

Committee Date: 16th December 2010

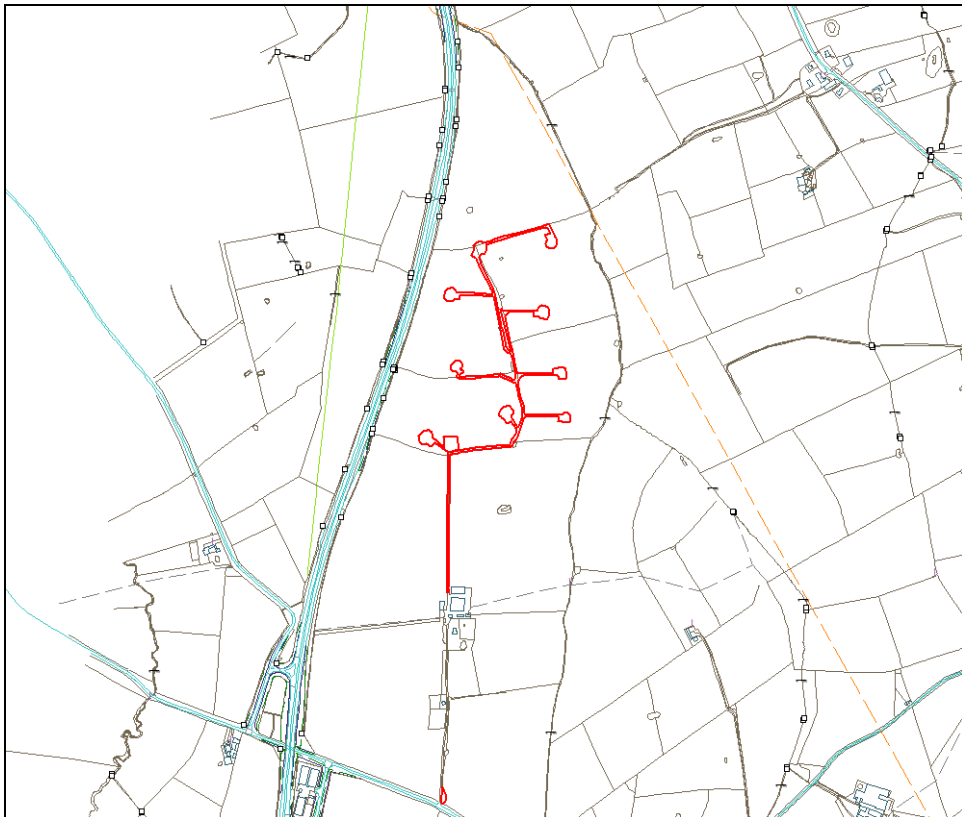
Reference: 10/00333/FUL

Date submitted: 19.05.10

Applicant: Next Generation Limited

Location: Field No 2700, Paddys Lane, Old Dalby

Proposal: A wind energy development comprising the erection of nine wind turbines, each with a maximum overall height of up to 79m together with access tracks, crane pad areas, electricity sub-station, temporary construction compound and amended vehicular access on agricultural land.



Introduction:-

This application seeks planning permission for the erection of a windfarm to the east of the A46 trunk road and to the west of Old Dalby. The site is approximately 1.6km from Old Dalby and 2km from Willoughby on the Wolds, the two nearest settlements. There are a number of isolated farms and dwellings in the surrounding area. The site is entirely agricultural land all under one ownership.

The application comprises 9 wind turbines and associated infrastructure including:-

Permanent Components

- 9 three bladed, horizontal axis wind turbines with a total maximum height to blade tip of 79m
- Sub Station

- Access tracks between the turbines and crane pads
- 33kV underground cabling to connect the turbines and sub-station

Temporary Components

- Temporary construction compound

The turbines would have maximum dimensions of 55m to hub and 79m to blade tip. They would each have a capacity of 0.8MW resulting in a total capacity of 7.2MW. It is estimated that the nine turbines would generate approximately 18.6GWh per annum, enough electricity to meet the annual electricity needs of approximately 5,623 typical UK households. This is equivalent to 26% of the households within Melton Borough. It is expected that the proposed development would prevent the emissions of 7,979 tonnes of CO2 each year. The final specification of the turbine to be used is yet to be confirmed, however, an example of the type has been provided. The finish of the blades and majority of the tower will be industry standard non-reflecting (semi-matt) off-white, to blend into the skyline.

The application is accompanied by a Environmental Impact Assessment required under the 1999 Regulations that addresses the following issues:

- Landscape and Visual
- Cultural Heritage
- Ecology
- Ornithology
- Noise
- Hydrology
- Traffic and Transport
- Shadow Flicker
- Aviation
- Miscellaneous (public safety, air quality, communications, TV and Radio reception, agriculture, tourism, socio-economics)

The content of the EIA is described below against each of the above headings, and the representations received in their respect. The application is also supported by a Planning Statement and design and access statement. (n.b. Full copies of the above documents are available from the planning application file).

Additional information under Regulation 19 of the Town and Country Planning (EIA) Regulations has also been received which included

1. Additional Great Crested Newt surveys and appropriate mitigation
2. Additional June & July bat surveys as requested by LCC Ecology
3. Bird strike collision data as requested by Natural England
4. Additional cumulative landscape and visual assessment taking account of potential for a wind farm development at Queniborough in Charnwood district as requested by Charnwood's Planning dept.
5. A cultural heritage assessment for two historic assets identified in the ES assessment as requested by English Heritage.

(Again copies of the document are available on the planning application file).

Relevant History:-

09/00883/FUL - Temporary wind monitoring mast, 50m tall mast supported by guy ropes, carrying meteorological instruments to access wind characteristics approved 21.1.10.

Planning Policies:-

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.”

PPG16: Archaeology & Planning sets out the policy for archaeological remains and how they should be preserved or recorded. ‘The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications whether that monument is scheduled or unscheduled.’

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.

PPS9: Biodiversity & Geological Conservation sets out the policies for the protection of biodiversity and geological conservation through the planning system. It states that should a development pose potentially harmful aspects to the biodiversity or geology of the area ‘local authorities should use conditions and/or planning obligations to mitigate’.

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.

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.

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.

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>English Heritage – commented in July that the proposal would affect to varying degrees the setting of a number of heritage assets of national importance and/or special interest, including Scheduled Monuments, Grade I, II* and II Listed Buildings and Conservation Areas. Whilst the Cultural Heritage section of the ES has been comprehensively researched and is well presents English Heritage is concerned that as a consequence of the assessment methodology, some of the impact may be understated in terms of the significance of the effects. Accordingly, deferment of the determination was recommended pending resolution of these concerns.</p> <p>Comments on the Cultural Heritage Supplementary Assessment were received which stated that; having</p>	<p>It is not considered that the any historic artefacts (Listed Buildings, Registered Parks and Gardens, Ancient Monuments and Conservation Areas) would be physically affected by the proposal.</p> <p>However, there was some concern regarding the effect of the settings of a number of listed Buildings and Conservation Areas.</p> <p>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</p>

carefully considered the additional information it has resolved earlier concerns and therefore English Heritage **withdraws its holding objection** to the proposal. However, English Heritage have urged that every possible measures has been taken to minimise the impacts on important heritage assets.

recognising the need to invest in renewable energy it recognises the potential implications for the historic environment.

Specifically, it advances six particular factors to be taken into account when considering the impact of wind turbines on the setting of, or visual amenity of, historic sites.

1. *Turbines might be inappropriate where a historic feature (such as a hilltop monument or fortification or a church spire) is the visually dominant feature in the surrounding landscape.*
2. *The second criteria relates to scale, specifically, the extent of a wind farm and the number, density and disposition of the turbines will contribute to its visual impact.*
3. *The siting of turbines should respect the intervisibility between certain archaeological or historic landscape features that were intended to be seen from other historic sites.*
4. *The fourth criteria relates to designed landscapes (such as historic gardens).*
5. *Noise and overshadowing.*
6. *Unaltered settings of ancient sites, which, the document suggests may be a particular issue in certain upland areas.*

Additional information was requested under Regulation 19 of the EIA Regulation and **English Heritage are now satisfied that the turbines would not adversely impact on the setting of the surrounding Listed Buildings and Conservation Areas.**

In light of the above comments, it is considered that the proposed development would preserve the historic setting of adjacent monuments and accord with the guidance contained in English Heritage's published advice. A commentary on individual listed buildings and Conservation Areas is made below.

Potential impacts upon the setting of cultural heritage features and historic landscapes have been considered and assessed in the ES. These include:-

- 3 Conservation Areas
- 1 Listed Buildings
- 3 Registered Parks and Gardens

All listed buildings within 5km of the wind park were considered in the ES, a total of 44 listed buildings, including 41 at grade II. The setting of each asset were considered and the impact of the wind turbines. The majority of the listed buildings

are located within enclosed villages, namely Wymeswold, Upper Broughton, Nether Broughton, Willoughby-on-the-Wolds and Widmerpool. Where views are not screened by existing buildings, it was considered that the significant of the setting of these buildings was associated with their position within the historic and evolving streetscape, therefore, any residual views of the wind turbine would not have an adverse impact.

The Statutory requirements of Sections 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 are also important considerations. **The first requires that special regard shall be paid to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which they possess. The second requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.** It is not considered that the any historic artefacts (Listed Buildings, Registered Parks and Gardens, Ancient Monuments and Conservation Areas) or the setting of Listed Buildings and Conservation Areas would be physically affected by the proposals.

**Conservation Areas
Upper Broughton (Rushcliffe BC)**

The village is located 3km to the north-west of the proposal. The Conservation Area is characterised by its rural location, surrounded by open fields with views of the Belvoir escarpment forming a backdrop. The built environment is characterised by large detached properties, fronting the street and set within large gardens.

