

**SPECIAL PLANNING COMMITTEE: 26<sup>th</sup> JUNE 2014**

**COMMITTEE UPDATE: 14/00540/FUL: Erection of a 35 metre to hub height (61 metre to blade tip) single wind turbine generator with associated transformer, foundations, crane hard standing and upgraded access tracks**

**SOUTHFIELDS, 10 CHURCH LANE, SOMERBY, LE14 2PS**

**Background and Information**

The application was considered by the Committee on 30<sup>th</sup> January 2014. The purpose of this update report is to convey the content, and advise upon, additional correspondence to that has been received after publication of the newspaper advert in February 2014

The Committee should consider whether the content should affect the resolution agreed at the meeting of 30<sup>th</sup> January 2014 to grant permission. The original report is attached as **Appendix A**.

**Additional Correspondence**

**(a) Letters of Objection:**

**56 additional letters of objection** have been received from 48 households on the following grounds:

<b>Summary of Content</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Benefits</b> To claim the turbine will <b>sufficient to power approximately 306 homes, more than 90% of the households in Somerby Parish</b> is both misleading and fundamentally wrong because it will not power approximately 306 homes,</p> <p>The annual estimated usage of gas in the average home is 16500 KWh and the annual estimated usage of electricity is 3300 KWh. Therefore the average total KWh usage in total in the average home is 19800 KWh.</p> <p>So from a total power usage of 19800 KWh per average home, 17% is provided by electricity and 83% is provided by gas.</p> <p><b>It would only provide enough energy to completely and fully power 62 homes.</b></p>	<p>These different expressions arise from differing approaches. The application is addressing the subject in terms of electricity consumption stating that the turbine would “<i>meet the electricity requirements of 306 households.....etc</i>”. The objectors are expressing it in terms of overall power use but there appears to be no dispute over overall production.</p>
<p><b>Asfordby Wind Farm determination</b> Would it not make sense to await the outcome of the Asfordby appeal, as if it is approved would give the go ahead for 9 large turbines in a more appropriate place, and perhaps take away the need to build turbines in areas such as Somerby.</p> <p>Asfordby has been rejected by Melton Mowbray planning, Eric Pickles and Alan Duncan. This, an area that has an Industrial History going back to late 1800's. Therefore if Asfordby is not suitable for such installations then certainly Somerby area is not.</p>	<p>The appeal was determined at the beginning of March and the appeal was dismissed. The conclusion of the Asfordby proposal was based on the individual merits of that proposal in that location, and it is not considered that this application has similar characteristics.</p>

<p><b>Safety issues:</b> Documents provided as follows:</p> <ul style="list-style-type: none"> <li>• British Horse Society(BHS) advising how to report incidents involving wind turbines</li> <li>• BHS Map showing 6 single and 1 multiple incidents involving turbines</li> <li>• Document compiling international data about the number of accidents associated with turbines, recording a range of circumstances in which accidents have occurred and their increasing number over time.</li> </ul>	<p>It is not considered that the documents demonstrate in a ‘sound and clear cut’ manner that this proposal in this location will give rise to safety issues and as such is insufficient to constitute a ground for refusal.</p>
<p><b>Health Effects:</b> Detailed information on the health of a local resident . The young resident suffers from autism, dyspraxia and has sensory impairments and lives in close proximity to the turbine. The consequence for the resident will be:</p> <ul style="list-style-type: none"> <li>• The safe and secure home environment will be shattered</li> <li>• Hw will have no respite as it will be visible from the lounge, conservatory and his bedroom.</li> <li>• He will not be able to play in his back garden</li> <li>• He will not be able to use the local playground</li> <li>• He will not be able to participate in dog walking</li> <li>• The family will need to move house</li> <li>• The house sale will be affected, resulting in financial disadvantage.</li> </ul> <p>The objections are supported by a report from a Honourary Consultant from UHL which sets out that the resident will be at risk of harm if the turbine is built.</p> <p>The report explains that whilst ETSU R 97 is the ‘industry standard’ for measuring noise effects from wind turbines, it is a general approach and is not suitable for all situations nor are the levels its set appropriate for all individuals.</p> <p>Various medical reports are attached to confirm the nature of the resident’s condition and descriptions as to how it affects his behaviour and his ability to cope with changes to his environment and surroundings.</p>	<p>The information received is new and complements the references made in earlier representations on an anonymous basis. It is considered that the evidence provided, certified by a practising consultant, that the conclusion that ‘the resident will be at risk of harm’ is substantiated. In the assessment of benefits against adverse impact, this clearly adds to the latter and as such strengthens the ‘balance of the issues’ as expressed in the reason for refusal (see Appendix A).</p>
<p><b>Impact on Somerby Primary School:</b></p> <ul style="list-style-type: none"> <li>• Turbines can cause issues for children with hearing sensitivity such as Autistic children. N.B. I cannot screen current or future children for hearing sensitivity as I would need to</li> </ul>	<p>Noted. It is not considered that permission could be reasonably refused on the basis that, at some future date, the school may be inappropriate for certain children.</p>

