



SPECIAL MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

13 September 2012

PRESENT:

P.M. Chandler (Chair), P. Baguley, G.E. Botterill
P. Cumbers J. Douglas, M. Gordon
E. Holmes, Freer-Jones T. Moncrieff

As Substitute

Councillor J Wyatt for Councillor J Simpson

As Observer

Cllrs M Barnes, B Rhodes and J Illingworth

Head of Regulatory Services, Applications and Advice Manager (JW)
Planning Officers (DK and SL), Solicitor to the Council (VW),
Planning Policy Officer (PG), Administrative Assistant (JB)

D32. APOLOGIES FOR ABSENCE

Cllrs S. Dungworth and J Simpson

D33. 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.

D34. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00460/FUL
Applicant: Professor G England
Location: Hall Farm, Klondyke Lane, Thorpe Satchville, Melton Mowbray
Proposal: Erection of temporary Endurance E3120 wind turbine, with a maximum height of 46.1m and access track and cable trench.

(a) The Head of Regulatory Services stated that:

The smaller of the 2 applications for a mast of 46m height to blade tip, proposed to be located south of Hall Farm towards Thorpe Satchville (plans).

- Deferral from 16th Aug 2012 to allow consideration of additional information
- Should be in possession of re-issued report and updated reports, which conveys all of the information we have received since the first reports were published in early August.
- The reports provide an update on the representations received (objection and support), a statement from the MP and a summary of information supplied by the applicant shortly before the August meeting.

Update:

Further representations:

From **Gaddesby Parish Council** who comment that:

- The size (height) of the turbine is too large for the farm
- It will dominate and spoil the landscape for miles around and compromise Burrough Hill Fort
- It is too close to Thorpe Satchville
- Danger of a precedent for similar applications in future

Gaddesby PC comments are similar to points raised by many other contributors and I will address them shortly.

A letter from **an objector** expressing concern that his comments have not been adequately conveyed in the update report, specifically that:

- The applications are not supported by current policies OR in the draft Core Strategy Document
- There is a Potential for independent significant impact – as devised by Sinclair-Thomas Matrix (considered Best Practice).
- National Planning Policy cannot require, or to be given, “primacy” over statutory local policies

Appeals and Case Law support these points and a High Court judgement states that the NPPF cannot take primacy over local policies.

- Photomontages and the reversibility “benefits” should be given little weight or even dismissed
- The report does not discuss the findings of the academic studies where the conclusion is drawn to the photomontages “***under-represent the relative size of the towers and under-estimate their visual magnitude.***”
- On the reversibility element the report does not show that two Planning Appeal Inspectors give the “benefit” little weight.

We have responded to the representation concerned with the reporting of an objection setting out where and how it has been reported. However, we have circulated the objection in full so there can be no doubt that you are familiar with it.

ThorpeSayNo

Landscape Impact

The Committee reports have mistakenly advised that the Sites are not within the National Character Area 93: High Leicestershire.

Accordingly, substantial weight should be given to: the conclusions of the Inspector in the Ingarsby appeal who concluded that a turbine in this Character Area was unacceptable due to landscape impact; the conclusions of Rutland County Council’s Wind Capacity Study which concluded that this National Character Area has the lowest capacity for wind farms in the context of the whole County;

Retain view that the Scottish Natural Heritage guidance should be followed as it forms the Guidelines for Landscape and Visual Impact Assessments Second Edition (GLVIA2002)

The Sinclair-Thomas Matrices indicate that both turbines will have a dominant landscape and visual impact. If a wind turbine has a dominant landscape and visual impact such an impact must be significant and must be considered unacceptable.

Request to revisit the Landscape and Visual Impact comments submitted and require a more detailed assessment of the applicants (deferral).

Contend the value of the blimp: provides a very useful visual clue as to the height of the turbine in the landscape and where it will be visible from in the surrounding areas. The blimp was visible from many residential properties and important public viewpoints.