The ES concludes that key views from the Conservation area have been identified to the south, and as a designated Conservation Area, Upper Broughton is considered to be of medium sensitivity. The supplementary Cultural Heritage assessment, requested under Reg 19 reclassified the value as High.

Wymeswold (Charnwood BC)

The village is located approximately 4km west of the proposal. The Conservation Area does not cover the entire village, but encompasses the historic core of the village, arranged in linear form following the main A6006 which runs east-west through the centre of the village. The settlement lies within the a shallow valley with the surrounding land rising to form a bowl.

The ES concludes that as a designated Conservation

	<p>Area, Wymeswold is considered to be of medium sensitivity. The supplementary Cultural Heritage assessment, requested under Reg 19 reclassified the value as High.</p> <p>Willoughby-on-the-Wolds (Rushcliffe BC)</p> <p>The village does not have a Conservation Area, however, it does appear on the Historic Environment Record as a historic village. The historic core of the village survives as a single street with detached buildings radiating from it. The buildings are predominantly 17th and 18th century in date, with the Church forming a dominant feature to the north. The ES concludes that the village is considered to be of low sensitivity as an undesignated asset.</p> <p>Church of St Mary's and All Saints, Willoughby-on-the-Wolds (Grade I)</p> <p>The Church is situated on the northwest edge of the village approximately 2km from the site boundary. It represents a large parish church with origins in the 13th Century, but heavily restored in the 19th century. The Church occupies a prominent position on a raised piece of land, with a tall spire visible in long distance. The ES concludes that as a grade I Listed Building, the church is considered to be of high significance.</p> <p>The value of the identified Conservation Areas in the ES and the identified Listed Building is high, as amended by supplementary information, as the turbines may have a temporary impact on the setting of the conservation area and listed building due to possible views of the turbines. However, English Heritage were satisfied that their holding objection had been addressed. The additional information acknowledges that the turbines will be viewed from these designated assets but could be conditioned to outline the life span of the wind park and a decommissioning date with restoration of the site. English Heritage are not objecting to the proposal but consider that every possible measure be undertaken to minimise the impact on important heritage assets.</p>
<p>MBC Conservation Officer –</p> <p>Archaeology 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 various buildings, roadways and boundary treatment. These combined have the potential to damage underlying archaeological remains although disturbance may be</p>	<p>Noted, commentary on Archaeology is contained within the report.</p> <p>The ES submitted with the application refer</p>

<p>limited.</p> <p>It is understood, however, that no buried archaeological remains are likely to be affected by these proposals. This is supported by English Heritage comments</p> <p>Old Dalby</p> <p>Old Dalby is the closest settlement to the site of the proposed wind farm. The village benefits from a conservation area and its boundary includes all of the built up area of the village but is somewhat widely drawn to include tracts of open countryside surrounding the village to the west, south and east.</p> <p>Due to the topography of the village the wind farm site will not be directly visible from the village. The closest wind turbine to the Conservation Area boundary is approx 2km away and in that regard it is suggested that there will be little impact on the village apart perhaps from potentially an indirect noise impact.</p> <p>The village has ten listed buildings the majority of which are situated on the west side of the settlement but sufficiently distant and screened by the natural topography of the land from the wind farm site to ensure that their immediate settings, within the village context, are not directly compromised by it.</p> <p>Grimston</p> <p>Grimston lies to the south east of the proposed wind farm site. Grimston benefits from conservation area status, the boundary being drawn around the historic core of the village. There is a Conservation Area Appraisal.</p> <p>There are several listed buildings within the village, which are considered to be sufficiently distant from the wind farm site to ensure that their immediate settings, within the village context, are not directly compromised by it.</p> <p>It is possible that the wind farm site may be visible to the north west of the village from certain viewpoints, the closest wind turbine being approximately 4 kilometres away. However it is not considered that the visual impact will be a particular problem.</p> <p>Ragdale</p> <p>Ragdale lies to the south east of the proposed wind farm site. Ragdale does not benefit from conservation area status. The Parish Church is the only listed building within the village, which is considered to be sufficiently distant from the wind farm site to ensure that its setting</p>	<p>specifically to the villages of Wymeswold, Upper Broughton and Willoughby-on-the-Wolds, all outside the Borough. The has had the agreement of English Heritage. The Conservation Officer raises comments in relation to three further settlements within this Borough</p> <p>The village of Old Dalby is the closest settlement within the Borough and it is noted that it is not considered that the proposal would have a detrimental impact on the setting of the Conservation Area or Listed Building.</p> <p>Again the village of Grimston has a Conservation Area and several Listed Buildings. The turbines may be partially visible form these heritage assets, however, due to the distances involved, it is not considered that the proposal would impact on these heritage assets.</p> <p>Noted.</p>
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<p>is not compromised by it.</p> <p>Conclusion</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>Whilst the immediate settings of Old Dalby and Grimston Conservation Area's and listed and historic buildings within both settlements are not directly affected the wider landscape setting within which these villages sit is visually compromised to a degree.</p> <p>The visual and potential noise impact on the four individual farm complexes to the east of the A46 namely:</p> <ul style="list-style-type: none"> • Wad House Farm • Hill Top Farm • Upper Grange Farm • Old Dalby Lodge <p>will of course be greatest. Likewise those on the West side of the A46 within Charnwood district.</p> <p>There is no doubt that the wind farm turbines will be a prominent feature in the Dalby Wolds landscape in what is an area of generally pleasant countryside with remote farmsteads, limited settlements and areas of woodland.</p>	<p>Noted, these isolated farmhouses were identified in the ES and are set within the rural landscape. The ES concludes that the setting of each has been considered but due to the distances of the turbines from the buildings, the agricultural setting would not be adversely impacted, particularly when taking into consideration existing modern structures within the intervening landscape.</p> <p>Noted. The impact on the landscape is discussed within the report</p> <p>Having considered the surrounding villages and settlements with regards to heritage assets, those identified in the ES and those by the Conservation Area, it is considered, that although the turbines may be visible the setting of the Conservation Area and Listed Building would not be adversely affected.</p>
<p>LCC – Planning</p> <p>Subject to the assessments being suitably robust, the proposed development would have a limited impact on a small number of nearby historic assets and the local landscape. This impact is considerably less than other recent wind energy proposals and broadly parallel with recently approved schemes. Overall it is considered that the likely future need outweighs the limited impact of the proposed development, and that the County Planning Authority does not wish to raise an objection to this application.</p> <p>If the Borough Council is minded to grant planning permission for this development, it is recommended that a condition be attached time limiting the development for a period of not more than 25 years from erection. It is recommended that the colour finish of the proposed turbines and blades be secured by condition to mitigate their impact upon the character and appearance of the</p>	<p>Re-iterates the comments expressed by the Councils Conservation Officer and English Heritage regarding the material impact on the setting of several historic assets.</p> <p>Noted.</p>

surrounding countryside.	
<p>Civil Aviation Authority – potential issues from the development include:-</p> <ul style="list-style-type: none"> • May have the potential to impact upon operations associated with East Midlands Airport • May be a need to install aviation obstruction lighting to some or all of the turbines if the location and nature of the structures could be considered a significant navigational hazard. • International aviation regulatory documentation will require rotor blades, nacelle and upper 2/3 of the supporting mast that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study. In isolation the CAA would make no special case for marking. • There is a requirement in the UK for all structures over 300 feet high to be charted on civil aviation maps. Should this progress to achieve charting requirements the developers will need to provide details of the development to the Defence Geographic Centre. 	Noted.
<p>NATS – Objection to the proposal due to the large dimension of the wind turbines and the distance from the radar it is anticipated that the reflective power from the wind turbines will be of adequate value to be detected by the radar and consequently generate false plots. A reduction in the radar’s probability of detection, for real targets, is also expected.</p> <p>NERL have subsequently worked with Ecotricity and have agreed a potential mitigation solution for the impact of the proposed development on NERL’s infrastructure. Accordingly NERL (NATS) are prepared to withdraw their objection subject to the imposition of conditions.</p>	Noted, the original objection has been withdrawn subject to the imposition of conditions.
<p>East Midlands Airport – the proposal has been examined from an aerodrome safeguarding aspect. It is concluded that in isolation this development could be accommodated without materially impacting upon the continued safe operation of aircraft at East Midlands Airport. Therefore, no objection, subject to the imposition of conditions.</p>	Noted.
<p>Charnwood Borough Council – There would be significant views of the turbines from various locations within the Borough of Charnwood, particularly from users of the main A6006 Wide Lane, in the vicinity of Hill Farm when looking north east. The turbines would form a prominent feature of the horizon, as does the current met mast, in a generally pleasant countryside location with farms and small villages within a backdrop of rolling hills, fields and woodland. To a lesser extent the turbines maybe visible from other locations along</p>	Noted. A more detailed assessment on landscape is contained within the report.

