Melton Borough Council

Making a Difference

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Please ask for: Mr J Worley
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E-mail: jworley@melton.gov.uk
Date: 14th March 2013

Dear Sir

One wind turbine and associated control kiosk
Stygate Lane Pickwell

I refer to your letter received on 12th March 2013 in respect of the above.

Firstly, may I clarify that application 12/00723/EIA was a 'screening opinion' to establish whether or not a full Environmental Impact Assessment is required for the proposed turbine, which is determined by assessment against the technical requirements of the relevant Regulations.

Code of Conduct Issues

Cllr Barnes has no direct interest in the application at Pickwell. He is not the landowner, nor will he receive an income from it.

The inference of your complaint is that by supporting the application at Pickwell, the prospect of his own application will enhanced. I have difficulty with this as a basis of complaint. First and foremost, as you aware every planning application must be determined on its individual merits. These depend on the nature and location of each application and the considerations that apply to each case. There are fundamental differences between the Pickwell application and Cllr Barnes'. Planning decisions by their nature are discriminatory and there is nothing to suggest that because an application was successful in one location, it will necessarily be in another. This is perhaps most clearly demonstrated by the Council's decision making record on single turbines, which as you are aware contains a series of both approvals and refusals.

Secondly, this argument appears to ignore the fact that cumulative impact is a material consideration. It can quite easily be argued that Cllr Barnes support of other proposals for turbines is contrary to his interests, and they may give rise to cumulative impacts which would not otherwise arise.

Review of the Decision

I would advise that permission was granted by the Committee. The only means by which permissions can be quashed is through judicial review which has strict requirements and timetables. If you wish to pursue this option we would strongly recommend that you take independent legal advice as a matter of urgency.

Yours faithfully

J Worley
Head of Regulatory Services