

Reference: 11/00930/FUL
Date submitted: 19.12.2011
Applicant: Belvoir Ridge Holdings
Location: Lodge Farm, Stathern Road, Eastwell LE14 4EN
Proposal: Installation of one wind turbine 25 metres to hub and 9 metre blades (radius) plus ancillary development



Proposal:-

This application seeks approval for the erection of one 50kw Endurance E-3120 wind turbine. The turbine is to be located within a field belonging to Belvoir Ridge Holdings. The turbine is proposed as part of the Lodge Farm business with access through the existing farm. The energy produced will reduce the farms carbon footprint and increase its self sustainability and surplus energy will be fed into the national grid. The application site is on the Belvoir Ridge overlooking the village of Stathern, with an area characterised by large arable fields defined by hedgerows. The proposed turbine would be located to the North of the farm in the middle of a large arable field. This is an amended location following concerns from local residents regarding the original position of the turbine closer to the road and the associated impact upon horse riders. The turbine will have a hub height of 25 metres, and three blades each approximately 9 metres in length giving a total height from ground to blade tip of approximately 34.2 metres. The tower will be of galvanized steel and slender in design.

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

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

The application is to be heard by the Development Committee due to the level of representations received.

Relevant History:-

03/00172/FUL - Proposed steel framed building to provide cubicle housing for cattle. Planning permission granted on 1st May 2003.

05/00649/GDOAGR – New building. Permitted 27th May 2005.

08/00405/FUL - Demolish and replace dwelling, convert barn to farm office, demolish redundant barns. Planning permission granted 19th June 2008.

0/00721/DIS - Discharge of conditions relating to Planning Approval 08/00405/FUL. Planning permission granted 20th November 2008.

Planning Policies:-

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - 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.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- 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
- conserve ‘heritage assets’ in a manner appropriate to their significance

On Specific issues relevant to this application it advises:

Climate Change:

- not require developments to demonstrate overall need; recognise that even small scale schemes make a contribution
- For wind power, follow the approach set out in the National Policy Statement for Renewable Energy

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

Historic Environment:

- Great weight should be given to an assets conservation,. The more important the asset, the greater the protection should be.
- Where harm is less than 'substantial', it should be weighed against the public benefits of the proposal.

East Midlands Regional Plan

Much of the region could be suitable for the location of wind turbines subject to a number of criteria, including visual impact and the cumulative effect of a number of turbines and their actual size.

Policy 1: Regional Core Objectives - seeks a reduction in CO² emissions by, in part, maximising renewable energy generation.

Policy 40 – Regional Priorities for low carbon energy generation - promotes renewable energy and states that in establishing criteria for on-shore wind energy, Local Planning Authorities should give particular consideration to:-

- Landscape and visual impact;
- Effect on the natural and cultural environment;
- Effect on the built environment;
- No. and size of turbines proposed;
- Cumulative impact of wind generation projects, including 'intervisibility';
- The contribution of wind generation projects to the regional renewables target;
- The contribution of wind energy projects to national and international environmental objectives on climate change

The East Midlands Regional Plan (2009) requires that on-shore wind installations should increase capacity from 54MW to 175 MW) by 2020, with an interim target for 2010 of 122MW.

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

Policy UT7 has not been ‘saved’

The Melton Local Development Framework Core Strategy (Publication) Development Plan document February 2012 is supportive of renewable energy development, accepting that it has a place in locations which support the resource but that it needs to be balanced against impacts in landscape and amenity terms..

