
Erection of two no. 250 KW Wind Turbines and associated infrastructure, including access track (Resubmission of Planning Application 13/00266/FUL)

**Report Item No
A3**

Land Off Farm Town Lane Farm Town Coleorton

**Application Reference
14/00133/FUL**

**Applicant:
Hallmark Power Ltd**

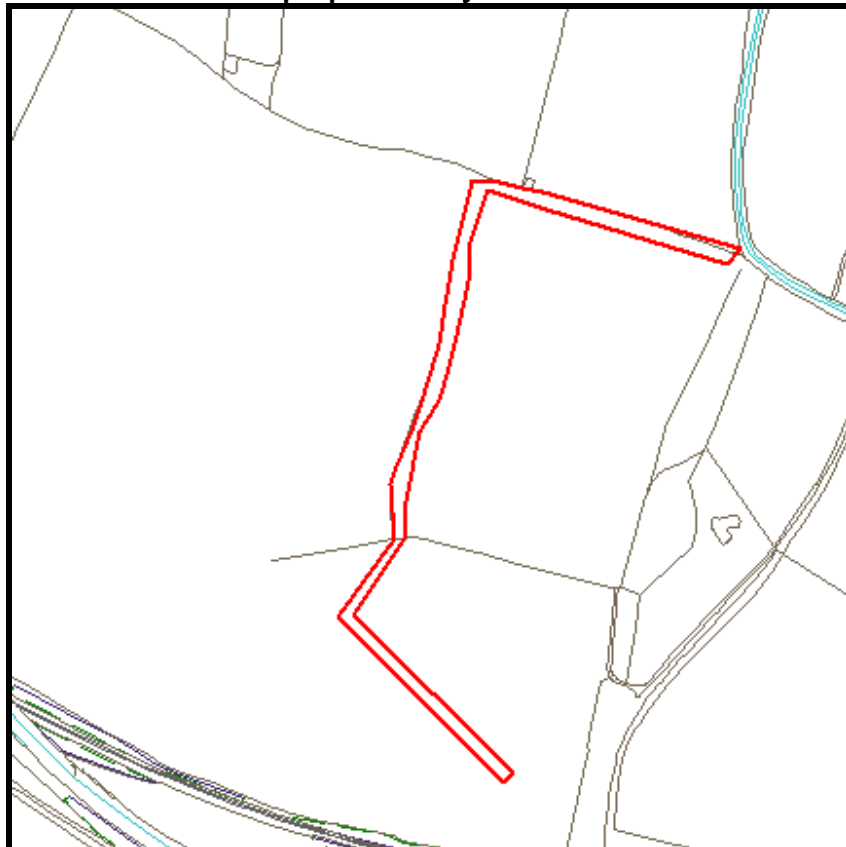
**Date Registered
12 February 2014**

**Case Officer:
Hannah Exley**

**Target Decision Date
9 April 2014**

**Recommendation:
Permit**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION:

Call In

This application is reported to Members on the basis that a similar proposal was previously considered by Members at the 03 December 2013 meeting of the Planning Committee.

Proposal

The application proposes two no. 250kw wind turbines. The turbines are 3-blade models with a hub height of 30m and a blade diameter of 30m, giving a total maximum height of 45m. The turbine construction will require square concrete foundations, having dimensions of 8.7m to a depth of 1.5m.

An access track of permanent construction is also proposed to allow access for maintenance over a 20 year period. The track would begin at the highway (Farm Town Lane) utilising the existing gated access and upgrading an access track. Where the existing track ends, a new track would be created up to the turbines and would require the removal of a short section of existing hedgerow. The newly created access/upgraded track would be constructed of limestone hardcore that will be imported onto the site.

The two turbines would be located within a field which abuts a railway line which is routed alongside the A511. The nearest part of the field is approximately 70-80m to the south west of Farm Town.

Consultation

Sixteen representations from third parties have been received objecting to the application and objections have also been received from Coloerton Parish Council and Ashby de la Zouch Town Council. All other statutory consultees have no objections.

Planning Policy

The development would comply with all relevant policies of the Local Plan as well as Paragraphs 17, 98, 118, 119, 123, 131, 132, 134, 188, 189 and 215 of the NPPF; and the Habitats Regulations, Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System), River Mease Water Quality Management Plan - August 2011 and Planning for Renewable Energy: A Companion Guide to PPS 22.

Conclusion

In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan, as well as the fact that the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is considered that the landscape could accommodate two turbines without its overall character being significantly harmed. Although there would be some impact on, and change to, the landscape, the turbines would not significantly undermine or change its character or that of the National Forest and therefore on balance this impact is not so significantly detrimental to the landscape or its visual amenities to justify a reason for refusal. As such, the development would not conflict with Policy E4 of the Local Plan. In Addition, there would not be a significant effect in terms of cumulative impact due to the heights and locations of turbines, which already exist or are proposed within the surrounding area, as well as the intervening landforms and vegetation. It is also considered that the significance of the setting of the surrounding heritage assets would be preserved given the position of the turbines in relation to the heritage assets as well as the presence of built forms of development, infrastructure,

vegetation and an undulating landform.

There would also be some public benefit to the provision of the turbines by virtue of their being a renewable energy form, and the reduced farming costs to the landowner, and as such the development accords with Paragraphs 131, 132 and 134 of the NPPF. The development would not have an adverse impact on the amenities of neighbouring properties in terms of noise, vibration, shadow flicker or outlook which would ensure compliance with Paragraphs 98 and 123 of the NPPF and Policy E3 of the Local Plan. There would be no adverse impacts on pedestrian or highway safety, or aviation (subject to a Grampian condition), which would ensure compliance with Policy T3 of the Local Plan.

It is considered that the proposal will not have an adverse impact on bats, birds or other protected species or their habitats, subject to appropriate conditions, and as such the proposal would accord with Paragraphs 118 and 119 of the NPPF, the Habitats Regulations and Circular 06/05. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, due to there being no foul drainage connection and provision being made to discharge surface water run-off to permeable or porous areas within the site and as such the development would accord with Paragraph 118 of the NPPF, the 2010 Habitats Regulations and Circular 06/05.

It is considered that the wider public interest of tackling climate change by reducing carbon emissions should be taken into account and the proposal would not raise any significant concerns in relation to other material considerations, and other matters raised by third parties would not provide sufficient justification to refuse the application. It is therefore recommended that the application be permitted.

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Background and Proposals

This application is reported to Members on the basis that a similar proposal was previously considered by Members at the 03 December 2013 meeting of the Planning Committee under application 13/00266/FUL.

Approval is sought for two no. 250kw wind turbines and associated access track. The turbines are 3-blade models with a hub height of 30m and a blade diameter of 30m, giving a total maximum height of 45m. The turbine construction will require square concrete foundations, having dimensions of 8.7m to a depth of 1.5m.

The access track will be a permanent construction to allow access for maintenance over a 20 year period. The track would begin at the highway (Farm Town Lane) utilising the existing gated access and upgrading an access track. Where the existing track ends, a new track would be created up to the turbines and would require the removal of a short section of existing hedgerow. The newly created access/upgraded track would be constructed of limestone hardcore that will be imported onto the site.

The two turbines would be located within a field which abuts a railway line which is routed alongside the A511. The nearest part of the field is approximately 70-80m to the south west of Farm Town.

During the construction phase, the supporting information details that a temporary crane construction/equipment storage area will be required (approximately 60m by 60m) but this will be returned to agricultural use after the construction phase is complete.

