

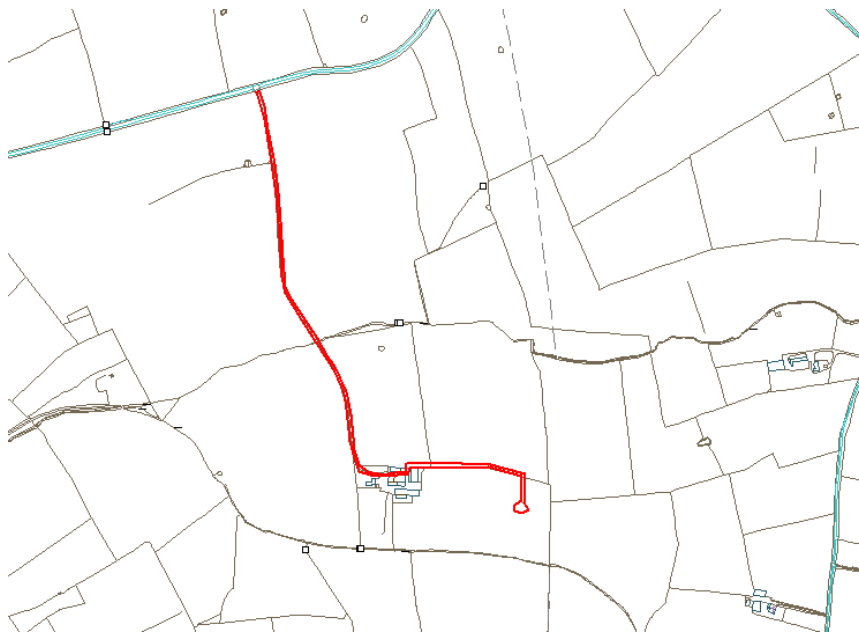
Reference: 13/00846/FUL

Date Submitted: 27th November 2013

Applicant: James Mountain Esq, Hallmark Power Ltd

Location: Frisby Grange, Leicester Road, Frisby on the Wreake

Proposal: Installation of one Endurance 50 Kw wind turbine (with a hub height of 36.6 metres and height to tip 46.3 metres) including an electrical kiosk and associated temporary infrastructure



Introduction:-

The proposed development consists of a single wind turbine with a hub height of 36.6 metres and an overall maximum height to blade tip not exceeding 46.3 metres. The turbine would be of a typical modern design incorporating a tubular monopole tower and three blades with a generation capacity of up to 50 kW. The existing track access from the A607 Leicester Road will be used to access the turbine site. An electrical kiosk is also proposed measuring 2m x 1m x 2.3m. A hard-standing base to the turbine will also be provided.

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

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

Relevant History:-

There is no relevant history.

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; e 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

National Planning Policy Framework

- 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 (i.e the LDF) 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 Reply	Assessment of Head of Regulatory Services
<p>Frisby and Kirby Parish Council – Object on the following grounds:</p> <p>Visual Impact</p> <ul style="list-style-type: none"> • The proposed turbine would be visible for a significant distance, travelling on the A607 from Melton Mowbray between Kirby Bellars and Rotherby, in what is exclusively a rural landscape 	<p>The turbine will have a hub height of 36.6 metres with the base to tip height of approx 45.3 metres. There is no argument that the turbine would not be visible, nor introduce a new feature into the landscape. However, this on its own is not considered a reasonable ground for refusal and it is the</p>