<p>Narrow Lane, and on the B676 Melton Road driving towards Six Hills.</p> <p>They agree that there would be little impact on the residential amenity of occupiers of the village of Wymeswold due to the topography of the village, and intervening landscape features.</p> <p>The Council will therefore need to balance up any harm to the landscape character of the site, detriment to users of recreational features within the locality, nearby residents and on the users of the nearby transport networks with the overall benefits of energy renewal and meeting carbon reduction targets to combat climate change.</p> <p>It is noted that there is no cumulative impact assessment of current turbine proposals within the Borough of Charnwood, namely at Wanlip and Queniborough. These have been identified as being within planning but there has been a failure to make a cumulative assessment of them. These seems to be contrary to guidance used in Scotland and the document 'Cumulative Effects of Windfarms' 2005 particularly paragraph 18. It would therefore be reasonable to request additional information under paragraph 19 of the EIA regulations statutory instrument 1999 No. 293, to assess how those schemes already identified would have a cumulative effect on the proposal as submitted as part of this application.</p> <p>Submission of further information; The report has been assessed concerning cumulative visual impact on receptors from wind turbine applications in the vicinity and are satisfied with the reports conclusions.</p>	<p>Noted, comments raised in respect of cumulative impact resulted in a request for additional information under Regulation 19 of the EIA regs. The adjoining authority were satisfied with regards to the further information submitted with regards to the cumulative impact of the proposed turbines and existing proposals.</p>
<p>Environment Agency – No objection subject to conditions regarding provision of a surface water drainage scheme and scheme for the storage of fuels and oils during construction.</p>	<p>Noted – can be conditioned.</p>
<p>LCC Archaeology – suggests that the development area has a limited apparent archaeological potential.</p> <p>The development area lies on a relatively elevated position (c. 120m OD) close to the county boundary with Nottinghamshire, immediately east of the A46, which, broadly reflects the line of the Fosse Way, a former Roman road, running from Leicester north-east toward Lincoln. Approximately 1km north of the development area is the site of an extensive Roman settlement believed to be Vernemetum, referred to in the Antonine Itinerary, a 2nd century Roman route planner. The extent of the Roman settlement is uncertain, though it extends both north and south of the county boundary. Excavations conducted in 1948, work during road construction in 1963 and further unpublished excavations between 1964-66 all uncovered finds</p>	<p>Noted. Conditions can be imposed as requested.</p>

including mid-2nd and 3rd century pottery from buildings, hearths and pits along the line of the Roman road. The town may have served as a focus for later activity into the post-Roman period as an Anglo-Saxon cemetery was located overlying the southern third of the settlement. Excavations in the 1960's recorded approximately 120 inhumation burials of the period. Given this density of archaeological evidence it is perhaps surprising that no evidence of either Roman or Anglo-Saxon activity has been located within the present development site.

It is possible that the absence of evidence is at least partly due to archaeological attention given to the known sites at the expense of the adjacent hinterland; which would also account for the limited incidence of other recorded archaeological remains reflecting prehistoric or later periods. Examination of the HER largely confirms this conclusion with few records of structured archaeological investigation in the vicinity, most records indicate chance recovery or metal-detected finds. It is therefore possible, even likely that the present recorded distribution of archaeological remains is at best a partial indication of the spread and density of the archaeological resource.

Consequently, in response to this concern the applicant was requested to undertake a targeted geophysical survey of the development area, focused upon the intended turbine sites and their associated services and access roads. The results of this investigation have been submitted as Appendix 6.2 of the Environmental Statement. In broad terms the survey tends to support the initial impression of a low archaeological potential. No evidence was recovered to indicate the presence of significant archaeological remains, although anomalies indicative of former ridge and furrow cultivation (medieval and early post-medieval agriculture), field boundaries (post-medieval or later) and scattered pit-like anomalies were located.

Despite this it should be recognised that geophysical survey is not a definitive technique, the potential for significant buried archaeological remains cannot be ruled out, most especially prehistoric (Mesolithic/Neolithic and Bronze Age) and Anglo-Saxon remains.

They are satisfied that the principle of development can be determined on the basis of the submitted information, but that a staged programme of archaeological mitigation *will be required* and should be secured by conditions attached to any planning approval.

Therefore it is recommend that any planning permission **be granted** subject to the following planning conditions,

to safeguard any important archaeological remains present:	
<p>LCC Footpaths – Public footpath G94 is affected by the proposal and runs concurrent with the site access for approximately 100m.</p> <p>The mitigation measures set out in the Environmental Statement Chapter 11 and illustrated by Fig.11.8 Public Right of Way Mitigation Plan 3915_T0333_01 cover both the issues of segregation and signage that would be of concern. Therefore, LCC Footpaths are satisfied that the public footpath and its use has been given due consideration and have no objection the proposal as put forward.</p>	Noted, the proposal would affect a designated public footpath, however, the rights of way officer is satisfied that the mitigation measures would ensure that there would be no impact on users of the public footpath. A condition will need to be imposed to ensure that these measures are imposed.
<p>National Trust – Having assessed the proposals and their relationships to specific National Trust interests in the wider area it is not considered that there would be any material impacts upon those interests and accordingly we have no specific observations that we wish to make on this occasion.</p>	Comments noted.
<p>Network Rail –have no observations to make as the railway line running to the east of Old Dalby is not in Network Rail ownership.</p>	Noted
<p>LCC Highways Authority – no objection to the principle of wind turbines at this location due to its close proximity to the A46 Trunk Road and the proposed access to the site being directly from the A6006.</p> <p>However, the proposed access arrangement shown on the submitted plans is not adequate to cater for the type of traffic generated during construction. No tracking is provided in respect of the access for the a situation where HGV's are entering and leaving the site at the same time. The access road is proposed to be widened by 3.0 metres for a short distance making it some 6.0 metres wide. The proposed access should be a minimum of 7.3 metres wide. Furthermore the existing radius on the west side of the access is some 5.5 metres wide and the radius at the east side is some 15metres. The radius on the west side should be a minimum of 15.0 metres</p> <p>The existing access is not suitable for the types of vehicles which will be using the access and the access road. They would expect the access to have increased radii, and also the access road should be widened for a short distance to enable two HGV's to pass each other. Currently if there was an HGV exiting out of the access road, any HGV travelling along the A6006 would have to wait on the A6006 for the other HGV to exit which would pose a hazard. At the access there is highway verge which will be utilised by the HGV's and the special loads for the turbines and so this area will need to have adequate construction and then re-instated after the works are completed"</p>	<p>Concern has been expressed by the County Council Highway Authority that the proposed access arrangements are not adequate to cater for construction traffic. There concern is with the access road and the junction with the A6006. However, in order to make the access suitable would only require widening and improvements to the visibility and as the surrounding land is within the control of the applicant they are satisfied that a suitable access can be provided. This could be imposed by suitably worded conditions.</p> <p>The proposed is not considered to have a detrimental impact on highway safety.</p>

<p>The construction period is some 20 weeks according to table 11.4 and during that time there will be large numbers of Heavy Goods Vehicles entering and leaving the site. There is concern about slowing moving HGV's entering and exiting the site at the same time and in that regard the applicant should submit tracking of HGV's entering and exiting at the same time. However LCC Highways are satisfied that the land is either within the control of the applicant or within the highway and details can be submitted at a later stage. A condition can be imposed in respect of the access design.</p> <p>Recommend conditions be imposed.</p>	
<p>Highways Agency – it is clear that drivers will have sight of the proposed development from a distance, minimising the risk of distraction. In addition, no works are required to the SRN to enable the delivery of the turbine components, and the surface coating of the turbines will minimise the potential for dazzle. The turbines are sited sufficiently distant from the highway boundary so as to minimise the risk of structural collapse affecting the operations of the SRN.</p> <p>The only critical information not included in the application documentation is the provision to avoid 'icing'. In certain meteorological conditions, significant accretions of ice can build up on wind turbine blades: warming or fragmentation may then lead to ice being shed from the rotating blades. Large fragments may be thrown a considerable distance. Climate sensitive technology is however available that will shut down the turbine if there is the potential for icing. The applicant has provided information on the technology to be implemented to address this risk</p> <p>Therefore it can be confirmed that the principle of the development is acceptable to the Highways Agency. The proposal as it stands does however have the potential to generate unacceptable negative impacts on the nearby trunk road network through the projection of ice fragments onto the highway. Recommend conditions be imposed.</p>	<p>Noted, with regards to the A46 the Highway Agency are not concerned that the proposal would visually distract drivers. The main concern is with regards to potential 'icing' , however, the applicant has provided sufficient information to address this concern and conditions are recommended.</p> <p>The proposal is not consider to have an adverse impact on users of the A46 with regard to distraction or 'icing'.</p>
<p>Natural England – Natural England objected to this application on the grounds that there was not enough information about bird strike predictions and protected species surveys.</p> <p>Following the submission of further information and survey results, Natural England can now withdraw the objection to this proposal.</p> <p>The bird strike predictions indicate that the wind farm would not be a serious threat to any high conservation priority species. Natural England recommends that</p>	<p>Noted – no basis for refusal on these issues has been identified and conditions can be imposed on any grant of planning permission. Initial concerns have been addressed with the supplementary information received.</p>

<p>planning consent (if given) should be subject to post construction monitoring</p> <p>With regards to Great Crested Newts (GCN), there are 2 ponds containing GCN within 250m of the windfarm infrastructure, and a further 2 ponds adjacent to the access track. Due to the distance between ponds, it is likely that there is limited ecological connectivity between the garden ponds and ponds 2 and 4. The distance between ponds 2 and 4 (590m) also suggests that there would be little connectivity. The reports state that there are to be no changes to the access track and the type of traffic using it is to remain the same although, undoubtedly there will be an increase in the amount of traffic thus presenting a greater threat to the local GCN population, which is of particular concern given that there is such a large population in pond 8 adjacent to the track. However, there is limited suitable habitat to encourage GCN to cross the track and therefore be run over in the process. In order to limit the potential to harm this species, it would be preferable if construction could take place between November - February, and June-July when GCN are less likely to be moving to and from ponds.</p> <p>The training that construction staff are to be given on protected species is welcomed and that a suitably qualified ecologist will be available to advise during the construction phase. All staff should be clear about their responsibility to work within the law</p>	
<p>LCC Ecology – have confirmed that all the information which was required prior to the determination of the application has been received. The recommendations should planning permission be granted are;</p> <ul style="list-style-type: none"> • An updated survey for the presence of badgers should be completed and submitted to the LPA prior to the commencement of works. This will ensure that the current location of all badger setts on site has been recorded and allow for any necessary mitigation to be agreed. • All works to hedgerows (including removal and replanting) should be completed outside of the bird-breeding season to protect any nesting birds. • A management plan should be produced for the hedgerows on site. This should cover the removal and replanting of the hedgerows (including the species to be used) and the long-term management of the hedgerows to ensure that they do not grow too tall. • A protected species survey must be completed prior to the decommissioning phase of the development. This will allow surveys to be completed to establish the status of protected species at that time and allow any necessary mitigation to be in place before the 	<p>Noted; no basis for refusal has been identified from these issues– conditions can be imposed on any grant of planning permission.</p>