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| <p>Environmental Health Officer – Objection</p> <p>In considering this application the Environment Health Officer has had regards to the submitted report prepared by Hayes McKenzie-Endurance E-3120 Wind Turbine Acoustic Performance Test and accepts that the turbine would in all probability meet the criteria as set out in paragraph 25 of the ETSU-R-97 report provided by Adams Holmes in support of the application.</p> <p>This report contains details of One Third Octave Band Analysis of the Frequency Content of the noise from the Turbines in question at various wind speeds and has had regards to the criteria described in BS 7445:1991 part 2. The Officer is concerned with the effect of tonal noise from low wind speeds as this report does not include any measurement of tonal quality of noise from the turbine below the speed of 6m/sec.</p> <p>The Officer has experience at another site within the Borough where the same model turbine has been installed at a distance of some 400m from the nearest dwelling and a distinct tonal noise characteristic has been witnessed. This evidence was witnessed on a warm sunny day with almost still wind conditions at the property of the complainant. If the officer had established the existence of the tonal characteristic as a recurring constituent of the noise it would have been regarded as a statutory nuisance. Therefore, the Officer does not believe that he can recommend approval of this turbine where it would be at a distance of 350m from a residential property.</p> <p>With regards to the report H1609 prepared by Hawkins Environmental it is noted that in item 4.1 of H1609 a comment is made to the effect that there is no tonal element to the noise from an Endurance Windpower E-3120 wind turbine, the type to which</p> | <p>The turbine is to be located within a parcel of land associated with the working farm, and farm dwelling. The nearest residential dwelling, not associated with the farm, is to the south east of the site in the open countryside and it is set apart from the proposed turbine by a distance of approximately 350 metres. This distance is greater than the recommended minimum separation distance to comply with ETSU-R-97, when assuming background noise in accordance with the indicative curve in ETSU-R-97 this gives a distance of 169 metres and includes additional 4.16dB(A)</p> <p>Wind turbine noise (expressed as $L_{A90,10min}$) should not be greater than 5 dB above the prevalent background level ($L_{A90,10min}$) at that wind speed, except where the background level is very low.</p> <p>With reference to the ETSU document minimum typical daytime targets fall within the range of 35-40 dB L_{A90}. For properties with financial involvement, a target of 45 dB L_{A90} can be used.</p> <p>The night-time noise limit (expressed as $L_{A90,10min}$) is an absolute minimum target level of 43 dB $L_{A90,10min}$</p> <p>The Environment Agency Horizontal Guidance Note IPPC H3 (Part2) (2004 version) states that tonal noise can be penalised in assessments of noise impact, usually by adding 5 dB to the measured level however tonality can be judged subjectively. An additional wind turbine noise impact assessment for Lodge Farm by Hawkins Environmental submitted on 12th March 2012 acknowledges that a poorly positioned wind turbine can produce noise that is clearly noticeable due to its tonal components (pg 6). The Hawkins Environmental Report (pg 8) notes that tonality from this particular turbine was evident at around 6m/sec, however if a 5dB penalty is applied to the sound power level at 6m/sec, the subsequent noise</p> |

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| <p>this application relates.</p> <p>This is in contrast to experience of a wind turbine of this type which produced a tonal element to the noise arising from it at a distance of some 400m. In addition in 4.2, Calculation of Site Specific Noise Levels, a comment is made that the background noise levels would be considerably higher than 35dB. It is not accepted that this is always going to be the case, particularly during the evening, say 19:00 to 22:00hrs.</p> <p>If an enforceable condition could be attached to the application to the effect that the wind turbine would be turned off at all speeds which would otherwise give rise to a tonal noise arising from it being detectable at the boundary of the nearest noise sensitive dwelling/Sunnydene they would not oppose the application. If such a condition could not be attached, refusal is recommended..</p> <p>Concern remains about the installation of a wind turbine which may give rise to a tonal noise at Sunnydene. If the development took place and a nuisance was created primarily by the existence of a tonal quality and no faults with the turbine could be found a best practical means defence, which exists in relation to business premises, would apply and this Authority would have no power to remedy the situation. Even if a statutory nuisance did not exist a civil nuisance may be created.</p> | <p>level remains less than the sound power level at 10m/sec. The report therefore summarises that tonality does not need to be considered in any impact assessment for this turbine.</p> <p>The ETSU-R-97 Report: The Assessment and Rating of Noise from Wind Farms, which is the report generally accepted as being the document to which local authorities should have regard when considering noise from wind farms does address the “Method of Tonal Assessment” and in so doing makes reference to BS7445.</p> <p>The Hawkins Environmental Report identifies the closest residential property to the proposed turbine as ‘Sunnydene’ located approximately 350m from the site. The noise level from the proposed turbine at the closest dwelling has been calculated to be 33.8(L_{A90,10min}). Therefore the report concludes that the noise from the turbine will not be a constraint upon development, since predicted noise levels will comply with the simplified condition of ETSU-R-97.</p> <p>It is therefore considered that the objection from the Environmental Health Officer could be overcome by condition to prevent noise nuisance issues arising that the noise levels will not exceed the ETSU target levels.</p> |
| <p>LCC Highways - No observations</p> | <p>The turbine would be transported on flat bed lorries no greater than those currently visiting the farm. In that regards the highways authority have not requested any conditions in relation to the access routes as the turbine would not be transported on long vehicles.</p> <p>The turbine would be located in a field to the north of the farm and the west of Stathern Road. Concerns have been raised in regards to driver distraction and this matter has been put forward to the Highways Authority who have expressed no concerns given the separation distance from the highway. The amended site location plan cites the proposed turbine 150m from the road which would overcome concerns from horse riders and would lessen the impact of the proposal and the potential for driver distraction.</p> <p>The turbine is relatively small scale having an overall height of 34.2 metres and would be set back sufficiently from the highway to not have a detrimental impact upon highway safety. The</p> |

