Committee Date: 4th June 2015

Reference: 14/00811/FUL

Date submitted: 03/10/2014

Applicant: Mr Franco Criscuolo

Location: Field Numbers 3675 1377 And 9383, Melton Spinney Road, Thorpe Arnold

Proposal: Wind turbine (maximum height to blade tip 47.05 meters) and associated infrastructure including access track, compact substation with underground cables and crane hard standing area.



Proposal:-

This application seeks approval for the erection of one wind turbine with a blade tip height of 47.05 metres, with associated infrastructure for the generation of renewable electricity. The turbine would have a rotor diameter of 15.55 metres and a hub height of 30.5 metres.

The application site is located approximately 1.4km to the north east of Melton Mowbray, and 1.3km to the north of Thorpe Arnold in open countryside. The site is proposed to be accessed from Melton Spinney Road, as it is bound to the east by Thorpe Brook which is a tributary to the River Eye. To the north and west of the site are further arable fields, scattered with occasional residential dwellings, with Twin Lakes Theme Park to the south, beyond which is the northern edge of the town. There are a line of metal pylons that cross the north east corner of the site in a north west to south east direction. There is also a main gas line that crosses the site to the east.

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:-

Application reference 13/00058/FUL for a wind turbine with a maximum tip height of 87 metres was withdrawn in September 2013.

Planning Policies:-

Adopted Melton Local Plan

<u>Policy OS2</u> – 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.

<u>Policy C2</u> - 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
 - o 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)

Conserving and enhancing the historic environment

Paragraph 131 states that in the determination of planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Furthermore, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be given. Where a proposed development would need to substantial harm to or total loss of significance of a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (132-133).

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
Environmental Health Officer: No objection,	Noted.
subject to conditions	
Following a review of all of the submitted documentation, the Environmental Health Officer considers that the impact of potential noise should the application be approved, can be dealt with by	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.
way of conditions. The rated noise level from the wind turbine must not exceed an $L_{A90,10min}$ of $35dB(A)$ up to wind speeds of 10m/s at the nearest noise sensitive receptor at any time.	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 a $L_{A90,10min}$) is an absolute minimum target level of 43 dB $L_{A90,10min}$
Should the local authority receive noise complaints concerning amplitude modulation, the applicant will at the request of the local authority undertake further assessment to determine if the addition of a tonal penalty is appropriate as per ETSU-R-97. Where ETSU-R-97 guidelines are exceeded, the	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. The closest residential dwelling

applicant will implement mitigation measures to ensure compliance with the guidelines.	is approximately 525 metres from the proposed wind turbine, and is the flat within the Twin Lakes Theme Park. Other residential dwellings that could be reasonably considered as noise receptors are located around 610 metres to 1060 metres from the location of the proposed turbine. As such, there have been six residential locations assessed within the noise report; the assessment has been carried out in accordance with the ETSU-R-97 procedure by comparing the predicted wind turbine noise at 10m/s at 10 metres height to the absolute lower fixed limit value of 35dBL A90, 10min. Therefore, it was not considered necessary to monitor background noise levels. The properties / locations assessed were:
	 Flat at Twin Lakes Theme Park (525m to the SSW of the proposed turbine House at Spinney Farm approximately (610m to the W of proposed turbine) Houses at Melton Spinney Farm (628m to the NW of the proposed turbine) Cottage near Hindle Top Farm (602m to the NNW of the proposed wind turbine) The Hindles (880m to the NNE of the proposed turbine) House at Lodge Farm (1060m to the SE of the proposed wind turbine).
	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".
	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.
	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.
LCC Highways - No objection	Noted.
The Highways Officer has no objection subject to conditions relating to the improvement of the	Access to the site will be from Melton Spinney Road, along a 4 metre wide access track that is

