

DEVELOPMENT CONTROL AND REGULATORY BOARD**22ND APRIL 2010****REPORT OF THE CHIEF EXECUTIVE****APPLICATION UPON WHICH THE COUNTY PLANNING
AUTHORITY IS CONSULTED BY THE BOROUGH COUNCIL****PART A – SUMMARY REPORT**

- APP.NO. & DATE:** Application number 2009/2464/02 – 3rd March 2010
- PROPOSAL:** Proposed erection of 4 no. 126.5m high wind turbines and ancillary infrastructure including external transformers, crane hardstanding and lay-down areas, control building and compound, access roads, turning heads, ditch, permanent monitoring mast, site entrance, underground electrical cables, site signage and associated ground works, for a period of 25 years.
- LOCATION:** Land off Ridgmere Lane, south east of Queniborough (Charnwood Borough).
- APPLICANT:** Scottish Power Renewables
- MAIN ISSUES:** National Guidance on renewable energy, regional policy considerations, need for the development, landscape and visual impacts and impact upon the wider historic landscape.
- RECOMMENDATION:** The Cabinet be advised that views be forwarded to the Borough Council, as set out in the main report, namely, that the CPA objects to the proposed development due impact on local landscape character and local historic assets, which is not outweighed by the present need for the proposal.

Circulation Under Local Issues Alert Procedure

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PART B – MAIN REPORT

Background

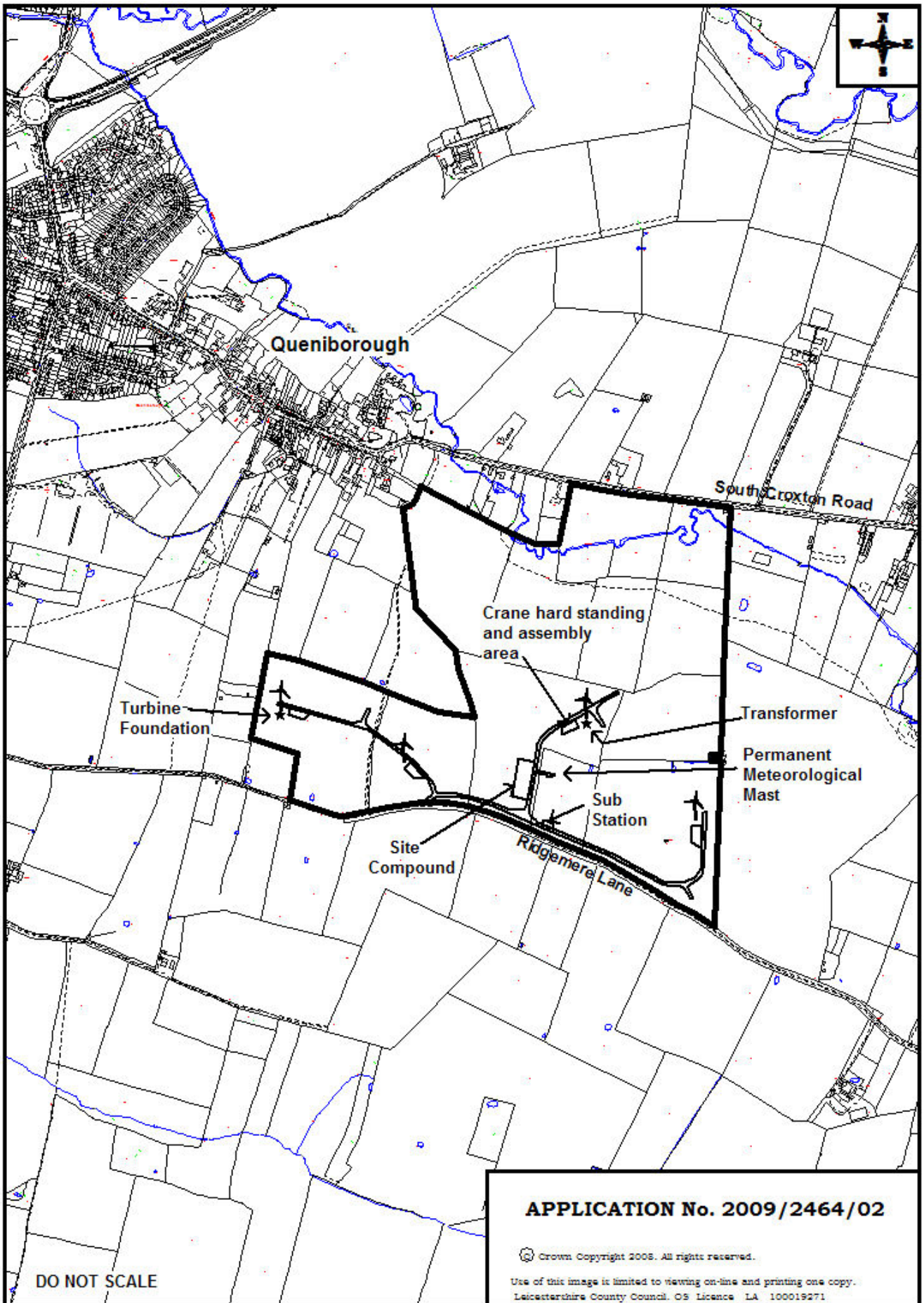
1. Charnwood Borough Council has consulted the County Planning Authority on this application in order to obtain its views on the strategic planning aspects of the proposal. In the event of the application being refused and subsequently being the subject of an Appeal, the views of the CPA would constitute an important consideration in the determination of the application, along with the views of any other statutory and non-statutory consultees.
2. In February 2009, the County Council was consulted on a request for a Scoping Opinion in regard of this development, to determine the various matters that should be the subject of a formal Environmental Impact Assessment to accompany the (now current) planning application. A response was sent to the Local Planning Authority in March 2009, confirming the opinion of the CPA. Consequently, the current application is accompanied by a comprehensive Environmental Statement that considers the previously identified matters.