The built form proposed as part of the current application is identical to that previously considered and refused by Members (under application 13/00266/FUL) for the following reasons:

'The proposed turbines by reason of their scale, height and massing and prominent location in the landscape would have a detrimental impact on the character and appearance of the wider landscape, and as such to permit the proposal would be contrary to the aims of Paragraph 98 of the National Planning Policy Framework and Policy E4 (Design) of the North West Leicestershire Local Plan.'

The key difference between the current and previously considered applications is that the applicant is now offering to return some of the financial profit from the development to the local community to help mitigate the impact on local residents. The application submission details that pre-application consultation was undertaken with the local community and that on the basis of the one suggestion made by the Parish Council as a result of that process, that the applicant is willing to make a financial contribution towards the repair of the boundary wall at St. Johns Chapel through a legal agreement.

As with the previous submission, the application submission was accompanied by a number of supporting documents:

- Ecological Appraisal by Avianecology (dated 13 March 2013);
- Landscape and Visual Impact Assessment by AAH Planning Consultants (dated March 2013);
- Attenuation Noise Specifications by Wind Technik Nord;
- Planning Statement including Design and Access Statement by Hallmark Power Ltd;

- Electromagnetic Interference Statement by Hallmark Power Ltd.

2. Publicity

Neighbours have been notified (Date of last notification 20 February 2014)

Site Notice displayed 5 March 2014

Press Notice published 26 February 2014

3. Consultations

Coleorton Parish Council consulted 20 February 2014
Ashby de la Zouch Town Council consulted 11 March 2014
Sue McGlynn Coleorton Parish Council consulted 25 February 2014
County Highway Authority consulted 25 February 2014
Head of Environmental Protection consulted 25 February 2014
Natural England consulted 25 February 2014
LCC ecology consulted 25 February 2014
Airport Safeguarding consulted 25 February 2014
NWLDC Conservation Officer consulted 25 February 2014
English Heritage- major dev in CA consulted 25 February 2014
Highways Agency- Article 15 development consulted 25 February 2014
Ramblers' Association consulted 25 February 2014
MOD Safeguarding consulted 25 February 2014
National Forest Company consulted 25 February 2014
Leicester & Rutland Wildlife Trust consulted 25 February 2014
National Air Traffic Services consulted 25 February 2014

4. Summary of Representations Received

Ashby Town Council raises objection on the ground that the visual impact on the surrounding area is unacceptable.

Coleorton Parish Council raises objection on the following grounds:

Coleorton Parish Council would like to object to the above application on the following grounds:

- There is no economic argument for these wind turbines, either in relation to benefits to the local community or their overall viability without considerable publicly-funded subsidies.
- The proposed site is part of the National Forest and as such has been extensively planted recently. It is an area that attracts visitors and walkers who are unlikely to continue to use it if it contains large, unattractive wind turbines. This will be to the detriment of the local economy.
- Local wildlife has had an improved habitat with the National Forest planting, but is likely to be adversely affected by this development. The wildlife survey included with this application is the same one as presented for the earlier application and highlights its limitations in paragraph 2.3. It therefore seems impossible to quantify the effects on local habitats which should be considered in such an application.
- The access roads are narrow, winding and poorly maintained. They are not suitable for the movement of heavy machinery as would be required for this development. Local residents do not want to see roads upgraded as this would detract from the rural location.
- Noise levels will adversely affect residents in Farm Town. Research shows that there can be ill effects from turbines sited within 1.5km of dwellings. Farm Town is considerably closer to the

site than this.

- The landscape itself will be despoiled by these structures. The site is within the rural divide between Ashby and Coalville. NWLDC's plans seem to wish to maintain these green areas so it does not seem appropriate to put industrial-scale structures into this rural landscape.
- There has been no effective consultation with the developers. Neither the Parish Council nor affected residents have been able to build a two-way communication and they are left with the impression that the developers contacted them purely because legislation said they had to, not through any desire to discuss options or mitigating actions. The offer to contribute to the rebuilding of the wall at St John's Chapel smacked of trying to buy approval.

Coleorton Parish Council is aware of and supports the efforts being made by the residents of Farm Town to gather objections to this application and asks the District Planning Committee to once again refuse permission for these wind turbines. It seems inappropriate that the Committee even has to discuss this application when the previous one is still under appeal, but we understand NWLDC has no control over that.

County Highways Authority has no objections subject to a condition.

Environmental Protection Officer has no environmental observations.

Natural England raises no objections but raises a number of issues suitable for a note to applicant.

County Ecologist has no objections subject to conditions.

Highways Agency advises that the proposed development is not expected to have a material impact on the closest strategic route, the A42 and therefore, has no objection to the proposal.

National Air Traffic Services has no safeguarding objection to the proposal.

English Heritage advise that the application should be determined in accordance with national and local policy guidance and on the basis of local specialist conservation advice.

East Midlands Airport no comments received but the following comments were received with respect to application 13/00266/FUL:
'as safeguarding authority has no objections subject to a condition'.

County Archaeologist No comments.

MOD Safeguarding No comments have been received .

National Forest Company No comments have been received.

Ramblers Association No comments have been received.

Leicester and Rutland Wildlife Trust No comments have been received.

Third Party Representations:

All responses from statutory consultees and third parties are available for Members to view on the planning file.

16 letters of neighbour representation have been received, raising objection on the following grounds:

- the proposal would make it difficult to renovate a nearby barn;
- the turbines are not necessary in the public interest;
- the proposals are unchanged and the developer has not listened to local concerns;
- the proposal would have a negative impact on the local and wider landscape around Farm Town (the National Forest) and appear out of keeping;
- destruction of views;
- the area is full of wildlife with woodland and water bodies nearby and concern has been raised about bird/bat strikes;
- concern about the suitability of local (narrow and winding) roads for the large vehicles that would need to access the site;
- any benefits of the turbines would be greatly outweighed by the negative impacts on the countryside;
- concern that the proposals would distract motorists due to the close proximity of the site to the A511;
- despite requests for a face to face meeting, the developer has not entered into local consultation other than sending letters to residents,
- the local MP indicated in a press release that wind turbines are inefficient, do not provide any benefit to the local community and rely heavily on Government subsidies;
- the application has been refused once and should be again;
- a proposed Parliamentary Bill sets out minimum distances to residential premises and the proposal would not comply with this;
- comments made about the rigidity of the planning regulations for other types of development within the historic environment of Farm Town compared to those applied to the current proposal which would be located close to the existing settlement;
- noise pollution from the development in addition to existing road noise associated with the traffic using the A511;
- loss of property value;
- too close to local properties when considering distances set out in the proposed Bill to Parliament (1000m) and that set out in a report concerning wind turbine noise; sleep and health which was submitted in response to Northumberland County Council Core Issues and Options Report Consultations (600m);
- this is an area used by local people, cyclists and ramblers who enjoy the peace and quiet of the location, along with parents walking children to/from school;
- the proposed turbines would have no benefit for or regard for the residents of Farm Town;
- support is given to the objections of Colberton Parish Council;
- rebuilding the church wall is not a real community benefit that could outweigh the harm caused by the proposal;
- despite tree cover, the proposal would be visible from Alton House which is a Grade II listed building;
- concern that the development would set a precedent;
- previous objection still apply.

