

DEVELOPMENT COMMITTEE: 25th NOVEMBER 2010

COMMITTEE UPDATE 10/00250/FUL: INSTALL 23.6 METRE HIGH WIND TURBINE WITH 3 X 9 METRE LENGTH BLADES PLUS ANCILLARY DEVELOPMENT

Preface

Members will recall that this application was brought to the Development Committee on 14th October 2010 where it was resolved to defer the application as members had not received additional documents circulated and in order for an ecology survey to be undertaken. This was after late correspondence was received raising various issues including ecology. The purpose of this update is to review the late correspondence, correspondence from applicant and the request of the deferment that a bat survey be undertaken.

Proposal:-

Planning permission is sought for wind turbine outside the village of Sproxton. Members may recall that this application was deferred from a previous Committee on the 22nd July 2010 to enable Natural England to be consulted on the application. Natural England was consulted, amended plans received and an ecology report submitted. Commentaries in relation to these issues were added into the report (attached) Amended plans were submitted on the 26th August showing the turbine located 55 metres from the hedgerow, at the request of LCC Ecology.

Additional Correspondence

1. MEP Correspondence

A letter from MEP Roger Helmer has been received stating that he writes in support of the local residents of Sproxton who have objected and wished to register his own objection. The letter expresses concern at the casual way in which it dismisses objection, for example, on noise and with properties 200 yards away and this strains credibility. Would the applicant be amenable to a condition in any future planning consent requiring the turbine to be inaudible from the village. With regards to footpaths, turbines with their noise, flicker, reflection and strobe effects can be a serious disturbance to horses and therefore a danger to riders. It is undeniable that permission for a single turbine often create a precedent leading to more and larger installations. The report dismisses serious negative visual impacts in this Conservation Area and extensive literature on health consequences. The local cricket club has submitted a well-researched and well-argued objection, which has been dismissed in a casual manner. There is no evidence to show that the turbine is viable and small turbines are less efficient than larger ones with Leicestershire having some of the lowest average wind speeds in the country. It should be incumbent on the Planning Committee to satisfy itself that the intermittent trickle of electricity provided by this turbine justifies the significant negative local impacts. This turbine would be an example of “gesture politics” creating the impression of action on the environment while achieving a trivial real contribution. It is feared that the credibility of the planning process is called into question by this cavalier dismissal of objections. We have a new government committed to localism it is time to pay more attention to the concerns of local people. The objections are summarised as visual intrusion, house values, noise and health and horses and wildlife. Scotland and Lincolnshire have a 2km set back for turbines it is difficult to see why the residents of Sproxton should enjoy a lower standard of protection than the citizens of Scotland and Lincolnshire and it is urged that you reject this application.

2. EIA Regulations

Correspondence was received from Shoosmith solicitors stating that the LPA has failed to discharge its duty in relation to the Environmental Impact Assessments Regulations 1999 (as amended) in that the Officer's have carried out a screening opinion without any or adequate evidence being available as to whether this proposal is likely to cause significant environmental effects. The LPA's screening opinion is considered to be unsafe and unsound given at the time the letter was issued, the LPA had either no or inadequate evidence on environmental impact which would allow them to reach a firm and robust conclusion on other 'significant environment effects'

would be caused by this proposal. Shoosmiths also raise the question whether the Council's own scheme of Delegation authorises officers to "sign off" Screening Opinion on behalf of the LPA and presumably therefore such decision will need to be taken by the Development Committee once members are in full possession of all facts.

3. Protected Species

Shoosmiths solicitors have stated that under paragraph 116 of Circular 06/05 (which complements PPS9) makes it clear that a LPA has a statutory duty under the regulations to have regard to Habitats Directive in the exercise of its functions. The LPA has a statutory duty to consider whether development will have an adverse impact on Protected Species and important whether adverse impacts, disturbance or harm will be caused to Protected Species as a result of development. The ecology report submitted fails to address the requirements of the Directive and regulations in respect of all protected species and specifically bats which are known to be within the vicinity of the application site. The failure of the applicants to provide any detailed survey information specifically addressing the potential impacts, disturbance and harm to these protected species is a major omission which ultimately prevents the LPA from reaching a fully informed and reasoned decision on whether this proposal should proceed. In the absence of such information, any decisions to grant planning permission will be contrary to the Habitats Directive and the regulations and will therefore be unlawful. The letter was supported by a survey by Ecolocation which states that the most likely bats to be present in this instance, in the absence of strong hedgelines to and from potential roosting and foraging sites, is the Noctule and, to a lesser degree, Common Pipistrelle, Soprano Pipistrelle, Serotine and Leisler's bat. In assessing the habitat around the site it is clear that the wind turbine location is largely surrounded by arable however the immediate habitat is not necessarily the main concern as the presence of four woodlands, all with 1.5km of each other and at their most distance 1km for the application site, may well offer roosting and foraging opportunities to Noctules. Noctules are large bats (40cm wing span) which forage at tree canopy height and can commute at the same level high altitude between woodlands when travelling between foraging areas. If lines are drawn between the woodlands around the site it is clear that they cut directly through the turbine area and, combined with this, a length of Buckminster Road running south-easternly from Sproxtun is seen to be lined by an avenue of trees which again provide potential habitat for such species which are often recorded in situation of this nature. In their opinion the likelihood of Noctules travelling over the site if they are present in the woodlands identified would be medium to high however it should be noted that most other species would be unlikely to be impacted upon by the proposal. The report concludes –

'it is clear that insufficient evidence in respect of bats, a European protected species, has been submitted with this application and therefore neither the LPA, their consultees at LCC nor Natural England can currently demonstrate that bat populations will not be impacted upon by the development.'

Shoosmiths go on to state that it is clear that it is for the LPA to ensure that it discharges its statutory duty to comply with the Directive and Regulation. It cannot simply slavishly rely on a position taken by Natural England. In the circumstance, it would be unsafe and unlawful for the LPA to grant planning permission in the absence of such detailed surveys. If the LPA fails to fully investigate potential impact on protected species prior to the grant of planning permission then this will amount to an unlawful decision being made which will be susceptible to legal challenge.

4. Landscape Assessment

The additional correspondence from Shoosmith also states that the applicant has not provided a full and detailed Landscape Appraisal assessing the impact of the development. PPS 22 companion guide makes it clear that: '...issues of landscape and visual impact should be addressed at the scheme's specific level. Cumulative impacts should also be assessed and mitigated at this level...'. Further, Paragraph 5.16 states '...landscape and visual impact assessment will be part of any environmental impact assessment undertaken, but these issues should also be considered in relation to smaller renewable energy applications that do not require full environmental impact

assessment'. Shoosmith go on to states that it is clear in the absence of a fully detailed and comprehensive analysis of issues relations to landscape impact, it is simply not possible for the LPA to reach any robust conclusions on the impact of this development in this location. The letter was supported by an independent Landscape Review which concludes that despite national and local polices no efforts has been made to do a landscape character based assessment and it would appear that there is no understanding of what 'criteria based assessment' means, why this has not been done is therefore questionable. It goes on to states that the grant of planning permission for such a tall structure without any clear understanding of its visibility in an open landscape with potential views of over 10km, alongside it potential adverse impact on the character of the area would seem contrary to all recognised planning policy guidance. Shoosmiths state that any decision by the LPA to grant planning permission for this development in this location in the absence of a detailed and proper Landscape Assessment will be contrary to the LPA's own policies and Government Policy. In addition, any decision to grant approval will be made in the absence of very material planning considerations which given the contents of the attached Landscape Review will make the decision unsafe and potentially unlawful.