<p>decommissioning phase commences.</p> <ul style="list-style-type: none"> • Specific mitigation needs to be in place to ensure that great crested newts are not harmed as a result of this development. This mitigation must follow that outlined in The letter from Jamie Baldwin (Ecotricity) to Kirsty Gamble dated 27th September 2010, The 'Protected Species Supplementary Assessment in Support of the Proposed Dalby Wind Park (August 2010) and The 'Great Crested Newt Population Size Class Assessment of Ponds 2, 4, 7 & 8' (June 2010). This mitigation must be forwarded as a condition of the development. In addition, a note to applicant should be placed on any permission granted indicating that the applicants ecologist suggests that a European Protected Species Licence will be needed. • Any incidental records of bat or bird strike must be forwarded to the LPA. <p>These recommendations should be forwarded to the applicant as conditions as appropriate.</p>	
<p>MBC Environmental Health –</p> <p>Have had regard to Dalby Wind Park Environmental Assessment in particular Chapter 10 relating to noise. This includes:</p> <p>Comments relating to Mitigation Measures contained in paragraphs 10.89 relating to noise from construction, which is predicted to be of minor significance and 10.91 relating to "A Noise Assessment will be carried prior to the start of the decommissioning programme and noise control measures appropriate at the requirements at the time identified and agreed with appropriate authority" should be noted.</p> <p>A noise assessment undertaken in accordance with the statutory guidance relating to noise from wind farms, "The Assessment and Rating of Noise from Wind Farms-Report ETSU-R-97 has been undertaken. It is predicted that noise levels from the Wind Park would comply with the requirements of that report at all residential locations and are not significant.</p> <p>Appendix 10.1 contains model conditions to be used in a case such as this. It is recommend these are attached to the application with alterations/additions for clarity. The position of the meteorological mast, to be used for the measurement of wind speeds, in terms of eastings and northings should be confirmed and an attached plan showing it's location should be included; night time hours should be confirmed to be 23:00 to 07:00hrs and waking hours confirmed as 07:00 to 23:00hrs and the background noise limits to be used are those cited in the "Predicted Noise Levels" given in table 10.6.</p>	<p>PPS22 states that the 1997 report by ETSU should be used to assess and rate noise from wind energy developments.</p> <p>The ES contains details of an assessment which has been undertaken in line with the established ETSU methodology.</p> <p>Noise predictions have been undertaken in the ES, taking account of a wide range of factors. Baseline noise measurements have been carried out at 5 locations which are considered to be either the most sensitive NSR (noise sensitive receptors) or representative of the remaining NSRs based upon site visits and professional judgement. The assessment has been carried out by comparing the predicted noise levels with noise limits in ETSU-R-97 as referred to in PPS22. The assessment shows that the predicted noise from operation of the proposed wind park would comply with the requirements of ETSU-R-97 residential locations are not significant and the potential noise and vibration effects during decommissioning have also been assessed as being not significant.</p> <p>The Environmental Health team have reviewed the methodology employed by the applicant and have concluded that it is both sound and robust, and accords with the guidance of PPS22. Accordingly it is not considered that noise issues (in terms of volume) are grounds on which the development could be refused and should not feature as an objection form this Council.</p>

Accordingly no objection, subject to conditions.	The question of 'Low frequency noise' and infrasound are emerging issues. There are no guarantees that this development would be free from such effects, that if present it could not be eliminated nor is there evidence such effects will be inevitable and will give rise to adverse effects, including on health. As such, this issue does not represent reliable grounds for refusal.
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Parish Council Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Broughton and Dalby PC – Cllrs are opposed to this application.</p> <p>The application is very detailed and contains much technical data/information that the PC is not in a position to challenge. However on P5 of the Design and access statement the location of the site is incorrectly stated (it is West of Old Dalby and South East of Melton). This does not give the PC confidence is the remaining report.</p> <p>Page 15 of the non technical summary states that the noise from this operation would comply with ESTU -R-97 but this is now 12 years old and many consider it to be out dated. When it was introduced turbines were 30 - 60m high, these turbines will be 79m high.</p> <p>Other European countries have adopted a minimum distance of at least 2km from turbines to occupied housing. The closest residential property to these turbines is only 635m away.</p> <p>On the 22nd April Leics County Council in response to an application for 4 turbines in Queniborough stated that the East Midlands 'has a significant capacity of operational projects and consented projects which exceed the approved targets on the East Midlands Regional Plan'. If this is correct then why is another wind farm necessary.</p> <p>There is no County or Borough policy on the provision/siting of wind farms. Councillors feel that this is vital to ensure that the area is not flooded with sites.</p> <p>The planning statement and the Non technical summary make reference to shadow flicker and the effect on residents health but does not mention the possible effect on motorists. The A46 is already a busy main route which is currently being upgraded. When the upgrade is</p>	<p>Noted, the technical information submitted with the application has been scrutinised by various professional bodies, and has been reported above.</p> <p>The advice contained in PPS22 is that the 1997 report by ETSU should be used to assess and rate noise from wind energy developments, this is considered to be the acceptable means of assessment.</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. A judgment in relation to neighbouring properties is contained within the report.</p> <p>The RSS sets targets on renewable energy but there is nothing within the policy which refer to over provision, indeed PPS22 specifies that meeting the targets is not in itself a ground on which to refuse permissions. The County Council have not advised, in relation to this application, that there is an overprovision or if in fact if there were what the perceived 'harm' would be. The concern would be more if regional targets were not being met.</p> <p>Noted, this application needs to be judged against the current policy framework and the impacts of individual proposals.</p> <p>The impact and effect on uses of the A46 trunk road have been assessed by the Highway Agency, reported above. The Highway Agency are satisfied that the proposed would not create a distraction</p>

completed there will be an increase in use and the effects on motorists should not be ignored.	for highway users.
This large development will at best produce energy for 5000 homes but will be of no benefit to the community.	Noted, discussion on viability and benefit is discussed below.
This is an industrial development within open countryside.	Noted, an assessment on the impact on the open countryside and landscape is contained within the report.
Willoughby on the Wolds PC – no comments received, letter enquiring about determination date of application.	Noted
Wymeswold PC - has no objection	Noted

Representations:

The consultation was publicised by a press notice in the Melton Times and a number of site notices surrounding the site. The application was re-advertised on submission of additional information submitted under Regulation 19 of the EIA Regulations.

Objections

As a result of the consultation exercise 14 objection have been received from 14 households. The issues raised through representation are addressed below. A petition ‘opposing’ the planning application was also submitted with 164 signatures included from various national locations, however, the signatures were predominately from the Leicestershire Area.

Representation	Assessment of Head of Regulatory Services
<p>Planning Policy Considerations:</p> <ul style="list-style-type: none"> PPS 22 allows Local Planning Authorities to define a “set-back” and a criteria for “the minimum separation distances between renewable energy projects and existing development”. Roger Helmer, MEP, has urged people to call on Councils to exercise this right. The EU has stipulated such turbines should be given distance from any dwellings and that this particular one will be much closer to the nearest house than the stipulated distance. 	<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>National and Regional policy is considered to be supportive in principle to developments of this type, (see ‘Planning Policies’ above) whilst requiring assessment against a range of criteria (landscape impact, residential amenity, ecological concerns etc.). These issues are addressed below and will determine whether the development is in compliance with these layers of policy.</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. A judgment in relation to neighbouring properties is contained within the report.</p>