For the avoidance of doubt, Members are reminded that residents previously raised the following concerns:

- concern about noise from the turbines adversely affecting the health of residents;
- concern about the cumulative noise impacts of the turbines, the A42/A511 and the HS2 rail link when it arrives;

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- concern about the visual impact of the turbines which would spoil the landscape;
- the wind turbines would be visible from properties within Farm Town and existing views across the rural landscape will be affected for many residents and impacts will be at least moderate, if not potentially high and therefore, further photomontages should be requested for these properties to ensure actual impacts can be assessed;
- impact on the Farm Town Conservation Area;
- the site is within the National Forest where lots of planting attracts walkers and wildlife but the turbines would attract neither;
- concern about wildlife, in particular bats and owls;
- disruption to adjacent woodland and flora/fauna;
- concern about the adequacy of the ecological appraisal submitted and the time that surveys were undertaken;
- concern about the suitability of the local highway network for the vehicles that will be required during the construction phase;
- noise and disruption to local residents during the construction phase;
- approval of the proposal would not make sense in the context of tight planning controls that have been imposed on residents in Farm Town over the years;
- concern about the proposal setting a precedent for further wind turbine developments;
- another 90m turbine is already proposed nearby;
- there are other sites within the District that would be more suitable and would have less impact on local communities;
- loss of property values;
- the energy benefits arising from the turbine would not outweigh the harm and inconvenience to local residents;
- the electricity generated by the proposed turbines would exceed domestic requirements;
- the application should be determined at a planning committee so that local residents can be represented;
- concern that wind turbines are sometimes less effective than envisaged, which leads to them being decommissioned within a few years and therefore, the turbines should be properly researched.

Pre-application consultation by the Developer:

The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013 came into force on 17 December 2013. The Order specifies that the requirement to carry out pre-application consultation under Section 61W of the Town and Country Planning Act 1990 shall now apply to all onshore wind development of more than two turbines or where the hub height of any turbine exceeds 15 metres.

The pre-application consultation requirements introduced by the 2013 Order are set out under Section 61W of the 1990 Act, which specifies that applicants must:

- consult all persons specified in a development order or of a description specified in a development order, about the proposed application;
- publicise the proposed application in such a manner as they reasonably consider is likely to bring it to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land;
- publicise how persons wishing to comment on the proposed development may contact them and give such information about the proposed timetable for the consultation as is sufficient to ensure persons wishing to comment may do so in good time.

The 2013 Order also inserts a new Article 3B into both the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the Town and Country

Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013. Article 3B requires applicants to provide particulars of the pre-application consultation they have undertaken when submitting their application for planning permission. Particulars must include details of:

- how the applicant complied with the duty to carry out PAC under section 61W(1) of the 1990 Act;
- any responses to the consultation that were received by the applicant; and
- the account taken of those responses.

In terms of involvement with the community, the planning statement accompanying the application details that letters were sent out to all those who were consulted on or who objected to the previous planning application, to Coloerton Parish Council and to the local Ward Members. The letter advised local residents of the developer's intention to submit a further planning application and sought comments on the proposal, along with views on community benefits that could be generated as a result of the proposal. As a result of this process, four representations were received and the content of these is detailed within the submission, along with how these have been considered by the applicant. The submission also details the comments that were raised at the previous Planning Committee meeting and how these have been dealt with.

Although comments have been raised by local residents about the lack of a face to face meeting with the developer, it is considered that the applicant has taken reasonable steps to consult the local community. Interested parties have been notified of the relevant information and have been offered a reasonable time period for the making of comments. The developer has shown how these comments have been taken into account and therefore, is considered to have complied with the requirements of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

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

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking which include:

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- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 98 indicates that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

Paragraph 119 states that 'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined;

Paragraph 123 indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to the significant adverse impacts on health and

- quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put them on because of changes in nearby land uses since they were established;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional; Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional;

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

Paragraph 188 outlines that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community;

Paragraph 189 states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

Adopted North West Leicestershire Local Plan

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan;

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open

space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T20 seeks to prevent development that would adversely affect the operational integrity or safety of East Midlands Airport;

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

River Mease Water Quality Management Plan - August 2011

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of

the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition;

Planning Practice Guidance for Renewable and Low Carbon Energy (DCLG) dated 2013.

This guidance provides advice on the planning issues associated with the development of renewable energy. It should be read alongside other planning practice guidance and the National Planning Policy Framework and can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to.

Footnote 17 on Page 22 of the National Planning Policy Framework:

In assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable.

6. Assessment

The main considerations in the determination of this application relate to the principle and sustainability of the development and its impact on landscape character and visual amenities, the historic environment, residential amenities, protected species, aviation, highway safety and the River Mease Special Area of Conservation.

Principle of the Development

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Policy S3 of the Local Plan. The supporting information states that the proposal is a diversification opportunity for the farm which will help sustain the farm business in the long term by reducing farming costs for the landowner. As such it can be considered to be a farm diversification scheme and would fall within category (b) of Policy S3. It is also considered that the proposal would fall within criteria (c) (is a public service or utility which cannot, for operational reasons, be accommodated within the defined Limits) of Policy S3 and as such would constitute an acceptable form of development in this location. This view is further supported by the appeal decision for application reference 12/00343/FUL (Wind Monitoring Mast at Stretton en le Field) (Appeal Ref: APP/G2435/A/12/2185513) where the planning inspector stated: "the mast is however a utility, as it relates to the provision of electricity, and it would be unlikely to be able to be accommodated within the LP defined Limits of Development."

Paragraph 97 of the NPPF outlines that Local Planning Authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" in order to help increase the use and supply of renewable energy, and one of the core planning principles at Paragraph 17 of the NPPF is that decisions should "support the transition to a low carbon future and encourage the use of renewable resources (for example by the development of renewable energy)." At Paragraph 98 it also states that "applicants should not be required to demonstrate the overall need for renewable energy and that planning applications should be approved if their impacts are or can be made acceptable."

In the circumstances that the NPPF supports proposals which provide energy from renewable

energy, as well as the fact that Policy S3 of the Local Plan would support renewable energy projects in the countryside, it is considered that the overall principle of the provision of two wind turbines would be acceptable.

Landscape and Visual Impact

It is identified, in Paragraph 17 of the NPPF, that planning should "recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it," and Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 98 of the NPPF also states that when determining wind turbine planning applications, local planning authorities should "approve the application if its impacts are (or can be made) acceptable."

A Landscape and Visual Impact Assessment has been provided within the application submission and evaluates the effect of the proposed turbine on landscape character and visual amenity. The effect of the development depends on its scale, as well as the sensitivity of its surroundings and the capacity of those surroundings to absorb the impact of the turbine given its physical characteristics, the topography, consistency and content of the landscape, and the cumulative effects of other development.

The LVIA follows the Guidelines for Landscape and Visual Impact Assessment, Second Edition (Landscape Institute and IMEA 2002). This assessment includes the potential effects on local landscape character and landscape designations, as well as the potential effects on views experienced by people from nearby residential properties on the surrounding roads, as well as those people cycling and walking in the local area along public footpaths and road users.

Photomontages from twelve viewpoints have been provided which range from 694m to 2.5km from the turbines. Although these were not agreed with the Local Authority, it is identified that the viewpoints tie in with the 'zone of theoretical visibility' (ZTV) which shows widespread fragmented visibility to central, north-eastern, southern and south-western areas across the study area, albeit, in reality, pockets of vegetation and built form will restrict views from some of these areas. It is considered that the viewpoints selected offer a useful range of study, which illustrates the typical extent of view experienced by the viewer, at close to middle distances. The level of study is considered to be proportionate to this scale of scheme and there are no local, national or international landscape designations affected. The ZTV indicate that the turbines could be theoretically visible from much of the nearby countryside within 3-5km of the site, with theoretical visibility generally extending further to the south than the north. However, it should be noted that topography will affect how visible the turbines will be in these views and that the ZTV does not take into account any screening from vegetation or buildings.

Impact on the Character of the Landscape

The turbines will be located within a field to the south of Farm Town and to the north of the A511. The site is characterised by a varying topography as land levels rise in a northerly direction across the site. The turbines will be sited within the southern part of the field where land levels are lower.