5. Noise Assessment

Shoosmith also reiterated that no detailed noise assessment has been carried out, the only evidence is generic information relating to the turbine itself but does not asses the impact of this turbine in this location on an sensitive receptors. In the absence of this information members will once again be dealing wit this application in the absence of material planning information.

Assessment of the additional correspondence

1. The objections received in relation to this application have not been dismissed casually and a consideration of all the points raised have been addressed within the report and advice on these is provided.. Members are advised, as always, to consider the content of objections and the points raised as well as the facts presented to them when concluding on this application. With regards to precedent, in granting planning permission this would not set precedent as any further application for turbines would need to be considered on their own merits and on the cumulative impact of any additional turbines. The other issues raised in relation to noise, health, footpaths and visual intrusion have been addressed within the report. On the issue of house value, this is not a planning consideration. With regards to set back distances referred to in Lincolnshire and Scotland, there are no policies in this Borough in relation to this and therefore this is not applicable within this area.

With regards to the correspondence received from the cricket club and the concern that it would affect the enjoyment of this facility and as a result effect a community facility, there is a recent appeal decision in Sept 2010 for a turbine which considered a cricket pitch to be a community facility. This appeal in Halifax was for a 25 metre turbine which was considered to be in direct eyeline of a batsman on some of the wickets and bowler which the Inspector considered would be a distraction and potentially disruptive to the enjoyment or outcome of the game and to a lesser extent it would be possible that fielder would be distracted. The Inspector dismissed the appeal, amongst a range of issues, on the grounds that the proposal would be harmful to a local community facility. Whilst not aware of the distances involved in the appeal case, the location of the turbine on this application would be 350 metres from the edge of the cricket ground and would not be in direct eyeline of the batsmen and bowlers, therefore, it is considered in this instance the proposal would not impact unacceptably on the amenity or usage of the cricket pitch. **Members may recall visiting the cricket grounds as part of the site visit and need to consider in light of this appeal decision whether the turbine would affect the enjoyment of a community facility and is a material consideration.**

2. With regards to the Environmental Impact Assessment Screening Opinion. Part 5 of the regulations states that;

1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A request for a screening opinion shall be accompanied by—

(a) a plan sufficient to identify the land;

(b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

(c) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request for a screening opinion shall, if they consider that they have not been provided with sufficient information to adopt an opinion, notify in writing the person making the request of the points on which they require additional information.

When requesting the screening opinion the applicant provided a location plan, a description of the proposal (no. of turbines, KW and height) and the location of it in relations to buildings, footpaths, hedgerows (in relation to bat habitats), residential properties and the historic landscape. Circular 02/99 advises that the main aim is to ensure that the Authority for a particular project makes its decision in the knowledge of any likely significant effects on the environment and sets out a procedure that must be followed for certain types of project before they can be consented.

The proposed single turbine, as it has a hub height of over 15 metres, is classed as a Schedule 2 development in the legislation. Circular 02/99 states that the local planning authority must screen every application for Schedule 2 development in order to determine whether or not EIA is required (a 'screening opinion'). In each case, the basic question to be asked is 'Would this particular development be likely to have significant effects on the environment. The considerations which should be taken into account in making that determination are contained in Schedule 3 to the Regulations which sets out the 'selection criteria' which must be taken into account.. It identifies three broad criteria which should be considered:

- the characteristics of the development (eg its size, use of natural resources, quantities of pollution and waste generated);
- the environmental sensitivity of the location; and
- the characteristics of the potential impact (e.g. its magnitude and duration).

EIA will be needed for Schedule 2 developments in three main types of case:

- for major developments which are of more than local importance;
- for developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
- for developments with unusually complex and potentially hazardous environmental effects

The number of cases of such development will be a **very small** proportion of the total number of Schedule 2 developments. It is emphasised that the basic test of the need for EIA in a particular case is the likelihood of significant effects on the environment. It should not be assumed, for example, that conformity with a development plan rules out the need for EIA. Nor is the amount of opposition or controversy to which a development gives rise relevant to this determination, unless the substance of opponents' arguments reveals that there are likely to be significant effects on the environment.

It is considered that the applicant provided sufficient information when requesting a 'screening opinion' and the Council had sufficient information in order to carry out this duty. The proposal fell within Schedule 2 but below the indicative thresholds set out in the circular: 'The likelihood of significant effects will generally depend upon the scale of the development, and its visual impact, as well as potential noise impacts. EIA is more likely to be required for commercial developments of five or more turbines, or more than 5 MW of new generating capacity.' The site is not environmentally sensitive in the terms described by the Circular (landscape or wildlife designations) and the possible presence of a protected species

does not, in itself, render a site sensitive. The impacts are contained to a relatively limited area and impact considered to be of a straight forward nature – principally visual impact, noise and potential wildlife impacts. It is not considered that there has been a failing in terms of applying its duty in relation to the EIA Regulations. With regards to delegated powers, the Head of Regulatory Services has full delegated power and a screening opinion would not be required to be determined by Committee.

3. In relation to the issues of protected species Shoosmiths have correctly identified that the Council has a statutory duty to consider whether development will have an adverse impact on Protected Species and is important whether any adverse impacts, disturbance or harm will be caused to Protected Species as a result of development. Advice has been taken on this issue from Leicestershire County Council Ecology and Natural England and Members will recall that it led to the deferment of the application from an initial Committee to undertake an ecological survey in relation to Badgers and Newts and the Council was advised that due to the resiting of the turbine 55 metres from the hedgerow and in this location that there was no requirement for a bat survey.

This has now been challenged by Shoosmiths and an ecological assessment was submitted by Ecolocation. This document has been sent to LCC Ecology and Natural England. LCC advise that whilst they were in agreement with the points raised in relation to the requirement for protected species surveys to be submitted prior to the determination of the application (in accordance with paragraph 99 of the ODPM Circular 06/2005 (Biodiversity and Geological Conservation)), they feel that it is important to consider the latter half of the paragraph with regard to the request of these surveys being 'reasonable'. They considered the information they had available when making our responses and did not feel that it was reasonable to request a bat survey of the site for the following reasons:

- Important habitat features for foraging bats are a long way from the site of the proposed turbine.
- The applicant was prepared to relocate the turbine at a distance of at least 55 meters from any hedgerow. This follows the guidelines outlined in Natural England's Guidance note TIN051.
- The application is for a single, small style turbine.

From the above points the risk of the development to any populations of bats present to be low. The blades of the turbine would be operating in a relatively small area (a sphere of 18m if the blades are 9m long) and it is therefore considered that if Noctules are present within the vicinity (of which we currently have no evidence) the risk of strike is low and is unlikely to lead to an unfavourable conservation status of the species.

Natural England advise that whilst Shoosmiths seem to be particularly concerned about noctule bats, these are uncommon in this region, but it is not impossible they are in the area. Natural England's opinion is that this proposal is for a small development in open, arable fields. LERC has no records of bats in the immediate vicinity (although that is not to say there could be some there). From the information received, the nearest woodland is 1km away and the turbine is to be located over 50m from the nearest hedgerow. Aerial photographs confirm that lack of suitable bat habitat near the site. As such, Natural England considers this development to present a low risk to the local bat population.

