SPECIAL DEVELOPMENT COMMITTEE: 13th SEPTEMBER 2012

COMMITTEE UPDATE: 12/00454/FUL Erection of single wind turbine with 50m hub height, temporary track and sub station Field No. 0726 Park Farm, Klondyke Lane, Thorpe Satchville.

The purpose of this update report is to convey the content, and advise upon, additional correspondence to the Committee that has been received after publication of the Committee Report on 8th August 2012.

Since the Development Committee on the 16th August, applications 12/00454/FUL Park Farm and 12/00460/FUL Hall Farm were deferred to allow more time to assess late submissions to the applications. Further correspondence has been received from interested parties.

Additional Correspondence

(a) Letters of Objection:

21 additional letters of objection have been received.

Representations:	Assessment of Head of Regulatory Services:
ThorpeSayNo opposition group	ThorpeSayNo have commissioned a number of studies to support their opinion that the erection of turbines in this location should be refused.
EIA opinion – flawed It is considered that the screening request is not compliant with the Regulation 5 of the EIA Regs in that it fails to properly identify the likely effects on listed buildings. The agents failed to identify listed buildings within a 5km radius informing the Council that there was only 1 (Lowesby Hall).	The development of a single turbine was not considered to be EIA development. Whilst it was considered to fall within Schedule 2 it was not considered to have a significant impact upon the environment within the terms set out in the legislation.
Impact upon Ecology An Ecological Appraisal has been undertaken on behalf of ThorpeSayNo which concludes that insufficient information has been put forward by the applicants to establish harm on protected species resulting from the laying of tracks and cables.	Noted. The proposals were supported with ecology reports and both Natural England and LCC Ecology were notified of the proposals and no objections were received nor were any requests for further survey work made.
The purpose of the survey was to ensure protected species and habitats would not be affected by the proposed development. All ecological issues relating to the habitat type were investigated during the survey	Correspondence received from residents alerted the officers to the presence of Buzzards and a variety of birds and Natural England were notified accordingly.
including:	The information has been sent to LCC Ecology for comment and they advise as follows:-
 Breeding and passage birds Specially protected amphibians Reptiles Invasive weeds Botanical interest Bats 	"Whilst we take on board the points raised within the reports from Brindle & Green Ecological Consultants (August 2012) our comments remain unchanged from those submitted previously (24 th July 2012 for application 12/00460/FUL and 24 th July, 3 rd August and 6 th August 2012 for application 12/00454/FUL).
 7. Badgers 8. Trees and hedgerows 9. Water courses 	Paragraph 99 of the ODPM Circular states 'However, bearing in mind the delay and cost that may be involved, developers should not be required to
10. Protected areas There was no access to the areas of the proposed developments so surveys were carried out using public rights of way. Consequently only a limited ecological	undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development'. The 'cylinder' of air affected by each turbine is relatively small and is essentially a small area within the wider landscape.

