

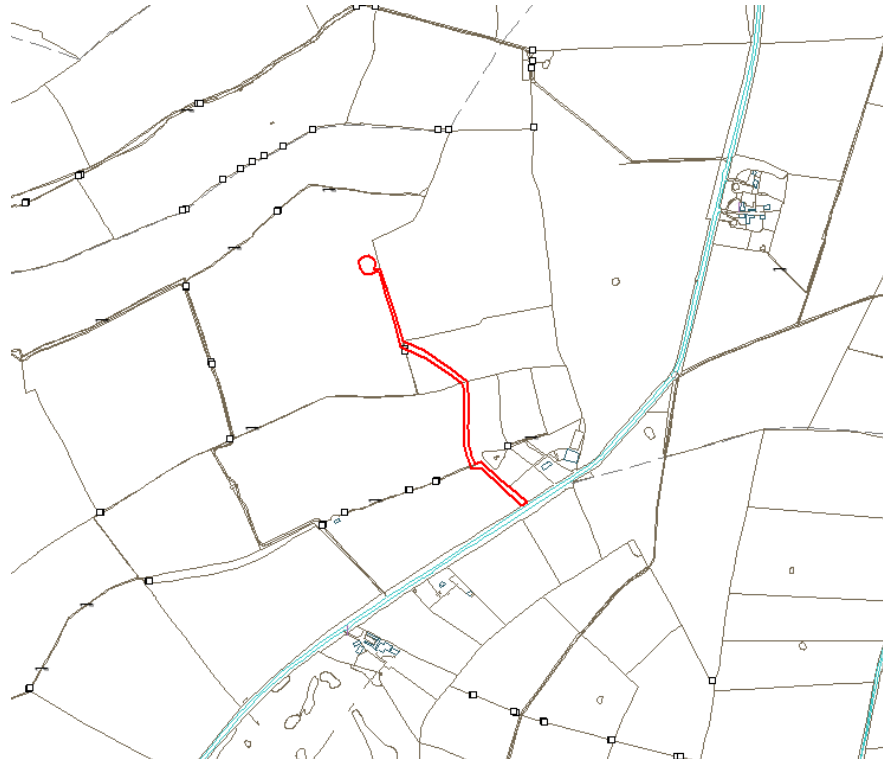
**Reference:** 11/00677/FUL

**Date submitted:** 15.09.2011

**Applicant:** Steve Butler

**Location:** Hindle Farm Melton Spinney Road, Thorpe Arnold, Melton Mowbray

**Proposal:** Erection of a 50 m to hub height single wind turbine generator with associated transformer, foundations, crane hard standing and upgraded access tracks



**Introduction:-**

**This application seeks approval for the erection of 1 medium scale wind turbine with an associated transformer together with upgrading works to the access track, a temporary field track and crane pad. The turbine is to be located within a field belonging to the applicant.** Access to the site will be off Waltham Road (A607), east of Melton Mowbray. The topography in this area is one of gentle rolling hills with the position of the turbine being sited on the higher land in order to maximise wind generated power. The turbine will have a hub height of 50 metres with three 26 metre blades giving a total height from ground to blade tip of approximately 77 metres. The tower will be of galvanized steel and tapered in design and will be painted in a light grey or white colour .

Mitigation measures have been put forward by the applicant in order to reduce the visual impact upon the landscape from the construction of the access track. This involves the planting of additional hedgerows along the first part of the track and the use of a Porous paving system which will be topped with soil and left to grass over, the use of a ‘temporary’ track that will be brought on to site and removed once works are complete across the 2<sup>nd</sup> field. The applicant has also

confirmed that the construction of the Gabion wall will not impact upon the existing hedgerow and trees which are not in their ownership which will further screen the gabion wall when viewed from the A607 and Melton Spinney Road.

It is considered that the main issues relating to this proposal is:-

- **Impact upon the character of the countryside designation**
- **Impact upon residential amenities**

Members may recall that the application was deferred due to a number of representatives not having received prior notification of the 8<sup>th</sup> November committee.

**Relevant History:-**

**10/00929/FUL** – Agricultural access track off Waltham Road (A607) to give access to the fields beyond the road frontage was given permission on the 18<sup>th</sup> March 2011

**Planning Policies:-**

**Adopted Melton Local Plan**

Policy OS2 – planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy C2 - planning permission will be granted for farm based diversification proposals provided:

- the activities would be ancillary to the main agricultural use and would not prejudice the future operation of the holding;
- the proposal should reuse or adapt any suitable farm building that is available. if a new building is necessary it should be sited in or adjacent to an existing group of buildings; e proposed development is compatible with its rural location in terms of scale, design and layout;
- there is no significantly adverse impact on the character and appearance of the rural landscape or conservation of the natural environment;
- access, servicing and parking would be provided at the site without detriment to the rural character of the area; and
- the traffic generated by the proposal can be accommodated on the local highway network without reducing road safety

Policy UT7 has not been ‘saved’

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

**East Midlands Regional Plan**

Much of the region could be suitable for the location of wind turbines subject to a number of criteria, including visual impact and the cumulative effect of a number of turbines and their actual size.

Policy 1: Regional Core Objectives - seeks a reduction in CO2 emissions by, in part, maximising renewable energy generation.

Policy 40 – Regional Priorities for low carbon energy generation - promotes renewable energy and states that in establishing criteria for on-shore wind energy, Local Planning Authorities should give particular consideration to:-

- Landscape and visual impact;
- Effect on the natural and cultural environment;
- Effect on the built environment;
- No. and size of turbines proposed;
- Cumulative impact of wind generation projects, including ‘intervisibility’;
- The contribution of wind generation projects to the regional renewables target;
- The contribution of wind energy projects to national and international environmental objectives on climate change

The East Midlands Regional Plan (2009) requires that on-shore wind installations should increase capacity from 54MW to 175 MW) by 2020, with an interim target for 2010 of 122MW.

**The National Planning Policy Framework was published 27<sup>th</sup> March and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

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

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

#### **Climate Change:**

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

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

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

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

**Conserving and enhancing the natural environment:**

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

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>MBC Environmental Health</b> – No objections subject to conditions.</p> <p>The application was supported by a noise assessment conducted by Wardell Armstrong, dated August 2011, in support of the Proposed Wind Turbine at Hindle Farm.</p> <p>Additional information has been submitted with maps showing the noise contour for 35dBA noise output from the proposed turbine at a range of wind speeds from 5 to 10m/sec inclusive.</p> <p>These noise contour maps indicate the contour of the quiet day time noise level of 35dBA as being outside of the boundary of Ashfield House, Waltham Road, Thorpe Arnold at a wind speed of 10m/sec. Ashfield House being the nearest house to the proposed development. The actual distance to Ashfield House has not been provided although it is in excess of the 570m described in the report.</p> <p>Nicola Dixon has undertaken a calculation and graph to show the noise output from a wind speed of 12m/sec does not differ significantly from wind speeds of 9 and 10m/sec.</p>	<p>Under ETSU R 97 guidance, wind turbine noise (expressed as <math>L_{A90,10min}</math>) should not be greater than 5 dB above the prevalent background level (<math>L_{A90,10min}</math>) at that wind speed, except where the background level is very low.</p> <p>With reference to the ETSU document minimum typical daytime targets fall within the range of 35-40 dB <math>L_{A90}</math>. For properties with financial involvement, a target of 45 dB <math>L_{A90}</math> can be used.</p> <p>The night-time noise limit (expressed a <math>L_{A90,10min}</math>) is an absolute minimum target level of 43 dB <math>L_{A90,10min}</math></p> <p>The turbine is to be located within a parcel of land which is free from buildings or structures. The nearest residential dwelling is to the southeast of the site; Ashfield House, which is situated on the Melton Road. The distance is approx. 585 metres away from the proposed turbine.</p> <p>The distances are greater than the recommendation distance of 570 metres for a turbine of this size and it is considered that a refusal based upon noise could not be substantiated in this instance.</p> <p>The application was supported by a noise assessment and the Environmental Health Officer has been consulted who has raised no objections with the methodology used.</p> <p>The NPPF includes footnote 17 which states that in</p>