In terms of the conditions of the landscape surrounding the turbines, the existing conditions are typically defined arable fields with vegetated boundaries. Adjoining the application site along its northern, western and eastern boundaries is open and flat farm land, which extends across the surrounding landscape in all directions, with generally well established field boundaries. The southern site boundary is demarcated by a railway line and beyond that the A511, separating

the site from further farmland beyond. The track proposed to access the turbines would link up with Corkscrew Lane which is located approximately 400m to the north of the proposed turbines.

With regard to the wider landscape it is considered that this is predominately characterised by undulating and gently rolling open agricultural farmland (arable/pasture fields). The largest nearby settlements are Ashby De La Zouch to the west and Coalville to the east and there are other settlements such as Farm Town, Swannington, Ravenstone, Packington, Coleorton, Griffydam, Newbold, Sinope and Lount within 5km of the application site as well as dispersed residential and non-residential farmsteads within the wider landscape. Several sizeable plantation woodlands also exist within the wider surrounding landscape as well as the 'heart' of the National Forest. The surrounding land topography would also be described as 'varied' with the areas to the north being more generally elevated than those to the south and steep sided embankments along the railway line.

Although there is a lack of formal landscape designation, it is accepted that character of the area is likely to be 'valued' by its residents. Paragraph 17 of the NPPF also recognises that the "intrinsic character and beauty of the countryside" is a material planning consideration.

In terms of Local Landscape Designations within 15km, there are no Areas of Great Landscape Value (AGLV) but there are nine registered parks and gardens (RPG's) which are Swarkestone Old Hall (11km to the north); Garendon (11km to the east); Melbourne Hall (8km to the north); Whatton House (13km to the north-east); Coleorton Hall (1km to the north-east); Calke Abbey (5km to the north); Bretby Hall (8km to the north-west); Staunton Harold Hall (4km to the north); Stapenhill Cemetery (13km to the north-west).

The site lies within Natural England's Landscape Character Area of the Leicestershire and South Derbyshire Coalfield (National Character Area (NCA) 71) and some of its key characteristics include mixed and arable pasture, gently undulating landform of shallow valleys and ridges and localised areas of small fields and dense hedgerows. NCA71 provides the overriding landscape features and characteristics of the site within a wider landscape context, a more localised assessment of character can be found within the National Forest Landscape Character Assessment (LCA) of 2004, as well as Leicester, Leicestershire and Rutland Landscape and Woodland Strategy of 2001 by Leicestershire County Council

The site would lie within the Coalfield Character Area identified in the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy and within the 'Enclosed Farmlands' Character Area identified in the National Forest Strategy. Whilst it is recognised that there is a distinctive landscape character found to the very north east of 'The Coalfield' area towards Coleorton, Newbold and Griffydam (which was a medieval coal mining area dating back to the 13th century) most of the area is characterised by a gently undulating landform. In the north east of 'The Coalfield' area the settlement pattern is generally smaller in scale and contains small irregular fields, with small linear settlements and scattered individual cottages and network of footpaths. Whilst the application site is found towards this area, the LVIA identifies that it remains somewhat separate due to the undulating topography, combined with some individual strong woodland blocks (and recently planted broadleaved woodlands) and mature tree lines aligning road and rail corridors to the south, which shield views and limit inter-visibility between areas. The LVIA concludes that "the immediate landscape is considered less sensitive and more ordinary than the medieval landscape to the north east".

In terms of the County-wide Landscape and Woodland Strategy, the turbines would also be visible in longer views from the Mease/Sence Lowlands Landscape Character Area that covers

the southern part of the District and the Langley Lowlands Landscape Character Area covering a north-eastern part of the District as well as parts of Charnwood Borough Council's Administrative Area. These areas are mainly characterised by an undulating landscape with frequent small valleys and mixed arable and pasture farmland (Mease/Sence Lowlands) and a rolling landform with a well wooded appearance influenced by woodland within and beyond the character area (Langley Lowlands).

The Zone of Theoretical Visibility within the Coalfield Character Area shows that views of the turbines would be fragmented and that even closer distance views will be intermittent due to the undulating landform and the established roadside/field boundary vegetation screening assisting in absorbing the turbines into the surrounding context. In terms of the Mease/Sence Lowlands Character Area, it is considered that this areas greater distance from the application site, as well as the fragmented ZTV, undulating landform and presence of wooded areas/hedgerow trees, will lead to any prominent views of the turbine being highly unlikely. With regards to the Langley Lowlands Character Area it is again considered that there would be a fragmented ZTV, due to the rolling landform and well wooded landscape, and in the circumstances that the turbines are visible they would appear as an insignificant element on the horizon line in the background landscape. Any 'significance of change' to the landscape character would be slight/moderate for the Coalfield and slight/negligible for the Mease/Sence Lowlands and Langley Lowlands. In the circumstances that the main features of the landscape character would not be altered as a result of the proposed turbines, it is considered that the development would not sufficiently detract from any of the existing landscape elements.

It is also considered that the lack of any statutory landscape designations on or around the site is significant in assessing the level of harm arising from the proposal, although it is noted that the site lies within the National Forest. In any case, the application site does not have a particularly high scenic quality but does contribute to the rural landscape in the immediate vicinity of the site which would undoubtedly be altered by the presence of the proposed turbines. Given their stature, most local residents, visitors and passers-by would probably regard the turbines, initially at least, as an alien feature and the majority of the people would be likely to perceive the development as detracting from the character of the landscape.

The LVIA concludes that "the introduction of the turbines would have a limited impact on the main features of interest within the landscape area which contribute more significantly to the character, such as the gently undulating landform (and increasing level of land cover through the National Forest) and settlement pattern would remain unaffected. Similarly, the field patterns, land use activity and vegetation would remain largely unaffected."

Although the proposal would result in a noticeable difference to the landscape, given that the landscape displays characteristics which are relatively common within rural areas of England, and it is not within any formal designations or sensitive areas, along with the minimal impact on those features which contribute to the character of the landscape, it is considered that the landscape could accommodate two turbines of the scale proposed without its overall character being significantly harmed.

Impact on Visual Amenities

The Visual Impact Assessment (VIA) considers the most sensitive locations within 3-5km of the turbine site as the proposals would theoretically have the greatest visual influence within this area and would also see the greatest level of impact due to the reduced distance. The location of the viewpoints has been informed by the ZTV maps and takes into account residential properties, road users and recreational routes/places. Beyond 5km the VIA concludes that the

level of visibility would begin to dissipate due to the undulating topography, the increasing level of land cover and, in some areas, the relatively dense settlement pattern.

It is concluded that the proposed turbines can be accommodated without adding significant adverse visual effects to important receptors in the local or wider area, though there would inevitably be some slight and moderate adverse effects from some closer range viewpoints or where open and uninterrupted views are afforded towards the site, such as from Alton Hill to the south and Corkscrew Lane to the west. These are discussed in more detail below.

In terms of recreational receptors, the report provides that the proposed turbines would have a reasonably low level of impact on the network of public rights of way in the surrounding area, partly due to the scarcity of footpaths in the area and partly due to the distances from which the turbines would be visible. In the immediate landscape, nearly all footpaths or rights of way lie behind areas of significant tree cover and so would not permit views of the turbines, including those situated within or just beyond West Farm Wood to the north east of the site. The report acknowledges that there would be increased visibility of the turbines from the south but these would be viewed in the context of mature and maturing woodland and the road and former railway line to the south. When having regard to the context, the distance from the site and the modest scale of the proposals, the report provides that these factors would ensure that the turbines would not appear as highly prominent features in the landscape. The point is also made that many of such views would appear in the periphery of the walkers' vision, rather than centrally within the view due to the direction of travel. When considering the sensitivity of the receptors and the magnitude of the impact, the VIA concludes that the significance of the impact on recreational areas/routes would be no more than slightly adverse.

