



MEETING OF THE  
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

26.07.12

PRESENT:

P.M. Chandler (Chair), P. Baguley, G.E. Botterill, P. Cumbers  
J. Douglas, S Dungworth, A Freer-Jones, M. Gordon,  
E Holmes, J Simpson

Observer Councillor: N Slater

Head of Regulatory Services, Applications and Advice Manager (JW)  
Housing Policy Officer (SM), Administrative Assistants (GB)

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The Chair requested that standing orders be suspended to allow extra speakers due to the interest shown in the application. Cllr Dungworth moved to suspend standing orders. Cllr Holmes seconded this proposal.

On being put to the vote, the motion to suspend standing orders was carried unanimously.

The Chair reminded speakers of the procedure for speakers. She went on to issue special allowances to give 30 minutes for representations from objectors, STOP and the applicant.

D17. APOLOGIES FOR ABSENCE

None

D18. MINUTES:

(a) D15: SCHEDULE OF APPLICATIONS

Cllr. Gordon requested change wording on page 26, paragraph 7 of last minutes – to read; develop *beyond* the boundary of the village envelope, not *on* the village envelope.

(b) subject to (a) above, approval of the Minutes of the Meeting held on 5<sup>th</sup> July was proposed by Cllr Baguley and seconded by Cllr Holmes. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D19. DECLARATIONS OF INTEREST

None

**RESOLVED** that the undermentioned applications be determined as follows and unless stated otherwise hereunder in the case of permissions subject to the conditions and for the reasons stated in the reports.

D20. SCHEDULE OF APPLICATIONS

**Reference:** 10/00951/FUL  
**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.

(a) The Applications and Advice Manager stated that:

Tonight's committee is to consider an application for a wind farm development to the west of Melton Mowbray. The application proposed 9 turbines and associated ancillary infrastructure.

The application proposed 1 turbine with a maximum height of 108 metres (turbine 1) and 8 turbines with a maximum height of 125 metres and associated infrastructure, which is listed on page 1 of the report.

Since publication of the report various correspondence has been received;

Transport for London have states that they are pleased to see Condition 35 included in the recommendation but have requested that the condition be amended to include the wording "cease operating". Transport for London have requested this as they are concerned over the safety of staff working at the site and if not stopped then works would have to be delayed on the test track potentially causing severe and costly delays.

In response to this, condition 35 does require that if mitigation is required no turbine blades shall rotate until the approved scheme has been implemented and therefore it is considered that this is covered by the existing condition.

1. Two letters have been received stating that whilst not able to attend the meeting they are still strongly objecting to the proposal with regards to disturbance to the environment, to peoples lifestyle, health, ice, noise, wildlife and the eyesore it will create. These are something that has not even got the technology to store any electricity they produce. Hope that the committee will reject the application.
2. Two letters has been received stating that whilst not able to attend the meeting they are still in support of the proposal which is considered to be an asset to Melton's green credentials. And that it is good to see investment in new technology and a move away from reliance on oil & gas and personally have no issue with wind turbines on a cosmetic front.
3. Councillors have been sent a document in relation to residential amenity and noise nuisance. The document is concerned with regards to Hayes McKenzie Partnership noise assessment and the fact that Hayes McKenzie are members of working groups or authors of reports for UK wind turbine noise guidance and the author considered that Hayes McKenzie have had a significant influence in the development and application of UK policy for onshore wind turbine noise. The noise assessment submitted gives a false impression of independence and that there is a clear conflict of interest for Haynes McKenzie to have an influence in noise policy for wind turbines and act for wind farm developers. The report by WYG is also criticized as they are employed by wind farm developers.

The document also states that the Officers report is incorrect in that LFN can be controlled by a condition and there is no assessment methodology so it cannot be controlled. The conditions on AM are not considered to protect neighbours and could be open to abuse. The Denbrook AM condition is suggested as a more robust condition.

A further criticism is that the DTI review on health is not written by someone with health qualifications and therefore no weight can be placed on this. Various other papers are referred to on health and the issues.

Finally the author states that on noise it is virtually impossible for local residents to stop intrusive noise and examples are given. Including a case where it took 5 years to achieve a financial settlement in relation to a noise problem. The existing noise guidance is weighted against potential wind farm neighbours and at Asfordby with homes only 600 m away the risk of significant adverse effects increases.

In response to this document a noise assessment was submitted with the ES and has been reviewed by our Environmental Health team and an independent noise consultant. With regards to WYG they are advisors to both private and public clients. They are aware of their duty to give an unbiased and objective opinion as an expert witness.