Location of Proposed Development

3. The application site lies close to the village boundary south east of Queniborough. The actual application area is around 1.2km in length at its longest point along Ridgemere Lane and about 880m in depth, on land to the north of Ridgemere Lane and south of South Croxton Road. The application site contains a variety of elements of development which are explained in paragraphs 6 – 8 below.
4. The turbines would be located on land about 76m – 88m AOD, spread across an area of the application site measuring approximately 1.1km in length immediately to the north of Ridgemere Lane. The westerly most turbine would be around 500m to the south east of Queniborough and 1.8km to the east of Syston. The easterly most turbine would be around 1.8km to the west of South Croxton village. The villages of Barkby and Beeby are located around 1.6km to the south of the application site with Thurmaston and Leicester around 3.3km to the south west. The site is designated within the Charnwood Borough Local Plan as an Area of Particularly Attractive Countryside.

Planning History

5. The County Planning Authority was consulted in regard of an Environmental Impact Assessment Scoping Opinion. The applicant has discussed with various sections of the County Council, such as the Highway Authority, Landscape and Ecology. The applicant has submitted a Statement of Community Involvement with the planning application. This explains that the applicant *inter alia* held two drop-in sessions at Syston Community Centre and Queniborough School in November 2008, displayed posters, issued press notices and delivered leaflets to 5,500 homes. Following consultation on the scoping opinion, two further information days were held in June 2009. The applicant sets out methods of publicity and questionnaire responses in the SCI.