<p>discriminate against disabilities.</p> <ul style="list-style-type: none"> <li>• the playing field next to the school is open and of course the school use the village playground and will be increasing the use for team games such as football with the growing numbers. I am assured that the noise will have an effect certainly in the field areas.</li> <li>• the visual sweep visible from the playing field can affect certain children in the same way who are drawn to the repetitious sweep. I cannot discriminate as to which children will be affected.</li> <li>• The turbine may result in falling school roll numbers which could lead to it becoming unviable</li> <li>• The staff take the children out regularly both in the village and in the surrounding countryside to explore the rich environment Somerby offers. This may be affected by the turbine</li> <li>• We cannot teach that monetary values, however it is put, outweigh the importance of nature, history and culture.</li> <li>• concern about the impact of the increased traffic during construction work</li> </ul>	<p>Although not undertaken to address the school especially, the noise assessment indicates that the school (including playing field) is beyond the distance at which noise from will be audible.</p> <p>Noted. It is not considered that permission could be reasonably refused on the basis that, at some future date, the school may be inappropriate for certain children.</p> <p>Noted – no evidence or statistics have been provided to demonstrate this trend is likely nor that it will result in closure.</p> <p>Clearly the turbine will be visible from numerous vantage points and as one get closer, will also be audible. However it is not considered that to will impede the school’s ability to visit the countryside.</p> <p>Noted.</p> <p>This issue was raised previously and, with the benefit of advise from the Highway authority, was not considered to be a ground to refuse. The route proposed would not travel through Somerby or past the school.</p>
<p>The NPPF and related Guidance requires harm to be balanced against benefits. The Guidance is clear that the capacity factor can be crucial where this is finely balanced. Therefore a full understanding of benefits is required. The exaggerated benefits produced by the applicant distort the Committee’s ability to make this critical judgement.</p> <p>This oversized 500kw limited turbine wastes 17% of its potential energy for its size. <b>So for the size of these turbines and the intrusion on the landscape/people’s lives the benefits are 17% less.</b></p> <p>By de-rating these turbines to 500kw the FIT payments are increased from £128 per MWh to £195 per MWh so costing the British energy user 35% more for the same carbon reduction. <b>So the benefit of reduction in carbon emissions has been reduced by 35% (to benefit the owner of the wind turbine).</b></p>	<p>Energy production figures quoted, and cited in the application and the report considered by the Committee in January, included the ‘capacity factor’ based on NOABL wind speed data giving rise to a total of 1373 MW hours p.a.</p> <p>Noted, however, the Committee did not undertake an assessment based on an understanding of a higher level of generation than that stated above.</p> <p>The financial proceeds of the turbine (whether income or subsidy) are not material planning considerations. The turbine is not de-rated. It is a plate rated 500kW turbine.</p>
<p>The main purpose of these wind turbines is not to produce green energy at the lowest possible price, but to transfer wealth from the energy users to</p>	<p>The financial proceeds of the turbine (whether income or subsidy) are not material planning considerations.</p>

<p>these renewable entrepreneurs and the land owners. The turbine has potential to generate 16% more electricity but has been limited to maximise returns from subsidies</p>	
<p><b>Impact on Walkers and Ramblers:</b>  (a) This would be very prominent in this area of natural beauty in this part of Leicestershire due to its height and movement. It would be a very prominent feature in the open countryside and detract from the local character of this area. Also the development is contrary to provisions of Policy OS2 of the adopted Melton Local Plan and the guidance offered in the NPPF.  (b) It would be detrimental to the recreational amenity as it would be situated close to the Leicestershire Round which provides a wonderful walking experience for local people and tourists alike. The Loughborough and District CHA Walking Club</p>	<p>This issue was fully considered by the Committee when considering the application in January. No new information has been submitted on this issue.</p>
<p><b>Impact on Horse riders with Disabilities:</b>  A charity using Somerby Riding School for therapy for disabled people will no longer be able to use Somerby as it will become unsafe. This will have a disproportionate impact on people with protected characteristics in law and as such is a breach of human rights and the Council’s responsibilities under Human Rights and Equalities legislation by:</p> <ul style="list-style-type: none"> <li>• Refusing to provide ( or deliberately not providing) any service which it provides to members of the public; or</li> <li>• Providing service of a lower standard or in a worse manner; or</li> <li>• Providing service on worse terms</li> </ul> <p>Somerby Riding School host a number of disabled riding groups and individuals. The main group is the Riding for Disabled charity based at the Cold Overton Road.</p> <p>There are 2 other distinct groups; Country Paths &amp; Shires who use the Newbold Lane site nearest the proposed turbine location.</p> <p>The riders are of varying ages including adults and have a wide range of disabilities.</p> <p>It is the largest such operation in the county and probably the Midlands. Disabled riders visit either site most days of the week. There is not an equivalent facility anywhere nearby that could be used. Both the Country Paths and Shires groups will be directly affected by the turbine as they will no longer be able to use the bridleway for safety reasons and have no other routes they can</p>	<p>This issue was fully considered by the Committee when considering the application in January. New information has been submitted on this issue and the Committee is invited to consider this.</p> <p>This sets out that whilst it would be the operators of the riding schools who would take action resulting in the loss of the facility, this would be as a consequence of the proposal.</p>

