

SUMMARY REPORT

Committee Date: **26th July 2012**

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 infrastructure

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 application comprises 9 wind turbines and associated infrastructure including:-

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.

The application is accompanied by an Environmental Impact Assessment

Planning Policies:-

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS.

East Midlands Regional Plan

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 establishes criteria for on-shore wind energy,

The EMRP requires that on-shore wind installations should increase capacity from 54MW to 175 MW) by 2020.

Adopted Melton Local Plan

Policy OS2 – planning permission will not be granted for development outside the town and village envelopes except for limited small scale development.

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

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| <p>English Heritage –</p> <ul style="list-style-type: none"> • substantial harm will be caused to the setting of St Bartholomew’s Church, Welby. • harm would be less than substantial to all other heritage assets <p>The NPPF requires the potential public benefits of the proposal to be weighed against the harm arising from the proposal.</p> | <p>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.</p> <p>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.</p> <p>The proposed scheme would go towards meeting targets for renewable energy generation, a reduction in CO² emissions and the benefits arising through construction and maintenance. The judgement should be to the impact of the harm.</p> <p>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, 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.</p> |
| <p>MBC Conservation Officer –</p> <p>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.</p> <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</p> | <p>Noted – comments on the impact on Heritage Assets is addressed above opposite English Heritage’s advice.</p> <p>The comments of the Conservation Officer are noted.</p> <p>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 the proposal, the mitigation measures proposed and the reversibility of the scheme, it is not considered that a ground for refusal on this basis could be substantiated.</p> |

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| from major approach roads into Melton Mowbray from both the north and west raise some concerns. | |
| <p>LCC – Planning</p> <p>There is general support for the principle of development for renewable energy in PPS1 (Supplement on Climate Change) and PPS22.</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 and the County Planning Authority OBJECT to the proposed development on this basis.</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> |
| Civil Aviation Authority – highlight potential issues from the development. | Noted. |
| NATS – No objection subject to the imposition of conditions. | Noted, the original objection has been withdrawn subject to the imposition of conditions. |
| East Midlands Airport - No objection subject to the imposition of conditions. | Noted, original objection has been withdrawn subject to the imposition of conditions. |
| RAF Cottesmore – will not be affected by the proposal. | Noted. |
| Ministry of Defence – No objection subject to the imposition of conditions. | Noted, original objection has been withdrawn subject to the imposition of conditions. |
| Charnwood Borough Council – do not consider that the proposal is likely to have a materially detrimental impact on Charnwood. | <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>It is considered that the proposal would not have a significant cumulative impact.</p> |
| Environment Agency – No objection subject to conditions | Noted – can be conditioned. |
| LCC Archaeology – no objection, subject to the imposition of conditions. | Noted. It is considered that the initial concerns with regards to Archaeology have been satisfactorily addressed through the completion of further field work and trial trenching. Conditions can be imposed as requested should permission be granted. |
| <p>LCC Footpaths – no comments to make on the proposed location of turbines 3, 5, 7 and 9.</p> <ul style="list-style-type: none"> • Turbines 1 & 4 will only be 84m and 115m from public footpaths G62 and G63, which is short of the fall-over distance • Turbine 2 will only be 60m from public footpath H33 • 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 8 would represent the loss of a local facility for many horse riders and is not something that the County | <p>There is no statutory or policy separation distance between a wind turbine and a public right of way. The Companion Guide to PPS22 notes that a separation distance of 200 metres between turbines and bridleways, could be deemed desirable, but this is not a statutory requirement.</p> <p>A judgement 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.</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</p> |