appraisal could be carried out. The ecological appraisal ascertained that there are five ecological issues that require attention: 1 Breeding Birds 2 Passage and Winter Birds 3 Badgers 4 Bats 5 Great Crested Newts	We therefore consider there to be a low risk to wildlife within the area and we do not feel that it would be reasonable to request further surveys for these applications. This advice is consistent with advice given for similar scale turbine applications within Leicestershire and is consistent with our application of the Local Validation Criteria for ecology.
The report concludes that insufficient survey works have been prepared in order for the council to grant this application in accordance with ODPM Circular 06/2005, that the risk of impact to schedule 1 bird species and bats requires further assessment and that these surveys should be prepared in line with ODPM Circular 06/2005 and delivered prior to the determination of this application.	We therefore have no further comments to make on this application."
The Council cannot properly assess that there will be no impact as further survey work is necessary.	
The consultation response from LCC Ecologist dated 27 th July requested a bat survey and queried the turbine location yet the officer's report stated no objection received. How can the mitigation of removing a hedge be considered acceptable when no assessment has been made.	Following the consultation response from LCC further information was submitted to them for consideration and further comments were received by LCC on the 3^{rd} August and 6^{th} August advising the authority that there was no objection and no requests made for further survey work.
Landscape and Visual Impact and Heritage Impact	
 Insufficient information submitted. An assessment has been undertaken on behalf of ThorpeSayNo which identifies that the applicants have failed to properly consider the landscape and visual impact of the applications. A robust LVIA (Landscape Visual Impact Assessment) has not been provided. The applicant's statement that there would be no unacceptable landscape and visual impact amount to unsubstantiated assertions based on flawed and insufficient information. Insufficient information submitted to assess impact upon heritage assets 	The application was assessed against the Council's local validation requirements and a development of a single turbine did not require a landscape assessment to be submitted and advises that impact on heritage assets can be included within the design and access statements. A full heritage statement is there not required. Guidance on information requirements for validation advises that local planning authorities should adopt a proportionate approach and not expect applicants to provide the highest levels of technical detail except for
Both applications failed to provide detailed heritage impact assessments in relation to Burrough Hill Fort which is within the 5km radius identified by various local planning authorities as the area where significant impacts on heritage assets are likely. The turbines will	major or particularly sensitive development, where this may be appropriate. A single turbine is not considered to fall with the category of a major development and is not located in a sensitive
harm the heritage assets within the area but no justification for the harm has been provided.	landscape defined by designation. The information submitted was considered to be acceptable in order to consider the application.

The SNH guidance refers to the Sinclair-Thomas Matrices which conclude that turbines of between 41 and 48m in height (to blade tip) would have a dominant visual impact up to 2km and a major impact capable of dominating the landscape within 2 to 4 km of the turbine and that turbines of between 72 and 74m would have a dominant visual impact within 0 to 3km and a major impact capable of dominating the landscape within 3 to 6km.

Academic research on 'The Effect of Focal Length on Perception of Scale and Depth in Landscape Photographs: Implications for Visualisation Standards for Wind Farm Development' (May 2012) by the University of Stirling found that the use of 50mm single frame image for visualisation made the specified focal point (or area) appear too small and too far away relative to its appearance in the actual landscape. The researchers found that images produced at a focal length of between 70mm and 80mm provide the most realistic representations and concluded that a 75mm focal length should be used for wind farm visualisation.

Reversibility of the development

The fact that the turbines have a life span of 25 years does not affect the weight that should be given to the unacceptable landscape and visual impact. The impacts can not be mitigated by condition and the proposals are contrary to the development plan polices. The fact that these effects will be theoretically reversible after 25 years can only be given very limited weight

Noise Impacts and Consideration of Health Impacts

An assessment has been undertaken on behalf of ThorpeSayNo which states that the information submitted with the applications do not demonstrate that there will not be an unacceptable impact in relation to noise.

The submitted Noise Impact Assessment – EWT DW54 Wind Turbine: This assessment considers the model type of the turbine rather than its site specific impact. Its purpose is to assess compliance with ETSU-R-97. It is based on the manufacturer's specification and figures. The manufacturer's figures have not been validated by any independent validation or even by on site assessment of the turbine. It concludes that ETSU-R-97 can be complied with at a distance of 570m.

There has been no consideration of existing background noise at the site or at the closest

coast, mountains and lochs and the guidance was produced to help direct wind development to less sensitive landscapes. Whilst the objectors' advisors consider it to be best practice it is not adopted by English Government. There is no requirement for developers to adopt this practice and sufficient information has been submitted to allow an assessment of the proposal. Being dominant in the landscape is not a sufficient reason for refusal. The NPPF advises that the impacts should be **significant** (emphasis added).

Noted. The agent has confirmed that all photographs were taken with a digital SLR, 50mm lens equivalent and that the panoramic images are all 90 degrees horizontal field of view, cylindrical image format with a viewing distance of 250mm. The photomontages submitted are only one method of assessing visual impact. A Planning Inspector when considering five (APP/R1038/A/09/2107667 turbines and APP/P1045/A/09/210837) acknowledged that photomontages and ZTV' are useful tools but stated that they cannot replace the human eye and personal judgement. Impact upon the landscape is a subjective matter and one that the officer considers to be acceptable in this instance taking into account the Borough's Landscape Character Assessment and as witnessed on a site visit at and around the location of the turbine.

