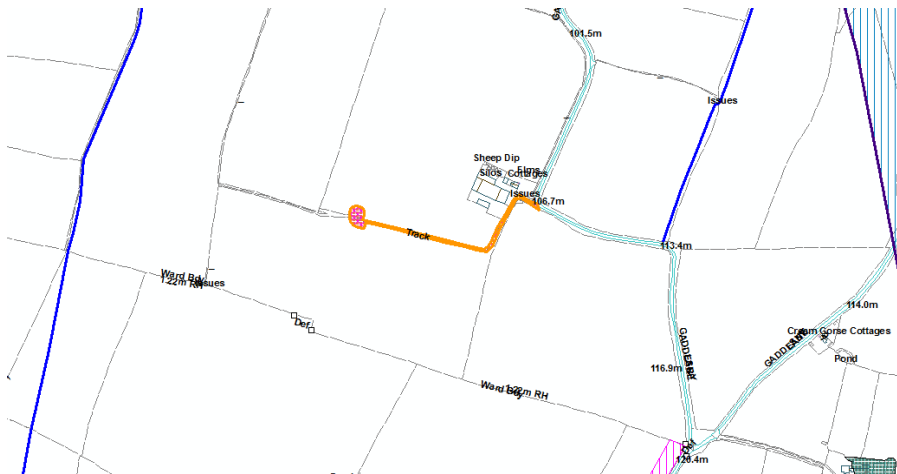


Reference: 15/00369/FUL
Date Submitted: 19.05.15
Applicant: K S Mayfield And Co
Location: Elm Farm Cottages, Gaddesby Lane, Frisby On The Wreake
Proposal: Installation of 1 no. Endurance E-4660 wind turbine with a tip height of 48.4m and associated infrastructure including control kiosk and crane pad.



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 48.4 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 85 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. The electricity produced would be used at the farm with any surplus being transported and sold on the national grid.

The application is presented to the Committee on matters of policy and not being small scale.

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: Renewable & Low Carbon Energy

Guidance was issued by the Department for Communities and Local Government in July 2013 and recently amended on the 18th June 2015 to give greater weight to communities in having a say in wind turbine developments. 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.
- Wind proposals have the backing of the affected local communities.
- Where decisions are finally balanced the “Capacity Factor” can be useful information in considering the energy contribution to be made by a proposal.
- **Permission should only be granted only if the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and**
- **Permission should only be granted if, following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. (Whether the proposal has the backing of the affected local community is a planning judgment for the local planning authority).**