As to the issue of Low Frequency Noise this is considered to be addressed and controlled by Condition 39 in the report.

With regards to the review on health there are various papers in circulation, this issue is covered in the report and the fact remains that there is no evidence to demonstrate the effects will occur with this configuration of wind turbines in this location. Without supporting evidence to substantiate these facts grounds for refusal on this basis could not be formed.

Finally, conditions are suggested to control the impact of noise and the potential for AM to occur and it is considered that these are sufficient to protect the residential amenity of adjoining properties.

4. Comments in relation to the issue of noise and AM have been received on behalf of STOP. This also states as the previous document that WYG are not independent and I have already addressed this point. They also state that BS4142 was released after ETSU and is not older as WYG report suggests and PPS22 has been cancelled with the Companion Guide being retained. Details on the issue of Amplitude modulation is that described and that until studies have been published any windfarm which may have AM as a characteristic should not be built as there is no suitable method for assessing AM. WYG state that the risk of excessive AM is low but if there is no method for assessing it how can this statement be justified. All windfarms are at risk from AM. The statement goes on to state that BS4142 is a standard and should be used for assessing windfarms. They also state that WYG do not take account of the latest WHO report and ETSU does not protect residents. Nuisance is likely when complaints are likely. Just because a wind farm may satisfy ETSU that does not mean there will be no statutory nuisance and this is why it is imperative that the issue on AM is resolved satisfactorily.

In response to these statements the issue over the methodology of ETSU and BS4142 has been addressed within the report on page 69. The advice from our Environmental Health Officer and the independent consultant is that ETSU is the correct methodology for assessing a development of this nature and this was closely examined at the public enquiry in 2009. This is regardless of the dates of issue. The advice received is not that there is no way of assessing excessive AM but no way of predicting if AM will occur. Therefore, a condition is proposed so that if a complaint is received and AM is occurring it can be assessed subjectively. When assessed subjectively records of wind direction can be taken into account. Therefore, if Excessive AM occurs and proven in certain wind conditions the turbines will be expected to be turned off in these certain wind conditions.

5. A further email has been received with regards to distance separations to dwellings. The correspondence states that there have been two reports from council officers recommending demolition of properties, due to the proximity of wind turbines. The applicant is Scottish Power Renewables who clearly believe the properties are uninhabitable, which completely contradicts the assertions made by the applicant in the Asfordby application.

The distances between turbines and properties in these two documents are entirely comparable with the distances from homes in the Asfordby wind farm proposal. Indeed all but one of the turbines proposed at Asfordby are taller than those considered here.

Two quotes from the officers report in one of the applications:

*“The application site is situated within a few hundred metres of large size and scale wind turbines, the operation of which effectively render the property uninhabitable.”*

*“The wind farm operation and the close proximity of wind turbines has in effect blighted the property at High Overmuir for both residential use and for agricultural use.”*

Therefore they believe that these documents are material considerations in properly evaluating the adverse impact on neighbouring communities. They clearly show that UK homes can be rendered uninhabitable due to the location of wind turbines nearby.

In response to this, the impact on residential properties has been fully addressed within the committee report and there is no evidence to suggest that this proposal would unacceptably impact on the occupants of adjoining properties through noise.

6. Correspondence has been received from the applicant who wishes to make comments in relation to the report and the conditions on the report;

The applicant has stated that they wish for a five year period to implement the permission if granted as three years is considered an insufficient period of time to discharge all condition precedents, secure project financing, procure turbines, achieve financial close and commence development.

The applicant has requested that the heritage mitigation measures are fully explained and are an integral part of the proposal and a benefit of the proposal.

With regards to the relevant policies the footnote 17 of the National Planning Policy Framework (NPPF) is omitted and wish for this to be clarified.

In respect of the heritage impacts, on page 11, the applicant states that there is some contradiction on the conclusion on heritage assets and request that Member are made aware of the need to ensure that the heritage mitigation proposal form part of the planning balance as benefits of the scheme.

In respect of the comments from the County Council, the applicant requested that it is stated that the Landscape Architect did not object to the proposal.

With regards to the footpaths the Committee accepted ‘no over-sail’ as adequate at the Bottesford Wind farm and to expect a greater separation here would be unreasonable.

In respect of noise, the applicants have stated that potential to hear the turbines from certain locations, at certain times, is not sufficient reason to

refuse permission. The applicant has also commented that the conclusion on AM is not clear enough.

With regards to the economic impacts the applicant wishes for it to be noted that the BiGGAR economics report in the report is an independent report.