<p>use safely.</p> <p>Somerby Riding School have disclosed to their insurance company the possibility of the turbine being built and have been informed that they will be obliged to carry out a risk assessment if the turbine goes ahead. Somerby Riding School could be sued for negligence if they knowingly put venerable riders in harm's way.</p> <p>For the sake of fairness it should be noted that these activities have been going on for many years providing a much needed recreational service for disabled people. Why should they now be penalised for the sake of one person's financial gain? Surely the NPPF was not intended for this purpose?</p>	
<p><b>Impact on Local Business:</b> 15% of trade will be lost if riders from the Riding School are deterred. This will affect 6 jobs and the longer term prospects of the shop, which serves Somerby and surrounding villages.</p>	<p>Whilst this concern was raised, the numerical information provided is new and was not previously presented. The statement is considered speculative in nature as it depends on conjecture about the extent to which the riding school will lose business and how this will affect the shop's viability.</p>
<p><b>Impacts:</b> The carbon emissions of the proposal have not taken into account:</p> <ul style="list-style-type: none"> <li>• carbon emissions associated with constructing the road (400 vehicles)</li> <li>• Excavation and foundations</li> <li>• Transportation to the site</li> <li>• Visits by vehicle for maintenance</li> </ul> <p>The access road alone will generate 36000 kg's to construct</p>	<p>Whilst this concern was raised, the numerical information provided is new and was not previously presented.</p>
<p><b>Farming Practice:</b> Farm Assertions and implications that farmers are <i>obliged</i> to introduce renewable energy into a farming business may have been overstated. Turbines are not a recommended approach. The carbon footprint of farms is derived from a wide range of activity and electricity use is only a small part. The turbine will feed directly into the grid and will not meet the farm's energy needs.</p>	<p>Noted.</p>
<p><b>Cumulative impact:</b> If the Somerby turbine is approved there will no area in this part of the borough where turbines cannot be seen when travelling. Summary of viewings on routes;</p> <ol style="list-style-type: none"> <li>1. A607 to Melton from Syston - 6 turbines would be viewed comprising; Wanlip, Frisby, Eye Kettleby &amp; Melton Airfield (4)</li> <li>2. B6047 Melton to Tilton - 9 turbines would be viewed comprising; Eye</li> </ol>	<p>This issue was considered by the Committee in January. However, since that date there are the following changes in circumstances:</p> <ul style="list-style-type: none"> <li>• Approval of a single turbine at Frisby Grange farm, nr Frisby (13/00846/FUL)</li> <li>• Dismissal of the appeal at Asfordby Wind Farm, removing the potential for that development to significantly add to cumulative effects.</li> <li>• Final confirmation of the quashing of appeal decisions allowing two turbines at Park Farm and Hall Farm, Thorpe</li> </ul>