	<p>determining application for wind developments Local Planning Authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. This guidance states in very clear terms that <b>ETSU R 97 “should be used”</b> and states also that the Government is satisfied it is “a sound basis for planning decisions”.</p> <p><b>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.</b></p>
<p><b>MBC Conservation Officer –</b> The English Heritage guidance document entitled Wind Energy and the Historic Environment advocates a sustainable approach to renewable energy generation which requires a balance to be drawn between the benefits it delivers and the environmental costs it incurs. Therefore whilst recognising the need to invest in renewable energy it recognises the potential implications for the historic environment.</p> <p>The guidance adds that high quality design is the key to minimising the adverse effect of projects such as the siting of wind turbines in the landscape and suggests that considerable weight should be given to ensuring the reversibility of renewable energy projects and their associated infrastructure</p> <p>Due consideration must be given to the following factors:</p> <ul style="list-style-type: none"> <li>• Impacts of the proposed development on the historic environment (archaeological remains, historic structures and buildings, designed landscapes, designated sites/areas)</li> <li>• The setting of historic sites</li> <li>• The visual amenity of the wider landscape that may detract from its historic character, tranquillity and remoteness</li> </ul> <p>This can be further broken down into the following elements:</p> <ul style="list-style-type: none"> <li>• Visual dominance –</li> <li>• Scale</li> <li>• Inter-visibility</li> <li>• Vistas and sight lines</li> </ul> <p><b>Archaeology</b></p> <p>The foundation of a wind turbine would typically comprise in excess of 100 cubic metres of concrete in a block of up to 16 m diameter and 3.5 m depth. There is also additional infrastructure including a new track way, sub-station together with associated ditching and cable routing. These combined have the potential to damage</p>	<p>A turbine in this location will be very dominant and will be seen from the higher approach roads, such as Melton Spinney Road, which runs parallel with the A607, Melton to Oakham Road A606 and possible distant views from the Market Harborough to Melton B6047. The landscape is very open with very few trees which limit the screening of the turbine from the north edge of Melton Mowbray and Thorpe Arnold. When approaching from Waltham on the Wolds along the A607 the site has a degree of screening from Thorpe Ashes, a small coppice of mature trees.</p> <p><b>It is considered that the erection of a 50 metre hub height turbine would have an impact upon the landscape given it will be sited on a ridge with nearby settlements (Melton, Thorpe Arnold, Scafford, Chadwell) and neighbouring dwellings sitting on lower land within valleys and dips. It is not considered that the erection of a wind turbine would lead to ‘significant’ impact upon the landscape as advocated within the NPPF nevertheless it would introduce an alien feature which is not capable of mitigation and requires extensive associated work in order to facilitate the proposal.</b></p> <p>Being visible is not a reason for refusal in itself as by nature turbines are very visible structures. However in order to facilitate the construction of a turbine in this location extensive upgrading and laying of a 750 metre access track is needed. This upgrading requires the building of a substantial retaining wall in the dip adjacent the neighbouring balancing pond. The retaining gabion wall would have a height of approx 3.5 metres within the dip, tapering out over the length of 20 metres. It would need to be constructed to accommodate the heavy plant and machinery needed to transport the turbine; and for future agricultural vehicles farming the land, whilst ensuring that no damage would occur to the neighbouring balancing pond. Whilst it is proposed to retain the existing boundary hedge some chopping back of the small group of trees in the dip that overhang the proposed track would be required.</p>

underlying archaeological remains although disturbance may be limited.

### Landscape Character

#### Historic

The definition of the historic landscape is:

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

The Leicestershire Historic Landscape Characterisation, recently completed places the wind turbine site within the area Landscape Character Area known as Fields and Enclosed Land, a classification which dominates rural Leicestershire. The countryside around Thorpe Arnold and Waltham on the Wolds is typical of this classification where there has been little change in landform, apart from some hedgerow loss, since the eighteenth or nineteenth centuries

The Leicester, Leicestershire and Rutland Landscape and Woodland Strategy (2001 Revised 2006) places the wind turbine in the area known as the Wolds. This is described as a rural character area of rolling landscape with numerous stream valleys draining to the River Wreake/Eye. Woodlands, streams, springs, disused railway lines and roadside verges provide sites of ecological interest scattered throughout the area. There is little tree cover.

The Landscape Character Assessment of Melton Borough (2006) prepared by ADAS, places the wind turbine in Area LCA6 Ridge and Valley. This is further described as *'a broadly homogenous gently rolling landscape with contrasting large scale arable fields along ridgelines and smaller scale pastures in the valleys with managed hedges and scattered trees'*

#### Settlements

The settlement pattern in the area is one of small and medium sized villages and individual farms. The Waltham transmitter to the north of Waltham on the Wolds is a visually prominent landmark.

The closest settlements are Thorpe Arnold and Waltham on the Wolds both of which are approximately three kilometres away. Thorpe Arnold does not have a designated conservation area but has five listed buildings including the Church of St Mary, The hall and Wold

**The applicants have confirmed that the hedge and trees will remain in situ which will assist in screening the wall from view when approaching from the west:** providing no damage occurs during construction. The hedge and trees lie outside of the applicant's control and could not be removed by them without consent however they have confirmed that they own approx. 6 metre, with a section close the gabion wall measuring 18 metres, of land to use for the access to the site and further planting could be accommodated. The construction of the track across three fields and associated works needed to make a safe route is considered to have a permanent impact upon the land form which is not considered reversible.

In order to overcome the concern mitigation has been proposed in the form of using temporary track that is brought on to site (2<sup>nd</sup> field) for the duration of the construction and the use of porous paving (1<sup>st</sup> field) which will provide the heavy duty track required to accommodate the vehicles need for the turbine delivery; and also to accommodate farm vehicles. The track along the first field will be topped and left to grass over returning the landscape to its present day condition. More hedgerow planting along the eastern boundary of the access track will be undertaken to screen the first part of the track from view and will assist in enhancing biodiversity for the site.

**It is considered that the mitigation measures proposed overcome previous concerns that the construction of the wall and track would have upon the impact on the landscape. The proposal has been demonstrated in the form of ZTV's to not have a detrimental impact upon the character of the area and is therefore compliant with that part of local plan policy OS2. The energy to be generated from the turbine will contribute to meeting local, regional and national energy targets and is considered to outweigh the negative impacts the turbine may create in the local landscape and is considered to not have an unduly detrimental impact upon the nearby heritage assets due to the separation distances being satisfactory.**

<p>house and several other heritage assets.</p> <p>Waltham on the Wolds by contrast has a designated Conservation Area and more than fifteen listed buildings most notably St Mary Magdalene’s Church and also has several other heritage assets</p> <p>It is considered that the turbine site is sufficiently distant from both villages so as not to adversely affect the setting of any designated heritage assets.</p> <p><b>Conclusion</b></p> <p>Wind turbines by their nature are tall and slender in appearance. In that regard some may consider them as graceful structures that may add a certain character to a landscape rather than detract from it</p> <p>The balance that needs to be drawn is between the necessity for measures to meet the challenge of climate change and the importance of conserving the significance of heritage assets including listed buildings, conservation areas and the wider historic landscape.</p> <p>In this instance the proposed location of the wind turbine is in an area classified in historic landscape terms as Fields and Enclosed Land</p> <p>The landscape in the immediate area of Hindles Farm has apparently undergone minimal changes throughout the years. The area as a whole displays subtle variations which include unchanged remote and pastoral landscapes. However there are some electricity pylons in the landscape as well as the Waltham Transmitter.</p> <p>Clearly there must be concerns that the introduction of a wind turbine within the local landscape will present an ‘alien’ feature.</p> <p>The Conservation Officer is content that in built historic environment terms, the turbine taken in isolation will have no effect on any heritage assets in the vicinity. In landscape terms, however, there is concern that the turbine and associated infrastructure, in particular the gabion wall, taken as a whole will affect the character of the local landscape.</p>	
<p><b>Waltham Parish Council – objects</b></p> <p>The Parish Council unanimously recommend that the above application be refused for the following reasons;</p> <ol style="list-style-type: none"> <li>1) That the turbine will be unsightly in a scenic southern part of the Vale of Belvoir - the device being visible from virtually 360 degrees with only a small amount of cover.</li> </ol>	<p>Noted</p> <p>The turbine will be less visible from the crossroads in the village of Waltham which is over 2.5 kilometres away as there is some screening offered from farm buildings and trees. However on the higher approach</p>

