>A helicopter site has just opened behind Broughton Lodge and the turbines would cause danger to pilots</p>	<p>Noted. East Midlands Airport have now removed their objection to the proposal subject to conditions regarding the safeguarding of the radar.</p>
<p>Support</p> <p>Renewable energy will cut carbon emissions</p> <p>The turbine will help the country to meet renewable energy targets</p> <p>Wind energy projects will help prevent climate change.</p> <p>The location for this turbine is good and will not have a detrimental impact upon the wider area,</p>	<p>Noted.</p>

Conclusion

The application seeks approval for the erection of a wind turbine measuring 79 metres to the tip at Six Hills Farm, Old Dalby. The proposal has been shown to have an impact of medium significance on the sensitivity of the landscape character unit, to be acceptable in terms of cumulative landscape and visual impact and to not have an adverse impact upon any heritage assets in the area. Issues relating to the safeguarding of the radar for East Midlands Airport have been overcome, subject to the imposition of conditions, and it is also considered that noise can be dealt with by way of condition. In addition, the impact of the turbine upon residential amenity is mitigated by screening. The proposal is therefore considered to meet the objectives of policies OS2, C2 the NPPF and the NPPG and is accordingly recommended for approval.

RECOMMENDATION: Permit, subject to conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the following plans: Site Location Plan ref D-102 rev A, Site Layout Plan ref D-103 rev A, Typical Turbine Specifications ref D-104 rev A, Typical Turbine Foundations ref D-105 rev A, Typical Transformer / Substation Specifications ref D-106 rev A all received at these offices on 16th August 2013.
3. The developer's noise assessment shall be updated as necessary to reflect the turbine specification approved, and shall be submitted to the local planning authority prior to the commencement of development. In the event of predicted exceedance of ETSU-R-97 levels or as otherwise agreed, the developer shall submit mitigation measures to the local planning authority for their prior written approval in advance of the commencement of development.
4. The rating level of noise emissions from the effect of the wind turbine hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from

Tables 1 and 2 attached to these conditions and:

(A) Prior to the First Export Date, the wind turbine operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

(B) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind turbine operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Local Planning Authority in the format set out in Guidance Note 1(e).

(C) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind turbine operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise emissions resulting from the effect of the wind turbine when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

(D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind turbine operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

(E) Prior to the submission of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (F) of this condition, the wind turbine operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:

- (i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions.
- (ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Local Planning Authority under paragraph (B), and such others as the

independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority and the attached Guidance Notes.

(F) The wind turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

(G) Where a further assessment of the rating level of noise emissions from the wind turbine is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Planning Authority.

(H) The wind turbine operator shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each the turbine in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine shall be retained for a period of not less than 24 months. The wind turbine operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Local Planning Authority on its request within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class C3 or C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

5. The turbine hereby approved shall at all times operate in accordance with the manufacturer's specification.
6. Notwithstanding the details submitted, no construction works shall commence until such time as the proposed vehicular access has been improved fully in accordance with details that shall first have been submitted to and approved by the local planning authority. Such improvements are to include surfacing in a hard bound material, positive drainage, increased width and radii so as to cater for the size of construction vehicles likely to be generated along with some passing bays along the access road. Once the access has been provided, it shall thereafter be permanently so maintained fully in accordance with the approved details.
7. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
8. No development shall commence until details of a scheme for the mitigation of the impacts of the turbine on the air traffic control radar at East Midlands Airport has been submitted to and approved in writing by the Local Planning Authority in consultation with East Midlands Airport. The scheme of mitigation shall be in accordance with the aviation specification set out in the document "Operational and Technical Requirements - Wind Farm Mitigation".

9. No wind turbine hereby granted consent shall be allowed to operate, other than for testing purposes, until the Local Planning Authority has confirmed in writing in consultation with East Midlands Airport that the scheme of mitigation has been implemented and satisfies the requirements of the aviation specification in accordance with the previously agreed mitigation scheme.
10. Information consisting of the date that construction will start and end, the maximum height of construction equipment, and the latitude and longitude of the turbine shall be submitted to the Local Planning Authority at least 2 months prior to the commencement of development.
11. At the time of the installation of the mast at the highest practicable point it shall be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration.
12. By the end of 25 years from the first generation of electricity from the development to the grid all surface elements of the development shall have been removed from the site and the land reinstated in accordance with a scheme which shall be approved in writing by and submitted to the Planning Authority for approval not later than 12 months prior to the expiry of the said period of 25 years.
13. If the wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise be agreed in writing by the Local Planning Authority.
14. In the event that the wind turbine and its associated ancillary equipment are removed in accordance with condition 12 and 13 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority.
15. All works to hedgerows (including removal and replanting) should be completed outside of the bird-breeding season to protect any nesting birds.
16. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interests of residential amenity.
4. In the interests of residential amenity.
5. In the interests of residential amenity.
6. In the interests of highway safety.
7. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
8. In the interests of aviation safety for operations at or in the vicinity of East Midlands Airport.

9. In the interests of aviation safety for operations at or in the vicinity of East Midlands Airport.
10. To ensure that the Ministry of Defence and the Defence Infrastructure Organisation Safeguarding are aware of the development and that the development will not adversely affect defence interests.
11. In the interest of aviation
12. To ensure that, on decommissioning, the site is reinstated in order to protect the character of the area.
13. To ensure that a redundant turbine is removed from site in order to protect the visual qualities of the environment.
14. To ensure that, subsequent to the removal of a redundant turbine, the land is reinstated in order to protect the natural and visual qualities of the environment.
15. In the interests of protected species and habitats.
16. To ensure a satisfactory standard of external appearance.

OFFICER: Mrs Sarah Legge

DATE: 18th March 2015