<p>Kettleby, Melton Airfield (4), Thorpe Satchville (2) Somerby &amp; Wanlip</p> <ol style="list-style-type: none"> <li>3. A606 Melton to Langham – 7 turbines would be viewed comprising : King Edward school, Brentingby, Melton Airfield (4) &amp; Pickwell</li> <li>4. Melton Road Great Dalby to Burrough – 4 turbines would be viewed comprising: Thorpe Satchville (2) Little Dalby (2)</li> <li>5. Burrough Road to Somerby – 4 turbines would be viewed comprising; Little Dalby (2) Pickwell &amp; Somerby</li> <li>6. Somerby Road to Oakham – 3 turbines would be viewed comprising; Pickwell, Somerby and Knossington.</li> </ol> <p>The valley between Somerby and Owston is the <b>only</b> area left in the Borough where the tallest structures are church spires. There are no pylons in the valley and only relatively small settlements and farms. This unspoilt area should be preserved and act as a ‘green’ buffer zone.</p>	<p>Satchville. This matter is now returned to the Inspectorate for redetermination of the appeals.</p> <p>Members will be provided with a map indication the frequency of turbines in order to assist with assessing ‘cumulative effect’. Please refer to the main report at Appendix A for advice on the policy and assessment of this issue.</p> <p>The examples opposite include a combination of exiting, consented and proposed developments. In assessment of this issue, those proposed (e.g. Melton Airfield and Brentingby) should attract less weight because there is no indication they will obtain permission or be built.</p>
<p><b>Impact by Veteran Trees;</b> NPPF Policy Paragraph 118 'planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats including ancient woodland and the loss of veteran trees'. Trees present in The Conservation Area would by virtue of species and age be veteran. - Evidence that harm to trees is reasonably foreseeable was supported by Wind Industry research on turbulence/wind gusts created by proximate tree lines and turbines.</p>	<p>Noted. The proposal would not involve loss of veteran trees or any other tree. The turbine is positioned away from tree belts and it is not considered that there would be any impact upon veteran, or other protected trees.</p>
<p><b>Bats:</b> Impact on bats: pipistrelle bats live within 1km of the site and will visit the area of the turbine. It should be positioned 73m from hedgerows, which it is not.</p>	<p>This issue was considered by the committee in January. English Nature were consulted and did not object to the application. The turbine would be 73m from hedgerows.</p>
<p><b>Impact on the riding school:</b> This application will lead directly to the loss of three jobs at Somerby Riding School and the destruction of six horses. Somerby Riding School will lose business turnover of £150,000 pa (30%) as a direct result. Our novice and disabled riders who do not have the experience and knowledge to understand the reactions from their horse as described in the BHS advice document. This group of riders are currently able to use the rural bridleway from our premises without using the public highway. This is the only route from our premises not involving the public highway and these groups will no longer be able to use our</p>	<p>Whilst this concern was raised, the numerical information provided is new and was not previously presented.</p> <p>In the assessment of benefits against adverse impact, this clearly adds to the latter and as such strengthens the ‘balance of the issues’ as expressed in the recommendation (see Appendix A).</p>

<p>facilities. Our business is an integral part of the local tourist industry. We provide equestrian facilities for all the main hoteliers in the area, There are significant numbers of visitors to the local area who come specifically to enjoy the riding experiences we offer. We have entertained corporate groups from major overseas financial institutions all of whom have stayed in local hotels</p>	
<p><b>Impact on landscape</b> The joys of Rutland and surrounding Leicestershire are the views, the tranquillity, the rural lifestyle and the joyous ability to leave your own garden gate and be able to walk, cycle or ride your horse in a safe, enjoyable and beautiful part of the world.</p>	<p>This issue was fully considered by the committee when considering the application in January. No new information has been submitted on this issue.</p>
<p><b>Views from Burrough Hill Fort</b> Works to trees at Burrough Hall will remove the protection that Burrough Hill Fort currently enjoys.  Trees have already been lost due to storm damage, the age of these trees should be taken into account which could be lost and reduce the screening ability to the Schedule Monument.</p>	<p>This is new information that was no presented in January. The Committee is invited to consider whether its conclusions on the impact on this particular heritage asset are affected by the prospect that views will be more open.</p>
<p><b>Impact on Wildlife</b> If a turbine is erected on this established breeding ground it will have a direct and negative impact on the habitat of curlews</p>	<p>This issue was considered by the committee when considering the application in January.</p>
<p><b>Impact on Heritage,</b> , Scheduled Ancient Monuments include: Owston Abbey, Owston Moated Grange, Whatborough Deserted Village, Robin A Tip Toe Iron Age Enclosure, Burrough Hill Iron Age Fort. The Grade 1 and 2 assets effected include Owston Priory and Somerby Church.  The group value and inter visibility of heritage sites is important and will be threatened by the turbine. This aspect of heritage has not been considered. NPPF guidance states that robust assessment should be provided, EH guidance on topography, inter visibility, group value, the notes did not include all the assets or fully summarise the evidence for the Committee, and upon which the Planning Authority's recommendation has been made.</p>	<p>This issue was considered by the Committee when considering the application in January. The representation received draws particular importance to the issue of the inter visibility of the assets (rather than their individual settings).</p>
<p><b>Archaeology</b> No information was provided as to how Ridge and Furrow landscape will be protected.</p>	<p>The discussions referred to in the main report regarding the approach to protecting Ridge and furrow have continued but to date no new information has been submitted.  Accordingly, the issue remains unresolved and one which forms the basis for a recommended reason for refusal.</p>