Natural England have then advised that it is difficult to decide whether or not it would be **reasonable** to insist on a bat survey as the authority could be challenged that all relevant material considerations may have not been addressed in making the decision and it may therefore be prudent to defer the decision until a bat survey has been carried out.

Paragraph 99 of ODPM 06/2005 states;

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to

coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.'

The objector's report assumes that Noctules could be present rather than evidence to show that they are. A judgement is now required as to whether there is a reasonable likelihood of the species being present and adversely affected by the development and therefore if it is reasonable to request such a survey.

Since deferment from Committee in October the applicant has submitted evidence from an Ecological Consultant. The report considers the guidance on bats and wind turbines, the potential impact on bats and the Regulations. The report concludes that the decision not to request a bat survey is reasonable and proportionate and that it is highly unlikely that there will be a significant impact, if any, on noctule bats because the evidence from records for Leicestershire suggest that they are uncommon in the county and even if present the risk of collision is very low such that there is unlikely to be a harmful effect on local populations. In summary the reports advises that;

- There is low probability of noctule bats being present in the vicinity of the application site;
- There is low risk of foraging noctule bats coming into contact with the turbine rotor swept zone;
- Similarly there is low risk of contact by commuting noctule bats;
- The strong likelihood is that mortality rates would be low and very unlikely to result in harm to the conservation status of bats in the local area;
- The original decision of the LPA not to request a bat survey is a reasonable and proportionate one.

This information has been sent to Natural England and comments are awaited at the time of drafting the report. However, based on the advice of LCC Ecology and Natural England that the risk to bat is low it may not be considered reasonable in line with guidance to require a further ecological survey. Natural England and LCC Ecology are satisfied with the information provided with regards to badgers and newts and it is therefore considered that the application has been assessed having regards to protected species and can proceed with determining the application. Any comments received in respect of this additional information will be reported verbally to Members.

4. In Shoosmiths comments they have stated that the applicant has not provided a full and detailed Landscape Appraisal assessing the impact of the development. PPS 22 companion guide makes it clear that: '...issues of landscape and visual impact should be addressed at the scheme's specific level. Cumulative impacts should also be assessed and mitigated at this level...'. The application proposes the erection of one turbine and there are no other turbines proposed within close proximity of the site and therefore there is no requirement to assess the cumulative impact. This may be required in future if further application for turbines within the vicinity. The report contains a full assessment of the proposal in relation to the village, conservation area, Listed Buildings and landscape. It is not considered that this issue has been overlooked. It is worth noting that the landscape assessment submitted by Shoosmiths is a desk based assessment and no site visit has been undertaken. **It is considered that, taking into account the scale of development, the Council is adequately prepared to assess landscape impact issues without the benefit of an independent landscape assessment.**
5. With regards to the accusation that no detailed noise assessment has been made, information regarding noise levels and distance/wind speed have been submitted at the request of the Local Planning Authority and the Environmental Health Officer is satisfied that the turbine will not be audible to the nearest dwelling or the village. This is considered satisfactory when considering an

application of this nature and has been addressed within the previous Committee report. If members feel it is necessary to request such a survey then the application could be refused on insufficient information. **However, Officers have been advised by Environmental Health that the turbine would not impact on the residents with regards to noise and this has been a material consideration when determining the application.**

Changes in Policy

Due to a recent High Court appeal decision (November 2010) the Regional Spatial Strategy is considered relevant when determining the application. However, the Department of Communities and Local Government have issued a statement that they intend to abolish Regional Spatial Strategy and this should be a material consideration when considering an application in relation to Regional Plans. In relation to renewable energy the East Midlands Regional Plan states;

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.

It should be noted that CLG has advised that the abolition of Regional Plans is a material consideration. The application also proposes the addition of a single turbine which is considered to represent a valuable contribution to the wider planning objective for the generation of energy from renewable sources and as such the development is considered to closely adhere to the objectives of PPS22. The turbine has been assessed in accordance with the criteria set out in Policy 40 of the RSS and whilst there is some debate as to the weight the policy should attract it is not considered to be pivotal to the determination of this application.

Conclusion

This application has been deferred from two previous committees after late challenges to the legalities surrounding the application. These issues have been addressed within this update report and should be read in conjunction with the officers report of the 14th October, attached. Having considered all the issues raised it is considered that the committee are in a position to determine the application with all material factors presented to them.

RECOMMENDATION:- PERMIT AS PER RECOMMENDATION IN THE REPORT

Officer to Contact – Jennifer Wallis

Committee Date: 14th October 2010

Reference: 10/00250/FUL
Date submitted: 09.04.2010
Applicant: A R Birch And Sons
Location: Field Number 0064, Buckminster Road, Sproxton
Proposal: Install 23.6 metre high Wind Turbine with 3 x 9 metre length blades plus ancillary development.

Proposal:-

This application seeks approval for the erection of a wind turbine together with an access track. The turbine is to be located on a monopole which extends to a height of 23.6m with a height of 32.6 metres to the blade tip. The proposal involves the installation of a single turbines which have three blades each 9 metres in length.. The turbine is proposed to be GRP coated steel. The turbine is proposed to be part of Beech Tree Farm's business on a hill to the south east of Sproxton village.

Members may recall that this application was deferred from Committee on the 22nd July 2010 to enable Natural England to be consulted on the application. Since deferment of the application Natural England has been consulted, amended plans received and an ecology report submitted. Commentaries in relation to these issues have been added into the report, highlighted in bold, and various letters received in connection with these are also added into the report. Amended plans were submitted on the 26th August showing the turbine located 55 metres from the hedgerow, at the request of LCC Ecology.

Relevant History:-

None relevant on this site

Planning Policies:-

PPS1: Delivering Sustainable Development and accompanying annex PPS: Planning and Climate Change set out the Government's commitment to delivering renewable energy development as part of the measures to address the causes and potential impacts of climate change.

PPS22: Renewable Energy outlines the key principles to which regional planning bodies and local planning authorities should adhere in their approach to planning for renewable energy. More specific and detailed guidance on wind energy is contained in the accompanying Companion Guide to PPS22 issued in August 2004. The Government's energy policy is set out in the Energy White Paper and which aims to reduce the UK's carbon dioxide emissions by some 60% by 2050 with real progress by 2020. A target has been set by Government to generate 10% of UK electricity from renewable energy sources by 2010.

The Government's Energy Review (July 2006) announced the intention to give greater clarity to strategic issues relating to renewables. Annex D of the Energy Review seeks to renew the commitment of the Government to renewables and clarifies the role of the planning system in realising renewable projects. Annex D makes it clear that:

"New renewable projects may not always appear to convey any particular local benefit, but they provide

crucial national benefits. Individual renewable projects are part of a growing proportion of low carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps the reliability of our supplies. This factor is a material consideration to which all participants in the planning system should give significant weight when considering renewable proposals.”

Whilst the main thrust of the guidance relates to commercial, larger scale schemes, it is acknowledged that small scale renewable energy projects such as wind turbines and solar panels can be incorporated within new developments and existing buildings. Local Planning Authorities should seek to encourage such schemes through positively expressed policies.

