

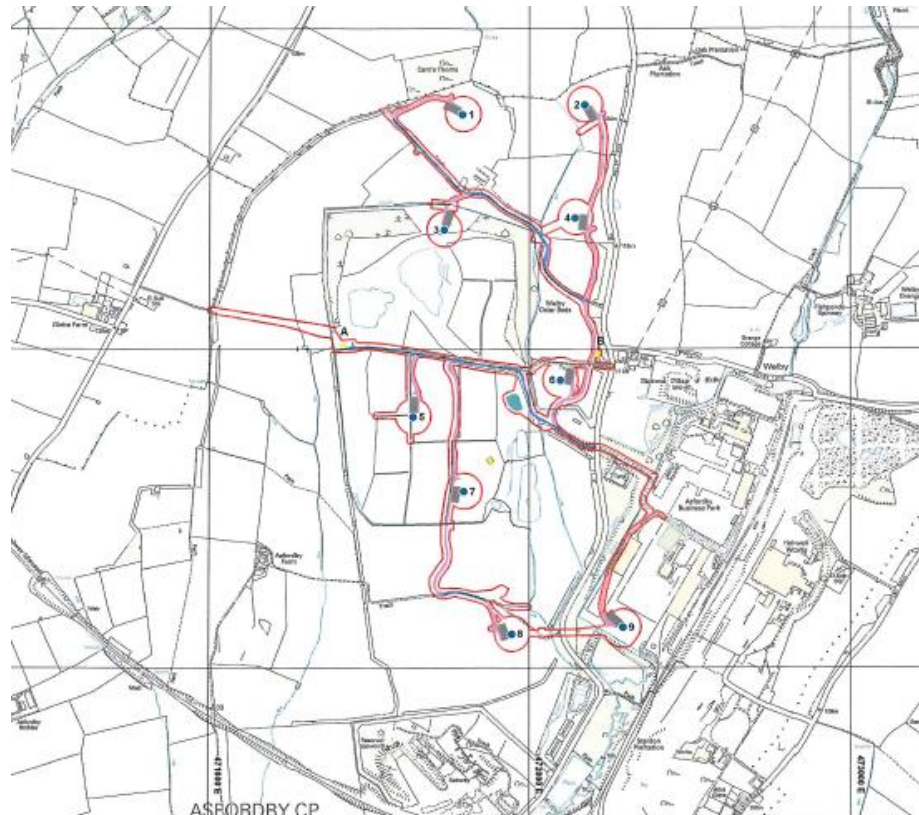
**Reference:** 10/00951/FUL

**Date submitted:** 21.12.2010

**Applicant:** Peel Wind Farms (UKC) Limited

**Location:** Asfordby Windfarm Site, Bypass Road, Asfordby

**Proposal:** Wind Farm comprising of 9 turbines together with associated ancillary infrastructure (access tracks, crane pads, control building, anemometer mast and temporary construction compound). Turbine 1 to have maximum height to blade tip of 108 metres above ground level. Turbines 2-9 to have maximum height to blade tip of 125 metres above ground level.



**Introduction:-**

This application seeks planning permission for the erection of a windfarm to the west of Melton Mowbray. The site lies approximately 1 km to the north of Asfordby and approximately 1 km to the south of Ab Kettleby. The villages of Saxelby and Grimston lie to the east of the site. There are a number of isolated farms and dwellings in closer proximity to the site. Part of the site is proposed to be located on the former Asfordby Colliery and the existing Asfordby Business Park. The northern part of the site is agricultural land which is predominantly used for cattle grazing and arable fields.

The application comprises 9 wind turbines and associated infrastructure including:-

Permanent Components

- 8 three bladed, horizontal axis wind turbines with a total maximum height to blade tip of 125 metres
- 1 three bladed, horizontal axis wind turbine with a total maximum height to blade tip of 108 metres
- Control building
- Access tracks between the turbines and crane pads
- Underground cabling to connect the turbines and sub-station
- Construction Compound
- 80 metre (max) anemometer mast

Temporary Components

- Temporary construction compound

**Eight of the turbines would have maximum dimensions of 80m to hub and 125 metres to blade tip,** one of the turbines (T1) would have a maximum dimension of 67 metres to hub and 108 metres to blade tip.. They would each have a capacity of 2.0MW resulting in a total capacity of 18 MW. It is estimated that the nine turbines would generate enough electricity to meet the needs of around 8,500 households. This is equivalent to 33% of the households within Melton Borough. It is expected that the proposed development would offset the emissions of 20,340 tonnes of Co2. The final specification of the turbine to be used is yet to be confirmed as the applicant has stated that this will depend on a number of factors including equipment availability at time of construction and tendering under EU procurement guidelines. The finish of the blades and majority of the tower will be pale grey in a matt finish.

The application is accompanied by an Environmental Impact Assessment required under the 1999 Regulations that addresses the following issues:

- Human and Socio-Economic
- Landscape and Visual
- Archaeology and Built Heritage
- Ecology
- Geology, Soils & Communication
- Noise & Vibration
- Hydrology & Flood Risk
- Traffic and Transport
- Shadow Flicker, Telecommunications and Safety
- Aviation

The content of the EIA is described below against each of the above headings, and the representations received in their respect. The application is also supported by a Planning Statement and design and access statement. (n.b. Full copies of the above documents are available from the planning application file).

Additional information under Regulation 19 of the Town and Country Planning (EIA) Regulations has also been received which included

1. The result of field evaluation, by appropriate trial trenching, as requested by LCC Archaeology
2. Further information on the impacts on various Listed Buildings, Conservation Areas and SAM's as requested by English Heritage.
3. Additional information on the cumulative effect of the proposal on the historic environment as requested by English Heritage.
4. Additional ecological information including evaluation and mitigation measures as requested by LCC Ecology.
5. Additional information in relation to Great Crested Newts as requested by Natural England.
6. Additional cumulative landscape and visual assessment information taking account of the potential wind development at Wanlip in Charnwood District, as requested by Charnwood BC.
7. A third octave band analysis for a range of wind speeds as requested by Environmental Health.

(Again copies of the document are available on the planning application file).

The applicant also submitted under Regulation 17 of the Town and Country Planning (EIA) Regulations a mitigation proposal in relation to St. Bartholomew's Church, Welby.

(Again copies of the document are available on the planning application file).

**Relevant History:-**

05/00736/FUL - 50m wind monitoring mast for a 3 year period approved 03.10.2005.

10/00445/FUL - Retention of a 50m Meteorological Monitoring Mast at Asfordby Colliery approved 26.07.2010.

**Planning Policies:-**

**The National Planning Policy Framework was published 27<sup>th</sup> 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:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- support the transition to a low carbon future.....by encouraging the development of renewable energy
- recognising the intrinsic beauty of the countryside
- contribute to conserving and enhancing the natural environment
- conserve 'heritage assets' in a manner appropriate to their significance

**On Specific issues relevant to this application it advises:**

**Climate Change:**

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. (Paragraph 93)

Paragraph 97 states that to increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute energy generation from renewable or low carbon sources.

Paragraph 98 states that when determining planning applications, local planning authorities should;

- not require developments to demonstrate overall need for renewable or low carbon energy
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

**Conserving and enhancing the natural environment:**

- Protecting and enhancing valued landscapes
- Apply great weight to protection of designated landscape and scenic areas (e.g.National Parks)
- Avoid noise giving rise to significant adverse impacts
- Minimise other impacts on health and quality of life through conditions
- Identify and protect areas of tranquillity

**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 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:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>English Heritage</b> – commented in April 2011 stating that insufficient information has been provided to enable a full understanding of the proposal and its impact on the significant of the site. Their concern is that a number of highly graded heritage assets that are key visual receptors in this area and any impact upon them would need to be considered in detail and request further information on the impact of the proposal.</p> <p>The additional information was submitted on under a Regulation 19 request and comments were received in December 2011 stating;</p> <p>The area consists of a multi-faceted historic rural landscape of high quality, containing listed buildings of all grades; conservation; Scheduled Ancient Monuments; and undesignated archaeology. Many of the individual features are inter-related by virtue of their date and function and have subsequently been overlaid by later historic features such as agricultural and leisure ‘hunting landscape’ of the C18th and C19th. The important Leicestershire market town of Melton Mowbray lies to the south east and the wind farm will be visible from many viewpoints both within and around the town, and from many of the villages and footpaths in the vicinity. The size and number of turbines will mean that they occupy a prominent position in the landscape. However, this is also a landscape of change and industrialisation. The wind farm is located on a former extraction site and to the immediate south is an industrial works and an electricity sub station. It is therefore important to establish those historic features in the landscapes which are of significant and to assess the impact of the development on these features and on the relationship between them.</p> <p>After careful consideration, English Heritage has concluded that there will be <b>substantial harm</b> caused to the setting of St Bartholomew’s Church, Welby. They have further concluded that there will be harm to the setting of St James the Greater, Ab Kettleby and to the setting of the Scheduled Ancient Moununet (SAM) ‘Moated Site at Ab Kettleby’, and to the setting of St Peters, Kirby Bellars and the SAM ‘Garden, Moat and Five Fishponds’, also at Kirby Bellars but that in all cases this <b>harm would be less than substantial</b>. In terms of the substantial harm caused to the setting of St Bartholomew’s, Welby, this harm is defined as views from the immediate south/south-east of the church, looking towards Ab Kettleby. In these views turbines 3 and 4, and to a lesser extent 1 and 2, will appear behind and above the tower of St Bartholomew’s church and will be dominant of the church in these views. Furthermore they will interfere with the historic relationship between the St Bartholomew’s church and the designated and undesignated</p>	<p><b>It is not considered that the any historic artefacts (Listed Buildings, Registered Parks and Gardens, Ancient Monuments and Conservation Areas) would be physically affected by the proposal.</b> However, there is some concern regarding the effect on the setting of a number of Listed Buildings and Conservation Areas.</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>Specifically, it advances six particular factors to be taken into account when considering the impact of wind turbines on the setting of, or visual amenity of, historic sites.</p> <ol style="list-style-type: none"> <li>1. <i>Turbines might be inappropriate where a historic feature (such as a hilltop monument or fortification or a church spire) is the visually dominant feature in the surrounding landscape.</i></li> <li>2. <i>The second criteria relates to scale, specifically, the extent of a wind farm and the number, density and disposition of the turbines will contribute to its visual impact.</i></li> <li>3. <i>The siting of turbines should respect the intervisibility between certain archaeological or historic landscape features that were intended to be seen from other historic sites.</i></li> <li>4. <i>The fourth criteria relates to designed landscapes (such as historic gardens).</i></li> <li>5. <i>Noise and overshadowing.</i></li> <li>6. <i>Unaltered settings of ancient sites, which, the document suggests may be a particular issue in certain upland areas.</i></li> </ol> <p>Additional information was requested under Regulation 19 of the EIA Regulation and <b>English Heritage are concerned that there will be substantial harm caused to the setting of St Bartholomew’s Church, Welby, and that the turbines will interfere with the historic relationship between the St Bartholomew’s church and the designated and undesignated assets at Ab Kettleby.</b></p> <p>A commentary on individual listed buildings and Conservation Areas is made below.</p> <p>Potential impacts upon the setting of cultural heritage features and historic landscapes have been considered and assessed in the ES. These include:-</p>

assets at Ab Kettleby. The recommendation of English Heritage would be to omit turbines 1,2,3 and 4 which would ameliorate the substantially harmful impacts identified.

Comments were then submitted in April 2012 in relation to the Regulation 17 submission by the applicant in respect of mitigation proposal in relation to St. Bartholomew's Church, Welby. Their view is that the proposed mitigation is not unwelcome but will not cancel out the substantial harm caused to the significance of St Bartholomew's due to the size, proximity and dominance of the wind turbines within its setting. The proposed measures do not reduce the harm to the significance of St Bartholomew's and its setting to an acceptable level.

The advice of English Heritage is on the basis of the application document taken as a whole, paragraphs 132 and 133 of the National Planning Policy Framework are engaged with respect to the impact on St Bartholomew's and paragraph 134 is engaged with respect to the impact on the other designated and undesignated heritage assets. The Council should be mindful of the requirements of the NPPF to ensure that it can be demonstrated that the substantial harm which has been identified is necessary to achieve substantial public benefits that outweigh the harm, and to weigh the less than substantial harm which has been identified against the potential public benefits of the proposal.

- 10 Conservation Areas
- 540 Listed Buildings
- 1 Registered Parks and Gardens
- 27 Scheduled Monuments
- 24 non-designated heritage assets within 1 km

All listed buildings within 10km of the wind park were considered in the ES, a total of 540 listed buildings, including 15 Grade I and 41 Grade II\* and 483 Grade II. The setting of each asset were considered and the impact of the wind turbines. The majority of the listed buildings are located within enclosed villages and the town, namely Ab Kettleby, Wartnaby, Saxelbye, Asfordby, Frisby-on-the-Wreake and Kirby Bellars.

The Statutory requirements of Sections 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 are also important considerations. **The first requires that special regard shall be paid to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which they possess. The second requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.**

It is not considered that any historic artefacts (Listed Buildings, Registered Parks and Gardens, Ancient Monuments and Conservation Areas) would be affected but **English Heritage have expressed concern with regards to the harm to the setting St Bartholomew's Church and the relationship of this Church with designated and undesignated assets at Ab Kettleby.**

The NPPF states in Paragraph 129 the Local Planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal. The NPPF also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

The ES submitted with the application contained an assessment of each of the 10 Conservation Areas identified within a 10km radius of the development. Extracts from the ES are contained below.

#### **Conservation Areas Melton Mowbray**

Melton is located 3.5km from the nearest turbine. The Conservation Area relates to the town centre which is the oldest, most interesting and busiest part of the town. Its unique character as a market town is expressed in the

layout of the streets, buildings and spaces between with the central area that has evolved from medieval times. The ES states that modern development screen the historic core of the town from the surrounding landscape and whilst it may be possible to see glimpses of the turbines from elevated locations they will not be visible from the Conservation Area, the listed buildings (inc St Mary's Parish Church) in the historic core or from the Mount Motte a SAM within Melton Mowbray. **The ES concludes that the magnitude for change is negligible, and therefore the level of impact is slight and not significant in EIA terms.**

#### **Asfordby**

The village is located 1.5km from the nearest turbine. Asfordby is described as a linear village consisting of a main street with several smaller streets and lanes running off it. The village has been dramatically enlarged and altered within the last 40 years and this has had a detrimental impact on the historic heart and character of the village. The ES states that the historic core is screened from the surrounding landscape by modern development and trees. The views from the edge of the village are also dominated by Holwell Works. The ES concludes that the turbines could be glimpsed from within the village but, although of high importance, the sensitivity of Asfordby Conservation Area as a receptor is considered to be low and the magnitude of change to be minor. **Therefore, the level of impact is moderate and not significant.**

#### **Frisby on the Wreake**

The village Conservation Area is approximately 3.5 km from the nearest turbine. The Conservation Area is centred on the historic core. The village is low lying and does not have particularly open views. **The ES concludes that the magnitude of change is negligible and the level of impact is therefore slight and not significant .**

#### **Saxelbye**

The village Conservation Area is approximately 1.5km from the nearest turbine. The ES states that the Conservation Area is considered to have a medium sensitivity to visual impacts, while the sensitivity of St Peter's Church and Saxelbye Manor House (both Grade II\* listed) is high. However, the magnitude of change is considered to be minor, giving the screening of the village by trees, which encloses the setting of the building to their immediate cartilage – the wider setting is limited to the village in terms of landscape context. **The ES concludes that the level of impact is therefore moderate.**

#### **Grimston**

The village Conservation Area is approximately 3.5km from the nearest turbine. The site is to the south-east of

Grimston and is screened from the core of the village by trees and intervening village of Saxelbye. The Church of St John the Baptist (Grade II\*) has a tower but is not particularly dominant, and entirely enclosed by mature trees. **The ES concludes that both the Conservation Area and Church the level of impact is negligible..**

**Old Dalby**

The village Conservation Area is 4.5km from the nearest turbine. Views south from the Conservation Area towards the site are screened by Grimston and Saxelbye, as well as intervening trees. **The ES concludes that the level of impact is therefore negligible.**

**Wartnaby**

The village Conservation Area is just over 1.5km from the nearest turbine. The ES states that the village is enclosed and screened from the wider landscape, particularly looking towards the development, by mature trees. St Michael's Church (Grade II\*) is not particularly prominent in the landscape and the setting is defined by the churchyard, and in broader terms by the village context. The ES concludes with regards to the Conservation Area and Church **that the level of impact is therefore moderate.**

**Ab Kettleby**

The village Conservation Area is just over 1.5km from the nearest turbine. The ES states that the Conservation Area has a medium sensitivity to visual impacts. The Church of St James (Grade II\*) has a tall spire and a landscape prominence, although considered well screened by mature trees. The setting of the church is essentially the Church yard, which is well screened. **The ES concludes that the level of impact is therefore negligible.**

**Holwell**

Holwell Conservation Area is 2.5km from the nearest turbine. The ES states that the village is screened, to some extent, from the proposed development by intervening tree belts. **The ES concludes that the level of impact is therefore negligible.**

**Scalford**

The village conservation area is 5km from the proposed development. The ES states that at a distance the turbines would be glimpsed at most, and at ground level screened by intervening villages and woodland. **The ES concludes that the level of impact is therefore neutral.**

The value of the identified Conservation Areas in the ES has been considered by English Heritage. None of the Conservation Areas were considered to be significantly affected except Ab Kettleby, and supplementary



information was requested in this regard. . It is considered that whilst the turbines may have a temporary impact on the setting of the Conservation Areas **English Heritage do not considered that the impact would be significant.**

The concern of English Heritage is that there will be harm to the setting of St James the Greater Ab Kettleby (Grade II\*) and to the setting of the SAM 'Moated Site at Ab Kettleby' and to the setting of St Peter, Kirby Bellars and the SAM 'Garden, Moat and Five Fishpond'. However, they have stated that this harm would be **less than substantial.**

English Heritage have, however, concluded that the proposal would have **substantial harm** to the setting of **St Bartholomew's Church, Welby (Grade II\*)**. This harm is defined as views from the immediate south/south-east of the Church, looking north towards Ab Kettleby. In these views turbines 3 and 4, and to a lesser extent 1 and 2, will appear behind and above the tower of St Bartholomew's Church and will be dominant of the Church in these views. Furthermore they will interfere with the historic relationship between the Church and the designated and undesignated assets at Ab Kettleby.

Supplementary information on the impacts on St Bartholomew's Church was submitted as part of the Regulation 19 request.

#### **St Bartholomew's Church (Grade II\*), Welby Grange and Welby Cottage**

St Bartholomew's Church, Welby Grange and Welby Cottage are all Listed Buildings and determined in the ES to be of **high importance**. The buildings once formed part of the now dispersed and shrunken village of Welby. Each Listed Building has a curtilage but it is accepted that the setting extends beyond that curtilage. The turbines all lie on the opposite side of Welby Lane from the Listed Buildings and the supplementary ES states that they are separated from the designated assets' setting by the land and mature trees that parallel the land and provide screening. The nearest turbine would be approximately 0.4km to the west of the Church

On submission of the additional information English Heritage have confirmed their concerns that there would be substantial harm to the setting of St Bartholomew's. The applicant sought to address this by submitting a scheme of landscape mitigation and measures to reveal the significant of the Deserted Medieval Village (DMV) and in relationship with St Bartholomew's Church (under Regulation 17). The landscape scheme attempts to filter views of the turbines from Welby Lane and to partially screen them. It is also hoped that it would preserve/enhance the positive elements of the 'shared

setting' of the remaining features of the medieval village. The scheme comprises of supplementary hedgerow and tree planting on the northern side, belts of mixed native woodland and hedgerow, lowering the height of the existing hedgerow to the south of Welby Lane to provide better visual connectivity between the Church and DMV and additional tree planting to the north. The Regulation 17 information also proposed measures to explain the significance of the DMV to the south of the Church. These measures include an enclosed interpretation area, including interpretation panel and seating which will provide a vantage point from where the shared setting of the Church, the DMV, Grange Cottage and Welby Grange can be appreciated.

English Heritage have been re-consulted on the Regulation 17 submission and whilst the proposed mitigation is not unwelcome they **do not consider that it will alleviate the substantial harm** caused to the significance of St Bartholomew's due to the size, proximity and dominance of the wind turbines within its setting.

The applicants have expressed their disappointment in relation to the views of English Heritage and have stated that the reversibility of the scheme should be considered. They have stated that the time limit and nature of wind farms is an important consideration when assessing impacts, including the potential effects on the setting of heritage assets. The applicants state, therefore, that it is relevant to have regard to the age and longevity of the heritage asset in question and to compare this against the relatively short period during which the proposed turbines will remain in situ. They state that a period of 25 years is very limited for an asset such as the Church of St Bartholomew's and, indeed other assets cited by English Heritage. Any harm which may arise as a result of the development will be limited in duration and will be removed upon decommissioning of the project. There will be no legacy, no ongoing harm or impact on any heritage asset once the turbines have been removed.

#### **Conclusions on Heritage Assets**

Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or the loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss.

Paragraph 134 of the NPPF states that where a development proposal will lead to **less than substantial harm** to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing optimum viable use.

	<p>Therefore, a <b>balanced judgment, is required</b> as to harm to these Listed Buildings and Scheduled Ancient Monuments outweigh the benefit of the proposed development. The proposal relates to the provision of renewable energy which the NPPF states that LPA should approve if its impacts are (or can be made) acceptable.</p> <p>The harm to these designated heritage assets is a material consideration. However, it is considered that as the harm relates to the setting of the assets (as opposed to physically affecting them or threatening their continued existence) is <b>less than substantial</b> and when considered against the benefits of the proposed development that <b>a ground for refusal on this basis could not be substantiated.</b></p> <p><b>The advice from English Heritage is that the proposal would have substantial harm to the setting of St Bartholomew’s Church, Welby (Grade II*), despite the applicant’s mitigation proposals. Therefore, a balanced judgement is required as to whether or not the substantial harm is outweighed by the public benefits of the scheme.</b></p> <p>The proposed scheme is for a renewable energy scheme which would go towards meeting targets for renewable energy generation, a reduction in CO<sup>2</sup> emissions and the benefits arising through construction and maintenance. There is no argument that the proposal is not considered to cause substantial harm, but the judgement should be to the impact of that harm. Out of all the heritage assets assessed in the surrounding area the scheme can only be seen to have substantial harm on the setting of one Church. When considering this against the benefits of the proposal, the mitigation measures proposed and the reversibility of the scheme, <b>it is not considered that the harm is so serious as to outweigh the benefits of the proposal and therefore that ground for refusal on this basis could be substantiated.</b></p> <p>The mitigation measures proposed will need to be secured through a Section 106 Legal Agreement.</p>
<p><b>MBC Conservation Officer –</b></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 guidance adds that high quality design is the key to minimising the adverse effect of projects such as the siting of wind turbines in the landscape and suggests that considerable weight should be given to ensuring the</p>	<p>Noted – comments on the impact on Heritage Assets is addressed above opposite English Heritage’s advice.</p>

reversibility of renewable energy projects and their associated infrastructure

Due consideration must be given to the following factors:

- Impacts of the proposed development on the historic environment (archaeological remains, historic structures and buildings, designed landscapes, designated sites/areas)
- The setting of historic sites
- The visual amenity of the wider landscape that may detract from its historic character, tranquillity and remoteness

This can be further broken down into the following elements:

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

### **Archaeology**

The foundation of a wind turbine would typically comprise in excess of 100 cubic metres of concrete in a block of up to 16 m diameter and 3.5 m depth. There is also additional infrastructure including various buildings, roadways and boundary treatment. These combined have the potential to damage underlying archaeological remains although disturbance may be limited. In the case of a previously disturbed industrial/extractive/landfill landscape the effect on archaeology is clearly lessened.

### **Landscape Character**

#### **Historic**

The definition of the historic landscape is:

Landscape is the product of millions of years of geological evolution combined with thousands of years of human settlement and activity. The ways in which people in the past and the present have and continue to shape our physical environment is not just a matter of academic interest it affects us all both in the way we identify with our surroundings and with our quality of life.

The Leicestershire Historic Landscape Characterisation, recently completed primarily categorises the wind farm site as either Industrial or Extractive and Landfill.

Industrial land is said to be of low/medium archaeological potential as it is most likely that any remains are likely to have been destroyed. Likewise of low amenity value as they are generally functionally designed spaces. One turbine is sited within the industrial zone.

Noted, commentary on Archaeology is contained within the report below.

Noted

Extractive/Landfill sites are however said to likely be of higher archaeological interest. Three turbines are sited within this classification

**General**

The Landscape Character Assessment of Melton Borough (2006) places the southern section of the wind farm site within an area described as ‘Asfordby Quarry’. This is further described as ‘*a disturbed, excavated, large scale, former colliery landscape now in industrial use*’.

It is noted that large industrial buildings dominate the views. Seven of the nine proposed turbines fall within this characterisation area. It is therefore suggested therefore that the siting of the turbines within this area will have a minimal impact on its character.

The northern part of the site, which contains the other two turbines, falls into the area characterised as ‘Ridge and Valley’. This is described as ‘*a broadly homogenous gently rolling and valley landscape with contrasting large scale arable fields along ridgelines and smaller scale pastures in the valleys, with managed hedges and scattered trees*’. Clearly siting turbines in this area will potentially have more impact than those within the industrial classification.

This area is of course a continually evolving landscape which has changed extensively through time. As such views will include not only the natural environment as it has evolved but also the built environment which includes not only villages but also the many electricity pylons, industrial buildings and chimneys etc (eg: Holwell Works & Asfordby Business Park) which may be considered to have an adverse effect on certain views throughout the area.

**Approach Roads to Melton Mowbray**

The principal difference between this proposal and previous proposals is the high degree of visibility from approach roads to/from Melton Mowbray.

In particular The turbines will be highly visible to the north of the A607 Asfordby by-pass and also from the A6006 approaching Ab Kettleby

Whilst visual dominance is only one of several factors to be considered and there are concerns in this regard.

**Settlements**

The Environmental Statement prepared by Peel Wind Farms has addressed heritage matters in detail. However the following observations relating to those settlements closest to the wind farm site are made;

Noted. The impact on the landscape is discussed within the report below

Noted, again a visual assessment on the landscape is contained within the report below.