<p>Impact on character and appearance of the area, views and landscape.</p> <p>As the proposal is for 9 tall turbines and the sheer size of the supporting building and structure that will surround them we are facing industrial scale intrusion into a pleasant rural landscape.</p> <p>The surrounding Wolds are not as well known as some of the other areas but they epitomise all that is best of the English landscape. These turbines will be an unmitigated disaster for that landscape.</p> <p>Melton Borough Council has successfully resisted plans for a windfarm close to Bottesford on the grounds that a windfarm would harm historic buildings in the area, damage the landscape and dominate the nearest residents, the damage the windfarm would cause in this location could not be justified.</p> <p>Quiet rural location, turbines would lead to loss of views and the quiet currently enjoyed.</p> <p>The turbines will have a detrimental visual impact on the surrounding countryside. This area has strict planning controls which prevents housing on this site so it is not appropriate for the erection of wind turbines.</p> <p>The proposal is too close to several lodge farms and is an enormous blot on their presently beautiful landscape.</p> <p>The turbines are unsightly and would ruin the beautiful countryside.</p> <p>If permitted the land will be reclassified as industrial and will set a precedent.</p> <p>Nottinghamshire County Council carried out a countryside appraisal on the Vale of Belvoir which can be applied to this land which states; ‘the Vale of Belvoir is a remote rural area with a strong and robust sense of identity. The vale is famous for its history of dairying and its character as a grazing belt. Although much of the Vale has been brought under cultivation, this tradition still prevails with large tracts of farmland still set to pasture. The low-lying Vale is physically very distinct with escarpments framing its southern, western and northern sides. A nucleated settlement pattern of small red brick villages interlinked by narrow country lanes is an important component of the area’s unified rural character....’</p> <p>The recent appeal decision for Ridgewind, near Bottesford, it was stated that the turbines would introduce a new element into the landscape that would</p>	<p>The site lies to the east of the A46 in an area of predominantly agricultural land. The surrounding countryside is not identified as being of particular national landscape importance.</p> <p>The ES investigated landscape impacts and visual impact and identified a ‘zone of theoretical visibility’. The ES concludes that the completed and operational wind park development would be visible, to vary degrees, from a range of locations throughout the study area. The degree of visibility would depend on varying factors including openness, topography and extent of intervening vegetation.</p> <p>The impact on views would in general, diminish with increased distance from the site. Significant effects would occur within 2km of the application site. Residents of Dalby Wolds, Dalby Lodges, Gibson’s Lane, Nottingham Lane and people using public rights of way in proximity to the application site would also experience significant effects on certain views from their properties. However, the compact layout of the wind turbines and the height of the proposed turbines is considered to limit the extent of views affected. The surrounding topography aids in mitigating the views from certain vantage points. It is considered that there will be some significant changes to views from a number of residential properties, minor roads, local footpaths and bridleways in the locality. The acceptability or otherwise of such impacts is a criteria of planning policy and is inevitably a matter of judgement.</p> <p>The countryside, on which the turbines are to be sited, have key characteristics which are identified as rolling landscapes with small narrow valleys, mixed farmland, scattered small to medium sized villages, little woodland or parkland and deeply rural and remote areas with long, straight enclosure roads. To the north of the proposed development area is the vale of Belvoir which is characterised by gently undulating landform, mixed farmland strongly rural in feel, nucleated villages with spired churches a prominent skyline feature and open, undeveloped land strongly influence by power stations, pylons and mineral extraction sites.</p> <p>The land around the turbines, whilst within the application site, would remain in agricultural use. On decommissioning the project the land would be reverted back to its original use. The development is therefore reversible.</p> <p>There is no argument that the turbines would not be visible, nor introduce a new feature into the landscape. However, this on its own is not</p>
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<p>be widely visible. There can be no doubt that they would intrude upon the local landscape. This is certainly the case of the proposed Dalby wind park because there are no existing structures that obscure the skyline for miles around.</p> <p>The proposal would have a negative effect on the perception of and enjoyment of the local landscape. The loss of tranquillity would also occur.</p> <p>The turbines will destroy the rural views which have been treasured for generations</p>	
<p>Noise:</p> <ul style="list-style-type: none"> • Concerned that noise will effect cows and have an detrimental effect on the milk yield. • Willoughby on the Wolds already suffers from a degree of noise pollution from East Midlands Airport, go-cart facility, Turnpike Farm and Wymeswold Aerodrome and the A46. It is highly likely that they would hear noise created from the turbines and if combined with events such as Glastonbudget it would be horrendous, totally destroying the enjoyment of properties and gardens. • Constant noise from the turbines is another factor to be considered. • Nottingham Lane will suffer more noise because of this development, the A46 dual carriageway and the East Midlands Airport. • The Government needs to update its guidance on how local authorities should assess the impact of noise and vibration from wind turbines. • Local People would be disturbed whenever the wind blows hard, day or night and have sleep disrupted. • The Hayes McKenzie Partnership, Consultants in Acoustics, showed an average reading of 75 decibels, scientifically measured over a 48 hour period. That would be equivalent to 3 or 4 helicopters circling around which would be heard more that 3 miles away. • The wind farm will be heard in properties close to it and Old Dalby and Willoughby on the Wolds. • Relentless repetitive sound which would be 24/7 • Disrupt the quiet countryside. • With low frequency noise UK assessment methods are not able to determine its nuisance value, leading to the conclusion of “not a statutory nuisance”. Further work needs to be carried out on assessment of low frequency noises. • Wind farms can be heard 3 miles away and properties and Old Dalby are downwind of prevailing winds, this will be a concern. 	<p>The principle sources of noise are from the blades rotating in the air (aerodynamic noise) and from internal machinery (mechanical noise).</p> <p>PPG24 – planning and noise – advises that local planning authorities should ensure that development does not cause an unacceptable degree of disturbance. When considering wind turbine proposals the companion guide to PPS22 governs the methodology to be used for planning purposes - ETSU-R-97. The recommendations of this report establish accepted background noise levels and the extent to which they may reasonably be exceeded. It is designed to ensure that satisfactory living conditions for those exposed to noise are maintained. This is achieved by setting a 5 dB (A) level above background levels (at both day and night) at the nearest noise sensitive properties. This methodology has formed the basis of the submitted noise assessment in the Environmental Statement. The use of this methodology was extensively challenged during the Public Inquiry into Palmer Hollow wind farm (08/00990/FUL). In judgment, the inspector concluded:, the guidance in PPS22 clearly states that: <i>‘The 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development.. This is the approach evident in the other English appeal decisions before the Inquiry and I have no reason to deviate from that clear guidance in this case. I conclude that the proposed development would satisfy the requirements set out in ETSU-R-97 and therefore conform to the guidance in PPS22.</i></p> <p>It is not considered that reservations that this is the appropriate method to follow are therefore sustainable grounds of objection. The methodology has been closely inspected and as such verified as valid. Whilst reservations have been lodged regarding the use of this methodology it remains appropriate and the results demonstrate that no unacceptable impact will occur.</p>

	<p>It is considered that a planning condition requiring specified noise limits not to be exceeded is appropriate for this development. Noise from development is subject to Environmental Pollution legislation like other sources, and redress is available in this form should nuisances arise.</p> <p>Whilst the concerns of the objectors are noted, in light of the above and the comments from the Council’s Environmental Health Officer, it is considered that an objection on noise grounds could not be substantiated.</p>
<p>Traffic & road safety:</p> <ul style="list-style-type: none"> • The nine turbines would distract drivers, travelling from the north, before a bend and the A46 has a very high level of traffic accidents. • The distraction of drivers will cause accidents • Traffic accidents will occur from “rubber necking” drivers, it is too close to a busy road. • The positioning of the wind park is dangerous, the surprise of seeing so many turbines close to the road may distract drivers and lead to accidents. • The closeness of the road to the wind park puts vehicles at risk of being hit by ice thrown from blades during the winter, and also fragments of blades if they are damaged in any way. • If approved there are no adequate roads to service the traffic through the construction phase. The A46 is fast, busy road and access would be impossible. In addition there have been frequent serious accidents at the Shoby crossroads on the busy A606 and other roads near the site are very narrow, rural lanes and totally inappropriate for large construction vehicles. 	<p>The ES identifies and assesses the transport and access effects associated with the construction, operation and decommissioning of the proposed Dalby Wind Park.</p> <p>The complete access route to the proposed site is;</p> <ul style="list-style-type: none"> • M1 via major port access route from eg Portsmouth/Southampton/Hull) • A46 • A6006 • Access into the site from existing site access track <p>The ES states that highway improvements will need to be carried out to the existing Old Dalby Lodge private track. In order for construction vehicles to turn into this private track a small area of existing farmland and isolated hedgerow will need to be removed. A small section of highway verge will need to be temporarily altered for the construction phase. Servicing traffic after construction will be light and low in quantity. It is therefore considered that the volume of traffic is likely to be insignificant and the impact on highway safety moderate.</p> <p>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>Notwithstanding the proximity of the proposed development to the A46, in light of the above matters it is not considered that the proposal would cause any significant distraction to drivers that could justify refusal on these grounds.</p> <p>Both the Highway Authority and Highways Agency are satisfied, subject to the imposition of conditions, that the highway network can accommodate the construction phase, operation and would not be a distraction to drivers.</p>
<p>Archaeology and Heritage Assets</p> <p>The wind farm is too close to the A46- the Old Fosse Road built nearly 2000 years ago by Romans.</p> <p>The area is rich for archaeological artefacts with a major excavation of the posting station nearly in the 1960s which also uncover Anglo Saxon remains.</p>	<p>Archaeology</p> <p>The ES included an archaeological investigation. The site has the potential to contain buried archaeological remains and therefore a programme of predetermination work will be required, commencing with geophysical survey and fluxgate gradiometer survey. This concluded that there is minimal interest in the areas to be excavated and the impact would therefore be minimal.</p> <p>LCC Archaeology have commented that it should be recognised that geophysical survey is not a definitive technique, the potential for significant buried archaeological remains cannot be ruled out, most especially prehistoric (Mesolithic/Neolithic and Bronze Age) and Anglo-Saxon remains. However, they are satisfied that the principle of the development can be determined on the basis of the submitted information, but that a staged programme of archaeological mitigation <i>will be required</i> and should be secured by conditions attached to any planning approval.</p> <p>On the basis of the information available there is no evidence that harm will be caused to archaeological interests and this would not be a sound basis for objection.</p> <p>Heritage Assets</p> <p>The impact on individual listed buildings and Conservation Areas is considered above.</p> <p>It is concluded that the turbines would not have a significant impact on the setting of surrounding heritage assets.</p>
<p>Wildlife</p> <ul style="list-style-type: none"> • Fatal effect to birds caught in blades • The development is likely to impact negatively on the local wildlife, particularly birdlife. • There are red kites and buzzards in the area, the BBC news reports the death of a red kite after flying 	<p>The ES has considered the impacts on ecological habitats, flora and fauna. A number of ecological surveys have been carried out on the site.</p> <p>A number of non-avian species protected by legislation were found to be present on the site</p>