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
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<p>Frisby and Kirby Parish Council – Object on the following grounds:</p> <p>Following discussion at the Frisby Parish Council meeting on 27th May, the Parish Council would like MBC to note our objections to the proposed erection of a wind turbine on land associated with Elms Cottages , Gaddesby lane, Frisby on the Wreake.</p> <p>1 . Our main point is that a further wind turbine in this locality will adversely affect the appearance and character of the landscape and have no benefit for the local community that we represent.</p> <p>2. The development of single wind turbines in rural localities should not be considered in the absence of a national strategy and prior to the completion of the local Melton plan. This would ensure such decisions have a more rational and strategic basis,</p>	<p>The application has been supported with a Landscape Visual Impact Assessment (LVIA) and describes the topography of the local landscape is typically gently undulating with landform varying between approximately 70m and 135m Above Ordnance Datum (AOD) within a 2km radius of the site. The A607 follows a ridge line to the north (along the Wreake Valley), with other areas of high ground around Ashby Pastures wood to the south east, and undulating land falling away south and south-east of Gaddesby to the Gaddesby Brook. The proposed turbine is located at approximately 109m AOD. From here, the land is sloping in a northern and north-westerly direction from Ashby Pastures at around 135m AOD towards the River Wreake at 55-60m AOD and is variably undulating; cut by several watercourses.</p> <p>The immediate landscape in which the proposed turbine would be located is gently rolling and comprises a mix of predominantly arable but also pastoral farmland of medium to large scale fields bounded by low, well maintained hedgerows. The hedgerows contain occasional mature trees, but overall the landscape contains very little tree cover and groups of trees/small woodland plantations are sparse and isolated. There is no settlement within the immediate landscape with the only exception being individual farmsteads that often include visually prominent farm buildings. The local villages are generally set within the valleys and are not particularly noticeable in the wider landscape. The road network principally includes the A607 from which a number of local roads and lanes lead both north and south. Other features of note include the line of pylons crossing the landscape north-south, and several existing wind turbines within the vicinity of the Site including one to either side of Gaddesby Lane (near the Frisby Grange and White Lodge Farm) and to the west of Rotherby Road near The Grange.</p> <p>The turbine will have a hub height of 36.6 metres with the base to tip height of approx. 48.4 metres. There is an operational turbine of tip height of 46 meters approx. 820 metres northwest of the proposed turbine (roughly three fields). The turbines would be read together within the landscape and due to the close proximity would be viewed cumulatively. In this landscape setting the arrangement is considered to acceptable and to not have a negative impact upon the landscape character.</p> <p>Amendments to the Planning Practice guidance seeks to ensure that affected communities have a greater say on wind energy developments. When considering applications for wind energy development, local planning authorities should only grant planning permission if:</p> <ul style="list-style-type: none"> • the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and • following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing, unless they are satisfied
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<p>3. The proliferation of turbines diminishes the amenity value of the countryside of East Leicestershire not only for local population, but also for visitors and tourists.</p>	<p>it has addressed the planning impacts identified by affected local communities and therefore has their backing.</p> <p>The former of these provisions (identification in a Development Plan) is not applicable to this application because of the Government's transitional arrangements which exclude applications from this test is submitted before 18th June.</p> <p>The Parish Council have advised that they were sent a consultation letter from the developer with a request to put up a notice about the proposal in the interest of the wider community.</p> <p>The Parish Council declined the opportunity to submit comments due to difficulties around the election period.</p> <p>The notice was placed on the Parish notice board but due to delays in agreeing to do so the deadline for comments was reduced to 14 days and not the full 28 as advertised. As this was during the election period the Parish Council has advised that they did not give publicity to the turbine proposal or invite residents to the meeting due to having little time to organise and the need to submit comments to the Officer. The proposal was discussed by the Councillors with no residents present.</p> <p>The objection submitted by the Parish Council is said to be on behalf of the local residents they represent taking on board the strength of feeling shown for the previous turbine application which is now operational.</p> <p>The application has been advertised in the local newspaper and a site notice has been placed at the entrance to the site. The applicant has also undertaken a public consultation as required of them, although this has been criticised by the Parish Council given that only 5 households in the village of Frisby on the Wreake fell within the 1 kilometre radius, the extent of the direct notifications. The Parish Council did put up a notice on the parish board which would have alerted the residents but none chose to respond. It is therefore considered the representation from the Parish Council provides insufficient evidence of opposition and permission should be granted.</p> <p>The proposal has not attracted any interest from the local community either indicating support or objection. In absence of any correspondence it is reasonable to conclude that there is no objection to the proposal. No planning impacts have been identified and the proposal is considered to be acceptable in this location and to not have an unduly detrimental impact upon residential properties or landscape.</p> <p>Wind turbines by their nature are prominent features in 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</p>