Paragraph 15 states that local landscape and local nature conservation designations should not be in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents, including any criteria that are specific to the type of area concerned. Paragraph 20 goes on to state that; Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved.

PPS5 ‘Planning for the Historic Environment’ outlines the Government’s policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government’s objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.

PPS7: Sustainable Development in Rural Areas emphasises national policy in terms of protecting the countryside. It pays particular attention to designated areas (e.g. AONB’s) and advocates the use of Landscape Character Assessments to guide development needs and establishes 4 objectives of :

- Raising the quality of life and the environment
- Promoting more sustainable patterns of development
- Promoting the economic performance of the English regions
- Supporting the agricultural sector.

PPG24: Noise relates to planning and noise and how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development. Paragraph 22 refers to other statutory controls that exist outside the planning system and the granting of planning permission does not remove the need to comply with these controls.

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’

Melton Core Strategy (preferred Options) DPD is supportive of renewable energy development, accepting that it has a place in locations which support the resource.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Environmental Health Officer – has had regard to the information supplied in support of the application and relating to noise from the proposed development. That information is clear that noise from the windmill will not be audible at the village, accordingly they have no objection to the application.</p>	<p>Noted, information regarding noise levels and distance/wind speed have been submitted at the request of the Local Planning Authority and the Environmental Health Officer is satisfied that the turbine will not be audible to the village.</p>
<p>East Midlands Airport – the proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, East Midlands Airport has no safeguarding objection to the proposal.</p>	<p>Noted.</p>
<p>LCC Footpaths - public footpath E68a runs adjacent to, but not in, the field where the development is proposed. There are no recorded public bridleways in the vicinity but the minor roads do cater for the many horse riders in this area.</p> <p>Developers should seek to achieve at least fall over distance from any public right of way for maximum safety (PPS 22 para.57). The recommended minimum distance from a bridleway is 200 metres (PPS 22 para.56).</p> <p>The applicant has specified that the proposed turbine will be located a minimum distance of 50m from the hedgerow, this will also place it approximately 50m from the footpath. Given that the turbine is 23.6m high, with a blade length of 9m (total 32.6m), the proposed location achieves the minimum fall-over distance from the path.</p> <p>The shortest distance from the north western corner of the field to the road is 260m. If the turbine platform is placed 50m from the hedge then the distance to the road will be 10 – 20m short of the 200m recommended distance from a bridleway. Given that the route in</p>	<p>Noted, a number of objections have been submitted in relation to the impact on public footpaths and bridleways, see below. However, it is noted that the turbine is some distance from recorded public bridleways and the footpath is not in the same field as the proposed development. The footpath officer is satisfied with regards to fall distance from the path and is satisfied that the proposal would not impact on rights of way.</p>

<p>question is a rural road, not bridleway, the distances do not give cause for concern.</p> <p>Amended plans : have noted that the turbine is a further 5m from the hedge corner of the field. This will take it further from the footpath but nearer to the road. Never-the-less no reason to alter their previous comments</p>	<p>Noted</p>
<p>Natural England – commented on the proposal stating that they are seeking assurance that the proposal would not have a negative impact on badger or Great Crested Newt habitat. As this information has not yet been submitted, Natural England <u>objects</u> to the proposal as inadequate information has been provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. They therefore recommend that the application is refused planning permission unless the applicant submits adequate information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated.</p> <p>Amended plans; Natural England has no objection to the amended plan which will place the turbine further away from the hedge and potential bat habitat. However, although the turbine will be situated 55m away from the hedgerows, the developer should ensure that <u>all</u> parts of the turbine, including the rotor sweep, are at least 50m from hedgerows and trees.</p> <p>Ecology report; The Badger Survey and Great Crested Newt (GCN) Assessment dated September 2010 explained that there were no badger setts within the site area or along the access track. Nevertheless there are signs of badger activity in the area.</p> <p>With regard to impact on GCNs in the area – although the pond is only 60m away from the development site, it is apparently of poor suitability for GCN. Furthermore, the habitat between the pond and the development site is considered unsuitable for this protected species. In addition, the pond is fairly isolated from other suitable ponds, another reason to suggest that it is unlikely to be populated by GCN. The pond will not be disturbed by the development.</p> <p>Therefore, it is unlikely that protected species will be harmed by the development, and Natural England withdraw the objection subject to the</p>	<p>Noted, the applicant in order to address the objection from Natural England have submitted an ecology report.</p> <p>Noted, this could be imposed by means of a condition</p> <p>Noted, the details requested could be imposed by means of a condition.</p>

<p>recommendations detailed in my letter dated 19 August 2010 plus the conditions listed below:</p> <ul style="list-style-type: none"> • If Great Crested Newts are discovered on the site during the development phase, work should be halted and a suitably qualified ecologist should be consulted • Measures should be put in place to prevent accidental entrapment of badgers overnight during the development phase. Trenches should be covered, or ramps should be placed within them in order that any animals that fall in, can escape • Personnel working on the site should be informed about the law concerning protected species, and have a clear understanding of procedures to follow in order to ensure that protected species are not harmed 	<p>Natural England has withdrawn their objection and has confirmed that protected species are unlikely to impact on protected species, subject to the imposition of condition.</p>
<p>LCC Ecology – the proposed turbine is to be located within an area of arable field. There are no large habitat features of note close by, although the field is surrounded by hedgerows.</p> <p>The location plan submitted with the application indicates that the turbine is to be located 50 meters away from the hedgerow. We would recommend that this distance is extended to 55 meters, in accordance with the formula outlined in the Natural England Technical Note TIN051. This indicates that each part of the turbine must be at least 50 meters from the hedgerows, including the blades. Assuming that this is a hedgerow of a height of around 1.5 meters, the distance of the turbine base from the hedgerow must be at least 55 meters. If the hedgerow is any taller than this, the distance will need to be increased. If we can be informed of the usual height of the hedgerow, we would be pleased to advise on this distance as appropriate.</p> <p><u>Amended plans</u>; they are pleased to see that are comments concerning the location of the turbine have been considered and the turbine moved further away from the existing hedgerow.</p> <p><u>Ecology Report</u>: the ecology report submitted in support of this application (Landscape Science Consultancy Ltd, September 2010) is satisfactory. Although badgers were recorded in the vicinity of the application site, they should not be impacted by the current development</p>	<p>Noted, the application was deferred from committee in July to enable Natural England to be consulted.</p> <p>Amended plans have been requested and received by the planning authority showing the turbine sited 55 metres from the hedgerow. The ecology team are satisfied with the amended location of the turbines.</p> <p>As a result of the consultation process with Natural England an ecology report has been submitted. Ecology are satisfied with the finding of the report and the proposal is not considered to have an adverse impact on protected species.</p>