<p>into a wind turbine in Scotland</p> <ul style="list-style-type: none"> • Raptors are particularly susceptible to collisions with wind turbines, when they are hunting become more likely. • Large rare birds have been seen in the area, implies impacts could have a significant impact. • What will happen to the Great Crested Newts if approved, will installing the turbines affect their breeding patterns, etc? • Owls are common in the area. • A US study estimates that wind power turbines in Oregon and Washington account for deaths of over 6,500 birds per year, with another survey indicating 30 birds of prey killed on one wind farm. • Bats are a risk from turbines because of rotating blades produce a change in air pressure that can kill the mammals. 	<p>namely Great Crested Newts, badger and six species of bat. All of the avian species observed benefit from some level of statutory protection.</p> <p>Mitigation measures have been identified</p> <p>The companion to PPS22 states that the impact on local ecology of a wind farm will usually be minimal. Other potential impacts to birds is the loss of habitats. Hedgerow removal would be an example. Whilst the proposed development would require the removal of sections of hedgerow along the access road these are not identified as significant habitats.</p> <p>The PPS22 companion guide advises that bird strike is most likely to occur if turbines are erected directly in a migration path or where there are high concentrations of particular birds. This site would appear to be peripheral to main migration routes and is some distance away from water bodies.</p> <p>Both Natural England and LCC Ecology have been consulted on the proposals and neither have objected subject to appropriate conditions.</p> <p>There is no evidence that harm will be caused to wildlife interests and this would not be a sound basis for objection.</p>
<p>Suitability of the site for a wind farm/ Need for development</p> <p>With the increase in population it is essential that as much land as possible is kept in production. Already vast stretches of land have been gobbled up by the widening of the A46 and each development is less for food production.</p>	<p>PPS1 makes clear that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.</p> <p>The land around the turbines, whilst within the application site, would remain in agricultural use. On decommissioning the project the land would be reverted back to its original use. The development is therefore reversible.</p> <p>It is not considered that the loss of agricultural land is adequate grounds on which to oppose the development.</p>
<p>Health issues</p> <ul style="list-style-type: none"> • Low level noise, flicker and strobe effects have serious health consequences. • Resident closest will feel the vibrations • There are a common set of ill health effects which have been attributed to living near wind turbines including; <ul style="list-style-type: none"> ➢ Sleep disturbance ➢ Headache ➢ Ringing or buzzing in the ears (tinnitus) ➢ Ear pressure 	<p>The validity of ETSU –R-97 methodology has been questioned by objectors to this development, and other similar schemes throughout the country. Specifically, in that it does not address low frequency sound and other noise/health implications. However, the Haynes McKenzie report, on low frequency noise, was commissioned by DTI and was issued in May 2006. It investigated claims that infrasound or low frequency noise emitted by wind turbine generators was causing health effects. It concluded that there is no evidence of health effects</p>

<ul style="list-style-type: none"> ➤ Dizziness, vertigo ➤ Nausea ➤ Visual blurring ➤ Racing heartbeat (tachycardia) ➤ Irritability ➤ Problems with concentration and memory ➤ Panic episodes with sensations of internal pulsation or quivering which arise while awake or asleep <ul style="list-style-type: none"> • Dr Nina Pierpont has researched ‘wind turbine syndrome’ and recommends that wind turbines are sited no closer than 2km from a home. • There is still much to be done to gain a fuller understanding of low level, low frequency noise, its effects, assessment and management. • Noise can be disruptive and cause sleep loss and stress • The World Health Organisation recognises that low frequency noise is an environmental problem and may increase considerably the adverse effects on health. • There are numerous, in depth, reports that highlight the effect low frequency noise produced by wind turbines has on the health of residents living near to them. • Shadow flicker will have significant effect on those living on Nottingham Lane and on the other side of the A46. A report by Graham Harding, Aston University, noted that flicker increase the risk of photosensitive seizure in susceptible individuals. Turbines should not be reflective. 	<p>arising from infrasound or low frequency noise generated from turbines. Please see also comments on the use of this methodology under the section entitled ‘Noise’ above.</p> <p>Whilst many representations have raised the question of health impacts, the evidence provided is general in nature and none has shown that this configuration (i.e. the number and type of turbines and their proximity to residents) would have such impacts. Indeed, the most common form of representation is concerned with the absence of certainty that there will be no effects, rather than assertions that there will.</p> <p>Shadow flicker as a term is explained in PPS22. 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 zone of potential shadow flicker impact covers a distance of 10 rotor diameters from each turbine (in this case 800m) and 130 degrees either side of north (relative to each turbine). This zone includes 1 residential properties – The Paddocks, which is not a third party property. The ES states that the regions potentially affected by shadow flicker represented by bands of 10,20, 30, 40 and 50 days per year or greater and in total there are no properties that could be affected by shadow flicker. It concludes, therefore, that the magnitudes of impact as no change and thus not significant.</p> <p>Turbines can also cause flashes of reflected light which can be visible from some distance. It is possible to ameliorate the flashing by careful choice of colour and surface finish, however, it cannot be completely eliminated. Whilst the assessment in the ES states that no properties will be affected, they are happy to propose procedures if a precautionary approach is considered necessary.</p> <p>The Highway Agency have raised no objection with regards to shadow flicker and the impact on drivers on the A46.</p> <p>In light of the advice contained in PPS22 it is considered that whilst some shadow flicker/flashes may occur, mitigation measures are available to ensure that there would be no significant loss of residential amenity and a condition can be imposed requiring a detailed specification of the turbines to be installed.</p>
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	<p>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.</p>
<p>Safety</p> <ul style="list-style-type: none"> • Accident data from existing wind farms indicates that pieces of blades have been documented as travelling up to 1300 metres which is why other European countries have a minimum distance of 2km between turbine buildings and occupied houses. • This proposed site is only 680 metres from Beazleys Farm • Ice forming on the turbines can be very dangerous • A summary of wind turbine accidents statistics from Caithness Windfarms Information Forum 2010 has been copied with some of the letters and refer to accidents relating to fatal accidents, human injury, blade failure, fire, structural failure, ice throw, transport, environmental damage (including bird deaths) and other. 	<p>The operation of the turbines will be governed by Health and Safety legislation and manufactured in accordance with safety requirements.</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.</p> <p>The concern over ‘icing’ has been raised by the Highway Agency who are satisfied that this can be mitigated by the imposition of conditions.</p> <p>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.</p>
<p>Impact on residential Amenities –</p> <ul style="list-style-type: none"> • The detrimental effects in the quality of life of those living in the proximity of these turbines will be immeasurable • The turbines will be overbearing and overwhelming eye-sore • Concern regarding the proximity to neighbouring properties, the nearest property to the turbines will be 635m. • Pieces of blades can travel up to 1300m and there should be a 2km distance between turbines and occupied houses. 	<p>Residential amenity can be affected by both visual and non-visual (i.e.noise) impacts. The ability to see a turbine is not in itself sufficient to demonstrate unacceptable harm in a development control context.</p> <p>The Companion Guide to PPS22 states that the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and visual impact will often be greater than that necessary to meet safety requirements. Fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance and this can be met in the case of all the turbines proposed.</p> <p>The closest residential properties to the site are Pasture Lodge on the opposite side of the A46, Upper Grange Farm and Wad House Farm. The turbines would also be to the west of properties on Nottingham Lane. The closest properties, on this side of the A46, apart from Old Dalby Lodge, are Beazley’s Lodge (approximately 640m) and Upper Grange Farm (approximately 620m) The turbines would be visible to the north west of Upper Grange Farm and to the west of Beazley’s Farm. The contours of the site means that the turbines would be elevated to properties to the west and to the south west. There is no disagreement that the turbines would be visible from these properties. However, it</p>

	<p>should be reiterated that the ability to see a turbine is not in itself sufficient to demonstrate unacceptable harm in a development control context, the distances involved are sufficient with regards to safety and shadow flicker.</p> <p>The several villages surrounding close to the site, Old Dalby, Grimston, Ragdale, Willoughby-on-the-Wolds, Queensway, Nether Broughton and Upper Broughton would either be screened from the site or have intermittent views.</p> <p>The issue of shadow flicker has been addressed above and the ES assessment shows that no discernable effects will arise at any nearby properties, in line with PPS 22</p> <p>The balance of private interests (in maintaining existing views) and public interest (in generating energy from renewable resources) is also considered a material consideration when determining this application and in this instance it is considered that the latter is more compelling.</p> <p>It is not considered that the impact on residential amenity is so detrimental to warrant grounds on which to oppose the development.</p>
<p>Other issues</p> <ul style="list-style-type: none"> • Disruption to people in the vicinity during construction. • Effectiveness claims of the turbines are misleading, figures quoted can only be achieved if the turbines operate at their maximum output and given the variable wind conditions in this country it is unlikely the maximum output will ever be achieved. Some research suggest the best that can be expected is that they operate at a mere 30% of efficiency. • A realistic output of these turbines would be around 2mW each or 18mW for the 9, when this low figure is set against output of existing power stations and have several generators each with 500mW output then why bother with the turbines? • If not viable what happens to those that have been erected? Do they blight the landscape until they eventually disintegrate or will the local authority, and taxpayer, have to bear the cost of dismantling them? • All this disruption and misery for 5000 homes of electricity is total madness. • Wind turbines are an intermittent source of energy, 	<p>There may be some disruptions during the construction, however, it is considered that the highway can take the construction traffic and any noise or disturbance during construction is likely to be short lived and temporary.</p> <p>From a technical perspective (i.e. the wind source), the site was selected based on strategic level data that showed it to be in excess of 6m/sec at 45m. To further confirm the on-site wind speed a temporary on-site wind monitoring mast has been installed.</p> <p>PPS22 sets out national policy for renewable energy sources and emphasises the scale of the demand. It requires the production of targets for renewable contributions and for them to be specified by type of source at regional and sub regional level. This is carried forward in the East Midlands Regional Plan (2009) in which it is stated that on-shore wind installations should increase capacity from 54MW to 175 MW) by 2020, with an interim target for 2010 of 122MW. However, PPS22 affirms that the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable projects.</p> <p>PPS22 also recognises that the combined effect of</p>