<ul style="list-style-type: none"> • Although the assessment considers the visual impact to be minimal, the Zone of Theoretical Visibility shows an impact over a radius that spans 10km • The turbine's blades will be highly visible • The turbine would dramatically alter the landscape character of the area both in the immediate locality and from important vantage points. <ul style="list-style-type: none"> • Hallmark Power have not provided adequate photomontages for views along the A607 <ul style="list-style-type: none"> • The Leicestershire Round footpath passes very close to the proposed site and this would have a major visual impact as walkers approach and leave the site. The only visual photomontage is from the Stump, a considerable distance from the proposed turbine. We dispute the statement in the Assessment document that: <i>"Within a relatively short distance from the turbine the effects are moderate or minor."</i> <p>Visual impact versus benefit to the UK</p> <p>This turbine would provide electricity for approx.. 45</p>	<p>harm on the landscape that will need to be assessed. The NPPF is clear in its guidance that Local Planning Authorities should approve planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits" (emphasis added). Therefore, when considering the impact on the surrounding landscape of the proposal this needs to be the key consideration.</p> <p>The NPPF then sets out guidance in relation to conserving and enhancing the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by; 'protecting and enhancing valued landscapes, geological conservation interests and soils'. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.</p> <p>Melton Borough does not have any special designated landscaped areas and has no green belt. The location of the turbine is described as Pastoral Farmland (Melton Borough Historic Character Landscape Assessment).</p> <p>The location of the proposed turbine is reflective of the distinctive characteristics. The landform is indeed a typical, pleasant, rural, gently rolling lowland pastoral farmland landscape</p> <p>The photomontages submitted are only one method of assessing visual impact. A Planning Inspector when considering five turbines (APP/R1038/A/09/2107667 and APP/P1045/A/09/210837) acknowledged that photomontages and ZTV are useful tools but stated that they cannot replace the human eye and personal judgement. Impact upon the landscape is a subjective matter and one that is considered to be acceptable in this instance taking into account the Borough's Landscape Character Assessment and as witnessed on a site visit around the location of the turbine.</p> <p>The turbine is at a sufficient set back distance from the footpath/bridle way and no objections has been received from LCC Rights of Way Officer. There is no evidence to demonstrate that the proposal would impact on users of the footpaths/bridleways in the area.</p> <p>In assessing the impact on the landscape it is considered that the proposal would be one feature within a small part of the available panorama and would not be dominant. Accordingly it is not considered that it would be significantly detrimental to the appearance and rural character of the open countryside. Crucially, it will not impact upon any designated landscapes and as such the impact falls short of that which the NPPF advises requires greatest protection. It is considered that the landscape is capable of absorbing the turbine</p> <p>The NPPF encourages LPA's to consider renewable energy</p>
---	--

<p>homes, which is a mere drop in the ocean, when we need power for 26 million homes. If this application were part of a strategic plan for the integration of renewable energy into a coordinated policy instead of a piecemeal approach driven by FTI, it would provide a framework within which a Parish Council such as ours could make a very different decision.</p> <p>Landscape and Visual Assessment</p> <p>The assessment clearly admits that, in order to carry out the appraisal it has relied on some documentation which is only relevant to Scotland:</p> <p>“□ <i>Guidance on Assessing the Impact of Small Scale Wind Energy Proposals on the Natural Heritage, (2012) Scottish Natural Heritage;</i> □ <i>Guidelines on the Environmental Impacts of Wind Farms and Small Scale Hydroelectric Schemes, (2001) Scottish Natural Heritage.</i>”</p> <p>And that “1.5 <i>It should be noted that the above documents set out specific guidance for appraising wind farms in Scotland. Whilst some of this guidance can be applied in England, it is acknowledged that the guidance was essentially designed to enable consideration of the effects on the landscape types found in Scotland.</i>”</p> <p>Location</p> <p>Three different grid references are provided in the documentation. Could it be confirmed that the ecological report was conducted from the location of the proposed turbine?</p> <p>Noise Assessment</p> <p>The noise assessment, while conducted on a similar turbine design, was made on a much lower turbine installation. How would a significantly greater height from ground level of the proposed installation affect noise transmission? (46m height compared to 35m height)</p>	<p>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 60 per cent by 2050 with real progress by 2020.</p> <p>It should be noted that the NPPF clearly states that LPA should not require applicants for energy developments to demonstrate the overall need.</p> <p>SNH (Scottish Natural Heritage) is often regarded as the most comprehensive and advanced policy guidance in the UK. These documents are often referred to in such applications and offer useful guidance in terms of visual assessment of turbines.</p> <p>The agent for the applicant has confirmed that the ecology assessment was undertaken for the proposal site. Leicestershire County Council Ecology Team have commented on the Ecology Report submitted by Avian Ecology, November 2013 and have noted the exact location of the turbine and raised no objections.</p> <p>The NPPF includes 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>MBC Environmental Health Officer, in association with the applicant’s Agent, concluded that the noise level at the nearest residential receptor will comply with the noise limit recommended in ETSU –R – 97 for a single turbine. A condition has been suggested in the interest of residential amenity.</p>
---	--

Environment and Heritage

Frisby on the Wreake Parish values its environment and heritage. The Parish Council believes that any development proposals in our Parish should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities. We should aim to try to assimilate any developments into the landscape or built environment, and ensure they do not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated.

In July 2013 the Government published new 'Planning Practice Guidance for renewable and low carbon energy'. The Secretary of State made a statement that preceded it, which included the following:

- *planning works best when communities themselves have the opportunity to influence the decisions that affect their lives. However, current planning decisions on onshore wind are not always reflecting a locally-led planning system.*
- *..we have been equally clear that this means facilitating sustainable development in suitable locations. Meeting our energy goals should not be used to justify the wrong development in the wrong location.*

Furthermore, the Government plans shortly to grant communities a much greater say over wind turbine

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.