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| | <p>Highways Authority has raised no objections and it is considered that there is insufficient justification to warrant a refusal based on highway safety.</p> |
| <p>MBC Conservation Officer – No objections</p> <p>Lodge Farm and its associated buildings are neither listed nor within any conservation area. As such they are not considered to be a heritage asset of any particular significance.</p> <p>The turbine is to be situated in an open field to the north of the farm complex. It will be visible in the flat landscape which is currently generally unspoilt and is one of hedgerows and sparsely located trees.</p> <p>The introduction of a wind turbine (25 m to hub) will be an alien feature within that landscape. However the field within which it will be situated is set back from the highway and sufficiently distant from the farm buildings to lessen the impact to a degree. Likewise its impact on Eastwell is reduced due to its distance from the village.</p> <p>As this proposal is a further commitment to the environmentally sensitive farming system currently practised at Lodge Farm the application should be supported</p> | <p>The English Heritage guidance document entitled ‘Wind Energy and the Historic Environment’ advocates a sustainable approach to renewable energy generation which requires a balance to be drawn between the benefits it delivers and the environmental costs it incurs. Therefore whilst recognising the need to invest in renewable energy it recognises the potential implications for the historic environment.</p> <p>The proposed turbines location to the North of the farm will lessen the impact on the farm buildings to a degree and the proposal is not considered to have any impact upon heritage assets. The impact of the turbine proposed on Eastwell village is reduced due to its location away from the village and over the ridge of the landscape. The impact upon Stathern will also be lessened due to the siting of the turbine lower down the ridge.</p> <p>The guidance by English Heritage adds that high quality design is the key to minimising the adverse effect of projects such as the siting of wind turbines in the landscape and suggests that considerable weight should be given to ensuring the reversibility of renewable energy projects and their associated infrastructure. There is no requirement to have a reinforced track unlike large scale wind turbines and the turbine will be decommissioned after 25 years. A condition will be imposed to ensure that the land is restored to its former condition.</p> <p>It is not considered that the proposal will have a detrimental impact on heritage assets in the locality.</p> |
| <p>East Midlands Airport – The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal.</p> | <p>Noted.</p> |
| <p>MOD – Defence Infrastructure Organisation – the MOD has no objection to the proposal. Our assessment has been carried out on the basis that there will be 1 turbine, 34.2 metres in height from ground level to blade tip.</p> | <p>The principle concern from the MOD is obstruction to the air traffic control and air defence radar installations. Whilst they have no objection to the erection of this wind turbine in this location they wish to be notified of the installation start and completion dates along with the height of the construction equipment and the longitude and latitude of the turbine. The information will then be plotted on flying charts so that military aircraft can avoid the area.</p> |