<p>the starting and stopping increases their CO2 emissions and increases the wear and tear of the plant leading to higher maintenance costs.</p> <ul style="list-style-type: none"> • The energy goes back to the national grid and will not be exclusively for local residents. • The proposal is driven by commercial gain than for any altruistic intent. Wind farms are highly subsidised. • Building on shore wind farms is an easy and cheap route to large handouts for the developer and land owners. • How much of the profit will be put back into the local economy and compensate affected local inhabitants? • Companies erecting windfarms receive vast subsidies and are the ones that benefit from the proposal not the local community. • On average wind power is 26% efficient (24% in the East of England). • Wind farms are not the only alternative to current energy sources. • Wind farms will never make a significant contribution to reducing CO2 emissions • It is proven that these turbines are not efficient • Have alternative sites in the region been considered? Are there any brown-field sites available for development? • Has due consideration been given for other environmentally friendly sources of power generation? For example, the use of biogas to generate electricity. <ul style="list-style-type: none"> • Reduce the value of properties, negative impact on the value of residential properties and agricultural land. A recent newspaper article on a resident in Lincolnshire who's house had significantly reduced was given a reduction in Council Tax, would Melton Council be willing to do the same? <ul style="list-style-type: none"> • The community of Nottingham Lane is small, it is bullyboy tack-ticks, riding rough shod over us. • The map shows nearby residents as unnamed which could indicate that nobody lives there. • Will affect the thriving business of Vale View Equestrian Centre. • Concerned at how quietly this application is proceeding through the planning stages and that we as a country are beginning to panic into providing alternative forms of energy at any cost. • Cattles and horses will be spooked both from the 	<p>smaller scale projects will make a significant contribution to these targets and specifically states that relatively low yields should not be grounds for refusal. It follows this up by stating that all areas should be capable of accommodating wind farms, but repeats the need for them to satisfactorily meet socio economic and environmental concerns.</p> <p>PPS1 makes clear that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.</p> <p>Impacts on house values is not a material planning consideration for planning applications.</p> <p>The impact on properties has duly been considered as part of the assessment of the proposal.</p> <p>It is unclear what this is an objection too, all the surrounding residential properties have been considered as part of the application. No evidence has been submitted to substantiate this concern.</p> <p>This application has been considered and published in line with procedures.</p>
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<p>noise and size of these machines. Riding schools and livery yards will be affected.</p> <ul style="list-style-type: none"> • The turbines could affect farm livestock, what compensation would developers give if yields etc were effected? • How will it benefit Leicestershire and will damages be paid to people in nearby properties? • There is no long term economic benefit in terms of employment in the local area, only temporary jobs are created during construction and it is unsure if these are to be offered to local resident. • Disruptive effect on analogue television and radio reception. • It would set a bad precedent, the A46 is in danger of becoming a wind farm 'alley'. • Will there be a clause if granted to ensure that indemnity insurance is taken out, this should ensure that the land be returned to its original use at the end of 25-years, cover if the developer goes bust or that the wind park ceases to produce electricity. • Wishes for attention to be drawn to issues raised by BLOT in the closing submission to the public enquiry many of which are appropriate to the proposed development near Old Dalby and the appeal decision. 	<p>No evidence has been submitted to substantiate this concern. The land around the turbines, whilst within the application site, would remain in agricultural use. On decommissioning the project the land would be reverted back to its original use. The development is therefore reversible.</p> <p>This is not considered to be a planning consideration.</p> <p>Although there may be some local employment generated during the construction phase it is considered that the impact would be minimal.</p> <p>The ES has indicated that the development is likely to affect no homes for which there is no alternative service but does estimate that the proposal may affect up to 743 homes for whom there may be an alternative off-air service. Ecotricity have stated what mitigation measures would be in place if there is any impact on a local residents TV and radio reception. It is therefore recommended that a condition is applied to require resolution and mitigation of this concern before development proceeds.</p> <p>Each application must be determined on its individual merits. Any additional application would need to be assessed against cumulative impact.</p> <p>The proposal is for a 25 year life span, after which it will be decommissioned.</p> <p>Noted, however, the relevance of this submission to this scheme, in a different location with a different number and size of turbines is not altogether clear.</p>
<p>Notification process</p> <ul style="list-style-type: none"> • Concern that not received formal notification • Only 4 small notices were posted on rural telegraph poles, only one found on Gibsons Lane, undated and in the middle of a patch of nettles. 	<p>Consultation has been undertaken in line with Council procedures. Four site notices were initially posted but after complaints were received a further two notices were posted. The application has also been advertised in the press. On receipt of supplementary information under Regulation 19 of the EIA Regulations a further press notice was issued.</p> <p>It is considered that notification procedures have</p>

	been followed.
<p>Petition</p> <p>A petition has been received stating; “We the undersigned, would like to register our opposition to the planning application for Dalby Wind Farm, near Old Dalby”</p>	Noted

Supporters

21 letters of support have been received form 18 different addresses raising the following comments. An additional 41 letters of support have been received which are identical in nature and will be treated similarly to a petition, these have come from various national locations.

Representation	Assessment of Head of Regulatory Services
<p>Landscape</p> <p>The project would cause minimal aesthetic affect, and perhaps even add some intrigue to the landscape.</p> <p>The erection of these wind turbines would not have a negative impact on the landscape, given that the A46 dual carriageway already runs through this area.</p> <p>The development is well researched, well planned and well sited. It is easily accessible and has grid connection to reduce set up charges.</p> <p>Small scale windfarms are not a blight on the landscape</p> <p>Good use of areas next to major through roads like the A46 and still allow agricultural use.</p> <p>The site is well planned with regards to neighbouring villages and the road network. The site has been well chosen being close to the A46 and industrial sites at the Upper Broughton junction. The farm will be barely visible from its nearest neighbours and the developers have taken great care to keep the height of the turbines to the minimum required.</p> <p>Would rather see a wind farm than another power station or slag heap.</p> <p>This site is a rather featureless area. Will create a landmark from the A46.</p> <p>Visual impact is an entirely subjective issue. Need the ability to appreciate the old and the new juxtaposed, whether conservation areas or listed buildings.</p>	<p>Noted, an assessment on the impact on the surrounding landscape is contained within the report.</p>

<p>Climate</p> <p>The project would provide enough energy to power a quarter of households in the Melton District.</p> <p>It would be a big step forward for the Rutland and Melton area, who have so long been behind the rest of the country in terms of environmental concerns, and show that we are finally embracing modern technology and doing our bit for the climate.</p> <p>Developments such as this are an important element of ensuring that our energy supply does not contribute to global climate change.</p> <p>Local authorities need to take a lead in tackling the twin issues of energy security and climate change by approving applications for alternative energy generation scheme.</p> <p>The Midlands needs more self supporting energy, giving energy security and economic and employment benefits.</p> <p>Wind farms are essential if we are to meet our carbon reduction targets/renewable energy quota. It is no longer acceptable to expect large coal burning or gas fired power stations in another county to meet our ever growing demand for cheap energy.</p> <p>We need sustainable energy in all its forms and this will make a significant contribution to the safety of our environment.</p> <p>Wind produces no emissions, no pollution and no waste, this farm would help reduce damaging greenhouse gas emissions that are causing climate change. This is a clean source of power.</p> <p>The proposal will go some way to providing Melton Boorugh's commitment to renewable power.</p> <p>This is a green non-polluting energy which we need. Turbines do not damage the planet.</p> <p>Carbon Dioxide does not respect borders and the decision by the Council will have an effect on the rest of the world, approval will be small but cumulatively significant effect on reducing carbon emissions.</p> <p>This project will lessen the impact of peak oil and will benefit all.</p>	<p>Noted.</p>
<p>Design</p> <p>Modern wind turbines are an interesting and elegant addition to many landscapes.</p>	<p>Noted. Design is considered to be a subjective opinion. The design of the turbine is fairly standard and it is considered that the impact on the landscape and heritage assets to be more significant than the specific design of the turbine.</p>

<p>Turbines are graceful machines that do not detract from any view of the countryside.</p> <p>Turbine towers are beautiful to look at rather than pylons, oil rigs or power stations.</p>	
<p>Noise</p> <p>Recent advances in technology have made turbines much quieter</p> <p>This type is quiet and efficient</p> <p>Any noise would be eliminated by general traffic noise.</p>	<p>The issue of noise is considered above within the report.</p>
<p>Wildlife</p> <p>Quoting the death of a single “endangered” red kite in Scotland when there are dozens of these birds down the road in Northants. Road kill imposes savage losses on wildlife.</p>	<p>The issues of the impact of the proposal on wildlife is addressed above.</p>
<p>Pro-Wind alliance (Leic-Warks-Northants-Rutland)</p> <p>The group formally endorse the project wholeheartedly.</p>	<p>Noted</p>
<p>Petition letter</p> <p>This letter states;</p> <p>The UK faces devastating impacts as a result of future climate change. The floods around the country over the past few years are a reminder of the kinds of weather events that will become more frequent and more extreme. Scientists warn that we must stabilise greenhouse gas emissions in the next 10 years to limit global temperature rise to 2 degrees centigrade and prevent catastrophic impacts.</p> <p>As part of its strategy to cut emissions, the UK Government supports an EU target of 20% of all energy from renewable sources by 2020, which will mean the UK must ensure 15% of its energy comes from renewables by 2020. This will require the participation of every community around the UK in adoption of low carbon energy technologies. Britain is Europe's windiest country. Wind power offers huge potential to reduce our emissions and offer energy security.</p> <p>Onshore windpower is the best developed and most economical renewable generation currently available, allowing us to make much needed reductions right now.</p> <p>I understand there may be concerns about the visual impact of this proposal. This is a subjective issue, and it must be borne in mind that modern wind turbines are planned for a period of 25 years, after which time they may be removed, or replaced. Visual impacts must also be weighed against the likely damage to our landscapes and environment</p>	<p>Noted</p>

caused by climate change.

Finally, I would like to remind you that national planning policy now prioritises action on climate change in the new Planning Policy Statement: Planning and Climate Change. These guidelines must now be embraced at a local level and strongly emphasise the guidance contained in PPS 1 paragraphs 13 and 22, and PPS 22, to promote and encourage the development of renewable energy resources.