Photomontages: challenge the view that the Officers refer to the fact that the only way to assess impacts would be for the human eye to see the proposals. That is not possible with a photomontage but the direct visual clue provided by the blimp gives the human eye an ability to assess the proposed heights of the turbines.

The Officers also have not responded to the criticism submitted in relation to the photomontages of the applicants which do not appear to accord with developing good practice in terms of focal length.

Historic Assets

'Thorpe Say No' have asked that Members are reminded about the content of the NPPF on heritage assets, specifically:

Paragraph 126 demonstrates the government's policy and objectives with regard to heritage assets. It makes the point that heritage assets are an irreplaceable resource and that LPAs should seek to conserve them in a manner appropriate to their significance.

Paragraph 127 highlights the tests for conservation areas. As the Council has designated conservation areas which will be impacted upon by the turbines (including Great Dalby), the Council must be conscious of the special architectural and historic interest of those areas.

Paragraph 128 identifies the appropriate level of information that needs to be submitted by the applicant to enable proper assessment of the impact on the heritage asset. Previous representations have been submitted on this point which, in summary, conclude, that there is inadequate information. Paragraph 129 relates to the same point but with the onus on the LPA to ensure it has sufficient information.

Paragraphs 131, 132 and 133 stipulate the approach of the LPA to the determination of applications that would impact on heritage assets. It has previously been submitted that these paragraphs have not been complied with and there is no reason to alter this conclusion.

It is considered that substantial harm is likely to arise to the setting of Burrough Hill Fort by the proposed turbines. Impact on setting is acknowledged within paragraph 132 as a part "significance" and the inclusion of "or" between "substantial harm to" and "loss of designated heritage assets" indicates that substantial harm can be impact other than total loss. In the event that the turbine is considered to have less than substantial harm, paragraph 134 is applicable

Noise

The Officers have failed to explain how the ETSU-R-97 Assessment provided by the Hall Farm applicant 144m is reliable when your own Environmental Health Officer has pointed out that the same model turbine has led to "justified noise complaints" at a distance of 450m within the Borough. Either the assessment is flawed or the ETSU-R-97 requirements are not stringent enough to protect against a nuisance complaint. Consideration of noise impact is not simply about assessing compliance with ETSU-R-97 but is also about avoiding the creation of nuisance to residents of the vicinity of the turbines. This has not been satisfactorily addressed.

The Officers have also fundamentally failed to grasp the point that both noise assessments are based on manufacturers' figures without independent validation. Such an approach was considered to be unacceptable in the Tilton on the Hill planning appeal (previously provided) where the Inspector concluded that such a flaw in the noise information meant that the applicant had failed to demonstrate that the noise impact would not be unacceptable.

It is also noted that both applications are set to be subject to a condition which requires that the operation of the turbines shall cease in the event that a noise complaint is received until that complaint has been resolved. In view of the justified

complaints being submitted in relation to the same model of the Hall Farm turbine within the Borough at a distance of 450m, such complaints would appear to be extremely likely and would lead to the halting of the turbines whilst matters are resolved. If they cannot be resolved, the turbines would be inoperable.

Exceptional Circumstances and Health

Contrary to the Officers' assertion that planning decisions are required to demonstrate and support with evidence that adverse effects will arise, in the case of potential harm to human health - which is supported by medical evidence - the Council is under an obligation to apply the precautionary principle and to refuse planning permission unless appropriate evidence can be submitted which demonstrates that those potential harms will definitely not arise.

The only medical evidence before you is the medical opinion of a paediatric consultant from Nottingham Children's Hospital who advises that harm to health will be likely to arise.

Overall Planning Balance

The Officers have not referred to the need of the applicant to demonstrate the renewable energy credentials. The applicants have both relied on the NOABL Wind Map to assert the wind speeds that the turbines would utilise. Such an approach is flawed and in situ testing of wind speeds should be required. The NOABL Wind Map is only based on an estimated average for a 1km sq for a set height about ground level. There is no allowance for the effect of local winds and it takes no account of topography on a small scale or local surface roughness, both of which may have a considerable effect on the wind speed. In fact the NOABL Map makes it clear that the data can only be used as a guide and must be followed by on site measurements for a proper assessment.