<p>2) That the noise from the turbine will be intrusive and disruptive to users of the bridleways and footpaths that are close by.</p>	<p>road from Grantham to Waltham (A607) the turbine will be seen in the distance but it is not considered to be so significant as to have a detrimental impact to the village.</p> <p>No objections have been received from the Rights of Way Officer. Detailed below.</p>
<p><b>Scalford Parish Council – Object.</b></p> <p>The Councillors are aware of Bill before Parliament which requires set separation distances depending on height of the turbine.</p> <p>The Parish Council would like to request that no consent be given to any proposal which fall outside of the guidelines of this Bill until it has been put before Parliament.</p>	<p>The private members bill entitled ‘Wind Turbines (Minimum distances from residential properties) Bill’ had its first reading in the House of Lords on 14<sup>th</sup> May 2012 with no planned date for the 2<sup>nd</sup> reading, it is still 10 stages away from becoming law, and is yet to be read in the House of Commons and granted Royal Assent. Therefore this Bill cannot be considered to be a material planning consideration in the determination of this planning application. There are no ‘set back’ distance separation policies in relation to turbines. Any distance separations would need to be implemented through policy designation.</p>
<p><b>Ministry of Defence</b> – object to the application as the proposed turbines would cause unacceptable interference to the primary surveillance radar (PSR) at RAF Cottesmore.</p> <p><b>Objection withdrawn</b> - as of 17 July 2012, the MOD has ceased safeguarding the Primary Surveillance Radar at RAF Cottesmore from wind farm development proposals. Therefore, the MOD recommends that in the case of Hindle Farm, Melton Borough Council can now remove MOD’s objection to this proposal.</p>	<p>Noted. <b>The original objection has been withdrawn due to the ceased safeguarding of the equipment at RAF Cottesmore</b></p>
<p><b>LCC Footpaths –No objection</b></p> <p>From a safety point of view the proposed location is a minimum of 300m from the nearest footpath, this is more than 3 x fall-over distance and well beyond the recommended minimum distance. It is considered that the presence of the turbine will not be a deterrent to users of the footpaths in the area.</p>	<p>Noted. Public Bridleway E94 and E95 runs in the vicinity however the turbine location is well outside of the minimum recommended 200 metres separation distances. The proposal does not interfere with any public right of way.</p>
<p><b>LCC Highways Authority</b> – No objection subject to the imposing of conditions requiring a traffic management scheme and that any repairs to the highway are carried out by the applicant.</p>	<p>Noted. The most significant traffic impact of the development will be during the construction and decommissioning stages. Traffic associated with the operational stage would under normal circumstances be confined to a site visit by car or light van 3 or 4 times a year.</p> <p>Long vehicles will be required to transport the components to the site. The proposed route to the site for the abnormal load movements would be from the A1 using the A607.</p> <p><b>No objections have been received from the</b></p>



**highways authority in regards to highway safety relating to the transportation of the turbine. The highway network is considered accessible by long vehicles.**

Concerns have been expressed by residents in regards to the suitability of the access track. Planning permission was granted for an agricultural track in 2010 (10/00929/FUL). However substantial upgrading is required in order to transport the turbine onto the proposed site. The track passes a balancing pond on neighbouring land and falls considerably to the west giving a narrow passing at this point. The construction of a retaining wall is required which will have an overall height of approx 4.5 metres from foundations within the natural dip and then would taper out over a length of 25 metres.

Concerns have been expressed in regards to the suitability of such an engineering operation in such close proximity to the balancing pond and the applicants have submitted a 'Design and Construction Methodology' report to support the application. The report sets out how the track is to be upgraded including construction of the retaining wall in order to safely transport the turbine on to the site. It is stated that the access track will be designed to the Department for Transport Design Manual for Road and Bridges (DMRB) and LCC's Highway standards and that the axle loadings of all the vehicles will be accounted for in the design including the 15 tonne per axle the mobile crane will have.

It is stated that the designers will use the information from on site soil investigation to provide a structurally stable gabion wall that will not "splay out" with the construction traffic loading and will not "crush" the pond overflow pipes. The proposed gabion baskets will be filled with granite to retain the track and will sit on a concrete foundation. The existing overflow pipes from the balancing pond are to be extended so as not to compromise the functionality of the balancing pond. The gabion wall is stated to act as buttressing to the pond giving the existing bund support and has been stated to not be detrimental to the bund's integrity. No survey of the balancing pond has been undertaken at this stage.

The access will be required to be at least 4 metres wide and the applicant only owns a small strip of land running around the boundary to neighbouring fields, which are in separate ownership and outside of the control of the applicant. Whilst there is no objection from the Highways Authority it is considered the applicants are requested to submitted a detailed structural report to show how the track can

	<p>be upgraded successfully without compromising the stability of the balancing pond to avoid collapse of the bank through heavy vehicle loads. <b>A pre commencement condition is therefore requested in order to prove that the works proposed can be undertaken without affecting the integrity of the balancing pond in the interest of public safety.</b></p>
<p><b>Natural England – No objection</b></p> <p>The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in <b>significant</b> impacts on statutory designated sites, landscapes or species.</p> <p>The ecological survey submitted with this application has identified that there <b>will not be any significant impacts</b> on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. When considering this application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).</p> <p>This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority’s landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.</p>	<p>Noted. The application has been supported by an Ecology report and no further survey work has been requested.</p> <p>There is no special national designated landscape for this area however the Borough does have a landscape study which has identified 20 distinctive characters for the borough. This site lies within a character described as ‘Valley and Ridge’ due to the changing topography. The area is characterised by large open arable fields with few building with managed hedges and scattered mostly ash trees. The topography is rolling with the turbine to be located on the higher land.</p>
<p><b>LCC Ecology – No objection</b></p> <p>It is noted that the turbine is to be located at least 60 meters from any hedgerows and the risk of the turbine impacting on any foraging bats is therefore significantly decreased. However, there is a known bat roost within 700m of the turbine. Therefore, should the proposed location of the turbine be altered, they request re-consultation to establish if bat foraging surveys should be completed.</p> <p>It is not consider that the turbine will have an</p>	<p>Noted. The turbine is sufficiently far enough from the hedgerows to meet with Natural England guidelines and the County Ecologist considered that as this application is for a single turbine, the blades will operate in a relatively small sphere and considers that the risk of strike is low and is unlikely to lead to an unfavourable conservation status of buzzards or red kites in the vicinity.</p>

<p>unacceptable risk to birds that are within the area. In a countywide context this particular section of landscape is not un-typical and it could be argued that any point location is between two ecological features. However, the turbine is sufficiently far enough from the hedgerows to meet with Natural England guidelines. Additionally, as this application is for a single turbine, the blades will operate in a relatively small sphere and it is considered that the risk of strike is low and is unlikely to lead to an unfavourable conservation status of buzzards or red kites in the vicinity.</p>	
<p><b>Environment Agency</b></p> <p>The development is not within flood zone 2 or 3 or affects a main river. The development site is not over 0.1 hectare therefore the Environment Agency have no comments to make in respect of this application.</p>	<p>Noted. The existing balancing pond is piped under the existing track discharging into an ordinary water course. The pipe is to be extended so that it may continue to be discharged into the ordinary water course in the same manner as it does at present, and conditions can be imposed to ensure that the construction of the gabion wall does not have an impact upon balancing pond or pipe outlet.</p> <p>The Flood and Water Management Act 2010 places the safeguarding of ordinary water courses to the Lead Local Flood Authority (LLFA) which is Leicestershire County Council. The proposal is not considered to affect the flow into the ordinary water course and can be safeguarded by conditions however it would be advisable for the applicant to contact the LLFA to enquire if a separate consent is required prior to works taking place. LCC have advised that consent would not be required for the proposals as detailed.</p>

**Representations:**

A site notice was posted and the immediate neighbouring property consulted. As a result 37 letters of representation from 32 households and one petition with 34 signatures has been received. 6 letters of support has also been received. **Following consultation on the proposed landscape mitigation for the access track 11 further objections have been received from 10 separate households and an additional 6 letters of objection to the mitigation proposed. The issues raised through representation are addressed below. A further letter of support has also been received.**

Representation	Assessment of Head of Regulatory Services
<p><b>Visual Impact and Landscape</b></p> <p>Leicester is famous for its landscape within the hunting fraternity, holiday makers, ramblers etc. The erection of a turbine will have a detrimental effect long term and is not in keeping with the historic market town.</p> <p>The Wolds area a sensitive area and a turbine of this size will be visible for miles</p> <p>This is an area of great beauty which will inevitably be adversely affected by the proposed development.</p>	<p>The NPPF is clear in its guidance that Local Planning Authorities should approve planning permission unless “any adverse impacts of doing so would <b>significantly and demonstrably</b> outweigh the benefits” (emphasis added). Therefore, when considering the impact on the surrounding landscape of the proposal this needs to be the key consideration.</p> <p>The NPPF then sets out guidance in relation to conserving and enhancing the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by; ‘protecting and enhancing valued landscapes, geological conservation</p>