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| <p>Council can support.</p> <ul style="list-style-type: none"> • Turbine 6 will only be 50m from restricted byway G60a.. Strongly object to the location of this turbine. <p>In any development they would expect to see improvements to the rights of way. The control building A is shown on the proposed new route of restricted byway G60a.</p> | <p>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>The Ramblers – no objection to the application</p> | <p>Noted. A Management Plan can be secured by means of a condition.</p> |
| <p>British Horse Society Leics & Rutland - fully support LCC Footpaths comments and objections.</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>It is considered that there is no ground to substantiate a reason for refusal on these grounds.</p> |
| <p>National Trust –no impacts that would be so severe as to warrant refusal of the planning application.</p> | <p>Comments noted.</p> |
| <p>Network Rail –have no objection in principle.</p> | <p>Noted.</p> |
| <p>Serco – 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.</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>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>British Railway Board BRB (Residuary) – objects 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.</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.</p> |
| <p>LCC Highways Authority – 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>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>Highways Agency – has no objection to the proposal.</p> | <p>Noted.</p> |

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| <p>Natural England – would not object 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>Noted; initial concerns have been addressed with the supplementary information received.</p> |
| <p>LCC Ecology – recommend that conditions are imposed if planning permission be granted and are satisfied that this proposed mitigation can be incorporated into the development.</p> | <p>Noted; no basis for refusal has been identified from these issues– conditions can be imposed on any grant of planning permission.</p> |
| <p>MBC Environmental Health – Noise</p> <p>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 from the wind farm will be slightly above the background noise.</p> <p>Conditions are recommended which will take into account tonal characteristics and different wind speeds</p> <p>It is also recommended that there are conditions on restriction on the times during which construction and de-commissioning works are undertaken.</p> <p>Amplitude Modulation</p> <p>The noise limits prescribed in ETSU-R-97 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 and 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>The NPPF 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”.</p> <p>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.</p> <p>The Council commissioned an independent assessment addressing the methodology used and the adequacy of the measurements taken to comply with it.</p> <p>The report advises;</p> <ul style="list-style-type: none"> • The monitoring and modelling work is appropriate and robust. • It is considered that the ETSU-R-97 methodology is a suitable • Given the audibility above background considerations it is evident that the wind turbines will be heard <p>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> <p>The issue of amplitude modulation (AM) low frequency noise (LFN) can be controlled by means of a condition.</p> <p>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 consider noise and AM as a ground for refusal.</p> |
| <p>MBC Environmental Health – Air Quality</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>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> |

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| <p>Leicestershire CPRE - object</p> <ul style="list-style-type: none"> • The application is contrary to Policy OS2 of the Melton Local Plan. • There will be significant adverse impact on the setting of local heritage assets and the wider historic landscape. • There will be significant adverse impact on 4 landscape character areas. • 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. • There will be a significant adverse impact on bats and birds | <p>The application is considered to be contrary to Local Plan Policy OS2. However, the application needs to be considered in terms of the Development Plan as a whole and the NPPF.</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 imposition of conditions. The methodology with regards to the assessment on ecology has been agreed with Natural England and the County Ecologist</p> <p>With regard to the impact on Priory Waters and the potential adverse on ducks, swans, geese, raptors and wading birds, 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 waterbodies will remain unaffected by the proposal</p> |
| <p>Melton and District Civic Society –</p> <ul style="list-style-type: none"> • Harm to humans:- the proposed at Asfordby turbines are too close to many dwellings. • 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. • Harm to wild life: all windfarms are potentially harmful to wildlife. • Local hunts and the veterinary camp could be affected by the Asfordby proposal. | <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> |

Parish Council Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
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| <p>Ab Kettleby PC – object to this application.</p> <ul style="list-style-type: none"> • noise and shadow flicker may be harmful to health. • Some of the turbines will be extremely close to five primary schools and less than 1000 metres away from Ab Kettleby School. • 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. • The site is zigzagged with public footpaths and bridleways which are in constant use by local residents seeking peace and quiet. • Turbines can accumulate ice under some atmospheric conditions. Since this ice can then be | <p>The issue regarding the impact on the landscape is assessed within the report. This assessment considers the issue of the industrial nature of the site and its countryside characteristics.</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>The application is not considered to comply with OS2,</p> |