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<p>4. It is our view that the relatively minor benefits do not justify this threat to our countryside.</p>	<p>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 Landscape Character Assessment of Melton Borough (2006) prepared by ADAS, places the wind turbine in Area LCA11 Pastoral Farmland. The Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Developments places the turbine within LCU8: High Leicestershire Hills Great Dalby and Gaddesby Pastoral Farmland. The study considers that <i>although the large scale landform and human influences reduce sensitivity, the human scale of the landscape, its tranquil nature, undeveloped skylines and scenic quality increase sensitivity. Areas of larger-scale landform and land cover pattern, where open arable farmland is present, have a lower sensitivity while the edges of the area that form a skyline to adjacent valleys have a higher sensitivity.</i> 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. The study area confirms that a turbine below the height of 50 metres would have low to moderate harm on the sensitivity of the landscape. Turbine development in this location has been accepted as not having a demonstrable or significant impact upon the landscape. This proposal seeks to erect a further turbine that will be unconnected but would be viewed as a pair of turbines being in such close proximity to each other. Given that the turbines are of similar styles and proportions it is considered that the presence of a further turbine in this location would not have an adverse impacts upon the character as envisaged by the NPPF.</p> <p>The NPPF encourages LPA’s to consider renewable energy proposals in a positive light where adverse harm can be made acceptable and has the backing of the community. Whether a turbine proposal has the backing of the affected community is a judgement to be made by the Local Planning Authority. However this proposal would produce 193,000 kWh per year of electricity, the equivalent of providing electricity to 45 homes per year (based on average household electricity consumption of 4,277 kWh per annum) 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>
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<p>5. We do not think that the presumption in favour of sustainable development should be used in the absence of local support, and be used to override the locally perceived negative impact of land based wind turbines.</p> <p>6. We note that the presence of the relatively adjacent wind turbine at Frisby Grange is cited in the” design and access statement” of the applicant as being part of the “setting” to view this application. The potential for precedence is clearly apparent.</p>	<p>The presumption in favour of sustainable development is an integral element of the planning system and cannot be applied selectively. There has been limited objection to the proposal. A public consultation was carried out by the applicant prior to the submission of the application which involved writing to properties to be most affected within a 1 kilometre radius (15 properties) and the Parish Councils of Frisby, Gaddesby and Kirby Bellars. Site Notices were also placed at key public points to the proposed location. In response to the consultation only Gaddesby Parish Council responded on matters of visibility and impact upon landscape.</p> <p>In this context due to the short separation distance (approx.. 820 metres) the two turbines will be viewed within the same viewing frame from all directions and it is correct to say that they will be within the same setting. Cumulative impact is a material consideration however it is not considered that this would amount to wind farm clutter and due to the wider landscape being of pastoral fields there would not be adverse harms in this instance. The nearby settlements are situated within the dips of the landscape and views of the turbines would be limited from these locations.</p> <p>In assessing the impact on the landscape it is considered that the proposal would be another feature within a small part of the available panorama and would not be dominant or have a significant or demonstrable impacts. Accordingly it is not considered that it would be significantly detrimental to the appearance and rural character of the open countryside and landscape. 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>Gaddesby Parish Council – Object</p> <p>The size and impact upon on the rural landscape – the proposed site is a particular unspoilt area of traditional agricultural land</p> <p>Intervisibility – the turbine will be seen from a great distance and will dominate the landscape.</p>	<p>The wind turbine would be located within the “High Leicestershire” National Character Area as identified by Natural England. High Leicestershire a relatively large scale area of distinct characteristics. The undulating topography and scale means that there is the potential for open visibility. The accompanying LVIA considers that this landscape also creates series of more ‘contained’ landscapes between areas of surrounding higher ground. The landscape area is considered to have a low to medium susceptibility to medium scale wind energy development, because of its intrinsic characteristics. This view is supported by the Rushcliffe and Melton Landscape Sensitivity Study. It is not a landscape recognised by any national or local designations such as National Park or AONB. Over this whole landscape area there would be a low degree of change with a minor/negligible overall landscape effect.</p> <p>Gaddesby Parish Council has not confirmed the extent of resident’s involvement in submitting the Parish Councils Objection. It is not conclusive whether their objection is representative of the views of the residents of Gaddesby or if the situation is the same as that found at Frisby Parish Council. There has been no representation submitted by</p>