	<p>However, the Committee considered that it could be satisfactorily addressed through conditions and similarly there is no new information to suggest this approach is now any less desirable.</p> <p>The Committee is able to impose conditions without first having to undertake public consultation on them. However, it would be an option to voluntarily attach consultation to the process of discharging conditions should that be desired.</p>
<p><b>Noise</b> Questions raised about noise calculations. The site has different characteristics to the site in Holland in terms of topography and landscape features.</p>	<p>The Noise Assessment has been scrutinised by the Environmental health team and is considered to be adequate to inform the Committee about noise impacts and compliance with ETSU standards. No new evidence has been submitted on this point; please refer to <b>Appendix A</b> for assessment.</p>
<p><b>Impact on horse riders</b> There is evidence to suggest that these wind turbines can have an adverse affect on horses and ponies and potentially frighten them whilst being ridden. Surely safety has to come first in these circumstances. The flicker from turbines extends some 10 times their height of the turbines and will affect the bridle paths. Over time ponies may become more used to the turbine, however having viewed responses to the British Horse Society, Wind Turbine Experiences 2012, varying wind conditions and sunlight can play a factor in how horses may respond. In high winds, therefore greater noise, or very bright sunshine where shadows are created.</p>	<p>This issue was fully considered by the Committee when considering the application in January. No new information has been submitted on this issue.</p>
<p><b>Decommissioning</b> No provision has been made to ensure it is demolished after its useful life. The public were not able to comment on any such provisions.</p>	<p>The application proposes no provision for decommissioning.</p>
<p><b>Aviation lights</b> The public were not invited to comment on the aviation lights (proposed as a condition)</p>	<p>This issue arose from the Committee's resolution to impose requirement for an aviation light through a condition. The Committee is able to impose conditions without first having to undertake public consultation on them. However, it would be an option to voluntarily attach consultation to the process of discharging conditions should that be desired.</p> <p>It would be an infra-red light invisible to the naked eye.</p>
<p><b>Highway Safety:</b> Road Safety dangers arising from the construction phase, transportation of components for the turbine and materials for the road and base.</p>	<p>This issue was raised previously and, with the benefit of advice from the Highway authority, was not considered to be a ground to refuse. The route proposed would not travel through Somerby.</p>



<b>policy</b> There should, be a policy preventing turbines from being within 2km from residents.	Noted.
Contrary to the NPPF and Local Plan	Please refer to Appendix A for summary of applicable policy and decision making requirements. These are also addressed in the recommendation below.
Alan Duncan MP  The new considerations that have come to light as a result of the consultation (following the advert)to outweigh any potential benefit that the turbine might be seen to bring. Therefore reiterate objection to the turbine and firm belief that it ought to be rejected.	Noted.

**(b) Letters of Support:**  
**There are no further letters of support to report.**

**(c) Correspondence from the applicant**

<b>Summary of Content</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Generating capacity</b> It is noted that objectors do not challenge the estimated power production from the turbine but only the number of homes powered.</p> <p>It is clear that we are talking about electricity not total power use. It is not reasonable to assume that the planning committee were not clear on this account. The turbine provides enough electrical power for 306 homes, however if electricity were required to replace all the energy forms used by the homes then the number of homes supplied would be less.</p> <p>The calculation of subsidies, is not a material planning consideration, however the figure quoted of £5,000 per home is grossly more than the government estimated figure of 9% of the average household fuel bill (£122) as reported in the Department of Energy and Climate Change “Estimated impacts of energy and climate change on energy prices and bills.”(March 2013) It is estimated that the average household pays £7 per annum specifically for the Feed in Tariff scheme</p> <p>Local residents would pay the same for the impacts of energy and climate change on their bills regardless of whether the turbine at Southfields is approved or not.</p>	<p>These different expressions arise from differing approaches. The application is addressing the subject in terms of electricity consumption stating that the turbine would “meet the electricity requirements of 306 households.....etc”. The objectors are expressing it in terms of overall power use but there appears to be no dispute over overall production.</p> <p>Objections have highlighted different approaches and sources for gaining information on fuel consumptions and have been highlighted as important consideration when assessing benefits against the dis-benefits. It is also stated that wind power is 40% more expensive to produce than coal/gas fired technics. Regardless of this comment the Government is committed to addressing climate change recognising that renewable energy has a place to support this objective. Planning Practice Guidance advises that where proposals are finely balanced the ‘Capacity Factor’ should be used. In the case of the proposal it is considered that the harms associated with the proposal do not outweigh the limited benefits of the energy production and is recommended for refusal.</p>
<p><b><u>Link to the farm electricity system</u></b></p> <p>The support from Long Clawson dairy is not contingent on the electricity from the turbine being used on the farm.</p>	<p>Planning policy does not distinguish between a connection to an individual premises and the wider grid; it is concerned with the production of low carbon energy overall.</p>