It is noted that both Officers accept that the applications are contrary to the Development Plan although they go on to state that the NPPF provides the appropriate policy context in the circumstances of this case. Whilst the NPPF is a significant material consideration, as established law *"that it is not correct to assert that national policy promoting use of renewable resources in negates the local landscape policies and must be given primacy over them"*. This approach is exactly what the Officers are advocating in this case

Clearly, in accordance with planning law, your Council must refuse the applications if contrary to the Development Plan unless material considerations indicate otherwise. As the proposals are both contrary to the Development Plan it would clearly be reasonable for Melton Borough Council to refuse the application unless it was irrational to do so in the context of other material considerations.

2 Further letters of objection

- Obtrusive, dominant and eye catching features
- Impact on popular footpaths, walk 7 and Leics Round

- Deterrent to tourism
- Harm to wildlife & habitats
- Overbearing
- Harm to health
- Impact of noise and light flicker
- Effect on Horse Riding
- The effect will be even worse than the blimp showed, as it was not a full height

1 Further letter of support

- Experience of existing turbines shows that the impacts that have been put forward do not actually materialise

Statement from Cllr Simpson , Ward Councillor for Gaddesby.

Landscape

The proposed wind turbine at Hall Farm would, by virtue of its height (of 46 mtrs), colour, and its moving blades, introduce a new element into the open countryside, that would be widely visible.

I feel that the turbine would have a very strong presence within Thorpe Satchville, so much so, that it would become one of the main visual elements in the immediate landscape, that would impress itself on residents, visitors and those passing through the village. The effect would be so pronounced that this small rural settlement would become overwhelmed by the presence of a turbine in such close proximity, creating a negative impact and appearance of this relatively ancient rural settlement.

This visibility and presence would exceed that of any immediate existing local feature.

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 I believe the proposed 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 in relation to sustainable development, design, renewable energy and the natural environment.

Residential amenity

I feel that the proposed turbine would be a prominent and intrusive feature in the outlook from the principal rooms in the dwelling 'The Hall', Thorpe Satchville, and from its associated outdoor amenity area. The turbine would dominate both the interior and exterior of the dwelling and its environs.

It would be significantly detrimental to the living conditions and amenities of this property, and other properties directly facing the turbine in such close proximity.

Hence it would be contrary to Policy OS1 of the Adopted Melton local Plan, and fails to meet the presumption in favour of sustainable development in the NPPF.

Health issues and AM (amplitude modulation) are, so far, not quantified where wind turbines are concerned, but they exist, yet our policies do not allow us to provide for mitigation against them.

Heritage

The proposed development would have a detrimental impact to the setting of The Church of St Michael and All Angels, (built in the late 15th Century), and on Thorpe Satchville Hall, the central part of which was built in 1615.

In addition, the scheduled ancient monument of the Burrough Hill Fort will be substantially impacted upon, when viewed from the southwesterly approach to Burrough Hill.

The turbine will be clearly highly visible, well above the horizon.

.And while conditions can address certain impacts, the harmful effects cannot all be overcome, or significantly ameliorated by way of conditions, and are **not** capable of mitigation or adequate compensation

I do **not** consider that the benefits accruing from this proposed development, in terms of renewable energy generation, are sufficient to outweigh the identified sources of harm on landscape, heritage and residential amenity.

As such the development does not meet the criteria set out in:

- The NPPF (paragraphs 133 and 134).
- The National Policy Statement for Renewable Energy Infrastructure (read in conjunction with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure),
- The emerging Melton LDF Core Strategy DPD (February 2012) Policy CS13 which acknowledges the need to protect the rural environment, requiring development to "respect the character of its location, surroundings and setting. The form and appearance of development should reinforce its sense of place and take into account the Melton Landscape Character Assessment..." and "to take into account and mitigate its impact on remoteness or tranquillity and the quiet enjoyment of the countryside..."