<p>proposals.</p> <p>They would, however, recommend that the applicants attention is drawn to the recommendations in the report.</p>	<p>Noted, this could be imposed by means of an informative.</p>
<p>Sproxtton Parish Council – the Parish Council welcomes the environmental benefits of the proposal but is concerned about;</p> <ul style="list-style-type: none"> • the visual impact of a 70ft turbine on the approach to the village, • noise levels when in operation, and; • setting a precedent for similar sorts of development. <p>There is a considerable degree of opposition in the village for these reasons.</p>	<p>The turbine is likely to be visual in the landscape and there is no argument that turbines have a visual impact. The assessment that need to be made is the harm in relation to the relevant planning policies, listed above. An assessment on the visual impact is stated below.</p> <p>See above, the Environmental Health Officer has no objection in relation to noise.</p> <p>Every application has to be determined on its own merits. If planning permission is granted for a turbine it does not necessarily follow that planning permission would be granted for turbines in every field. This is particularly noted in PPS 22 which states that planning authorities should take into account the cumulative impact of wind generation projects in particular areas. Therefore, if a number of application were received a judgement would be needed on the cumulative impact and if considered harmful could lead to a reason for refusal. However, this application proposes a single turbine and this application should be considered on its won merits.</p> <p>The objections received to the application are noted and addressed below.</p>
<p>Highway Authority – no observations</p>	<p>The proposal will gain access to the field via an existing access serving a composting site from the Buckminster Road. An access track is to be constructed to the north of the field adjacent an existing hedgerow. Accordingly there is not considered to be any adverse impact on Highway safety.</p>
<p>LCC- Development Management – have requested that CC as waste planning authority be consulted as the access affects a County matter approved development for the Birch Bros - composting site.</p> <p>Comments received 17th Aug, raising no objection to the proposed development from the aspect of impacts on the waste management (composting) site at Beech Tree Farm.</p> <p>The development itself represents a significant structure in a relatively isolated area of undulating landscape. Whilst this turbine is not</p>	<p>Noted</p> <p>Discussion with regards to the impact on the landscape is contained within the report.</p>

<p>of similar scale to some other proposal in the wider area it will appear as a prominent feature In the landscape, especially with the associated movements of blades on the skyline. If the Borough Council is minded to approve, all possible opportunities should be explored to reduce the ‘visibility’ of the structure, this could be achieved by appropriate ‘greyscale’ colour finish.</p>	<p>Noted, materials can be controlled by means of a condition.</p>
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Representations:

A site notice was posted in line with consultation procedures, as a result 19 letters of objection from 16 households have been received and 3 letter of support. The letters are summarised below;

Objections

Representation	Assessment of Head of Regulatory Services
<p>Visual Impact on Village/Character of the Countryside</p> <ul style="list-style-type: none"> • Sensitive Location only 400m south of the village • Turbine will be visible from many miles away • Intrusive and alien feature that will harm open landscape • Land to south of site is elevated and turbine will be prominent from many vantage points • It will be a dominant feature in the landscape • It will detract from the area of great natural beauty • Will spoil views from footpaths in the area, the area is widely used by local walker sand ramblers. The turbine is close to the nearest footpath, only 50 metres. • The footpath running behind the Old Vicarage on Stow Hill to Buckminster is heavily used and the views across the open countryside will be highly impacts. Views of historic sites such as Little Dalby Church, Coston Church, Buckminster Church, Wymondham windmill and Burrough on the Hill. • Will spoil view from our house 	<p>PPS22 clearly states in paragraph 15 that “Local landscape and local nature conservation should not be used in themselves to refuse planning permission for renewable energy developments. Planning applications for renewable energy developments in such areas should be assessed against criteria based policies set out in local development documents”.</p> <p>The turbine is to be located to the south of Sproxtton on a small hill and will be 32.6 metres in height, to blade tip and will be visible within the landscape from several vantage points. However, this on its own is not considered a reasonable ground for refusal and it is the harm on the landscape the will need to be assessed. Guidance in PPS 22 (paras 9 – 15) clearly put the emphasis on protecting international and nationally designated sited such as SSSI’s and AONB’s.</p> <p>The turbine is sited to the south of the village and due to the topography of the village and location of properties within the village the turbine will be relatively unseen from the centre of the village. To the north of the site the more prominent views will be from the edge of the village, the perimeter properties, cricket pitch and properties on Stow Hill.</p> <p>The proposed turbine will be located 350 metres from the edge of the cricket ground and is some distance from the village.</p> <p>There are footpaths in the vicinity of the site and no objection has been raised by the footpath officer at Leicestershire County Council. The turbine will be visible from the footpath and particularly from the elevated public footpath on Stow Hill to Buckminster, However, these are long distance views and it is not considered that a single turbine would be harmful on the landscape.</p>

<ul style="list-style-type: none"> • Damages views in the locality, Sproxton Church and its surrounding trees as well as the high parts of the village can be seen from miles to the south and are a prominent and historic landmark/feature viewed from surrounding high points such as Oakham, Pickwell, Burrough on the Hill, Whissendine and Wymondahm. • Application is misleading in relation to the impact of the turbines • It is not a modest development as stated • No assessment of landscape impact or footpaths has been submitted • There are no pylons or equivalent in the area other than the Waltham Aerial • The enjoyment of the village cricket pitch, allotments and gardens will be lessened by the proximity of the turbine, including noise and flicker. • Concrete building next to the site will be an eyesore • 200m track will be an ‘urbanisation’ of the area • Wind farm at Bicker is visible from Threekingham over 10 miles away and also includes pylons and other equipment – a similar development here will impact on the area 	<p>To the south the turbine will be prominent on the Buckminster to Sproxton Road but will clearly be viewed with the Waltham Aerial behind.</p> <p>Views from Buckminster and to the south are restricted by trees and the distance from the neighbouring village is such that the visual impact will be limited.</p> <p>When viewed from the site due to the raising topography of the village, in particular the Church, will still be seen above the turbine. It is not considered that the turbine would adversely detract from the views of the village from the south.</p> <p>The application is not proposing a concrete building.</p> <p>The proposed access track will run along side an exiting hedgerow and is considered to have limited impact on the open countryside. If considered necessary a condition could be imposed with regards to the surfacing of the track to reduce any likely impact. There is already an informally formed access in this location.</p> <p>Wind turbines are visual but the degree of harm needs to be assessed.</p> <p>The proposed 32.6 metre high turbine will be visible due to its size and scale. However, there will be limited views from within the village. The exception to this maybe dwellings to the south and on Stow Hill, however, the distances involved lessen this impact. When viewed in relation to the Waltham aerial, which is a prominent feature in the landscape, it is not considered that the proposed turbine will have a detrimental impact. In assessing the impact on the landscape it is considered that the proposal would not significantly detrimental to the appearance and rural character of the open countryside. Crucially, it will not impact upon any designated landscapes and as such the impact falls</p>
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	<p>short of that which PPS22 advises against.</p> <p>The issue of landscape character was considered by the Inspector at the recent decision at Palmer Hollow (08/00990/FUL). In this instance it contributed to the reasons for refusal. However, this was on the basis that – taking into account the scheme was for 8 turbines very much a larger in scale – it would alter the landscape character of the entire Vale of Belvoir, rather than the fact that they would be simply visible. It is not considered that this turbine would have an impact of this scale, and as such the decision does not add weight to the view that it should be refused.</p>
<p>Conservation/Character of the area</p> <ul style="list-style-type: none"> • Sproxton Village is a Conservation Area and its status should be respected. There are many listed buildings and historic sites, including the Church with its 10th Century cross, ancient fish ponds and the Ice House at the Old Vicarage). The turbine will be visible from many of these buildings and be overlooked by many. • Sproxton is an extremely attractive setting and an attractive place to visit, the turbine will have a severely detrimental impact on such heritage and Conservation Area status. • Protection of setting of listed buildings is a statutory duty • Desirability of preserving/enhancing the Conservation Area is also a duty • P.P.G 15 makes view in to and out of the Conservation Area a material consideration • Conservation Area appraisal refers to many wonderful distant views from the locality especially east and west from Coston Road and these will be adversely affected • There are 11 listed buildings within southern end of Conservation Area and their setting would be affected • Will change the character and appearance of this conservation village • Conservation Area/listed buildings prevent eco-friendly matters such as double glazing and so should resist a turbine 	<p>Sproxton is a designated Conservation Area and there are a number of listed buildings within the village, a significant one being the Church to the north. An assessment on the impact on the setting of the Conservation Area and Listed Buildings is required.</p> <p>There is a duty to give special consideration to the desirability Of preserving and enhancing the setting of Conservation Areas and designated Listed Buildings. As stated above the Conservation Area lies to the north of the site and when viewed from the south a prominent feature in the landscape is the Waltham aerial. It is not considered, that due to the distance separation to the village, that the proposal would be harmful in relation to the setting from the south. Referring again to the Palmers Hollow decision, it will be noted that the turbines were so close and of such a scale that they would dominate the Conservation Area (Normanton). In this instance the turbine will be visible between buildings and from longer distances, and as such it is not considered that the same severity of impact will occur.</p> <p>When viewed from the north from within the designated conservation area views of the site are limited due to the built form of the village.</p> <p>When assessing the impact on the Conservation Area a judgement is needed as to the impact from within the Conservation Area and its setting. Due to limited views of the site from within the village and the distance it is separated from the village it is not considered that the proposal will be detrimental to the setting of the Conservation Area.</p> <p>With regards to Listed Buildings, the turbine may be visible from long distance views but due to the siting of the turbine are unlikely to impact on their</p>