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| | This can be imposed by means of a condition. |
| <p>NATS – no 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> | Noted. |
| <p>Natural England – The application falls outside of the scope of consultations that would routinely be commented on. Lack of comment should not be interpreted as a statement that there are no impacts on the natural environment.</p> | Noted. The turbines will be located 55 metres away from the closest hedgerow which is a requirement. In this location and with the necessary distance separation from hedgerows it is not considered that the proposal would have an adverse impact on any protected species. |
| <p>LCC Ecology – The application papers state that the turbine is to be situated 55 meters from the nearest hedgerows, in accordance with the Natural England Guidance TIN051 (Bats and onshore wind turbines). The formula on page two of the guidance indicates that a turbine of this size should be situated 54.3 meters away from the hedgerow, based on the hedgerows being no taller than 2 meters. We would therefore recommend that, should permission be granted for this development, the following points are forwarded to the applicant as a condition/conditions of the development:</p> <ul style="list-style-type: none"> • At no stage should the hedgerows to the east and western boundaries of the field be allowed to grow taller than 2 meters. (To ensure that the development is in accordance with Natural England Guidance Note TIN051.) • The turbine should be positioned as indicated and no micro-siting should take place. • Any incidental records of bat or bird strike should be forwarded to the LPA. | Noted. |
| <p>Eastwell Parish Council – No comments received to date.</p> | The Parish Council stated that they would submit comments on the amended plans, however no comments have been received to date (the amended plans were received on 30 th January 2012 at which point the Parish Council was re-consulted). |
| <p>Stathern Parish Council - Wind turbines are considered unsightly in unspoilt countryside, and</p> | The visual impact of the proposed turbine is a matter of individual opinion and the impact of the |

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| cause the death of many birds. The letter of objection sent to you by Eastwell parishioners lists numerous other reasons not to permit. The Parish Council believes wind turbines are inefficient and add to our energy costs, but if they must be installed they are best installed off-shore. | turbine on the open countryside must be assessed in line with the policies as stated above. There are requirements for wind turbines to be located a minimum of 55m from the nearest hedgerow to comply with guidance from Natural England to ensure minimal impact on birds, bats and other protected species. This proposed turbine is located 55m from the closest hedgerow and therefore meets this guidance. |
| British Horse Society – Initially objected to the proposals due to the proximity of the turbine to the road, however the objection has been withdrawn now that amended plans have been submitted. | Noted. |

Representations:

A site notice was posted in line with consultation procedures, as a result 71 letters of objection, a 20 signature petition, and one letter withdrawing their objection have been received. The letters are summarised below;

| Representation Objection/Concerns | Assessment of Head of Regulatory Services |
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| Lack of Public Consultation | <p>The application site sits in the open countryside with no immediate neighbours to notify. A site notice was placed at the site entrance along Stathern Road. This approach complies with the level of consultation required by the local authority.</p> <p>Both Stathern and Eastwell Parish Councils were informed of the proposal, also in line with the law, national policy and the Council's adopted consultation requirements</p> |
| <p>Visual Impact on Character of the Countryside</p> <ul style="list-style-type: none"> • Too many wind turbines near to Eastwell | <p>The NPPF places importance on conserving the natural environment but sets out that the degree of protection should be greater where it is of recognised and designated importance.</p> <p>The turbines are to be located to the north of the receiving farm business and will sit below the brow of the ridge, which would lessen their impact to both the villages of Stathern and Eastwell. The Borough's Landscape Character Assessment considers the site to fall within the description of Village Pastures, 'A distinctive traditional pastoral landscape and attractive nucleated villages with a strong pattern of small fields often with historic features, enclosed by abundant hedgerow trees.'</p> <p>The turbine would have an overall height of 34.2 metres and will be visible within the landscape from several vantage points. 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. Guidance in the NPPF clearly put the emphasis on protecting international and nationally designated sites such as SSSI's and AONB's.</p> <p>There are two small scale wind turbines located at</p> |