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| <p>shed some distance (several hundred metres from the turbine),</p> <ul style="list-style-type: none"> • The close proximity of the footpaths and bridleways may well result in health and safety issues in terms of noise and flicker. • Wind will be affected by the wolds creating additional turbulence which will have a negative impact upon noise levels from the turbines. • The site is located within an area designated as open countryside within the Melton Local Plan, adjacent to an Area of Particularly Attractive Countryside. • 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. • 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 site is currently the habitat of several species wild plants which will be destroyed during construction. • 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. • 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 • We understand that the site has previously been used for the burial of 2357 pigs in the area where Peel 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. • 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? • 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” • 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 & Garden and 27 Scheduled Monuments. Within 5km of the site there are 10 Conservation Areas – including the Conservation Area in Ab Kettleby | <p>however, a more detailed policy assessment is contained within the report.</p> <p>Impact on house values is not a material planning consideration for planning applications.</p> |
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| <p>which is approximately 650 metres away. The site represents a huge threat to our cultural and historic assets.</p> <ul style="list-style-type: none"> • The volume of site traffic and disruption during construction will impact upon local rural communities.. • The viability of wind farms is extremely questionable. • 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. • The proposal is contrary to policy OS2 of the Melton Local Plan as it is not one of the uses specified as being acceptable. • The proposed wind farm would have a detrimental effect upon house prices. • 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>Asfordby PC –object</p> <ul style="list-style-type: none"> • The proposal is contrary to Policy OS2 of the Melton Local Plan • The proposal by virtue of its size and scale would have a significant impact upon the open and undeveloped character of the countryside • The proposal would have a significant impact upon a number of historic assets and their wider landscape settings. • 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”. • The current road infrastructure is inadequate to support the anticipated weight and volume of vehicles using minor road • The anticipated employment will be of a specialist nature and therefore it is extremely unlikely that local people will benefit. • the likelihood of flooding both on the site and its significant impact on run-off from the site towards properties located in Asfordby Valley • The proximity of the proposed wind turbines to residences. • The proposals significant impact on local ecological systems, and protected species like newts and bats. • 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>All of these issues have been addressed elsewhere within the report.</p> |

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| <p>Frisby on the Wreake PC – object on the following grounds;</p> <ul style="list-style-type: none"> • 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. • The visual impact will be considerable on the local villages including our own. • Noise emissions could prove annoying for local residents. • Shading strobe effects have been experienced by those living near turbines. • Birds find it difficult to avoid the blades – apparently they do not always see them • Risks to aviation since we do lie within the flight path to East Midlands Airport. <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>Noted, all of these issues have been addressed elsewhere within the report.</p> |
| <p>Grimston, Saxelbye and Shoby PC –</p> <ul style="list-style-type: none"> • The visual impact of the proposal would be detrimental to the local area. • The development would have an undue adverse impact on the setting and character of the many heritage assets in the area. • The turbines are too close to residential dwellings. | <p>Noted, all of these issues are considered elsewhere within the report.</p> |

STOP – Stop the Turbines Oppose Peel

| Representation | Assessment of Head of Regulatory Services |
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| <p>Summary:</p> <p>STOP opposes the planning application for the following reasons:</p> <ul style="list-style-type: none"> • Peel’s site selection process is flawed. site is eminently unsuitable for a wind farm of this scale. • out of scale with the surrounding villages and historic rural landscape. • large scale industrial development in an otherwise predominantly rural landscape. • significant visual impact over a wide area. • adverse impact on important heritage adverse : many Grade II listed and unlisted historic buildings and conservation villages • statutory noise nuisance may be created • threat to the health of residents • health and safety concerns • Ecology will be harmed during construction and operation | <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 elsewhere in this report.</p> |

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| <ul style="list-style-type: none"> • public rights of way will be severely adversely affected. • too close to many homes • The wind farm will damage Melton Mowbray's economy • shadow flicker will negatively on those occupying the closest properties, • TV reception may be affected • The wind farm proposal contravenes a wide range of national, regional and local planning policies. <p>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.</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> | |
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Representations:

356 objection have been received from 267 households. The Council has also been in receipt of **450 pro-forma letters totalling 806 objections.**

| Representation | Assessment of Head of Regulatory Services |
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| <p>Planning Policy Considerations:</p> <ul style="list-style-type: none"> • The application is contrary to OS2 of the Melton Local Plan. • There is a balance which needs to be met between the sympathetic siting of renewable energy projects and the extent of the environmental, social and economic impacts. | <p>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> |