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.**

Due consideration must be given to the 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 and the visual amenity of the wider landscape that may detract from its historic character, tranquillity and remoteness. This can be further broken down into the elements of visual dominance, scale, inter-visibility, vistas and sight lines.

The Landscape Character Assessment of Melton Borough (2006) prepared by ADAS, places the wind turbine in Area LCA11 Pastoral Farmland. The location of the proposed turbine is reflective of the distinctive characteristics of the landform, which is indeed a typical, pleasant, rural, gently rolling lowland pastoral farmland landscape

In assessing the impact on the landscape it is considered that the proposal would be one feature within a small part of the available panorama and would not be dominant. Accordingly it is not considered that it would be significantly detrimental to the appearance and rural character of the open countryside. Crucially, it will not impact upon any designated landscapes and as such the impact falls short of that which the NPPF advises requires greatest protection

Noted, these issues have been thoroughly considered in the decision making process

<p>proposals and siting. Early consultation between local people and developers will become compulsory. Planning works best when people have the opportunity to influence decisions that affect their lives.</p> <p>The Planning Practice Guidance itself states:</p> <ul style="list-style-type: none"> • <i>the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities;</i> • <i>decisions should take into account the cumulative impact of wind turbines and properly reflect the increasing impact on (a) the landscape and (b) local amenity as the number of turbines in the area increases</i> • <i>local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape</i> <p>As a small rural parish sometimes the Council struggles to make its voice heard. It therefore welcomes the Minister's direction that the concerns of local communities should feature more strongly. The area's principal asset is not wind but the unique heritage landscape. This Council believes that the proposed development will be detrimental to the character and perception of the landscape with adverse consequences for local communities and economy, and so runs contrary to national and district policy.</p>	<p>The Council's procedures allow Parish Councils direct access to decision-making on applications and involvement in policy making. It is understood that no Neighbourhood Plan is being proposed by the Parish Council.</p>
<p>Asfordby Parish Council – No comments received to date</p>	<p>Noted</p>
<p>Hoby with Rotherby Parish Council – No Objections</p>	<p>Noted</p>
<p>Gaddesby Parish Council – Object</p> <p>Concerned that the proposed wind turbine will be for commercially generated power and not solely for use on the farm;</p> <p>Turbine is in close proximity to Leicestershire Round public footpath;</p> <p>It will dominate and spoil the rural character of the landscape which is a particularly unspoilt area of traditional agricultural land</p>	<p>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 60 per cent by 2050 with real progress by 2020.</p> <p>This issue has been addressed by the LCC Access Officer (see below)</p> <p>This issue has been addressed above (Frisby Parish Council)</p>
<p>LCC Archaeology – No comments received to date</p>	<p>Noted</p>
<p>LCC Rights of Way – Public footpath H46 runs adjacent to, but not in, the field where the development is proposed. Public Footpath H46 carries the Leicestershire Round, a nationally recognised walking route which circumnavigates the County and is therefore a popular walk. There are no recorded public bridleways in the vicinity nor minor roads which cater for horse riders in the close vicinity.</p> <p>Taking into account the appropriate guidance, as the turbine is only 46.3m (base to tip of blade) and the</p>	<p>Noted.</p>

<p>hedgerow that separates the development site from the footpath is in excess of 50 metres away the LCC Access Officer is satisfied that the proposed location of the turbine achieves a safe separation distance from the footpath..</p>	
<p>LCC Highways Authority – Following an initial objection on highway safety grounds additional information was submitted relating to Highway Site Requirements on 9 January 2014.</p> <p>The proposed alterations now proposed to the existing vehicular access are considered to be acceptable and will, after the turbine has been constructed, provide a significant improvement for the continuing farm traffic, and as such can be viewed as a highway gain.</p>	<p>Noted. – Conditions recommended should consent be granted</p>
<p>LCC Ecology – No objection</p> <p>Pleased to see that the exact location of the turbines allow a 50 metre buffer between the turbines and nearby ecological features, such as the hedgerow and trees. This is in accordance with Natural England Technical Information Note TIN051 Bats and onshore wind turbines. The details of the turbines submitted with the application indicate that the base of the turbine will need to be at least 51 meters from the hedgerows in order to satisfy this criteria (assuming hub height is 36.6m, blade length is 10.3m and nearby hedgerows are 3m). The actual separation distance between the proposed turbines and the hedgerows meet this criteria. However, we would recommend that it ensured that any micro-siting retains this distance.</p> <p>The proposed turbine location is not in the vicinity of any sites protected for their bird assemblages or populations and, for a single medium sized turbines in this location, a bird survey is not required.</p> <p>The ecology report submitted in support of the application (Avian Ecology, November 2013) provides recommendations to minimise the disturbance of the construction works on any other protected species that may be in the vicinity (although the walkover survey indicates that the likelihood of their presence is low) and we would request that the applicants attention is drawn to these recommendations, should planning permission be granted.</p>	<p>Noted - the turbine is located sufficient distance away from nearby hedgerows and trees in accordance with protocols.</p> <p>Note to applicant regarding report recommendations to be attached should consent be granted</p> <p>No objections have been received by the Ecologist or Natural England in regards to the installation of the wind turbine.</p>
<p>Ministry of Defence Estates – No objection</p> <p>The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.</p> <p>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.</p> <p>If planning permission is granted we would like to be</p>	<p>Noted - A condition can be imposed should permission be granted with regard to the advice of the MOD.</p>