With regard to residential receptors, the closest neighbouring residential properties are all located approximately 600m from the proposed turbines, including Gameskeepers Cottage to the north west, Breach Farm to the south west and Little Alton Farm to the south east. The former two properties are unlikely to be affected by the proposals due to the presence of mature/maturing trees found either surrounding the property or lying in between the property and the site. With regard to Little Alton Farm, although there is no such landscaping, the agricultural buildings which are located to the north of the dwelling would screen views of the turbines from the property. As such, the VIA concludes that the significance of the impact on residential properties would be low.

In terms of potential views from other residential properties or settlements within the surrounding landscape, it is commented that a combination of distance, land cover and topography would limit the effects of the proposals. The report acknowledges that there may be some potential for views from individual properties within Farm Town to the north of the site but the ZTV maps indicate that much of this area would not have theoretical views of the turbines due to the position of the settlement beyond a small ridgeline that would likely shield the development from view. When combined with the screening effect of the hedgerows and occasional mature trees to the curtilages or maturing tree lines to field boundaries, the VIA considers that it is highly unlikely that the settlement of Farm Town would suffer harm. The report goes on to acknowledge that the turbines could be visible from the edges of Packington and Ravenstone and from roadside properties to the south of Coleorton Moor but from these areas the turbines would have reduced visibility and degree of prominence within the vista, and where visible would not appear out of scale with the surrounding landscape features. Overall, the VIA concludes that the impact on residential receptors in the area would be generally negligible or low, with some occasionally moderate effects.

The greatest level of impact that will be experienced in relation to the proposed development

would be road based receptors due to the proximity of the site to major roads but also due to the undulating landscape which would permit views of the turbines from a small number of local roads. The public highways from which the turbines would be most visible are identified as the A511 to the south of the site, Corkscrew Lane to west and Alton Hill to the south. However, the VIA considers that the effects of these views would be transient and temporary and will vary depending on the direction of travel. The report concludes that whilst the impact could reach medium due to the proximity, the effects are generally localised to the more immediate highway network, and as such, the overall impact would be less than significant.

It is clearly impossible to fully mitigate the visual impacts of the wind turbines given the scale of the development and the fact that such impacts would extend beyond the land ownership of the applicant. However, the LVIA advises that the model of turbine, along with the siting of the structures (which were carefully considered to minimise visual impacts on key receptors), and the delivery of the turbines/on-site access arrangements have sought to avoid impacts on road users. It is also noted that the decommissioning of the turbines would remove all structures from the landscape and the ground would be reinstated.

It is considered that the LVIA is a reflective assessment of the sensitivity of the landscape which identifies that the receptors would be within the low-medium magnitude of change to the landscape as a result of the turbines. The views in which the impact would be moderately adverse would appear to be an accurate reflection, due to their proximity to the site, and although the turbine would be in close proximity, and as a result quite prominent, they would be screened by existing mature vegetation and there would predominately only be intermittent views along public routes. Although there will be an impact on the landscape, in particular the turbines being visually prominent from closer views, vegetation and topography will help to screen the turbines and there are also a limited number of direct open views at close proximity. The level of visual prominence will reduce further away from the turbines, with distance, topography, and existing vegetation and buildings reducing its overall prominence. The external finish of the tower and blades can also be controlled to reduce the turbines' visibility in longer views. Also, as noted above, the area is not considered to be of significant scenic quality and it is not within any nationally or locally statutory landscape designation. Whilst there will be some impact on and change to the landscape, given the above circumstances the turbines would not significantly undermine or change its character or that of the National Forest and therefore, on balance, it is considered that the impact would not be so significantly detrimental to the landscape and its visual amenities to justify a reason for refusal. As such the proposal would not conflict with the principles of Policy E4 of the Local Plan.

Cumulative Impact

The cumulative impact of wind turbines should also be taken into account. Currently within the District there are two medium-large turbines in operation at East Midlands Airport, two 21 metre high turbines at Mount St Bernard Abbey, Oaks Road, Whitwick approximately 7km to the east of the site and a 40 metre turbine which has recently been erected at Hill Farm, Willesley Woodside which is 4km to the south-west of the site.

Planning permission was granted in October 2011 for a 24.8 metre turbine at Hall Farm, Swepstone Road, Heather (11/00430/FUL) approximately 6km to the south of the site and two applications for wind turbines were also considered by the Planning Committee last year. The first being an application for a 74m high turbine at Cattows Farm, Normanton Lane, Heather (13/00165/FUL) 5km to the south of the site, which was approved and the second being an application for a 90m turbine at part of the Lounge Disposal Point to the north of the A511 and east of the A42 and A512 on Ashby Road, Coleorton (13/00265/FUL) 1.6km to the north-west

which was refused on the ground of visual impact and has recently been allowed at appeal.

The conclusions made by the Planning Inspector in considering the appeal with respect to application 13/00265/FUL were as follows:

The National Planning Policy Framework is generally supportive of renewable energy and states, at paragraph 98, that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and that local planning authorities should approve planning applications if impacts are (or can be made) acceptable.

The effects of the proposed wind turbine on the character of the landscape and on visual amenity would not be unacceptably significant and the proposal would not be contrary to Policy E4 (Design) of the North West Leicestershire Local Plan or the National Planning Policy Framework in this respect.

The LVIA does not include the above proposals outside the District boundary or the turbines at Mount St Bernard Abbey or the refused scheme at Lounge Disposal Point in its assessment but has taken into account one commercial wind farm site as follows: -

- One turbine at Combs Farm, Nottinghamshire in excess of 10km away from the site.

The LVIA considers simultaneous cumulative visual effects, successive cumulative visual effects and sequential cumulative visual effects.

Simultaneous effects include viewing a number of schemes from a single fixed viewpoint without moving. It is considered unlikely that the proposal would be seen within the same view as the above-mentioned existing/approved turbine development within the locality due to the distances involved, theoretical visibility and intervening features (buildings, vegetation, topography etc) which would likely prevent views of both turbine developments from a single viewpoint. It should be noted that the submitted report also refers to a development of five turbines at former Bilsthorpe Colliery, Nottinghamshire being 9km to south-east of the site which is clearly incorrect and the agent has confirmed that this is the case and the reference should not be considered.

There may be some simultaneous views with the wind turbine at Lounge Disposal Point (recently allowed at appeal) from the A511 and other local roads due to the proximity of the single turbine to the application site. However, it is considered that in viewpoints where the proposed turbines are in close proximity, the other site will be in the distance at a different height and given the undulating landform, mature vegetation and the fact that the turbines at Lounge Disposal Point are much greater in height, it is considered that the cumulative impacts of the proposals would not have a substantially negative impact on the visual appearance of the landscape.

There may also be some scope for successive cumulative visual effects from the bridleway along Spring Lane to the south of the site, from which the proposed turbines would be visible and then the single turbine at Cattows Farm would also be partially visible when the viewer turns to face south. However, when having regard to the distances involved, it is considered that each development would be viewed as relatively modest in scale within the wider landscape and would not appear out of scale or character within the wider environs.

Possible sequential cumulative visual impacts are most likely to occur when travelling along the highway network, when road users see one development after another along their journey. The

proposal would introduce two small-scale turbines and although the site is located close to the A511, their visual impact would be transient and localised. When having regard to the distance between the site and other turbine developments across the wider landscape and the number of approved schemes, it is considered that the proposals are unlikely to contribute to an overall impression of a landscape with wind farms. Therefore, the overall impact in terms of sequential cumulative effects would be less than significant.