Description of Proposal

6. The most substantial part of the proposed development is a wind farm comprising of 4 no. wind turbines with a maximum tip height of 126.5m from ground level. The hub of each turbine would be 80m from the top of the foundation, supporting a blade with a rotor diameter of 93m. The four turbines would have maximum capacity of 2.3MW each, totalling 9.2MW for the entire development site.
7. The site would be accessed from a single site access off Ridgemere Lane, to which the applicant proposes a limited amount of widening and strengthening immediately outside the site. It is also suggested that there might need to be alterations to the junction between Ridgemere Lane and Barkby Road. The turbines would be accessed via three spurs off a stone internal access road of around 6m in width and 1.5km in length, running parallel with Ridgemere Lane. Each of the three spurs would include turning and hardstanding areas for stationing a crane during assembly and disassembly of the turbines (measuring 44m x 41m). Transformer kiosks measuring 5.2m x 2.5m 2.8m high would be located close to the base and 16m x 16m foundation of each of the four turbines.
8. A site compound measuring approximately 50m x 100m would be located on the central spur road, together with a 'permanent' meteorological mast measuring 76.9m in height. A substation measuring 15.6m x 12m x 6.85m high to the ridge would be located on the main access road, close to the front of the site. The site would be enclosed by a weldmesh fence to 2.9m high. The development also includes the provision of significant lengths of underground cabling. The total land take for the development is estimated to be 3 hectares. The total application area of 76 hectares allows for potential micro-siting (small movement of the development) and any mitigation measures.
9. The applicant has included a Planning Statement with the application. This discusses the national context to wind farm development in referring to the Renewable Energy Strategy (RES) published in July 2009, and relevant PPS's. The applicant states that previously the UK government had been working towards a target of 20% of electricity coming from renewable sources. As the government has signed up to the EU requirement that 15% of all energy shall come from renewable sources by 2020, difficulties in providing other energy sources means the supply of renewable electricity would need to rise to 30% or more. The statement refers to the Regional Plan, Local Plan and recent appeal decisions. These will be referred to in the evaluation as appropriate.
10. A Design & Access Statement has been submitted to address how the site meets relevant design components of legislation, how the site relates to the existing transport network and how it would be accessed. The statement explains that the general locational principles for the turbines are laid out in British Wind Energy Association (BWEA) guidance. There are four key issues that limit the location and layout of wind farms; land availability, wind resource, electrical connection, and road access. The site layout has been design so as to appear as a collection of regular, evenly spaced turbines, which avoids outlying and overlapping turbines, and abrupt visual contrasts. The size of the turbines have been proposed on the basis of needing to strike a balance between energy generation and visual impact. They turbines would be finished in a matt pale grey colour.

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11. In terms of the construction period, in consultation with Leicestershire Police the operator would access the site from the A607 via Rearsby Road, Barkby Road and Ridgmere Lane. The 9 month construction period would generate 2,244 vehicle movements, which the applicant anticipates would have a low/negligible impact. During the operational phase it is understood that around 48 trips per year would occur. The applicant states that decommissioning would take place over 6 months but does not give an accurate indication of the likely vehicle numbers.
12. The application is accompanied by an Environmental Statement which provides detailed information concerning (inter alia) landscape, ecology, transport, archaeology, noise, air safeguarding and hydrology over the construction, operational and decommissioning phases of the development. The Statement deals with those matters, with a summary of the conclusions on the environmental impacts, whether they are positive/negative; their magnitude, whether they are short or long term; and any mitigation measures to address these impacts:
 - i) *Site selection*: The site has been selected in accordance with national and local guidance and in accordance with the applicant's site selection policy. The applicant has considered a variety of quantities, sizes and layouts of turbines and concludes that mitigation of the potential effects of the development have been predominantly incorporated site selection and design phase. The applicant stresses that any impact of the development would occur for a period of 25 years.
 - ii) *Planning policy*: The proposal is deemed to be consistent with national, regional and local planning policy.
 - iii) *Landscape and Visual Impact Assessment*: This has been based upon a study radius of 35km, considering the impact upon key landscape and visual issues identified during the scoping exercise. The 'significant' effects on landscape character would occur during the operational phase and would be confined to parts of three National Character Areas (NCAs) and two local designations. Within the three NCAs at least half of each area would be unaffected as result of lack of visibility of the development, although this is the worse case, due to the additional screening effects of vegetation and buildings. There would be 'significant' effects on the visual amenity of residential receptors and transport routes at distances of at least up to 6km away and include parts of Barkby, Gaddesby, Leicester suburbs, Queniborough, Rearsby, South Croxton and Syston. There would be 'significant' effects on the visual amenity of recreational facilities and routes at least up to 4km away and include parts of the Leicestershire Round and public rights of way around the edge of Leicester city suburbs.
 - iv) *Ecology*: There are 3 UK BAP Priority Habitats within the 500m buffer area, together with 6 species of bat, badgers, great crested newts and brown hares. Where significant effects are predicted, mitigation measures have been proposed to reduce the impact to an acceptable level. The magnitude, duration and probabilities of potential effects are such that the development does not pose a significant conservation risk to any species or habitats.