<p>It has never been stated or inferred that the turbine would be linked to the farm electricity system. The statement that the turbine does not reduce the carbon footprint of the farm because it is not using any of the electricity is not material to the planning application or the support from Long Clawson dairy. It is not economically viable to connect the farm electricity supply to the turbine given the relatively small amount of electricity they consume. Therefore we commercially decided not to supply the farm with electricity. If the committee in spite of the commercial viability feel it would be appropriate that the farm should be supplied with electricity from the turbine then we can do this and would agree to a condition to that effect.</p> <p>By installing the wind turbine Southfields farm will increase the viability of one of the suppliers to Long Clawson dairy. By generating electricity from renewable resources the turbine will make a valuable contribution to renewable energy targets. The benefits of the energy produced from a renewable resource will be far greater than all the carbon emissions from the farm, turbine transport, manufacture and installation combined.</p> <p>Mrs Barnes in her address to the committee stated that they produced more milk and beef than they consume on the farm and with the turbine they would produce not just food but also energy to the benefit of the country.</p>	<p>However, please note the ‘offer’ provided opposite to connect to the premises if it is considered necessary.</p> <p>Noted</p> <p>Noted</p>
<p><b><u>Non-compliance with the NPPF.</u></b></p> <p>The application is compliant with the NPPF. This has been covered in detail in the planning application.</p> <p>Paragraph 98 of the NPPF states:-</p> <p>“When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.”</p>	<p>Noted.</p> <p>Please refer to main report (Appendix A) for commentary on policy content. There is no change to this since consideration in January.</p>
<p><b><u>The milk roadmap</u></b></p> <p>This is not a material planning consideration. However, Target 4 of The Milk Roadmap Dairy Farmer Targets states that by 2015 “10 – 15% of dairy farmers investigating and/or implementing</p>	<p>Noted</p>

<p>at least one form of renewable energy technology.” This turbine meets that target for Southfields Farm.</p>	
<p><b><u>Health Effects</u></b></p> <p><b>Response to Parents concerns</b></p> <p>The turbine will not emit ultrasonic noise such as a cat scarer does and the turbine is further away from child X.</p> <p>No evidence has been submitted to support the claim on health and security grounds that the turbine would have an impact upon the living conditions of child x.</p> <p>Access to the property was denied. The supplementary photomontages taken from the boundary of the garden shows that almost the entire turbine is screened from view by the intervening terrain with only the blade tips visible from the property. Visibility would be restricted from the house. Verification sought as to the side window to child x bedroom is the only window – mitigation of the side windows (secondary) could be in the form of triple glazing and obscure glass at the applicants own expense.</p> <p>The supplementary noise assessment shows that the outdoor noise level would be 28.1 dB(A) which is below that submitted by Dr Hanning as the maximum external noise level permissible at 32dB(A).</p> <p>In response to parents concerns that child x will no longer be able to use the playground or walk with his family through the fields and footpaths. No evidence has been provided to suggest that this will definitely be the case. There are extensive footpaths to the north, east and west of the property from which the family can enjoy access to the outdoors.</p> <p>No evidence has been supplied to support the claim that they will have to move out or be unable to sell the property due to a turbine being erected.</p>	<p>Noted. The statement was to support that noise is an issue for ‘child x’ and not to compare noise omissions.</p> <p>The parents have provided an account using first-hand knowledge of their child and how change would impact upon his living conditions. There is no ‘one size fits all’ and adults/children suffering with ASD will react differently to situations.</p> <p>Viewpoints from the boundary show that due to the terrain that the view at ground floor would be restricted to the rotating blades. Therefore views of the turbine would be afforded from first floor windows. Whilst mitigation could be in the manner put forward by the agent this would need the agreement of the home owner and could not therefore be imposed by means of conditions. They have indicated that they would not agree to such a condition.</p> <p>The supplementary noise report carried out uses predicted noise levels based upon best practice and guidance and no actual noise data has been provided of the site. The noise threshold of 32dBA has been quoted as a maximum level for less sensitive receptors and not those suffering with ASD. The noise assessment acknowledges that it has not taken into account any particular sensitivity in individuals such as those with ASD as it is not within their field of expertise.</p> <p>The parents of ‘child x’ have had the opportunity to responded to the applicants statements. Whilst much of the agents content seeks to challenge the evidence submitted, the parents have first-hand knowledge of the effect change has on their child.</p> <p>The matter of whether ‘child x’ would have his living conditions reduced is a planning consideration. Whilst planning seeks to protect the public interest to make a place an ‘unattractive place to live’ has been stated in appeals as a public interest.</p>