Historic Environment

Consideration of heritage assets is provided in the LVIA submitted in support of the application which assesses the impact of the turbines on the setting of nearby heritage receptors.

The nearest scheduled monument would be the coal mining remains at The Coney, 500m south of Coleorton Hall, the nearest Grade I and II star listed building would be Coleorton Hall, the nearest Grade II listed building would be Alton House and Alton Grange, off Alton Hill to the south of the A511 and nearest conservation areas would be at Coleorton Hall, Packington and Ravenstone. These would therefore be designated heritage assets, as defined in the NPPF, which form an important part of the history of the area and are considered to be of some significance which have value for this and future generations.

Following consultation with the County Archaeologist, it is concluded that there would be an unlikely impact on any features of archaeological interest, and limited impacts on buried remains potentially present, particularly given the small area of land that would be disturbed by the development proposals. The County Archaeologist is satisfied with the proposals and concludes that further archaeological work could not be justified.

In terms of the scheduled monuments it is concluded that the proposal would lie beyond the setting of the monuments and as such there would be no inter-visibility between the turbine and monuments which would ensure there would be no impact on the setting or significance of these heritage assets.

With regards to the Grade I and II star listed buildings, it is considered that views of the turbines from these will be blocked by mature vegetation and the intervening topography and as such there would be no change to the setting or significance of these listed buildings. There would also be no impact on the setting or significance of the identified Grade II listed buildings due to the distances involved, the presence of mature vegetation and the intervening A511.

In terms of the Conservation Areas there would be no impacts on the Staunton Harold, Packington or Ravenstone Conservation Areas, due to the intervening built development and road infrastructure, mature vegetation, intervening countryside woodland and topography.

English Heritage were consulted on the application are satisfied for the application to be determined in accordance with local and national policies and on the basis of specialist conservation advice. The Conservation Officer has been consulted on the application and is satisfied that the proposals would have no impact on the setting of nearby heritage assets, and therefore, has no objection to the proposals. In the circumstances that neither English Heritage nor the Council's Conservation Officer objects to the conclusions of the submitted heritage assessment, it is considered that its findings can be supported and are an accurate assessment of the potential effects.

The proposed turbines would not result in substantial harm to the significance of the heritage assets and as such are to be determined in accordance with the aims of Paragraph 134 of the

NPPF which concludes that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal."

It is considered that the provision of the turbines would provide some public benefits given that the proposal would generate energy from a renewable source equivalent to that required to provide 258 homes per year with electricity and assist the wider public interest of tackling climate change by reducing carbon emissions. Furthermore, the proposal would represent farm diversification and help reduce the farming costs for the landowner. Overall, taking all the above matters into account, it is considered that the proposal would not conflict with the principles of Paragraphs 131, 132 and 134 of the NPPF.

Residential Amenities

A Bill was put to Parliament in May 2012 to make provision for a minimum distance between wind turbines and residential properties according to size of the wind turbine but at the time of writing this Bill had not been passed. Therefore, it should not be considered in the determination of this planning application. Furthermore, documentation submitted as part of the consultation process for another planning authority as highlighted in letters of representation is not an appropriate tool for assessing the current application submission.

As set out on the Department of Energy and Climate Change's (DECC) website, at the current time government advice is that the ETSU report is the relevant guidance against which turbines should be assessed in terms of noise impact. A Noise Impact Assessment has not been submitted with the application but the supporting statement accompanying the application considers the issues of noise and its impact on neighbouring residential amenities. The Attenuation Noise Specifications for the model of turbine proposed are also included and referred to in the supporting information.

The Attenuation Noise Specifications for the model of turbine proposed shows that noise levels are reduced to an acceptable level of 35 db(A) at a distance of 420m from the turbine. The nearest residential properties are identified as Little Alton Farm (505m to the south east), Gamekeepers Cottage (off Corkscrew Lane 650m north west) and Breach Farm (680m south west) and therefore, the proposal would comply with ETSU-R-97 limits. Furthermore, the supporting information identifies that the background noise levels in the locality are significantly more than would be expected in rural areas, with traffic noise from the A42 and the A511. The supporting statement concludes that it is not considered that there should be any unacceptable noise nuisance from the proposed turbines affecting residential amenities.

On the basis of information submitted, the Council's Environmental Protection team has no objections and as such it is considered that the turbine would not generate a level of noise which would be sufficiently detrimental to the amenities of neighbouring properties.

In terms of vibration, the DECC's website advises that 'There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.' A comprehensive study of vibration measurements in the vicinity of a modern wind farm was undertaken in the UK in 1997 by ETSU for the DTI (ETSU W/13/00392/REP). Measurements were made on site and up to 1km away in a wide range of wind speeds and direction. The study found that:

- Vibration levels of 100m from the nearest turbine were a factor of 10 less than those recommended for human exposure in critical buildings (i.e. laboratories for precision measurement).

- Tones above 3.0 Hz were found to attenuate rapidly with distance, the higher frequencies attenuating at a progressively increasing rate.

On the basis of this government advice, vibration is considered to not be an issue in this case given the sufficient distance to residential receptors.

Consideration is also given to potential for shadow flicker to residential properties (created by passing of the blades across direct sunlight). The Department of Energy and Climate Change advises that there are a number of variations in determining the likelihood of this occurring and its significance, in particular that it only occurs within 130 degrees either side of north from a turbine and that potential shadow flicker is very low when more than 10 rotor diameters (in this case 300 metres) from a turbine. In this case the nearest dwellings are Little Alton Farm (505m to the south east) and Gameskeepers Cottage (640 metres to the north-west) from the site of the nearest turbine which is well outside the distance that shadow flicker can affect a property. There are a limited number of properties that would have a direct outlook of the turbine, largely due to the screening from vegetation, changes in land levels and the distance of the turbine from nearby dwellings. It is considered that the turbine would not be overwhelmingly dominant when viewed from these properties.

Overall the proposal would not conflict with the principles of Paragraphs 98 and 123 of the NPPF and Policy E3 of the Local Plan.

Protected Species and Ecology

An Ecological Assessment including Extended Phase I Habitat Survey has been submitted in support of the application and comprises both a desk top study and a field survey. In terms of statutory designated sites, the desk top study identified three Local Nature Reserves (LNR), a Special Area of Conservation (SAC) and three Sites of Special Scientific Interest within 5km of the site. The LNR's were New Lount (2.5km north), Snibston Grange (4.5km east), Nature Alive (4.5km east), the SAC was the River Mease and the SSSI's were River Mease (5km south west), Grace Dieu and High Sharley (4.5km north east) and Lount Meadows (2.5km north). The report advises that the turbine locations do not form part of any statutory designated sites for nature conservation. All statutory sites identified were of habitat interest only and therefore, no direct or indirect impacts on the habitats of designated sites are anticipated due to the separation distances involved.

With regard to non-statutory designated sites, the desk top survey revealed five County sites, 28 District Sites and 122 Parish sites within 3km of the site. Five of the Parish sites were located within 1km of the site, comprising woodland and grassland (approx 160m north), plantation woodland (approx 290m south), woodland stand (approx 240m east), a pond (approx 640m north) and broadleaved woodland (approx 500m north). The report considers that no non-statutory designated sites will be directly affected by the proposals and indirect impacts are unlikely.