access and the submission of a traffic management plan.	 proposed at the site, which would widen to 5.5 metres on curves. The track would run along the field boundary for approximately 500 metres before turning to the south to the location of the proposed turbine. Subject to conditions, it is considered that the access track and the routeing of construction traffic would not cause any impacts upon highways safety in the area. In addition, 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.
LCC Footpaths – No objection The closest recorded public rights of way are in excess of 400 metres from the proposed location of the turbine, therefore the officer has no concerns regarding the proposal.	Noted. 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.
English Heritage – Advice	Noted.
There are 5 Grade I listed buildings, 14 Grade II* listed buildings and 9 Scheduled Monuments within a 5km radius of the site. In assessing the impact, the potential impact upon the wider setting of heritage assets should be considered, and advise that the authority should consider the significance of the heritage assets as a group and if the relationship with the rural landscape would be caused any harm by the proposal. Such assessment should include the potential issues with intervisibility between the heritage assets. The turbine may be seen from numerous locations and will impact upon the experience of moving through the landscape and the character of the area. This could be exacerbated by the cumulative impact with existing and proposed turbines. As such, advice should be sought from the local planning authority's conservation officer.	Further to this advice being provided by English Heritage, the applicant provided additional documents showing the potential visibility of the turbine from various locations. The conservation officer reviewed the information and provided advice which is detailed below.
MBC Conservation Officer – No objections	Noted.
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	As stated within the comments from English Heritage, there are 9 Scheduled Monuments within 5km of the application site. Based upon the zone of theoretical visibility (ZTV) submitted with the planning application, it is considered that there

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 following factors:

- 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

This can be further broken down into the following elements:

- Visual dominance
- Scale
- Inter-visibility
- Vistas and sight lines

Archaeology

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.

Landscape Character

Historic

Landscape is the product of millions of years of geological evolution combined with thousands of years of human settlement and activity. The ways in which people in the past and the present have and continue to shape our physical environment is not just a matter of academic interest it affects us all both in the way we identify with our surroundings and with our quality of life. would be a varying level of theoretical visibility with the proposed turbine. Further information was submitted by the applicant in response to the comments initially received from English Heritage, showing a more detailed ZTV in regards to the SM to the west (moated grange). This SM is located approximately 650m from the site to the west, characterised by a series of earthworks which form building platforms with various water management features, including leats and the moat. It is considered that the integrity of the earthworks and the relationship to Scalford Brook significantly contribute to its setting. This SM is located in the base of a valley, 90m aOD, with the remains of the dismantled railway to the west. Due to its location, there are limited views to and from the site, and it is not considered to be affected by the proposed wind turbine.

There are further SM's within 5km of the site, these are dealt with in turn:

Sysonby Grange Farm (450m east of Sysonby Farm) – based upon the ZTV submitted it is considered that the proposed turbine would not be visble from the majority of the monument, and only partially visible from the eastern part of the assets. It is not considered that the proposal would impact upon the setting of the SM.

Medieval Settlement at White House Farm – the hub and blades of the proposed turbine could be visible from the SM, however there is extensive modern development located between the SM and the turbine which minimises any impact that the turbine would have on the SM. As such, it is considered that the proposed scheme would not have an adverse impact upon this SM.

St Mary & St Lazarus Hospital, Burton Lazars – this is located approximately 5km to the SW of the proposed turbine, separated by modern housing and hedgerows. The SM is also a considerable distance from the proposed turbine, and as such the impact is considered to be very low.

Stapleford Deserted Medieval Village – the tip of the turbine may be visible from this location, however there is an established tree belt to the west of the Park, limiting views to the site. As such, it is not considered that the scheme would impact on the setting of the heritage assets.

Blesswell Grange – this is a monument at Eaton, the tips of the turbine may be visible. There is tree cover which will screen the turbine from the SM, the