In respect of the Landscape Impacts the applicant wishes to state that the Landscape consultation does not suggest that the scheme is unacceptable, but suggests further analysis. It is requested that Members are advised that the assessment submitted does give due regards to the various local landscape sub-types and the potential effect and therefore detailed disaggregated assessment would not alter the overall conclusion of the ES.

Finally, with regards to shadow flicker the applicant wishes to state that there will be no shadow flicker effects from this development due to the installation of automated shadow flicker and turbine shutdown software within each turbine.

With regards to these comments from the applicant I have the following to observations to make to some of the point made;

The request for period of implementation to 5 years should be considered by Members.

With regards to noise and the issue of the footnote in the NPPF this is clearly referred to on page 28 of the full committee report. All the other point will be addressed later or are considered to be detailed fully within the report.

The applicant has made a request to amend 11 conditions in the report. It is requested that the precise wording of conditions be delegated to Officers and the Chair of Committee should permission be granted. It is also suggested that a micro-siting condition be imposed which has not been included in the papers.

These are the updates to the report.

With regards to this application, it is considered that there are some key considerations in the determination of the proposal and I will seek to address them each in turn;

#### Heritage Assets (pages 5 - 11)

With regards to assessing the impact on heritage assets there is a requirement to balance the benefits the scheme delivers and the environmental cost it incurs. As identified in the report and by English Heritage (EH) the proposal is considered to have substantial harm to the setting of St Bartholomew's Church and significant harm to two SAMs and St James the Greater, Ab Kettleby. The NPPF advises that this harm needs to be judged against the benefits of the proposal (see page 10), i.e. generation of renewable energy and in particular the proposed landscape mitigation measures and the proposed measures to reveal the significant of the deserted medieval village at Welby. In this instance it is considered that the proposal could only be seen to have substantial harm on the setting of one Church, rather than

physically affected the church itself. The scheme has significant benefits, proposes mitigation and the application is reversible. Therefore it is not considered that the harm is so serious to outweigh the benefits and a ground for refusal on this basis could not be sustained.

#### Landscape and Visual Impact (pages 63 – 68)

Significant objection has been received with regards to the impact of the turbines on the character and appearance of the area and Concern that the turbines would dominate the landscape and impact on the setting of the Conservation Villages and Historic Town of Melton. There is no argument that the turbines would not be visible, however, the NPPF requires that the harm needs to be significant. A judgement is required as to whether the proposal would have significant harm. Being visible on its own is not considered to be a reasonable ground for refusal. The application will not impact upon any designated landscapes and whilst considered to impact on the local landscape there is no evidence of significant harm of the kind highlighted in the NPPF and therefore a reason for refusal could not be substantiated on these grounds.

#### Residential Amenity

Residential amenity can be affected by both visual and non-visual impacts. However, the ability to see a turbine is not in itself sufficient to demonstrate unacceptable harm. The non-visual impacts, shadow flicker, TV reception have all been addressed in the report and noise is considered as a separate issue. It is not considered that there is an impact on residential amenities to warrant a ground for refusal.

#### Noise (pages 28 – 30)

It is considered that ETSU is the appropriate methodology for assessing wind farms. The application has been reviewed by our Environmental Health Officer and an Independent noise consultant and advised that the development would meet the noise limits set by ETSU. Simply being able to hear turbines from time to time is not enough to be deemed as 'significant adverse impacts'. It is not considered that noise is a ground on which development could be refused.

#### Other material considerations

The application has been assessed against highway safety, ecology, health and aviation and are considered to be acceptable. With regards to the public rights of way, there is an objection from the County Council, however, there are no statutory distances or policy distances between a wind turbine and a public right of way and this is not considered sufficient grounds for refusal.

#### Conclusion

This application presents numerous issues which need to be balanced in order to reach a decision. Policy states that there is a presumption in favour of development and planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits. On balance, whilst there is

concern regarding the impact on a heritage asset, the local landscape and rights of way these are not considered to be so significant as to warrant a reason for refusal. The application is temporary and reversible, and the benefits in terms of contribution to renewable energy and resultant CO<sup>2</sup> reductions are considered to be substantial. It is not considered that the harm significantly and demonstrably outweighs the benefits and is subsequently recommended for approval.