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- v) *Ornithology*: The design of the wind farm, implementation of precautionary measures and negligible cumulative effects of other wind farm developments, the construction, operation and decommissioning of the proposal is likely to result (worst case), in a residual minor negative effect on birds only and therefore not significant in terms of the EIA Regulations.
- vi) *Transport*: During the construction phase the effect of construction worker traffic and abnormal loads is expected to be of 'Negligible' significance, the effect of HGVs is of 'Moderate/Low' significance and the effect of construction worker traffic of 'Low/Moderate' significance. During operation (25 year lifespan of the wind farm), the effect of increased traffic is expected to be of 'Negligible' significance. During the six month decommissioning phase, the effect of increased traffic is expected to be of 'Low/Negligible' significance.
- vii) *Archaeology and Cultural Heritage*: During construction there are expected to be minor impacts upon a former WWI airfield and ridge and furrow land. During the operational phase it is anticipated that there will be indirect visual effects of a 'moderate significance' at the Church of St Mary, Queniborough; Bridge at Rearsby; the Old Hall, Rearsby; the Church of St Michael, Rearsby; the Church of St Luke, Gaddesby; the Church of St John the Baptist, South Croxton; the Church of All Saints, Beeby; Barkby Grange Farmhouse and the Church of St Mary, Barkby. Visual effects of a 'minor significance' are predicted for 24 Scheduled Ancient Monuments, one Listed Park and Garden, 11 Conservation Areas and 130 Listed Buildings.
- viii) *Noise*: Predicted noise levels from all considered construction and decommissioning activities are below the adopted criterion of 65 dB LAeq daytime at the nearest residential properties to the site and properties close to the access route. The predicted typical turbine noise levels at the nearest residential locations to the site, are below the night-time noise limits under all conditions. The day-time assessment shows that the predicted typical turbine noise levels for full rated power operation of the turbines at the nearest residential location, could exceed the lower day-time noise limits at one property. This could be mitigated by using a different setting on the turbines at certain wind speeds.
- ix) *Hydrology and Geology*: Following the application of mitigation measures, the residual effects would be of negligible significance, corresponding with an insignificant effect on local geology, hydrology and hydrogeology. The development infrastructure lies entirely within Flood Zone 1, having less than 0.1% probability of tidal or fluvial inundation. The closest proposed turbine to Queniborough Brook and associated floodplain is Turbine 1 which lies approximately 450m to the south at an increased elevation of 20m. Owing to the topography of the site, flooding from Queniborough Brook is not deemed a risk to the Development.
- x) *Telecomms and Air Safeguarding*: On the basis of consultations with the relevant authorities and airports and assessment of the baseline telecommunications and air safeguarding technical criteria, significant effects would be expected to arise in respect of conflicts with microwave links and television/radio reception only.

Planning Policy

13. National Planning Policy relevant to the application is set out in Planning Policy Statement (PPS)1 (Delivering Sustainable Development) and the Supplement on Climate Change; PPS5 (Planning and the Historic Environment), PPS7 (Sustainable Development in Rural Areas) and PPS22 (Renewable Energy). The development plan comprises the East Midlands Regional Plan (EMRP), and the ‘saved’ policies of the Charnwood Borough Local Plan. The Charnwood Borough Core Strategy Submission Draft is still under preparation and has not been published; therefore little weight could be attached to policies of that document, due to the issues to be resolved.

Highway Considerations

14. The Highway Authority has raised concerns regarding the suitability of Ridgemere Lane and its junction with Barkby Road/ Queniborough Road to cater for the size and number of vehicles likely to be using it when constructing the proposed turbines. In their consultation response to the Borough Council, the Highway Authority is recommending that the application be refused, as the applicant has failed to demonstrate that appropriate and safe access to the site could be provided for the period of construction. The development, if permitted, would consequently result in an unacceptable form of development and could lead to dangers for road users. However, if the requisite details are submitted by the applicant, the development might be judged acceptable from a highway safety aspect.

Assessment of Proposal

15. In reaching its decision on the planning application, the Borough Council should determine it in accordance with the policies of the development plan, unless other material consideration indicate otherwise. Policy 40 of the East Midlands Regional Plan specifies criteria against which a wind farm application should be considered. Some of these are specialist non-strategic issues on which the County Council may provide advice to the Borough Council separately (e.g. archaeology, highways etc.). In September 2008 the Borough Council undertook a *Renewable Energy and Local Carbon Feasibility Study* to inform the Local Development Framework in identifying possible utilisation of renewable energy, including wind energy. The document merely identifies areas with potential for large scale wind energy generation, and recognises “*overall large scale wind energy potential requires a site by site analysis which would also need to examine the impact of potential wind turbines on the surrounding landscape*”.
16. The main issues for consideration by the County Planning Authority relate to the strategic aspects of the development, which in this case are considered to be the need for the development, the spatial location and any large scale impacts that the development may give rise to.