Noted.

The NPPF includes footnote 17 which states that in determining application for wind developments LPA should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. This guidance states in very clear terms that **ETSU R 97 "should be used"** and states also that the Government is satisfied it is "a sound basis for planning decisions".

The nearest residential dwelling is to the southeast of the site; Hillside, which is situated on the Great Dalby Road. The distance is approx. 660 metres away from the proposed turbine at Park Farm. Grange Farm (approx 825m) Gifford Lodge (approx. 890m) Capon Gate (approx. 1020m) sits to the west and southwest where the landscape consists of a changing topography and mature dense trees provide a high level of screening. The distances are greater than the recommendation distance for a turbine of this size and

residential properties.	it is considered that a refusal based upon noise could
	not be substantiated in this instance.
	It is considered that given the NPPF is recent and
	up to date National Policy which endorses the use
	of ETSU R 97, and the clarity of the position within
	the National Policy Statement, that this
	methodology is appropriate.
The Officer's Report to the Development Committee on 16 August noted that "A cumulative noise impact	A cumulative noise impact assessment was submitted by the developer and the development would have
assessment is being compiled by the agent on behalf of Park Farm which will be subject of an update at the	been updated on the 16^{th} August however the application was deferred to allow further consideration
<i>committee meeting</i> ". That cumulative noise impact assessment does not appear to have been undertaken.	of submitted information. The Cumulative Noise Assessment was undertaken at the nearest sensitive receptors, Gifford Lodge, Capon Gate, Grange Farm and Hillside Cottage. It concludes that the predicted
	cumulative noise levels are acceptable and comply with the recommended noise levels endorsed by ETSU-R-97
Health Issues	
That in the absence of a robust assessment, the guidance and literature indicates that the turbines would have significant adverse impacts on the health of residents notwithstanding any asserted compliance with ETSU-R-97.	Dr Hanning disputes the ETSU-R-97 recommendations for acceptable night time noise limits and advises that it is guidance and not law. He advises that where material evidence is produced the document can be set aside. Dr Hanning has provided a
	report based upon his previous research and own
Expert evidence has been submitted by an appropriate	findings in regards to both turbines at Hall Farm and
qualified and experienced professional that the	Park Farm. In the case of Park Farm, notwithstanding
turbines will harm human health. (Dr CD Hanning)	that he has incorrectly referred to the turbine as a 900kw (500kw is proposed), Dr Hanning
That the medical research now available on the impact	acknowledges that no research has been undertaken on
of wind turbines on health demonstrates that the	smaller turbines such as that proposed for Park Farm
turbines are likely to have an unacceptable impact on	or Hall Farm. He does however recommend that a
the health of occupiers of residential properties within	setback of at least 1km would be prudent for the
the vicinity of the turbines.	turbine at Park Farm but offers no assistance for Hall
	Farm.
The impact on residential amenity caused by the turbines by noise is a material consideration that must	No avidance has been produced to state that the
carry significant weight. The identified health risks	No evidence has been produced to state that the turbines proposed would create health issues to nearby
must also be given appropriate weight.	residents. Set back distances are not endorsed in
	policy and the government recommends the use of
That the proposed turbines would not accord with	ETSU-R-97 for determining planning proposals. The
appropriate separation distances set out in the recent	proposals at Park Farm and Hall Farm meet the
guidance of other local planning authorities and with	recommended separation distances based on noise
the distances recommended by leading experts.	emissions. The cumulative noise assessment also reinforces the position and it is considered that a refusal based on health fears cannot be sustained.
No in situ wind assessments have been undertaken and	Noted.
the localised wind conditions are therefore not known.	
The wind conditions have a direct impact on noise	
levels and hence in situ tests should have been	
undertaken	
It is also passessery for the local planning outherity to	The assessments are predictive in acture and in addre
It is also necessary for the local planning authority to ensure that the proposed development would not be	The assessments are predictive in nature and in order to provide a safeguard conditions can be applied in
likely to lead to nuisance complaints from surrounding	relation to noise emissions and complaints. These can
residential properties and would not cause	specify that upon receipt of a valid complaint the
unacceptable noise impact (irrespective of any	operation of the turbine shall cease until the noise
technical compliance with ETSU-R-97).	complaint has been resolved. It is considered that this