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| | <p>Cross Roads Farm, Eastwell, however there is a significant distance between this application site and the already erected turbines within Eastwell which will prevent them being inter-visible and creating an over proliferation..</p> <p>Wind turbines are visually prominent but the degree of harm needs to be assessed. In assessing the impact on the landscape it is considered that the proposal would not be significantly detrimental to the appearance and rural character of the open countryside. Crucially, it will not impact upon any designated landscapes and as such the impact falls short of that which the NPPF advises require the greatest protection.</p> |
| <p>Highway Safety:-</p> <ul style="list-style-type: none"> • The turbines will be a distraction to drivers along the road which is twisty and fast moving. • Horses and riders frequently use the route as there are no public bridleways. There is little or no verge and the horses would be spooked by the turbine so close to the road. • A request to have the turbines located further away from the highway | <p>PPS 22 companion guide advises on the issue of distraction to drivers and states: <i>“Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others’ safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now a large number of wind farms adjoining or close to road networks and there has been no history of accidents at any of them”.</i></p> <p>Notwithstanding the proximity of the proposed development to the junction, in light of the above matters it is not considered that the proposal would cause any significant distraction to drivers that could justify refusal on these grounds.</p> <p>Following the submission of amended plans moving the proposed turbine further away from the road the initial objection by the British Horse Society has been withdrawn, therefore the turbine should not have any adverse impact upon horses or riders using the road.</p> <p>Following submission of the amended site location plan, it is considered that the proposed turbine is set back sufficiently from the highway. The location is considered to be acceptable and the chosen location has less of an impact upon the rural character being further away from the ridge and lower down the hill.</p> <p>The Highways Authority have not raised any objections to the proposal of one wind turbine, and there is no justifiable reason to refuse the</p> |

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| | proposal on highway safety issues. |
| <p>Conservation/Character of the area</p> <ul style="list-style-type: none"> • The turbine will be out of character with the open countryside – they are not required or needed. • Development is not supported in a category 3 village and the proposal should be refused. • Beautiful spot that is regularly visited where views over three counties are possible. | <p>The benefits gained would outweigh any harm and would provide energy for the farm and contribute to reducing the CO² produced on the farm.</p> <p>The proposal is required by the applicants to provide electricity to the farm business and dwelling to reduce the carbon footprint. The surplus will be fed into the national grid and will contribute to providing green energy. The NPPF encourages Local Planning Authorities to consider favourably renewable energy proposals given the wider benefits that they produce. The category 3 status is to assist with meeting sustainable development in regards to housing and commercial development and should not be seen as a constraint to resist renewable energy proposals.</p> <p>It is considered that given the nature of the development sited within an existing farming complex that the proposal would not have a detrimental impact upon the countryside or the villages of Eastwell or Stathern. The proposal is considered to accord with the NPPF and will reduce the CO² emissions produced from the farm and will aid to the diversification of the farm business providing another source of income.</p> |
| <p>Health Concerns:</p> <ul style="list-style-type: none"> • Possible effects of wind turbines on physical and mental health | <p>There is no evidence on which to base a rational health fear sufficient to justify the refusal of planning permission, or to seek greater separation between dwellings and turbines. The nearest residential dwelling not associated with the farm is to the south east of the site within the open countryside, set part from the site by approximately 350m. There is a high level of screening between the proposed turbine and the dwelling in the form of farm buildings, trees and hedgerows which will help to lessen the visual impact.</p> <p>No evidence has been submitted to substantiate this concern. The land around the turbines, whilst within the application site, would remain in agricultural use.</p> <p>Planning decisions are required to demonstrate and support with evidence that adverse affects will arise and it is not considered that evidence exists in this case to enable this. As such, it is not considered that it forms a ground to formally object. The recommends the use of conditions to mitigate noise to an acceptable level.</p> |
| Impact upon private residential dwellings:- | |

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| <ul style="list-style-type: none"> • Properties will be devalued | <p>This is not a planning consideration.</p> <p>The nearest residential property of no financial interest is to the south east of the site in the open countryside, set apart by a distance of approximately 350 metres. The turbine would be located to the north and will benefit from screening due to the topography of the site and the farm buildings of Lodge Farm.</p> <p>The proposal is not considered to have an adverse impact on the residential amenities of private dwellings.</p> |
| <p>Impact Upon Wildlife / Birds</p> <ul style="list-style-type: none"> • Birds of prey are frequently seen in the area. Wind turbines are a cause of deaths of bats and birds due to striking the turbine. | <p>The site has been assessed both by Leicestershire County Council Ecology and Natural England and meets the requirements of their policies with regards to the separation distances between turbines and hedgerows. Their consultation response also requests that and incidental records of bat or bird strike should be forwarded to the Local Planning Authority.</p> |
| <p>Size of the turbine</p> <ul style="list-style-type: none"> • The turbine is too large for the farm and will generate more electricity than required by the farm. A smaller turbine would be more appropriate (or PV solar panels) | <p>The proposal is required by the applicants to provide electricity to the farm business and dwelling to reduce the carbon footprint. The surplus will be fed into the national grid and will contribute to providing green energy.</p> <p>It is not considered that it would be appropriate to require a smaller turbine on site. As stated above, the NPPF encourages LPA's to consider renewable energy proposals in a positive light. This proposal would produce additional renewable energy which would help to meet the Governments renewable energy targets which aims to reduce the UK's carbon dioxide emissions by some 60% by 2050 with real progress by 2020.</p> |