Landscape Character Description	distance of the SM would also ensure that there would be no harm to the setting.
A broadly homogenous gently rolling ridge & valley landscape with contrasting large scale arable fields along ridgelines and smaller scale pastures in the valleys, with managed hedges and scattered mostly ash trees.	The Conservation Officer has reviewed the details submitted with the application, and agrees with the findings in regards to the impact upon the listed buildings, conservation areas and SM's.
It is also within the area defined as Particularly Attractive Countryside in the Adopted Melton Local Plan	Landscape Impacts Landscape impacts are concerned with the degree to
Heritage Assets	which a proposed renewable energy development will become a significant or defining characteristic of the landscape. In 2014 Melton Borough Council
Within 5 kilometres of the proposed turbine site there are a number of designated heritage assets including SM's, various grades of listed building 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.	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
There are 10 SM's within 5 kilometres of the site the closest being the Moated Grange at Spinney Farm which is only 650metres west of the site. Its valley bottom location reduces the visual impact of the turbine and existing tree screening reduces that impact further.	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. The proposed wind turbine is located on the edges of LCU5 and LCU15.
1	LCU 5 – Ragdale to Saltby Wolds
The remainder of SM's identified in the	
Environmental Report are within 5 kilometres of	The key characteristics of this LCU are rolling
the site and I agree with the conclusions reached in	landscapes drained by numerous stream valleys,
that report in regard to the impact on them.	large scale open arable fields along ridgelines, small scale enclosed pastures on valley sides and floors,
In terms of the built benits as there are 7 and 11	scale enclosed pastures on valley sides and noors,
In terms of the built heritage there are 7 grade II	deeply rural with remote qualities. There are also
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The closest settlement is the northern part of Melton Mowbray approximately 1.5 kilometres	Mowbray. In terms of landscape sensitivity to turbines, a
away. Thorpe Arnold is approximately 1 kilometre to the south and Scalford is approximately 1.8 kilometres	turbine of the height of 47.05m to the tip would be considered to be low to medium sensitivity, with only turbines over 51 metres to the tip being considered medium sensitivity.
to the north. Conclusion	Overall, it is considered that the turbine would have a medium sensitivity impact upon the landscape.
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	Cumulative Impacts Cumulative landscape impacts are concerned with
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.	the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. 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.
The landscape in the immediate area of Croshers Farm has apparently undergone minimal changes throughout the years. The area as a whole displays subtle variations which include unchanged remote and pastoral landscapes.	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.
introduction of a wind turbine 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. I am however content that in general terms the distance involved, together with natural screening elements within the landscape, ensure that the	At present, the closest permitted turbine to this proposal is situated approximately 2km to the south, close to the village of Brentingby. This turbine would stand at a total of 46 metres to the tip, similar in size to this proposed turbine. The Brentingby turbine has yet to be constructed.
elements within the landscape, ensure that the impact on heritage assets is reduced to a degree to render them of lesser significance.	Therefore, it is considered that the cumulative visual impact upon the landscape is acceptable and would not harm the landscape character of the area. As such, the impact is considered to meet with the guidance contained within the NPPF and the NPPG. It is considered that the turbine would have no harmful impact upon designated heritage assets in the area due to the landform, screening, built form and the separation distances.
	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.
East Midlands Airport – No objection	Noted.
The proposed turbine has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, the airport has no safeguarding objection to the proposal, a condition is however required for the applicant to notify EMA within one month of the turbine commencing operation.	
 Ministry of Defence (DIO) –No Objection In the interests of air safety the MOD requests that the turbine is fitted with aviation safety 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. 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. 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: The date construction starts and ends; The latitude and longitude of every turbine. This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid the area. 	Noted. 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 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. The request regarding aviation lighting can be imposed by means of condition, along with the notification of start / completion dates.
Civil Aviation Authority – No Objection	Noted.
If consent is granted, the Defence Geographic Centre (dvof@mod.uk) are to be informed of the expected date of removal of the turbine and informed of the locations, height and lighting status of the turbines and any meteorological masts, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of constriction to allow for the appropriate inclusion on Aviation Charts for safety purposes.	See the comments above from East Midlands Airport.

NATS – No objection	Noted.
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.	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.
LCC Ecology – No objection	Noted.
There are no objections to the development provided that a condition can be forwarded with any permission granted ensuring that the turbine is sited with at least a 50 metre buffer between an ecological feature and any part of the turbine. Ecological surveys will not be required to be	A condition can be placed on any approval to this effect.
submitted provided that the turbine is sited in accordance with the above recommendation.	
Natural England – No objection	Noted.
The comments from Natural England are provided in sections and raise no objections to the proposal.	
National Grid –	Noted.
There is a High Pressure Gas Pipeline close to the proposed location of the wind turbine. The height of the rota must be 1.5 times from the pipeline.	The height of the turbine was advised to National Grid with the hub height of 40 metres, being 65 metres from the pipeline. This was advised to be acceptable. Since this response was received the turbine has been reduced in height, therefore the distance remains acceptable.
LCC Archaeology – No response	Noted.
	Archaeology were consulted and have not made any representations in relation to the application.
Ofcom – No response	Noted.
Telent – No response	Noted.
Arqiva – No response	Noted.
Arqiva is responsible for providing the BBC and ITV's transmission network and is responsible for ensuring the integrity of Re-Broadcast Links, and also protect its microwave networks.	
Arqiva have no objection to this development.	