Need

17. There are no specific wind energy policies in the Charnwood Borough Local Plan (CBLP) but Policy 40 of the East Midlands Regional Plan does provide guidance

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and specific on-shore wind generation targets for the region to meet by 2010 (122MW) and 2020 (175MW) which would contribute to the overall EMRP target, of generating 10% of energy by 2010 and 20% by 2020 from renewable resources. At 2006 the region's capacity was at 54MW. These targets are minimum targets and their exceedance should not be a reason for refusal. Recent data from the Regional Assembly confirms that by summer 2009, there was an operational capacity of 105.4 MW. A further 74.6MW had the benefit of planning permission at that time.

18. Since that time an application at Ashby Magna within Harborough District had been granted on Appeal (on 29th March 2010 – ref. no. 2109745). This application was for 4 no. 120m high turbines that will deliver between 8 – 12 MW of power. Therefore, on the basis of best knowledge at the present time, there is 105.5MW of operational capacity and a further 82.6MW of consented capacity. Due to some schemes not being implemented, the region has not met the 2010 target to date, but, there is sufficient capacity to exceed the 2020 target if all current consents are implemented.
19. The applicant draws attention to the Government's Renewable Energy Strategy (RES) published in July 2009 and that the Government has signed up to the EU requirement that 15% of all energy consumed in the UK should be from renewable sources by 2020. As the RES points out this also covers fuel and heating – i.e. all energy sources and not just electricity. In the light of the difficulties in providing significant elements of fuel and heating from renewables, the proportion of electricity supply that will have to come from renewables to balance this out could need to be raised substantially, to 30% or more. This might have the effect of adding 50% to regional targets of all the different renewable energy technologies.
20. The precise proportion of the targets to each technology will be considered through the Partial Review of the East Midlands Regional Plan, which currently proposes 275MW for on-shore wind by 2021. If subsequently incorporated into the adopted plan, this renewed target would require consents for a further capacity of 86.9MW. The review document was submitted to the Secretary of State on 26th March 2010, with an examination to take place in September 2010 and adoption likely in Autumn 2011. Given the present status of the review, only limited weight should be given to this replacement target.

Landscape

21. Guidance in PPS22 and policies of the EMRP, whilst promoting renewable energy proposals, include criteria that relate to landscape impact and the effect of a development on the natural and cultural environment (including historic assets). This application site is located within an Area of Particularly Attractive Countryside (APAC) to the east of Queniborough, designated within the Local Plan. The APAC policy applies a stricter control on new developments than general countryside policies in controlling visually obtrusive development.
22. PPS7 makes it clear that development in the countryside should be strictly controlled, but that when determining applications LPAs should (inter alia) provide for the 'sensitive exploitation of renewable energy resources in

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accordance with policies in PPS22'. To this end PPS22 emphasises that local landscape designations should not be reasons to refuse a development proposal and that impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines. However, impact on landscape character is an important consideration.

23. There would be significant effects on the visual amenity of residential receptors and transport routes at distances of at least up to 6km away and significant effects on the visual amenity of recreational facilities and routes up to 4km away. In relation to residential receptors this would include a significant number of properties, particularly within the village of Queniborough. These impacts are not reasons to refuse the development itself but do weigh against the proposal.