	residents at Gaddesby and it is considered that no evidence exists to demonstrate the extent of the objection from the affected community.
<p>MBC Environmental Health – No objection</p> <p>Having reviewed the noise impact assessment in light of Mr Evenden’s calculation details.</p> <p>By my calculation the predicted noise level at Elms Cottages will be LA90 32 dB as opposed to LA90 31 dB in the assessment. This difference is negligible; however, the assessment does not appear to take into account wind direction. It is noted that Elms Cottages lies within the predominant wind direction, as such noise levels from the turbine may, from time to time, exceed LA90 35 dB as per the ETSU-R-97 simplified methodology.</p> <p>It is not believed that this would materially alter the conclusion of the assessment. Noise levels within Elms Cottages are unlikely to exceed LAeq 30 dB adjusting for a partially open window at night and noise environment at Elms Cottages during the day is likely to be characterised by agricultural practice. The non-habitable farm buildings are also likely to serve as a partial sound barrier.</p> <p>It is not proposed to object to the application; however, it is suggested that the following conditions be applied:</p> <ul style="list-style-type: none"> • The developer's noise assessment shall be updated as necessary to reflect the turbine specification approved and submitted to the Planning Authority prior to the commencement of development. In the event of predicted exceedance of ETSU-R-97 levels or as otherwise agreed, the developer shall submit mitigation measures to the Planning Authority for their prior written approval in advance of the commencement of development. • The rated noise level from the wind turbine must not exceed an LA_{90,10min} of 35dB(A) up to wind speeds of 10m/s at the nearest noise sensitive receptor at any time. • 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. 	<p>The turbine is to be located within a parcel of land associated with Elms Farm. The nearest non-financially involved residential property to the proposed wind turbine would be Elms Cottages which are approximately 240m to the northeast; Cream Gorse Cottages, which are approximately 710m to the east; and Cream Gorse Farm, which is approximately 820m to the southeast of the proposed wind turbine .</p> <p>A desktop noise assessment has been carried out. Worst case downwind turbine noise levels have been predicted at the nearest noise sensitive locations to the proposed turbine location. This has been based on the sound power for the Endurance E4660 wind turbine and prediction methodology in accordance with the Institute of Acoustics (IoA) “Good Practice Guide the Application of ETSU-R-97 for The Assessment and Rating of Wind Turbine Noise”.</p> <p>The assessment was undertaken to assess compliance with the guidance contained within ETSU-R-97 “Assessment and Rating of Noise from Wind Farms”. The assessment has indicated that the noise levels generated by the proposed wind turbine will not exceed the simplified noise criteria specified within ETSU-R-97.</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 given.</p>
<p>English Heritage –</p> <p>In this case within a 5km radius of the site, there are 6 Grade I listed buildings, 7 Grade II* listed buildings, 9 scheduled ancient monuments and 10 Conservation Areas.</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 recent publication Planning practice guidance for renewable energy</p>