<p>advised of the following;</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>This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.</p> <p>If the application is altered in any way MOD must be consulted again as even the slightest change could unacceptably affect them..</p>	
<p>National Air Traffic Services (NATS) – No safeguarding 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>If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p>	Noted
<p>East Midlands Airport – No comments received to date</p>	Noted
<p>Civil Aviation Authority- No objections</p> <p>The CAA does not routinely support or object to any planning proposal. The CAA provides regulatory policy and guidance to those involved in the planning process and provides impartial advice to facilitate the planning process.</p> <p>Offers some generic comments with regards to the proposed development:</p> <ul style="list-style-type: none"> • The potential impact that wind turbines have on the communications, navigation and surveillance infrastructure and also the fact that turbines can cause a physical obstruction to aviation stakeholders should all be taken into account. • Any structure of 150 metres or more must be lit in accordance with the Air Navigation Order and should be appropriately marked. Although if an aviation stakeholder (including the MOD) made a request for lighting it is highly likely that the CAA would support such a request, particularly if the request falls under Section 47 of the Aviation Act. • If the proposed development is approved, there is a need to inform the Defence Geographic Centre icgdgc-aero@mod.uk of the locations, heights and lighting status of the turbines and meteorological masts, the 	Noted. - A condition can be imposed should permission be granted.

<p>estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction, to allow for the appropriate inclusion on Aviation Charts, for safety purposes.</p>	
<p>Natural England – No objection Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.</p> <p>Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. As Standing Advice it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. .</p>	<p>Noted – No objections have been received by the Ecologist or Natural England in regards to the installation of the wind turbine.</p>
<p>English Heritage – No comments received to date</p>	<p>Noted –</p>
<p>Council for the Protection of Rural England – No Comments received</p>	<p>Noted</p>
<p>The Ramblers Association – No Comments Received</p>	<p>Noted</p>
<p>MBC Environmental Health – No objection to this application, but concerned as this authority has received complaints in respect of noise arising from the same model of turbine installed elsewhere in the borough. In that case the complainants were approximately 450m from the turbine.</p> <p>In the event of the application being successful. Recommends conditions are attached along the following lines.</p> <p>Noise levels arising from the development must not exceed an La 90 of 35dB(10mins) when measured at the boundary of the nearest residential properties without a financial interest in the development. Similarly it must not give rise to any irregular sound or mechanical noise sufficient to attract attention at the boundary of those properties.</p>	<p>The turbine is to be located within a parcel of land associated with Frisby Grange. The nearest non associated residential dwelling (The Elms, Gaddesby Lane) lies approximately 600m to the east.</p> <p>Both a Noise Map and Noise Graph have been prepared in conjunction with this application. They show 3 noise contours based on the information supplied in the Hays McKenzie noise report.</p> <p>These drawings demonstrate that 35dB would be experienced at approximately 240m from the proposed wind turbine and that the predicted noise level at the nearest non-financially involved residential property would be approximately 25.8dB. The proposal would therefore be more than compliant with the current ETSU noise guidance.</p> <p>The NPPF includes footnote 17 which states that in determining applications for wind developments the Local Planning Authority 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 the recommendation of the Environmental Health officer is appropriate and a condition to that effect be attached should consent be</p>

	given.
Arqiva – No Objections	Noted
BT Openreach (Radio network Protection) – No Objections	Noted
JRC (Joint Radio Company) – No objections	Noted
Ofcom Advisory – No comments received to date	Noted
Airwavesolutions – No comments received to date	Noted
Mono Consultants – No comments received to date	Noted
Vodafone – No comments received to date	Noted
Everyone Everywhere Ltd (Orange) – No comments received to date	Noted

Representations:

A site notice was posted and the immediate neighbouring properties consulted. As a result 1 letter of objection has been received from 1 household. Melton Mowbray Civic Society has also objected.