<p>Will be an invasion of the green belt</p> <p>The turbine would be harmful to the landscape in this location</p> <p>It will sit on land that is 140 above sea level within an open landscape it will be visually dominant and an eyesore to all that live and travel through Melton</p> <p>The proposed turbine would be visible for a significant distance, seen clearly as you leave Melton on the A607, and across the rural areas to Eastwell and Waltham.</p> <p>The area is open farm land free from structures the turbine will be out of keeping with the character of the area</p> <p>It will be viewed from all directions and be very dominant in the open landscape.</p> <p>The turbine will be visually intrusive in this environment</p> <p>It will be an eyesore and a blot on the landscape</p> <p>It will be an alien feature in the landscape</p> <p>The turbine will have a detrimental impact upon the setting of nearby villages such as Chadwell, Waltham and Wycomb</p> <p>The gabion wall and track will also be unsightly and constitute a permanent prominent feature in the open countryside which would fail to protect the local character, and is contrary to the provisions of policy OS2 and NPPF.</p> <p>The proposed substation will be the only building on the land and will not be in character</p> <p>The turbine will dramatically alter the landscape character of the area both in the immediate locality and from important vantage points</p>	<p>interests and soils'. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.</p> <p>The turbine is to be located in a parcel of land to the north east of Melton towards Waltham on the Wolds. The field sits within a high point with Thorpe Arnold village sitting lower at approximately 3 kilometres away and the edge of Melton's residential areas (Melton Spinney Road) approximately 3.3 kilometres away. The main A607 (Melton to Grantham) runs past the site and access to the turbine would be from this highway.</p> <p>Melton Borough does not have any special designated landscaped areas and has no green belt. The location of the turbine is described as 'Ridge and Valley' (Melton Borough Historic Character Landscape Assessment). The character descriptions states '<i>A broadly homogenous gently rolling ridge &amp; valley landscape with contrasting large scale arable fields along ridgelines and smaller scale pastures in the valleys, with managed hedges and scattered mostly ash tree</i>'. The location of proposed turbine is within land that displays these distinctive characteristics. The landform is indeed rolling and consisting of large scale arable fields along the ridgeline where there are few buildings with the exception of a modest number of dwellings nearby.</p> <p>The location of the turbine is some distance from any nearby settlement. Whilst it will be visible from the edge of some of the settlements the Conservation Officer has considered the impact of the turbine on nearby heritage Assets (including Conservation Areas) and considered that the proposal would not have a detrimental impact upon the any heritage asset.</p> <p>The gabion wall will be a substantial structure however given the topography and natural screening currently available the ZTV's provided show that the visibility will be limited to short view points. The wall will over time with the aging process be less visible and it is considered that the mitigation proposed lessens the harm so that a refusal could be upheld.</p> <p>Noted. The substation will have an overall height of 2.5 metres and will be painted green. It is not considered to have a detrimental impact upon the landscape and would be barely visible from the distance views afforded of the site.</p> <p>The turbine will have a hub height of 50 metres with the three blades measuring a maximum of 27 metres which will give a base to tip height of approx 77 metres. There is no argument that the turbine would not be visible, nor introduce a new feature into the landscape. However, this</p>
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<p>Two view points (ZTV's) is insufficient to consider visual impact on the landscape</p> <p>The photomontages present an image of minimal impact and bare no resemblance of the true scale of this proposal.</p> <p>No amount of planting or screening would camouflage the structure.</p> <p>The mitigation measures proposed will not outweigh the overall harm on the historic landscape.</p> <p>There should be no comparison with the Waltham Mast which is tall and slender but static and does not omit any noise or flicker</p> <p>The proposal will have a negative impact upon the historic landscaping and will be close to a number of schedule ancient monuments, conservation areas, listed buildings and non listed buildings considered to be of local importance.</p> <p>The landscape is relatively unspoilt and remains in agricultural use. Parts of an ancient hedge is required to be removed to give access to the site.</p>	<p>on its own is not considered a reasonable ground for refusal and it is the <b>harm on the landscape</b> that will need to be assessed. Guidance in the NPPF states that this would need to be <b>significant</b>.</p> <p>The application is supported with two photomontages from viewpoints which were considered to be most impacted upon given the siting on a ridge. The ZTV's provide one view point of many and are by no means the only form of information used to assess the visual impact. Site visits from various locations are also undertaken by the officer to assist with assessing the visual impact upon the landscape along with published studies relating to the local and historic landscape.</p> <p>The Waltham mast is a local land mark which can be seen from many miles away. The turbine would be further to the west over 2 kilometres away and would not be viewed in the same viewing frame when travelling along the A607 or viewing from the village of Waltham on the Wolds. However they will be seen together from long range views but it is considered that it's presence would not make a turbine in this landscape any more acceptable as without it, given that they are so different in nature, size and scale.</p> <p>Please see the Conservation Officer's comments above.</p> <p>The landscape to the west has changed considerably with the expansion of the Twin Lakes leisure park. It is proposed to use the existing field entrances.</p>
<p><b>Impact Upon the Enjoyment of the Countryside</b></p> <p>Melton Mowbray is the gateway to an area of outstanding natural beauty and this site is adjacent the Vale of Belvoir which attracts thousands of tourists each year. The turbine will ruin the area.</p> <p>Will affect the tourism for the town.</p> <p>Studies have shown that there is a 40% drop where wind farms are installed. It will affect the local economy as well as Twin Lakes, Golf Course, Jane Heerbecks Equestrian school etc.</p> <p>It will reduce the enjoyment of the countryside – its so big!</p> <p>This would adversely affect walkers and horse riders of the</p>	<p>Melton is a very rural district and is one of the most sparsely populated regions however there are no special landscape designations.</p> <p>There is no current evidence to show that the development of wind turbines would have an adverse impact on recreational and economic activities. There is also a lack of evidence as to whether wind farms attract or reduce the number of visitors to an area and therefore it is considered unreasonable to refuse planning permission on these grounds.</p> <p>The turbine is of medium size standing at 50 metres to hub height. It will be painted in either white or grey which will assist in blending with the sky.</p> <p>The turbine is at a sufficient set back distance from the</p>

<p>local paths and bridleways, potentially compromising safety</p> <p>The turbine will result in the loss of a tranquil view of surrounding countryside with rural buildings, which on clear days can be seen for miles across the Vale of Belvoir</p> <p>A turbine of this size will industrialise this part of the borough which is at odds with the rural character</p>	<p>footpath/bridle way and no objections has been received from LCC Rights of Way Officer. There is no evidence to demonstrate that the proposal would impact on users of the footpaths/bridleways in the area.</p> <p>The turbine will be visible from many higher view points across the borough but this on its own is not a sufficient reason to refuse planning permission. Turbines by nature are visible and an assessment is needed to weigh up the benefits of the energy production against any significant harmful affects to the landscape.</p> <p>The proposal is for a single medium size turbine that will sit in a landscape with twin lakes (tourist development) to the west a golf course (leisure) to the southwest and existing farm and buildings (commercial) to the north and east it is not considered that a turbine in this location could constitute an industrial type of development.</p>
<p><b>Impact upon Residents</b></p> <p>It is wrong to say that our house (Ashfields) would not see the turbine because of the woods as it will stand to 77 metre height. The blades going round will be visible.</p> <p>It's too close to dwellings in the area and will create an oppressive environment for existing and proposed extension to the town which will create a further 1000 dwellings</p> <p>It will be visually intrusive for residents and will create noise</p>	<p>The proposed development is in open countryside where a few farmsteads and dwellings exist. The closest residential dwelling is Ashfield House which sits to the southeast of the proposed turbine at a distance of approximately 595 metres away. Thorpe Ashes sits between to the two sites and will offer a level of screening from the principle rooms of the dwelling. The topography is rolling and the turbine would be located on higher land however the separation distance along with the high level of screening would limit any views of the turbine and the separation distance complies with the ETSU – R - 97 guidelines in regards to noise impact. It is considered that the erection of turbine in this location would not have a detrimental impact upon the living conditions of occupiers of Ashfield House.</p> <p>There are other dwellings in the vicinity which require an assessment:-</p> <p>Debdale sits to the northwest approximately 950 metres away and the Hindles sits to the west approximately 1200 metres away. Both dwellings sit within a valley, (both accessed from Melton Spinney Road). The turbine is considered to be sufficiently separated so as not to have a detrimental impact resulting from noise. Some views may be afforded of the turbine but would be restricted because of the topography.</p> <p>There are dwellings situated along the Melton Road (A607). Freeby View sits on higher land approximately 855 metres to the east on the route towards Waltham and would have limited views of the turbine due to the highly level of screening on the boundary to the highway. The dwelling is also set back from the highway. West View and Broomwood sit to the south approximately 730 metres and 850 metres respectively. The turbine will have some visibility by the occupiers however both dwellings are set back from the highway and has a high level of screening from the highway through mature planting and trees. It is</p>