In line with the NPPF, in determining the application for planning permission your local authority must weigh any harm caused to the heritage assets against any public benefits deriving from the proposed scheme, and must consider whether sufficient information and clear and convincing justification has been provided - paragraphs 128, 129, 131, 132 and 134 refer.

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 2 km to the north of the wind turbine site on the highway verge of the A607. It 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 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 3.9 km away. Although on the opposite side of the ridge the Churchyard falls within the eastern side of the village. However it is considered to be sufficiently distant from the wind turbine site to ensure that its setting is not compromised by the proposal.

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, Ashby Folville are within the 3 km zone of influence. Asfordby, Hoby and Great Dalby are beyond 3 km.

Gaddesby- The village lies about 2 km to the south of the wind turbine site and is the closest village. The village benefits from a designated conservation area which includes several listed buildings, including a grade I listed Church and other heritage assets.

As the village is situated on the fringes of the ZTV and therefore the wind turbine will not be visible from the village core. Hence the settings of any heritage assets are not compromised by it.

Frisby on the Wreake - The village of Frisby on the Wreake is located approximately 2.6 km north of the turbine site on the north side of the A607. The village has twelve listed buildings and a designated conservation area. There are several other heritage assets within the village.

	<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>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>Ashby Folville – the village lies approx.. 2.8 km to the south of the proposed wind turbine due to the topography it sits within the lower ridge and will not be visible from the village.</p> <p>Rotherby - lies to the north west of the proposed wind turbine site, just over 2.9 km away. The village benefits from conservation area status, and there are four listed buildings 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. Approx. 3 km to the northwest 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>Asfordby – is over 3.5 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 3.8 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</p>
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	<p>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>Great Dalby – The village lies approx. 3.9 km to the southeast of the proposed turbine. Great Dalby Conservation Area may experience glimpses of the proposed wind turbine at distance with intervening vegetation and pylons likely to minimise the effects of the proposed turbine on any views. It is considered that the impacts would be neutral and not affect any heritage assets</p> <p>It is considered that the location and size of the turbine when assessed cumulatively with the operation turbine is such that the proposal will not have a detrimental impact on heritage assets and the setting of listed buildings.</p>
<p>LCC Rights of Way – No objection</p> <p>I have checked the location of the proposed turbine and can confirm that the nearest public footpath, H46, is in excess of 400m from the site. The access road to the site does not affect the Public Footpath. I am satisfied that the proposal will not have a material effect on the use and enjoyment of public rights of way in the vicinity and therefore I have no comments to make.</p>	<p>Noted.</p>
<p>LCC Highways Authority – No objection</p> <p>It is understood that the proposal would not require any abnormal loads to deliver either the turbine or the materials or cranes required to construct the turbine. Between the site entrance and the A607 Gaddesby Lane crosses a stream, and whilst the structure should be capable of carrying the size of vehicles proposed, a before and after structural survey of the bridge should be carried out, and any damage to the structure as a result of the construction traffic should be repaired at the applicants expense. Given that Gaddesby Lane is a single track road, passing bays should be provided at the applicants expense along its length to enable 2 vehicles to pass, the number, location and size of the spaces should be agreed by the local planning authority before development commences.</p> <p>Furthermore in the interests of highway safety, a traffic management plan shall be submitted to and approved by the local planning authority before development commences, details the measures to be taken including signage, to ensure that the construction traffic does not create any highway safety issues. With particular concern being paid to the junction of Gaddesby Lane with the A607.</p>	<p>Noted. – Conditions can be imposed should consent be granted</p> <p>Access to the site would be via Gaddesby Lane. This is a rural lane which narrows in places. For this reason the Highways Authority are requesting passing bays to be provided.</p>
<p>LCC Ecology – No objection</p> <p>The exact location of the turbine allows a 50 meter buffer between the turbine 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</p>	<p>Noted - the turbine is located sufficient distance away from nearby hedgerows and trees in accordance with protocols.</p> <p>No objections have been received by the Ecologist or Natural England in regards to the installation of the wind turbine.</p>

<p>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 and 57m away from trees in order to satisfy this criteria (assuming hub height is 36.6m, blade length is 11.75m, nearby hedgerows are 1.5m and trees are 12m). The actual separation distance between the proposed turbines and the hedgerows meet this criterion. However, it is recommended 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 turbine in this location, a bird survey is not required. It is noted that an ecological survey (Avian Ecology, May 2015) has been submitted with this application. This indicates that the development will be sited on arable land. No evidence of protected species were found on site, although badger latrines were recorded nearby. LCC are therefore in agreement with the recommendation in the report in that a pre-commencement badger survey should be completed and forms a condition of the development.</p>	
<p>Ministry of Defence Estates</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 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>Noted - A condition can be imposed should permission be granted with regard to the advice of the MOD.</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</p>	<p>Noted</p>