JRC – No response	Noted.
Vodaphone – No response	Noted.
Clawson, Hose and Harby Parish Council As a neighbouring Parish Council they object to the application as it would be highly visible and would set a precedent for future similar applications. In addition, the cumulative effects of such development are difficult to quantify when viewed individually and it is a subjective judgement. This is also a well known area of natural beauty with a large volume of tourism.	Noted. A turbine being visible does not mean that the turbine is unacceptable. An assessment of the impact of the turbine in the landscape, in regards to cumulative impact and impact upon heritage assets has been undertaken above in the section Heritage / Conservation. The character of the landscape is also discussed within this section. With regards to a precedent being set, all applications are determined on their individual merit.
 Campaign for the Protection of Rural England - Object The CPRE are supportive of wind energy in appropriate locations, and evaluates each planning application on its general impact on the landscape and character of the area whilst taking into consideration the general environmental benefits. The CPRE objects as: the application is contrary to policy OS2 of the Melton Local Plan There would be adverse impact on the setting of local heritage assets and the wider landscape There would be adverse impact upon two character areas There will be loss of amenity for people who live / work nearby and for people who use the footpaths and bridleways which run near the site. 	 Noted. Policy OS2 of the Melton Local Plan does not give specific guidance to wind turbine development, but seeks to restrict inappropriate development in the open countryside which is detrimental to the character and appearance. More recent policies within the NPPF give specific guidance relating to wind turbine development, therefore there is a balance to be considered between any perceived harm to the character and appearance of the countryside against the benefits that the development could provide. The Conservation Officer is satisfied that there would be no significant harm to the heritage assets in the vicinity of the application site (see commentary above). With regards to the landscape character, it has also been shown above that the impact upon the landscape would be of medium sensitivity. There is no current evidence to show that the development of wind turbines would have an adverse impact on recreational and economic activities. 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
Ward Councillor – Concerns The Ward Councillor raised concerns with regards to the proximity of the High Pressure Gas Pipeline in relation to the proximity of the wind turbine.	Noted. National Grid were consulted on the plans and have advised that the separation distance proposed meets their safety requirements in relation to the High Pressure Gas Pipeline.

Representations: A site notice was posted in line with consultation procedures, a press notice was published, and twenty representations have been received.

The objections are summarised below:

Representation Objection/Concerns	Assessment of Head of Regulatory Services
Landscape and Visual Impact	Please see the commentary above in response to the
The turbine would spoil the panoramic views of the open countryside	Conservation Officer's comments with regards to the impact upon the landscape, cumulative impact / visual impact and impact upon heritage assets.
The Landscape Sensitivity Survey notes that the turbine falls within LCU 5 where a 55 metres turbine would have medium to high sensitivity. This is unacceptable.	The turbine has been reduced in height to 47.05 metres which brings it into the category of medium sensitivity within LCU5 and low sensitivity within LCU15 which the site borders. This has been discussed in full above.
The site directly overlooks the town and the turbine would be very visible from many parts of Melton, contrary to the Landscape Sensitivity Study.	Opinions on the matter are subjective, however it is considered that whilst the turbine would be visible, it would not be unduly harmful to the landscape
The turbine would be a structural eyesore.	character or the town, nor would it be an overly dominant feature in the landscape.
The turbine would be a dominant feature would be an intrusive obstacle and ruin the current beautiful landscape.	The plans submitted only form part of the assessment of the impact of the turbine. A site visit has been conducted taking in all possible views to
The turbine would be taller than St Mary's Church (Melton), would be on an incline and be seen for miles around, spoiling the landscape.	and from the site of the turbine, and a recommendation is formed from all of this information, not just the information submitted by the applicant.
The triangular shaped piece of land between Melton Mowbray / Thorpe Arnold / Waltham on the Wolds and Scalford should be viewed as a classical piece of outstanding Leicestershire landscape. It's known as the Wolds, a rural area of outstanding character and should be protected.	
Amended plans were just Google Earth images with the turbine superimposed on top of them. The plans are all misleading as they do not give an accurate representation of the impact of the turbine on the landscape and surrounding features.	
Health Concerns / Noise	
ETSU-R-97 is too general in its assessment of noise and fails to address the objections of local residents. Whilst the turbine may meet ETSU-R-97 limitations on operational noise, there are no acceptable limits to unnecessary noise, since everyone aspires to a	No evidence has been provided to show that this turbine would have adverse impacts on health of residents. The impact of noise has been addressed in response
tranquil community. The turbine may have an effect on children who suffer from autism visiting Twin Lakes.	to the Environmental Health Officer's comments and it is considered that this can be dealt with by way of planning conditions. There is no evidence in this case on which to base a
	There is no evidence in this cuse on which to base a