	<p>settings. The most visible Listed Building is the Church to the north of the village. However, when viewed from the South the views of the Church will still remain prominent and not directly obstructed by the turbine. Overall it is not considered that the proposal would adversely impact on the setting of the heritage assets within the village.</p>
<p>Noise from Turbine</p> <ul style="list-style-type: none"> • Noise from turbine will be intrusive feature for the land surrounding it • Noise will be particularly apparent at night • There are several properties within 400m of the site • P.P.G 24 states that development should not cause an unacceptable degree of disturbance. • No assessment of the impact on residents (either visually or in terms of noise) has been submitted • We have suffered noise from the composting operation but this is on and off – the turbine will be constant noise 	<p>Information on noise has been submitted and has been assessed by the Environmental Health Officer, see above. the Environmental Health Officer is satisfied that the turbine will not be audible to the village. If the turbine start to become a statutory nuisance with regard to noise then this can be controlled by other legislation.</p> <p>Complaints in relation to the composting operation are being investigated by other regulating bodies and are not a consideration of this application.</p>
<p>Health Issues</p> <ul style="list-style-type: none"> • The blades of the turbine will be above the skyline and visible from within our property and visually will cause irritation, stress and may cause other adverse health effects as result of its moving blades in the skyline. Anyone who suffers from epilepsy will be particularly vulnerable. • Low level noise from the turbines – known as Wind Turbine Syndrome will affect health of residents. Noise will cause irritation and stress particularly at night and during the summer. • Vibration as well as noise can be a health issue and studies in Cornwall have shown that 300-500m from a turbine can produce vibro-acoustic disease due to the resonance set up by the air movement • Medical evidence shows that 1 ½ - 2km separation is now advised to avoid health risks and turbines are not as benign as first thought 	<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 houses and turbines.</p>

<ul style="list-style-type: none"> World-health Organisation guidelines to protect residents from the effects of noise/vibration should be followed as Government standards in ETSU-R-97 give less protection – this issue has yet to be contested in the courts 	
<p>Safety</p> <ul style="list-style-type: none"> The turbine will be visible and will be very accessible to unauthorised persons The turbine and ancillary equipments will be 50 metres from a footpath and not secure from unauthorised access The accessibility of the turbine will be a danger to animals (especially horses and dogs). The size and movement of the turbine carries a real risk of startling horse and causing injury Distraction to drivers, particularly the Sproxton to Buckminster Road. 	<p>The turbine is on private land and therefore is not accessible to the general public.</p> <p>Comments in relation to the footpath above.</p> <p>There is no evidence to suggest that the turbine would be harmful to animals.</p> <p>The highway authority has no objection in relation to the proposal and is not considered to have an impact on highway safety.</p>
<p>Local Plan Policy</p> <ul style="list-style-type: none"> Policy OS2 lists development that is acceptable in the countryside – this development is not essential, neither is it necessary to create local jobs It does not comply with any of the stated criteria of the policy Does not accord with Local or National Policy Contrary to Policies C1 – C3 due to scale and impact of proposal Contrary to Policy C15 relating to impact on protected species There are no Local Plan policies for wind turbines There are no material issues that outweigh the impact of the development and the conflict with policy 	<p>An assessment on the impact on the open countryside is detailed above. PPS22 provides the most up to date policy on such matters and significantly post dates the Local Plan.</p> <p>In addition to fulfilling the expectations of Planning Policy in physical terms, the development is considered to represent a valuable contribution to the wider planning objective for the generation of energy from renewable sources and as such the development is considered to closely adhere to the objectives of PPS22.</p> <p>See below in relation to ecology.</p> <p>The application should be considered against the development framework not just Local Plan policies.</p> <p>See above</p>
<p>Ecology/Protected Species</p> <ul style="list-style-type: none"> No evidence has been provided to assess 	<p>No ecological survey has been submitted with the</p>

<p>the impact on protected species</p> <ul style="list-style-type: none"> • Conservation of Habitats and Species Regulations 2010 requires L.P.A to have species survey in order to assess impact on ecology • Application should be refused as submitted evidence is insufficient to carry out the duty under the Regs – application is therefore flawed • Flicker effect from the blades will affect wildlife – nocturnal animal populations decline near turbines and they kill owls and affect migrating birds • Danger to wildlife • Owls, heron and osprey are seen in the vicinity and may be deterred and/or injured by the turbine and its blades. • Bats are found in a number of houses in Sproxton and may be affected by the low humming noise. 	<p>application. As detailed above LCC Ecology have requested the information in connection with the application which was sent on the 18th June 2010. No comments have been received from them in relation to this application. Whilst it is a requirement to determine the impact of a proposed development on protected species with no request for this information coming from the advisory body then it would seem unreasonable to request it of the applicant at this stage.</p> <p>The application relates to the erection of a single turbine and species are protected by other legislation.</p> <p>A condition can be imposed with regards to a watching brief.</p>
<p>Traffic - Extra traffic will cause pollution</p>	<p>It is unclear how the erection of a single turbine would create extra traffic. However, as noted above the Highway Authority are not objecting to the proposal and the application is not considered to have a detrimental impact on highway safety.</p>
<p>Other concerns –</p> <ul style="list-style-type: none"> • E.I.A Screening Opinion is not on the Web-site • Question the conclusion that an E.I.A is not needed and the full impact of the turbines should be considered at an inquiry • As local land owner we were not consulted 	<p>A screening opinion was issued by the planning authority on the 15th February 2010 and has been held on the public register since. The website provides access to planning documents but is not a proxy for the statutory register.</p> <p>The EIA regulations and Circular 02/99 set out when an EIA is required. The proposed turbine falls within the description of development within Schedule 2 to the 1999 Regulations, and exceeds the threshold in column 2 of the table in that schedule. However, in the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 to the 1999 Regulations, the proposal would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location. Accordingly the development is not considered to be EIA development.</p> <p>Consultation was undertaken in line with the</p>