<p>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>	
<p>East Midlands Airport – No comments received to date</p>	<p>Noted</p>
<p>Civil Aviation Authority- No objections 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 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>Noted. - A condition can be imposed should permission be granted.</p>
<p>Natural England – No objection</p> <p>The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on “<i>Development in or likely to affect a Site of Special Scientific Interest</i>” remains in place (Schedule 4, w). Natural England’s SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments <i>likely to affect a SSSI</i></p>	<p>Noted –</p> <p>No objections have been received by the Ecologist or Natural England in regards to the installation of the wind turbine.</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. .	
Council for the Protection of Rural England – No Comments received	Noted
The Ramblers Association – No Comments Received	Noted
Arqiva – No comments recieved	Noted
BT Openreach (Radio network Protection) – No Objections	Noted
JRC (Joint Radio Company) – No objections	Noted
Ofcom Advisory – We are very much hands off in this process. Our policy is not to advise or get involved with any planning applications but provide the co-ordinate of fixed telecommunication links to enquiries to assist with planning applications.	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:

The application was advertised in the local press and a site notice erected. As a result 2 letters of objection have been received to date from Melton District Civic Society.

Representation	Assessment of Head of Regulatory Services
<p>Melton District Civic Society</p> <p>National Planning Policy Framework (NPPF) Para 109 clearly states that “The planning system should contribute to and enhance the natural and local environment by: Protecting and enhancing valued landscapes...”. This development would contribute adversely to the natural and local environment.</p> <p>Conserving and enhancing the natural environment is not the only concern of the National Planning Policy Framework conserving and enhancing the historic environment must also be taken into consideration when assessing planning applications (NPPF Chapter 12). In this case there are a number of heritage assets in the surrounding area (thirteen listed buildings, nine Scheduled Ancient Monuments and ten Conservation Areas) the settings of which would be adversely affected by the proposed wind turbine.</p> <p>On 18th June 2015 the Secretary of State for Communities and Local Government issued a statement (House of</p>	<p>Noted. The matters raised are addressed above.</p> <p>English Heritage have not objected to the application nor cited specific impacts on individual assets that are of concern. The Civic Society have commented that they are guided by the advice if English Heritage and have not provided their own assessment/comment in addition.</p> <p>A full assessment of the impact on all relevant heritage assets is contained at pages 8 – 11 above. It is considered that – due to the distances involved and intervening landscape features – none are adversely affected and that no evidence contrary to this view has been provided.</p> <p>Reliance of the comments from Gaddesby Parish Council (GPC) in order to demonstrate opposition from the affected community is considered insufficient. Firstly, the GPC explain that as a body they oppose turbines, but of more significance to this test, that there was no community involvement in registering this objection nor any background to demonstrate it is a representative view. It</p>

<p>Commons: Written Statement (HCWS42) which included the following paragraphs - “When determining planning applications for wind energy development involving one or more wind turbines, local authorities should only grant planning permission if:</p> <ul style="list-style-type: none"> • the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and • following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.” <p>Permission should be refused because this 48.4m turbine would detract from and not enhance the natural and local environment and harm the significance of heritage assets. The impacts on the wider community outweigh the benefits to the applicants.</p> <p>The Civic Society have clarified that their concern regarding heritage assets arises from comments made by English Heritage (see above) and that the response from Gaddesby Parish Council at application stage is sufficient evidence to prove non-compliance with the new Guidance relating to the backing of local communities.</p>	<p>should also be noted that Gaddesby itself (i.e the village of Gaddesby) would have limited views of the turbine and would not be affected by noise. These factors are considered detract from the extent to which Gaddesby can be regarded as the ‘affected community’.</p> <p>It so considered that this is insufficient basis on which to demonstrate the proposal does not have community backing.</p>
<p>The continued proliferation of turbines across the area already spoils the outlook from afar and without a coherent agreed plan can get out of hand, the views across to Melton and beyond travelling in past Shoby shows an alarming array of shiny masts glinting in the landscape. The proposed site is unspoilt agricultural land. To show the impact over just a 2Km circle is disingenuous to the both the local community and travellers using the Melton to Leicester Road or walkers. Permission should be refused because this 48.4m turbine would detract from and not enhance the natural and local environment. The impacts on the wider community outweigh the benefits to the applicants.</p>	<p>Noted. There have been a number of turbine developments in the Borough over the past years and each proposal was considered against cumulative impacts and deemed to be acceptable.</p> <p>The proposed turbine would be most visible when travelling the A607 along the Frisby Top. There is an operational turbine close to the proposed site and presents a real example in demonstrating how far and wide the turbine would be visible. Due to the topography and intervening vegetation in the area, long range views of the site are minimal and restricted. Views from neighbouring villages are also restricted due to the settlements sitting on lower topography. It is not considered that the cumulative impacts upon the landscape are significant or demonstrable in this instance as advocated within the NPPF.</p>