The ES considered each of the settlements and Conservation Areas within a 5km radius, outline above. Commentary in relation to the Conservation Areas and

<p><b>Welby</b> (0.4 Km to nearest turbine)</p> <p>The hamlet of Welby is the closest settlement to the east of the site of the proposed wind farm. There are three listed buildings within the hamlet: St Bartholomews Church (grade II* listed c14 origins); Welby Grange (c17) and an outbuilding associated with the Grange (c19).</p> <p>The wind farm site will clearly be visible from Welby and three of the turbines will be very close to Welby Church. Whilst the setting of the Church has clearly been compromised by previous industrial development it is considered that the overpowering effect of the close proximity of the turbines further impacts on it to a higher degree.</p> <p><b>Asfordby Valley and Asfordby Hill</b> (1 Km to nearest turbine)</p> <p>Both settlements lie to the south of the proposed wind farm site. Neither have any listed buildings nor do they have designated conservation areas.</p> <p>The photomontage taken from viewpoint 8 (A6006 - the western end of Asforby Hill) clearly shows that the turbines will be visible from the village. Therefore the setting of the village is clearly affected by this proposal.</p> <p><b>Asfordby</b> (1.5 Km to nearest turbine)</p> <p>Asfordby lies further south of the wind farm site. The village has a designated conservation area and contains several listed buildings including the grade I listed All Saints Church, as well as many other heritage assets. The historic core of the village will not be directly affected by the siting of the turbines.</p> <p>It is likely that the turbines will be visible from certain points within the village but in the opinion of the Conservation Officer the settlement is sufficiently distant so as not to be directly affected by the proposal. Views north of the village from the by-pass will however include the turbines.</p> <p><b>Saxelbye</b> (1.5 Km to nearest turbine)</p> <p>Saxelbye lies to the west of the wind farm site. It has both a designated conservation area and several listed buildings and other heritage assets. The Manor House (grade II*) and St Peters Church (grade II*) are the two most important buildings within the village and both are sufficiently screened from the wind farm site by trees to ensure that their immediate and wider settings are protected.</p> <p><b>Wartnaby</b> (1.5 Km to nearest turbine)</p>	<p>Listed Buildings is addressed above.</p>
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Wartnaby lies to the north of the site and has both a designated conservation area and a cluster of listed buildings together with other heritage assets. The village is considered to have an intimate setting as it is generally enclosed by mature trees and hence screened to a large extent from the wider landscape. In those terms the effect of the wind farm is negligible. The turbines however will be visible in views south of the village.

**Ab Kettleby** (1.5 Km to nearest turbine)

Ab Kettleby lies to the north of the site and has both a designated conservation area and several listed buildings together with other heritage assets such as buildings of local interest. The Church in particular is of high landscape prominence due to its tall spire and isolated location on the edge of the village.

The photomontage taken from viewpoint 2 (the west of the church) clearly shows that the turbines will be visible from the village. Therefore the setting of the designated heritage asset is affected to a degree by this proposal.

**Holwell** (1.5 Km to nearest turbine)

The village has both a designated conservation area and several listed buildings together with other heritage assets. The Church, whilst in a relatively elevated position benefits from an intimate setting within the village and wider landscape. Tree belts within the surrounding countryside tend to screen the village from the wind farm site to a degree. As such the effect on the village setting is diminished.

**Melton Mowbray** (3.5 Km to nearest turbine)

The Peel Environmental Statement suggests that whilst it is possible that the turbines will be visible from some elevated locations within the town they will not be visible from the Melton Mowbray conservation area nor from the listed buildings and other heritage assets within the town. The Officer has no reason to doubt that statement.

**Conclusion**

Wind turbines by their nature are tall and slender in appearance. In that regard some may consider them as graceful structures that may add a certain character to a landscape rather than detract from it

The proposed location of the wind farm is in an area classified in historic landscape terms as industrial land and excavation/infill land and in more general landscape terms as Asfordby Quarry – described as disturbed land in industrial use.

The comments of the Conservation Officer are noted. This application requires a **balanced judgment** as to the impacts on designated heritage assets and the benefits of the proposed development. As identified above there is no objection to the proposal in relation to the setting of the various Conservation Areas. The turbines will be visible from various Conservation Areas and Listed Buildings but not so severe as to cause substantial harm. The area of concern is the **substantial harm** to the Church at Welby. On balance when considering this against the benefits of

<p>The landscape in this area has clearly undergone changes throughout the years. The area as a whole displays subtle variations which include unchanged remote and pastoral landscapes whilst elsewhere the character is strongly influenced locally by industrial units and electricity pylons etc.</p> <p>It is considered that in terms of the existing industrial landscape and changes to it throughout the years - the siting of the turbines may be suitable. Clearly there must be concerns that the introduction of wind turbines within the landscape will mar the settings of some of the more important heritage assets within the vicinity of the wind farm site. Likewise the extent of views of the wind farm from major approach roads into Melton Mowbray from both the north and west raise some concerns.</p>	<p>the proposal, the mitigation measures proposed and the reversibility of the scheme, <b>it is not considered that a ground for refusal on this basis could be substantiated.</b></p>
<p><b>LCC – Planning</b></p> <p>The Cabinet resolved that the County Planning Authority acknowledges that there is general support for the principle of development for renewable energy projects set out in national and regional policy guidance, particularly PPS1 (Supplement on Climate Change) and PPS22. The East Midlands Region has a significant capacity of operational, and consented projects, which exceed the approved targets in the East Midlands Regional Plan. It seems likely that there will be increased significance given to renewable energy generation in future government guidance, and an increase in targets for on-shore wind energy in the future.</p> <p>Notwithstanding the applicant’s own assessment, it is considered that the proposed development would have a significant adverse impact on a number of important historic assets and the wider, relatively unspoilt local landscape setting, contrary to the objectives set out in PPS5. Overall it is considered that the impact of the proposals outweighs the more general environmental benefits for renewable energy generated by the development, and the <b>County Planning Authority OBJECTS to the proposed development</b> on this basis.</p> <p>If the Borough Council is minded to grant planning permission for this development, it is recommended that a condition be attached time limiting the development for a period of not more than 25 years from erection. It is recommended that the colour finish of the proposed turbines and blades be secured by condition to mitigate their impact upon the character and appearance of the surrounding countryside.</p>	<p>Noted. The comments of LCC were submitted prior to the publication of the NPPF and rely on the content of PPS5 and 22. The consultee has not submitted additional comments following the publishing of NPPF. It is against the latter that the assessment should be made as the PPS’s no longer have any standing.</p> <p>Concerns noted. The issues of impact on heritage and landscape are considered elsewhere in this report.</p> <p>Noted</p>
<p><b>Civil Aviation Authority</b> – potential issues from the development include:-</p> <ul style="list-style-type: none"> <li>• May have the potential to impact upon operations associated with East Midlands Airport</li> </ul>	<p>Noted.</p>



<ul style="list-style-type: none"> <li>• May be a need to install aviation obstruction lighting to some or all of the turbines if the location and nature of the structures could be considered a significant navigational hazard.</li> <li>• International aviation regulatory documentation will require rotor blades, nacelle and upper 2/3 of the supporting mast that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study. In isolation the CAA would make no special case for marking.</li> <li>• The number of pre-planning enquiries associated with wind farm development has been significant. It is possible that the proliferation of wind turbines in any particular area might potentially result in difficulties for aviation that a single development would not have generated.</li> <li>• There is a requirement in the UK for all structures over 300 feet high to be chartered on civil aviation maps. Should this progress to achieve charting requirements the developers will need to provide details of the development to the Defence Geographic Centre.</li> </ul>	
<p><b>NATS – Objection</b> to the proposal conflicting with safeguarding criteria. The proposal would have an adverse impact on Claxby radar and NAT’s associated air traffic operation.</p> <p>NERL have subsequently worked with Peel and have agreed a formal agreement and for mitigation. With the agreement in place NATs are confident its infrastructure and operation are protected from the impact of the turbines and <b>withdraws its objection</b> subject to the imposition of conditions.</p>	<p>Noted, <b>the original objection has been withdrawn subject to the imposition of conditions.</b></p>
<p><b>East Midlands Airport</b> – the proposal has been examined from an aerodrome safeguarding aspect. Due to the sites location and the visibility of the turbines on Radar in an operationally sensitive area, it is concluded that this development could <b>not</b> be accommodated without materially impacting upon the continued safe operation of aircraft at East Midlands Airport. Therefore, they <b>object</b> to the proposal.</p> <p>East Midlands Airport have subsequently worked with Peel and have arrived at an agreeable solution in the form of technical mitigation which will remove the radar return of the turbines from the primary surveillance radar at East Midlands Airport, and accordingly <b>withdraws its previous objection</b> subject to the imposition of conditions.</p>	<p>Noted, <b>original objection has been withdrawn subject to the imposition of conditions.</b></p>
<p><b>RAF Cottesmore</b> – will not be affected by the proposal.</p>	<p>Noted.</p>
<p><b>Ministry of Defence</b> – <b>object</b> to the application as the proposed turbines would cause unacceptable interference to the primary surveillance radar (PSR) at RAF Cottesmore.</p> <p>The MOD have subsequently worked with Peel and have arrived at a mitigation solution and accordingly <b>withdraws its previous objection</b> subject to the imposition of</p>	<p>Noted, <b>original objection has been withdrawn subject to the imposition of conditions.</b></p>

<p>conditions.</p>	
<p><b>Charnwood Borough Council</b> – do not consider that the proposal is likely to have a materially detrimental impact on Charnwood. However it is noted that the development fails to consider the possible cumulative impact of the turbine proposal at Wanlip submitted to Charnwood under planning application P/09/2402/2. This application can be considered to be currently 'in planning' for the purposes of a cumulative impact assessment as it is currently subject to an appeal to be heard before an Inspector in February. Melton BC may therefore wish to consider whether additional EIA information should be submitted under Regulation 19 of the EIA Regulations in order to assist the Council in its decision making.</p> <p>The Cumulative viewpoint assessments in Table 11.37 do not seem to assess the development proposal in the context of the additional turbines together, and the impact that the application would have in a cumulative context, for example from viewpoint 6, even though the development site is 1.8km from the viewpoint.</p> <p>It would have been useful to have had a cumulative landscape assessment from each of the chosen viewpoints, rather than just a visual assessment.</p> <p>It is considered that the conclusion of the landscape being one with 'infrequent wind farms' is perhaps a little misleading with the 9 of this proposal, the 9 at Old Dalby 7 km away, the one at Wymeswold 10km away and Queniborough 12km away. Were they all to be approved it is considered that they would become more visible within the Wolds landscape than would normally be perceived as infrequent.</p>	<p>Comments raised in respect of cumulative impact resulted in a request for additional information under Regulation 19 of the EIA Regulations.</p> <p>The applicants submitted an expansion of the LVIA (Landscape and Visual Impact Assessment) to include the Wanlip Wind Turbine. The consent at Wanlip in the borough of Charnwood was for a single turbine of up to 132 m to blade tip. The turbine is approximately 15 km from the proposed development at Asfordby. The ES contained cumulative assessment of the proposed wind energy development at Queniborough which is located 6 km to the east of the Wanlip turbine in a similar direction from Asfordby. Therefore it can be concluded that the proposal at Queniborough has greater potential to result in a cumulative landscape and visual effects with Asfordby than the turbine at Wanlip.</p> <p>The cumulative assessment in the ES concludes that there would be a <i>'minor level cumulative visual effect'</i> where the proposed development at Asfordby and Queniborough <i>'would be visible together from some elevated positions within the Wolds with south-west facing views along the Wreake Valley'</i>. Therefore, the consented turbine at Wanlip would also be visible in such views. However, it would be more distant and more limited in its visibility.</p> <p>Chapter 16 of the ES considered the issue of cumulative impact which are those that may result from the combined or incremental effects of future activities and considered that whilst a single activity may itself result in an insignificant impact, it may, when combined with other impacts in the same geographical area and occurring at the same time, result in a cumulative impact that is significant. The proposed development was assessed against the following developments;</p> <ul style="list-style-type: none"> <li>• Wymeswold – single three bladed wind turbine, 8 km west of Asfordby with a hub height of 55m and blade diameter of 47m.</li> <li>• Dalby Wind Park – erection of 9 turbines 7 km north west of Asfordby, 49m to blade tip.</li> <li>• Queniborough – erection of 4 turbines 11km south-west of Asfordby, 126.5m to blade tip.</li> </ul> <p>The principal cumulative effect was identified as the combined visibility of Asfordby, Queniborough and the single turbine at Wanlip in some views along the Wreake Valley from the southern fringes of the Wolds. However, it is considered that this visual effect would not be significant and therefore the proposed development would have no significant cumulative impact.</p> <p><b>It is considered that the proposal would not have a</b></p>

	<b>significant cumulative impact.</b>
<b>Environment Agency</b> – No objection subject to conditions regarding drainage details, working method statement to cover all channel crossings, environmental statement, contamination, storage of oils/fuels/chemicals and piling.	Noted – can be conditioned.
<p><b>LCC Archaeology</b> –</p> <p>The geophysical survey records anomalies of archaeological interest and probable significance north of Turbine 6 (HER ref.: 18614; SK 7216 2106). The form of these features suggests the presence of later prehistoric or Romano-British occupation/settlement. Other linear anomalies probably representing contemporary field systems and relict medieval ridge and furrow and were located across the development area (Turbine 1, south of Turbine 4 and north of Turbine 8).</p> <p>It was recommended that the applicant be required to undertake a phase of targeted evaluation (trial trenching), comprising, limited investigation of each turbine location, trenching of the associated crane base and trenching to investigate the impact of proposed development on the detected geophysical anomalies. This should take the form of trenches excavated in a cruciform pattern centred upon the turbine, with an additional trench targeting each crane base. Additional trenches are required adjacent to the probable settlement site in Field 6 (north of Turbine 6). The remaining anomalies can be dealt with through the application of appropriate conditions.</p> <p>The completed site specific survey has been targeted upon the locations of and services to, Turbines 1, 2, 4, 6 and 8, no direct investigation of Turbines 3, 5, 7 and 9 has been undertaken (excluding the initial Environmental Statement). However, in the latter case (T3, 5, 7 &amp; 9) the turbines in question lie within areas likely to have been extensively disturbed by previous development, consequently, it is unlikely that their proposed construction will have any significant impact upon below ground archaeological remains.</p> <p>The preservation of archaeological remains is, of course, a “material consideration” in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains present within the footprint of the proposed turbines and truncate or damage remains affected by the associated infrastructure. <b>The submitted information is insufficient to assess the impact of the proposals upon the significance of any affected heritage assets</b>, consequently, since it is possible that archaeological remains may be adversely affected by this proposal, recommend that the planning authority defer the application and request a further phase of archaeological investigation as outlined above.</p> <p><b>As part of the Regulation 19 request trail-trenching was undertaken. LCC Archaeology were re-consulted on the</b></p>	Noted. It is considered that the initial concerns with regards to Archaeology have been satisfactorily addressed through the completion of further field work and trail trenching. <b>Conditions can be imposed as requested should permission be granted.</b>

<p><b>Regulation 19 information submitted;</b></p> <p>The fieldwork indicated the presence of archaeological remains, at a shallow depth, dating from the Mid/Late Iron Age to Roman periods situated on top of a ridge on the eastern site of the development area between Turbines 4 and 6. It is likely that works associated with the construction of access/service roads will impact upon the identified remains. In addition to the above, a single, undated ditch was recorded running north-south on the proposed site of Turbine 6. Whilst previous geophysical survey has suggested the presence of archaeological remains with the crane base for Turbine 1 and within the proposed compound/storage area north of Turbine 8. No other archaeological remains were observed. Whilst Turbine sites 3, 5, 7 and 9 were not tested, evidence of previous disturbance associated with either the former open cast coal pit or industrial development strongly suggest the turbines, crane bases and the linking infrastructure will have a minimal potential to either contain or impact upon significant archaeological remains.</p> <p>It is recommended that the applicant is now required to make provision for the appropriate archaeological investigation and recording of the observed remains. This will require prior archaeological soil stripping of the line of the proposed access track crossing the field north of Turbine 6, centred on c. SK72182110. All exposed archaeological remains will be appropriately investigated, sampled and recorded. The applicant will also make provision for the archaeological monitoring on soil stripping of the crane base for Turbine 1, the base of Turbine 6 and soil stripping associated with the construction of the site compound. The applicant will also make provision for contingency archaeological investigation and recording on the latter sites (T1, 6 and compound) to be activated in the event that exposed archaeological remains are of such significance as to warrant their more detailed recording.</p> <p>Therefore they raise <b>no objection</b>, subject to the imposition of conditions.</p>	
<p><b>LCC Footpaths</b> – no comments to make on the proposed location of turbines 3, 5, 7 and 9.</p> <p>Turbines 1 &amp; 4 will only be 84m and 115m from public footpaths G62 and G63, which is short of the fall-over distance and therefore do not meet the minimum separation distances as advised in PPS 22.</p> <p>Turbine 2 will only be 60m from public footpath H33 which is substantially shorter than fall-over distance.</p> <p>Turbine 8 will only be 83m from public footpath E14 and only 49m from the farm track which is often used by pedestrians and which is a permissive bridleway. This is short of the recommended distances. Installation of turbine</p>	<p>Noted, LCC Footpaths <b>strongly object</b> to the proposed locations of turbine 6 and are concerned with regards to the location of turbines 1, 2, 4 and 8 in relation to the fall-over distances.</p> <p>With regards to fall over distances and minimum separation standards advised in PPS 22 it should be noted that there is <b>no statutory or policy separation distance between a wind turbine and a public right of way</b>. PPS 22 has been replaced by the NPPF, however, guidance from the DCLG is that the PPS22 ‘Companion Guide’ <b>has not</b> been cancelled and remains extant. The Companion Guide at paragraph 57 notes that whilst the British Horse Society has recommended that there should be a separation distance of 200 metres between turbines</p>

<p>8 would represent the loss of a local facility for many horse riders and is not something that the County Council can support.</p> <p>Turbine 6 will only be 50m from restricted byway G60a. The recommended distance from a bridleway is 200 metres (PPS 22). The proposed location is only one quarter of the recommended distance from the right of way and is therefore unacceptable. The development will make the use of the restricted byway less convenient, unsafe to some and discourage future use. <b>Strongly object</b> to the location of this turbine.</p> <p>In any development they would expect to see improvements to the rights of way. The location of turbine 6 is bound to discourage the use of the right of way and such a development could be considered to be a statutory nuisance.</p> <p>Construction of the access roads is also an issue. If the development goes ahead then the rights of ways should be temporarily diverted during construction rather than closed.</p> <p>The control building A is shown on the proposed new route of restricted byway G60a.</p>	<p>and bridleways, whilst this could be deemed desirable, this is not a statutory requirement. Paragraph 58 states that there is no statutory separation distance required to be achieved between wind turbines and public rights of way. Whilst it may appear to be an anomaly that a Companion Guide is still relevant when the policy it complements has been replaced, it must still be noted that <b>there is no policy or statutory requirement that states the distances a turbine must be from a bridleway or public right of way.</b></p> <p>It is practice elsewhere that the minimum distance to a Public Right of Way (PROW) or bridleway is often taken that the turbine blades should not be permitted to oversail a public right of way. With regards to this application, none of the turbines would oversail a public right of way or bridleway.</p> <p>Therefore, with regards to this application a <b>judgement</b> is needed as to whether the proximity of the footpaths/bridleways to the turbines would cause an impact on the users of these facilities that can be deemed to be unacceptable. It is considered that the strong objections lodged by users of footpaths and bridleways are comparable with those lodged to other windfarm proposals. In one such example (08/00990/FUL nr. Bottesford) the Inspector concluded that whilst the experience of users would dramatically change, their use would not be physically impaired and such impacts were not “unacceptably harmful”.</p> <p>There is no evidence to suggest that turbines discourage the future users of these facilities and there is no statutory requirement for minimum distance separations to PROW and bridleways. With no evidence or further policy guidance to replace or conflict with the guidance in the Companion Guide to PPS22 it is considered that there is insufficient ground to substantiate a reason for refusal on these grounds.</p> <p>With regards to the position of the control building it would appear from the plans that the building is not located on footpath G60a. If the building was to be located on a footpath this would be considered an offence under the Highway Act and the building would not be permitted.</p>
<p><b>The Ramblers – no objection</b> to the application but would wish for PROW G60a to remain open at all times during the construction phases.</p>	<p>Noted. The agents have stated that the construction of turbines 1-4 and 6 would <b>not require the temporary closure of footpaths and bridleways</b> and through the use of careful Traffic Management measures G60a will remain open during the construction period.</p> <p>The <b>temporary closure of G60a for short periods</b> during times of significant construction traffic will be needed during the construction of turbines 5,7 and 8. The impact of this will need to be managed through a detailed Traffic Management Plan which can be secured by means of a</p>

	condition.
<p><b>British Horse Society Leics &amp; Rutland</b> - fully support LCC Footpaths comments and objections.</p> <p>However, they would like to make the following explanations and comments on the application and trust these can be taken into consideration.</p> <p>Firstly, the government guidance in PPS22 does not explain WHY the British Horse Society asks for a separation distance between bridleways, byways, roads and turbines. This is because, in sunshine, the moving blades throw a regular pattern of bending shadows across the ground that the horse is being asked to cross. We believe the horse sees these as snakes and will not cross the shadows. The horse is, if pressed, likely to panic, whip round and run blindly away from what it fears. This can result in injury to the rider and any third party that may be involved in its flight, whether a walker or vehicle. And, of course, the horse itself. Turbine 6 is therefore of very real concern in relation to Byway G60a AND the nearby Welby Lane as a horse approaching from Welby Lane, could whip round and gallop back out onto the Lane into traffic.</p> <p>Once this has happened to one horse and rider, all other local riders are likely to refuse to use the route. So it is effectively obstructed and taken out of the local circuit.</p> <p>To say that there are other Rights of Way available in the area is not true for horse riders. In the Asfordby-Welby area there is very little off-road riding and the network is lessened, not increased as required under the Policies in the Leics Rights of Way Improvement Plan.</p> <p>If Turbines 6 could be relocated to the NORTH of Byway G60a this would minimise or eliminate the possibility of shadows falling across G60a. The same applies to Turbine 8.</p> <p>Additionally: The application gives the impression that the permissive bridleway at the S end of the site - in the vicinity of Turbine 8 - has been gifted by the applicants. In fact, it was established in 2008 under Defra's Higher Level Scheme (HLS).</p> <p>The BHS would like a commitment that it will be retained during the life of the wind farm attached to any approval of the application as this route gives purpose to Bridleway H34 which otherwise ends abruptly at Asfordby Farm, if necessary by the applicants taking on the HLS funding.</p> <p>During the life of the mine, G60a was suspended and - recognising its importance to the riding network - a bridleway diversion northwards along footpaths G62 and</p>	<p>The concerns of the BHS are noted. An assessment in relation to the use of the PROW and bridleways is contained above. Again it should be reiterated that there is no statutory or policy based distance separation requirements.</p> <p>The guidance issued by the DCLG is that the Companion Guide to PPS22 is still a material consideration. Again it must be reiterated that this is a Companion Guide to a Policy Statement which itself has been replaced by the NPPF. However, the Companion Guide to PPS22 is that the BHS suggests a 200 metre exclusion zone around bridle paths to avoid wind turbines frightening horses. It proceeds to state that whilst this could be deemed desirable, it is not a statutory requirement, and some negotiation should be undertaken if it is difficult to achieve.</p> <p>Renewable UK has produced a leaflet regarding wind energy and horses and advises that the shadow flicker which is the concern in relation to the horses <i>“only occurs when the sun is directly behind the turbine, and therefore can be quantified, in the worst case scenario for a maximum of 14.25 hours of such shadow during the year, in reality dropping to just 20-30% of this (due to cloud cover), therefore 3.24 hours per year”</i>. This guidance is relatively limited in weight, however, a recent appeal on a wind farm in Leicestershire in 2008 was allowed and the Inspector commented on this issue; <i>“submissions by those concerned about the effects of turbines on horses reflect over cautious anticipation rather than actuality. Horses can co-exist with turbines as shown by photographs of an area of a wind farm being used for an equine competition. Even if the turbines were to limit to some extent equestrian use of the bridleways and roads in the immediate environs of the wind farm this would be a matter to weight in the balance rather than a reason for refusal”</i>.</p> <p>As stated above, a <b>judgement</b> is needed as to whether the proximity of the bridleways to the turbines would cause any <b>significant and unacceptable impact</b> on the users of these facilities. There is no evidence to suggest that turbines discourage the future users of these facilities and there is no statutory requirement for minimum distance separations to PROW and bridleways. Similar to footpath use addressed above, the appeal decision near Bottesford concluded that the proximity of turbines to bridleways is not grounds to refuse permission. It is considered that the circumstances of that case are sufficiently similar to this application that a comparison can be made.</p> <p><b>It is considered that there is no ground to substantiate</b></p>

<p>G63 was established. One of our members was assured at the public consultation meeting in Asfordby that this route would remain - in addition to restored G60a - available to riders.</p> <p>This commitment is not reflected in the application and we believe that it should be. That would help fulfill the requirements of the county's RoWIP of improvements to the network.</p> <p>We would ask that a condition that the relevant parts of footpaths G62 and G63 be upgraded to bridleway status should be added to the consent.</p> <p>Although we have reservations about Turbines 2 and 4 and their proximity to Welby Lane, we indicated to the applicants, during pre-application consultation, that in view of the tall linear spinney along the Lane, we would not be objecting to these. It is essential, therefore, that the spinney is maintained in its present condition, or strengthened as a visual barrier from the Lane.</p>	<p><b>a reason for refusal on these grounds.</b></p> <p>With regards to the request to impose a condition for the footpaths to be upgraded to bridleway status, the evidence submitted with the application states that the turbines would not impact on these footpaths and therefore to require the developers to upgrade them would be unnecessary and would not meet the tests of Circular 11/95.</p> <p>Noted.</p>
<p><b>National Trust</b> – Having assessed the submitted documentation having regard to the likely impacts upon the National Trust's interests in the wider area (i.e. Woolsthorpe Manor, The Workhouse at Southwell and Belton House) they advise that it is not considered that any visual impacts upon these particular interests, which the NT are charged with safeguarding on behalf of the nation, would be so severe as to warrant refusal of the planning application. Generally the Trust is supportive of appropriate forms of renewable energy infrastructure in appropriate locations and no doubt the Council will be carefully assessing both the energy benefits and the wider, cumulative, impacts of the proposed development.</p>	<p>Comments noted.</p>
<p><b>Network Rail</b> –have <b>no objection</b> in principle. Their only concern would be the route that construction traffic will take to/from the development during the construction phases with relation to railway bridges or level crossings along the route. Therefore they request that they be informed of abnormal loads with a minimum of 6 weeks notice.</p>	<p>Noted.</p>
<p><b>Serco</b> – Serco Technical Consulting Services, acting as Agents for London Underground, wish to make the following comments in respect of the above Planning Application. Note that we occupy Unit F at Asfordby Business Park where we manage and operate the Old Dalby Test Track for London Underground.</p> <ol style="list-style-type: none"> <li>1. Position of application boundary for turbine No 9 encroaches our work site.</li> <li>2. Power supply cables repositioning underground may cause programme disruption.</li> </ol>	<p>The objection by Serco is noted. The applicant has worked with the organisation to try and resolve the issues raised.</p> <p>Serco have removed some of their objections to the scheme but still remain concerned with regards to safety and radio transmission and would wish for uninterrupted usage of their safety critical radio system. Peel have stated that Serco currently use analogue “walkie talkie” radios to communicate between trains on the test facility and the control room. The coverage on the analogue system is not perfect and there will be interruptions in reception. It is acknowledged that the proposed wind farm may affect performance of the radio communication system.</p>