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	approach can provide satisfactory mitigation measures can be put in place to safeguard residential amenity.
Exceptional Personal Circumstances A resident (referred to as 'X') of Thorpe Satchville suffers with Chronic Fatigue Syndrome. An assessment has been undertaken by the client that concludes that the proposed turbines are likely to harm the health of that resident and jeopardise prospects of recovery from the debilitating illness. This conclusion is supported by medical evidence in the form of correspondence from Nottingham Children's Hospital and a report written by Dr CD Hanning, a Honorary Consultant in Sleep Medicine to the University Hospitals of Leicester. The personal circumstances of individuals who have pre-existing medical conditions that would be vulnerable to the impact of turbines have been considered important material considerations that have led to the refusal of planning permission in numerous planning appeals.	A letter has been submitted by Dr D Wood a Consultant Paediatrician at Nottingham Children's Hospital has advised that the resident (referred to as 'X') is currently under the care of Nottingham University Hospital Paediatrician Team for symptoms of Chronic Fatigue. 'X's condition is being managed by a combination of graded exercise, pacing, management of sleep and rest periods. 'X's prognosis is considered to be good given his young age and his progress to the treatment. However it is stated that 'X's recovery might be prolonged if his day time rest and night time sleep be disrupted by environment changes. A telephone conversation with Dr Wood confirms that the letter is based on his professional opinion and not on any scientific evidence. It is not known where 'X' lives however all residential properties are considered to be sufficiently separated
Learne 2 all terrer	from the turbines as advised within ETSU-R-97. The Environment Health Officer is satisfied that there would be no noise nuisance created and has requested conditions in order safeguard residential amenity through any possible affects on noise.
	The appeals referred to relate to very different circumstances. The residents suffered from severe Autism (ASD) where the children had a fixation with 'spinning and rotating' objections and the erection of a wind farm which would be viewed from the house was considered to seriously impact on the children and their families.
	Planning decisions are required to demonstrate and support with evidence that adverse affects <u>will</u> arise and it is not considered that evidence exists in this case to enable this. As such, it is not considered that it forms a ground to formally object.
Contrary to the Development Plan Policies The proposals are contrary to local plan policies OS2, C2, C14 and C15. It is also contrary to paragraphs 17, 97, 109. 128 and 132 of the NPPF.	Noted. The NPPF is the most current guidance that the Authority has in relation to wind developments. The NPPF advises that due weight should be given to its content and that where the development plan is absent, silent or relevant policies are out-of-date, local
Whilst Energy production is largely promoted this support does not mean that all other material considerations must be given limited weight.	authorities should grant permission unless any adverse impacts of doing so would <u>significantly</u> and <u>demonstrably</u> outweigh the benefits of the harm.
The opposition groups own professional reports conclude that both applications should be refused.	It is considered that in relation to wind developments, the Local Plan is of limited relevance as it has no polices that address wind energy proposals and also because it pre-dates both PPS22, which itself has now been replaced by the NPPF. The NPPF is therefore considered to provide the main policy guidance for the application.
	The NPPF states that there is a presumption in favour of planning permission being granted.

	Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development , which should be seen as a golden thread running through both plan-making and decision-taking. It further states that for decision-taking; that where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
	-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the polices in this Framework as a whole; or -specific policies in this Framework indicate development should be restricted.
	There are specific policies which refer to climate change and the NPPF states that local planning authorities should recognise the responsibility on all communities to contribute to energy generation.
	The NPPF also includes a footnote which states that in assessing the likely impacts of potential wind energy developments when identifying suitable areas, and in determining planning applications for such developments, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure.
	Therefore, a balance of all of these policy issues will need to be considered in the determination of the application. The key judgement with regards to Policy OS2 and the NPPF is whether the harm is so <u>significant</u> as to justify a ground for refusal.
Somerby Parish Council – Object Somerby Parish Council is opposed to this application on the following grounds;	Noted. All matters are considered within the main Committee report.
 The proposed wind turbines will fundamentally damage the character of the local landscape. The size of the turbines will result in a high visual impact particularly from Burrough Hill one of the foremost historical sites in the county. There are a growing number of applications throughout the borough and the Development 	
Committee should consider the cumulative effect of such developments. If this application is approved then a precedent is likely to be set leading to further approvals for large/high wind turbine applications in conspicuous locations around the area. This could then lead to impacts on noise pollution, nature conservation and an adverse effect on the area's cultural and predominantly rural heritage.	The cumulative effect of both Park Farm and Hall Farm proposal have been considered and it is concluded that there would not be a detrimental impact upon the landscape or residential amenity through noise resulting from both turbines.
There are clearly better locations elsewhere. Campaign to Protect Rural England: Objects	Noted. The matters are addressed within the
Campaign to Froteet Kurai England. Objects	committee report.

 Significant adverse impact on the landscape character –High Leicestershire. Significant adverse impact on the setting of a nationally important scheduled ancient monument – Burrough Hill Iron Age Hill Fort Loss of amenity for residents and visitors Major cumulative adverse visual impact on the 	CPRE have advised of an appeal being dismissed for two turbines within the High Leicestershire character area. Representations from ThorpeSayNo have also submitted copies of appeals where turbines have been refused due to impact upon the character of High Leicestershire to support their objection. However it must be noted that Thorpe Satchville does not sit within the High Leicestershire landscape character area.
 Major cumulative adverse visual impact on the landscape with the Hall Farm wind turbine if approved. 	
Blimp Photographs	Photographs have been submitted and circulated to Members of the development Committee for consideration by ThorpeSayno. The Blimp was flown at a different grid reference to either turbines; Park Farm and Hall Farm and are therefore not a true representation. With regards to the blimp flown by ThorpeSayNo it
	should be noted that Blimps are not a reliable way of assessing the visual impact of wind developments. The recognised means for assessing the potential visual impact of a wind farm development is through the production of photomontages.
Photomontages and ZTV's The submitted photographs are not a true representation of the impact of the turbines.	Noted. As reported within the main Committee report photomontages are only one tool to assess visual impact they cannot replace the human eye. whilst impact upon the landscape is a matter of judgement the council has a published Character and Landscape
The photomontages should be considered as unreliable to make a judgement on the impact or harm, as they are not a true representation of what the human eye would receive.	Assessment which places the proposed development in a character of 'Pastoral Farmland', a pleasant, rural, gently rolling lowland pastoral farmland landscape, generally well managed, with diverse field shapes and sizes, good hedges and scattered trees.
The photomontages of the visual impacts have been produced using the familiar misleading technique of using an ultra-wide-angle lens zoomed out as far as possible. It has been shown that using such "tricks" a turbine can be made to appear up to four times smaller than reality.	sizes, good nedges and seatered dees.
Impact upon the Landscape	Noted. These matters are addressed within the main Committee report.
• The large turbine would have a visual impact upon this attractive landscape	
• It will be visible from miles around and neighbouring villages	
• It will be a blot on the landscape	
• Why position them in one of the most scenic parts of the County also the size of both is of great concern to us.	