There are suggestions that turbines can cause aggravation to people with heart conditions. Noise generated by the turbine will affect health and quality of life. Autism and epilepsy can be triggered by turbines	rational health fear sufficient to justify the refusal of planning permission, or to seek greater separation between dwellings and turbines.
Impact Upon Wildlife / Birds / Ecology	
The site is on the direct flight path for many birds that roost overnight in Melton Spinney and the Country Park. There are large numbers involved, and the turbine would have a severely detrimental effect on their habits and could lead to losses of birds and a change to the environment in a negative way.	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).
The wind turbine may harm birds from the Falconry centre at Twin Lakes; they have been known to harm larger birds.	It is considered that the matters relating to ecology have been addressed and subject to conditions the proposal is considered to be acceptable.
Turbines are Inefficient and Expensive	
They provide insufficient energy, but provide excellent revenue for local land owners. Turbines are unreliable and inefficient, driving British households into fuel poverty. This turbine is not to benefit a farmer; it is to feed electricity back into the gird for which the land owner will receive a grossly inflated sum of money for.	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. 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 need.
Tourism	
The site immediately borders Twin Lakes Park which is an acknowledged tourist attraction for Melton and brings large numbers of visitors to the town. The turbine would detract from the benefits of Twin Lakes as a large scale turbine would overshadow the property, having a negative effect on visitor numbers. Concerns about horse riders and the turbine blades as the horses will be distracted.	There is no current evidence to show that the development of wind turbines would have an adverse impact on recreational and economic activities. 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.
Melton Mowbray is marketed and framed as a rural capital, Twin Lakes employees over 150 people and a turbine would impact on the future development	

 of the park. The noise and danger of a turbine would have a significant negative impact on the Park. The turbine would threaten the viability of the business. The turbine would destroy the atmosphere and ambience of the Twin Lakes Park. The public benefit that has taken 11 years to build and develop would be lost. A structure so close to the Park will change the character of Twin Lakes park – why would people visit an attraction near a turbine? The turbine would impact the ability for the Park to support Melton in Bloom as it would be detrimental to the business. The turbine would impact great future investment in the Park as future accommodation proposed would be unviable. Tourists will no longer visit a beauty spot blighted by wind turbines. If the Falconry Centre has to close this would result in the loss of 4 jobs. Highways Melton Spinney Road is a very fast road with many vehicles breaking the speed limit of 60mph. There 	The Highways Officer has advised that the proposal would not cause safety issues within the Highway,
have been recent accidents and fatalities. The turbine would lead to driver distraction.	and that subject to conditions, the access can be provided safely. No evidence has been submitted to show that driver distraction caused by wind turbines has led to additional dangers in the highway.
Residential Impact	
The turbine would have an extremely oppressive effect on many rural dwellings in the vicinity. Concerns about the flicker effect of wind turbine blades. Site is inappropriate due to its proximity to residential dwellings	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 (see below).
residential dwellings. The D&A statement fails to include the proposed 180 homes which are proposed off Melton Spinney Road approximately 1 km from the application site, nor does it mention the homes on the northern fringe of Melton Mowbray (Hunt Drive etc).	The separation 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.
The closest dwelling is 585 metres from the turbine,	There are a few properties surrounding the site, the