<ul style="list-style-type: none"> • We haven't been given the opportunity to review noise data • Power generation for Beech Tree Farm from renewable sources is applauded, but bio mass, energy from waste agricultural products or solar power are considered as alternatives either separately or in combination, which would be significantly less intrusive in this sensitive location. • Pleased Committee are to visit the site – they should look from my property on Stow Hill • Applicant refers to 'green' credentials, but they have a motocross site on edge of village and their compost activity is being investigated by the Environment Agency • Application is speculative and no technical evidence has been provided to determine whether it can be run efficiently or what level of energy will be generated • Wind turbines are an inefficient method of generating electricity • Other equipment/cables etc needed to operate the turbine will also be intrusive • We would have no objection to a domestic sized turbine at the applicants dwelling for their own use • Social impact on the village will result • Human rights of villagers will be effected – we will seek compensation • Committee should consider the impact of the full effects of the development – otherwise decision could be subject to criticism and legal challenge • Local elected members have failed to represent the interests of the village and 	<p>Council's procedures and statutory requirements.</p> <p>Noise data was submitted at the request of the Local Planning Authority and forms part of the file. This information is available to view by the public.</p> <p>Noted. This application proposes a wind turbine and a judgement is required on the merits of the application.</p> <p>The application is the subject of a site visit on the 21st July and Members will be invited to consider the site from various view points.</p> <p>Noted, this application relates to a wind turbine and should be considered on its own merits.</p> <p>PPS22 states that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small. There is no evidence to suggest that the proposed turbine is not viable.</p> <p>The majority of works associated with turbines are underground and would not be intrusive. This application relates to the erection of a turbine and access road. Any other equipment associated with the proposal would require permission.</p> <p>Noted</p> <p>It is unclear how the proposal would have a social impact on the village.</p> <p>It is unclear how the proposal will impact on human rights.</p> <p>The application is to be considered by Development Committee and is the subject of a site visit.</p> <p>It is unclear how local elected members have failed</p>
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<p>they concluded that permission would be given due to Government targets for renewable energy</p> <ul style="list-style-type: none"> • Will affect property values • Sets precedent for further turbines being developed • There are more appropriate locations for a turbine and further away from the village – these have not been adequately researched • There should have been a public meeting and site visit by committee • Would be more palatable if the 3 community buildings – church, village hall and cricket club received free energy – the development will not benefit the local community and only benefits the applicant • The measurements states in the application are not correct, particular gardens, village cricket pitch and village allotments are considerably closer that the 450/420m stated in the application. • The application contains material inaccuracies and misleading statements and therefore the content should not be relied upon without proper independent verification. 	<p>to represent the views of the village. Sproxtton Parish Council have objected and their objections are detailed above.</p> <p>Not a planning consideration.</p> <p>Every application has to be determined on its own merits. If planning permission is granted for a turbine it does not necessarily follow that planning permission would be granted for turbines in every field. This is particularly noted in PPS 22 which states that planning authorities should take into account the cumulative impact of wind generation projects in particular areas. Therefore, if a number of application were received a judgement would be needed on the cumulative impact and if considered harmful could lead to a reason for refusal. However, this application proposes a single turbine and this application should be considered on its won merits.</p> <p>This application relates to a single turbine and should be considered on its proposed location.</p> <p>The application is to be determined by Committee which is a public meeting and will be subject to a member site visit.</p> <p>Noted. It is not considered reasonable to require the turbine to serve the community buildings.</p> <p>Noted, the information and measurements supplied by the applicant are not taken as fact and are assessed independently.</p> <p>Noted, the information and measurements supplied by the applicant are not taken as fact and are assessed by the Officer independently.</p>
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Support

Representation	Assessment of Head of Regulatory Services
<p>Wishes to support the application, which will enable the owner to abate emissions from central generation and add to energy security. There will be increased self-sufficiency in the local area. I know the area because of travelling often from</p>	<p>Noted</p>

Oakham to Bottesford. This area is very suitable for wind turbines.	
Support the turbine as in order to combat the effects of burning fossil fuels, we need to support such a development. I would not support the building of new agricultural buildings that are planned as an adjunct to the turbine.	Noted There are no new buildings proposed as part of this application.
Feel the use of renewable energy is very important for the future. However, less happy about the proposed new grain drier which may be also built on the site.	Noted This is not a consideration of this application

Amended plans were submitted on the 26th August 2010 showing the relocation of the turbine 55 metres from the hedgerow. Since deferment of the application the following comments have been received in relation to the proposal and the amended plans.

Representation	Assessment of Head of Regulatory Services
Amended plan; as far as can be seen nothing really has changed on the amended plans, the position of the turbine has moved a few metres and points raised in their original letter are still relevant Previous objections still stand.	Noted, the turbine has been moved 55 metres from the hedgerow to address the concerns of LCC Ecology. The objections received with regards to the size, impact, noise etc are still relevant to this application and are discussed above.
With regards to the amended plans the applicant has made no neighbour and community consultation, showing a lack of concern or respect for the views and opinions of others. The agent has made unsubstantiated assumptions regarding the character of the landscape.	Noted, these issues have been raised previously and address in the report
Protected species; the objectors farm is the nearest to the site and badgers have been seen on their land.	The ecology report has identified badgers near but has concluded that the development would not have an adverse impact on this protected species. Natural England and LCC Ecology have concurred with this view.
Noise and flicker, the agent has made assumptions that there will be no issue with this. This is not considered sufficient proof.	This issue has previous been raised and has been addressed within the report.
Moving the turbine by 5 metres will move it closer to their dwelling. The view that has been enjoyed over the last 21 years will be destroyed and the visual impact a turbine of this size will have an enormous detrimental effect on the conservation village.	Under current planning legislation a right to a view is not protected. The turbine has been assessed in relation to the adverse impact it would have on the residential amenities of properties, contained in the report, and the distance separations involved has lead to the conclusion that the residential amenities of properties would not be unduly affected.
<u>Sproxtton Cricket Club</u> – the majority of members are opposed to this proposal. Cricket requires concentration and hand and eye co-ordination. It is believed that the movements of	The turbine is to be sited to the south of the cricket club over the brow of the hill. It is proposed to site the turbine 350 metres from the edge of the cricket grounds. This is considered