<p>Melton is consulting on an extension to the town for housing development which requires a by pass in this area. It would be premature to allow a turbine without know the outcome of the housing development</p> <p>The views from Waltham House will be compromised.</p> <p>The aviation light will cause loss of residential amenity (Chadwell resident)</p> <p>Shadow flicker will occur in the bedroom windows of Corner House, Main St, Chadwell</p> <p>The turbines will be visible for residents of Wycombe who already have the turbines at Eastwell in the view out from the village.</p>	<p>considered that full views of the turbine would be limited to certain times of the year and both dwellings fall outside of the recommended distances required to mitigate from noise.</p> <p>The Council has been consulting upon an extension to the north of town for approx. 1000 dwellings which would be to the southwest of the turbine location however this is at early stages and is required to go through public examination prior to any determination.</p> <p><b>It is considered that whilst some views will be impacted upon from the erection of a turbine the topography along with the required separation distances ensures that the proposal would not have an unduly detrimental impact upon the residential amenities. The Environment Health Officer has requested conditions to be imposed should approval be granted in the interest of safeguarded residential amenity should any issues arise from the turbine.</b></p> <p>The dwelling is approximately 1.5 miles away from the site however it sits on higher land level with views over the countryside and will have views of the turbine in the distance. Loss of view is not a planning consideration and it is considered that the turbine is sufficiently distance so as not to have an unduly detrimental impact upon residential amenities.</p> <p>The MOD has requested that a 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. The village of Chadwell is some 1.6 kilometres away and sits within a dip in the landscape. Whilst glimpses of the aviation light will be had it is not considered that it would have a negative impact upon nearby residential amenities.</p> <p>Shadow flicker occurs when the sun travels behind the blades of the turbines and causes moving shadows to be cast over large areas. This can create a strobe or pulsing effect. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a turbine and cast a shadow on and off. It only occurs inside buildings where the flicker appears through a narrow window opening. Corner House sits within the lower part of Chadwell and behind Springfield Farm it is considered that shadow flicker will not occur due to the change in topography and separation distances.</p> <p>The turbine will be sited to the southeast of Wycombe approx 2.30 kilometres away. The turbine due to its height will be visible but it is considered that it will not have a detrimental impact upon the living conditions of the residents due to the topography and separation distance.</p>
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<p><b>Noise</b></p> <p>This is a very quite area and any noise from the turbine will be a disturbance from our property (Ashfield House)</p> <p>The noise from the turbine will affect the residential amenities and enjoyment of the garden</p> <p>Back ground noise is extremely quiet any noise generated from the turbine will be heard</p> <p>Developers should be made to demonstrate that no noise issues will result from the construction of a turbine</p> <p>Reports of houses being devalued due to the noise associated from wind turbines – residents have had to sell to move away from them</p> <p>Noise impact on Chadwell residents when the wind is blowing from the South.</p>	<p>See commentary above with regards to impact upon residential amenities.</p> <p>MBC Environmental Health Officer, in association with the applicant’s noise consultant, concluded that the noise level at the nearest residential receptor will comply with the noise limit recommended in ETSU –R – 97 for a single turbine. A condition has been suggested in the interest of residential amenity with any likely problems associated with Amplitude Modulation.</p> <p>Turbine applications are required to be supported with noise assessment and this has been provided and MBC Environmental Health Officer has been consulted who has recommended acceptance of the report and has requested conditions.</p>
<p><b>Impact upon Ecology</b></p> <p>The wildlife survey is in adequate and only provides a snap shot – taken on one day visit</p> <p>Badgers, bats, owls, buzzards, Red Kite and falcons are in the area and have not been included.</p> <p>Protected bats also inhabit the wood</p> <p>No one has been on to neighbouring land to do the surveys feel that they should have</p> <p>The destruction of local birds and bats is inevitable</p>	<p>The site has been assessed both by Leicestershire County Council Ecology and Natural England and meets the requirements of their policies with regards to the separation distances between turbines and hedgerows. No further ornithology surveys have been required and Natural England has also responded (above).</p> <p><b>It is considered that matters relating to ecology have been addressed and subject to conditions the proposal is considered to be acceptable.</b></p>
<p><b>Lack of Public Consultation</b></p> <p>An A4 poster advertising the proposal is not an adequate method of alerting residents of the proposal</p> <p>Not received any official notification and live one field away.</p> <p>Why was it not advertised in the Melton Times</p> <p>Why were no neighbours notified</p> <p>Villagers of Scalford, Chadwell, Freeby and Waltham have not been notified of the application</p> <p>No community involvement prior to submitting the</p>	<p>Consultation has been undertaken in line with statutory Consultation procedures and within defined time frames as stipulated in planning law. Site notices were pinned to the entrance of the site and occupiers of Ashfield House were notified along with Waltham Parish Council in the interest of the wider public. The Council does not maintain records of land ownership.</p> <p>The villages are too far away from the proposal to receive notification however all planning applications are published on the Councils website and made available to inspect by interested parties.</p> <p>The Localism Act 2011 sets out provisions for developers of major proposals to consult with residents prior to submitting planning proposals. A single turbine proposal</p>



<p>application</p> <p>The tax payer will be paying for it as it will get a government subsidiary of £138,000 therefore everyone should have been contacted for their views under the localism policy</p>	<p>does not fall within this remit There was no requirement for the applicant to undertake community involvement.</p>
<p><b>Efficiency and Economics</b></p> <p>Doubt that the energy produced is anywhere near the figures stated and could be upto 20% less than quoted.</p> <p>Power produced is quoted to be enough to power homes at Waltham and Bescaby – clearly a commercial gain and not to offset CO2 from the farm.</p> <p>Wind farms provide unreliable energy that cannot be stored - there are better options out there</p> <p>The electricity produced would be grossly in excess of that needed for the open farm as there is no dwelling</p> <p>No farming activity is taking place this is purely a commercial operation for financial gain</p> <p>Only crop farming takes place in the two fields no animals can not be considered as farm diversification</p> <p>Has the need been proven for such a monstrosity?</p> <p>No reports have been submitted to substantiate the claims of energy production</p> <p>The turbine will not bring nothing to the local economy</p> <p>The proposals should fully demonstrate that it will deliver economic, social, environmental and community benefits that are directly related to the proposed development and are of a reasonable scale and nature to the local area. Why should residents put up with losing value on properties so that a land owner may gain financially with no benefits offered to the community?</p> <p>There are other ways of reducing the farms CO2 without spoiling the countryside</p> <p>A smaller turbine would be more appropriate and still achieve a reduction in the farms CO2</p> <p>We can't keep erecting wind turbines haphazardly just to enable small power companies to make a quick 'buck' from subsidies</p>	<p>The NPPF encourages Local Planning Authorities to consider renewable energy proposals in a positive light. This proposal will produce additional renewable energy which would help to meet the government's renewable energy targets which aim to reduce the UK's carbon dioxide emission by some 60% by 2050 with real progress by 2020.</p> <p><b>The NPPF clearly states that Local Planning Authorities should not require applicants for energy developments to demonstrate the overall need.</b></p> <p>As part of the scheme the applicant has stated that he will be setting up a community benefit fund for the benefit of the local community and for the duration of the project and it will be set at £1,000 pa (plus RPI increases). Whilst this is not a consideration in the planning process the applicant has in mind that the fund should benefit the local school and be aimed at the further awareness of the 'green' issues but would be guided by the community. A community benefit fund is established <b>outside</b> the planning process and can only materialise if the scheme is granted planning permission, constructed and operated.</p> <p>Noted.</p> <p>Noted. The application proposes the installation of a medium sized turbine to optimise on energy production.</p> <p>Noted.</p>