<b><u>Response to Dr Hanning’s Medical Report</u></b>	
<p>Dr Hanning is a recognised opponent of wind turbines and has provided expert witness evidence to inquiries in the UK, Ireland and Canada. Much of the language in the report is subjective and from an anti-wind turbine stance.</p>	<p>Dr Hanning is an Honorary Consultant in Sleep Medicine to the University of Leicester and has 25 years’ experience in sleep medicine and sleep physiology. The report submitted is based upon his own research of impacts of turbines upon sleep and he has provided evidence as a witness at public inquiries.</p>
<p>The Autism Society provided a more reasoned response to the effect of wind turbines on adults and children with autism which states they do not have any records of research into the effects of wind turbines on people who have autism spectrum disorders (ASDs) and could not say if there is any proven effect. It states that not all people who have ASDs have sensory problems, or the same sensory problems and advise it is difficult to generalise without research and evidence.</p>	<p>The emailed response from The Autism Society was generic in nature and not specific to ‘Child x’ It advises that they have no record of research into the effects of wind turbines on people who have autism spectrum disorders (ASDs). They were not able to say whether there is any proven effect. The writer advises that many people with ASDs have sensory difficulties which mean that they experience everyday sounds, smells, touch and so on in a different way to people who do not have ASDs. Giving an example that, some people with ASDs experience everyday sounds as extremely loud and overwhelming, and stated that it is possible that if there was noise from wind turbines that it could disturb people who had a sensitivity to sound. They also state that not all people who have ASDs have sensory problems, or have the same sensory problems, so there are also people who have a much diminished response to sound, and who might enjoy the stimulation that loud or constant noises provides and acknowledge that it is difficult to generalise without research evidence. They also go onto say that people with autism vary in the way their disability affects them. Stating that it is common for people with autism to develop a fixation with rotating or spinning objects, so there is a possibility that a person with autism might find the motion of the wind turbine a source of fascination.</p>
<p>Dr Hanning states that the noise “contains a large element of low frequency noise which travels further and penetrates buildings more easily than high frequency sound” –DTI commissioned a report to investigate claims that infrasound or low frequency noise levels from wind turbines were causing health effects. Of the 126 operational wind installations, only five reported complaints due to low frequency noise. A later report concluded that “there is no evidence of health effects arising from infrasound or low frequency noise generated by the wind turbines”</p>	<p>Noted. The report does not address sensitive receptors such as suffers of ASD.</p>
<p>Dr Hanning states that ETSU-R-97 is not fit for purpose – DECC asked the Institute of Acoustics to develop additional good practice guidance to the application of ETSU-R-8 for wind turbine</p>	<p>Noted.</p>