(b) Mr Boardman, speaking on behalf of Ab Kettleby Parish Council, was invited to speak and stated that:

- Thanked the Committee for the opportunity to speak
- Though not against the proposal initially because of the opportunities (such as the Community Fund) created by renewable energy, after speaking with other local residents the Parish Council (PC) began to see the application was not a good idea
- Concerns raised by local residents such as the effect on village life due to the proximity and size of the development
- There are more than 20 ancient monuments, attractive conservation villages and historic buildings within the visual influence of the development
- Feel that there is no need for any more onshore windfarms
- The site is unsuitable and has relatively low wind speeds
- The impact will be tremendous as seen by the flying of the blimp

(c) Cllr M Sheldon, Chair of Asfordby Parish Council and a Ward Councillor for the area, was invited to speak and stated that:

- Flooding issues have not been addressed; concrete put into the ground will create runoff, which the flood relief scheme was not designed for. Local waterways already have to be cleared of silt regularly
- If members are mindful to permit it is requested that a legal agreement be made to consider the flood defences of Asfordby and the local areas.

(d) Mr Boardman, Chair of the Governors for Ab Kettleby School, was invited to speak and stated that:

- Had seen reports from County Council suggesting that the application be refused so confusion as to why planning officers at MBC are recommending approval
- The development is 800m from the school which could deter families from sending their children to the school. The school is not very big and any loss of pupils could be problematic
- He drew the attention of Members to the English Heritage comments that screening was already in place at St Bartholomew's Church, however he stated that these trees are in fact due for removal as part of renovation work.

(e) Mr Snape, an Objector, was invited to speak and stated that:

- A recent government announcement has stated that onshore wind farm subsidies will be reduced by 10%



- He represented Potter Hill residents who have many concerns about the proposal, including: effect of Shadow Flicker especially on a partially sighted resident, noise nuisance especially for a resident with hearing problems and noise nuisance made worse by the prevailing wind that comes up the valley towards Potter Hill the majority of days
- Visitors will be put off coming to Melton
- Wildlife will suffer
- Possible safety issues regarding the mines due to vibration

(f) Mr Finch, an Objector on behalf of Council for the Protection of Rural England (CPRE), was invited to speak and stated that:

- The proposal is contrary to local and national policy
- Significant adverse effect on historic assets and landscape outweigh possible benefits
- Officer's report implies that the NPPF only protect nationally designated countryside but it is the CPRE view that this landscape should also be protected
- Listed buildings in the local area will have their setting effected
- Benefits do not justify the adverse impacts on heritage assets and the officers report does not reflect this
- CS13 and OS2 requires that development should be of a high standard and in keeping with the local character
- Turbines will be visually dominant
- Policy CS20 only allows for renewable energy development that respects the area and this proposal is inappropriate for the area.

(g) Mrs Musson, an Objector, was invited to speak and stated that:

- Disappointed that the Officer's report recommended approval and that the meeting was held at a time of year when many people are on holiday
- the development is monstrous and will dominate Wartnaby and the wider area
- the church and village are very old, EH have funded repairs to the church but cannot protect its setting
- the development is a Goliath; Little Wartnaby feels threatened physically, historically, visually, physiologically, psychologically and emotionally
- Little Wartnaby rely on elected Councillors to champion Wartnaby and similar villages.

(h) STOP, a group of local residents set up to reflect the local community, was invited to speak and stated that:

- Alarmed at the massive scale of the turbines
- It is a poor location for turbines; an undulating valley containing trees and buildings results in a lack of wind

- Peels application is complex and difficult to read, the conclusions are sometimes contradictory
- The choice of this site is because Peel have a stake in the company that holds the site and government subsidies make wind turbines lucrative
- Peel portray the area as having a long history of industrial use but the mine was closed prematurely and the land has been restored for ecological use
- Most turbines will be situated on green-field land
- There are 6 thousand residents within 2km
- The most important planning reasons for refusal cannot be mitigated against, especially the impact on the landscape
- The turbines will dwarf all other structures
- Turbines have to be big to make them viable
- The height is 10m short of the height of the London Eye, hence, there will be industrial moving structures at the scale of the London Eye in this rural landscape
- Landscape and heritage are the best assets of Melton Mowbray
- The turbines are out of character and massive in scale
- Massive rotating artificial structures will have a visual impact
- Planning policy require that developments respect the setting of Melton's landscape
- The areas around the town need sensitive design and Officers should have followed impartial advice set out in assessments commissioned in 2001 and not the applicant s assessments
- The development will have a greater impact than anything else in the last 35 years and no amount of mitigation will overcome visual impacts
- Applicants own assessment undervalue the landscape
- Computer generated photomontages can be inaccurate
- Peel agreed to fly a Blimp and the result was shocking
- Local people should not be ignored
- The NPPF include many principles that should protect the area from this application
- Large scale turbines make fuel bills more expensive, provide unreliable power, damage the environment and are a social disaster near buildings
- Key local strategies focus on conserving the local character of the area, some areas in the Borough could sustain turbines but this is not one of them
- The development in contrary to OS2
- There are many policy reasons to refuse the application but the Officer's report does not mention them
- The impact on heritage, especially Pastoral Farmland is unacceptable
- Which type of character do people want 'Rural Capital of Food' or 'Industrial Capital of wind Farms'
- Site has conservation villages on all sides, many dating back 1200 years