Conclusion

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

The proposal is considered by Environmental Health to have a negative impact upon one property located 350m from the application site with regards to the potential noise at low wind speeds. On balance it is considered that this risk could be mitigated by condition in line with ETSU-R-97. The site is considered to have adequate access arrangements and the amended site location has overcome many objections. Having considered all the issues, in this instance, the proposal is considered 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 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
- 3 Notwithstanding the plans as submitted, all parts of the turbine, including the rotor sweep, should be over 50 metres from hedgerows and trees.
- 4 Without prejudice to the generality that noise from the turbines should not give rise to a statutory nuisance, as defined in the Environmental Protection Act 1990 and achieve compliance with the noise levels specified in the ETSU-R-97 report. That is, at wind speeds not exceeding 10 metres per second, as measured or calculated at a height of 10 metres above ground level at an appropriate location in the vicinity of the turbines, the wind turbine noise level at any occupied dwelling or other Noise Sensitive Premises but not including Cross Roads Farm itself, shall not exceed: during night hours (23:00-07:00), 43 dB LA90,10min, or the night hours LA90,10min background noise level plus 5 dB(A), whichever is the greater; during quiet waking hours (18:00-23:00 every day, 13:00-18:00 on Saturday, 07:00-18:00 on Sunday), 35 dB LA90,10min or the quiet waking hours LA90,10min background noise level plus 5 dB(A), whichever is the greater; This calculation is to include any penalty attaching to the noise level as a result of any tonal quality to the noise and calculated in accordance with the appropriate provisions of The Schedule, pages 95 to 97 of the ETSU-R-97 report and as referred to below. This condition shall only apply to dwellings or other Noise Sensitive Premises lawfully existing at the date of this planning permission.
5. At the request of the Local Planning Authority and following a valid complaint to the Planning Authority relating to noise emissions from the wind turbines, the applicant shall measure or calculate, at its own expense, the level of noise emissions from the wind turbines. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment and Rating of Noise from Wind Farms", September 1996, ETSU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97. The assessment approach shall be approved by the Planning Authority prior to undertaking the detailed assessment. In comparing measured wind turbine noise levels with background noise levels, regard shall be had to the prevailing background noise levels as measured at specified properties.
6. Should the wind turbine noise levels specified within condition 4 be exceeded, the wind farm operator shall take immediate steps to ensure that noise emissions from the wind farm are reduced to or below such levels or less, and obtain written confirmation of that reduction from the Planning
7. By the end of 25 years after the first generation of electricity from the site, or should the generating of electricity cease all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land reinstated to its former condition in accordance with a scheme to be submitted to the local planning authority for written approval not later than 12

months before the expiry of the 25 year period., or 12 months after the generation of electricity ceases. The scheme to be submitted shall include the dismantling and removal of all turbines, equipment and buildings above existing ground levels and the removal of turbine base.

8. No development shall take place until a scheme for the monitoring of bat and bird activity in the vicinity of the turbine for the first 12 months following its installation has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
9. The hedgrows to the East and West of the proposed turbine should not be allowed to grow higher than 2m.
10. The Ministry of Defence should be notified of the installation start and completion dates, along with the height of the construction equipment and the longitude and latitude of the turbine prior to the commencement of development.

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure a satisfactory standard of external appearance.
- 3 To ensure the proposal does not impact on protected species.
- 4 In order to control noise in the interest of residential amenity
- 5 In order to control noise in the interest of residential amenity
- 6 In order to control noise in the interest of residential amenity
- 7 To allow the Local Planning Authority to review the installation.
- 8 To monitor the impact of the development on bat and bird populations in the area
- 9 To ensure that the proposal does not impact upon protected species.
- 10 To enable flying charts to be accurately plotted so that military aircraft can avoid the area in the interests of safety.

Contact: Mrs Sarah Legge

Date: 28th March 2012