<p>noise assessment and this was published on 20<sup>th</sup> May 2013. The SoS accepts that the Good Practice Guide represents current industry good practice and endorsed it as a supplement to ETSU-R-97 – this single turbine has been assessed using the recommendations of the Good Practice Guide.</p> <p>The comments on sleep deprivations acknowledge that noise levels should not exceed 35dBA in any circumstances and not exceed 32dBA in quiet rural areas such as Somerby. The supplementary noise reports concludes that he noise levels will not exceed 28.1dBA which is significantly lower than that recommended by Dr Hanning.</p> <p>Dr Hanning asserts that almost all of those with ASD are sensitive to environmental noise which is not consistence with the advice from the National Autism Society.</p> <p>Dr Hanning states that the home is 980 metres away from the turbine which he states will be clearly visible from the child’s bedroom, living room where child x spends time and the garden. The turbine will be 985 metres away from the boundary and 992 metres from the nearest facade. The submitted supplementary photomontage confirms that only the blade tips will be visible from the garden due to the intervening topography and vegetation. It is likely that the view from the living room will be screened by the garden vegetation but this has not been confirmed due to not being given access inside of the property.</p> <p>The recount of three incidents which the parents believe to confirm the potential for harm from a turbine in close proximity - The supplementary noise and photomontage shows that the turbine at a distance of 992 metres should not be considered as in close proximity. The smaller turbines mentioned would have had a rapidly spinning blades (around 200 rotations per minute is typical of a 10kW turbine) whereas the proposed turbine would have a maximum rotational speed of 23 rpm and would be perceived as a graceful gentle rotation rather than spinning motion. The noise report shows that the noise levels would be less than the maximum level recommended by Dr Hanning.</p> <p>The letter from Oakham Medical Practice does not provide any information or evidence that the turbine would have effect on child x.</p>	<p>Dr Hanning’s recommended noise level of 32dBA is in relation to less sensitive individuals based upon his own research and the effect turbines have on sleep disturbance. The noise level does not take into account particular sensitive receptors such as people suffering with Autistic Spectrum Disorders (ASD).</p> <p>Both have used different terminology but agree that noise would affect people suffering with ASD differently.</p> <p>Whilst views of the turbine in its full view would not be readily gained the rotating blades will be visible from the garden and from upstairs windows. The Autistic Society has advised that it is common for people with ASD to develop a fixation with spinning objects. In Dr Hanning’s opinion ‘Child x’ will be affected by the turbine if approved due to his past behaviour when in proximity to turbines and noise omitting sources.</p> <p>The parents have provided an account using first-hand knowledge of their child and advise that change to normal routine, such as altering a normal dog walking route, would have an impact upon their child’s behaviour.</p> <p>The letter confirms that ‘child x’ has been diagnosed as having ASD.</p>
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<p>The letter from the Educational Psychologist relates to educational needs of the child but does not contain any information or evidence on the effects of the turbine on child x.</p> <p><b>Summary</b></p> <p>It is evident that the family are very concerned for the health of their son with autism. The report by Dr Hanning relates to the effect of noise from turbines on sleep and health, and the visual impact on children with Autism. The report by Dr Hanning is fundamentally flawed as it has not assessed the specific noise and visual impact of the proposed turbine at Southfields Farm and has instead relied on the following false assumptions:-</p> <ul style="list-style-type: none"> <li>• That the turbine will be visible from the garden, conservatory and living room of the property.</li> <li>• That the turbine will be perceived as a spinning or rotating object from the bedroom of the child</li> <li>• That low frequency noise from the turbine will be injurious to health</li> <li>• That the noise from the turbine will be above the maximum external limit of 32dB(A)</li> </ul> <p>None of the above assumptions are correct and as such there is no evidence to support the view that the turbine proposed for Southfields Farm will be harmful to child x and the family even though child x has autism.</p>	<p>The letter outlines what difficulties ‘child x’ has and faces in everyday tasks.</p> <p>The noise report submitted in order to address the medical report has not used site specific noise data but has used predicted noise levels taking into account manufactures guidelines and best practice on noise. Whilst the noise levels are below that considered acceptable. No evidence has been put forward to counter argue that of Dr Hanning’s that the proposed turbine due to the noise levels that could be produced <b>would not</b> affect ‘child x’.</p> <p>The lack of site specific noise data and research in how noise impacts upon those with ASD leaves uncertainty that adverse harm would be created for ‘child x’. However the parents statements giving accounts as to how ‘child x’ reacts to loud noise and spinning objects should be given proper weight.</p> <p>Planning cannot protect a private interest as it is to safeguard the environment in the public interest. However the submitted photomontage shows that the turbine blades would be visible from the dwelling and garden, which would affect the enjoyment of the dwelling and garden for ‘child x’ affecting the residential amenities currently enjoyed. The turbine would affect the behaviour of ‘child x’ which in turn impacts upon the whole family.</p>
<p><b>Other:</b> The turbine is not de-rated. It is a plate rated 500kW turbine. The statements about the ENERCON turbine do not apply to this application.</p>	<p>Noted. Comments regarding the ‘de rating’ of the turbine are made in the context of financial interests (see above) which are not considered to be material considerations.</p>

**Conclusion**

The NPPF requires that permission should be granted 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”. The Committee’s resolution on 30<sup>th</sup> January 2014 followed this approach as follows: **The turbine contributed to the sustainability of the farm business and would help to reduce the carbon footprint of the farm and to make a wider contribution to low carbon energy production. There would be limited impact on the environment in that particular site and that such impacts were outweighed by the benefits (above) the turbine would achieve.**

The new information summarised above brings forward some issues that are considered to add to the adverse consequences the turbine would cause. Accordingly, the recommendation below is adjusted to reflect these changes (amendments highlighted). However, the Committee should consider whether they are sufficient to alter the 'balance of the issues' to give rise to a different outcome from that concluded in January.

**RECOMMENDATION:- Refusal (revised)**

1. The proposed wind turbine would, by virtue of their height and movement, introduce a new element into this landscape that would be widely visible. This visibility and presence would exceed that of any existing local features by reason of the height, colour and movement of the proposed turbine. The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation. Accordingly the development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan and the guidance offered in the NPPF. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.
2. The proposal due to its size and close relationship to the 'Leicestershire Round' a flagship for the local rights of way network is considered to diminish the recreational amenity of the facility and countryside pursuit which is a popular destination with tourists, ramblers and the equestrian fraternity. The proposal is contrary to the objectives of sustainable development objectives of the NPPF.
3. Insufficient information has been provided to adequately address how the Ridge and Furrow would be preserved through construction of the access track. The proposal is considered to be contrary to the NPPF in relation to safeguarding heritage.
4. **The proposed wind turbine would give rise to an unacceptable risk of harm to the health of a local resident. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.**

Officer to contact: Mr J Worley

Date: 4<sup>th</sup> June 2014