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| <p>Impact on character and appearance of the area, views and landscape.</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 harm on the landscape the will need to be assessed. Guidance in the NPPF states that this would need to be significant.</p> <p>The proposed 9 turbines will be visible 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 judgment, 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.</p> <p>Accordingly, it is not considered that a reason for refusal can be substantiated on these grounds.</p> |
| <p>Noise</p> | <p>The principle sources of noise are from the blades rotating in the air (aerodynamic noise) and from internal machinery (mechanical noise).</p> <p>It is not considered that reservations that ETSU-R-97 is the appropriate method to follow are sustainable grounds of objection. The methodology has been closely inspected and as such verified as valid. 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>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</p> |

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| | <p>consultant, it is considered that an objection on noise grounds could not be substantiated.</p> |
| Traffic & road safety | <p>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.</p> |
| Archaeology and Heritage Assets | <p>Archaeology 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. 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.</p> <p>Heritage Assets It is concluded that the turbines would not have a significant impact on the setting of surrounding heritage assets.</p> |
| Wildlife | <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>There is no evidence that harm will be caused to wildlife interests and this would not be a sound basis for objection.</p> |
| Suitability of the site for a wind farm/ Need for development | <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 for the proposed development and will generate a significant amount of renewable energy.</p> <p>It is not considered that the loss of agricultural land is adequate grounds on which to oppose the development.</p> |
| Health issues | <p>A DTI review was issued in May 2006 that concluded there is no evidence of health effects arising from infrasound or low frequency noise generated from turbines.</p> <p>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.</p> <p>Environmental Health are satisfied that there is no toxic air coming from the Holwell Works site so there is no health</p> |

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| | <p>hazard whether a wind farm is developed or not.</p> <p>It is not considered that evidence exists to support these grounds. As such, it is not considered that it forms a ground to formally object.</p> |
| <p>Safety</p> <ul style="list-style-type: none"> • Ice shedding • a turbine falling • safety of footpath and bridleway users • T9 is within topple distance of existing industrial • Blade throw • The concrete bases and miles of roadway will add to rainwater run-off. | <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>The Environment Agency have been consulted as part of the application and have no objected to the proposal on flooding.</p> <p>It is not considered that evidence exists to support these grounds to refuse.</p> |
| <p>Impact on residential Amenities –</p> <ul style="list-style-type: none"> • Unsightliness • The site is too close to houses and schools,. • The turbines will be a constant eyesore • Horrified at the sight of the blimp flying • The turbines will destroy a quiet rural area • There are many dwellings in the villages and towns from which the turbines will be readily seen • The turbines are too close to houses in the area. • Loss of amenity for people who live and/or work nearby. • Red flashing lights on the turbines. • The additional tree will provide no improvement to the degradation of landscape and destruction of visual amenity. • Decommissioning – there ought to be a clause covering dismantling immediately after early permanent closure. | <p>Fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance and this can be met in the case of all the turbines proposed.</p> <p>The closest residential properties to the site are Grange Cottage Welby (0.6km), Asfordby Farm (0.6km), Welby Grange (0.8km) and Ashlands (0.7). The closest settlements to the turbines are Asfordby Hill (0.7km) and Asfordby Valley (0.6km).</p> <p>Concern has been expressed with regards to aviation lighting. The MoD has recommended that the turbines be fitted with 25 candela omni-directional red lighting or infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms at the highest practicable point. Peel propose to utilise the pure IR lighting at Asfordby, such lighting is consider to all intents and purpose to be invisible and there would be no change.</p> <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>It is not considered that the impact on residential amenity is so detrimental to warrant grounds on which to oppose the development.</p> |
| <p>Tourism</p> | <p>There is no evidence to suggest that the proposal would have a negative impact on tourism in the area.</p> <p>Planning decisions are required to demonstrate and support with evidence that adverse affects will arise and it is not considered that evidence exists in this case to enable this.</p> |