this is too close.	closest that are not financially involved in the application are:
The turbine will reduce the enjoyment of residents homes and gardens.	The Flat at Twin Lakes Theme Park (approximately 525m to the SSW of the application site). This flat is located within the Twin lakes Park, with development to all sides of it. It is unlikely that there would be a direct line of site to the turbine from the flat that would not be screened in some way by trees or development. The separation distance of over 500 metres is also considered to be sufficient so as not to have an unduly adverse impact upon residential amenity. There are no further approved turbines in the vicinity, therefore there would be no cumulative impact of the proposal.
	Spinney Croft Farm (approximately 585 metres to the West of the proposed turbine) has two side elevation windows that face towards the site of the turbine, however the house is situated behind a tall hedge (approx. 3 metres) which provides a good level of screening. It is not considered that the turbine would have an unacceptable impact upon this residential dwelling.
	Houses at Melton Spinney Farm (approximately 625m to the NW of the site) – this house faces the Melton Spinney Road, and as such does not face the turbine which would be to the SE of the house. Again the house is situated behind screening from hedgerows and trees, and it is not considered that the dwelling would suffer an unacceptable loss of residential amenity from the turbine.
	Cottage near Hindle Top Farm (approx. 600m to the NNW of the turbine). This dwelling would have more open views towards the site due to its location, and the lack of screening, however the house does not directly face the site of the turbine, and therefore views towards it would not be direct. It is not considered that the turbine would adversely affect residential amenity to this dwelling.
	The Hindles (approx. 880 m to the NNE of the turbine). This dwelling principally faces to the west, and as such, most principal rooms will not directly overlook the site of the turbine. Screening between the dwelling and the turbine is by lower field hedges, so it is likely that the turbine would be visible, but it is not considered that the turbine would adversely affect residential amenity to an unacceptable degree due to the distances involved.
	House at Lodge Farm (approx. 1025m SE of the turbine). Whilst it is possible that this dwelling

	 would look directly towards the turbine, there is a reasonable level of screening between the turbine site and this dwelling to lessen the impact. Combining that with the distance of over 1km from the site, and it is not considered that the turbine would have an adverse impact upon residential amenity. The proposed homes on Melton Spinney Road are still pending consideration and have not yet been granted planning permission. The site of these homes would be around 1km from the application site which is not considered to cause incompatibility with regards to residential amenity. 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).
Other Considerations In May 2013 a planning inspector refused planning permission for a large turbine at Hindles Farm approximately 1500m from this site; the reason for refusal was the effect that the presence of a large turbine would have on the landscape and this latest application will have a very similar impact. Therefore the application should be refused for the same reasons.	Planning applications are determined on their individual merits, and this application is for a smaller turbine on a different site. However, an application for a wind turbine measuring 77 metres to the tip at Hindles Farm, Melton Spinney Road, Thorpe Arnold was dismissed at appeal in 2013. The application site was located approximately 2.5km to the north east of this application site, within a sparsely populated area, described by the planning inspector as having a large scale landscape. In terms of the Melton Landscape Sensitivity Survey, the site fell completely within LCU5, much further from the boundary of LCU15. The landscape was described as having 'big skies' and that the blade tip would appear in this landscape as a strident feature, with the turbine being uncharacteristic in material and design. The turbine was in a far more isolated position than that proposed here, and due to its height of 77 metres would be visible much further afield, compounded by the fact that the turbine was proposed in a higher location, at the highest point on the ridge. Further issues were identified by the inspector relating to residential amenity which do not apply in this case.
The application is speculative by absentee landowners, inflicting the turbine on others in the interests of profit and without regard to quality of life.	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.
	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 need.
The developers did not know about the gas pipeline that crosses the site when they submitted their original application. The revised application reduces the height, but this does not inspire confidence.	National Grid have advised that they have no objections to the proposal as there is an acceptable separation distance between the proposed turbine and the High Pressure Gas Pipeline.
Development close to the High Pressure Gas Pipeline is dangerous.	Please see comment above.
The reports submitted with the application are neither independent nor unbiased as they are commissioned by the applicants. The statements contained within are contradictory and show a level of gross incompetence. Aesthetic judgements are subjective and are made by someone who does not know the area.	Noted. As stated above, the supporting reports and other documents only form part of the whole decision making process.
This will lead to further speculative wind turbine applications as it would set a precedent.	All applications are determined on their individual merit, and a positive decision on this application would not automatically lead to further granting of planning permission.
The residents of Thorpe Arnold should be entitled to a vote as to whether this proposal is accepted or not.	The residents of Thorpe Arnold who have made comments on this application have been invited to speak at the Planning Committee meeting to make representations regarding the application.
There would be an excessive amount of concrete going into the ground to provide a base – this concrete would remain for ever.	Noted. The site is not part of an area of flood risk, and it is not considered that the concrete if left in the ground would be harmful.
Properties would be devalued.	The valuation of private properties is not a material consideration in the determination of planning applications.