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Impact upon residential amenity through noise	Noted. These matters are addressed within the main Committee report.
• The turbine will affect the visual amenity, create noise and disturbance and will inevitably impact upon the immediate neighbourhood and beyond	
• Concerned with possible noise from the turbines	
Impact upon Burrough Hill Fort	Noted. These matters are addressed within the main
• The turbine is too close to the Heritage site.	Committee report.
• It will spoil a beautiful view from the Burrough Hills and generally the beauty of High Leicestershire	
• The blimp could clearly be seen from Burrough Hill fort a turbine will be damaging to the views from here	
Impact upon Wildlife	Noted. These matters are addressed within the main
• Concerns with the effect on the bird life in the area	Committee report.
• The constant humming will have an impact upon bird flight paths	
Efficiency	Noted. These matters are addressed within the main
• Wind power is erratic	Committee report.
• Wind power (unlike solar PV and ground- source heat pumps) is also notoriously unreliable	
• A wind mast should have been erected to show allow an assessment of the wind.	
• Wind turbines are not cost affective	
Contrary to Development Plan	Noted. These matters are addressed within the main
• The turbine is not "farming technology" nor is it a valid farm based diversification as required by Melton Policy C2; the amount of electricity produced would be well in excess of farm requirements.	Committee report.
• Contrary to NPPF – believe that turbines of such a size will be visually very intrusive and will significantly harm the landscape	
Other Considerations:-	Noted. These matters are addressed within the main
• Well aware that there is a planning presumption in favour of wind farms but MBC do have to exercise some coherent control over these. Single very large turbines at random positions throughout the borough cannot be the right answer.	Committee report.

Concerned that there will be many more	
applications from individual farms in the	
future and the cumulative potential impact	
must be a consideration. The time to call a	
halt is now before it is too late and, at the	
very least, have a consistent policy	
throughout the borough which, should	
preclude such proliferation.	
Allowing the turbines will set a precedent	
•	
	applications from individual farms in the future and the cumulative potential impact must be a consideration. The time to call a halt is now before it is too late and, at the very least, have a consistent policy throughout the borough which, should

(b) Statement from Mr Duncan MP

I write to make clear my strong objections to the applications for two proposed wind turbines at Thorpe Satchville.	Noted. These matters are addressed within the main Committee report.
I have followed the process carefully with this application and at other sites in my constituency. I have also been briefed by the opponents to the proposed siting of these wind turbines at Thorpe Satchville.	
Having seen an indication of the size of the proposed turbines, at the flying of blimps in my constituency, I find them to be massive in scale and would be highly inappropriate for the area. They would be an irreversible and permanent blot on the landscape, visible for miles in every direction, in return for relatively little capacity gain.	
I therefore wish to place on record my firm opposition to the application, which I hope the Planning Committee will reject in the interest of the local residents who would be burdened with the presence of these huge and inappropriate turbines.	

(c) Information from the applicant

(i) Cumulative noise assessment: This shows that the cumulative effect of noise does not	Noted. These matters are addressed above and within the main Committee report.
exceed the noise levels prescribed by ETSU at any of the nearby dwellings.	The Cumulative Noise Assessment was undertaken at the nearest sensitive receptors, Gifford Lodge, Capon Gate, Grange Farm and Hillside Cottage. It concludes that the predicted cumulative noise levels are acceptable and comply with the recommended noise levels endorsed by ETSU-R-97.

(d) Letters of support 5 additional letters of support

• It is extremely important as a nation that we	Noted. Turbine proposals need to be assessed on

	build as many wind turbines as possible over	their individual merits however not all locations will
	the coming years to enable the country to	be suitable.
	become much less reliant on imported gas	
	and oil. I am not a supporter of nuclear so we	The Government has a commitment to reduc
	must therefore rely upon our natural	reliance on fossil fuel and recognises that wind powe
	resources of wind, wave and water.	will greatly assist in reducing impact upon climat change.
•	It is clear that a lot of people object on the	
	grounds of unsightliness or spoiling of the	
	natural beauty of certain countryside areas.	
	This must take second importance to the	
	bigger picture and I trust that the council will	
	be brave enough to allow these developments	
	to take place.	
•	The income generated will assist in keeping	
	the farm viable.	
	These installations are necessary to repair the	
	damage we have caused to the planet	
	Animals are able to adjust to their	
	introduction	
,	Noise is almost negligible	
	Visual intrusion is similar to that of pylons	
	and telegraph poles	
•	Solar panels don't need permission and	
	turbines shouldn't either	
•	This type of turbine is preferable to the	
	'lattice' type	
	Farms require wind turbines to remain viable	
•	The turbine could power 170 homes – the	
	equivalent of Gt Dalby and Thorpe Satchville	
	- surely this is a positive?	
•	The site is away from the villages so will	
	have no adverse impact.	