<p>Why is the grid connection work shown?</p> <p>It would appear that grid connection will need to be via third party land – do they have permission?</p> <p>Question the viability of a single turbine and the costs of constructing the access track, concrete pad and the compound area needed during construction.</p> <p>The benefits do not outweigh the harm on the landscape.</p>	<p>Connection to the grid requires a separate consent and is not a consideration for the planning application.</p> <p>The applicant will be aware of the costs involved and it is not a consideration for the planning process.</p> <p>The energy produced will go towards meeting national, regional and local energy targets. The mitigation proposed to limit the impact of the construction of the track is considered to be acceptable and ensures that the environmental benefits do outweigh the harm on the landscape.</p>
<p><b>Access and Highway Safety</b></p> <p>It will be a distraction to uses of the A606</p> <p>The A606 is a hot spot for accidents this will have disastrous affect on motorists</p> <p>The Bridle Way will be impacted upon with the horses being spooked by the turbine affecting the safety of the rider</p> <p>The single access track to the proposed site having a width of 6 metres and a length of 750 metres seems totally inappropriate for the volume of traffic, in relation to access and exiting the site, which has potential to cause an accident.</p> <p>The access is not suitable and was granted consent for an agricultural access only</p> <p>No survey of the man made balancing pond has been undertaken to show that there would be no impact from passing of heavy plant and machinery</p> <p>The applicant has not shown how the integrity of the pond will be safeguarded through the construction of a retaining</p>	<p>With regards to driver distraction/horse riders, PPS 22 companion guide advises on the issue of distraction to drivers and states:  <i>“Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others’ safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now a large number of wind farms adjoining or close to road networks and there has been no history of accidents at any of them”.</i></p> <p>In light of the above matters it is not considered that the proposal would cause any significant distraction to drivers/horse riders that could justify refusal on these grounds.</p> <p>The impact and effect on uses of the road network have been assessed by the Highway Authority, reported above. <b>The Highway Authority are satisfied that the proposed would not create an issue for highway users.</b></p> <p>Noted. The application proposes to upgrade the grass track in order to access the site with large heavy plant and machinery. The construction of the engineering works required to make the track suitable for any vehicles (farm or construction) forms part of this planning proposal.</p> <p>The applicant has advised that the road will be constructed to the same standard as a public highway. A condition can be applied that requires a full survey and construction method statement to be conducted prior to development taking place taking into account the balancing pond to ensure no collapse would occur.</p> <p>The developer would be liable for any damage caused to neighbouring property. This would be a civil matter and</p>

<p>wall. Should it collapse who will be liable?</p> <p>Access for construction and maintenance vehicles is an issue in rural areas, particularly where highway improvements are required. In such circumstances commuted sums would be required for highway improvements and reinstatement along with routing agreements.</p> <p>The access to the site was granted under false information they did not own the existing access.</p> <p>The access has been constructed in accordance with the 2011 permission and is not suitable for the large vehicles which will need to use it to get the turbine on the site.</p> <p>It is stated in the application that a site compound would be needed near the entrance to the access. They can not do this as they do not own the land.</p> <p>The access would only allow one vehicle to pass at any one time and will lead to vehicles stopping on the A607 waiting for vehicles to exit the site.</p>	<p>one that could not be enforced by the Council unless there was a breach in planning condition.</p> <p>The Highways Authority have stipulated conditions which require the routing plans and require the developer to pay for any damage to highways.</p> <p>Application 10/00929/FUL applied for an agricultural access to the site as currently access is using a right of way from Melton Spinney Road. The Council was aware that the existing access on Melton Road was not in the applicant's ownership and for this reason no condition was imposed requiring it to be closed.</p> <p>The Highways Authority have not objected to the proposal for a turbine but has requested conditions which require details of any improvements to the access, reinstatement of grass verges should damage arise and for a traffic management plan.</p> <p>The agent has confirmed that there is no requirement for a compound to be located at the entrance and this will be provided on the hard standing created for the crane.</p> <p>The Highways Authority have not objected to the proposal. The management of the vehicles leaving and entering the site will be down to the site operatives and should obstruction be caused on the A607 this would be a police matter.</p>
<p><b>Impact upon Health and Safety</b></p> <p>People living near turbines can have their health affected through low frequency vibration and sound, and shadow flicker</p> <p>The studies on Wind Turbine Syndrome show that there should be a separation distance of 2km we are only 616m away (Ashfield House) we will be put at risk.</p> <p>The balancing pond could collapse and cause flooding in</p>	<p>There is no evidence on which to base a rational health fear sufficient to justify the refusal of planning permission, or to seek greater separation between residential properties and turbines. Shadow flicker occurs when the sun travels behind the blades of the turbines and causes moving shadows to be cast over large areas. This can create a strobe or pulsing effect. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a turbine and cast a shadow on and off. It only occurs inside buildings where the flicker appears through a narrow window opening.</p> <p>The nearest property is Ashfield House which is sited to the southeast sitting on lower land. The turbine will be partly screened by the small coppice of trees (Thorpe Ashes) which sits between them, reducing any shadow flicker. Debdale Farm is approximately 950 metres away and set lower down to the northwest and The Hindles is to west of the turbine of a distance of approximately 1200 metres but on much lower land within a valley. It is considered that shadow flicker will be an issue for the residents due to the topography and separation distances.</p> <p>The applicants have provided method statements in relation</p>

<p>Melton and the developers should provide the proof that it will not be damaged prior to determination.</p>	<p>to the construction of the gabion wall but have not undertaken soil analysis of the balancing pond to prove that no collapse would occur. However no evidence has been provided to show that collapse would occur and therefore it is considered that a condition requiring the surveys prior to commencement of the development to provide the evidence that the stability of the pond will not be compromised is justified in this instance. The survey will be subject to proper scrutiny.</p> <p><b>Planning decisions are required to demonstrate and support with evidence that adverse affects will arise and it is not considered that evidence exists in this case to enable this. As such, it is not considered that it forms a ground to formally object.</b></p>
<p><b>Contrary to local plan policies</b></p> <p>The agent has not given enough weight to the development plan in has discounted the RSS because of the intention to revoke – it is still a material consideration</p> <p>Government Policy PPS7 - The proposal contravenes a key principle to “protect the countryside for the sake if its’ intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife etc.”</p> <p>It contravenes planning policy (ie the Core Strategy) which seeks to protect our countryside from a) oversized, b) out of scale and c) excessively tall developments.</p> <p>There is a bill in the House of Lords limiting the siting of turbines of this size (50m to 100m) to a separation distance of 1500m from the nearest dwelling. Melton should adopt a policy in line with these recommend distances.</p>	<p>The application is considered to be contrary to OS2 of the Melton Local Plan, however, the application needs to be considered against the development plan as a whole, including the East Midlands Regional Plan and the National Planning Policy Framework (NPPF) and is required to be balanced against the need for Local Planning Authorities to support the delivery of renewable energy.</p> <p>PPS7 no longer exists and has been replaced with the NPPF. The NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by; ‘protecting and enhancing valued landscapes, geological conservation interests and soils’. The site has no national designation but it is considered to have a local distinctive character of Ridge and Valley. The NPPF Paragraph 98 advises that renewable energy proposals should be approved if its impacts are, or can be made acceptable. The applicants have demonstrated that the substantial access track and building of a retaining wall required to facilitate the proposal can be mitigated against and would not have a significant impact upon the land form and a reason for refusal based on landscape harm cannot be substantiated in this instance.</p> <p>The Publication Core Strategy is yet to be formally adopted however is supportive of renewable energy development, accepting that it has a place in locations which support the resource but that it needs to be balanced against impacts in landscape and amenity terms. In the case of this location a turbine is considered acceptable and to not have a detrimental or demonstrable impact upon the landscape as outline in the NPPF.</p> <p>The private members bill entitled ‘Wind Turbines (Minimum distances from residential properties) Bill’ had its first reading in the House of Lords on 14<sup>th</sup> May 2012, it is still 10 stages away from becoming law, and is yet to be read in the House of Commons and granted Royal Assent. Therefore this Bill cannot be considered to be a material planning consideration in the determination of this planning</p>