<p>the blades, flicker effect and the noise from the proposed turbines will be detrimental to both batsmen and fielders. Therefore the enjoyment of this facility will seriously be affected. It would be impossible for the club to consider financing a move to a new site, even if one were available.</p> <p>The cricket club is used for social events, money raising functions and as recreation for the village. It is believed that the proposed wind turbine, sited 350 metres from the ground, would adversely affect this pleasant recreational facility.</p> <p>PPS22 explicitly states that right of local planning authorities to define a 'set back' distance between wind turbines and residential development. It is understood that Lincolnshire County Council is intending to impose a 2 km 'set back' for wind turbines – which is approximately 6 times the distance of the proposed turbine from our grounds.</p>	<p>sufficient distance in relation to the cricket grounds.</p> <p>It is not considered that the turbine would adversely impact on the amenities of the cricket grounds to an undue degree, and would not prevent this form of use.</p> <p>There are no 'set back' distance separation policies in relation to turbines. Any distance separations would need to be implemented through policy designation. The distances involved have been judged to be acceptable.</p>
<p><u>CPRE</u> – CPRE believes that wind turbines have a potential role to play in helping to reduce the amount of carbon dioxide generated by electricity production. CPRE supports application for renewable energy and that the environment should not be seriously damaged in the process of saving the planet.</p> <p>Leicestershire CPRE is <u>opposed</u> to the planning application for 1 wind turbine at Sproxton as it will significantly damage the landscape in the surrounding area and will have a severe detrimental impact on the Sproxton Conservation Area.</p> <p>The turbine will have a substantial and detrimental impact upon the surrounding countryside, especially to the south of the proposed site where it will clearly be visible from many miles away. It will detract from the open sweeping views from Buckminster. It will introduce an intrusive and distracting feature in the open countryside. The impact of the aerial at Waltham is not comparable as it does not draw the eye in the same way that a rotating blade does.</p> <p>The village is only some 400 metres to the north of the proposed structure. Sproxton is rich in herniated assets with many listed buildings and historic sites (including the Church with its 10th century cross, ancient fish ponds and the Ice House at the Old Vicarage). The turbine will be visible from many of these buildings and</p>	<p>Noted</p> <p>Noted, commentary in relation to the impact on the landscape and the Conservation Area and historic assets in Sproxton is discussed above.</p>

<p>overlooked by many.</p> <p>Concerned that there has been no ecological survey undertaken.</p> <p>Many people visit this rural, historic and beautiful part of Leicestershire. CPRE believes that this proposal will have a negative impact on the tranquillity of the area. Enjoyment of the countryside will be severely impaired as a consequence of visual intrusion and noise arising from the turbine. There will be severe loss of amenity for local people and visitors to the area.</p> <p>CPRE urges MBC to refuse planning permission. It is contrary to the aims of the emerging LDF and it will have a severe adverse impact on the local landscape and the local residents. This scheme would be unacceptable harmful to the historic environment and landscape character of the area.</p>	<p>An ecology survey has been undertaken, details above.</p> <p>Noted.</p>
<p><u>Policy</u> – PPS22 does not permit wind turbines at any cost. They are only to be permitted where there can be satisfactorily accommodated and where the benefits outweigh its adverse impact.</p> <p>Where is the benefit? – no reference to national, regional or local targets.</p> <p>Where is the evidence that this wind turbine in this location will ultimately be technically capable of delivering sufficient amounts of energy to justify its installation?</p> <p>In terms of policy, there is no support for this proposal.</p>	<p>An assessment of Policy has been contained within the report. PPS22 states that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning Authorities should <u>not</u> therefore reject planning applications simply because the level of output is small. It is agreed that the decision should balance the contribution of turbine to energy production against the environmental, landscape and amenity impact.</p>
<p><u>Proposal</u> –it is unclear what the proposal is for, there is no analysis within the committee report as to the “ancillary development”.</p>	<p>The application relates to the erection of a turbine and access to the turbine (the “ancillary development”). An assessment of both of these has been made within the report. Any other structures would require planning permission and have not been applied for in this application.</p>
<p><u>Impact on landscape adjacent footpaths/roads</u> – there are no recorded public bridleways in the vicinity but “minor roads do cater for the many horse riders in the area”. This is not dealt with adequately. There is evidence of horse riding and the potential “shadow flicker” is potentially a matter which can spook horses.</p> <p>The noise and disturbance from construction traffic is also a relevant factor but not addressed in the report.</p>	<p>The impact on the surrounding area has been discussed within the report. It is considered that the distances separating the turbine from public rights of way is sufficient and with regards to the roads.</p> <p>Construction traffic is temporary and it is the effects of the actual turbine that is for consideration by the Planning Authority.</p>
<p><u>Regional Policy</u> - reference to RSS Policy and natural and heritage landscapes not being addressed in the previous committee report.</p>	<p>The RSS is no longer applicable as it has been abolished.</p>
<p><u>Heritage</u> – no consultation with English Heritage</p>	<p>Matters with regards to heritage assets is</p>

	discussed within the report. With regards to English Heritage the application does not trigger any statutory requirements for the Local Planning Authority to consult with them. The impact has been assessed by the Conservation Officer which is considered sufficient in this instance.
Health – remind Members that there is a growing concern over the use and health affects of wind turbines particularly with regards to “shadow flicker” and “electromagnetic emission”. It is not essential that there is clear medical evidence of “disease” all that is required is for there to be a perception that ones health is in someway adversely affected by having the wind turbine in this location where it can be seen on a daily basis. These are a material consideration.	Issues with regards to health are included within the main report.
Noise – concern that information has not been made available. No evidence of compliance with PPS22	Information with regards to noise has been submitted and made available to the public when requested. The issue of noise is discussed within the main report.

Conclusion

The proposal is considered to be supported in terms of principle by national policy as contributing to the wider aims of encouraging renewable energy. It is also considered that the proposal will not adversely affect the character and appearance of the area to an extent that is regarded as unacceptable within national guidance nor the setting of the nearby Conservation Area and Listed Buildings. In terms of the landscape, guidance in PPS 22 puts the emphasis on protecting international and nationally designated sites such as SSSI's and AONB's. 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 and the landscape – though unspoilt - is not one that attracts protection through its designation, in the manner explained in PPS22. Accordingly, the balance of these issues is considered to favour the installation.

Additional information has been submitted since the application was deferred from committee with regards to the impact on protected species. LCC Ecology and Natural England have been consulted on this information and are satisfied that the proposal will not be harmful to protected species. The turbine has been resited away from hedgerows to ensure that species are not affected by the development. The additional information provided and comments received are contained in the report, however, they are not considered to alter the recommendation and accordingly the application is 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 No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
- 3 The proposed development shall be carried out strictly in accordance with the amended plans deposited with the Local Planning Authority on the 26th August 2010, showing the revised location of the turbine.

- 4 Notwithstanding the plans as submitted, all parts of the turbine, including the rotor sweep, should be 50 metres from hedgerows and trees.
- 5 If Great Crested Newts are discovered on the site during the development phase, work must be halted and a suitably qualified ecologist should be consulted. The recommendations of the ecologist shall subsequently be adhered to.
- 6 Measures shall be put in place to prevent accidental entrapment of badgers overnight during the development phase. Trenches shall be covered, or ramps should be placed within them in order that any animals that fall in, can escape.
- 7 Prior to the commencement of development, details of how personnel working on the site will be informed about the law concerning protected species, and have a clear understanding of procedures to follow in order to ensure that protected species are not harmed. shall be submitted to and approved by the Local planning Authority. Such details as are approved shall subsequently be implemented for all personnel.

Reasons :-

- 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 For the avoidance of any doubt
- 4 To ensure the proposal does not impact on protected species.
- 5 To ensure protected species are protected throughout the development.
- 6 To ensure protected species are protected throughout the development.
- 7 To ensure protected species are protected throughout the development.

Contact: Mrs Jennifer Wallis

12th July 2010 (updated 6th October 2010)