- Within 10km of site there are 10 conservation area, 540 listed building and 27 schedules ancient monuments
- Peel repeatedly underplay the harm that will be inflicted on historic sites
- The level of harm should be assessed professionally. English Heritage says there will be less than substantial harm to the setting of some historic buildings and substantial harm to some churches however there is no substantial public benefit
- Cumulative impact on the historic assets has not been considered and are also substantial
- Cannot see how acoustic issues have been dealt with by applicant
- Government have admitted to noise complaints from over 20% of windfarms
- The noise experts engaged by the applicants have errors in their reports
- Amplitude Modulation (AM) has not been addressed properly by any reports submitted
- Contradictory information regarding AM available
- Noise issues cannot be allowed to happen after building, they should be addressed and avoided initially
- Hayes McKenzie reports quoted by the Officer state that there is no harm caused by noise from windfarms but they are not medical experts
- Amenity will be seriously affected as noise will impact on areas around
- As the noise reports are flawed the distances to dwellings recommended should be questioned
- Movement from massive blades will distract drivers
- Shadow flicker is mentioned and will impact amenity; this should also be address before construction, not after
- Some turbines are very close to footpaths, closer than even the manufacturers own guidance suggest
- Recently the Valuation Office Agency has approved reductions in Devon and Suffolk
- There have been 800 objections and only 8 in support, that is 98%
- Public opinion should not be overlooked
- Parish and County Councils have objected to it
- National and International opposition increased against onshore windfarms
- Over 100 MPs written to Prime Minister expressing concerns regarding the effects on the landscape
- Reduction in subsidies will make turbines unviable
- Number of recent refusals have been substantiated at appeal
- The members of the Development Committee have a duty to consider the application as if it were in their ward or parish
- The application would set a dreadful precedent
- The substantial harm from the development will not be outweighed by the benefits

- The regions renewable energy production targets have already been met
- No benefits for the people of Melton Mowbray who are most affected by the proposal

(i) The Applicants, were invited to speak and stated that:

- Peel is a family owned company with a long history of renewable energy projects, employing over 4500 staff and employing local people wherever possible
- The site is one of a dozen currently being developed or operated by Peel
- Years of experience in the field helps them to understand local communities from start to finish of a project
- Peel also promote other types of renewable energy production around the UK
- Understand the need to minimise impact to create a successful scheme
- Work with local communities throughout the lifespan of the development
- Peel have invested in areas around developments and where possible promote leisure and sporting activities on their sites
- Energy infrastructure is aging and ¼ of existing generating capacity is scheduled to close in the next 10 to 15 years due to their age and more stringent legislation
- Need more UK renewable energy production or country will have an energy 'gap' and there will be a real danger from energy shortages
- Targets of 15% renewable energy production by 2020 is already falling behind, with only 7% achieved so far
- Domestic energy bills have risen dramatically over the years. Vast proportion of this is due to global gas price increases not because of renewable energy subsidies
- If UK doesn't become self-reliant for its energy needs then costs will continue to soar
- Onshore wind farms are an affordable method of energy production
- The NPPF states that applications should be approved unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits of the proposal
- Initial consultation to the local communities went out to nearly 4000 houses, inviting people to a number of events over a number of dates in a number of locations to ensure maximum accessibility to the public. Peel responded positively from these consultations
- Separate meetings have been held with Parish Council, Councillors and STOP
- Use of validated photomontages is seen as only accepted method for understanding impact of a windfarm development and this is the method used by Peel