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| <p>Other issues</p> <ul style="list-style-type: none"> • efficiency of windfarms • It has not been proved that wind farms are viable. • There is not enough wind • Turbines cannot operate in a power cut • The economics of the proposal haven't been proved • The development is only viable because of the level of state subsidy • The Council has already approved a wind farm at Old Dalby to propose a second is too much. • Disruption on life during 18 months construction. • House prices will fall, by up to 30%. • it will be difficult to object to other environmentally unfriendly industries on the site • The development will have an impact on the town and footfall into Melton may be reduced. • Due to the turbines developers may not build houses in the area having a negative economic impact. • Impact on rural businesses. • As a childminder concerned that parents will choose to take their children to other childcare providers away from the wind turbine. • It will interfere with trade to local businesses i.e pubs • The application keeps being amended to wear down public opinion. • The level of objection and all parish council objecting is a good example of the weight of local opinion. • Possible vibration causing damage to local property • Impact on sport • TV reception could be affected • The application at Bottesford was refused as the Inspector recognised the beauty of the area. • It is inappropriate that giant turbines could be allowed to be built close to Saxelby while our children aren't allowed local housing • How green is it to manufacture and transport hundreds of tonnes of concrete into the area on non-eco friendly lorries? • Concern over the impact of noise on animals. • The Council should not ignore the County Council's objection to the proposal. • 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. • 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. | <p>The site was selected based on wind speed from a monitoring mast has been installed showing wind speed of 6.42 metres per second. 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.('load factor').</p> <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>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>A condition could be applied to require resolution and mitigation of this concern before development proceeds.</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.</p> |
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| <p>Notification process</p> <ul style="list-style-type: none"> • Complaints with regards to the timing of the submission of the application. • The application has not received much publicity. | <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 several times.</p> |
| <p>Pro-forma letter</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> | <p>Noted</p> |

Supporters

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

| Representation | Assessment of Head of Regulatory Services |
|---|--|
| <p>Landscape</p> <ul style="list-style-type: none"> • The site is acceptable due to its distance from local housing and villages. • The size, scale and impact of the turbines will be NOT be harmful to the historic character of the locality. • Lindhurst wind farm is far closer to many private dwellings. • The turbines will not affect the attractiveness of the countryside characteristics and several independent studies have found tourists are not affected by windfarms. • The wind turbines will also NOT impact on the enjoyment of the use of sports and leisure facilities • The site is mainly tip area of the former colliery, it is not of high farming value. | <p>Noted.</p> |
| <p>Climate</p> <ul style="list-style-type: none"> • The turbines would help address the ‘energy gap’. • The turbines would be so much better than having a coal fired or nuclear power station. • The country has an obligation to supply more renewable energy. • This development will help deliver the renewable targets for the region. • Wind is a clean and efficient energy generation technology and it is currently the leading technology for delivering our renewable electricity target. • Help enlarge Melton’s green credentials. | <p>Noted.</p> |
| <p>Highway Safety</p> <p>There was no traffic issues relating to the construction of the site at Lindhurst</p> | <p>Noted</p> |

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| <p>Noise There is no noise pollution with wind farms</p> | The issue of noise is considered above within the report. |
| <p>Health 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.</p> | The issues surrounding health are addressed above in the report. |
| <p>Wildlife The impact on local wildlife on the site will be insignificant.</p> | The issues of the impact of the proposal on wildlife is addressed above. |
| <p>House values 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. |
| The planning process to ensure that the interests of the local community are safeguarded | Noted |
| <p>Writing not to object to the wind turbines and wish to be unbiased to either side of the argument .</p> <p>Response to leaflet circulated in Asfordby; Quote : Would you be happy ...</p> <p>1 ... If noise kept you awake . (Asfordby has a large main road running through the village also a haulage firm etc.) 2... If the value of your house fell. (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) 3.. If your family's health suffered. (it is more likely that the health of Asfordby's family's will suffer more due to NHS budget cuts) 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 etc).</p> | Noted. The Authority is not responsible for any leaflets published in connection with the application. |

Conclusion

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 CO² 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 CO² 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 conditions

Officer to contact: **Mrs Jennifer Wallis**

18th July 2012