	<p>application. There are no ‘set back’ distance separation policies in relation to turbines. Any distance separations would need to be implemented through policy designation and at present there is no policy to implement.</p>
<p><b>LOLA (Leave Our Landscape Alone) – Object</b></p> <p>Object to the misleading statements within the supporting information relating to the farm diversification – there is no farm. The land is contracted out and this is not considered to be farm diversification.</p> <p>Object to the location of the turbine which will be a blot on the landscape and impact upon the residential amenities of 6 of the dwellings which are in the immediate vicinity through noise and flicker</p> <p>The UK Noise Association state that turbines should not be sited within 1 km of nearest dwellings.</p> <p>The proposed access track in our opinion will be totally unsuitable and will cause land slip to the adjoining property</p> <p>No survey has been provided to show that the track can accommodate the heavy loads and that no collapse of the lake</p> <p>Object to the lack of ecology surveys – only 1 survey was done on the 3<sup>rd</sup> May. Surveys should be carried out over longer period of time and seasons</p> <p>The turbine developer will receive subsidies, which is funded by tax payers – the Council has failed to provide stakeholders with information on the financial impact of the proposal.</p> <p>As residents fully aware of the frequent use of the area by the MOD as a flight path – the closing of RAF Cottesmore will not change this</p> <p>LOLA questions the power output (applicant claims power for 355 homes) we believe that this represents a gross exaggeration and will be more realistic at 157 homes. The applicant has made no allowance for the electricity needed to power the turbine.</p>	<p>The applicant owns the field the turbine is to be erected and the neighbouring field which are rented out as arable fields. It is not considered that the proposal represents farm diversification but it would assist in meeting the UK’s national regional and local renewable energy targets.</p> <p>Noted please see above. (Residential Amenity)</p> <p>There are no separation distances set in planning policy.</p> <p>Should approval be granted a condition would be required to ensure full structural surveys are carried out taking into account any remedial works necessary to the balancing pond however as this is outside of the control of the applicants a Grampian style condition would be needed.</p> <p>The site has been assessed both by Leicestershire County Council Ecology and Natural England and meets the requirements of their policies with regards to the separation distances between turbines and hedgerows. No further ornithology surveys have been required and Natural England have also responded (above).</p> <p>The consultation has been carried in accordance with the statutory requirements.</p> <p>The relevant bodies have been notified and have responded (see above) The RADAR equipment at RAF Cottesmore RADAR is no longer safeguarded and no objections have been received from the MOD or East Midlands Airport.</p> <p>The rated capacity is 500kW. This is stated to mean that the maximum output of the turbine is 500kW per hour, and it achieves this at wind speeds between 10 and 25 metres per second. The agent has confirmed that the figure of 1673MwHours is derived from their Annual Energy Production calculator which was produced for them by global power consultants Parsons Brinkerhoff Power. The agent has confirmed that it is not a best case scenario, but considers it to be an extremely accurate calculation of the actual energy produced by an EWT DW54 turbine at this location. The agent has taken into account (amongst other</p>

<p>If allowed to stand motionless for any length of time 'bowing' of the shafts and rotors could occur under the tremendous weight.</p> <p>On windless days power will be needed to turn the blades to prevent 'bowing and warping' of the blades</p> <p>The turbine is contrary to the local plan policies OS2 and C2, CS20 (Core Strategy) and policy 40 of the East Midlands Plan and should be refused.</p>	<p>factors)</p> <ul style="list-style-type: none"> <li>• the wind speed at the site,</li> <li>• the intermittency of wind,</li> <li>• the surface roughness of the terrain,</li> <li>• the availability of the turbine due to faults and planned maintenance,</li> <li>• electrical losses, and</li> <li>• wind shear.</li> </ul> <p>The turbine will be installed and operated under the manufactures guidelines.</p> <p>The small amount of power needed has been stated to be included in the applicants figures.</p> <p>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 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.</p> <p>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. <b>The NPPF is therefore considered to provide the main policy guidance for the application.</b></p> <p>The NPPF states that there is a presumption in favour of planning permission being granted for sustainable development. Paragraph 14 of the NPPF states that there is a <b>presumption in favour of sustainable development</b>, 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:</p> <p>-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.</p> <p><b>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.</b></p> <p>The NPPF also includes a footnote which states that in assessing the likely impacts of potential wind energy</p>
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<p><b>Inadequacies of submitted photomontages (ZTV)</b></p> <p>A detailed LVIA should be a requirement. SNH recommend that the LVIA, as a minimum, should include:</p> <ul style="list-style-type: none"> <li>• A ZTV map out to 20km not 15km (may need to be larger radius for very large turbines);</li> <li>• A visualisations and photomontages, focusing on key viewpoints. The number and location of viewpoints should be proportional to the scale of the development and sensitivity of the location, and should be agreed with the planning authority. In most locations between 5 and 10 viewpoints should be sufficient;</li> <li>• An assessment of the sensitivity of the landscape, magnitude of change and residual impacts;</li> <li>• A base plan map of all other wind turbine proposals in the public domain to 20km.</li> </ul> <p>The submitted photomontages are considered to be misleading.</p> <p>The applicant should be made to fly a blimp so that all residents can get a full sense of the scale of the turbine.</p>	<p>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.</p> <p>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> and outweighs the benefits in terms of energy generation as to justify a ground for refusal.</p> <p>The guidance referred to was commission in relation to wind developments in Scotland by Scottish Natural Heritage and supports Scottish Government’s adopted policies on renewable energy. The document advises that Scotland is renowned, at home and internationally, for its diversity and quality of landscape and scenery, particularly its distinctive coast, mountains and lochs and the guidance was produced to help direct wind development to less sensitive landscapes. 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 <b>significant</b> (emphasis added).</p> <p>The photomontages submitted are only one method of assessing visual impact. A Planning Inspector when considering five turbines (APP/R1038/A/09/2107667 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 around the location of the turbine.</p> <p>There is no requirement for applicants to fly a blimp nor any powers available to require them to do so. The application was supported with photomontages from the most prominent view points.</p>
<p><b>Campaign to Protect Rural England - Concerns</b></p> <p>The turbine will be highly visible having a 77 metre to tip height. CPRE supports renewable energy projects which are appropriately located and supports Governments renewable energy polices. <b>It is unlikely that the affect of the turbine would be significant</b> but have concerns in regards to noise impact upon the neighbouring dwellings.</p>	<p>Noted. Please see Conservation Officer and Environment Health Officer’s comments above.</p>

<p><b>Other Matters</b></p> <p>The applicant does not live in the area and does not have to look at them.</p> <p>Devalue property prices.</p> <p>Doubt it will stop at just one turbine on the site.</p> <p>Back door attempt to get a wind farm.</p> <p>The turbine would be problematic on any future bypass.</p> <p>An Article on the BBC reported that a resident won an appeal to get discount on her Council Tax because of being close to a wind turbine which dropped the value.</p> <p>Believe that the desirability to live and visit Melton would be under threat if this was to go ahead.</p> <p>The applicant has deceived the Council through apply for an agricultural track when it is required for getting the turbine on the site as he only has right of way from Melton Spinney Road for agricultural use only</p> <p>Melton should adopt a policy which requires turbines to not be erected within 2 Kilometres of residential dwellings.</p> <p>The Council needs more guidance and policy on turbines</p> <p>The applicant should be made to fly a blimp so that everyone can see the full extent of the impact upon the area.</p> <p>Approving this will open the flood gates for all farmers to apply for turbines on their land.</p>	<p>Noted, this is not considered relevant in the determination of the application</p> <p>Noted. This is not a planning consideration.</p> <p>Each application is to be considered on its own merits. A further planning application would be required and would subject to the same public consultation as this one. Cumulative impact would be required to be assessed.</p> <p>No decision has been made on a future bypass for the town.</p> <p>There is no evidence to suggest that house values will fall from the presence of a single turbine. The article referred to was considering the impact upon council tax banding resulting from a wind farm and was for the purpose of assessing Council Tax liability. The values arrived at are not reflective of the housing market which is independently assessed.</p> <p>Planning permission was granted for an agricultural access from Melton Road (A607) to gain access to the top field in 2010. The upgrading works required to allow access for heavy vehicles required to transport the turbine is development in its own right and requires consent.</p> <p>Noted. The Core Strategy has been submitted for examination and will form the Development Plan for the Borough. This includes policy on renewable energy projects. The Council will consider whether more specific policy is required but this will not be in place in time to apply to this application.</p> <p>There is no requirement for the applicant to fly a blimp. This would be to the applicants own costs and as stated elsewhere within the report it is considered that the turbine of this size would not have an unduly detrimental impact upon the character of the area.</p> <p>Each application is to be adjudged on its own merits. It is not considered that a precedent will be set as each application needs to be accessed within the landscape that they site and some areas may be more sensitive than others.</p>
<p><b>Land Ownership</b></p> <p>The applicant does not own all of the land shown within the red line along the access track. Site surveys show that the measurements has been taken from the wrong fence line and the existing post and rail fence installed by the applicant is too far to the east and therefore not in his ownership.</p>	<p>The applicants have provided a land register title plan number LT431443 and a copy of the sale agreement signed by the applicant and the previous land owner to support their application which proves that they are in possession of the land outlined in red on the application and that the relevant certificates on the planning application forms have been submitted.</p> <p>Article 11 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires applicants to serve notice of pending</p>