Representation	Assessment of Head of Regulatory Services
<p>Visual Impact on Landscape Comment that the turbine will be out of keeping in the rural environment, disturbing the landscape.</p> <p>The turbine will be a blot with a modern sculptural windmill breaking up an idyllic peaceful view</p>	<p>The turbine will have a hub height of 36 metres with the base to tip height of approx 45 metres. There is no argument that the turbine would not be visible, nor introduce a new feature into the landscape. However, this on its own is not considered a reasonable ground for refusal and it is the harm on the landscape that will need to be assessed. The NPPF is clear in its guidance that Local Planning Authorities should approve planning permission unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits” (emphasis added). Therefore, when considering the impact on the surrounding landscape of the proposal this needs to be the key consideration.</p> <p>Melton Borough does not have any special designated landscaped areas and has no green belt. The location of the turbine is described as Pastoral Farmland (Melton Borough Historic Character Landscape Assessment).</p> <p>The location of the proposed turbine is reflective of the distinctive characteristics. The landform is indeed a typical, pleasant, rural, gently rolling lowland pastoral farmland landscape</p> <p>In assessing the impact on the landscape it is considered that the proposal would be one feature within a small part of the available panorama and would not be dominant. Accordingly it is not considered that it would be significantly detrimental to the appearance and rural character of the open countryside. Crucially, it will not impact upon any designated landscapes and as such the impact falls short of that which the NPPF advises requires greatest protection.</p>
<p>Energy production Recent EU and UK Government announcements concerning change of emphasis and reducing charges.</p> <p>Minute fraction of electricity produced</p>	<p>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 60 per cent by</p>

	<p>2050 with real progress by 2020.</p> <p>Regardless of these comments it should be noted that the NPPF clearly states that LPA should not require applicants for energy developments to demonstrate the overall need.</p>
<p>Cumulative effect If this application is permitted it will surely allow multiple applications from other farms and properties along Frisby top</p>	<p>There is no evidence to suggest that further applications will follow and cumulative effect is therefore conjecture at present. However should other applications follow as a result of this application each will be treated on its own merits.</p> <p>Currently there is a 132 metre tall single turbine located at the Severn Trent sewage works in Wanlip that is visible from this site. There are also two micro-turbines (15 metres to hub) situated on Rotherby Lane, Gaddesby, approximately 1.6 kilometres to the south west of the turbine site, which are operational. There is also a propotype wind turbine with a total height of 25 metres on Pasture Lane approximately 2 kilometers to the south east. Otherwise The Council is not aware of similar structures in the vicinity that the proposal would interact with, either already built or with permission.</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. It is considered that the cumulative landscape impact of these proposals when considered with those turbines which have already been permitted and are operational are sufficiently distant and separated by landscape features that they will not be viewed together so as to have a combined impact on the countryside and sufficiently apart in terms of distance to offer 'respite' from their sight when travelling.</p> <p>The harm discussed elsewhere in the report is based upon the unspoilt landscape which is devoid of other manmade structures. It is not considered that cumulative impacts would arise due to the size and separation distances between them.</p>
<p>Melton Mowbray and District Civic Society The need for clearly developed up-to-date guidelines for the assessment of wind turbines in Melton Borough has now been recognised and no further applications for wind turbines in the Borough should be approved until such guidelines have been prepared.</p> <p>The maximum height to blade tip of this turbine is 46.3m; not only would this have an adverse effect on visual amenity and landscape character of the area. Also the interests of aviation do not appear to have been considered in detail. Paragraph 3.9, page 9 in the Design and Access Statement states that "the nearest airport is East Midlands International Airport (EMIA) which is approximately 26.5 km to the north west. However the site would be on the periphery of the airport safeguarding zone and as such it is therefore not envisaged that there would be any objections</p>	<p>The Council is obliged to reach decisions on applications within a statutory period and must continue to do so in the absence of expected guidance.</p> <p>Whilst no comments have yet been received from East Midlands Airport, all aviation interests have been fully considered as detailed within the comments received from NATS, CAA and MOD. The turbine is considered to be acceptable and would not give rise to any aviation safeguarding concerns.</p>

received from EMIA."	
Surely a proposal for a wind turbine on the edge the airport safeguarding zone should have been discussed with the appropriate aviation authorities before the planning application was submitted.	