- Measures to protect heritage assets suggested by the Council have been accepted by Peel
- The development will produce energy for 8500 houses, equivalent to 1/3 of homes in Melton Borough, this will offset 20 thousand tons of CO2 each year
- Scheme will enable nearly £1 million of community funds and provide a potential £5.5 million in business rates over the 25 years lifespan
- Nearly 4000 households received information about the windfarm but only 500 households objected, that is around 13%. 87% have not objected
- Over half of the objection letters are identical and over 60 are from outside the area
- Statutory consultees have confirmed that information has been prepared in line with best practise and many raise no objection to the scheme
- There will be no physical harm to any of the historical assets
- The County Archaeology Department, Conservation Officer and National Trust raised no objections
- Historic assets will in fact be preserved and enhanced through an interpretation area and boards at the church at Welby and the adjacent deserted medieval village settlement
- There will be some visual impact, this is unavoidable but Natural England and other experts agree the scheme can be acceptable within the landscape
- Peel has undertaken a sound and robust assessment of the noise impacts in accordance with latest accepted guidance
- Conditions will protect the amenity of local residents
- There are no minimum distances laid down in planning policy or law between turbines and public rights of way. Best practise is that turbines shall not over-sale paths and bridle ways
- Scheme will bring a number of substantial benefits: meaningful contribution to meeting the challenge of national energy security and climate change, enough electricity to power equivalent of 1/3 homes in the Borough, community benefit fund of nearly £1 million, substantial business rates, employment for local people in the building and maintenance of the wind farm, landscaping and heritage interpretation area at St Bartholomew's Church, safeguarding medieval village and access tracks available for public access across land
- Proposal is a sustainable development that accords with local and national planning policy
- Drainage schemes as part of the proposal. The Environment agency raised no concerns about the proposals
- Shadow flicker will be avoided due to automatic shutdown equipment
- The application itself is large and complex but a non-technical summary was prepared and public meetings held to make information accessible
- Planning Balance is very important; benefits of the scheme is substantial and adverse impacts of the scheme do not outweigh the benefits

- The reduction of government subsidy by 10% is a reflection of the reduction in the cost of turbines, therefore the viability of the development remains viable.

Cllr Moncrieff, Ward Councillor for the area, was invited to speak and stated that:

- In favour of the application
- Need to embrace renewable and sustainable solutions
- Obvious benefits when you consider the bigger picture
- Windfarms will be built and reaction cannot always be “Not here and not close to me”
- Congratulates STOP on their work which has led to a thorough well debated application and resulted in some of the conditions the Officer has recommended
- When speaking to people surprised at the number of people who are not aware of the application or not bothered by it, also there are large numbers in support of it
- Area of Asfordby Hill was historically very industrial; ‘Welby Tip’ was visible from 40 miles away
- Sometimes developments are big and close
- Believes it is a perfectly sound proposal.

Cllr Manderson, Ward Councillor for Sysonby, was invited to speak and stated that:

- Objects to the windfarm
- Turbines will be sited too close to dwellings and built up areas
- Persistent noise of turbines and related health issues are of concern
- Concerns also for impact visually and on wildlife
- Need to protect rural heritage for future generations
- Treasured landscape will be marred by a string of turbines
- Renewable energy projects must be developed but not in this location
- The impact of the close proximity of turbines to local residents cannot be ignored.
- Cllr Manderson, Ward Councillor for Sysonby, was invited to speak and stated that:

Cllr Orson, Ward Councillor for Old Dalby, was invited to speak and stated that:

- Read letter from Alan Duncan MP verbatim stating his objections
- He was himself approached directly by a windfarm company to erect turbines on his land but refused because of the impact on the landscape even though it would have had large financial benefits
- The County Council discussed the application and objected because of the impact on the historic landscape
- Campaigned against the application at the last election and received 86% of vote

- Parish Councils have said no, Cllr Sheldon has said no, many residents also said no. Public opinion urges Members also to say no.

The Chair asked the audience to allow the debate to proceed without interruption as comments and applause etc can be distracting and intimidating for some Members.

The Head of Regulatory Services replied with some points of clarification. He reminded Members that the law on how Members determine a planning application had not changed, despite new documents released regarding Localism. There are no Neighbourhood Plans to take precedent over the Local Plan in this case. Regarding comments on planning balance the Head of Regulatory Services quoted from the NPPF, especially paragraphs 14, 115, 116, 133 and 134. He also pointed out that the site is not nationally designated nor are adjoining nationally designated areas. He stated that the NPPF has to be given most weight due to the Local Development Framework still being in its consultation phase as set out in paragraph 14 and 215 of the NPPF. Policies from the Local Plan (currently being replaced by the new Local Development Framework) referred to by speakers do not carry as much weight as policies in the NPPF, especially OS2 which received less relevance in the appeal decision for the Bottesford windfarm.

The Applications and Advice Manager also clarified some points.

- Flooding – application has been assessed by the Environment Agency who have not objected. Surface water drainage is being controlled by schemes set out in the proposals
- Flicker – turbines will be fitted with automated devices which turns turbines off in conditions which may create conditions of shadow flicker
- Local landscape – the planning balance is, should the landscape be considered significant then would the impact cause substantial harm
- Heritage assets – site visits have enabled Members to form their own judgements on impact on heritage assets. Officers do seek external expert advice on reports from the applicants
- Noise and AM – advice received states that there is no way of predicting it and no evidence to say it will happen. Officers and Members have to consider evidence. Conditions will control and mitigate should a noise nuisance occur
- Precedent – each application is considered on its own merits
- Community funds and business rates – are not a material planning consideration.