The Local Government Association recently urged councils to demonstrate leadership in tackling climate. As a signatory to the Nottingham Declaration on Climate Change 2000, Melton Borough Council is committed to delivering carbon dioxide reductions at a local level. I therefore urge you to approve the Dalby windfarm proposal which will make a significant contribution to cutting emissions from the area.

Conclusion

The proposal is considered to be supported in terms of very broad principles by national policy as contributing to the wider aims of encouraging renewable energy. The application has been supported with all the relevant technical information and has been assessed to be acceptable in terms of impact on the landscape and visual amenity, heritage, flooding, noise, access, aviation and shadow flicker. The proposed siting and height of the turbines is considered to be acceptable and more significantly would not adversely impact on historic assets or the visual relationships between them and their surrounding landscapes. It is therefore considered that benefits of electricity generation of this scheme is considered to outweigh any perceived harm of the proposal.

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. 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.
3. If any 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.
4. In the event that a wind turbine and its associated ancillary equipment are removed in accordance with condition 3 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority such scheme to include management and timing of the works and a traffic management plan.
5. Prior to the commencement of the development, a scheme for the finish and colour of the wind turbines shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate a semi-matt finish for all of the wind turbines and no part of any of the wind turbines shall carry any logo or lettering other than that required for health and

safety purposes or required for legal reasons. The development shall be carried out in accordance with the approved details.

6. The maximum height of the wind turbines, when measured from the turbines base to the blade tip in the vertical position, shall be no greater than 80 metres, and the length of the blades shall not exceed 24m.
7. All wind turbine blades shall rotate in the same direction.
8. Before the development hereby commences, a scheme for the lighting of the proposed development shall be submitted and agreed in writing to the Local Planning Authority. The proposal shall be implemented in accordance with the approved scheme.
9. No turbine shall be erected until a Statement of Common Understanding has been agreed with NATS and submitted to the Council.
10. No turbine shall be erected until a Primary Radar Mitigation Scheme has been completed in accordance with the Statement of Common Understanding and submitted to and approved in writing by the Local Planning Authority. No turbine blade shall be fitted until the approved Primary Radar Mitigation Scheme has been fully implemented and the development shall thereafter be operated fully in accordance with the approved scheme.
11. Development shall not begin until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
12. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
13. No development shall take place 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. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved
14. The development shall not be operated until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 13 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
15. The mitigation measures set out in the Environmental Statement Chapter 11 and illustrated by

Fig.11.8 Public Right of Way Mitigation Plan 3915_T0333_01 with regards to segregation and signage shall be implemented and remain in perpetuity during construction and decommissioning phases.

16. Prior to commencement of development, the applicants shall submit for approval by the Planning Authority details of the proposed access into the site from the A6006, such details to include a 7.3 metres wide access road for a distance of at least 30 metres behind the highway boundary (measured along the centre line of the access road) and minimum radii of 15.0 metre at the access and include tracking for HGV's. The proposed access works (as approved) shall be provided prior to the commencement of development.
17. Following completion of construction of the wind turbines, the proposed access shall be re-instated to the satisfaction of the Highway Authority.
18. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
19. Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.
20. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
21. The development hereby permitted shall be designed and installed in accordance with an appropriate ice detection system as set out in Enercon document "Ice Detection on Rotor Blades" dated December 2005 and with reference SA-ICE-Beschreibung der Eiserkennung-Rev1.1, or other similar system approved in writing by the Local Planning Authority.
22. Prior to commencement of development an updated survey for the presence of badgers should be completed and submitted to the Local Planning Authority. If badger setts are identified mitigation measures shall be agreed in writing with the Local Planning Authority and implemented in accordance with the agreed measures. Measures should be taken in order to prevent accidental entrapment of badgers including the covering and/or escape measures where trenches are left open overnight
23. All works to hedgerows (including removal and replanting) should be completed outside of the bird-breeding season to protect any nesting birds.
24. Prior to commencement of development a management plan should be produced for the hedgerows on site. This should cover the removal and replanting of the hedgerows (including the species to be used) and the long-term management of the hedgerows to ensure that they do not grow too tall. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
25. A protected species survey must be completed prior to the decommissioning phase of the development and submitted to the Local Planning Authority. The decommissioning phase shall be

in accordance with any mitigation measures identified and agreed by the Local Planning Authority.

26. Prior to the commencement of development mitigation measures to ensure that great crested newts are not harmed as a result of this development shall be in places. This mitigation must follow that outlined in the letter from Jamie Baldwin (Ecotricity) to Kirsty Gamble dated 27th September 2010, The 'Protected Species Supplementary Assessment in Support of the Proposed Dalby Wind Park (August 2010) and The 'Great Crested Newt Population Size Class Assessment of Ponds 2, 4, 7 & 8' (June 2010). a European Protected Species Licence will be needed.
27. All trees to be removed must be checked for bat roosts by a qualified ecologist prior to the work commencing, and the results submitted to your authority. It will be necessary to apply for a license from Natural England before the work is carried out on trees containing bat roosts.
28. Site clearance operations that involve the destruction and removal of vegetation or buildings on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.
29. Post –construction monitoring of bird impacts should be carried annually for 3 years, once the turbines are operational and submitted to the Local Planning Authority.. This should take the form of breeding and wintering surveys, vantage points analysis and mortality searches.
30. Any incidental records of bat or bird strike must be forwarded to the Local Planning Authority.
31. No works in relation to the Development are to commence until the planning authority have given approval in writing for the final specification of the wind turbines which will include: the make, model, design, power rating and warranted sound power levels.
32. The developer's noise assessment shall be updated as necessary to reflect the turbine specification approved, and shall be submitted to the planning authority prior to the commencement of development. In the event of predicted exceedance of ETSU-R-97 levels or as otherwise agreed, the developer shall submit mitigation measures to the planning authority for their prior written approval in advance of the commencement of development.
33. At wind speeds not exceeding 10 metres per second, as measured or calculated at a height of 10 metres above ground level (at the location of the meteorological mast shown at location 465146, 323998 on the approved layout plan) the wind turbine noise level at any occupied dwelling or other Noise Sensitive Premises shall not exceed:
 - during night hours (23:00-07:00), 43 dB $L_{A90,10min}$, or the night hours $L_{A90,10min}$ 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 $L_{A90,10min}$ or the quiet waking hours $L_{A90,10min}$ background noise level plus 5 dB(A), whichever is the greater; and,
 - at all times 45 dB, $L_{A90,10min}$ or the (day/night as appropriate) hours $L_{A90,10min}$ 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 or other Noise Sensitive Premises lawfully existing at the date of this planning permission.

34. At the request of the planning authority and following a valid complaint to the Planning Authority relating to noise emissions from the wind turbines, the wind farm operator shall measure or calculate, at its own expense, the level of noise emissions from the wind turbines. 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; and calculations of noise made using the approach reported in the environmental statement submitted with the planning application. The assessment approach shall be approved by the Planning Authority prior to undertaking the detailed assessment. In comparing measured wind turbine noise levels with background noise levels, regard shall be had to the prevailing background noise levels as measured at specified properties and shown by the best fit curves in the environmental statement submitted with this application. In the event of a complaint from a property other than one of the specified properties in the environmental statement, the measured wind turbine noise levels at that other property shall be compared to the prevailing background noise levels at the specified property which is most likely to have similar background noise levels.
35. Should the wind turbine noise levels specified in Condition 33 be exceeded, the wind farm operator shall take immediate steps to ensure that noise emissions from the wind farm are reduced to or below such levels or less, and obtain written confirmation of that reduction from the Planning Authority.
36. At the request of the planning authority and following a valid complaint to the Planning Authority relating to shadow flicker from the wind turbines, the wind farm operator shall follow the mitigation scheme as detailed in the Environmental Scheme 13.20 – 13.23 which shall be agreed in writing by the Local Planning Authority.
37. 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.
38. The hours of work during the construction phase of the development and any traffic movements to or from the site associated with the construction of the development shall be limited to 0730 to 1900 hours on Mondays to Fridays and 0700 to 1400 hours on Saturdays other than as allowed for under condition 14. No work shall take place outside these hours (including on Bank Holidays) unless otherwise previously agreed in writing by the Local Planning Authority.
39. Notwithstanding the provisions of condition 38, delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours prior notice of such traffic movements being given to the Local Planning Authority and such deliveries first being approved in writing by the Local Planning Authority.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that, on decommissioning, the site is reinstated in order to protect the environment
3. To ensure that any redundant turbines are removed from site in order to protect the visual qualities of the environment
4. To ensure that, subsequent to the removal of redundant turbines, the land is reinstated in order to protect the natural and visual qualities of the environment.
5. In order to protect the visual qualities of the environment

6. In order to protect the visual qualities of the area and to comply with the application.
7. In order to protect there visual qualities of the area.
8. In the interest of aviation safety.
9. In the interest of National Air Traffic Safety.
10. In the interest of National Air Traffic Safety.
11. To prevent the increased risk of flooding, to improve and protect water quality.
12. To prevent pollution of the water environment
13. To ensure the appropriate recording of affected archeological remains and to advance understanding of their significance prior to any detrimental development impact.
14. To ensure the appropriate recording of affected archeological remains and to advance understanding of their significance prior to any detrimental development impact.
15. In the interest of pedestrian safety.
16. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
17. In the interest of highway safety.
18. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
19. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
20. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
21. To ensure that the A46 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from the proposed development, in the interests of road safety.
- 22 – 30 In the interest of protected species and habitats.
- 31 & 32 In order to clarify the terms of the permission and retain effective control over the development
- 33 & 35 In order to control noise in the interest of residential amenity
36. In order to protect the amenities of neighbouring residents.
37. In order to protect the amenities of neighbouring residents
38. In order to protect residential amenity

39. To enable turbine and crane components to be delivered at times appropriate to minimise impacts on highway safety and the free flow of traffic.

Officer to contact: **Mrs Jennifer Wallis**

8th December 2010