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policy Considerations:</p> <ul style="list-style-type: none"> • The application is contrary to OS2 of the Melton Local Plan. • There is a balance which needs to be met between the sympathetic siting of renewable energy projects and the extent of the environmental, social and economic impacts. However, the negative impacts on the local community and the environment completely outweigh any benefits which may be achieved from the proposed development. 	<p>In common with all planning applications, the Authority are bound in law to determine the application under s38(6) of the Act, i.e. in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the Melton Local plan</p> <p>The application is considered to be contrary to Local Plan Policy OS2. However, the application needs to be considered in terms of the Development Plan as a whole and the NPPF (see above in respect of the relationship between policy documents). The issue of compliance with Policy OS2 is required to be balanced against the need for Local Planning Authorities to support the delivery of renewable energy.</p>
<p><u>Impact on historic environment</u></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 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 and the visual amenity of the wider landscape that may detract from its historic character, tranquillity and remoteness. This can be further broken down into the elements of visual dominance, scale, inter-visibility, vistas and sight lines.</p> <p>Historic Landscape</p> <p>The recently completed Leicestershire Historic Landscape Characterisation places the wind turbine site within the area known as Fields and Enclosed Land, a classification which dominates rural Leicestershire. The countryside around the proposed turbine location is typical of this classification where there has been little change in landform, apart from some hedgerow loss, since the eighteenth or nineteenth</p>

	<p>centuries.</p> <p>The Leicester, Leicestershire and Rutland Landscape and Woodland Strategy (2001 Revised 2006) places the wind turbine in the area known as High Leicestershire. This character area consists of a hilly plateau dissected by radiating watercourses which have formed moderate to steep sided valleys separated by broad ridges. The central part of the area reaches over 210m. The area is bounded to the north by the Wreake Valley,</p> <p>The landscape is often open and on a large scale with extensive views. This is a very rural area. Land use is a mixture of arable on the flatter and more gently sloping ridge areas and grassland mainly on the steeper slopes and in the valley bottoms. Ridge and furrow is fairly well distributed throughout the area and reflects the intensity of arable cultivation here in the early Middle Ages. Field ponds are also characteristic. The field pattern is mainly one of regularly shaped fields bounded by thorn hedges with mainly ash, and in a few places oak, as hedgerow trees. National Grid powerlines run north to south through the heart of the area and are present in many views, and as in many other areas, telecommunications masts are increasingly a feature.</p> <p>The Landscape Character Assessment of Melton Borough (2006) prepared by ADAS, places the wind turbine in Area LCA11 Pastoral Farmland. This is quintessential lowland English pastoral landscape, gentle, green, rural, productive and well managed, with scattered farmsteads and thick stock-proof hedges. The topography is very gently rolling with a broad scale and a pattern of medium scale regular and irregular shaped fields with scattered hedgerow trees and little woodland.</p> <p><i>Landscape Character Description</i> <i>A typical, pleasant, rural, gently rolling lowland pastoral farmland landscape, generally well managed, with diverse field shapes and sizes, good hedges and scattered trees</i></p> <p><u>Distinct Characteristics</u></p> <ul style="list-style-type: none"> • Rolling topography • Well managed pastoral landscape • Scattered farmsteads • Thick stock proof hedges • Irregular shaped fields <p>It is considered that the proposal will not have a detrimental impact on the historic environment in the locality due to its location and size. The electricity produced will contribute to the national renewable energy targets</p>
<p>Impact on the setting of listed buildings and heritage assets</p>	<p>The importance attached to the setting of heritage assets is recognised by the Governments National Planning Policy Framework (NPPF) and in guidance including the Historic Environment Planning Practice Guide (HEPPG), Wind energy and the Historic Environment (English Heritage) and The Setting of Heritage Assets (English Heritage). The</p>

recent publication Planning practice guidance for renewable energy contains the following statement ‘ *As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset*’.

Scheduled Monuments

There are four Scheduled Monuments within the 3 km zone of influence, namely:

- Garden Moat and Fishponds at Kirby Bellars;
- Kirby Bellars Priory;
- Stump Cross south of Frisby on the Wreake;
- Village Cross at Frisby on the Wreake

The Stump Cross remains is 1.2 km to the north of the wind turbine site on the highway verge of the A607. It falls within the ZTV to hub but is considered sufficiently distant so that its setting is not compromised.

The remaining three Scheduled Monuments are situated on the opposite side of the ridge. They fall outside the ZTV and therefore the wind turbine will not be visible from them. Hence the settings of any of these Scheduled Monuments are not compromised by it.

The Churchyard Cross at All Saints, Hoby is some 3.2 km away. Although on the opposite side of the ridge the Churchyard falls within the eastern side of the village which is within the ZTV to the blade tip. However it is considered to be sufficiently distant from the wind turbine site to ensure that its setting is not compromised by it.

Listed Buildings, Conservation Areas and other Heritage Assets

In the case of potential impact on the setting of other heritage assets the villages of Frisby on the Wreake, Rotherby, Brooksby, Kirby Bellars and Gaddesby are within the 3 km zone of influence. Asfordby and Hoby are just beyond 3 km.