Cllr Freer-Jones asked for clarification if the value of property could be a material consideration.

The Applications and Advice Manager stated that house price was not a material consideration.

Cllr Freer-Jones asked if noise could be grounds of refusal.

The Applications and Advice Manager stated that there had been insufficient evidence to suggest that noise would cause substantial harm in this instance.

Cllr Freer-Jones sought clarification regarding the term of the planning permission, noting that the applicants had stated a wish that the permission would be valid for 5 years.

The Applications and Advice Manager replied that 3 years is the normal 'life' of a permission, but that the applicants had requested 5 years to allow extra time for implementation. She stated that this was a request that the Members would have to discuss and decide upon.

Cllr Holmes stated that she was concerned about the ongoing risks of flooding. Her research into turbines indicated that they were more successful elsewhere and that the National Grid could not take the electricity produced. She believed that turbines would not be working to capacity and that solar panels were much preferred. The impact on the landscape and wonderful villages could not be accepted. She **proposed refusal of the application.**

The Chair asked for grounds of refusal.

Cllr Holmes stated: inefficiency of the turbines, degradation of community/beautiful landscape, flood risk, inappropriate siting, too many turbines, noise, visibility concerns and the local community.

The Head of Regulatory Services replied to Cllr Holmes that while the impact on the landscape is a material consideration the visibility of the turbines is not itself a ground for refusal; what form the harm to the landscape would take and why that would be unacceptable would have to be stipulated. Regarding the electricity grid not being able to accommodate what is being generated; this was a new point not previously mentioned and therefore no evidence was available to either officers or Members. Noise concerns would have to be supported by evidence and current methodology for determining noise available suggests there will be no substantial harm.

The Applications and Advice Manager replied regarding flooding; there was no evidence to suggest the proposals will cause flooding. The Environment Agency reviewed the schemes for water control on site and agreed.

Cllr Holmes stated that flood issues were an ongoing issue from 15 years ago, despite being told there would be no flooding then there has been, due to moving shale in the area. She quoted from the CLA magazine.

Cllr Simpson stated that the turbines would be visible when coming into Melton from any direction and this would impact on the historic market town. She went on to say there would be a huge impact on the villages and the numerous heritage sites surrounding the area, and also an adverse impact on wildlife and residents' amenity.



She also stated concerns regarding flooding and that potential environmental benefits were outweighed by the significant adverse impacts of the proposal. The Chair noted that the NPPF focused on protecting designated areas in the countryside and that this site nor the surrounding area, was designated.

Cllr Simpson stated that the surrounding area was very beautiful and the site is within a historic area that should not be overshadowed or overpowered. The views from Burrough Hill and churches all over the area would also be impacted. She stated that people live too close to the proposal and it is unknown how it will impact tourism. She **seconded the proposal to refuse the application.**

Members discussed the NPPF and its focus on renewable energy, the protection of the countryside and the numerous heritage assets.

The Chair asked for the reasons of refusal to be confirmed.

Cllr Holmes quoted from the Adopted Melton Local Plan and agreed that Cllr Simpsons additional points be added to the reasons of refusal.

The Head of Regulatory Services confirmed the reasons for refusal: inefficiency of turbines due to connection problems, not small scale, the landscape impact, flood impact, noise, contrary to Local Policies, affect on tourism and benefits does not outweigh damage to heritage assets.

Cllr Botterill stated that he believed in utilising wind and sun power harnessing their energy where possible. The site visit indicated the impact of the turbines and he believed that there will be limited impact on Melton but an impact on Asfordby Hill. He stated that the site is not a designated area but industrial. He acknowledged that there are many beautiful villages around but that this was not a reasonable reason for refusal. He agreed with the officer's report stating that if this went to Appeal it could cost the Council a lot of money.

Cllr Baguley stated that her main objection was to the visual impact on the area but she believed the turbines would not deter tourists. She agreed with the officer's report regarding the harm caused by the proposals and noted that the turbines would only be sited for 25 years and not be irreversible. She stated that there is a need for renewable energy production and supports the officer's recommendation.

Cllr Gordon believed the turbines would be over bearing and over powering, stating that the site would encroach upon the setting of St Bartholomew's Church. She agreed with the proposal to refuse the application.