The field survey which incorporated all land within the applicant's ownership and 500m beyond, identified the survey area as being dominated by lowland farmland predominantly consisting of arable land but with large sections of plantation woodland of various age and structure. The field boundaries within the survey area varied from species poor defunct hedgerows to species rich hedges and trees. Four ponds (some of which were semi-permanent) were also identified as points of interest or of nature conservation value. The proposed turbines will be located on arable land which is considered to be of limited biodiversity value and field boundaries are not anticipated to be affected by the proposal, although it is recommended that measures should be

introduced to ensure that these are protected during the construction phase.

The survey area and adjacent land were identified as being potentially suitable for a range of protected species and the wider area offers some possible foraging and roosting habitat for bats and birds. Evidence of badgers was also found within the survey area but no evidence was found of Otter, Water vole or Reptiles, although areas of suitable habitat were found for Dormouse and Amphibians.

With regard to birds, the potential impacts include collision (bird strike) and displacement. The ornithological value of the site is identified as low but it is considered likely that the site supports farmland birds. The majority of bird species likely to be present are not generally considered to be vulnerable to wind turbine developments. Although no statutory designated sites for ornithological interest were identified in the desk top study but records of red kites, hobby, curlew and golden plover were found within 5km of the proposals. These species are only likely to visit the site on an occasional basis and therefore, it is concluded that it is highly unlikely that any impacts will occur as a result of the proposal. Any potential disturbance to vegetation within the nesting season could disturb nesting birds and therefore, this should be controlled by an appropriately worded condition.

In terms of bats, these are European Protected Species and as such receive protection under the Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). The report advises that no bat roosts will be directly affected by the proposed works and no removal of hedgerow or other bat habitat features is planned and therefore, indirect effects on commuting or foraging routes is considered unlikely to occur. The main potential impacts from the proposed development include ultrasound emission by the turbines and death/injury through collision or the effects of rapid changes in air pressure, although research shows that some species of bat are more vulnerable than others to the effects of wind turbines.

The report concludes that the survey area is considered to fall within a medium risk location for bats due to low to medium potential for foraging/commuting for bats within the hedgerows and other surrounding habitats. Furthermore, although a pipistrelle (a low risk species) was identified within a farm complex 480m to the south of the site and seven bat species were noted within the wider area, limited roosting potential was identified within 250m of the turbines. It is also noted that the turbines would be located in excess of 60m away from any bat feature and exceeds recommended guidance for the siting of turbines. Overall, the consulting ecologist notes that whilst minor negative impacts on bats cannot be precluded, impacts on bat populations at the local level are considered unlikely.

In terms of other species, evidence of badgers was found within 500m of the proposed turbines but no setts were found within 50m of the site. The report recommends a pre-construction survey to ensure that no new setts are constructed within the interim period. As for water voles and otters, the development would not result in any direct impacts upon any ditches and drains and therefore, the report concludes that no impacts upon these species are anticipated as a result of the proposal. With regard to reptiles and amphibians, records of great crested newt were identified in the desk study and two ponds were considered to offer suitable aquatic habitat. However, as the proposal would comprise the removal of a small area of arable land of low value to amphibian species, the effects of the development are noted as being minimal. Although as a pre-caution, a series of Reasonable Avoidance Measures are recommended during the construction phase of the development.

Concern has been raised by local residents and the Parish Council about the impact on local wildlife and the adequacy of the ecological information submitted. Natural England has been consulted on the application and raises no objections. The County Ecologist has been consulted on the application and is satisfied with the conclusions and recommendations reached within the report. Subject to the imposition of conditions concerning the pre-cautionary recommendations for badgers and great crested newts, the County Ecologist raises no objections to the proposal. Overall, it is considered that the proposal would accord with the aims of Paragraphs 118 and 119 of the NPPF, the Habitats Regulations and Circular 06/05.

Aviation

East Midlands Airport is located 12km to the north of the site and consultation was carried out with the airport prior to the application submission and the airport advised by letter dated the 11th April 2012, that: "we have concluded that in isolation this development could be accommodated without materially impacting upon the continued safe operation of aircraft at East Midlands airport; the risk that would result from your proposed development is tolerable and we would therefore not be minded to object should you seek planning consent." The Airport has not commented on the current application but it is noted that the Airport raised no objection to the previously considered proposal (13/00266/FUL) subject to the imposition of a planning condition requiring the airport to be notified within one month of the turbines commencing operation.

The National Air Traffic Service (NATS) find the proposal acceptable from a safeguarding viewpoint. The Ministry of Defence (MoD) have also been consulted on the application but have not provided a response to date, although it is noted that the site is not located within a low flying military area and is a significant distance from the closest military aviation site.

Highway Safety

Paragraph 54 within the companion guide to PPS22 states that drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attentions and that at all time drivers are required to take reasonable care to ensure their own and other's safety. The guide therefore states that wind turbines should not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

The County Highway Authority and the Highways Agency have no objections in relation to highway safety. The proposed turbines would be delivered to the site using standard HGV's (abnormal load vehicles will not be required). The supporting statement provides that the site is accessible for such vehicles using the surrounding highway network, with delivery via the A42, A511 and Corkscrew Lane and entering the site via the existing field gateway. The new access track across the field will allow access to the temporary crane construction area and plant/equipment storage area and the supporting information details that construction traffic will be managed around the site to ensure that there is no conflict with existing traffic during the most intensive stages of construction.

The County Highways Authority has referred the Authority to its comments with respect to application 13/00266/FUL, with respect to which it advised that Corkscrew Lane is unsuitable in terms of its construction and geometry to accommodate abnormal loads and heavy construction traffic. Therefore, the County Highways Authority advises that the developer would need to mitigate against the impact of the proposed development on the public highway. To this end, it is advised that a method statement will need to be required by condition which should include

details of temporary mitigation measures, including the removal of street furniture if appropriate, tracking of the route from the A511, traffic management details and a full survey of Corkscrew Lane from its junction with The Moorlands to the site access together with proposals to rectify any damage caused during the construction phase.

The safe fall-over distance expected is the height of the turbine plus 10% (in this case 49.5m), and this is achieved in respect of the A511 and Corkscrew Lane, as well as nearby public rights of way and the railway line to the south of the site.

Subject to the imposition of a highways condition, the proposal is considered acceptable from a highway safety viewpoint and therefore, would comply with the provisions of Policy T3 of the Local Plan and the NPPF.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005 and the site lies approximately 5km from the River Mease. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Quality Management Plan was published in August 2011 and was drawn up to ensure there is no adverse impact on the SAC from further development. The site lies 3km from the River Mease and the proposal would not generate any foul drainage discharge and given the nature of the turbine there would be no increases in surface water run-off from the site. Although the access track and crane pad will be permanent, a condition can be imposed requiring it to be constructed from a permeable material, in order to limit surface run-off, or provision made for the direction of surface water to a soak-away. A condition could also be imposed which would request the submission of a method statement for construction, which should adhere to the guidance contained within the Environment Agency Pollution Prevention Guidelines PPG5, in order to prevent contamination of the stream which eventually discharges into the River Mease SAC.

Given these circumstances it can therefore be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL)

Regulations 2010.

The application submission includes the offering of a financial contribution towards the repair of the wall at St John's Chapel in Farm Town. For the reasons set out in the assessment above, the proposed development is considered acceptable and in accordance with relevant planning policies and therefore, it is not considered that the proposed obligation is necessary to make the development acceptable. Furthermore, the purpose for which the secured monies would be used would not be directly related to the proposed development. Overall, it is not considered that the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent an inappropriate contribution.

Other Matters

With respect to matters raised by local residents that have not been addressed in the above text, noise and disruption during the construction phase of the development would be covered by separate legislation. Similarly, loss of property values is not a planning matter that can be considered in the determination of this application.