<ol style="list-style-type: none"> <li>3. Connection to 132Kv supply at Welby Lane and possible influence or disruption to power supplies.</li> <li>4. Power supply maintenance to wind farm and possible outages disrupting supplies</li> <li>5. Turbine No 9 position will foul 25KV overhead lines.</li> <li>6. Possible EMC emission and immunity issues.</li> <li>7. Turbines are within 'line of sight' of safety critical radio transmissions possibly leading to RFI problems</li> <li>8. Noise levels at close proximity to turbine No9.</li> <li>9. Danger to hawks used in pigeon control.</li> </ol> <p>Having negotiated on the above with Peel Serco still wish to <b>formally object</b> the proposal. Of the nine items of concern in their original objection, six have been largely resolved to a point where we accept Peel Energy's proposals or clarifications. Regarding the remaining items our objection relates primarily to item 7 below and also items 1 and 6.</p> <p>Item 7 - Turbines are within 'line of sight' of safety critical radio transmissions possibly leading to RFI problems. Proposals forwarded to us by Peel Energy, complete with mitigation measures, do not guarantee continual uninterrupted usage of our safety critical radio system.</p> <p>Item 1 – Position of application boundary for turbine No 9 encroaches our work site. Whilst Peel Energy have assured us that the boundary for turbine No 9 will be moved to avoid encroaching our site we are unable to find an updated plan on Melton Borough Council planning portal confirming this.</p> <p>Item 3 – Possible EMC emission and immunity issues.</p> <p>On receipt of amended plans SERCO remain in objection to Item 7 and an additional item concerning 25kv overhead cables.</p> <p><b>Radio Communications (Item 7)</b></p> <p>The integrity of our radio communications system is essential for the safe and efficient running of the Old Dalby Test Track. Dependable radio communications are necessary for maintaining contact between our Control Room and train drivers as well as other personnel on the railway such as sub-contractors maintaining the infrastructure. Often there can be as many as six to ten different personnel issued with radios for various reasons such as, to obtain permission for train movements, report work locations and to seek safety guidance when working on track. Another major reason for radio use is of course the</p>	<p>Peel are therefore proposing a mitigation package with comprises either the installation of a further repeater station and/or the replacement of the analogue “walkie talkie” radios with their digital equivalent. If either of these mitigation packages are implemented London Underground will benefit from improved radio performance.</p> <p>Serco maintain that this will not guarantee continual uninterrupted usage of their safety critical radio system it should be noted that the current system would not appear to provide this.</p> <p>It is considered that mitigation measure could be put in place and controlled by means of a condition.</p>
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<p>need to contact control should an emergency arise which could involve anything from form a personal accident to an incident such as a train derailment.</p> <p>Our current radio system works on the “line of sight” principle in which signals are beamed directly between transmitters and receivers. Any considerably sized object place between transmitter and receiver will effectively block the signal thus destroying our ability to operate the radios, and it is the positioning of turbines 8 and 9 that may well lead to this unacceptable situation.</p> <p>Discussions on this have taken place with PE and indeed three separate reports have been commissioned to look at the problem. PE have suggested mitigating measures but the our reason for maintaining an objection is that PE have not yet formally tabled a proposed solution for our consideration nor have they indicated agreement to cover all costs incurred, including any financial penalties imposed by our Client London Underground, should train running and testing be stopped because of a communications failure brought about by the introduction of the windfarm.</p> <p><b>25 Kv overhead cables</b></p> <p>Originally tabled as Item 5 in our email to you dated 17 January 2011 (see below), this issue was not included in our last email because an agreed understanding had been reached with PE. It is being raised again because no firm written confirmation of the understanding has been received from PE.</p> <p>The situation on this is that 25Kv overhead power cables supplying our site run directly in front of turbine 9. A risk was identified at an early stage that should the turbine topple onto the cables all power would be lost due to damage. Should this happen at a time when 25Kv trains are being tested then a programme delay would be incurred along with associated financial penalties.</p> <p>To avoid the possibility of this happening PE verbally agreed to bury the cables underground away from the “topple area”, this was accepted by us subject to finalisation of proposals. Again, no firm proposal has been received from PE nor any confirmation that all necessary work would be undertaken at their expense. For these reasons we are now formally objecting to the positioning of turbine 9 unless said proposal and cost responsibility are acknowledged and accepted by PE.</p>	<p>With regards to the objection in relation to the overhead cables. The applicant has stated that they are willing at their own cost, to place underground that section of the 25kv cable serving the Serco facility which lies within topple distance of the proposed Turbine T9.</p> <p>Peel have stated that they have provided this written agreement by email on the 19<sup>th</sup> December 2011 and 30<sup>th</sup> January 2012 to Serco and therefore considers the matter to be resolved.</p> <p>However, if the Council considers it necessary this can be controlled by means of a condition</p>
<p><b>British Railway Board BRB (Residuary) – objects</b> to the application as the wind farm encroaches onto the Asfordby Test Centre which is associated with the Old Dalby Test Track which is a facility for testing railway rolling stock. The development would be severely prejudicial to the current programme of testing trains for London Underground and it would severely inhibit further use of the</p>	<p>Concerns noted. There has been no evidence produced to show how the proposal would have an adverse impact on the test track. The issue over communication has been addressed above and could be controlled by means of a condition. Without any evidence to demonstrate the harm it is not considered that this is a reasonable ground for refusal.</p>

test track.	
<p><b>LCC Highways Authority –</b> The Transport Assessment submitted with the application gives details of proposed traffic generation including details of construction traffic and also details of abnormal vehicle routes.</p> <p>Two routes (1 and 2 ) are identified for the delivery of turbine components from Goole Docks to the site.</p> <p>The two routes make use of the Strategic Route network, however, route 1 is the preferred route and abnormal deliveries would use this route in the first instance. Route 2 would require more enabling works for example at the A6/A6006 junction north of Hathern where traffic signals and toucan crossing facilities would need to be temporarily removed.</p> <p>The Highway Authority did express concerns over the width and height available underneath Welby Lane bridge and therefore the suitability of that route to enable turbine delivery vehicle to pass through it. The applicants consultants, Waterman Boreham on the 18th March 2011, provided more details of the dimensions and a swept path drawing. On the basis of that information, the Highway Authority is satisfied that the route is feasible.</p> <p>The impact of traffic is during construction and furthermore, it could not be demonstrated that the proposed development would result in a material increase in traffic visiting the site following construction. The Highway Authority therefore has no objections to the proposed development.</p> <p>Recommend conditions be imposed.</p>	<p>Concern has been expressed by the County Council Highway Authority that the width and height available underneath Welby Lane bridge and therefore the suitability of that route to enable turbine delivery vehicle to pass through it. The applicants provided more details of the dimensions and a swept path drawing. On the basis of that information, the Highway Authority is satisfied that the route is feasible.</p> <p><b>The proposed is not considered to have a detrimental impact on highway safety.</b></p>
<p><b>Highways Agency –</b> have reviewed the information concerning the swept path analysis of the A1/A46 Junction and are satisfied that there is sufficient room to transport the wind turbines on the A1 southbound to A46 westbound via A1/A46 Winthorpe junction, negating the need for temporary works.</p> <p>The Highway Agency confirms that the proposed development is not expected to have a material impact on the closest strategic route, the A1 truck road and therefore has <b>no objection</b> to the proposal.</p>	<p>Noted.</p> <p><b>The proposal is not considered to have an adverse impact on users of the A1 with regard to distraction or ‘icing’.</b></p>
<p><b>Natural England –</b> would <b>not object</b> to this proposal on landscape grounds because it does not fall within a protected landscape or within a landscape that can be considered as being sensitive.</p> <p>In general Natural England considered that the Environmental Statement has been carried out following accepted guidelines and covers Natural England’s interest in</p>	<p>Noted, an assessment on the impact on the landscape is contained in the report.</p> <p>Noted – no basis for refusal on these issues has been</p>

<p>sufficient detail. From the evidence presented that are satisfied that the proposed wind farm will not make an unacceptable impact on the landscape or ecology of the area provided that the recommended mitigation and compensation measures are fully implemented. Therefore, based on the information provided, Natural England has <b>no objection</b> ,to the proposal, subject to recommendations and conditions.</p>	<p>identified and conditions can be imposed on any grant of planning permission. Initial concerns have been addressed with the supplementary information received.</p>
<p><b>LCC Ecology</b> – have a number of concerns with the application and request a <b>holding objection</b> until they are resolved.</p> <p>Further to the additional information supplied under the Regulation 19 request, they can confirm that subject to receiving, and being satisfied with the contents of, Figure 7.4 (Barn Owl Nest and Exclusion Area) they <b>remove the holding objection on this application.</b></p> <p><b>Badger</b> LCC Ecology are satisfied with the clarification of the working area. And are in agreement that badgers should not be impacted by this development, provided that works are kept a minimum of 30 meters from the badger setts. It appears from the plans that this can be completed within the current site design. However, we also feel that it is appropriate to request a condition for an updated badger survey immediately prior to the commencement of the development, to ensure that badgers have not moved into the development area.</p> <p><b>Great Crested Newts</b> It is appreciated that the proposal for installing the cable between T8 and T9 has changed since the original information was submitted. The new proposed drilling will involve less habitat disturbance. In agreement with the mitigation measures outlined in the original ES and would request that these are made a condition .</p> <p><b>Water Vole</b> Water voles are rare within Leicestershire and it is essential that this mitigation is completed as part of the development. The mitigation stated on page 29, 31 and 32 of the Supplement to Environmental Statement (November 2011) and indicated on Figure 7.3 (Water Vole mitigation plan) is satisfactory. Recommend that this is a condition.</p> <p><b>Barn Owl</b> The tree is to be fenced and protected throughout the development.</p> <p><b>LCC Ecology recommendations are that conditions are imposed if planning permission be granted and are satisfied that this proposed mitigation can be incorporated into the development.</b></p>	<p>Noted; no basis for refusal has been identified from these issues– <b>conditions can be imposed on any grant of planning permission.</b></p>

**MBC Environmental Health – Noise**

In considering noise output from a wind farm, local authorities are obliged to have regard to the ETSU-R-97 report, The assessment and Rating of Noise from Wind Farms. Chapter 9 has demonstrated that they have carried out an assessment in accordance with this report. Noise measures were taken over 21 days at 8 appropriate locations centred on the proposed location of the wind farm. Noise predictions were made using an International Standard ISO 9613, Acoustics – Attenuation of Sound During Propagation Outdoors and based on the warranted sound power levels for Vestas V90 2MW Wind Turbines.

At all locations the predicted noise levels were below the limits set in accordance with the ETSU-R-97 report. Although some locations and certain wind speeds the predicted noise levels form the wind farm will be slightly above the background noise.

Conditions are recommended which will take into account tonal characteristics. At low wind speeds it is feasible that the noise from the turbines may be less than the absolute noise levels although a tonal characteristic to the noise from the turbines may still exist. Further information on third octave bands and tonal quality was requested.

Additional information was submitted as part of the Regulation 19 request. The Environmental Health officer advised that a potentially prominent tonal element to a noise can arise when the noise level in one one-third octave band analysis is more than a certain amount above the noise level in both the adjacent one third octave bands. The values vary depending on different frequency levels.

Appendix 9, shows that these noise levels are not exceeded. The point is made that a warranty will be secured from the manufacturers of the turbine to ensure that no tonal penalty will be required in any assessment of measured noise level once the turbines are operational. This appendix provides comprehensive data on measurements and calculations in order to confirm that a tonal element to the noise output from the turbines is not anticipated, although only for the wind speeds 5,6,7 and 8m/sec. As the cut in speed for the turbines is 3m/sec I believe the information would have been more comprehensive if it had included 3 and 4m/sec. A condition is recommended.

It is also recommended that there are conditions on restriction on the times during which construction and de-commissioning works are undertaken.

Impact from construction noise has been assessed using BS 5228. As a consequence it is concluded the noise from construction works, that is in relation to both access tracks and the works associated with the erection of the turbines,

The former PPS22 states that the 1997 report by ETSU should be used to assess and rate noise from wind energy developments. The ES contains details of an assessment which has been undertaken in line with the established ETSU methodology. However, since publication of the ES and the determination of this application PPS22 has been replaced by the NPPF. The NPPF includes footnote 17 which states that in determining application for wind developments LPA should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. This guidance states in very clear terms that **ETSU R 97 “should be used”** and states also that the Government is satisfied it is “a sound basis for planning decisions”.

**It is considered that given the NPPF is recent and up to date National Policy which endorses the use of ETSU R 97, and the clarity of the position within the National Policy Statement, that this methodology is appropriate**

Additionally, a previous Public Inquiry closely examined the merits of the use of this methodology against alternative approaches, particularly BS4142 (08/00990/FUL) and concluded that there was no reason to deviate from the use of ETSU R 97.

Noise predictions have been undertaken in the ES, taking account of a wide range of factors. Baseline noise measurements have been carried out at 8 residential locations, representative of the nearest properties to the site, as agreed with Environmental Health. Turbine noise levels were predicted based on warranted sound power levels for Vesta V90 2MW wind turbines. The assessment has been carried out by comparing the predicted noise levels with noise limits in ETSU-R-97. The assessment shows that the night-time assessment shows that the predicted turbine noise levels, at the nearest residential locations to the site, are below the night time noise limits under all wind conditions. The daytime assessment shows that predicted turbine noise levels, at the nearest residential locations to the site, are below the lower daytime noise limits under all wind conditions.

**The Environmental Health team have reviewed the methodology employed by the applicant and have concluded that it is both sound and robust, and accords with ETSU-R-97.**

The issue of noise is a major concern, particularly, to the surrounding residential properties of a development of this nature. The Council has received a high level of objection and challenge in relation to the issue of noise from STOP and written objections. Therefore, in view of the level of

will not have a significant effect.

Noise arising from decommissioning activities are highly likely to be lower than the construction activities assessed here, and will meet the adopted criteria and will not be significant. Decommissioning will be carried out and monitored according to the recommended accepted practice in place at that time.

concern and challenge **the Council commissioned an independent assessment** addressing the methodology used and the adequacy of the measurements taken to comply with it.

The report advises;

- The monitoring and modelling work presented in the noise assessment are considered to be appropriate and robust.
- It is considered that the ETSU-R-97 methodology is a suitable method for assessing 'significant adverse impacts'. As the ETSU-R-97 criteria are met, it is considered unlikely that there will be 'significant adverse effects on health and quality of life' arising from noise from the turbines and as such the NPPF test is met and the planning application should not be refused on noise grounds.
- Given the audibility above background considerations it is evident that the wind turbines will be heard, the amount of which is dependant on location, wind direction and meteorological conditions. The significant and weight of the effects of being able to hear the turbines should be considered on balance with the other planning merits.

The report also recommended consideration of a planning condition including noise limits which are lower than provided for under ETSU-R-97 in order to provide 'comfort' for the concerns expressed.. The independent assessment has concluded that the proposed development would meet the noise limits set by ETSU-R-97 and have also advised the Council that this is the most appropriate assessment methodology for wind farm applications. Therefore, it is considered that to implement a condition with a noise limit 5db below that set out in ETSU-R-97 would be unreasonable and unjustified.

The independent expert has also advised that the overriding policy is NPPF, which offers clarity on 'significant'. It can be argued that any development that causes any noise has the potential to 'affect amenity'. However the most important thing to stress is that the 'audibility consideration' of the turbines should only be considered when it comes to conditions (and if necessary, how many and where the turbines are) it cannot be a reason for refusal as there is no way that simply being able to hear the turbines from time to time when you are outside is not enough to be deemed as 'significant adverse impacts'. A refusal on noise grounds, would of course be open to criticism at appeal.

**Accordingly it is not considered that noise issues (in terms of volume) are grounds on which the development could be refused and should not feature as an objection from this Council.**

<p><b>Amplitude Modulation</b></p> <p>A High Court judgement issued in May 2011 confirmed amplitude modulation conditions set for a planned wind farm are valid. This related to the Denbrook Valley Wind Farm. This judgement supersedes the NAN R 233 – Research into Aerodynamic Modulation of Wind Turbine Noise, published by Salford University in July 2007 - Commissioned by the Department for Business Enterprise and Regulatory Reform, which included in the Summary:</p> <p>“The low incidence of AM and the low numbers of people adversely affected make it difficult to justify further research funding in preference to other more widespread noise issues. On the other hand, since AM cannot be fully predicted at present, and its causes are not fully understood we consider that it might be prudent to carry out further research to improve understanding in this area.”</p> <p>The Judgement also supersedes the ETSU-R-97 Report – The Assessment and Rating of Noise From Wind Farms, published in September 1996.</p> <p>Chapter 9 of the Environmental Statement submitted in support of this application addresses the question of amplitude modulation by referring to both ETSU-R-97, in paragraph 9.2.16 “ The noise limits prescribed in ETSU-R-97 take into account the fact that all wind turbines exhibit the character of noise described as blade swish, to a certain extent”, and the NANR 233-Research into Aerodynamic Modulation of Wind Turbine Noise in paragraph 9.2.17..</p> <p>At the time of writing the wording of the conditions are in dispute, the judgement does nevertheless establish the principle that these earlier documents do not fully address the possibility of a nuisance arising from Amplitude Modulation. This being the case it is believed that it is appropriate for the applicant to provide additional details explaining how a nuisance from Amplitude Modulation would be prevented</p> <p>The applicant has provided information in respect of AM, “.....such effects occur, the operator will work with the LPA to resolve the issues including necessary mitigation to eliminate any additional impact due to such an effect.”</p> <p>Environmental Health accept the comment about the absence of an appropriate methodology for the assessment of amplitude modulation and recommend a condition.</p> <p>Accordingly no objection, subject to conditions.</p>	<p>The issue of amplitude modulation (AM) effects is where noise from the turbine is perceived to rapidly change in amplitude and is also considered as low frequency noise (LFN). This issue has been considered by the Environmental Health Officer who is satisfied that this can be controlled by means of a condition.</p> <p>Due to high level of concern expressed with regards to amplitude modulation advice was also sought from the independent noise consultant on this issue.</p> <p>The consultant advised that excessive amplitude modulation (EAM) is not addressed in detail in the Hayes McKenzie Report and there is no suitable assessment methodology for the assessment of AM It is suggested that a noise related condition can be attached stipulating that before the scheme comes into operation a scheme for assessing EAM should be submitted to and agreed with the Council. Furthermore, to reduce the risk of EAM it is suggested that the turbines should be slightly re-sited to avoid direct alignment of multiple turbines and residential properties within 1km.</p> <p>The applicant has stated that due to the stated low risk of occurrence and that a planning condition can be applied they are not proposing to adjust the scheme in this manner.</p> <p><b>The question of AM and LFN are emerging issues. There are no guarantees that this development would be free from such effects, that if present it could not be eliminated nor is there evidence such effects will be inevitable and will give rise to adverse effects, including on health. As such, this issue does not represent reliable grounds for refusal and should be controlled through means of a condition.</b></p> <p><b>Having considered the assessment of the Environmental Health Officer and the independent noise consultant there is no evidence to show that the proposal would have a significant impact in relation to noise or amplitude modulation which could not be controlled by means of a condition. Therefore, it is not reasonable to considered noise and AM as a grounds for refusal.</b></p>
<p><b>MBC Environmental Health – Air Quality</b></p> <p>In 2000 Melton Borough Council was required by Government to carry out a review and assessment of air</p>	<p>Noted, Environmental Health are satisfied that there is no toxic air coming from the Holwell Works site so there is no health hazard whether a wind farm is developed or not.</p>

<p>quality throughout the Borough. The review involved carrying out an assessment of all polluting sources (including Holwell Works) and carrying out additional modelling and monitoring if there was a risk that national air quality standards would be breached.</p> <p>At that stage it was determined that the only pollutant which was likely to exceed air quality standards in the Borough was nitrogen dioxide. An Air Quality Management Area was declared in the town centre in 2001. Nitrogen dioxide has been continually monitored since that date. This includes a site in Asfordby Hill which has never been breached the air quality standard and actually has not even been close to a breach. However results from the town centre meant that the town centre Air Quality Management Area was revoked in 2005.</p> <p>Since 2000 MBC has been required to submit an annual review to DEFRA for them to approve. Each report has been accepted that Air quality is monitored and appropriately assessed in the Borough of Melton.</p> <p>In addition Holwell Works has been issued a pollution permit (permit in the name of St Gobain, Asfordby) which limits emissions of potentially harmful pollutants. These emissions are monitored annually to ensure that they remain within national and EU limits. The St Gobain site operates to a high standard and they are well within the limits set in their permit.</p> <p>Environmental Health are satisfied that there is no toxic air coming from the Holwell Works site so there is no health hazard whether a wind farm is developed or not.</p>	
<p><b>Leicestershire CPRE</b> - wish to <b>object</b> to the planning application for 9 x 125 metre high wind turbines at Asfordby on the following grounds:</p> <ul style="list-style-type: none"> <li>. The application is contrary to Policy OS2 of the Melton Local Plan.</li> <li>. There will be significant adverse impact on the setting of local heritage assets and the wider historic landscape.</li> <li>. There will be significant adverse impact on 4 landscape character areas.</li> <li>. There will be significant loss of amenity for people who live and/or work nearby and for people who use the footpaths and bridleways which run through and close to the site.</li> <li>. There will be a significant adverse impact on bats and birds who nest, roost, feed and travel through this site.</li> </ul> <p>The Campaign to Protect Rural England (CPRE) advocates positive solutions for the long-term future of the countryside. CPRE believes that wind turbines have a potential role to play in helping us to reduce the amount of carbon dioxide generated by electricity production.</p> <p>CPRE supports applications for renewable energy provision</p>	<p>Noted, Leicestershire Campaign for the Protection of Rural England <b>object</b> to the proposal. Commentary on the objection is contained below;</p>

which are appropriately located and supports government energy policies which will:

- . Encourage energy conservation and efficiency;
- . Promote a mix of renewable energy sources; and
- . Value and protect the countryside for its beauty, tranquillity and diversity.

CPRE is supportive of wind energy in appropriate locations. Leicestershire CPRE evaluates each planning application for its impact on the landscape and character of the area whilst taking account of the general environmental benefits. We believe that Asfordby is not an appropriate location for a wind farm and that the potential environmental benefits of this application are outweighed by the significant adverse impacts which it would have on the landscape, heritage assets, local residents and wildlife.

#### Planning Guidelines

Under Policy OS2 of the Melton Local Plan the proposed site is designated as open countryside and the scale and nature of this development would create a predominantly industrial landscape. The site is an area which has been restored from a redundant colliery now mostly restored to agricultural use as per the original planning conditions. Over the past 13 years, there has been substantial landscaping and tree planting and there is a developing diversity of flora and fauna. There is a small business park on and adjacent to the site, but this is not obtrusive. The impact which these very large moving objects would have on the important historic assets and landscape would be very significant and contrary to the objectives of PPS5.

This view is held by Leicestershire County Council who are objecting to this planning application. In its recommendations, the County Council "acknowledges that there is general support for the principle of development for renewable energy projects set out in national and regional policy guidance, particularly PPS1 (Supplement on Climate Change) and PPS22." The County Council reports that "the East Midlands Region has a significant capacity of operational, and consented projects, which exceed the approved targets in the East Midlands Regional Plan. It seems likely that there will be increased significance given to renewable energy generation in future government guidance, and an increase in targets for on-shore wind energy in the future."

The County Council conclude that "notwithstanding the applicant's own assessment, it is considered that the proposed development would have a significant adverse impact on a number of important historic assets and the wider, relatively unspoilt local landscape setting, contrary to the objectives set out in PPS5. Overall it is considered that the impact of the proposals outweighs the more general environmental benefits for renewable energy generated by

The application is considered to be contrary to Local Plan Policy OS2. However, the application needs to be considered in terms of the Development Plan as a whole and the NPPF. The issue of compliance with Policy OS2 is required to be balanced against the need for Local Planning Authorities to support the delivery of renewable energy.

An assessment on the impact on the landscape is contained within the report.



the development, and the County Planning Authority raises an objection to the proposed development on this basis." CPRE supports the County Council's recommendation to Melton Borough Council to refuse permission for this wind farm.

#### Impact on Historic Assets and Historic Landscape

PPS5 and English Heritage guidance stress the need to take account of the impact on the setting of historic assets from wind energy developments. English Heritage advise that "where the most prominent historic features are visually dominant (such as church spires), adjacent construction of wind turbines may be inappropriate." The Church of St. Batholomew at Welby (Grade 2\*) is very close to the site as is Welby Grange (Grade 2) and the site of the mediaeval village of Welby. There would be a major impact on these historical assets. There would also be a major adverse impact on the setting of 2 Grade 1 Listed churches - Church of All Saints (Asfordby) and Church of St. Peter (Kirby Bellars). There are 4 other Grade II\* Listed Buildings - Church of St. Peter (Saxelby), Saxelby Manor House, Church of St. Michael (Wartnaby), Church of St. James (Ab Kettleby) whose setting would be significantly affected by the rotating blades of 125 metre high turbines. The proposed development would be visible over a wide area and would have a significant adverse impact on the landscape setting across the Wreake Valley. The turbines would become a prominent feature on the landscape from Burrough on the Hill Iron Age fort, which is a scheduled ancient monument protected by English Heritage. Recent excavations have shown that there has been human activity around the hill fort since 10,000 B.C. There could be a cumulative impact on the hill fort if permission was granted for wind turbines on the old airfield between Great Dalby and Melton Mowbray.

#### Landscape Impact

The proposed site lies within the Wolds Landscape Character Area. It has been designated as open countryside in the Melton Local Plan. Despite its history as a colliery the site now appears as a relatively unspoilt landscape. Recently a blimp was flown at the turbine sites by Peel Energy at the request of Alan Duncan, M.P. It was evident from many observers (including Alan Duncan) that the photomontages in the Environmental Assessment did not accurately predict the visual impact which will arise from the height and movement of the turbines. The blimp was visible from the immediate area around Asfordby and across a wide area - from the Wreake Valley and from Beacon Hill, Bottesford in the Vale of Belvoir. This demonstrated that the turbines will have a significant adverse impact on the local landscape and on wider views in 3 surrounding Landscape Character Areas - Wreake Valley, High Leicestershire and the Vale of Belvoir.

The planning application has been supported by a detailed assessment on the potential impact of the development on the setting of designated and non-designated heritage assets. Advice has been sought from English Heritage and the Council's Conservation Officer. An assessment on this issue is contained elsewhere within the report.