On that basis I do not support this application and would welcome a refusal of it.

In response to the representations the Head of Regulatory Services commented:

Level of Information: A fair proportion of the comments relate to the level and nature of information provided by the applicant – landscape, heritage, ecology and noise.

There is some truth in some of these comments, i.e. that not all may have followed the best practice methodology. However, the issues for the Committee is not whether good practice is achieved, but whether there is sufficient to enable you to understand the proposal, its impact and move towards a decision. There are no rules that set out what info must be provided beyond your judgement as to what is

adequate. Crucially, please bear in mind that the applicants submission is not the sole source of your understanding – your own local knowledge, the site visit, consultations, the flying of the blimp and consultation replies all feed into this issue.

Our view is that it is adequate (otherwise the app would not have been presented and we could not have made any assessment) but if you are not persuaded this is the case, the way forward would be defer and specify what info you require (rather than refuse – it would be unreasonable not to allow an opportunity first).

High Leicestershire: confusing and frustrating which we will seek to clarify:

This has first arisen from decisions in Harborough DC that were founded upon the impact on High Leicestershire Landscape Character area. This is defined in HDC policies and document as the area around Keyham (where the application was proposed) and as such is not directly ‘transferable’ to us. MBC also has defined landscape character areas (but not policies that address them, as these are in emerging LDF). As you can see these sites are in “Pastoral Farmland”, not High Leicestershire, hence the comments in the report that it is not in this Landscape Character Area.

Where we are at fault is perhaps not explaining that the context for the Harborough decision and our response is the locally defined Landscape Character areas. This is significant because wider national definitions DO include the sites as High Leicestershire, and we understand this has been presented to you by objectors.

The frustrating element is that this confusion seems to deflect from the main point. This being that the issue for you is not the name of the Character Assessment area concerned, but the impact it has upon it. The issue Members need to adjudicate is whether it would be significantly harmful to the character of the landscape it is located in, frankly, regardless of its label.

Heritage Assets: Similarly you are invited to consider the impact on heritage assets. The NPPF offers guidance and advises that great weight should be given to the asset’s conservation and that the more important the asset, the greater the weight should be. Where impact (in this instance upon the setting) is found the following approach is offered:

- Substantial harm to designated heritage assets of the highest significance, notably scheduled monuments, should be wholly exceptional. Where substantial harm occurs, permission should be refused unless necessary to achieve substantial public benefits that outweigh that harm.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal,

- *Where non-designated heritage assets are affected, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. (Thorpe Satchville Hall)*

Accordingly, you are invited to consider the impact on the setting of the various Historic Assets in the area and apply this direction. For your guidance, advice is provided on page 6 of the report and of course our site inspections included all of the locations described in this passage.

The representations received address the same issues as those we have previously received but convey individual perspectives, e.g. view from individual properties and the like. It is not considered that the representations bring forward issues that have not already been considered and it is our view that – assisted by your general understanding of the area and the site visits – you are adequately informed to form a judgement on these issues

Health – claims that we have evidence of adverse impacts on health

I have concerns at what is being claimed here. The doctor is saying health may be affected IF noise levels affect sleep and rest patterns. What he, nor anyone else has done, is produce evidence that rest will in fact be effected. The information we have from the applicant is that the noise won't reach the property concerned. So if this is accepted, how does the concern arise? As we say, no one has provided evidence showing this to be wrong (comments have been limited to its reliability and robustness of assessment).

Also, the references to the precautionary approach. The basis for this is not explained, but we are assuming it relates to issues raised in connection with telecoms masts as the only other place we are aware this term appears. However, this does not say developments should be refused until proven to be safe, it makes specific provision for telecoms installations near schools. In contrast, the requirement to provide sound and clear cut reasons for refusal, supported by evidence, and the penalties if we fail to do so, apply just as much to this application as they do to all others. Thus the comment in the report that the onus of demonstrating harm lies with us remains valid.