Frisby on the Wreake - The village of Frisby on the Wreake is located approximately 2.0 km north of the turbine site on the north side of the A607 and is the closest settlement. The village has twelve listed buildings and a designated conservation area. There are several other heritage assets within the village.

As the village is situated on the opposite side of the ridge it falls outside the ZTV and therefore the wind turbine will not be visible from the village. Hence the settings of any heritage assets are not compromised by it.

Rotherby - lies to the north west of the proposed wind turbine site, just over 2 km away. The village benefits from conservation area status, and there are four listed buildings

	<p>together with other heritage assets.</p> <p>As the village is situated on the opposite side of the ridge it falls outside the ZTV and therefore the wind turbine will not be visible from the village. Hence the settings of any heritage assets are not compromised by it.</p> <p>Brooksby – The hamlet of Brooksby. 2.5 km to the west of the wind turbine site, has two listed buildings, Brooksby Hall and the Church of St Michael both of which are grade II*. There is no conservation area.</p> <p>As the hamlet is situated on the opposite side of the ridge it falls outside the ZTV and therefore the wind turbine will not be visible from the village. Hence the settings of any heritage assets are not compromised by it.</p> <p>Kirby Bellars - is to the north east of the proposed wind turbine site some 2.5 km away. The village has no conservation area but does have three listed buildings as well as other heritage assets.</p> <p>As the village is situated on the opposite side of the ridge it falls outside the ZTV and therefore the wind turbine will not be visible from the village. Hence the settings of any heritage assets are not compromised by it.</p> <p>Asfordby – is over 3 km to the north of the wind turbine site benefits from a wealth of heritage assets including eleven listed buildings and a designated conservation area all of which are situated in the southern part of the settlement.</p> <p>The village is situated on the opposite side of the ridge and the southern section, which includes the conservation area and listed buildings, falls outside the ZTV. The northern part does however fall within the ZTV to the blade tip. For the most part therefore the wind turbine will not be visible from the village. Hence the settings of any heritage assets are not compromised by it.</p> <p>Hoby – lies 3.3 km to the north west of the wind turbine site. Together with twelve listed buildings and several other heritage assets the village does have a designated conservation area.</p> <p>The village is situated on the opposite side of the ridge, but the western side falls within the ZTV to the hub and the eastern side within the ZTV to the blade tip. Therefore the hub of the wind turbine may be visible from part of the village. However they are considered to be sufficiently distant from the wind turbine site to ensure that their settings are not compromised by it.</p> <p>Gaddesby- The village lies about 2.5 km to the south of the wind turbine site. The village benefits from a designated conservation area which includes several listed buildings, including a grade I listed Church and other heritage assets.</p> <p>As the village is situated outside the ZTV and therefore the wind turbine will not be visible from the village. Hence the</p>
--	---

	<p>settings of any heritage assets are not compromised by it.</p> <p>It is considered that the location and size of the turbine is such that the proposal will not have a detrimental impact on heritage assets and the setting of listed buildings</p>
Impact upon Wildlife/Ecology	<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 matters relating to ecology have been addressed and the proposal is considered to be acceptable.</p>
Impact on residential amenity	<p>The proposed development is in open countryside where few dwellings exist. The turbine is to be located within a parcel of land associated with Frisby Grange. The nearest non associated residential dwelling is The Elms, an isolated detached dwelling set back off Gaddesby Lane, which lies approximately 600m to the east. Hickory Lodge Farm is a similar distance to the north east of the turbine site. There are also several other dwellings scattered along Gaddesby Lane and many other dwellings to the south and west generally between 1 and 2 km away.</p> <p>The wind turbine will naturally be visible from these properties but given the separation distances this is not considered to be a reason for refusal. In addition the none of the occupants of any of these dwellings has raised an objection to the application.</p> <p>The proposal is not considered to have a direct adverse impact on the residential amenities of any properties in the vicinity.</p>

Conclusion

The proposal is considered to be supported in terms of principle by national policy in the NPPF as contributing to the wider aims of encouraging renewable energy and de carbonising the economy. It is also considered that the proposal will not adversely affect the character and appearance of the area to an extent that it is regarded as unacceptable within national guidance. In terms of the landscape, guidance in the NPPF puts the emphasis on protecting international and nationally designated sites such as National Parks. It is considered that whilst there is the need for a balance between the interests of renewable forms of energy and landscape issues, in this instance the impact would be limited in extent on the landscape, although the landscape is unspoilt it is not one that attracts protection through its designation, in the manner explained in the NPPF. Accordingly, the balance of these issues is considered to favour the installation of a single wind turbine.

The site is considered to have adequate access arrangements and to pose no risk to highways users. Having considered all the issues, in this instance, the proposal is considered on balance to be acceptable and is therefore recommended for approval.