An assessment on the impact on the landscape is contained elsewhere in the report.

CPRE have questioned the accuracy of the photomontages submitted with the application but have provided no evidence to substantiate these views. The application is supported by a Landscape and Visual Impact Assessment which has been prepared in accordance with the relevant guidance and best practice documents.

With regards to the blimp flown by Peel it should be noted that Blimps are not a reliable way of assessing the visual impact of wind farm development. The recognised means for assessing the potential visual impact of a wind farm development is through the production of photomontages.

An assessment on the impact of the proposal on residential properties is contained elsewhere in the report.

<p><u>Loss of Amenity</u></p> <p>There are 300 homes at Asfordby Hill which lies only 700 ms from the nearest proposed turbine. Asfordby Farm is adjacent to the site. The residents will suffer significant adverse visual impact on the views from their homes. The type of turbines which have been proposed have a low sweep. There is a risk that this can cause noise problems particularly where they are located in this type of undulating topography. There could also be problems for nearby residents from shadow flicker. There is a new recommended standard from the Department of Energy and Climate Change that turbines should be located at least 10 times the blade diameter from the nearest home.</p> <p>There are several footpaths and bridleways which run through and adjacent to the site. These are regularly used by people from nearby villages and from the town of Melton Mowbray. These rights of way give people easy access to a tranquil and natural landscape where they can escape from the stresses of work pressures and daily routines. Research undertaken by CPRE, Natural England and the Department for Environment, Food and Rural Affairs have all shown the importance which people place on finding peace and quiet in the countryside. This benefit would be undermined by the noise and visual intrusion arising from 9 x 125 metre high wind turbines. Consequently, there would be a major loss of recreational amenity in the area.</p> <p><u>Rural Economy</u></p> <p>Peel Energy propose to site Turbine 9 adjacent to the Serco Business Unit in the Asfordby Business Park. This would have a significant adverse impact on the employees whose view would be dominated by the turbine. It would also pose a significant risk to them in the event of it catching fire or collapsing. Also, there is a risk of ice being thrown off the blades, as has happened in a car park in Peterborough. The setting of this workplace would suffer from visual intrusion, noise and flicker. It would become an undesirable place to work and the company could experience problems with recruitment and retention of staff. There is a considerable risk that they would relocate their business. Serco have a specialised testing operation on this site for underground trains and they have a skilled workforce. Their relocation would be a considerable loss to the local economy. This would not be compensated by the very small number of local people who could obtain employment on the wind energy site over the 25 years of its life.</p> <p><u>Ecology</u></p> <p>The information in the Ecology Report in the Environmental Statement (ES) is inadequate and it underestimates the importance of the development site for bats and birds. There are important nature reserves around</p>	<p>With regard to shadow flicker, the assessment submitted with the application demonstrates limited potential for shadow flicker to occur. Nonetheless, Peel have stated that they are committed to the installation of an auto-mated detection and shutdown facility on relevant turbines such that shadow flicker effects will not occur.</p> <p>An assessment in relation to footpaths and bridleways is contained above.</p> <p>Noted, these issues are addressed elsewhere within the report.</p> <p>The information contained within the Ecology report has been considered by Natural England and LCC Ecology who have raised no objection to the proposal subject to the</p>
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<p>Holwell which lie 2 - 4 kms from the proposed wind energy site. Only Holwell Mouth SSSI is identified in the report, but the Leicestershire and Rutland Wildlife Trust also has nature reserves at Brown`s Hill Quarry, Holwell Mineral Line and North Quarry. Brown`s Hill is particularly relevant to this planning application as there are 4 species of bats which are recorded there. 6 different types of bats (Natterer's, Daubenton's, Brown long-eared, Greater Horseshoe, Noctule and Pipistrelle) have all been recorded at the Asfordby development site. The Leicestershire and Rutland Bat Group have advised me that the bats have a foraging range of up to 5 kms. The 9 turbines would stand within this range and there is evidence that the moving blades pose a hazard to bats. Researchers from the University of Calgary have found that bats are at risk from wind turbines, because the rotating blades produce a change in air pressure that can kill the mammals. In 2008 a bid to build a wind farm near Bideford in north Devon was turned down because of the potential impact on the mammals. The ES for Asfordby states that a Phase 1 Habitat Study was undertaken. However, this does not include a study of the Bat Feeding Zones (BFZ) which should be undertaken in a Phase 2 Habitat Study. Bats have statutory protection and there is insufficient information provided in the report about their use of this site at Asfordby.</p> <p>In the summary of important nature reserves there is no mention of Priory Waters which lies approximately 1 mile from the nearest proposed turbine. This is managed as a Wildfowl Conservation site. The Ecology report acknowledges that they have no data on the flight lines for species which are known to be at high risk of collision - ducks, swans, geese, raptors and wading birds. These are all species of birds which are seen at Priory Waters and the surrounding area. Noctule bats regularly feed on the damsel flies and other insects at Priory Waters. They are at a higher risk from the turbines as they generally fly higher than other bats.</p> <p>Also, the report does not include a study of the invertebrates in the area, such as the damsel and dragon flies, which form an important part of the diet of bats and birds. There is no assessment of the impact of the proposed development on invertebrates and the consequent impact on the bats and birds who feed on them.</p> <p>Nature reserves do not operate as closed environments. It is important for their robust diversity that there are green corridors which connect them. It would seem that the area between Asfordby and Holwell provides an important habitat not only for the bats and birds which live there and visit it, but also for the creatures which move between the local sites for nature conservation. CPRE is concerned that there are major inadequacies in the study which has been commissioned by the developers and that the mitigation measures will be ineffective in protecting endangered</p>	<p>imposition of conditions.</p> <p>The applicant has stated with regards to the nature reserves referred to by CPRE that they are not contained within the ES as they are situated beyond the 2km data search area for non-statutory designated sites. Further, the sites are referred to are designated due to their geological interest, valuable habitats and flora and the presence of a diverse range of invertebrates, none of which will be impacted on by the wind farm.</p> <p>The methodology with regards to the assessment on ecology has been agreed with Natural England and the County Ecologist and they have not expressed any concern with the assessments undertaken. There is no evidence to suggest that the proposal would have an adverse impact on any protected species or habitats.</p> <p>With regards to the impact on Priory Waters and the potential adverse impact of the development on ducks, swans, geese, raptors and wading birds the applicant has stated that the ES gives consideration to this issue and concludes that there were no recorded flight lines of these birds across the site and by implication the potential for adverse impacts is low.</p> <p>No habitats of particular interest for invertebrates to be affected at the site have been identified and all the water bodies will remain unaffected by the proposal.</p> <p>Again it should be noted that the information submitted and methodology behind the assessment has been agreed with Natural England and the County Ecologist and they have not expressed any concern with the assessments undertaken. There is no evidence to suggest that the proposal would have an adverse impact on any protected species or habitats.</p>
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<p>species. We would recommend that Melton Borough Council adopt the precautionary principle in regard to protecting bats and birds using this site.</p> <p><u>Recommendation</u></p> <p>Leicestershire CPRE urges the Members of Melton Borough Council to refuse this planning application. Leicestershire CPRE objects to the application for 9 x 125 metre high wind turbines at Asfordby on the grounds that the significant adverse impacts on the nearby and wider historic assets, landscape, residential and recreational amenity, local business, bats and birds outweigh the possible environmental benefits of the proposal.</p> <p>On receipt of the additional information the CPRE still <b>object</b> and make further comments on the cumulative impact from the recently approved wind turbine at Welby Grange. The recent wind turbine catching fire and spreading debris across a wide area and another in Scotland blown over. Fortunately Scotland recommends a 2km separation zone for wind turbines from homes and workplaces. They would urge MBC to adopt a precautionary approach to protect the health and safety of local residents and workers. They are also concerned about the possible adverse effects on the residents of Asfordby Hill and Asfordby Farm from noise and would urge the Council to place a condition on the turbines, if approved, in order to avoid nuisance being caused to people who live nearby. CPRE would suggest the Amplitude Modulation Condition in the Den Brook case.</p>	<p>Noted.</p> <p>An assessment on the cumulative impact is contained within the report opposite the comments received from Charnwood Borough Council (pg 17).</p>
<p><b>Melton and District Civic Society –</b> The renewable energy benefits of windfarms tend to be overstated , it is rarely emphasized that back-up capacity using some other form of energy generation is required and quote;... Dependence on the prevailing wind conditions means that wind power has a limited load factor even when technically available. It is not possible to guarantee its use for the continual cover of electricity consumption</p> <p>James Lovelock (The Sunday Times, 15.02.09) says that ‘The worst of all possibilities would be for us to become the test-bed for unproven technologies, and this is what is happening now with wind turbines’</p> <p>PPS22 states that ‘Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognize that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved’ This application involves nine very large turbines and their impact would not be mitigated by temporary planning permission. PPS21 requires that planning authorities should also take into account the cumulative impact of wind generation projects in particular areas.</p>	<p>Noted.</p> <p>The advice contained in the NPPF is that LPA’s should not require applicants for energy development to demonstrate the overall need for renewable energy.</p> <p>An assessment on the impact on the visual and landscape impact is contained within the report (page 63 – 67)</p>

<p>Harm to humans:- the proposed at Asfordby turbines are too close to many dwellings. There is disagreement between acousticians about the detrimental effect of low frequency noise from turbines. However, Keele University found that 'both fixed speed and variable speed turbines generate low frequency vibrations which are multiples of blade passing frequencies and can be detected by seismometers buried in the ground. This was at distances up to many kilometres and in the presence of background seismic noise' This type of low frequency noise can be very difficult to predict because of variations in geology and hence ground transmission.</p> <p>Harm to the visual environment:- The proposed turbines are very large (125m), much larger than those at Old Dalby for which permission has been given. They are nearly as high as Blackpool tower (158m). Nine turbines will have an adverse visual impact on the area. A report called 'The Visual Issue: An investigation into the Techniques and Methodology used in Windfarm Computer Visualisations' by Architech Animation Studios &amp; nbsp; showed that photomontages can give a misleading impression of the scale of turbines and fail to show how they can dominate the surrounding landscape.</p> <p>Harm to wild life:- all windfarms are potentially harmful to wildlife. Birds may be harmed in three possible ways - disturbance, habitat loss or damage (both direct and indirect), and collision. Bats may also suffer disorientation as they navigate by echo location but cannot cope with the speed of wind turbine blades and particularly when the wind speed is low, which is when the bats' prey is flying. The habitats of badgers and newts may be disturbed during the construction.</p> <p>Harm to animals:- The House of Commons Standard Notice SN/SC/4370, November 2010, cites disturbance to horses as reason given for refusal of planning permission for a windfarm. Local hunts and the veterinary camp could be affected by the Asfordby proposal.</p>	<p>An assessment on noise is contained within the report at page 73.</p> <p>Noted, commentary on the photo-montages are contained within the report below (pg 64).</p> <p>Noted, the impact on wildlife has been assessed above (pg 27).</p>
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**Parish Council Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Ab Kettleby PC – object</b> to this application.</p> <p>The Parish Council has not reached its conclusions without a full and thorough investigation into the many ramifications that this extremely complex application has exposed.</p> <p>Following this extensive research and after hearing this very strong message from our parishioners we have reached the conclusion that <b>this application, if successful, would be truly life changing in an extremely detrimental manner for the vast majority of residents in Ab Kettleby, Wartnaby and Holwell.</b></p> <p>Our reasons for objecting to the application are as follows:</p> <ol style="list-style-type: none"> <li>1. In view of the fact that some residents are only 660 metres away from the nearest turbine we are concerned that the resultant noise and shadow flicker may be harmful to health. There is evidence to suggest that this has been the case at other wind farm sites.</li> <li>2. Some of the turbines will be extremely close to five primary schools and less than 1000 metres away from Ab Kettleby School. This is far too close, which is why Scotland has insisted that turbines are sited at least 2km from a home or school. This minimum standard also applies in many other European countries. In Denmark they are so concerned of the effect on health that they are no longer authorising on-shore turbine sites and are even removing existing ones.</li> <li>3. The overwhelming size of each turbine and the combined effect of nine turbines on the site will have an extremely severe impact upon the rural landscape surrounding Melton Mowbray. We understand that the site will be seen from as far away as Newark which is a frightening prospect when considering that Melton Mowbray is famous for its rural heritage.</li> <li>4. The site is zigzagged with public footpaths and bridleways which are in constant use by local residents seeking peace and quiet. This amenity will be totally destroyed – initially by the construction and increased traffic and then by the turbines themselves.</li> <li>5. Turbines can accumulate ice under some atmospheric conditions. Since this ice can then be shed some distance (several hundred metres from the turbine), there is a real risk of injury from flying shards of ice. One obvious way in which this can be overcome is to switch the turbines off – yet again defeating their original purpose.</li> </ol>	<p>Noted</p> <p>Noted, an assessment in relation to noise and health is contained within the report.</p> <p><b>There are no ‘set back’ distance separation policies in relation to turbines. Any distance separations would need to be implemented through policy designation.</b> A judgment in relation to neighbouring properties is contained within the report.</p> <p>Noted, an assessment in relation to impact on the rural landscape is contained at page 63 below.</p> <p>Noted, an assessment in relation to the public rights of ways and bridleways is contained opposite the comments from the Rights of Way officer (pg 20).</p> <p>Noted, this has been addressed elsewhere within the report.</p>

<p>6. The close proximity of the footpaths and bridleways may well result in health and safety issues in terms of noise and flicker.</p> <p>7. The site is situated upon a rolling “wolds” landscape. Wind will be affected by the wolds creating additional turbulence which will have a negative impact upon noise levels from the turbines.</p> <p>8. The site is located within an area designated as open countryside within the Melton Local Plan, adjacent to an Area of Particularly Attractive Countryside. Once coal production ceased a large proportion of the site actually became a Restoration Project and much of the site has been returned to agricultural use. There are also areas of wetland which is vital to the wildlife and flora. The fine balance of nature will be disturbed both during and after construction.</p> <p>9. The area is currently a haven for wildlife including protected species such as bats, badgers, newts, owls, skylarks, woodpeckers and other protected species of birds. It is also used by migrating birds including swans and geese. The disruption caused by construction and site traffic followed by turbine noise will have a massive impact upon this wildlife. In addition the rotor blades will kill birds and bats.</p> <p>10. The site is currently the habitat of several species wild plants which will be destroyed during construction.</p> <p>11. Peel Energy constantly refer to the site as being “industrial” – it is not. The fact is that only one turbine is planned to be sited within the actual area of the former mine site. Eight of the turbines would be sited on open green and pleasant countryside.</p> <p>12. The area is utilised by cyclists, walkers, horse riders and anglers. Many of these people travel from outside the area and the loss of these tourists will have an impact upon local business.</p> <p>13. Whilst the site itself is not a flood risk, the area below it (Asfordby and Asfordby Valley) receives all the water from the site and is still a high flood risk according to the Environment Agency’s website. This is despite the flood prevention scheme it installed in 2001 following repeated flooding in that area.</p> <p>14. We understand that the site has previously been used for the burial of 2357 pigs which were destroyed during the Swine Vesicular Disease epidemic in the 1980’s. DEFRA have advised that if anything was found whilst digging, work would have to stop and the situation assessed. The burial was in the area of the site where Peel</p>	<p>Noted, an assessment in relation to the public rights of ways and bridleways is contained elsewhere within the report (page 20).</p> <p>The issue regarding the impact on the landscape is assessed within the report (73). This assessment considers the issue of the industrial nature of the site and its countryside characteristics.</p> <p>Noted, an assessment in relation to noise and health is contained within the report.</p> <p>Noted, the impact on the flora and fauna has been assessed and no objection has been raised by Natural England or LCC ecology.</p> <p>The impact on the flora and fauna has been assessed and no objection has been raised by Natural England or LCC ecology.</p> <p>Noted</p> <p>There has been no evidence produced to demonstrate that the turbines would have a negative impact on tourism.</p> <p>There is no evidence to suggest that the site would impact on flooding and has been assessed by the Environment Agency. The proposed development also includes a sustainable urban drainage strategy comprising of swales and detention basins to minimise the risk of the development giving rise to flooding off-site.</p> <p>Noted, this would be governed by Health and Safety legislation.</p>
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<p>Energy want to place their new anemometer. This could result in an unstable footing for any construction or mast and also holds a possible risk of water pollution and infection. Who would police the disturbance of ground in this area?</p> <p>15. The area is utilised by several equine businesses including livery stables and riding schools. Will their clients continue to support these businesses when their riding is amongst the turbines rather than rural countryside? We very much doubt it.</p> <p>16. Tourists currently flock to Melton Mowbray as it is widely acknowledged as the UK's "Rural Food Capital". The impact of the proposed wind farm will transform Melton Mowbray from "rural" to "industrial" in the eyes of most visitors and they will simply go elsewhere.</p> <p>17. Leicestershire County Council have reported that within 10km of the site there are 15 Grade 1 listed buildings, 41 Grade 2* listed buildings, 483 Grade 2 listed buildings, 1 Registered Park &amp; Garden and 27 Scheduled Monuments. Within 5km of the site there are 10 Conservation Areas – including the Conservation Area in Ab Kettleby which is approximately 650 metres away. The site represents a huge threat to our cultural and historic assets. Many of these assets are also within the Zone of Visual Influence (ZVI).</p> <p>18. The volume of site traffic and disruption during construction will have a massive impact upon local rural communities. We understand that some of the transportation could even result in the demolition of trees, walls and buildings that obstruct the routes to the site. This may not be a long term problem but the short term effect is outrageous.</p> <p>19. The viability of wind farms is extremely questionable. The wind speed at the site, together with the inefficiency of the turbines, suggest that they will only work at 17% of their capacity according to estimates. This results in 9 turbines only actually having the output of 1.5 "efficient" turbines. In support of our argument I would draw your attention to an article in The Daily Mail on 4th March 2011 which stated the following:</p> <p><i>—The first is the pretence that turbines are anything other than ludicrously inefficient. The most glaring dishonesty peddled by the wind industry — and echoed by gullible politicians — is vastly to exaggerate the output of turbines by deliberately talking about them only in terms of their 'capacity', as if this was what they actually produce. Rather, it is the total amount of power they have the capability of producing. The point about wind, of course, is that it is constantly varying in speed, so that the output of turbines averages</i></p>	<p>There has been no evidence produced to demonstrate that the turbines would have a negative impact on local rural businesses.</p> <p>Noted</p> <p>Noted, an assessment in relation to the impact on heritage assets is contained within the report.</p> <p>The impact and effect on uses of the road network have been assessed by the Highway Authority, reported above. <b>The Highway Authority are satisfied that the proposed would not create an issue for highway users.</b></p> <p>Noted, discussion on viability and benefit is discussed elsewhere within the report.</p>
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<p><i>out at barely a quarter of their capacity. This means that the 1,000 megawatts all those 3,500 turbines sited around the country feed on average into the grid is derisory: no more than the output of a single, medium-sized conventional power station. Furthermore, as they increase in number (the Government wants to see 10,000 more in the next few years) it will, quite farcically, become necessary to build a dozen or more gas-fired power stations, running all the time and emitting CO2, simply to provide instant back-up for when the wind drops.</i></p> <p>20. Wind farm technology is already outdated and is being replaced by Tidal Power and new Solar Power sites. Despite the proposed 25 year lease life these turbines could actually be redundant within only a few years.</p> <p>21. The proposal is contrary to policy OS2 of the Melton Local Plan as it is not one of the uses specified as being acceptable.</p> <p>22. If this application is allowed to proceed it could well lead to applications both on this site and elsewhere within the local area.</p> <p>23. The proposed wind farm would have a detrimental effect upon house prices. We are aware that evidence has been produced which refutes this, but ask yourself a simple question – if there were two identical houses at identical prices, one overlooking a nearby wind farm and one with a rural aspect, which one would you buy?</p> <p>24. We accept that renewable energy must be a priority, but this does not necessarily mean that wind farms are the solution. Ab Kettleby Parish Council would support applications for renewable energy that do not impact upon the community in the manner that this application does.</p> <p>25. If the applicant lodges an Appeal against either non-determination or refusal Ab Kettleby Parish Council would like to apply for Rule 6 status.</p> <p>In addition the points detailed we would also like to take issue with Peel Energy in the manner in which they have tried to promote their proposal. It was disappointing that their initial presentations were staged at the height of the school summer holidays when many residents were away. This was followed by the application being submitted during the Christmas period which resulted in us “losing” two weeks before we could begin to analyse and discuss it. In addition, we were promised at the outset that Peel Energy would arrange for a blimp to be flown – in reality this only happened following extreme pressure from Melton Borough Council, Ab Kettleby and Asfordby parish councils, the S.T.O.P. campaign and Alan Duncan M.P.</p>	<p>The application is not considered to comply with OS2, however, a more detailed policy assessment is contained within the report.</p> <p>Every application should be considered on its own merits, there is nothing to suggest that if this proposal were allowed it would mean that future proposal would gain consent.</p> <p>Impact on house values is not a material planning consideration for planning applications.</p> <p>Noted</p> <p>Noted</p> <p>Noted, the applicant undertook consultation and stakeholder relations in line with best practice.</p> <p>There is no requirement for the developer to fly a blimp and have stated that they did so as ‘a gesture of goodwill’.</p>
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<p>We would also like to take issue with the photographic montages that Peel have produced to support their application. In every one of them the image is taken with a wide-angle lens displaying white turbines against a white cloudy sky. The photographer clearly took the photographs from almost ground level and sited the turbines centrally – thus flattening them considerably when utilising a wide-angle lens. The reality is nothing like the images on show – as could be plainly seen when the blimp was finally flown. The truth is that the turbines will stand out plainly for all to see and cast a grotesque shadow over our local community.</p> <p>Ab Kettleby Parish Council has never witnessed such fear and unrest within the community. To allow this application to proceed would fly in the face of common sense and democratic governing.</p> <p>We would ask that Melton Borough Council preserve our rural community and safeguard the health and welfare of our residents and ensure that this application is refused.</p> <p><b><i>Without Prejudice</i></b>  In the event that the application is ultimately successful in gaining approval we would like to see planning conditions imposed to include:</p> <ol style="list-style-type: none"> <li>1. The upgrading and repair of highways infrastructure where affected by construction.</li> <li>2. The route for construction traffic to be clearly outlined and enforced with clear enforceable penalties for non-compliance.</li> <li>3. Total reinstatement of the site to its present condition on expiry of the term granted for operation.</li> <li>4. Noise levels to be monitored and enforced with clear enforceable penalties for non-compliance.</li> <li>5. Working hours during construction to be limited to between 8:00am and 5:30pm, Monday to Friday with no construction allowed on Saturdays, Sundays and Bank Holidays. This is to minimise the impact of construction upon the local community during rest and relaxation time.</li> <li>6. A mutually agreed complaints procedure to be set up and monitored independently.</li> <li>7. No visible logos or signwriting on turbine towers (which has been allowed to happen at the Ecotricity site in Swaffham, Norfolk).</li> </ol> <p>In addition, on the basis that the application may be</p>	<p>Noted, the issue over the photomontages is addressed within the report.</p> <p>The strong concerns of the Parish Council are noted.</p> <p>Noted.</p> <p>As part of the scheme Peel Wind Farms (UKC) Ltd has</p>
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<p>approved, Ab Kettleby Parish Council would wish, without prejudice, to benefit from any Community Fund or similar scheme set up by the applicants. This would be for the acquisition of land to provide a suitable sports and play area within the parish together with a commitment to provide the necessary amenities and the ongoing annual funding requirements. In this way we feel that at least a fraction of the loss of amenities and enjoyment suffered by the community as a whole may be mitigated to some extent.</p>	<p>agreed to establish a community fund, which the local community can use in ways to benefit the community as a whole. A community benefit fund is an established mechanism that enables energy companies to provide direct benefits to local communities affected by developments such as wind farms throughout the life of the scheme. A community benefit fund is established <b>outside</b> the planning process and can only materialise if the scheme is granted planning permission, constructed and operated. The use of the fund will be established through consultation with the local community.</p> <p>The applicant has suggestions some potential uses for the fund which could include purchasing and operating an electric school bus, a new community hall, youth recreational facilities or a new swimming pool.</p> <p>However, Community benefits are not considered legitimate material considerations within the planning decision making process as they do not relate to planning issues nor directly to the proposed wind farm.</p>
<p><b>Asfordby PC – resolved</b> that the Local Planning Authority be advised that Asfordby Parish Council <b>object</b> to the above planning application on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to Policy OS2 of the Melton Local Plan as it is not one of the uses specified as being acceptable</li> <li>2. The proposal by virtue of its size and scale would have a significant impact upon the open and undeveloped character of the countryside.</li> <li>3. The proposal would have a significant impact upon a number of historic assets and their wider landscape settings.</li> <li>4. The proposal would impact on the approved restoration and aftercare scheme following closure of the Asfordby Mine and as such the parish council contend that the site is a “green field site”.</li> <li>5. The current road infrastructure is inadequate to support the anticipated weight and volume of vehicles using minor roads.</li> <li>6. The anticipated employment will be of a specialist nature and therefore it is extremely unlikely that local people will benefit.</li> </ol>	<p>Noted</p> <p>Noted, an assessment in relation to the impact on the countryside is contained elsewhere within the report.</p> <p>Noted, an assessment in relation to the impact on the countryside is contained elsewhere within the report.</p> <p>Noted, an assessment in relation to the impact on the countryside is contained elsewhere within the report.</p> <p>Noted, an assessment in relation to the impact on the countryside is contained elsewhere within the report.</p> <p>The road infrastructure has been considered by the Highway Agency and Highway Authority who have both concluded that the proposal would not have a detrimental impact on highway safety.</p> <p>Noted, the ES contains an assessment on the potential effects of the proposed Asfordby wind farm in the local economy (primary employment and ongoing business operations). The ES states that with development of this nature, a potential economic impact could result from the creation and support of employment. This may occur through direct employment through the construction of the</p>