Primacy of the Dev Plan

We have received criticism alleging we have departed from the legal requirement to give primacy to the Development plan and we would like to clarify this. This is certainly not the case, and you will have noted references throughout the reports to Local plan policies. What, however, cannot be denied is that we have attributed significant weight to the NPPF. This is not a question of primacy, but the circumstances that pertain at present – the guidance in the NPPF generally, paragraph 215 in particular (with which you are familiar from numerous cases), the age of the Local Plan and the absence of directly applicable policies. It is a question of weight, not legal primacy, and you will note the references to “balance” between the LP and NPPF that illustrate this.

In conclusion

*Firstly, consider if you are sufficiently informed to make a decision. If so, the **key (but not only)** areas are visual impact, heritage assets and residential amenity. We would invite you to consider these issues and remind that the overarching direction of the NPPF is that applications should be approved unless – quote – adverse impacts “significantly and demonstrably outweigh the benefits”*

The Chair invited Members to consider if they should continue to debate the application in light of the updated information presented.

Cllr Baguley **proposed to continue** to determination of the application.

Cllr Cumbers **seconded the proposal to continue.**

On being put to the vote the proposal was approved unanimously.

The Chair requested that standing orders be suspended to allow further speakers due to the nature of the application. Cllr Holmes moved to suspend standing orders. Cllr Gordon seconded this proposal. On being put to the vote, the motion to suspend standing orders was carried unanimously.

(b) Carole Dale, on behalf of Twyford and Thorpe Parish Council, was invited to speak and stated that:

- People of the parish are against the application
- Concerns regarding impact and proximity
- The turbines will industrialise the landscape
- Production of profits should not outweigh local concern
- Turbines do not produce ‘green’ energy and are not favoured by some MPs
- Local community should not be ignored.

(c) Gwyneth Whitehouse, on behalf of Burton and Dalby Parish Council, was invited to speak and stated that:

- Speaking as a resident of Great Dalby, the turbines should not be approved
- The Council should be protecting amenity and local landscape
- Undesignated areas should be protected as well as designated areas
- The character of the area is worthy of protection, this application does not preserve and conserve the area
- Other structures built as part of the proposal will also have an impact on the landscape
- The size of the turbine will dwarf local architecture and is out of scale with the area
- The proposal would prevent quiet enjoyment of people’s gardens
- This application would adversely affect Heritage Assets
- National planning policies are poor at protecting landscapes.

(d) Howard Bakewell, on behalf of Gaddesby Parish Council, was invited to speak and stated that:

- He was speaking about both applications
- Turbines applications provoke high emotions, especially in this unspoilt landscape
- The turbines will have an adverse impact on the landscape, be out of keeping and are unsuitable with the local area
- There are concerns regarding flicker and noise
- Turbines should be sited away from habitation
- The height of the turbines will dominate the landscape and Burrough Hill
- The local people who will be impacted should be listened to
- These applications will set a poor precedent if approved

The Head of Regulatory Services asked for clarification on some points from Mr Bakewell:

(e) Anna Freij, representative of the ThorpeSayNo group, was invited to speak and stated that:

- Renewable energy production should not outweigh concerns
- Another turbine in the Borough causes noise problems and this is proof that her house would be affected
- The turbine is the size of Nelson's Column and is very wrong in the countryside
- Views from the Iron Age Fort at Burrough Hill will be dominated by the turbine and cause substantial harm. The NPPF does not support applications that cause substantial harm
- Minor energy benefit should not outweigh national heritage assets
- This turbine will cause substantial harm

(f) Phil Cookson, agent for the applicant, was invited to speak and stated that:

- Substantial evidence would not be needed to refuse the application
- Many photomontages, several from Burrough Hill Iron Age Fort, show no impact from the turbine
- The level of significance on amenity or heritage asset is not demonstrable
- Mature trees screen most of the views of the turbine from the nearest village therefore impact on amenity cannot be shown
- Officer's judgement is sound and there is no evidence that anything more than moderate harm will result.