	<p>planning application on land owners where applications involve land not in their ownership. The applicant has signed the ownership certificate stating that he is the land owner of the application site which is supported by the land registry title plan. The issues has arisen following an independent survey which maintains that the site has been measured from the inside fence line and not the wooden fence line in the middle of the existing hedge, this implies that the new post and rail fence erected along the eastern boundary is outside of the ownership of the applicant. The access track is required at a width of 4 metres and the applicant has proven that he owns a 6 metre strip of land measured from the post and wire fence along the inside of the hedge but also owns the land between the post and wire fence up to the post and rail fence in the middle of the hedge.</p> <p><b>It is considered that the matters relating to land ownership have been resolved and the access can be provided to the satisfaction of the Highways Authority.</b></p>
<p><b>Environmental Impact Assessment (EIA)</b></p> <p>The EIA screening opinion request and the Councils response is lacking in detail. Details relating to the farms need and connection to the grid should have also been included and considered</p> <p>The EIA screening request only included historic assets up to 5 km when the ZTVs were much larger area. How was it possible to assess the impact?</p> <p>Old planning policies were referred to</p> <p>Why was it not EIA development it's a large turbine</p>	<p>The EIA Regulations provides guidance in order to assess if development is EIA development therefore requiring to be supported with an Environmental Impact Assessment. Whilst the turbine falls outside of Schedule 1 development (major infrastructure) it was considered to fall with Schedule 2 as the energy production is more than the 5MW however an assessment was made that a single turbine would not have a detrimental impact upon any sensitive landscape (no national designation) and was sufficiently set apart from any historic assets so as not to have a significant impact.</p> <p>Sufficient information was provided to consider the screening request.</p>

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policy Considerations:</b></p> <ul style="list-style-type: none"> <li>• The application is contrary to OS2 of the Melton Local Plan.</li> <li>• There is a balance which needs to be met between the sympathetic siting of renewable energy projects and the extent of the environmental, social and economic impacts. However, the negative impacts on the local community and the environment completely outweigh any benefits which may be achieved from the proposed development.</li> </ul>	<p>In common with all planning applications, the Authority are bound in law to determine the application under s38(6) of the Act, i.e. in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the Melton Local plan and the East Midlands Regional Plan.</p> <p>The application is considered to be contrary to Local Plan Policy OS2. However, the application needs to be considered in terms of the Development Plan as a whole and the NPPF (see above in respect of the relationship between policy documents). The issue of compliance with Policy OS2 is required to be balanced against the need for Local Planning Authorities to support the delivery of renewable energy.</p> <p>It is considered that the landscape mitigation proposal</p>

	overcomes the previous concerns that the construction of the gabion wall along with the upgrading of the track would have an impact upon the character of the area and whilst the turbine will be visible
<b>Telecommunications and Broadcasting</b>	The applicants have consulted the relevant bodies in line with the guidance document 'Tall Structures and their impact on Broadcasting and Wireless Services' produced in conjunction with OFCOM. They have acknowledged that a possible 195 homes may have their broadcasting affected however mitigation measures are available. Should planning permission be granted a condition has been suggested by Arqiva and the Joint Radio Company (JRC) requiring the developer to take remedial action (this will typically require an on-site survey to determine appropriate remedial measures) prior to commencement at the cost of the developer.

### **Conclusion**

The application proposes the erection of a medium scale turbine at a height of 50 metres to hub with tip height of 77 metres, to the northeast of Melton Mowbray and Thorpe Arnold. The turbine would assist in meeting renewable energy targets through the production of 1,673 Mw Hours per annum. The proposal is considered to be supported in terms of principle by national policy in the NPPF as contributing to the wider aims of encouraging renewable energy and decarbonising the economy. It is also considered that the proposal will not adversely affect the character and appearance of the area to an extent that it is regarded as unacceptable within national guidance. In terms of the landscape, guidance in the NPPF puts the emphasis on protecting international and nationally designated sites such as National Parks. It is considered that whilst there is the need for a balance between the interests of renewable forms of energy and landscape issues, in this instance the impact would be limited in extent on the landscape, although the landscape is unspoilt it is not one that attracts protection through its designation, in the manner explained in the NPPF. Accordingly, the balance of these issues is considered to favour the installation.

The site is considered to have adequate access arrangements and to pose no risk to highways users. Having considered all the issues, in this instance, the proposal is considered on balance to be acceptable and is therefore recommended for approval.

### **RECOMMENDATION:- Permit, subject to the following conditions;**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.
4. Prior to commencement of the development, a full structural survey of the banks of the balancing pond, details of the load bearing capacity of the track adjacent the pond and gabion wall (including soil analysis), and construction method statement shall be carried out and submitted for approval

- to the Local Planning Authority. No development shall take place until the survey has received the written approval of the Local Planning Authority and subsequent development shall be undertaken in accordance with the findings of the report as approved.
5. The Applicant must notify the Local Planning Authority in consultation with the MOD and East Midlands Airport of the date construction starts and ends, the maximum height of construction equipment; the latitude and longitude of the turbine.
  6. By the end of 25 years from the first generation of electricity from the development to the grid all surface elements of the development shall have been removed from the site and the land reinstated in accordance with a scheme which shall be approved in writing by and submitted to the Planning Authority for approval not later than 12 months prior to the expiry of the said period of 25 years.
  7. If the wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise be agreed in writing by the Local Planning Authority.
  8. In the event that the wind turbine and its associated ancillary equipment are removed in accordance with condition 6 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority.
  9. At wind speeds not exceeding 10 metres per second, as measured or calculated at a height of 10 metres above ground level the wind turbine noise level at the boundary of the nearest non-associated residential dwelling shall not exceed:
    - during night hours (23:00-07:00), 43 dB LA90,10min, or the night hours LA90,10min background noise level plus 5 dB(A), whichever is the greater;
    - during quiet waking hours (18:00-23:00 every day, 13:00-18:00 on Saturday, 07:00-18:00 on Sunday), 35 dB LA90,10min or the quiet waking hours LA90,10min background noise level plus 5 dB(A), whichever is the greater; and,
    - at all times 45 dB, LA90,10min or the (day/night as appropriate) hours LA90, 10min background noise level plus 5 dB(A), whichever is the higher in respect of any house where the occupier is a stakeholder in the development,Providing that this condition shall only apply to dwellings lawfully existing at the date of this planning permission.
  10. At the request of the Local Planning Authority and following a valid complaint to the Local Planning Authority relating to noise emissions from the wind turbine, the wind turbine operator shall measure or calculate, at his own expense, the level of noise emissions from the wind turbine. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment and Rating of Noise from Wind Farms", September 1996, ETSU report number ETSU- R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97. The assessment methodology shall be approved by the Local Planning Authority prior to undertaking the detailed assessment.
  11. Should the wind turbine noise level specified in Condition 9 be exceeded, whether or not identified as a result of the procedure set out at condition 10 above, the wind turbine operator shall take immediate steps to ensure that noise emissions from the wind turbine are reduced to or below such levels or less, and obtain written confirmation of that reduction from the Planning Authority is satisfactory.
  12. No tonal element to the noise generated by the turbine involved in this development is to be audible at the boundary of the nearest non-associated residential property.
  13. No development shall commence until such time as a traffic management scheme has been submitted to and approved by the local planning authority in consultation with the Highways

Authority giving details of traffic control methods to be used to ensure the safety of highway users during the construction phase. The approval scheme shall then be implemented at all times during the construction phase.

14. Details of any access alterations/improvements shall be submitted to and approved by the local planning authority to ensure that the vehicular access serving the site from the A607 is designed and constructed to an appropriate standard to cater for the type of vehicles likely to be generated during the construction phase. The approved design shall then be implemented before the construction phase of the wind turbine takes place, and any subsequent damage caused to the highway during the construction phase shall be repaired/reinstated in accordance within one week of the damage first occurring.
15. Any damage caused to the highway as a result of the construction traffic shall be permanently repaired in accordance with Highway Authority standards within one month of the damage occurring.
16. At the time of the installation of the mast at the highest practicable point it shall be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration.
17. At the request of the planning authority and following a valid complaint to the Planning Authority relating to TV and Radio interference from the wind turbines a scheme to secure the investigation and rectification of any electro-magnetic interference to terrestrial TV caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. To ensure satisfactory archaeological investigation and recording
4. In the interest of eliminating flood risk
5. So that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety. The cumulative impact of wind turbine generation developments, which are in relatively close proximity, could compromise the safe control of aircraft in this area.
6. To ensure that, on decommissioning, the site is reinstated in order to protect the character of the area.
7. To ensure that a redundant turbine is removed from site in order to protect the visual qualities of the environment.
8. To ensure that, subsequent to the removal of a redundant turbine, the land is reinstated in order to protect the natural and visual qualities of the environment.
9. In order to control noise in the interest of residential amenity.
10. In order to control noise in the interest of residential amenity.
11. In order to control the noise in the interest of residential amenity.

12. In order to control the noise in the interest of residential amenity.

13, 14 and 15. In the interests of highway safety

16. In the interest of aviation safety.

17. In order to protect the amenities of neighbouring residents

**Officer to contact: Mrs Denise Knipe**

**25th October 2012**