<p>7. The likelihood of flooding both on the site and its significant impact on run-off from the site towards properties located in Asfordby Valley, who have suffered severe flooding in the past.</p> <p>8. The proximity of the proposed wind turbines to residences. A minimum distance of 2Km should be enforced as recommended by Scotland and other European countries.</p> <p>9. The proposals significant impact on local ecological systems, including protected species like newts and bats. No mention is made of slow worms but the Parish Council understand the site is prime habitat for them.</p> <p>10. The proposals would have a significant impact on the health of local residents and school children attending primary schools within the area by virtue of noise and shadow flicker generated by the proposed turbines</p> <p>If the Local Planning Authority were minded to permit, the parish council would like to see conditions governing:</p> <ol style="list-style-type: none"> <li>1. Upgrading of highway infrastructure</li> <li>2. Re-instatement of site once planning permission elapses</li> <li>3. Noise levels</li> <li>4. Route of Construction Traffic</li> <li>5. Hours of operation during construction period</li> <li>6. Establishment of a Complaints Procedure</li> <li>7. Monitoring system of for complaints</li> </ol>	<p>wind farm. It is expected that the construction phase of the proposed wind farm will employ a maximum of 30 people per month over a 6-18 month construction period. It is anticipated that a proportion may be local workers or sub-contractors. It is also stated that there may be indirect impacts through the use of local services, accommodation, shops etc by construction staff. However, the ES does acknowledge that whilst the impact of the proposed wind farm on the local employment during construction will be positive the magnitude of the impact will be small. Once operational, the wind farm will require minimal maintenance with only site personal vehicles normally required to visit the site. As a result the impact of the proposed wind farm on local employment during operation will be negligible.</p> <p>Noted, the Environment Agency have considered the proposal and have raised no objection in relation to flooding. There is no evidence to suggest that the proposal would cause future flooding.</p> <p>Noted, this issue has been address above.</p> <p>The impact on local ecological systems has been assessed in the ES and there is no evidence to suggest that the proposal would cause any significant harm. The methodology behind the assessment has been agreed by Natural England and LCC Ecology who have raised no objection to the proposal.</p> <p>Noted, an assessment in relation to the impact on the countryside is contained elsewhere within the report.</p> <p>Noted.</p>
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<p>If the applicant lodges an Appeal against either non-determination or refusal, the parish council would like to apply for Rule 6 Status.</p> <p>On receipt of the additional information the Parish Council confirms that they remain <b>opposed</b> to this application.</p>	<p>Noted, the application is not yet at appeal stage.</p> <p>Noted</p>
<p><b>Frisby on the Wreake PC</b> –          -concerned about the visual impact on the Asfordby area.          -disturbance to local residents, not only in the work being carried out but once the site is operational.</p> <p>The Councillors would have liked more information on the peripheral development and infrastructure that will accompany the scheme, as it was felt that this will also impact both on the landscape and the residents.</p> <p>Further comments were submitted stating that the Parish <b>object</b> to the proposal on the following grounds;</p> <ol style="list-style-type: none"> <li>1) On-shore wind turbines suffer intermittency in calm conditions and off shore locations offer a much more constancy. Wind turbines are better placed off-shore.</li> <li>2) The visual impact will be considerable on the local villages including our own.</li> <li>3) Noise emissions could prove annoying for local residents.</li> <li>4) Shading strobe effects have been experienced by those living near turbines.</li> <li>5) Birds find it difficult to avoid the blades – apparently they do not always see them</li> <li>6) Risks to aviation since we do lie within the flight path to East Midlands Airport.</li> </ol> <p>We believe that it has been proved that these massive turbines will produce relatively little energy or other benefits compared to their negative impact on the surrounding area and local residents. On these grounds this planning application should be refused.</p> <p>The Parish Council has also written in to state hat they fully support the rebuttal document submitted by STOP.</p> <p>A further letter has been submitted expressing concern over the findings on the landscape consultants review. The Parish Council are concerned that not enough weight has been given to the individual heritage assets in the initial document and this has been backed up by the review. The landscape change would be huge from this side of the Wreake Valley.</p> <p>The parish Council are also concerned about the flaws which have been identified by STOP regarding noise issues and more weight should be given to this. The consultants appointed to act independently by the Council</p>	<p>Noted</p> <p>The documents submitted with the application detail the components to the application, listed above, and include a control building, access tracks, construction compound, crane pads, electrical connection, drainage and a permanent anemometer mast.</p> <p>Noted, all of these comments have been addressed elsewhere within the report.</p> <p>The NPPF states that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.</p> <p>Noted, comments in relation to STOP’s submission are below in the report.</p> <p>Noted, an assessment in relation to the impact on the countryside is contained elsewhere within the report.</p> <p>An independent noise consultant has been commissioned by the Council to assess the information submitted with the applicant, by STOP and by a retired acoustic consultant. WYG are an independent consultancy who support a large</p>

<p>is in the business of helping develop wind farms and the scrutiny is likely to be biased.</p> <p>Out of all green technologies this application will have the most corrosive detriment left behind at the end of the scheme. The concrete poured into the ground cannot be removed and there will be tonnes of it, there will still be bases left in situ in fields.</p>	<p>range of both private and public clients including advising government departments. WYG have provided their advice to Melton Borough Council in the capacity of a potential expert witness, as such the following statement has been adhered to,</p> <p>With respect to the role of WYG consultant as an expert witness, when commenting on the expert evidence, they are aware that their duty is to give an unbiased and objective opinion on the matters within the boundaries of their expertise. They fully understand that these duties supersede any obligations to the persons from whom they have received instructions or from any employer. They also understand that this duty extends to inform all parties, including the court, if their opinion changes on any of what is contained within their statement.</p>
<p><b>Grimston, Saxelbye and Shoby PC</b> - The Parish Council acknowledge that there are many different points of view and opinions regarding renewable energy and has been made aware of the local community’s concerns regarding the following planning issues.</p> <ol style="list-style-type: none"> <li>1. The visual impact of the proposal would be detrimental to the local area. The wind turbines are too high and the development as a whole is such a size and scale as to represent an inappropriate industrial-scale intrusion into an attractive rural area.</li> <li>2. The development would have an undue adverse impact on the setting and character of the many heritage assets in the area.</li> <li>3. The turbines are too close to residential dwellings. There should be at least a 2 km separation distance from dwellings: Saxelbye is 1 km from the nearest turbine.</li> </ol>	<p>Noted, all of these issues are considered elsewhere within the report.</p>

**STOP – Stop the Turbines Oppose Peel**

The application has provoked the formation of a campaign group ‘STOP’ who have submitted a rebuttal document setting out their main objections to the application. STOP is a local group set up to oppose the Asfordby Wind Farm planning application from Peel Energy. The rebuttal document contained 155 pages plus enclosures and tries to set out STOP’s main objections to the above planning application. These objections are tabled below;

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Executive Summary:</b></p> <p>STOP opposes the planning application for the following reasons:</p> <ul style="list-style-type: none"> <li>· <b>Peel’s site selection process is flawed.</b> The site has been selected because it is in the ownership of UK Coal. The <b>site is eminently unsuitable</b> for a wind farm of this scale and a planning application should never have been submitted by the applicant.</li> </ul>	<p>Noted, the executive summary sets out the grounds for opposition to the proposed wind farm. A more detailed assessment of each point is contained below.</p>

- The proposed development is totally **out of scale with the surrounding villages and historic rural landscape**. It will visually intrude unacceptably on the landscape, on a large number of properties and will alter the existing landscape character adversely.
- It is an extremely **large scale industrial development in an otherwise predominantly rural landscape**.
- The scheme will have a **significant visual impact** over a wide area. The visual impact will not be localised (within 2km) as claimed by the applicant.
- The proposed development will have an **adverse impact on important heritage assets** such as Grade I and Grade II\* listed buildings and Scheduled Ancient Monuments.
- The proposed development will have an **adverse impact on many Grade II listed and unlisted historic buildings and conservation villages**, many within just 2km of the site.
- There is strong evidence that a **statutory noise nuisance may be created** by the erection of the proposed turbines due to the close proximity of many homes to the site and existing low levels of background noise.
- The development could pose a **threat to the health of residents** living closest to the site from the direct effects of the turbines in operation.
- There are serious **health and safety concerns** relating to the undue proximity of turbines to public rights of way, roads and neighbouring land, businesses and homes.
- **Ecology will be harmed during construction and operation** of the wind farm. The site is rich in ecology and is home to numerous protected species. Many other important species are attracted to the site which has diverse and improving habitats of woodland, hedgerows, permanent pasture, arable land, ponds, streams and wetlands.
- The site is crossed by many public rights of way. Enjoyment and use of these **public rights of way will be severely adversely affected**. Several turbines are dangerously close (well within topple distance) of routes used by walkers, bikers and horse riders.
- The proposed wind farm is **too close to many homes** and will have significant detrimental effect on residential amenity (visual dominance, noise and shadow flicker).
- **The wind farm will damage Melton Mowbray's economy**. Tourism, equestrianism and individual businesses are all likely to be negatively impacted by the development.
- There are strong concerns that **shadow flicker will negatively on those occupying the closest properties**, including the commercial buildings at Asfordby business park.
- Wind turbines on a relatively low wind speed site such as this will have **questionable efficiency**.
- **Archaeology of regional importance will be harmed** during construction of the wind farm.
- **TV reception may be affected** and is of particular concern in low lying homes of Saxelbye

<p>and Asfordby.</p> <p><b>The wind farm proposal contravenes a wide range of national, regional and local planning policies.</b></p> <p>The above factors when accumulated illustrate clearly that the constraints of the site make it wholly unsuitable for industrial development on the scale proposed.</p> <p><b>The severe impact of this application on a great many local residents must not be overlooked. STOP estimate that there are between 4000 and 6000 residents living within 2km of the nearest wind turbine.</b></p> <p>The level of local opposition to the wind farm is very high with 800+ individual objections to the application from local people and objections from Leicestershire County Council, all Parish Councils and the Leicestershire Campaign for the Protection of Rural England. Government support for Localism requires this public opinion to be given considerable weight when assessing the application.</p> <p>Many other statutory consultees have also objected including English Heritage.</p> <p>The National Planning Policy Framework says sustainable development has three dimensions:</p> <ol style="list-style-type: none"> <li>1. an economic role</li> <li>2. a social role, and</li> <li>3. An environmental role.</li> </ol> <p>Renewable energy developments should only be approved where the environmental, economic and social impacts can be addressed satisfactorily. This application fails on all three counts (as argued in the body of this report) and must therefore be classed as unsustainable.</p> <p>It is our strong contention that this scheme is in a totally inappropriate location and that the applicant has been unable to address the numerous adverse impacts satisfactorily.</p> <p><b>We respectfully ask that this planning application be refused permission.</b></p>	
<p><b>Site Selection</b></p> <p>The East Midlands is a relatively low wind speed area and the position of the Asfordby site in a valley within an undulating landscape and near to physical obstructions such as trees and buildings is likely to reduce useful wind resource further.</p> <p>STOP believe that the site has been identified as a potential wind farm by Peel, not because it is a</p>	<p>In response to this, Peel have confirmed that it has full knowledge of wind conditions on and around the application site and are satisfied that the site is suitable for the proposed development and will generate a significant amount of renewable energy.</p> <p>The ES states that the proposed wind farm will provide enough energy to power approximately 8,500 to 9,000</p>



<p>good site for a wind farm, but chiefly because it is owned by UK Coal.</p> <p>Asfordby was not identified by this independent study as a site with wind energy potential while other sites within the County and Melton Borough were. MBC's latest Core Strategy Document indicates that the best locations for wind turbines in the Melton area would be near to Burton Lazars, Nether Broughton, Garthorpe and Pickwell.</p> <p>Peel's site selection process is flawed. The site has been selected because it is in the ownership of UK Coal. The site is eminently unsuitable for a wind farm of this scale and a planning application should never have been submitted by the applicant.</p>	<p>homes, equivalent to approximately 33% of the households in Melton Mowbray.</p> <p>The ES and the design and access statement submitted with the application both contain sections which set out alternatives considered in terms of layout/.configuration of the wind farm.</p> <p>The applicants have also stated that the IT Power report used to identify site in Leicestershire and Rutland is relatively old and its approach and methodology are too broad brush for the purposes of identifying sites. The considering the site at Asfordby site measurement for wind have been used which have revealed a wind speed of 6.42 metres per second.</p> <p>The Local Plan does not identify sites for wind farms and the Core Strategy has yet to go through the examination stage. Therefore, this information and the opposition of STOP needs to be considered against national planning policy which clearly states that;  <i>Where the development plan is absent, silent or relevant policies are out-of-date, local authorities should grant permission unless any adverse impacts of doing so would <u>significantly</u> and <u>demonstrably</u> outweigh the benefits of the harm.</i></p> <p>Whilst it is not necessarily easy to conclude whether this site is suitable for a wind farm there is no evidence to confirm that it is unsuitable. It is not possible therefore to state that this site selection is significant and therefore could not be substantiated as a ground for refusal.</p>
<p><b>Visual Impact and Landscape</b></p> <p>The greatest impact this development will have is undoubtedly visual impact. The nine turbines of the Asfordby wind farm (8 at 125m tall and 1 at 108m tall) would be a, if not the, major defining characteristic of the landscape of Melton Mowbray and the surrounding villages.</p> <p>Melton Mowbray lies within a natural basin in the landscape which means all routes approaching the town will have clear views of the wind farm. The turbines are extremely tall and bulky moving structures which are totally at odds with the existing unspoilt, historic, rural landscape of the area. The wind farm would be the dominant feature in the landscape and would result in a significant change to the character of the area.</p> <p>The scale and intrusion of the turbines on the landscape is hugely underplayed by the applicant. Whilst often acknowledging within the EIA that landscape character would be significantly affected, the applicant consistently then concludes that the change will be small and not significant. The EIA infers that the previous (limited)</p>	<p>The comments in relation to the visual impact and landscape are addressed elsewhere within the report.</p> <p>In response to STOP's consideration of the turbines being huge structures unlike any others in the landscape the applicant have stated that the turbines are of a similar scale, which have been consented in other parts of Leicestershire (Low Spinney) and the UK often in more sensitive landscape locations.</p>

colliery activity somehow mitigates further structures being placed here. The fact is that only one turbine is being placed on the old colliery site and the rest are on land which is farmed or has been restored for wildlife and nature benefits. The impact of the coal mine was small for a number of reasons and now the damage that was done to the countryside has been restored and is improving year on year. The site's current impact on landscape quality is minimal.

The existing industrial and commercial buildings in the area are positioned in the valley bottom and as a result of good development control have minimal impact on the surrounding area. The buildings at Asfordby Business Park low lying and are screened by vegetation and topography, so that when viewed from approaches into the area there is very minimal structure to be seen. The number, huge height and scale of the proposed 9 turbines are in no way lessened by the presence of these commercial and industrial developments despite Peel regularly arguing this is the case within the EIA.

English Heritage has described the area as one of “multi-faceted historic rural landscape of high quality, containing listed buildings of all grades, conservation areas, and scheduled ancient monuments.” Many of these individual features are inter-related by virtue of their date and function. These relationships between historic villages, buildings and churches, many of which are designated (listed buildings, scheduled ancient monuments, conservation areas etc) and thus deserve special protection will be interrupted and harmed by the imposition of a wind farm of the scale proposed.

The historic landscape formed by agricultural and hunting activities over the past centuries are integral to the historic character of Melton Mowbray and its villages. This landscape will be harmed by the visual impact of such large industrial structures.

The proposed development will cause substantial harm to the setting of Grade II\* St Bartholomew's Church in Welby (a view also held by English Heritage), and that there will be further substantial harm to many listed churches and buildings and their settings in the historic villages around the town of Melton Mowbray.

Visual impact on the many thousands of residents living within 2km of the site will be overbearing and residential amenity will be harmed at many dwellings close to the site due to visual dominance and visual effects such as shadow flicker and strobing.

Visual impact will not be restricted to set viewpoints as considered in the application and this report. The turbines will be highly visible from nearly every part of the locality

<p>as was clearly demonstrated by the blimp flights. The turbines will be an ever present feature in a huge number of sensitive locations within an important historic landscape making the extent of harm vast and a full assessment of that harm impossible. The fact that the EIA does not recognise this fact means it is severely lacking.</p> <p>The landscape is one which has largely escaped industrialisation and the character of the area has been preserved as a result. STOP supports renewable energy, but believes that renewable energy developments in particular must be appropriate in scale and size and must be sited carefully and responsibly to minimise impact. This is not the case for the proposed Asfordby wind farm.</p>	
<p><b>Heritage</b></p> <p>STOP believe the truth is in fact very simple : we have a quality historic landscape containing many heritage assets and the introduction of 9 huge industrial structures in such close proximity to Melton Mowbray, numerous historic villages, buildings and sites of historic importance will seriously detract from them.</p> <ul style="list-style-type: none"> <li>· The area is host to numerous and diverse heritage assets</li> <li>· Some important heritage assets are extremely close to the proposed site</li> <li>· The harm to the many and diverse local heritage assets will be great</li> <li>· Harm will be greatest to the closest heritage assets</li> <li>· The setting of numerous conservation areas will be harmed</li> <li>· Chapter 11 of the application is at best flawed and at worst misleading.</li> </ul>	<p>Noted, an assessment in relation to the impact on heritage assets is contained above within the report against the comments of English Heritage.</p>
<p><b>Noise</b></p> <p>STOP estimate there to be between 4000 and 6000 residents living within 2km of the nearest proposed turbine at Asfordby.</p> <p>BS4142 is a time tested British Standard that works. There is no good reason why it should not be used, and plenty of good reasons why it should be used to assess this application. To adequately meet its duty of care to protect residents from noise nuisance, STOP believes MBC should use BS4142 to assess the potential for noise nuisance at the planning stage, and to monitor statutory noise nuisance from the wind farm should it ever be built.</p>	<p>The impact of the proposed development and noise has been assessed in detail above.</p> <p>With regards to appropriate assessment methodology the Council has sought advice from an independent noise consultant who has advised that BS4142 is not a helpful methodology as it does not apply to very low background noise environments and does not account for the different background noise levels with wind speeds. They do, however, agree that BS4124 is a helpful tool, particularly when considering the NPPF requirement regarding use of conditions to minimise effects to the quality of life. The noise consultant concludes their report in stating that ETSU-R-97 is a suitable method for assessing significant adverse impacts.</p> <p>It is not considered that reservations that ETSU-R-97 is the appropriate method to follow are therefore sustainable grounds of objection. The methodology has been closely inspected and as such verified as valid. Whilst reservations</p>

<p>Amplitude modulation (AM) is the cause of many noise complaints against wind farms in the UK. AM is the amplitude modulation of the aerodynamic noise from the blades usually audible as a swish and or thump. The unusual nature of AM noise can intrude on people’s awareness which can cause annoyance, distress and disturbance of sleep. The mechanism of AM noise is complex but is believed to be caused by the turbine blades passing through the air travelling at different speeds (wind shear) and through turbulent air. Acoustic scientists have warned that the low frequency noise from wind turbines can be audible for more than a mile and are calling for the limits on wind turbine noise (quantified in ETSU) to be lowered. Noise consultant Mike Stigwood estimates that 20% of wind farms suffer from AM (Ref: Sunday Times Article 18th Dec 2011). STOP believes the Asfordby site is likely to be at high risk of AM noise for the following reasons:</p> <ul style="list-style-type: none"> <li>• Very large size and height of proposed turbines (T2- T9 125m &amp; T1 108m to blade tip, blade diameter 90m).</li> <li>• Undulating topography of site and wider landscape (increased wind shear and turbulence).</li> <li>• Proximity of obstructions such as trees, woodland and buildings etc (increased wind shear and turbulence).</li> <li>• Close proximity of turbines to each other – less than 4 times blade diameter in some instances (increased turbulence).</li> <li>• Number of turbines (increased overall noise level).</li> <li>• Reduced hub height of T1 with no reduction in blade length (increased wind shear).</li> <li>• Potential for turbines to line up with individual properties when wind in certain direction e.g. 1,3 and 5 and 2, 4 and 6 form 2 rows pointing directly at AK when wind in South / SSW.</li> </ul> <p>Following the inclusion of conditions relating directly to AM in the Den Brook Valley Appeal Decision (Appeal Ref: APP/Q1153/A/06/2017162) AM noise is a material planning consideration that should be taken into account when assessing the noise aspect of the proposed development.</p> <p>STOP believe that the applicant’s own data shows that the proposed turbines are likely to cause a statutory noise nuisance. Despite the applicant’s noise data showing</p>	<p>have been lodged regarding the use of this methodology it remains appropriate and the results demonstrate that no unacceptable impact will occur.</p> <p>It is considered that a planning condition requiring specified noise limits not be exceeded is appropriate for this development. Noise from development is subject to Environmental Pollution legislation like other sources, and redress is available in this form should nuisances arise.</p> <p>The issue of Amplitude Modulation has also been detailed above. The independent noise assessment commission by the Council considered the issue of excessive amplitude modulation and low frequency noise. WYG <b>do not</b> believe that this site is a high risk site for EAM. However, WYG agree that a planning condition should be imposed to ensure that in the event of any excessive AM occurring the turbines will be turned off during specific meteorological conditions that, following a study, appear to be associated with AM.</p> <p>The DEFRA 2011 Statutory Nuisance Complaint Methodology report concludes that ‘modern upwind turbines are not significant source of low frequency noise’.</p> <p><b>Whilst the concerns of STOP are noted, in light of the above and the comments from the Council’s Environmental Health Officer and WYG, it is considered that an objection on noise grounds could not be substantiated.</b></p> <p><b>It is considered that robust planning conditions should be applied to minimise adverse impacts on health and quality of life.</b></p>
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<p>compliance with ETSU, application of BS4142 indicates that a statutory noise nuisance is likely.</p> <p>It is our belief that there are strong grounds on which to refuse planning permission on noise issues:</p> <ul style="list-style-type: none"> <li>• The applicant has done little to address the issue of amplitude modulation (AM) of noise from the wind turbines and therefore MBC have insufficient information on which to fully assess the application.</li> <li>• Study of the noise data submitted by the applicant shows that the predicted turbine noise rating level could regularly be in excess of 10dB above background noise and this is likely to give rise to complaints.</li> <li>• The applicant has not satisfactorily demonstrated that a statutory noise nuisance would not be caused to nearby residents by the operation of the proposed wind farm.</li> </ul> <p><b>For these reasons the application should be refused planning permission. To follow any other course of action would neglect the Council's duty of care to protect residents from noise nuisance.</b></p> <p>If the planning permission is permitted, robust conditions must be applied to protect residents from noise nuisance.</p>	
<p><b>Health and Safety</b></p> <p><b>Health</b> – concern over certain health implications;</p> <ul style="list-style-type: none"> <li>• Low Frequency Noise (LFN)</li> <li>• Amplitude Modulation</li> <li>• Wind turbine Syndrome</li> </ul> <p><b>Health and Safety</b> – concern over the following;</p> <ul style="list-style-type: none"> <li>• Fire</li> <li>• Blade failure/component shedding</li> <li>• Structural Failure &amp; collapse</li> <li>• Ice Throw</li> <li>• Lightning</li> <li>• Transportation</li> <li>• Driver distraction/horse riders</li> </ul> <p>There are real concerns about the Asfordby wind farm site in terms of both noise especially in the low frequency and infrasound ranges as well as the proximity of the turbines to PRoWS, bridleways and neighbouring properties. If or when a serious accident occurs, the LPA could be held accountable for damages and resulting compensation claims.</p> <p>To protect the public it must be clearly stated before the development is permitted; which organization would be</p>	<p>Noted, the issue of LFN and AM is addressed above.</p> <p>Whilst many representation have raised the question off health impacts, the evidence provided is general in nature and none has shown that this configuration would have such impacts.</p> <p>Peel have responded to these concerns stating that wind energy is one of the safest energy technologies evidenced by the fact that RenewableUK have no recorded cases of any member of the public being killed or seriously injured during the normal operation of a wind turbine. With over 25 years of operating experience and with more that 100,000 machines installed around the world this provides robust evidence of the safety and integrity of the technology. Peel conclude by stating that the safety risks of wind turbines to a member of the public are therefore extremely low and substantially below those of other that we all experience in day to day life.</p> <p>With regards to ice throw, modern turbines are fitted with ice detection/de-icing systems which prevent the risk of ice throw. This shuts the turbines down should weather conditions be such that icing of the blades will occur. De-icing is via a heated blade system prior to the turbine being able to rotate.</p>

<p>liable for any claim should it be proved that the site is too close or causes an accident. This written statement should hold clarity for the future and include details as to where liability will pass should the organization cease to exist, passes the site on or even abandons the site altogether.</p> <p>The HSE recognise wind turbine safety risks, however it defers to the planning process to assess the risks for new proposals. PPS22 covers health and safety in only 3 paragraphs (49-51). It only recognises certain types of failures, yet does not include other reported incidents. This must call into question its basis for any proper public safety risk assessment. Many existing wind turbine installations are well away from dwellings, neighbouring property lines and public rights of way. In these sites the risk to the public will be minimal. With regard to this proposal, health and safety risks cannot be minimised due to the physical constraints of the site.</p> <p>In this proposal the site is crossed by a dense network of public rights of way and neighbouring landowners would have turbines within topple distance of their land. Turbines T2 and T4 are only topple distance from Welby Lane (T4 may even be within topple distance). Neighbours and road and PRoW users should not have to accept additional safety risks in order to allow Peel to squeeze in wind turbines onto a constrained site. Even a major wind turbine manufacturer has put the following under Safety Regulations for Operators and Technicians. Vestas Wind Systems, V90 model manual states:  “Do not stay within a radius of 400m (1300ft) from the turbine unless it is necessary. If you have to inspect an operating turbine from the ground, do not stay under the rotor plane but observe the rotor from the front”.</p> <p>“In case of a fire during an uncontrolled operation, do under no circumstances approach the turbine. Evacuate and rope off the turbine in a radius of minimum 400m (1300ft).” Many of the proposed turbines are much closer to public areas than the minimum safety distances suggested above with separation of some less than topple distance (125m / 410ft). The site would be unmanned and despite the assertions made for automatic systems, fires, ice throw and component failure of wind turbines continue to occur worldwide. The safety risks from operational wind turbines are of serious concern. It is no comfort to local people to hear how safe wind turbines are from those who will not have to live and work on or near the site.</p> <p>We believe that both health and health and safety risks for the local community is underplayed in the EIA. The proposals do not provide adequate protection for neighbours to or users of the wind farm site (accessed by PRoW) therefore the application should be rejected.</p>	<p>Modern turbines are also equipped with fire detection and prevention systems which will shut the turbine down the moment that any uncharacteristic change is detected from that of the normal running of the turbine. These systems are constantly monitoring all aspects of the turbine 24 hours a day.</p> <p>With regards to driver distraction/horse riders, 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>In light of the above matters it is not considered that the proposal would cause any significant distraction to drivers/horse riders that could justify refusal on these grounds.</p> <p><b>Both the Highway Authority and Highways Agency are satisfied, subject to the imposition of conditions, that the highway network can accommodate the construction phase, operation and would not be a distraction to drivers.</b></p> <p>The operation of the turbines will be governed by Health and Safety legislation and manufactured in accordance with safety requirements. No evidence has been submitted to suggest the concerns registered are likely to occur.</p> <p>The proposal in relation to PROW and bridleways is addressed above.</p>
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<p><b>Ecology</b></p> <p>The site is a valuable habitat for a wide range of flora and fauna and many protected species. Some corners have been cut with the ecology surveys and where this has happened these surveys should be carried out again rigorously and in line with guidelines.</p> <p>The site is a valuable area due to its lack of busy roads and wide variety of habitats. These habitats are improving daily thanks to the careful reinstatement and improvement of the site following cessation of mining activities.</p> <p>Peel recognises harm will be done but there suggested mitigation measures will not be sufficient to allow the bio-diversity of the site to develop and flourish as it would without the turbines and their associated infrastructure.</p>	<p>Noted, the assessments undertaken of potential ecological/ornithological effect were agreed with the Council in consultation with Natural England and LCC Ecology. Whilst there were some initial concerns additional information/surveys were undertaken as part of the Regulation 19 request and there has been no objection raised to the scheme by the relevant advising bodies.</p> <p>There is no evidence to suggest that the proposal would have an adverse impact on ecology.</p>
<p><b>Rights of Way</b></p> <ul style="list-style-type: none"> <li>• Numerous public rights of way across the site</li> <li>• Rights of way are well used and public use increasing as the site regenerates</li> <li>• Existing enjoyment of use gained from tranquil rural environment and good views</li> <li>• Turbines positioned too close to footpaths and at less than recommended minimum separation distances</li> <li>• Serious health and safety concerns due to inadequate separation distances</li> <li>• Rights of way to be closed during construction rather than diverted</li> <li>• Transformation of paths and farm tracks to 5m wide roads is not an “improvement”</li> <li>• Control Building A will block a right of way</li> <li>• Public enjoyment of rights of way will be reduced</li> <li>• Public use of the rights of way will be curtailed.</li> </ul>	<p>Noted, these issues have been addressed above within the report.</p> <p>Again it should be reiterated that with regards to this application a <b>judgement</b> is needed as to whether the proximity of the footpaths/bridleways to the turbines would cause any significant impact on the users of these facilities. There is no evidence to suggest that turbines discourage the future users of these facilities and there is no statutory requirement for minimum distance separations to PROW and bridleways. With no evidence or further policy guidance to advice contrary to the guidance in the Companion guide to PPS22 it is considered that there is no ground to substantiate a reason for refusal on these grounds.</p>
<p><b>Socio Economic</b></p> <p><b>Recreational Impact</b></p> <p>The majority of recreational harm imposed by the development will be due to its impact on the rights of way crossing the site. The development will also harm;</p> <ul style="list-style-type: none"> <li>• Horse riding</li> <li>• Fishing</li> <li>• Tourism – tourist are attracted to Melton Mowbray as the Rural Capital of Food.</li> </ul> <p><b>Economic Impact</b></p> <p>It is considered that the development will harm the following;</p> <ul style="list-style-type: none"> <li>• Horse riding</li> <li>• Fishing</li> <li>• Tourism</li> <li>• Asfordby Business Park</li> <li>• Test track facility</li> </ul>	<p>STOP are concerned that the proposed development is absent of positive socio-economic impacts.</p> <p>Chapter 6 of the ES relates to Human and Socio-economic assessment and considered the potential effects of the wind farm on the local economy (primary employment and ongoing business operations), tourism and recreational activities. This assessment includes the impacts of the construction, operation and eventual decommissioning of the development. The ES states that no potentially significant economic or tourism effect have been identified. The ES has identified significant recreational impacts during the construction phase of the wind farm, however, these would be upon resources of local importance and no effects have identified upon resources of national importance.</p> <p>The ES also identifies benefits to the wider population and community which relate to the projected energy the</p>