(g) Councillor Barnes, Ward Councillor for the area, was invited to speak and stated that:

- It is a large turbine at 150 foot
- There are strong planning grounds for refusal including the councils own policies, OS2, C2 and the emerging Core Strategy. The NPPF states that Heritage Assets should not be adversely impacted
- The turbine will be visually dominant and intrusive
- The blimp revealed how intrusive the turbine will be and how incorrect the photomontages are
- Heritage assets will caused substantial harm
- MBC has a duty to protect the setting of Burrough Hill Iron Age Fort and this is clear justification for refusal
- The cumulative impact of 2 turbines will be even worse
- This application would set an unhelpful precedent.

Cllr Freer-Jones asked for clarification regarding the Environmental Health Officers (EHO) report.

The Head of Regulatory Services replied that the report contained both the EHO original comments and his updated comments, which conclude that the noise created from a similar turbine in the Borough was caused by a faulty mechanism.

Cllr Freer-Jones noted that the Officer's report itemised objectors points which included a recommendation from the 'UK Noise Association' that turbines should be 1.6km away from dwellings. She asked why this point had not be addressed in the report and stated that she had not heard of this association before.

The Head of Regulatory Services replied that the NPPF states that separation distances should be dependent upon noise concerns and not specific figures that took no account of local issues.

Cllr Holmes asked if the Council were using the correct noise assessment guidance.

The Head of Regulatory Services replied that the ETSU methodology has been questioned due to its publication date but that the NPPF document (published this year) stipulates that ETSU should be followed.

Cllr Gordon questioned the noise levels at the closest dwelling and if they may be affected by the lack of foliage for screening in winter.

The Head of Regulatory Services replied that noise reading 28dB at the nearest dwelling as noted in the report would be inaudible.

Cllr Gordon asked about the noise that cannot be heard but that could cause health impacts.

The Head of Regulatory Services noted that there are types of noise cannot be assessed until the turbine is built and should there be a nuisance then conditions 4 to 10 would mitigate unforeseen affects and allow for intervention.

Cllr Wyatt proposed **refusal of the application** due to the impact on the landscape.

Cllr Gordon **seconded the proposal to refuse** due to the impact on the unique landscape in the area.

Cllr Moncrieff noted that an objector had stated that targets for renewable energy in the area had been met.

The Head of Regulatory Services replied that national targets are expressed in terms of the proportion of all consumption. However, regional targets have been set and are not yet met. The Core Strategy also sets targets which have not yet been met.

DATE	National	Regional	Melton
2010		122 MW Provided : (85 MW approx)	8.5 Kw (installed) 66Kw extant permissions for a further 66Kw (AMR 2011) (1 MW to date)
2020		175 MW	12 MW – 2026 (CS)

Cllr Freer-Jones asked if 1 turbine could make a reasonable contribution to these targets.

The Head of Regulatory Services drew attention to paragraph 97 in the NPPF that states that each community should work towards its target, no matter how small the contribution.

Members commented that the main concerns related to the visual impact of the turbine on the landscape. They noted that the permission would last 25 years and that 'reversibility' was possible even if it could be difficult. A Member stated that she felt the turbine would be adequately screened from view by the mature trees after seeing the blimp on the site visit. It was agreed that smaller turbines would have less impact on the landscape and were generally more acceptable in farm diversification; to accept large turbines may set a precedent which results in farms all around the countryside having them.

A Member stated that liked turbines generally and did not see why they had to be 'tucked' away especially when they are hardly visible from further away.

The Head of Regulatory Services confirmed the reasons for refusal and asked for the proposer and seconder to confirm them. Cllr Wyatt agreed but Cllr Gordon asked for the impact on Burrough Hill to be included. Cllr Wyatt stated that he believed it would not be affected due to the views to the Heritage Asset being relatively unaffected. Cllr Gordon agreed with Cllr Wyatt. The Head of Regulatory Services confirmed the final reasons for refusal for the Members.