With respect to comparisons between the planning controls for other types of development within Farm Town, difficulties renovating a nearby barn and concerns about the proposal setting a precedent, it is a fundamental tenet of planning legislation that each application should be assessed on its own merits. It is also suggested that there are other more suitable sites within the District for the development proposed but for the reasons set out above, the proposal as submitted complies with relevant planning policies and is considered to be acceptable.

Concern has been raised about the turbines being ineffective, which would lead to the turbines being commissioned. It is considered that it would be prudent to impose a condition to cover this eventuality to ensure that the site is properly restored to its former state.

Conclusions

In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan, as well as the fact that the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is considered that the landscape could accommodate two turbines without its overall character being significantly harmed. Although there would be some impact on and change to the landscape, the turbines would not significantly undermine or change its character or that of the National Forest and therefore on balance this impact is not so significantly detrimental to the landscape or its visual amenities to justify a reason for refusal, as such the development would not conflict with Policy E4 of the Local Plan. There would also not be a significant effect in terms of cumulative impacts due to the heights and locations of the turbines, which already exist or are proposed within the surrounding area, as well as the intervening landforms and vegetation. It is also considered that the significance of the setting of the surrounding heritage assets would be preserved given the position of the turbines in relation to the heritage assets as well as the presence of built forms of development, infrastructure, vegetation and an undulating landform.

There would also be some public benefit to the provision of the turbines by virtue of their being a renewable energy form, and the reduced farming costs to the landowner and as such the development accords with Paragraphs 131, 132 and 134 of the NPPF. The development would not have an adverse impact on the amenities of neighbouring properties in terms of noise, vibration, shadow flicker or outlook which would ensure compliance with Paragraphs 98 and 123

of the NPPF and Policy E3 of the Local Plan. There would be no adverse impacts on pedestrian or highway safety, or aviation (subject to a Grampian conditions), which would ensure compliance with Policy T3 of the Local Plan.

It is considered that the proposal will not have an adverse impact on bats, birds or other protected species or their habitats, subject to appropriate conditions, and as such the proposal would accord with Paragraphs 118 and 119 of the NPPF, the Habitats Regulations and Circular 06/05. . It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, due to there being no foul drainage connection and provision being made to discharge surface water run-off to permeable or porous areas within the site and as such the development would accord with Paragraph 118 of the NPPF, the 2010 Habitats Regulations and Circular 06/05.

It is considered that the wider public interest of tackling climate change by reducing carbon emissions should be taken into account and the proposal would not raise any significant concerns in relation to other material considerations and other matters raised by third parties would not provide sufficient justification to refuse the application. It is therefore recommended that the application be permitted.

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.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following schedule of plans, unless otherwise required by a condition of this permission:

- Site Location Plan (scale 1:5000), drawing number 250-00-1500 (Elevations for WTN 250 Tubular Tower 30m) and drawing number 329-50-000 (Foundation for WTN 329) which were deposited with the Local Planning Authority on 12 February 2014.

Reason - To determine the scope of this permission.

- 3 The overall height of the turbines shall not exceed 45 metres to the tip of the blades or 30 metres to the hub height, when the turbine is in the vertical position, as measured from the natural ground level immediately adjacent to the turbine base. The blades of the turbines shall not exceed 30 metres in length and there shall be no more than three blades.

Reason - To define the scale parameters of the development, and to ensure that the ecological, noise and visual impacts of the turbine do not vary during its lifetime.

- 4 No development shall commence until a scheme for the detailed external appearance of the turbines including materials and colour finish have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

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Reason - In the absence of precise details and in the interests of the visual amenity of the area.

- 5 The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the wind turbine to the electricity grid network (the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority and East Midlands Airport no later than 28 days after the event.

Reason - In recognition of the limited life expectancy of the development hereby approved, and to ensure that the use does not become permanently established on the site; so that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety, as the cumulative impact of wind turbine generation developments, which are in relatively close proximity, could compromise the safe control of aircraft in this area.

- 6 Not later than 12 months before the end of this permission, a scheme for the decommissioning of the turbine and restoration of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a method statement and timetable for the dismantling and removal of the wind turbine, access track and associated above ground works and foundations, details of the route and any highway works to transport turbine for the site, site restoration measures and mitigation measures to be undertaken during the decommissioning period to protect wildlife and habitats. Decommissioning and site restoration shall be completed in accordance with the approved details within 12 months of the expiry of this permission.

Reason - To ensure the highway, ecological, noise, and any other physical impacts can be properly assessed in the context of the area at the time of decommissioning.

- 7 If the wind turbines hereby permitted fail to operate for a continuous period of six months, a scheme for the repair or removal of the turbine shall be submitted to and agreed in writing by the Local Planning Authority within three months of the end of that six month period, or any extended period agreed in writing by the Local Planning Authority. The scheme shall include, as relevant, a programme of remedial works where repair is required; or a method statement and timetable for the dismantling and removal of the wind turbine, access track and associated above ground works and foundations details of the route and any highway works to transport the turbine from the site, site restoration measures and mitigation measures to be undertaken during the decommissioning period to protect wildlife and habitats. The agreed scheme shall be completed within 12 months of the date of its approval by the Local Planning Authority.

Reason - To ensure the highway, ecological, noise, and any other physical impacts can be properly assessed in the context of the area at the time of decommissioning.

- 8 The access track shall only be constructed of a permeable material.

Reason - In the interests of visual amenity and to prevent adverse impacts on the River Mease Special Area of Conservation/SSSI.

- 9 No development shall commence on site until such time as a detailed method statement for construction of the turbine and access track has been submitted to and agreed in writing by the Local Planning Authority. The method statement should set out methodologies to remove any risk of fuel, soils, building materials and waste water

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entering the stream during construction, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site spill kits and briefing to construction staff. Construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

Reason - To prevent an adverse impact on the River Mease Special Area of Conservation.

- 10 The development hereby permitted shall not commence until such time as a Highway Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of construction traffic, tracking of the route for the largest vehicles, traffic management proposals, mitigation measures to prevent damage to the Public Highway, a survey of Corkscrew Lane and details of how any damage to the Public Highway will be rectified. The development shall be carried out strictly in accordance with the approved Highway Method Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of maintaining a safe and efficient highway network and in accordance with chapter 4 the National Planning Policy Framework 2012.

- 11 The development shall be carried out in accordance with the recommendations set out in paragraphs 4.5.1 - 4.56 in the Ecological Appraisal by avianecology (dated 13 March 2013). The development shall not commence until the findings of the pre-condition badger survey have been submitted to and agreed in writing by the Local Planning Authority. With respect to the requirements of paragraph 4.5.1, a pre-condition update of the badger survey will only be required if the construction of the turbines is delayed beyond 14 February 2014.

Reason - To ensure the protection of protected species in particular badgers and great crested newts.

- 12 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

Reason - To reduce the impact of the proposal on nesting birds, which are a protected species.

- 13 No work shall commence on site until the existing hedgerows alongside the proposed access track have been protected in accordance with a scheme that has been submitted to and agreed in writing by the Local Planning Authority. The agreed protection measures shall be retained until work on the construction of the development is completed.

Reason- To ensure the existing hedgerows are adequately protected during construction in the interests of the protected species.

- 14 The development shall be carried out in accordance with the Proposed Scheme for the Investigation and Alleviation of Electromagnetic Interference by Hallmark Power Ltd (dated 09 January 2014) which accompanied the application submission.

Reason - To address any issues relating to television interference.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The applicant's attention is drawn to the attached report of Natural England dated 02 May 2013 received with respect to planning application 13/00266/FUL.
- 3 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £85 per request. Please contact the Local Planning Authority on 01530 454666 for further details.