<ul style="list-style-type: none"> <li>• Recreational amenity will be harmed</li> <li>• Little or no benefit to local economy created by the development</li> <li>• The local economy likely to be harmed due to disruption to existing businesses and loss of tourism.</li> </ul>	<p>development would produce and the agreement of Peel to establish a community fund. The agent has stated that the Community Benefit Fund which will be made available will have a value of £900,000 over the lifetime of the development. The applicant has also stated that the proposal would generate a business rate of £5.4million over the lifetime of the development.</p> <p>The applicant have also submitted information in relation to a report by BiGGAR Economics which is a report of the economic impacts/benefits of onshore wind development in the UK which was published in May 2012. The applicants have stated that this is a material consideration in the determination of the application and the relevant parts of the report as follows;</p> <ul style="list-style-type: none"> <li>• 98% of expenditure on the designing and planning of wind farms up to the point of securing permission is retained in the UK.</li> <li>• 45% of expenditure on the construction of the wind farms (manufacture and construction on site) is retained in the UK.</li> <li>• 90% of expenditure on the operation and maintenance of wind farms is retained in the UK.</li> <li>• It is estimated that in 2011 the onshore wind industry supported 8,600 jobs in the UK and generated £548 million in GVA across the UK.</li> <li>• Based on the scenarios for the future deployment of onshore wind in the UK as set out in the UK Renewable Energy Strategy (2011) and the National Renewable Energy Action Plan (2010) it is estimated that the contribution of the onshore wind sector to the UK economy could increase (by 2020) to 8,700 jobs and £580 GVA to 17,900 jobs and £1,183 million GVA (under the highest deployment scenario).</li> <li>• Further GVA and jobs up to £27million/800 jobs could be created through the effects of employee expenditure during the construction phase of wind farms.</li> <li>• The onshore wind industry paid £12million in business rates from the operation of wind farms in 2011. This could increase to £52million by 2020.</li> <li>• Whilst the majority of wind turbine manufacturers are based overseas it is instructive to note that many of the components can and are being manufactured in the UK.</li> </ul> <p>Peel state that this report shows that the onshore wind industry presently makes a significant and meaningful contribution to the UK economy through the jobs it creates and supports indirectly, the GVA created and the tax contributions to the exchequer.</p> <p>There is no current evidence to show that the development would have an adverse impact on recreational and economic activities. With regards to local employment although the development may create some local employment during construction phase this is considered to</p>
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	<p>be minimal.</p> <p>These issues all need to be considered with regards to determining the application. The evidence put forward by the applicant and the offer of a Community Benefit Fund. Community Benefit Funds are a fully justifiable component of a wind energy development and its relationship with its host community. However, these funds are not considered a legitimate materials consideration within the planning decision making process as they do not relate to planning issues nor directly to the proposed wind farm. There is also a lack of evidence as to whether wind farms attract or reduce the number of visitors to an area and therefore it is considered unreasonable to refuse planning permission on these grounds.</p>
<p><b>Shadow Flicker</b></p> <p>The ES has ignored the loss of amenity caused by flicker effects. It is clear for this proposed location that shadow flicker and shadow flickering influence would have an adverse impact on road users, residents and workers near the proposed site.</p> <p>If the application is permitted a condition should be put in place to ensure that the turbines are shut down during periods when shadow flicker affects residents. Although monitoring of such procedures would be difficult to manage, this is not a reason for them not to be carried out to protect residents from the distracting, harmful and well documented health affects that shadow flicker can cause. Melton Borough Council has a “duty of care” towards the health and safety of all its residents. All due consideration should therefore be given when considering this application, to ensure that no one is unacceptably affected by the affect of shadow flicker.</p>	<p>Shadow flicker occurs when the sun travels behind the blades of the turbines and causes moving shadows to be cast over large areas. This can create a strobe or pulsing effect. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a turbine and cast a shadow on and off. It only occurs inside buildings where the flicker appears through a narrow window opening.</p> <p>Chapter 7 of the ES relates to Shadow Flicker. The zone of potential shadow flicker impact covers a distance of 10 rotor diameters from each turbine (in this case 900m from each turbine). The ES states that using worst case scenarios approximately 273 properties may be affected in the absolute maximum shadow flicker zone. These 273 properties equates to 6 locations. The ES estimates that the maximum minutes of potential shadow flicker will be constantly below 30 hours per year for any of the identified receptors. The ES deems this to have no significant impact. However, the applicant has stated that as they are committed to minimising occurrences of shadow flicker wherever possible and therefore proposes mitigation measures which turn off individual turbines at the times each day shadow flicker may occur in theory to ensure that there are no residual impacts.</p> <p>It is considered that whilst some shadow flicker may occur, mitigation measures are available to ensure that there would be no significant loss of residential amenity and a condition can be imposed requiring a detailed specification of the turbines to be installed.</p> <p><b>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.</b></p>

<p><b>Efficiency</b></p> <p>The UK Government is trying to lead the way in renewables. This is highly commendable but it can only work if the renewable projects they choose to support are viable. It is evident that too much money is being wasted on the generation of electricity by on-shore wind turbines. They are expensive, inefficient and unreliable and the only reason developers are remotely interested is that they are a source of huge profits generated through the huge subsidies. It is time for a less dogmatic and more open-minded, common sense approach.</p>	<p>STOP are concerned with regards to the efficiency of wind turbines.</p> <p>Peel have submitted a comment that an independent report by the Centre for Sustainable Energy (2011) confirms that wind turbines generate electricity 80-85% of the time. Over the course of a year, it will typically generate about 30% of the theoretical maximum output. This is known as its load factor. This compares well with the load factor of conventional power stations.</p> <p>Regardless of these comments it should be noted that the <b>NPPF clearly states that Local Planning Authorities should not require applicants for energy developments to demonstrate the overall need.</b></p>
<p><b>Archaeology</b></p> <p>Archaeology of regional importance is present on the site and will be disturbed / removed by the development</p> <p>Peel under plays the significance of the impact on the site's archaeology</p> <p>Mitigation is lacking for Field 7</p> <p>Field assessments were not completed satisfactorily</p> <p>Regionally important archaeology could be lost as a result of the development.</p>	<p>Noted, advice has been sought from the County Archaeologist who is satisfied with the proposal subject to the imposition of conditions.</p> <p>There is <u>no</u> evidence to show that the proposal would have an adverse impact on archaeology.</p>
<p><b>TV Reception</b></p> <p>STOP recognise that problems with TV reception are of a relatively minor concern in planning terms compared to larger impacts of the wind farm and believe that in many cases problems can be mitigated with technical fixes. However, due to concerns expressed from local residents, we feel it is necessary to query the potential to mitigate reception problems in the village of Saxelbye in particular.</p> <p>Saxelbye sits low within the landscape and relies on the signal from the mast at Waltham on the Wolds for TV reception. The wind farm lies directly between Saxelbye village and Waltham Mast. The wind farm is just 1.3km from Saxelbye village. STOP believe these three factors combined could cause a greater than usual problem with TV reception for Saxelbye residents. To a lesser extent perhaps many houses in Asfordby village are also in a similar position to Saxelbye in that they are low in the landscape and the wind farm lies directly between them and Waltham Mast.</p> <p>These circumstances specific to this wind farm application have not been identified or satisfactorily addressed by the applicant within the application.</p>	<p>STOP are concerned with regards to the impact on television reception and seek assurances that the quality of TV reception will not be adversely affected.</p> <p>In the ES, Chapter 7, and a letter to the authority Peel have stated their commitment to ensuring that TV reception is not affected. The Local Planning Authority sought clarification from Peel as to why digital television signals are more resistant to the effect of 'reflection' by wind turbines than analogue signals. Peel refer to the Ofcom report in 2009, "Tall Structures and their impact on broadcast and wireless services", which provides information on this issue. The report confirms that the rotation of wind turbine blades can cause "signal reflection" and the nature of reflection is dependent on a number of factors including speed of turbine blade rotation. This reflection of analogue signals can give rise to an effect known as ghosting. The report then confirms that digital signals are better at coping with signal reflections and that digital television pictures do not suffer from ghosting.</p> <p>The ES states that the potential impact of the wind farm on digital television signals in the Melton area is not possible to predict in advance of the switchover being completed. Peel state that they are committed to investigating and resolving any problems with TV signals that can be</p>

<p>If problems do occur and mitigation is required, perhaps with the use of a bigger aerial or booster box for example, STOP would like a condition to stipulate that the applicant will meet the costs of mitigation for all households affected and that TV reception will be restored to the full satisfaction of residents affected.</p>	<p>attributed to the wind farm development. Such measures may include installation of a TV signal booster box, realigning the aerial to another transmitter or, in extreme cases, installing a satellite television.</p> <p>This can be imposed by means of a condition.</p> <p><b>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.</b></p>
<p><b>Planning Policy</b></p> <p>Since the application was prepared there has been a major shift in national, regional and county policy framework against which the proposal should be considered.</p> <p>NPPF Local Plan Policies The MLDF (Publication) Development Plan Document Other County and Borough Planning Guidance</p> <p>All of these relevant planning policies comprise an extensive array of environmental safeguards. Some local planning policies date from 1999 but their value was recognised in 2007 when they were saved by the then Secretary of State pending the production of the new Local Development Framework. In most cases, their age does not devalue the important role they still have in protecting and enhancing the features and characteristics of the built and natural environment. As well as confirming much of the above, the most recent national guidance rightly emphasizes the importance of reducing the use of fossil fuels and the contribution this would make to reducing CO2 emissions. The current drive to exploit sources of renewable energy has to continue. Research and development of renewable energy sources has to deliver technological advances. The planning system has to enable sites and sources to be developed. However the planning system must also continue to balance competing objectives. It is too important to too many communities and too many important interests. Not all wind farms will be acceptable. Serious harm to interests of acknowledged importance must be prevented. Our submission clearly demonstrates the serious harm to important social and environmental interests in this case.</p> <p><b>It would be wrong to permit wind farms in locations which have low wind speeds and where there are substantial and justified environmental objections merely to obtain quick wins in the struggle to generate increasing amounts of renewable energy. More sustainable forms of renewable energy must be developed, but not at all costs. Approval of this wind farm will create serious and unnecessary damage to the</b></p>	<p>STOP have correctly identified that there has been a shift in national policy. The National Planning Policy Framework (NPPF) was published on the 27<sup>th</sup> March 2012 and replaces all PPGs and PPS.</p> <p>In common with all planning applications the Authority are bound in law to determine the application under s38(6) of the Town and Country Planning Act, i.e in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the Melton Local Plan and the East Midlands Regional Plan.</p> <p>The relevant policies of the Local Plan is Policy OS2 which planning permission will not be granted for development outside the town and village envelopes except for, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside. It is not argued that this development complies with OS2 as the proposal is not considered to be small scale.</p> <p>The East Midlands Regional Plan states that 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. It requires LPA's to assess proposals against the following criteria:</p> <ul style="list-style-type: none"> <li>• Landscape and visual impact;</li> <li>• Effect on the natural and cultural environment;</li> <li>• Effect on the built environment;</li> <li>• No. and size of turbines proposed;</li> <li>• Cumulative impact of wind generation projects, including 'intervisibility';</li> <li>• The contribution of wind generation projects to the regional renewables target;</li> <li>• The contribution of wind energy projects to national and international environmental objectives on climate change</li> </ul> <p>Accordingly, compliance or otherwise with this part of the Development Plan is dependent upon performance</p>

**natural and built environment, to the rural image of Melton Mowbray, to rural tourism and to local residential amenity. It will also reduce the incentives to develop sites with higher wind speeds. In addition, it will delay research and development into more sustainable alternatives and other forms of more suitable renewable energy. It will waste public money and it will ruin the local community's belief in the Government's localism agenda.**

against the above issues. Each of these is addressed above.

The published Melton DPD is considered to only have limited weight.

The NPPF is the most current guidance that the Authority has in relation to wind farms. The NPPF advises that due weight should be given to its content and that where the development plan is absent, silent or relevant policies are out-of-date, local authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the harm.

It is considered that in relation to this subject matter, the Local Plan is of limited relevance as it has no policies that address wind energy proposals and also because it pre-dates both PPS22, which itself has now been replaced by the NPPF. **The NPPF is therefore considered to provide the policy guidance for the application.**

The NPPF states that there is a presumption in favour of planning permission being granted. Paragraph 14 of the NPPF states that there is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. It further states that for decision-taking; that where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or
- specific policies in this Framework indicate development should be restricted.

There are specific policies which refer to climate change and the NPPF states that local planning authorities should recognise the responsibility on all communities to contribute to energy generation.

The NPPF also includes a footnote which states that in assessing the likely impacts of potential wind energy developments when identifying suitable areas, and in determining planning applications for such developments, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure.

Therefore, a balance of all of these policy issues will need to be considered in the determination of the application. The key judgement with regards to Policy OS2 and the NPPF is whether the harm is significant to justify a ground for refusal.

<p><b>Conclusion</b></p> <p>The National Planning Policy Framework (NPPF) supports renewable energy production in the UK in order that the UK can meet national targets by 2020. The NPPF recognises that there may be negative impacts associated with renewable energy developments and infers that some harm must be accepted in order to meet the targets. Conversely it also affords significant protection to the countryside, landscape, heritage assets and the recreational and general amenity of people living, working and travelling close to developments such as wind farms.</p> <p>These objectives of the NPPF clearly pull against each other and a decision must therefore be made based on sound evaluation of the balance of the factors involved.</p> <p>The need to produce renewable energy receives a great deal of political, public and media interest. There is an inherent danger that decision makers are encouraged to override sound and valid planning policies and principles so as not to be seen to be standing in the way of the perceived imperative to support renewable energy generation at all costs.</p> <p>It is absolutely clear in policy terms, for a renewable energy project to be acceptable, it must comply with policies for the protection of the environment.</p> <p>The EIA attempts to argue that these protective policies should give way to the greater good of renewable energy generation. This suggests policies that have been rigorously enforced for decades to protect our countryside, its landscape, the amenity and quality of life of local people count for very little when set against the demands of renewable energy.</p> <p>This fallacious argument is compounded in this case by the selection of a low wind speed site where the adverse social, environmental and economic impacts are sacrificed for relatively small amounts of renewable energy.</p> <p>Onshore wind farms have the greatest visual impact and landscape effects of all renewable technologies. Little can be done to mitigate the effect given their inherent scale compared to all other natural and man-made structures in the landscape.</p> <p>STOP believes the development will have the following benefits and negative impacts.</p> <p><b>Benefits:</b> Production of electricity from a “renewable” source to help meet national targets</p> <p><b>Negative Impacts:</b></p>	<p>The conclusions of STOP are noted and the strong concerns with regards to this application are duly respected. This report has set out to consider all of these concerns which have been considered as part of the determination of the application.</p>
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- Visual impact on landscape
- Visual Impact on numerous Conservation Areas resulting in harm to their character and setting
- Visual impact on numerous heritage assets resulting in harm to their character and setting
- Potential to cause noise nuisance for 4000 to 6000 people living and working within 2km of the site
- Health issues associated with night time noise and loss of sleep
- Health and safety issues due to proximity to public rights of way
- Health and safety issues relating to distraction of drivers on local roads
- Local wildlife and ecology will be harmed in construction and operation
- Use and enjoyment of public rights of way will be curtailed
- Loss of residential amenity due to visual impact, noise and shadow flicker
- Harm to local economy
- Harm to archaeology
- Impact on local television reception
- Impact on air traffic safety.

The impacts of the proposed development are numerous and severe. The one serious planning benefit of producing renewable energy is tempered by the site's limited wind resource and poor location for harvesting wind energy. At this site the negative impacts of, and the level of harm inflicted by, such a large scale wind farm development will vastly outweigh the benefit of the renewable energy produced.

The area is already host to a number of renewable energy developments that will help meet the national targets including the 9 wind turbine wind farm at Old Dalby just 4 miles away from the Asfordby site.

The Government is championing the importance of localism; the strength and volume of local opposition therefore holds significant weight and the Council must take this into full account when considering the application. Local opinion is strongly against this application for a wide range of valid planning reasons which have been clearly set out to the Council in this document and many other consultation responses. The unsuitability of the site to accommodate such a large number of huge wind turbines is clear.

**STOP respectfully asks that the Council refuse planning permission.**

## Representations:

The consultation was publicised by a press notice in the Melton Times and a number of site notices surrounding the site. The application was re-advertised on submission of additional information submitted under Regulation 19 of the EIA Regulations and the additional information submitted under Regulation 17 of the EIA Regulations.

## Objections

As a result of the consultation exercise **356 objection have been received from 267 households**. The Council has also been in receipt of **450 pro-forma letters totalling 806 objections**. However, it should be noted that some of the signatures on the pro-forma letter have also written in on individual basis. The issues raised through representation are addressed below.

Representation	Assessment of Head of Regulatory Services
<p><b>Planning Policy Considerations:</b></p> <ul style="list-style-type: none"> <li>• The application is contrary to OS2 of the Melton Local Plan.</li> <li>• There is a balance which needs to be met between the sympathetic siting of renewable energy projects and the extent of the environmental, social and economic impacts. However, the negative impacts on the local community and the environment completely outweigh any benefits which may be achieved from the proposed development.</li> </ul>	<p>In common with all planning applications, the Authority are bound in law to determine the application under s38(6) of the Act, i.e. in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the Melton Local plan and the East Midlands Regional Plan.</p> <p>The application is considered to be contrary to Local Plan Policy OS2. However, the application needs to be consider in terms of the Development Plan as a whole and the NPPF (see above in respect of the relationship between policy documents).. The issue of compliance with Policy OS2 is required to be balanced against the need for Local Planning Authorities to support the delivery of renewable energy.</p>
<p><b>Impact on character and appearance of the area, views and landscape.</b></p> <ul style="list-style-type: none"> <li>• The area is currently unspoilt beautiful landscape.</li> <li>• Melton will be transformed from an attractive rural town into an industrialised one.</li> <li>• The dominance of these structures on the rural landscape will be detrimental to both Melton and the surrounding villages, many of which have conservation status.</li> <li>• The turbines will be visible for miles in a rural area which at present is an unspoilt beautiful landscape.</li> <li>• It will spoil all tranquillity, beauty and historic quality.</li> <li>• It will ruin the beautiful and scenic views over the Leicestershire Wolds.</li> <li>• The scale of the turbines are totally out of proportion to the landscape.</li> <li>• The proposal will ruin the scenery of what is a beautiful, irreplaceable landscape and unique communities.</li> <li>• The nine turbines are enormous, inharmonious structure that will ruin the rural landscape.</li> <li>• They are not sensitively located and will destroy the countryside setting of Melton Mowbray, Potter Hill and</li> </ul>	<p><b>The issue with regards to the impact on the character and appearance of the area and the landscape has generated a significant amount of objection and concern from various parties</b> (as detailed in this report).</p> <p>In order to advise on the issue of the landscape and visual impact of the proposal the Council have obtained an independent Landscape Consultant to consider the application.</p> <p>The NPPF is clear in its guidance that Local Planning Authorities should approve planning permission unless “any adverse impacts of doing so would <b>significantly and demonstrably</b> outweigh the benefits” (Officer’s emphasis). Therefore, when considering the impact on the surrounding landscape of the proposal this needs to be the <b>key consideration</b>.</p> <p>The NPPF then sets out guidance in relation to conserving and enhancing the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by; ‘protecting and enhancing valued landscapes, geological conservation interests and soils’. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty</p>

<p>surrounding villages.</p> <ul style="list-style-type: none"> <li>• The height of the turbines is completely unreasonable, they would dominate the skyline for residents and visitors alike.</li> <li>• The beautiful Leicestershire countryside will be obliterated with these turbines.</li> <li>• Melton is famous as a countryside town and the surrounding area is known as a tranquil, quiet place to live, this needs to be preserved.</li> <li>• The size, scale and impact of the turbines will dominate the landscape and destroy the enjoyment of the countryside and the simplicity of living in this tranquil area.</li> <li>• An enduring scar will be left on the landscape.</li> <li>• The height of the blades will dominate the local landscape.</li> <li>• As a result of their size, scale and extent, the turbines will dominate views from many points in the surrounding area. They will alter the views in the villages and spoil the beautiful valley vista. They are not sensitively located being built in countryside that is now restored. They will be harmful to the countryside setting of Melton Mowbray and its surrounding villages by industrialising the area.</li> <li>• The Wreake Valley and Vale of Belvoir are outstanding areas of beauty and will be largely ruined by this development.</li> <li>• To approve would be allowing an industrial complex to dominate the rural area.</li> <li>• There will be significant adverse impacts on 4 landscape character areas.</li> <li>• Will take away the tranquillity of the beautiful surrounding countryside.</li> <li>• The size would be an eyesore.</li> <li>• The roadways will be a permanent obstruction on agricultural fields.</li> <li>• The size of the turbines is industrial and inhuman: their scale bears no relation either to man or the built environment and dwarfs the landscape. They are four times higher than St Marys Church tower in Melton and two and a half times taller than the control tower at East Midlands Airport. The London Eye is only 10m taller.</li> <li>• Concern due to the special landscape sensitivity of the area between Melton and Broughton Edge, which has a distinctive landscape character. This is mainly due to the unusually agricultural nature of the land uses. Villages such as Saxelbye, Grimston, Warntaby, Ab Kettleby, Eastwell etc remain little larger than they were in the nineteenth century.</li> <li>• Melton Mowbray presents aspects of English county of leather and willow, of country lanes and riders hacking across the landscape.</li> <li>• The County Council carried out an assessment of the County's landscape and woodlands published in its</li> </ul>	<p>in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.</p> <p>The site lies to the north east of Asfordby, north west of Melton Mowbray. The site contains part of the Asfordby Business Park, former mine site and agricultural land.</p> <p>The site is surrounded by agricultural land which is interspersed by small villages, many of which have designated Conservation Area, Listed Churches and Listed Buildings, farm holdings and to the south the larger settlements of Melton Mowbray, Asfordby, Asfordby Valley and Asfordby Hill.</p> <p>The ES investigated landscape impacts and visual impact and identified a 'zone of theoretical visibility'(ZTV). The zone of theoretical visibility was prepared to 35km radius from the proposed development. The ES concludes that the completed and operational wind farm development would be limited to effects of <b>moderate significance</b> on the character of the Wolds and Wreake Valley (i.e not significant). The effect on the landscape character would be limited by the reduced sensitivity arising from the presence of various features of the site due to past colliery activity in the area, and to the ability of the scale of the wider Wolds landscape to successfully accommodate the proposed change. It also states that the landscape setting of Church Spires within the Wreake Valley landscape character area would not be significantly altered.</p> <p>A significant level of objection has been received with regards to the assessment in the ES. The application proposes 9 large turbines (up to 125m) which expand over a large area to the north of Asfordby reaching towards the villages of Wartnaby and Ab Kettleby. Saxelbye and Grimston lie to the west. The concern is that the turbines will dominate the landscape and impact on the settings of the surrounding Conservation Villages and the Historic Town of Melton Mowbray.</p> <p>The Council has arranged for the ES to be independently reviewed by a Landscape Consultant who have stated that the LVIA for Asfordby Wind Farm in the ES has been presented in a comprehensive and detailed report supported by a number of plans and montages. The methods used to collect landscape and visual baseline data are robust and the assessment methods are generally considered adequate.</p> <p>The surrounding countryside is not identified as being of particular national landscape importance. The study area used is an area of 35km and the consultant has advised that it is unlikely that the development would cause any significant landscape and visual impacts in the areas located further than 35km from the site. In fact, the visibility of the proposed development in the surrounding landscape is</p>
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<p>Landscape and Woodlands Strategy 2001. Three of its defined landscape character area lie partially within the potential ZVI of the turbines;</p> <ul style="list-style-type: none"> <li>- The Wolds</li> <li>- Wreake Valley</li> <li>- High Leicestershire</li> </ul> <p>The proposal would not conserve or enhance the rural character of these identified areas.</p> <ul style="list-style-type: none"> <li>• The first sight any visitor would have of Melton, the Rural Food Capital of England, would be the wind farm from which ever direction it is approached.</li> <li>• The wind farm would divorce the town from its geographical setting.</li> <li>• Views of the area driving into Melton will be dominated by nine 125 metre turbines. An area of natural beauty will be destroyed.</li> <li>• The only sight that is of any height coming down Potter Hill is St James Church with the spire that is beautiful. As visitors come into the historic market town they will have dreadful views.</li> <li>• Uninterrupted wide and far reaching views across the Wreake Valley towards the iron age fort at Burrough on the Hill will be affected.</li> <li>• The huge turbines will be seen from long distances away, Charnwood Forest to the west, Belvoir Castle to the east, Billesdon Coplow to the south and Newark, even Lincoln Cathedral, to the north. All of these places are sites of special interest, beauty or heritage. Their intrinsic value would be compromised by such a visual intrusion.</li> </ul>	<p>limited due to rolling topography combined with existing vegetation cover and built form which effectively screen long distance views. <b>Therefore, it is considered that the proposed development is only likely to have an impact on the landscape at a local level.</b></p> <p>With regards to the effects of the proposal on the character and setting of the designated Conservation Areas the Landscape Consultant has advised that the assessment is appropriate and as an individual area the effect upon the landscape setting and overall character is <b>‘not significant’</b>.</p> <p>A high level of concern has been expressed with regards to the impact on the Public Rights of Way and Bridleways through the site. The Landscape Consultant has advised that none of the viewpoints selected were taken from PROWS and an assumption should be taken that these viewpoint have a high sensitivity due to their status and have a large Predicted Magnitude of Change, resulting in a major and significant Level of Significance. Although there is an acknowledgement that this may have not changed the outcome of the ES.</p> <p>Peel have commented on this issue and have stated that it is accepted that there will be a significant visual impact in this regard, however, this is unavoidable and is the result of the necessary scale of the turbines and their proximity to the PROWs. An assessment on the enjoyments of the public rights of ways and bridleways in the site is contained above.</p> <p>Therefore, this assessment neither confirms nor denies that the proposal would have a <u>significant</u> impact on the landscape in relation to PROW.</p> <p>Of particular concern is the impact the proposal would have on the setting of the town from various major approach roads into Melton. As Melton sits in a ‘bowl’ the approach roads into the town sit in an elevated position. The A606 to the north, the A607 to the east, the A606 to the south and the A607 to the west are all elevated major routes into the town. The area for concern with regards to this is that these elevated routes would have prolonged views of the turbines and would impact on the setting of a Historic Market Town. Again there is no evidence to suggest that the proposal would have a <u>significant</u> impact on the setting of the town.</p> <p>The Landscape Consultant advised the LPA on the impact of the development on the landscape. They advise that the assessment in the ES does not reflect the specific nature of the landscape area and character to the north of the application site.</p> <p>Four distinct landscape character areas with 10km of the site have been defined for the purposes of the assessment, namely The Wolds, The Wreake Valley, High Leicestershire, and The Vale of Belvoir. The Melton</p>
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Borough Landscape and Historic Urban Character Assessment provides further detail on a local scale, dividing the area in to seven sub character types.