A vote was taken: 6 in favour of refusal, 2 against refusal (Cllrs Cumbers and Baguley wished for their votes to be recorded), 2 abstentions (Cllr Chandler for the height of the turbine and Cllr Moncrieff for the scale of the turbine compared to the 'farms' they serve).

DETERMINATION: REFUSED, for the following reasons:

The proposed wind turbine would, by virtue of its height, position in the landscape and movement, introduce a new element into the landscape that would be widely visible. This visibility and presence would exceed that of any existing local features. The development would therefore 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 in relation to sustainable development, design, renewable energy and the natural environment. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.

- (2) Reference: 12/00454/FUL**
Applicant: Mrs H Tolton
Location: Park Farm, Klondyke Road, Thorpe Satchville
Proposal: Erection of single wind turbine with 50m hub height, temporary track and sub station
Field No. 0726

(a) The Head of Regulatory Services stated that:

This application is for an application for a mast of 77m height to blade tip, proposed to be located north of Park Farm, Thorpe Satchville.

The updates and resulting comments for this application are the same as heard for the previous application..

Statement from Cllr Simpson, Ward Councillor for Gaddesby:

Landscape

The proposed wind turbine at Park Farm would, by virtue of its height (of 77 mtrs), colour, and moving blades, introduce a new element into the open countryside, that would be widely visible.

I feel that the effect would be so pronounced that this small rural settlement would become overwhelmed by the presence of a turbine in such close proximity, creating a negative impact and appearance of the ancient rural settlement of Thorpe Satchville.

This visibility and presence would exceed that of any immediate existing local features by reason of the height, colour and movement.

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, I believe that 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 in relation to sustainable development, design, renewable energy and the natural environment.

Residential amenity

The proposed turbine would, by virtue of its height, colour and movement, be a prominent and intrusive feature in the outlook from the principal rooms in the dwelling 'Hillside', Thorpe Satchville, and from its associated outdoor amenity area. At a distance of only 660 metres, the turbine would dominate both the interior and exterior of the dwelling and its environs.

It would be significantly and unacceptably detrimental to the living conditions and amenities of this property, and at Capon Gate, and so would be contrary to Policy OS1 of the Adopted Melton local Plan and fails to meet the presumption in favour of sustainable development in the NPPF.

Heritage

The proposed development, by reason of its height, colour, and the movement of the proposed turbine would have a detrimental impact to the setting of the scheduled ancient monument of Burrough Hill Fort which is substantially impacted upon when viewed from the southwesterly approach to Burrough Hill. The turbine will be clearly highly visible, well above the horizon.

And while conditions can address certain impacts, the harmful effects cannot all be overcome, or significantly ameliorated by way of conditions, and are **not** capable of mitigation or adequate compensation.

I do **not** consider that the benefits accruing from this proposed development, in terms of renewable energy generation, are sufficient to outweigh the identified sources of harm on landscape, heritage and residential amenity.

As such the development does not meet the criteria set out in:

The NPPF (paragraphs 133 and 134).

The National Policy Statement for Renewable Energy Infrastructure (read in conjunction with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure),

Melton LDF Core Strategy DPD (February 2012) Policy CS13 which acknowledges the need to protect the rural environment, requiring development to "respect the character of its location, surroundings and setting. The form and appearance of development should reinforce its sense of place and take into account the Melton Landscape Character Assessment..." and "to take into account and mitigate its impact on remoteness or tranquillity and the quiet enjoyment of the countryside..."

On that basis I do not support this application, and welcome a refusal.

The Head of Regulatory Services asked for Members to enquire if they required any repetition or clarification of the updates received already as they applied equally to this application.

The Chair requested that standing orders be suspended to allow further speakers due to the nature of the application. Cllr Holmes moved to suspend standing orders. Cllr Gordon seconded this proposal. On being put to the vote, the motion to suspend standing orders was carried unanimously.