Cllr Cumbers stated that she believed the turbines would not be harmful. She stated that turbines are beautiful and elegant achievements of engineering. She believed that tourists would not be deterred. She noted that only a minority of people had objected and that there are many more ugly structures (such as pylons) in the countryside. She pointed out that there was no evidence to suggest that there would be any harm to the landscape and noted that the fabric of heritage assets would not be affected. She supported the application.

Cllr Freer-Jones stated that there is a need for renewable energy. But went on to say that just because evidence cannot be found does not mean that there will be no issues arising. She is committed to promoting tourism, enhancing the town and protecting the royal character of Melton in the Borough. She stated concerns that a landscape assessment had not been considered and that most of the turbines would be sited in the open countryside. She suggested that the application would be better suited to somewhere more windy and with less impact upon the Borough. She stated that 'less than substantial' harm is still harm, she would have preferred an application which produced no harm.

The Chair asked if Cllr Freer-Jones was proposing deferment or amendments to the reasons for refusal.

Cllr Freer-Jones made an **amendment to the motion, limiting the reasons for refusal to the adverse impact on the landscape character of the area and the setting of various heritage assets only.**

Cllr Gordon **seconded the amendment.**

The Head of Regulatory Services detailed the reasons for refusal provided by Cllr Freer-Jones in her amendment.

Cllrs Freer-Jones and Gordon conformed that these had been correctly understood.

Cllr Douglas stated she had visited Sleaford to view other turbines. She believed that they were in an appropriate place; sparsely populated and windy. She went on to say that this site was not appropriate and too close to dwellings. She suggested that the reduction of subsidies will result in a reduction in on shore wind farms being proposed. She went on to say that the Borough was running out of space to put turbines. She stated that Holwell mine shafts extend into the vicinity of the site and she had concerns that these would become unstable and unsafe.

Cllr Dungworth stated that the officer's report is well evidenced and therefore made good recommendations. He stated that he is in favour of wind farms, believing that they have proven validity and are cost effective in the right place. However, the site visit revealed important views of landscape and heritage assets will be lost.

The Head of Regulatory Services altered the amendment detailed previously to withdraw a paragraph from the NPPF previously included.

Cllrs Free-Jones and Gordon agreed with the removal of the paragraph.

Cllr Simpson quoted from a document called 'Planning for Climate Change' produced by IT Power for Melton Borough Council, noting that on page 30 the proposed site is not included in the report as being suitable for wind turbines.

The Chair asked for a final clarification of the amendment on the reasons for refusal of the application.

The Head of Regulatory Services detailed the amendment as requested.

The Solicitor to the Council clarified that there was a proposal to refuse and an amendment to that motion on the table. She stated that a vote will be taken on the amendment first and should that be carried then the amendment would become the substantive motion that Members will then vote upon.

A vote was taken in favour of the amendment: 6 in favour, 4 against.

Vote was taken to refuse the application: 6 in favour, 4 against.

Cllrs Dungworth and Simpson wished for their votes for the amendment to be recorded. Cllrs Cumbers, Baguley and Chandler wished for their votes against the amendment to be recorded.

**DETERMINATION: REFUSED for the following reasons:**

- 1) **The proposed development would result in substantial harm to the setting of St Bartholomew's Church (Grade II\*), Welby arising from the wind farm and turbines 1, 2, 3 and 4 in particular and significant harm to the setting of St James the Greater Ab Kettleby (Grade II\*) St Peter's Church (Kirby Bellars) and the and to the setting of the Moated Site at Ab Kettleby Garden, Moat and Five Fishponds at Kirby Bellars (which are Scheduled Ancient Monuments). It would also result in a cumulative harmful impact on the setting of a wide range of other heritage assets in the immediate and wider area. It is not considered that the benefits accruing from the development in terms of renewable energy generation, the proposed landscape mitigation measures and the proposed interpretation area for the deserted Welby Medieval Village are sufficient to outweigh these identified sources of harm and as such the development does not meet the criteria set out in the NPPF (paras 133 and 134) and National Policy Statement for Renewable Energy Infrastructure (read in conjunction with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure)**
- 2) **The proposed wind turbines would, by virtue of their height, distribution in the landscape and movement, introduce a new element into this landscape that would be widely visible. This visibility and presence would exceed that of any existing local features by reason of the height, colour and movement of the proposed turbines. The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation. Accordingly the development is contrary to the provisions of Policy OS2 of the adopted Melton Local**

**Plan and the objectives of the East Midlands Regional plan, and the guidance offered in the NPPF (para 109). These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.**

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D21. URGENT BUSINESS

None.

The meeting commenced at 6:00 p.m. and closed at 9.15 p.m.

Chair