- The character area of LCA19 Asfordby Quarry is concentrated on the area formerly quarried and doesn't extend beyond the general boundaries of this previously worked area and therefore it could be argued it doesn't not represent accurately the sensitive nature of the immediate landscape context, including the villages of Wartnaby and Ab Kettleby, which experience to a greater or lesser degree the impact of the proposed turbines.
- It is considered that direct impacts on landscape (physical changes) would be limited to three district landscape character areas outside of LCA19 Asfordby Quarry, namely the western fringes of LCA6 Ridge and Valley, LCA4 Wolds Tops and LCA7 Village and Pastures. The remaining district character areas would be impacted indirectly – through changes in views out from these areas.
- Due to the topography and proximity to the site of the aforementioned villages and the surrounding landscape typology, it is suggested that a more detailed assessment is carried out to establish the sensitivity of this very local landscape to turbines 1- 4.

The report concludes by stating that;

*While it is generally accepted that the scale of these character areas is considered appropriate for the assessment of effects in the wider landscape context, it seems that the local character context has not been assessed in sufficient detail, apart from brief descriptions of district character areas which have been incorporated into the descriptions of the four main character areas used in the assessment.*

*It should be noted that local landscape character areas may have much smaller capacity to accommodate a large wind farm development than larger areas, therefore in-depth understanding of the baseline local landscape character is considered of particular importance. The reports seems to be missing such detailed analysis of the local landscape and focuses on much larger character areas. This may lead to underrating the significance of the landscape impacts on the local scale.*

A more detailed assessment of the very local landscape character areas should be carried out.

The major concern with this application has been that the proposal would have an adverse impact on the local landscape. The Consultant has not confirmed that it will have an adverse impact, just that it is recommended that a more detailed landscape character assessment should be carried out. The report of the Landscape Consultant states that there are a small number of omissions in the assessment they are not advising the Council that the effect

<ul style="list-style-type: none"> <li>• The majority of the site is not an industrialised area, but one of permanent agricultural land and land that has been carefully restored back to agricultural land, or that of environmental benefit.</li> <li>• The mine was only operational for a short time resulting in minimal intrusion on the landscape. The restoration has been achieved and apart from the relatively small area of the former towers, it is no longer an industrial landscape, but one that is predominantly rural.</li> <li>• When permission was granted for the mine there were numerous conditions imposed on the site and surrounding area to protect the general appearance of the location. These turbines are so high it will be impossible to screen them and give any protection to the area.</li> <li>• The continual reporting of the proposed site as being ex-industrial is incorrect. Only one turbine will be located on the concrete apron of the mine site the rest being on land restored for agricultural or woodland and wetland habitats.</li> <li>• The land is green land and not brownfield.</li> <li>• The blimp gave an insight into the sheer scale and closeness of the turbines to the settlements which was shocking.</li> <li>• The photographs Peel used to illustrate where and how these turbines will be viewed at various locations were not accurate in their perspective and were therefore misleading.</li> <li>• The blimp experiment shows the actual blades are higher than the images submitted with the application.</li> </ul>	<p>would be significant.</p> <p>Paragraph 111 of the NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land).</p> <p>There has been a significant levels objection to the ES submitted by the applicant with reference to the site being former industrial area. The site for the nine turbines does cover a large area. One of the turbines is located within the business park, and some fall in the area that use the mine site. However, this area has been reconditioned and has a predominant agricultural/recreational use. Of particular note is the change in the landscape to the north of the site (where turbines 1-4) are sited. It is not considered that the Officers are in agreement that the land is an industrialised area or indeed brownfield.</p> <p>A number of objections, including the submission by STOP, have question the accuracy of the photomontages, particularly when compared to images taken with the Blimp. Peel have stated that the Blimp was flown as a gesture of goodwill to local resident and was done so on a without prejudice basis. In agreeing to fly the Blimp Peel made it clear that Blimps are not seen as a reliable way of assessing the visual impacts of wind farm developments. It is considered that the most appropriate method for assessing the potential visual impact of a wind farm is through the production of photomontages. The wireframe models and photomontages contained with the ES have been produced in compliance with best practice. The documents submitted with regards to the Landscape and Visual Impact Assessment have been reviewed by an independent Landscape Consultant who have not questioned the methodology and accuracy of the photomontages.</p> <p>It must be acknowledged that photo-montages are only part of the consideration of the impact of the proposed development and offer a visual aid.</p> <p>The land around the turbines, whilst within the application site, would remain in agricultural use. On decommissioning the project the land would be reverted back to its original use. The development is therefore reversible. The reversibility of the proposal is considered to be a material planning consideration.</p> <p>Although the application is for full planning permission, the</p>
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	<p>exact make and model of turbines has not been specified. However, it is considered that adequate control can be secured by planning conditions that specify particular limitations such as turbine height, type and colour, along with addressing any other issues raised.</p> <p><u>Conclusion</u></p> <p>There is no argument that the turbines would not be visible, nor introduce a new feature into the landscape. However, this on its own is not considered a reasonable ground for refusal and it is the <b>harm on the landscape</b> the will need to be assessed. Guidance in the NPPF states that this would need to be <b>significant</b>.</p> <p>The proposed 9 turbines <b>will be visible</b> due to their number, size and scale. Crucially, it will not impact upon any designated landscapes and as such the impact falls short of that which is considered to be significant harm. The main impact of these turbines is likely to be on the local landscape. Whilst the Council has received advice that further assessment should be undertaken on the local character areas no evidence has been produced to show that the affects would be significant. Therefore, a <b>judgment</b>, is required as to whether the proposal would have significant harm.</p> <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 The turbines will be readily visible within the landscape from numerous 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. Crucially, they will not impact upon any designated landscapes and as such the impact falls short of that which the NPPF advises require the greatest protection. The proposed turbines will have an impact on the local landscape but without the evidence of any <u>significant</u> harm within the terms set out in the NPPF. <b>Accordingly, it is not considered that a reason for refusal can be substantiated on these grounds.</b></p>
<p><b>Noise:</b></p> <ul style="list-style-type: none"> <li>• Concern over noise pollution.</li> <li>• Residents will be subject to noise and low frequency vibrations</li> <li>• A community noise impact from wind turbines has been submitted by a retired acoustic consultant which concludes that ETSU-R-97 is no longer fit for purpose. It remains unrevised since publication and contains statements which rely on superseded editions of British Standards and misuse of WHO recommendations to justify noise limits and conditions which will result in severe noise nuisance. The report</li> </ul>	<p>The principle sources of noise are from the blades rotating in the air (aerodynamic noise) and from internal machinery (mechanical noise).</p> <p>The Planning Authority has sought guidance on the use of ETSU-R-97 now that PPS22 has been replaced by the NPPF. The recommendations of ETSU-R-97 is to establish accepted background noise levels and the extent to which they may reasonably be exceeded. It is designed to ensure that satisfactory living conditions for those exposed to noise are maintained. This is achieved by setting a 5 dB (A) level</p>

<p>concludes that BS 4142:197 is fit for purpose in principle for wind farm applications and appropriate to determine planning conditions and noise limits for the Asfordby project. The report recommends that wind farm applications should comply with the principles applied to other UK power generation utilities, ie typically with a rating level to background level difference of +3dB but not exceeding +5dB.</p> <ul style="list-style-type: none"> <li>• Wartnaby has one of the lowest background noise levels, concern that Wartnaby’s elevated position in the landscape means that noise is likely to travel more easily. Mitigation of noise will be impossible.</li> <li>• Noise surveys were taken during harvest so disrupted by the noise of combines and tractors effectively ensuring that the background noise recorded for the area is higher than usual.</li> <li>• The noise of the turbines will keep people awake at night.</li> <li>• Noise pollution will result within a 3 km radius.</li> <li>• It is not the sound of wind moving the turbine blades but the high pitched whine of gearboxes that is annoying making clunking sounds.</li> <li>• Young children may be disrupted by the noise during the day at the local Primary School and during the evening/night at home.</li> <li>• A critique in relation to the WYG Environmental Review has been submitted which states partial agreement with the statements and disagreement with the statement. Particularly a disagreement in relation to BS4142 and its relevance in determining wind farms. The wind farm will not cause excessive noise if BS4142 is used as the primary guiding document for guiding condition and not ETSU-R-97. The critique also suggest that as a minimum planning condition the wind farm is not in operation by the time people are preparing to sleep. The critique also suggest using BS4142 methodology to condition AM.</li> </ul>	<p>above background levels (at both day and night) at the nearest noise sensitive properties. This methodology has formed the basis of the submitted noise assessment in the Environmental Statement.</p> <p>In view of the high level of objections to the proposal in relation to noise the Council has obtained advice form the Environmental Health Officer and an independent noise consultant. The noise consultant concludes their report in stating that ETSU-R-97 is a suitable method for assessing significant adverse impacts.</p> <p>It is not considered that reservations that ETSU-R-97 is the appropriate method to follow are therefore sustainable grounds of objection. The methodology has been closely inspected and as such verified as valid. Whilst reservations have been lodged regarding the use of this methodology it remains appropriate and the results demonstrate that no unacceptable impact will occur.</p> <p>The issue of ETSU-R-97 was considered at a previous Public Inquiry which closely examined the merits of the use of this methodology against alternative approaches, particularly BS4142 (08/00990/FUL) and concluded that there was no reason to deviate from the use of ETSU R 97. The recent publishing of the NPPF is considered to reiterate that ETSU-R-97 is the appropriate methodology.</p> <p>It is considered that a planning condition requiring specified noise limits not be exceeded is appropriate for this development. Noise from development is subject to Environmental Pollution legislation like other sources, and redress is available in this form should nuisances arise.</p> <p><b>Whilst the concerns of the objectors are noted, in light of the above and the comments from the Council’s Environmental Health Officer and independent noise consultant, it is considered that an objection on noise grounds could not be substantiated.</b></p>
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**Traffic & road safety:**

- Traffic issues are inevitable with increased levels of large construction vehicles entering and leaving the site and thundering along access routes through villages.
- Huge increase in traffic on the main A606 and on the approach roads to the site during the construction phase.
- Extra traffic in the area.

- Highway safety will be compromised due to drivers on nearby roads being distracted by the scale and proximity of the turbines.
- Could lead to a fatal accident.
- The A606 is dangerous as it is and glances to the turbines will cause a great distraction.
- There will be an increase in accidents between Asfordby Hill and Asfordby Valley as drivers are distracted by the monstrous sized turbines.

The ES identifies and assesses the transport and access effects associated with the construction, operation and decommissioning of the proposed Asfordby Wind Park. It identifies that the construction phase of the development requires significant quantities of steel, concrete, aggregates and other building material, along with plant and equipment, to be transported to the site using HGV's. Furthermore, turbine components are substantial items necessitating the use of large specialised vehicles to transport them to site.

The are two access route to the proposed site are;

- A161 from Goole docks, A614 until M62.
- M18/A1
- A46
- A606
- From the A606 westbound on St Bartholomew's Way; and;
- From St Bartholomew's Way along Welby Lane and into Asfordby Business Park through the main entrance

Route 2

- A161 from Goole docks, A614 until M62.
- M1
- A6
- A6006
- Welby Lane until junction with St Bartholomew's Way/Welby Lane; and
- Eastbound into the business park through the main entrance.

Route 1 is the preferred route and abnormal deliveries would use this route in the first instance.

The ES states that the principal effect would be realised during the six month construction period. The first two months would be the most onerous with a peak of 72 HGV movements per day. The impacts associated with traffic from construction of the wind farm are short terms and can be managed and monitors to ensure that they are not considered significant in terms of the proposal.

With regards to driver distraction/horse riders, PPS 22 companion guide advises on the issue of distraction to drivers and states:

*"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".*

	<p>In light of the above matters it is not considered that the proposal would cause any significant distraction to drivers/horse riders that could justify refusal on these grounds.</p> <p><b>Both the Highway Authority and Highways Agency are satisfied, subject to the imposition of conditions, that the highway network can accommodate the construction phase, operation and would not be a distraction to drivers.</b></p>
<p><b>Archaeology and Heritage Assets</b></p> <ul style="list-style-type: none"> <li>• Strong objection that the turbines will detract from the historic and listed buildings in the area.</li> <li>• This is a district of delightful villages, cottages and small places. The many ancient, listed building in the borough reflect this. The wind farm would dominate every aspect and character of the district.</li> <li>• The turbines will simply effect many other listed buildings and important historical sites located close to the proposed site.</li> <li>• There are a number of historically important buildings and monuments in the area that would be within direct sight of the turbines. The modern and utilitarian appearance of the turbines would clash with the historical character of the whole area.</li> <li>• A number of conservation villages in the area will have their views ruined.</li> <li>• The Grade I Listed Church, listed buildings and the conservation area warrant protection from such a large scale development.</li> <li>• There are scheduled ancient monument sites, attractive historic conservation villages and important listed buildings within the Zone of Visual Influence. The size, scale and impact of the turbines will be harmful to the historic character of the locality and the setting of these historic assets.</li> <li>• Grants have been awarded by English Heritage to St James Church, Ab Kettleby and St Michaels and All Angels Church, Wartnaby. They have been awarded by merit of their importance to the areas heritage. Their rural setting will be completely overshadowed and their aspect will be destroyed.</li> <li>• The turbines would have an impact on Belvoir Castle which at present has no industrial influence so the magnitude of change will be great and the harmful adverse impact on Grade I heritage asset large.</li> <li>• The adverse impact caused by 27 blades rotating above the Belvoir scarp has been ignored by the applicant. The introduction of moving industrial elements that would overtop a predominantly rural scarp demonstrably show the significant adverse impacts which would be inflicted on the landscape of the Vale</li> </ul>	<p><b>Archaeology</b></p> <p>LCC Archaeology are satisfied that the principle of the development can be determined on the basis of the submitted information, but that a staged programme of archaeological mitigation <i>will be required</i> and should be secured by conditions attached to any planning approval.</p> <p><b>On the basis of the information available there is no evidence that harm will be caused to archaeological interests and this would not be a sound basis for objection.</b></p> <p><b>Heritage Assets</b></p> <p>The impact on individual listed buildings and Conservation Areas is considered above.</p> <p><b>It is concluded that the turbines would not have a significant impact on the setting of surrounding heritage assets.</b></p>

<p>of Belvoir and the setting of Grade 1 and 2* heritage assets.</p> <ul style="list-style-type: none"> <li>• The Listed Buildings in this conservation area warrant protection from such large scale development.</li> <li>• Detrimental impact on St Bartholomew’s Church, the Church is a part of an old settlement so the land around it and the vistas on approach and leaving the church vicinity as well as the grounds itself are significant.</li> <li>• There are important ancient monument sites, attractive historic conservation villages, churches with characteristic spires and numerous listed buildings with the Zone of Visual Influence of the proposed turbines. The size, scale and impact of the turbines will be harmful to the historic rural character of the locality and the setting of these historic assets.</li> </ul>	
<p><b>Wildlife</b></p> <ul style="list-style-type: none"> <li>• Local wildlife will be disturbed and there is the possibility of birds and bats being killed once the blades are rotating.</li> <li>• Danger to wildlife, including herons, owls and other rare and protected species.</li> <li>• The proposal will have a devastating effect on the work done in the conservation of flora and fauna</li> <li>• Turbines kill birds and bats, if not by direct hit, then by the associated pressure difference created by the blades resulting in fatal damage to the lungs.</li> <li>• The construction of the turbines, crane pads, roadways and drainage must ultimately affect wildlife habitats.</li> <li>• Will wildlife stay if the turbines are built?</li> <li>• The site selected is a unique habitat, it is species rich and bio diverse. The site should be afforded protection under the Wildlife and Countryside Act 1981. The site is also part of a unique interconnection of eco systems in the local area, three of these are SSSI’s.</li> <li>• The site is an important part of the ecosystem of the other sites and a wildlife corridor for a large number of protected species.</li> <li>• Priory Water Wild Fowl Conservation Site and Melton Country Park conservation area were not included in the Ecology assessment.</li> <li>• Strong concern over the impact on habitat, ponds, birds, breeding birds, wintering birds, bats, badgers, water voles, Great Crested Newts and White clawed crayfish.</li> <li>• There is evidence in Scotland of birds of prey flying into turbines and being killed, there are red kites in this area.</li> <li>• Buzzards, Kites, Owls, bats, Woodpeckers, Badgers, Foxes and Muntjac are all seen regularly on this site.</li> </ul>	<p>The ES has considered the impacts on ecological habitats, flora and fauna. A number of ecological surveys have been carried out on the site.</p> <p>Both Natural England and LCC Ecology have been consulted on the proposals and neither have objected subject to appropriate conditions.</p> <p><b>There is no evidence that harm will be caused to wildlife interests and this would not be a sound basis for objection.</b></p>
<p><b>Suitability of the site for a wind farm/ Need for development</b></p> <p>The site has not been chosen because it is ideal for a wind farm, it has been chosen because it is cheap. Peel Energy has made a deal with UK Coal to utilise mine sites by</p>	<p>The NPPF makes it clear that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy.</p> <p>The applicants have stated that they have full knowledge of the wind conditions on the site and that the site is suitable</p>



<p>building wind farms. The fact that there will be other site which would be more efficient and not ruin beautiful countryside does not seem to matter.</p> <p>The wind farm has only been proposed because it is a disused coal mine site. A wind farm here would not be efficient nor contribute significantly to our regional renewable energy targets.</p> <p>The efficiency of the turbines is questionable when the site is well known to be a low wind speed site.</p> <p>Loss of agricultural land</p>	<p>for the proposed development and will generate a significant amount of renewable energy.</p> <p>The land around the turbines, whilst within the application site, would remain in agricultural use. On decommissioning the project the land would be reverted back to its original use. The development is therefore reversible.</p> <p><b>It is not considered that the loss of agricultural land is adequate grounds on which to oppose the development.</b></p>
<p><b>Health issues</b></p> <ul style="list-style-type: none"> <li>• Vibration and shadow flicker will blight persons lives and in some cases be harmful to those suffering from epilepsy, autism and associated medical conditions.</li> <li>• Concern over audible and inaudible noise, tremor and flicker.</li> <li>• Concern over sun flicker</li> <li>• The noise of turbines has a profound and negative impact on children’s hearing which will affect their learning and development.</li> <li>• Noise will cause sleep deprivation, which can lead to low levels of concentration, extreme fatigue, high levels of stress, depression and an increase of accidents.</li> <li>• Higher risk of coronary heart disease, high blood pressure, impaired cognition, hearing problems and tinnitus.</li> <li>• Mental health issues out of heightened stress levels.</li> <li>• Properties will be affected by shadow flicker</li> <li>• Thudding and noise will be disruptive to children.</li> <li>• Families are far as 1000m away form existing large turbines have been forced to leave their homes.</li> <li>• Acoustic radiation emitted from wind farms is not fully understood. The effects are certain frequencies which penetrate the body leading to the occurrence of a variety of serious conditions.</li> <li>• List of symptoms; dizziness, tinnitus, nausea, headaches, racing pulses and heart palpitations.</li> <li>• The stroboscopic visual effects (commonly referred to as visual flicker) the turbines are known to exhibit, will cause adverse health effect to nearby residents.</li> <li>• When the wind is from a north-westerly direction, houses in the vicinity of the Horseguards development will experience poor air quality because of gaseous emission from the Holwell works. The eddy currents will inhibit the dispersal of the potentially toxic air which would constitute a health hazard.</li> </ul>	<p>The validity of ETSU –R-97 methodology has been questioned by objectors to this development, and other similar schemes throughout the country. Specifically, in that it does not address low frequency sound and other noise/health implications. However, the Haynes McKenzie report, on low frequency noise, was commissioned by DTI and was issued in May 2006. It investigated claims that infrasound or low frequency noise emitted by wind turbine generators was causing health effects. It concluded that there is no evidence of health effects arising from infrasound or low frequency noise generated from turbines. Please see also comments on the use of this methodology under the section entitled ‘Noise’ above.</p> <p>Whilst many representations have raised the question of health impacts, the evidence provided is general in nature and none has shown that this configuration (i.e. the number and type of turbines and their proximity to residents) would have such impacts. Indeed, the most common form of representation is concerned with the absence of certainty that there will be no effects, rather than assertions that there will.</p> <p>Shadow flicker occurs when the sun travels behind the blades of the turbines and causes moving shadows to be cast over large areas. This can create a strobe or pulsing effect. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a turbine and cast a shadow on and off. It only occurs inside buildings where the flicker appears through a narrow window opening.</p> <p>Chapter 7 of the ES relates to Shadow Flicker. The zone of potential shadow flicker impact covers a distance of 10 rotor diameters from each turbine (in this case 900m from each turbine). The ES states that using worst case scenarios</p>

	<p>approximately 273 properties may be affected in the absolute maximum shadow flicker zone. These 273 properties equates to 6 locations. The ES estimates that the maximum minutes of potential shadow flicker will be constantly below 30 hours per year for any of the identified receptors. The ES deems this to have no significant impact. However, the applicant has stated that as they are committed to minimising occurrences of shadow flicker wherever possible and therefore proposes mitigation measures which turn off individual turbines at the times each day shadow flicker may occur in theory to ensure that there are no residual impacts.</p> <p>It is considered that whilst some shadow flicker may occur, mitigation measures are available to ensure that there would be no significant loss of residential amenity and a condition can be imposed requiring a detailed specification of the turbines to be installed.</p> <p>Environmental Health are satisfied that there is no toxic air coming from the Holwell Works site so there is no health hazard whether a wind farm is developed or not.</p> <p><b>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.</b></p>
<p><b>Safety</b></p> <ul style="list-style-type: none"> <li>• Ice shedding</li> <li>• Although the chance of a turbine falling is very low the risks associated with such an event are extremely high. If a turbine fails or falls over debris will be spread far and wide – far beyond topple distance.</li> <li>• Concern over the safety of footpath and bridleway users</li> <li>• T9 is within topple distance of existing industrial building and area where people work</li> <li>• Blade throw</li> <li>• There is a risk of flooding in the valley. The addition of concrete bases and miles of roadway will add to rainwater run-off.</li> </ul>	<p>The operation of the turbines will be governed by Health and Safety legislation and manufactured in accordance with safety requirements.</p> <p>There are no ‘set back’ distance separation policies in relation to turbines. Any distance separations would need to be implemented through policy designation.</p> <p>The concern over ‘icing’ has been addressed above and can be mitigated by the imposition of conditions.</p> <p>Flooding is addressed in the EIA, the proposal would not directly affect any watercourse and the effects of run off rates would be minimal. The Environment Agency have been consulted as part of the application and have no objected to the proposal.</p> <p><b>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.</b></p>
<p><b>Impact on residential Amenities –</b></p> <ul style="list-style-type: none"> <li>• The unsightliness of the turbines will plague the community for years to come. The nearest turbine can be easily seen from surrounding villages.</li> </ul>	<p>Residential amenity can be affected by both visual and non-visual (i.e.noise) impacts. The ability to see a turbine is not in itself sufficient to demonstrate unacceptable harm in a development control context.</p>