(b) Leigh Higgins, on behalf of Twyford and Thorpe Parish Council was invited to speak and stated that:

- As large as Burrough Hill
- Sinclair Thomas – based on English research – significant visual impact on 6km radius, including Burrough Hill and Churches
- Burrough, Somerby, Pickwell all affected
- Desert of windfarms will blight the beautiful landscape
- Targets for regional renewable energy production have been reached

(c) Howard Bakewell, on behalf of Gaddesby Parish Council, was invited to speak and stated that:

- Did not wish to reiterate his previous points

(d) Anthony Paphiti, on behalf of Burton and Dalby Parish Council, was invited to speak and stated that:

- Turbine will cause damage and therefore will affect the area
- Particularly attractive countryside should be protected
- Burrough Hill Fort will be substantially impacted and should be protected
- Impact on conservation Areas

- The blimp flown on the 28.08.12 revealed how much a turbine will dominate skyline
 - Application is woefully inadequate in details regarding its impact on landscape.
- (e) John Gordon, an objector, was invited to speak and stated that:
- C2 policy should be noted, scale and impact of turbine too great
 - Ruin and dominate tranquil countryside
 - Burrough Hill Fort is most important asset will be affected
 - Dominant impact on 3km and will be seen up to 30 miles away; bigger than East Midlands Airport tower
 - Tower over footpaths, buildings and countryside
- (f) Rob Meadley, agent for the applicant, was invited to speak and stated that:
- Believes that objectors do not want any development and are against all turbine proposals
 - The reports available to Members makes it clear that the application does not significantly harm the area
 - The proposal is good for rural diversification and for producing renewable energy for the area
 - The turbine will help reach national and regional targets for renewable energy production.
- (g) Councillor Barnes, Ward Councillor for the area, was invited to speak and stated that:
- This proposed turbine is much larger than the one proposed for Hall Farm
 - Smaller turbines already in the Borough integrate better in the landscape
 - There is no clear justification for it when it will adversely affect a Heritage Asset
 - The turbine will dominate the area as it is so much larger than other local features
 - Screening cannot mitigate the impact of the turbine

The Head of Regulatory Services reiterated planning considerations regarding the setting of the Iron Age Fort. He noted that the setting is specifically referring to the views *to* and not from, the Heritage Asset as set out in the officer's report.

Cllr Holmes **proposed refusal of the application** because of the size of the turbine and the significant harm to the local community referring to the relevant policies.

The Head of Regulatory Services confirmed the reasons for refusal.

Cllr Gordon **seconded the proposal to refuse the application.**

Cllr Illingworth joined the meeting as an observer at 20:20.

A Member stated that the Council and Parishes would be better prepared for planning applications concerning turbines if they had a policy pertaining to it and they outlined areas acceptable for this type of development.

Cllr Wyatt disagreed with the reasons for refusal presented by Cllr Holmes and **proposed an amendment to the reasons of refusal** to reflect the previous application.

Cllr Douglas **seconded the amendment to the reasons for refusal.**

A vote was taken on the amendment: 5 in favour for the amendment, 0 against.

The amendment became the substantive motion.

The Solicitor to the Council explained the procedure set out in the constitution for dealing with an amendment. Noting that the amended reason for refusal was now the substantive proposal.

A vote was taken: 5 in favour of refusal, 2 against refusal (Cllrs Cumbers and Baguley wished for their votes to be recorded) and 1 abstention.

DETERMINATION: REFUSED, for the following reason:

The proposed wind turbine would, by virtue of its height, position in the landscape and movement, introduce a new element into the landscape that would be widely visible. This visibility and presence would exceed that of any existing local features. The development would therefore 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 in relation to sustainable development, design, renewable energy and the natural environment. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.

D35. URGENT BUSINESS

The meeting commenced at 6:00 p.m. and closed at 8.30 p.m.

Chair