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</p>

	<p>energy.</p> <p>Amendments to the Planning Practice Guidance attach weight to local ‘affected’ communities concerns and objections. It advises that permissions should be withheld if wind proposals do not have the backing of the affected community. However where the impacts upon the environment have been addressed and considered to be acceptable permission should be granted.</p>
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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 relatively 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. It is not considered that there would be detrimental cumulative impacts being sited close to an existing operational turbine and the arrangement is acceptable in this location.

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 Drawing nos. 005670 rev 1, J12178 Rev 4 and site plan submitted on the 11th May 2015.
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 development commences, the applicants shall have carried out a full structural survey (by qualified structural engineers) of the bridge crossing the watercourse to the north of Hickory Lodge Farm and submitted the survey to the Local Planning Authority. Once the construction work has been completed and before the turbine becomes operational a further structural survey of the bridge shall have been carried out and any damage caused to the bridge shall then be repaired at the applicants expense to the written satisfaction of the Local Planning Authority.
5. Development shall not begin until details of design for off-site highway works being the provision of passing bays on Gaddesby Lane, between the site access and A607 have been approved in writing by the local planning authority; and construction of the turbine shall not commence until that scheme has been constructed in accordance with the approved details.
6. No development shall commence on the site until such time as a construction traffic management plan, including appropriate signing, junction control, 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.
7. Before construction to the turbine commences, the existing access serving the site from Gaddesby Lane shall have been surfaced in tarmacadam, concrete or other suitable hard bound material for a minimum distance of 20 metres behind the highway boundary.

8. 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.
9. 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.
10. 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.
11. 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.
12. In the event that the wind turbine and its associated ancillary equipment are removed in accordance with condition 10 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority.
13. Prior to commencement of development a badger survey shall be completed and submitted to the Local Planning Authority for approval. Any mitigation required shall be carried out in accordance with the approved details.
13. Prior to commencement of the development a badger survey shall be provided
14. The developer's noise assessment shall be updated as necessary to reflect the turbine specification approved and submitted to the Planning Authority prior to the commencement of development. In the event of predicted exceedance of ETSU-R-97 levels or as otherwise agreed, the developer shall submit mitigation measures to the Planning Authority for their prior written approval in advance of the commencement of development.
15. The rated noise level from the wind turbine must not exceed an LA_{90,10min} of 35dB(A) up to wind speeds of 10m/s at the nearest noise sensitive receptor at any time.
16. 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.

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. To ensure that no permanent damage is caused to the structure of the bridge
5. In the interests of highway safety
6. In the interests of highway safety.
7. In the interests of highway safety

8. To allow for the appropriate inclusion on Aviation Charts, for safety purposes
9. This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.
10. To ensure that, on decommissioning, the site is reinstated in order to protect the environment
11. To ensure that a redundant turbine is removed from site in order to protect the visual qualities of the environment
12. 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.
13. To safeguard Protected Species
14. In the interest of safeguarding residential amenities
15. In the interest of safeguarding residential amenities
16. In the interest of safeguarding residential amenities

Officer to contact : Mrs Denise Knipe

Date: 14 August 2015