<ul style="list-style-type: none"> <li>• The additional tree planting is commendable however the planting proposed will provide no material improvement to the degradation of landscape and destruction of visual amenity.</li> <li>• Decommissioning – there ought to be a clause covering dismantling immediately after early permanent closure.</li> </ul>	<p>The additional tree planting has been proposed to mitigate some of the harm to a designated heritage asset as detailed above. The intention of the screening is not to screen the turbine or is it considered that it would materially impact on the residential amenities of the surrounding properties.</p> <p>If approved, a condition can be imposed with regards to the decommissioning of the proposal.</p> <p><b>It is not considered that the impact on residential amenity is so detrimental to warrant grounds on which to oppose the development.</b></p>
<p><b>Tourism</b></p> <ul style="list-style-type: none"> <li>• The area is a popular walking and horse-riding amenity, the turbines will cause some footpaths and bridleways to be unworkable and certainly unrideable.</li> <li>• Moving blades will scare horse and make leisure horse riding difficult or impossible.</li> <li>• Melton has been promoted as a tourist destination which will be ruined, tourist will go elsewhere.</li> <li>• Melton Mowbray is promoted as the Rural Capital for Food, industrialising the landscape of this historic market town will be detrimental to many food companies, small food producers and the tourism it attracts.</li> <li>• Melton’s heritage and fame for Pork Pies is a result of the particular countryside that surround the area; Wolds escarpment, hedged fields and spinneys. Our food and hunting heritage should be preserved.</li> <li>• The landscape is popular with walkers, horse riders, cyclists, fishermen and other visitors. This spoiling of the countryside could affect all these recreational activities and enjoyment of the open spaces in the area.</li> </ul>	<p>The issues with regards to the impact on tourism and local business has been addressed above within the report.</p> <p>There is no evidence to suggest that the proposal would have a negative impact on tourism in the area.</p> <p><b>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.</b></p>
<p><b>Other issues</b></p> <ul style="list-style-type: none"> <li>• There is little or no evidence re the efficiency of windfarms in this area considering the cost of building these farms.</li> <li>• It has not been proved that wind farms are viable.</li> <li>• There is not enough wind in this area to justify the project.</li> <li>• The production of energy from wind power is inefficient, not environmentally effective, not cost effective and cannot stand on its won without large government subsidy.</li> <li>• Turbines cannot operate in a power cut and only provide power for a comparatively small number of homes, therefore, what is the point.</li> <li>• The economics of the proposal haven’t been proved to be sustainable or essential towards a Green Energy programme</li> <li>• The development is only viable because of the level of</li> </ul>	<p>From a technical perspective (i.e. the wind source), the site was selected based on strategic level data and to further confirm the on-site wind speed a temporary on-site wind monitoring mast has been installed showing wind speed of 6.42 metres per second. Peel have submitted a comment that an independent report by the Centre for Sustainable Energy (2011) confirms that wind turbines generate electricity 80-85% of the time. Over the course of a year, it will typically generate about 30% of the theoretical maximum output. This is known as its load factor. This compares well with the load factor of conventional power stations.</p> <p>Regardless of these comments it should be noted that the NPPF clearly states that Local Planning Authorities should <b>not</b> require applicants for energy developments to demonstrate the overall need.</p>

<p>state subsidy (taxpayers cash), in today's economic circumstances that would be an outrage and a scandal on the watch of current elected councillors.</p> <ul style="list-style-type: none"> <li>• The Council has already approved a wind farm at Old Dalby to propose a second is too much.</li>   <li>• Disruption on life during 18 months construction.</li>   <li>• House prices will fall, by up to 30%.</li>   <li>• If this wind farm goes ahead it will be difficult to object to other environmentally unfriendly industries that wish to build on the site.</li>   <li>• The development will have an impact on the town and footfall into Melton may be reduced.</li> <li>• Due to the turbines developers may not build houses in the area having a negative economic impact.</li> <li>• Impact on rural businesses.</li> <li>• As a childminder concerned that parents will choose to take their children to other childcare providers away from the wind turbine.</li> <li>• It will interfere with trade to local businesses i.e pubs</li>   <li>• Objections still stand after considering the additional information.</li> <li>• It is hoped that the considerable strength of opposition is taken into consideration and the Council protects the interests of local residents.</li> <li>• The application keeps being amended to wear down public opinion.</li> <li>• The level of objection and all parish council objecting is a good example of the weight of local opinion.</li>   <li>• Possible vibration causing damage to local property if built on the old mining works.</li>   <li>• Impact on sport, this area is popular for a wide variety of people, walkers, anglers, horse riders, cyclists, hunters and local artist. The turbines are also within sight of two popular local facilities, Holwell Football Club and the Melton Mowbray Sailing club.</li>   <li>• TV reception could be affected</li> </ul>	<p>There may be some disruption during the construction, however, it is considered that the highway can take the construction traffic and any noise or disturbance during construction is likely to be short lived and temporary.</p> <p>Impacts on house values are not a material planning consideration for planning applications.</p> <p>Each application should be determined on its own merits.</p> <p>Although there may be some local employment generated during the construction phase it is considered that the impact would be minimal.</p> <p>There is no evidence to substantiate this objection, this is addressed above in the report.</p> <p>Noted, the strong and high level of objection is noted and recognised by the Local Planning Authority. All objections have been noted and duly considered during the assessment of the application.</p> <p>Noted, there is no evidence to substantiate this ground of objection.</p> <p>Noted, there is no evidence to suggest that the proposed wind farm will affect these recreational activities.</p> <p>The ES has indicated that the development is likely to affect</p>
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<ul style="list-style-type: none"> <li>• The application at Bottesford was refused as the Inspector recognised the beauty of the area.</li>   <li>• It is inappropriate that giant turbines could be allowed to be built close to Saxelby while our children aren't allowed local housing</li>   <li>• How green is it to manufacture and transport hundreds of tonnes of concrete into the area on non-eco friendly lorries?</li>   <li>• Concern over the impact of noise on animals.</li>   <li>• The Council should not ignore the County Council's objection to the proposal.</li>   <li>• The height of the turbines in East Midlands airports airspace on the direct approach flight path to EMA will be a danger and a nuisance to both civil and military aviation.</li>   <li>• What reassurances are there that if the site is approved and built that there would be sufficient funds secured for the decommissioning of the site after 25 years has elapsed.</li> </ul>	<p>no homes, however, Peel have stated what mitigation measures would be in place if there is any impact on a local residents TV and radio reception. It is therefore recommended that a condition is applied to require resolution and mitigation of this concern before development proceeds.</p> <p>Noted, each application must be determined on its individual merits. However, the relevance of this submission to this scheme, in a different location with a different number and size of turbines is not altogether clear.</p> <p>Noted, the policy assessment for energy development is different to housing policy, as are the likely impacts. All application are required to be determined on its individual merits.</p> <p>No evidence to substantiate this concern.</p> <p>Noted, the Council is the relevant determining body in terms of this application and the County Council is a consultee as part of the determination of the application. It should be noted that the County Councils advice to the Local Planning Authority has not been made on the basis of all of the evidence presented before the LPA. However, the objection of the County has been duly noted and addressed above.</p> <p>Consultation has been carried out with the MoD, CAA, NATS and RAF Cottesmore who have confirmed that it will not impact on aviation activity (see responses above).</p> <p>The proposal is for a 25 year life span, after which it will be decommissioned. Planning law is that planning permission runs with the land on which it has been granted. As owners of the site UK Coal (or any successor in title) will have the responsibility for ensuring that the turbines are either decommissioned or for securing the necessary consents to facilitate their retention at the end of the 25 year period. It is considered that this obligation is irrespective of whether Peel Wind Farms (UKC) Limited retain an interest in the wind farm or not. In the event of UK Coal (or any successor in title) not fulfilling their obligations with regards to decommissioning/securing of new consents the Council would be able to take enforcement action. Therefore, if the turbines are not removed for the site in accordance with the provisions of any planning permission granted there are well established mechanisms which exist which provide the Council with the necessary powers to 'step in' and recover</p>
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	any cost incurred.
<p><b>Notification process</b></p> <ul style="list-style-type: none"> <li>• Complaints with regards to the timing of the submission of the application.</li> <li>• The application has not received much publicity.</li> </ul>	<p>Consultation has been undertaken in line with Council procedures. A number of site notices were posted.. The application has also been advertised in the press. On receipt of supplementary information under Regulation 19 of the EIA Regulations and Regulation 17 a further press notice was issued.</p> <p>It is considered that notification procedures have been followed.</p>
<p><b>Pro-forma letter</b></p> <p>The Council has been in receipt of a standard letter which people have signed and addressed. The letter details relevant points to the village or area of the occupant and all of the points raised in this letter has been covered above.</p>	Noted

### Supporters

8 letters of support have been received from 8 different addresses and 1 letter stating unbiased was submitted raising the following comments,

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Landscape</b></p> <p>The site is acceptable due to its distance from local housing and villages.</p> <p>A wind farm of suitable size and design could be well accommodated into the landscape in this area, particularly given the industrial nature of much of the surrounding development. It also should have minimal impact on the nearby developments, with few places able to see the whole wind farm together.</p> <p>Given the proximity of large industrial use, it is hard to envisage many other sites in the Borough with fewer constraints.</p> <p>There are scheduled ancient monument sites, attractive historic conservation villages and important listed buildings within the Zone of Visual Influence (ZVI) of the proposed turbines. The size, scale and impact of the turbines will be NOT be harmful to the historic character of the locality and the setting of these historic assets ,with views subjective they are no different to windmills.</p> <p>Lindhurst wind farm is far closer to many private dwellings. The nearest dwelling in this proposal is around 660m from a turbine ,over 120m further than here in Rainworth ,with the villages of Asfordby Hill and Asfordby Valley around 730m away ,which exceeds here easily.</p> <p>The landscape is popular with walkers, horse riders,</p>	<p>Noted, an assessment on the impact on the surrounding landscape is contained within the report.</p>

<p>cyclists, fishermen and other visitors and tourists who come to enjoy the countryside for its own sake including its historic quality, beauty and tranquillity. The turbines will not affect these attractive characteristics and several independent studies have found tourists are not affected by windfarms.</p> <p>The enjoyment of using public rights of way across the site for walking, cycling and horse riding will be not be greatly ,if at all ,affected with natural paths turned into (or crossed by) access roads ,allowing greater access and increased tourism.</p> <p>The wind turbines will also NOT impact on the enjoyment of the use of sports and leisure facilities such as Holwell Football Club and Melton Mowbray Sailing Club. Other leisure activities such as cycling, fishing in nearby rivers and lakes, paramotoring, hunting and local artist groups are also likely to be not affected.</p> <p>The site is mainly tip area of the former colliery, it is not of high farming value.</p>	
<p><b>Climate</b></p> <p>To fulfil the increased demand for more power during what is known as the energy gap this project will help satisfy the need.</p> <p>The site for the proposed turbines would be so much better than having a coal fired or even nuclear power station.</p> <p>The country has an obligation to supply more renewable energy. Wind energy seems the obvious answer in the short term.</p> <p>This development will help deliver the towards the renewable targets for the region.</p> <p>Wind is a clean and efficient energy generation technology and it is currently the leading technology for delivering our renewable electricity target. It also has the great benefit that land can continue to be used for agriculture during the operation of the turbines and completely restored if the turbines are no longer required. As the price of oil is rising we need to have secure local energy sources and this project can go some way to supplying much of the electricity used in the Borough.</p> <p>Help enlarge Melton’s green credentials.</p> <p>To me, no person with children should oppose the wind farm, after all, this world is being left to our children after we’ve gone and I think that the sooner renewable energy sources take over energy production the better, it will certainly leave our younger generation with less environmental mess to clear up.</p>	<p>Noted.</p>



<p>Although I question whether the cost and variable power production of wind farms actually benefit the country, it is a fact that they are 'promoted' by Government and private companies are willing to invest funds in their development, which in turn, provides employment in difficult times.</p>	
<p><b>Highway Safety</b></p> <p>There was no traffic issues relating to the construction of the site at Lindhurst with heavy vehicles entering and leaving the site unnoticed.</p>	Noted
<p><b>Noise</b></p> <p>I have visited a wind farm site in Scunthorpe and I now know that there is no noise pollution.</p> <p>I rode on horseback close to one of the turbines and it made very little noise, about that of a generator so I do not think that noise can be an issue here.</p>	The issue of noise is considered above within the report.
<p><b>Health</b></p> <p>Living conditions of nearby residents will not be harmed due to potential problems such as noise, shadow flicker and visual effects as they are easily controlled due the large distances involved and planning conditions. Noise relating to sleep disturbance and the effects of shadow flicker especially on sufferers of epilepsy and autism are nimby myths with Far closer wind farms here causing NO noise nuisance. Modern wind turbines rotate far too slowly to trigger epilepsy.</p>	The issues surrounding health are addressed above in the report.
<p><b>Wildlife</b></p> <p>The impact on local wildlife on the site will be insignificant ,with professionals left to study and assess any minor effect as per planning law. There are several protected species known to inhabit or visit the site and many species including bats, birds, badgers, migratory geese and swans will NOT be affected as per the full Environment Impact assessment.</p>	The issues of the impact of the proposal on wildlife is addressed above.
<p>The impact on house prices, is one of the nimby networks prize myths ,with no evidence at all and is not a planning issue. The world recession is the only impact. Local house prices here ,have not changed at all with a 600m property recently selling for £500,000 ,the same price as before.</p>	Noted, as stated above the impact on house prices is not a material planning consideration.
<p>Supports the principle, but looks to the planning process to ensure that the interests of the local community are safeguarded and that suitable measures are provided by Peel Energy to ensure no nuisance results from the presence of the wind farm during its operation or when it ceases to operate</p>	Noted
<p>Writing not to object to the wind turbines and wish to be unbiased to either side of the argument .</p> <p>However, writing to give you some pointers on the</p>	Noted. The Authority is not responsible for any leaflets published in connection with the application.

objection leaflets that have been distributed around Asfordby . The points at the top of the leaflet have been very poorly thought out .

Quote :

Would you be happy ...

1 ... If noise kept you awake . ( Asfordby has a large main road running through the village also a haulage firm has been based in the centre of the village for a long time. I can guarantee that I will hear moving traffic at all times of the day even when I am in bed . So I doubt that the whirl of turbine blades will prevent me from sleeping .)

2... If the value of your house fell . (We have just exited a financial downturn the value of most people's houses fell during recent years . The addition of an energy producing feature is not that likely to make a dramatic price difference to the average Asfordby home).

3.. If your family's health suffered. ( The biggest health organisation in Britain is the NHS, is it not more likely that the health of Asfordbys family's will suffer more at the hand of Mr Cameron and Mr Osborne's budget cuts , than at the hand of an energy conversion unit ).

4... To live in a more industrialised area . (Asfordby hill has had for many years a large industrial estate , including a coal mine and a metal works , these companies have supplied much needed jobs to the area . There is also an industrial haulage firm situated in the centre of the main village . you couldn't get more industrialised.)

I hope that you will take note of my points and utilise them in your next indoctrinating and informative leaflet.

### Conclusion

This application proposes a large wind farm development to the north of Asfordby. An application of this nature presents numerous issues which need to be balanced in order to reach a decision on the proposal. In terms of Policy the development is considered to be contrary to the Local Plan but, on assessment of the issues it presents, in general compliance with the East Midlands Regional Plan.. However, the Local Plan is post-dated by the National Planning Policy Framework which seeks to ensure that there is a **presumption in favour of sustainable development** and that in assessing development permission should be granted unless adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**. Therefore, in assessing this application the Council will need to consider the harm of the proposal and the benefits of the scheme.

### Potential Harm

The above report sets out the harm that the development would have. The most significant sources of harm are considered to be the potential impact on the local landscape from nearby and longer distance views, particularly from approaches to the area , the potential impact on the setting of St Bartholomew's Church, Welby and the potential impact on a number of public footpaths/bridleways that run in close proximity to the site. An assessment on each of these is contained above within the report.

### Potential Benefits

The proposal is considered to be supported in terms of very broad principles by national policy as contributing to the wider aims of encouraging renewable energy. The application has been supported with the relevant technical information and has been assessed to be acceptable in terms of impact on flooding, noise, access, aviation and shadow flicker by the appropriate expert bodies. The application is also considered to make a contribution to renewable energy generation, offset the release of CO<sub>2</sub> emissions, create a number of jobs during construction and indirect benefits to the local economy. The applicant is also proposing mitigation measure in relation to the Listed Church at Welby and Deserted Medieval Village. The applicant is also making a Community Benefit Fund available, however, this is not a material consideration in the determination of the application.

Therefore, the key judgement required is to balance the harm against the potential benefits within the context of 'sustainable development' as defined by the NPPF.. On balance, whilst there is a concern that the proposal would impact on the local landscape, designated heritage asset and public rights of way it is considered that these issues are not so **significant** as to warrant a reason for refusal (see report above). The proposed development is limited in its degree of harm to the key issues as well as, being temporary and reversible, and the benefits in terms of contribution to renewable energy and resultant CO<sub>2</sub> reductions are considered to be substantial. Accordingly, it is not considered that the harm significantly and demonstrably outweighs the benefits.

It is therefore considered that benefits of electricity generation of this scheme is considered to outweigh any harm of the proposal.

### **RECOMMENDATION:- Permit, subject to the satisfactory completion of a Section 106 Agreement securing the delivery of landscape mitigation and measures to reveal the significance of a heritage asset, and the following conditions;**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. By the end of 25 years from the first generation of electricity from the development to the grid all surface elements of the development shall have been removed from the site and the land reinstated in accordance with a scheme which shall be approved in writing by and submitted to the Planning Authority for approval not later than 12 months prior to the expiry of the said period of 25 years.
3. If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise be agreed in writing by the Local Planning Authority.
4. In the event that a wind turbine and its associated ancillary equipment are removed in accordance with condition 3 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority such scheme to include management and timing of the works and a traffic management plan.
5. Prior to the commencement of the development, a scheme for the finish and colour of the wind turbines shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate a semi-matt finish for all of the wind turbines and no part of any of the wind turbines shall carry any logo or lettering other than that required for health and safety purposes or required for legal reasons. The development shall be carried out in accordance with the approved details.
6. The maximum height of wind turbine no. 1, when measured from the turbines base to the blade tip in the vertical position, shall be no greater than 108 metres, and the length of the blades shall not exceed 45m. The maximum height of wind turbines no. 2 - 9, when measured from the turbines

base to the blade tip in the vertical position, shall be no greater than 125 metres, and the length of the blades shall not exceed 45m.

7. All wind turbine blades shall rotate in the same direction.
8. Before the development hereby commences, a scheme for the lighting of the proposed development shall be submitted and agreed in writing to the Local Planning Authority. The proposal shall be implemented in accordance with the approved scheme.
9. No turbine shall be erected until the Developer has agreed a Primary Radar Mitigation Scheme (PRMS) with the Operator which has been submitted to and approved in writing by the Local Planning Authority in order to mitigate the impact of the development on the Primary Radar Installation at Claxby, the Primary Surveillance Radar at RAF Cottesmore and the Primary Surveillance radar at East Midlands Airport.
10. No turbine shall be erected unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with the approved scheme.
11. Development shall not begin until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion
  - sustainable drainage techniques or SuDS incorporated into the design.
  - details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off
  - that the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including a allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume) .
12. Prior to the commencement of development, a working method statement to cover all channel crossing culverts shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
  13. The development permitted by this planning permission shall only be carried out in accordance with the Environmental Statement including the following specific mitigation measures detailed therein:
    1. Minimise effects on water voles by filtering water through settlement lagoons prior to being released into any natural watercourses.
    - 2.. Erect fencing to exclude Great Crested Newts from the works area, and reinstate habitat.
  14. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
    1. A preliminary risk assessment which has identified:

- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be directed to discharge downwards into the bund.
16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
17. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
18. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 17.
19. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 17 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
20. Prior to the commencement of development a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Local Planning Authority. The TMP shall include details of

specific measures which are to be taken to minimise the impact of construction traffic on public rights of way within the application site. For the avoidance of doubt, such measures will seek to minimise the periods of time which public rights of way are required to be temporarily diverted or closed. The approved measures shall thereafter be implemented, unless otherwise agreed in writing by the local planning authority

21. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
22. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.
23. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
24. Prior to commencement of development, the accommodation works required on the route(s) to be used for the delivery of the wind turbine components shall be provided.
25. Following delivery of the wind turbine components, the accommodation works shall be re-instated to the satisfaction of the Highway Authority.
26. Prior to commencement of development an updated survey for the presence of badgers should be completed and submitted to the Local Planning Authority. If badger setts are identified mitigation measures shall be agreed in writing with the Local Planning Authority and implemented in accordance with the agreed measures. Measures should be taken in order to prevent accidental entrapment of badgers including the covering and/or escape measures where trenches are left open overnight
27. All works to hedgerows (including removal and replanting) should be completed outside of the bird-breeding season to protect any nesting birds.
28. Prior to commencement of development a management plan should be produced for the hedgerows on site. This should cover the removal and replanting of the hedgerows (including the species to be used) and the long-term management of the hedgerows to ensure that they do not grow too tall. In addition, detail should be provided as to how the 50 metre buffers will be retained between turbines and habitats. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
29. A protected species survey must be completed prior to the decommissioning phase of the development and submitted to the Local Planning Authority. The decommissioning phase shall be in accordance with any mitigation measures identified and agreed by the Local Planning Authority.
30. Prior to the commencement of development mitigation measures as stated in section 13.7 of the Environmental Statement must be in place throughout the development.
31. Prior to the commencement of development mitigation measures for Water Vole as stated on page 29,31 and 32 of the Supplement to Environment Statement and the Water Vole Mitigation Plan (Fig 7.3) must be in place throughout the development.

32. Any incidental records of bat or bird strike must be forwarded to the Local Planning Authority.
33. No works in relation to the Development are to commence until the planning authority have given approval in writing for the final specification of the wind turbines which will include: the make, model, design, power rating and warranted sound power levels.
34. A scheme for the ‘undergrounding’ of that section of the 25kv overhead power cable which lies within topple distance of T9 shall be submitted to and approved in writing by the local planning authority. The approved works shall be implemented prior to the erection of T9, unless otherwise approved in writing by the local planning authority.
35. No development shall commence until a Radio Mitigation Scheme (“the scheme”) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include means of mitigating the impact of the development on the Private Mobile Radio System used by the Test Track and the operations of the Test Centre and associated railway. Details of how the effectiveness of the scheme shall be monitored and, if necessary, how the mitigation measures shall be amended shall also be included. No turbine blades shall rotate until the approved scheme has been implemented.
36. At the request of the planning authority and following a valid complaint to the Planning Authority relating to TV and Radio interference from the wind turbines a scheme to secure the investigation and rectification of any electro-magnetic interference to terrestrial TV caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented.
37. At the request of the planning authority and following a valid complaint to the Planning Authority relating to shadow flicker from the wind turbines, the wind farm operator shall follow the mitigation scheme as detailed in the Environmental Statement 7.7 (7.1 – 7.2) which shall be agreed in writing by the Local Planning Authority.
38. The developer's noise assessment shall be updated as necessary to reflect the turbine specification approved, and shall be submitted to the Local Planning Authority prior to the commencement of development. In the event of predicted exceeding of ETSU-R-97 levels or as otherwise agreed, the developer shall submit mitigation measures to the Local Planning Authority for their prior written approval in advance of the commencement of development.
39. At wind speeds not exceeding 10 metres per second, as measured or calculated at a height of 10 metres above ground level (at the location of the meteorological mast shown at location 471630, 321650 on plan figure 3.2) the wind turbine noise level at any occupied dwelling shall not exceed:
  - during night hours (23:00-07:00), 43 dB  $L_{A90,10min}$ , or the night hours  $L_{A90,10min}$  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  $L_{A90,10min}$  or the quiet waking hours  $L_{A90,10min}$  background noise level plus 5 dB(A), whichever is the greater; and,
  - at all times 45 dB,  $L_{A90,10min}$  or the (day/night as appropriate) hours  $L_{A90,10min}$  background noise level plus 5 dB(A), whichever is the higher in respect of any house where the occupier is a stakeholder in the development,

Providing that this condition shall only apply to dwellings lawfully existing at the date of this planning permission.

40. At the request of the Local Planning Authority and following a valid complaint to the Local Planning Authority relating to noise emissions from the wind turbines, the wind farm operator

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; and calculations of noise made using the approach reported in the environmental statement submitted with the planning application. The assessment approach shall be approved by the Local 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 and shown by the best fit curves in the environmental statement submitted with this application. In the event of a complaint from a property other than one of the specified properties in the environmental statement, the measured wind turbine noise levels at that other property shall be compared to the prevailing background noise levels at the specified property which is most likely to have similar background noise levels.

41. Should the wind turbine noise levels specified in Condition 39 be exceeded, whether or not identified as a result of the procedure set out at condition 40 above, 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 Authority is satisfactory.
42. The hours of work during the construction phase of the development and any traffic movements to or from the site associated with the construction of the development shall be limited to 0730 to 1900 hours on Mondays to Fridays and 0700 to 1400 hours on Saturdays other than as allowed for under condition 14. No work shall take place outside these hours (including on Bank Holidays) unless otherwise previously agreed in writing by the Local Planning Authority.
43. Notwithstanding the provisions of condition 42, delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours prior notice of such traffic movements being given to the Local Planning Authority and such deliveries first being approved in writing by the Local Planning Authority.
44. Excess Amplitude Modulation ("Excess AM") is the modulation of aerodynamic noise produced at the frequency at which a blade passes a fixed point and occurring in ways not anticipated by ETSU-R-97, The Assessment and Rating of Noise from Wind Farms. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess AM is considered by the LPA to be present in the noise emissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.
45. Prior to the operation of the development the turbines shall be fitted with ice detection/de-icing systems which prevent the risk of ice throw.

#### Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that, on decommissioning, the site is reinstated in order to protect the environment
3. To ensure that any redundant turbines are removed from site in order to protect the visual qualities of the environment
4. To ensure that, subsequent to the removal of redundant turbines, the land is reinstated in order to protect the natural and visual qualities of the environment.



5. In order to protect the visual qualities of the environment
6. In order to protect the visual qualities of the area and to comply with the application.
7. In order to protect there visual qualities of the area.
8. In the interest of aviation safety.
9. In the interest of aviation safety.
10. In the interest of aviation safety.
11. To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system.
12. The channel crossings poses significant risks of increased blockages and could increase flood risk to others.
13. To protect the natural environment.
14. To protect controlled waters in the area.
15. To prevent pollution of the water environment.
16. To prevent pollution of the water environment.
17. To ensure satisfactory archaeological investigation and recording.
18. To ensure satisfactory archaeological investigation and recording.
19. To ensure satisfactory archaeological investigation and recording.
20. In the interest of pedestrian safety.
21. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
22. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
23. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
24. In the general interest of Highway Safety.
25. In the general interest of Highway Safety.
- 26 – 33 In the interest of protected species and habitats.
- 34 In the interest of safety.
- 35 In the interest of safety.
36. In order to protect the amenities of neighbouring residents

- 37. In order to protect the amenities of neighbouring residents.
- 38 & 41 In order to control noise in the interest of residential amenity
- 42. In order to protect residential amenity
- 43. To enable turbine and crane components to be delivered at times appropriate to minimise impacts on highway safety and the free flow of traffic.
- 44. In order to protect residential amenity.
- 45. In the interest of safety.

Officer to contact: **Mrs Jennifer Wallis**

**16<sup>th</sup> July 2012**