



Melton
Borough
Council

MELTON BOROUGH COUNCIL

SUPPLEMENTARY APPEAL STATEMENT

APPEALS BY:

PROFESSOR G ENGLAND & MRS H TOLTON

SITES:

**HALL FARM, KLONDYKE LANE, THORPE SATCHVILLE, MELTON MOWBRAY,
LE14 2TB**

AND

**PARK FARM, KLONDYKE LANE, THORPE SATCHVILLE, MELTON MOWBRAY
LE14 2TB**

APPEAL REFERENCES:

APP/Y2430/A/12/2186471 & APP/Y2430/A/12/2187098

MELTON BOROUGH COUNCIL REFERENCES:

12/00454/FUL & 12/00460/FUL

Since the Planning Inspectorates decision relating to these appeals was made on 23rd May 2013 there have been changes to policy (locally, regionally and nationally) along with updated planning guidance relating to onshore wind developments. In addition, further decisions have been made in the Borough which impact upon the sites in question, and in the opinion of the Local Planning Authority would materially affect the decisions made.

1.0 PLANNING POLICIES

Melton Local Development Framework Core Strategy (Publication) DPD February 2012

The Core Strategy referred to in the original appeal documents submitted by the Council was withdrawn on 16th April 2013 following advice from the Secretary of State's independent Planning Inspector. The appeal statement referred to policy CS19 of the Core Strategy in relation to renewable energy, however this policy no longer has any weight.

East Midlands Regional Plan (RSS8)

On 20th March 2013 the Secretary of State laid in Parliament a statutory instrument that revoked the Regional Strategy for the East Midlands; this came into force on 12th April 2013. As such, the East Midlands Regional Plan no longer forms part of the Development Plan.

2.0 PLANNING GUIDANCE

Planning Practise Guidance for Renewable & Low Carbon Energy

Guidance was published by the Department for Communities and Local Government in July 2013 to offer advice on the planning issues associated with the development of renewable energy, and should be read alongside the guidance within the National Planning Policy Framework (NPPF). The guidance is a material consideration in the determination of planning applications, 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 the 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 locations. For consideration whilst dealing with planning applications it is important to be clear that:

- The need for renewable of 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 the landscape, and recognise that the impact can be as great in predominately flat landscapes as in hilly areas;
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

Advice regarding cumulative landscape and visual impacts states that these are best considered separately. **Cumulative landscape** impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic in 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.

National Planning Policy Framework National Planning Practise Guidance

Further, updated, planning practice guidance was published on 6th March 2014 relating to the whole of the National Planning Policy Framework known as the NPPG. In relation to climate change it advises that this is one of the core land use planning principals which the NPPF expects to underpin both plan-making and decision-taking. Local Planning Authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. Regarding renewable and low carbon energy the document states that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Whilst the NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.

Particular advice given regarding wind turbines states that the following should be considered when determining planning applications for wind turbines:

- How the noise impact is assessed
- Is safety an issue
- Is electromagnetic interference an issue
- Is there an ecological risk
- How heritage can be taken into account and assessed
- If shadow flicker / reflected light is an issue
- How to assess the likely energy output from the turbine
- How cumulative landscape and visual impacts can be assessed
- Decommissioning of the turbine

3.0 PLANNING DECISIONS UPDATE

- 3.1 With regards to the cumulative visual and landscape impact of the proposed wind turbines at Park Farm and Hall Farm please see Appendix A, a map produced showing all wind turbines in the Borough and their status (approved, refused, at appeal) as of April 2014.
- 3.2 As can be clearly seen on this map, a further turbine at Frisby on the Wreake (number 31) has been approved since this appeal was determined. A wind turbine is also being determined at Somerby (number 26), due to be heard by the Planning Committee shortly. These will not be visible from the sites of the turbines that are the subject of this appeal, but for anyone travelling through the area, will experience the sight of turbines at regular occurrence. This in turn will diminish the quality of the experience of travelling through the countryside and the turbine at Frisby on the Wreake will add to the cumulative landscape and visual impact of the turbines at Thorpe Satchville, and as such are considered, collectively, to be more harmful in the landscape than when determined by the Planning Inspectorate in 2013.
- 3.3 In addition, a solar farm of 1090 ground mounted solar photovoltaic panels was permitted at Hall Farm in December 2013 on land adjacent to, and to the south of the wind turbine (which has been erected). A further planning application has been submitted to the Local Planning Authority for 1002 ground mounted solar photovoltaic panels to the north of the turbine which is due to be heard by the Planning Committee on 24th April 2014 and is recommended for approval. If permitted a condition has been recommended by the officer to prevent the co-existence of the two permissions due to the impact that both schemes would have in resulting in cumulative intrusion in the countryside. The second scheme has been submitted because a screening condition was placed on the permission for 1090 panels which would have prevented the turbine from operating in accordance with its conditions. Plans showing the locations of these permission are included as Appendices B and C to this statement in which their relationship to the turbine is illustrated. The Council submit that the combined impact of the photovoltaic cells plus the turbine at Hall Farm (12/00460/FUL) would result in an incremental harmful effect on the countryside which should weigh against the proposed turbine.
- 3.4 The Council has also received an appeal decision from the Inspectorate which is attached to Appendix A to this statement (APP/Y2430/A/13/2191948

Hindle's Farm) which provides valuable insight into the adjudication of such proposals. At paragraphs 17 and 18 the decision explains how the landscape impact is significant. At para. 53, the decision addresses the 'planning balance' and concludes that the landscape impact is so significant as to outweigh the contribution to renewable energy production and this despite the fact that the proposal did not lie in an AONB, National Park or other form of landscape designation. This conclusion is arrived at based on the impacts described in paras. 8 -11.

- 3.5 The Council consider the appeal proposals would be similarly prominent and give rise to similar impacts to those described. The Council considers the Inspector's adjudication in the Hall Farm appeal to be inaccurate. Now constructed, one can see that the description of the turbine as follows significantly underestimates its prominence (from para 13) *"..... whilst from Thimble Farm at just over 3km the turbine would be a diminutive structure just visible above the skyline across a broad and undulating terrain"*. The Council considers the impact of this turbine to have been underestimated and that it is more akin to that described in the appeal decision forming Appendix 1 and for similar reasons – its elevated position, the relative lack of other features obstructing views towards it and its rotating blades. It is submitted that this turbine has a similar impact as that addressed in Appendix 1, that is: *"In terms of landscape impact, there would be visual harm. That harm would be in the form of a single imposing structure which would detract from the visual qualities of the rural area and would be seen for a considerable distance"*.
- 3.6 Moreover, the power output would be significantly lesser than that addressed at Appendix 1 (180 Kw at the appeal proposal (Hall Farm) vs. 500kW at the Hindle Farm addressed at Appendix 1). Accordingly, in the adjudication of the 'planning balance' the appeal proposals compare poorly against the example addressed in Appendix 1 and the Council submits that a similar rationale should prevail.
- 3.7 In the case of Park Farm (12/00454/FUL) the proposed turbine is similar in dimensions than that addressed at Appendix A (50m to hub, 77m to blade tip). By virtue of its height, albeit not located at the highest point of the ridge, it would be visible from locations in all directions and from long distances, up to 15 km. This is confirmed by the ZTV submitted with the application. The ZTV indicates, and a site inspection will confirm, that this turbine will be visible from many populated areas and arterial routes to and from Melton Mowbray. In particular, it will be dominant from the B6047 Melton – Market Harborough road from a significant distance in either direction.
- 3.8 The Council submits that this impact is equal to, or arguably more significant, than the recent example addressed in Appendix 1 and as such should be subject to the same adjudication.