RECOMMENDATION:- Permit, subject to the following conditions;

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The works hereby permitted shall be undertaken strictly in accordance with Drawings:
 - M5673-01, Scale 1:2500 @ A4, dated 21 November 2013;
 - M5673-01, Scale 1:2500 @ A3, dated 4 December 2013;
 - 2011-10-18, E3120 Elevation, Scale 1:250, dated 22 November 2011;
 - J12178, Image Composites Ltd, dated 3 October 2013
3. 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
4. Before construction commences on the wind turbine, the proposed access alterations shown in the Highway Site Requirements document 09012014 submitted by the applicants on 9 January 2014 have been carried out to the satisfaction of the Local Planning Authority in consultation with the Highway Authority. Once these works have been carried out the access shall thereafter be permanently so maintained.
5. The Applicant must inform the Defence Geographic Centre icgdgc-aero@mod.uk of the location, height and lighting status of the turbine, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction,
6. The Applicant must inform the Ministry of Defence of the following:
 - the date construction starts and ends;
 - the maximum height of construction equipment;
 - the latitude and longitude of the turbine.
7. 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.
8. 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.
9. In the event that the wind turbine and its associated ancillary equipment are removed in accordance with condition 6 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority.
10. Any incidental records of bat or bird strike must be forwarded to the Local Planning Authority
11. Prior to the commencement of the development the developer will provide a report with a prediction of the anticipated levels of noise that will be experienced at the boundary of the nearest non-associated residential property. This report will include reference to aerodynamic noise, mechanical noise and any other noise characterised as amplitude modulation with reference to the tonality of the turbine noise based upon the 3 octave spectrum. The turbine will not be erected until such time that the report has been approved by the Local planning Authority

12. At wind speeds not exceeding 10 metres per second, as measured or calculated at a height of 10 metres above ground level the wind turbine noise level at the boundary of any residential dwelling shall not exceed:
 - during night hours (23:00-07:00), 43 dB LA90,10min, or the night hours LA90,10min background noise level plus 5 dB(A), whichever is the greater;
 - during quiet waking hours (18:00-23:00 every day, 13:00-18:00 on Saturday, 07:00-18:00 on Sunday), 35 dB LA90,10min or the quiet waking hours LA90,10min background noise level plus 5 dB(A), whichever is the greater; and,
 - at all times 45 dB, LA90,10min or the (day/night as appropriate) hours LA90, 10min background noise level plus 5 dB(A), whichever is the higher in respect of any house where the occupier is a stakeholder in the development,

Providing that this condition shall only apply to dwellings lawfully existing at the date of this planning permission.

- 13 At the request of the Local Planning Authority the wind turbine, the wind turbine operator shall measure or calculate, at his own expense, the level of noise emissions from the wind turbine. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment and Rating of Noise from Wind Farms", September 1996, ETSU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97. The assessment approach shall be approved by the Local Planning Authority prior to undertaking the detailed assessment.
14. Should the wind turbine noise level specified in Condition 12 be exceeded, whether or not identified as a result of the procedure set out at condition 13 above, the wind turbine operator shall take immediate steps to ensure that noise emissions from the wind turbine are reduced to or below such levels or less, and obtain written confirmation of that reduction from the Planning Authority is satisfactory.
15. Prior to the commencement of the works hereby permitted details of the colour of the proposed turbine shall first be agreed in writing with the Local Planning Authority

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. To ensure a satisfactory standard of external appearance.
4. In the interests of highway safety

5. To allow for the appropriate inclusion on Aviation Charts, for safety purposes
6. This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.
7. To ensure that, on decommissioning, the site is reinstated in order to protect the environment
8. To ensure that a redundant turbine is removed from site in order to protect the visual qualities of the environment
9. 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.
10. In the interests of protected species and habitats.
11. In order to control the noise in the interests of residential amenity.
12. In order to control the noise in the interests of residential amenity.
13. In order to control the noise in the interests of residential amenity.
14. In order to control the noise in the interests of residential amenity.
15. For the avoidance of doubt.

Notes To Applicant

i) During construction works, appropriate signage will be required on the A607 to advise drivers of turning construction traffic, the details of which will need to be agreed with the Highway Area Office Manager as part of the licence required to carry out the works to the access.

ii) This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -

For 'major' accesses - see Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd.

For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

The applicants attention is drawn to the recommendations contained within the ecology report submitted in support of the application (Avian Ecology, November 2013) which provides recommendations to minimise the disturbance of the construction works on any other protected species that may be in the vicinity (although the walkover survey indicates that the likelihood of their presence is low).

Officer to contact : Mr R Spooner

Date: 30 January 2014