Conclusion

The application seeks approval for the erection of a wind turbine measuring 47.05 metres to the tip at a site approximately 1.4km to the north east of Melton Town Centre. 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 visual impact and to not have an adverse impact upon any heritage assets in the area. Issues relating to highways, ecology, radar and noise mitigation 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
- This decision relates to following approved plans: FT/4972/1.3 received at these offices on 12th December 2014 BK/4972/04 and BK/4972/1.2 received at these offices on 3rd October 2014
- 3. The rated noise level from the wind turbine must not exceed an LA90, 10min of 35dB(A) up to wind speeds of 10 m/s at the nearest noise sensitive receptor at any time
- 4. Should the Local Authority receive noise complaints concerning amplitude modulation, the applicant will at the request of the Local Authority undertake further assessment to determine if the addition of a tonal penalty is appropriate as per ETSU-R-97. Where ETSU-R-97 guidelines are exceeded, the applicant will implement mitigation measures to ensure compliance with the guidelines.
- 5. The turbine hereby approved shall at all times operate in accordance with the manufacturer's specification.
- 6. No construction works shall commence until such time as minimum visibility splays of 2.4 metres by 160 metres have been provided out in each direction out of the access on to Melton Spinney Road. These splays shall have been cleared of any obstruction that exceeds a height of 600mm above the level of the adjacent carriageway and shall thereafter be permanently so maintained.
- 7. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as not to open outwards.
- 8. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained
- 9. Notwithstanding the details submitted, no construction works shall commence until such time as the details of the proposed vehicular access improvements have been submitted to and approved by the local planning authority, the access shall then be provided fully in accordance with the approved details before works commence on erecting the proposed turbine. The details to be submitted and approved shall include the width and radii at the access required to accommodate all construction vehicles, and the provision of an appropriate number of passing spaces along the access road.

Once the access has been provided, it shall thereafter be permanently so maintained fully in accordance with the approved details.

- 10. No development shall commence on site until a Construction Traffic Management Plan (CMTP) has been submitted to and approved by the local planning authority. The CTMP shall include all construction traffic and include details of or proposals for:
 - a) Routeing of construction traffic;

b) Details of swept paths of the abnormal loads at points of potential conflict along the delivery route, with details and timings of any works required to the highway to facilitate safe passage;

- c) Details of escorts for abnormal loads;
- d) Temporary warning signs;

e) Temporary removal and replacement of highway infrastructure/street furniture, verges or other items displaced by construction traffic;

The approved CTMP and any agreed improvements or works to accommodate construction traffic where required along the route, shall be carried out as approved.

- 11. 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.
- 12. The turbine must be sited with at least a 50 metre buffer between an ecological feature and any part of the turbine. The exact distance must be calculated using the formula on page 2 of the Natural England Technical Notes TIN051 (Bats and onshore wind turbines). This will also satisfy the guidance in the Natural England Technical Information Note TIN059 (Bats and single large wind turbines).
- 13. 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
- 14. The Applicant must notify the Local Planning Authority in consultation with East Midlands Airport within one month of the turbine commencing operation
- 15. 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.
- 16. 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.
- 17. In the event that the wind turbine and its associated ancillary equipment are removed in accordance with condition 15 and 16 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority.
- 18. 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. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
- 7. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
- 9. In the interests of highway safety
- 10. In the interests of highway safety
- 11. 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.
- 12. In the interests of protected species and their habitats.
- 13. In the interests of aviation safety
- 14. So that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety. The cumulative impact of wind turbine generation developments, which are in relative close proximity, could compromise the safe control of aircraft in this area.
- 15. In the interests of the character and appearance of the countryside
- 16. In the interests of the character and appearance of the countryside.
- 17. In the interests of the character and appearance of the countryside.
- 18. To ensure a satisfactory standard of external appearance.

OFFICER: Mrs Sarah Legge

DATE: 22nd May 2015