Historic Environment

24. PPS22 advises that planning permission should only be granted where it can be demonstrated that the objectives of a designation of an area would not be compromised by a proposed development, and any significant adverse effects are clearly outweighed by the environmental, social and economic benefits. In this instance the development would affect the setting of numerous historic assets.
25. In operating the Development, indirect visual effects of a 'Moderate significance' are anticipated at The Old Hall, Queniborough (Grade I) the Church of St Mary, Queniborough (Grade II*), Bridge at Rearsby (Grade II and an SAM) the Old Hall, Rearsby (Grade II*); the Church of St Michael, Rearsby (Grade II*); the Church of St Luke, Gaddesby (Grade I); the Church of St John the Baptist, South Croxton (Grade II*); the Church of All Saints, Beeby (Grade II*); Barkby Grange Farmhouse (Grade II*) and the Church of St Mary, Barkby (Grade I). Visual effects of a Minor significance are predicted for 24 Scheduled Ancient Monuments, one Listed Park and Garden, 11 Conservation Areas and 130 Listed Buildings. However, these would all be reversible upon decommissioning of the development.
26. If the applicant's conclusions are accepted (which would rely on the view of the Borough Council's specialists) the proposed development would 'moderately' harm 3 Grade I, 5 Grade II* buildings and a SAM. This is considered to be less harm than [say] the Thackson's Well Appeal Decision in South Kesteven (which the Board commented on) and the Appeal currently under consideration at Palmer's Hollow. In dismissing the Thackson's Well proposal, the Inspector noted the proposals would impact with various degrees of harm on the settings of 3 Grade I Listed buildings, 3 Grade II* Listed Buildings, 2 Historic Parks and Gardens, one Ancient Monument of National significance and at least one Conservation Area. In the instance of this application there is harm caused to cultural assets by the development, which need to be weighed up in making a decision on the appropriate recommendation to the Borough Council.

Other issues

27. From a strategic aspect, there does not appear to be any sustainable reasons to object to the proposed development on grounds of noise, air safeguarding,

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ecological matters, water resources etc. These are more properly matters for the Borough Council to consider. The Highway Authority has raised an objection to the development, which relates to the finer application details of access and not the principle of the development. Therefore at the present time this should not be a reason to object to the proposal.

Conclusion

28. On the basis of present adopted targets there is little need for wind farm proposals. However, there is recent government policy in terms of the RES, the draft updates to PPS1 and PPS22, and the review of the EMRP which suggest targets for on-shore wind energy facilities will increase significantly. However, the updates to PPS1 and PPS22 and the review of the EMRP are at an early stage and little weight can be attached to these policies at this time.
29. By virtue of its size and scale the proposed development would have a significant impact upon the open and undeveloped character of the countryside, as well as significant landscape/visual impacts. Although, most of these impacts are limited to the 6km surrounding the application site and this general impact would be unavoidable with any such development of this nature. The development would have a moderate impact upon a number of historic assets, albeit reduced when compared with other applications at Thackson's Well and Palmer's Hollow. On balance it is considered that the current need for the development in the context of regional policies does not outweigh the adverse impacts of this large scale development. Consequently it recommended that the County Council raises an objection to the development.

Recommendation

The Cabinet be recommended to forward the following as the views of the County Planning Authority -

Charnwood Borough Council be advised that the CPA objects on the following grounds:

The County Planning Authority acknowledges that there is general support for the principle of development for renewable energy projects set out in national and regional policy guidance, particularly PPS1 (Supplement on Climate Change) and PPS22. However, the East Midlands Region has a significant capacity of operational projects, and consented projects which exceed the approved targets in the East Midlands Regional Plan. It is likely that there will be increased significance given to renewable energy generation in future government guidance, and an increase in targets for on-shore wind energy in the future through the partial review of the EMRP. However, the future definitive distribution of the draft EMRP figures across the renewable energy sector are yet to be determined.

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In light of the present operational and consented capacity within the region, the need does not outweigh the harm to nearby significant historic assets and the harm to local landscape character and the wider open countryside, which is in conflict with Policy CT/7 of the Charnwood Borough local Plan.

Unless certain details are agreed with the Highways Authority on the precise improvements to facilitate the development, there appears to be some doubt about the suitability of the local road network to accommodate the additional trip generations to/from the site, including significant numbers of HGVs in the construction period. Therefore unless suitable details are provided by the applicant to the Highway Authority, at the present time the application is contrary to Policy TR/6 of the Charnwood Borough Local Plan.

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National Planning Policy Guidance

1. Planning Policy Statement 1 (PPS 1) (Delivering Sustainable Development) deals with the Government's overall objectives for the planning system through a planned system, and retains the primacy of the development plan. It sets out the Government's overarching planning policies on the delivery of sustainable development and creating sustainable communities, while achieving other objectives such as protecting and enhancing the natural environment and the quality and character of the countryside.
2. At para. 13 the guidance identifies the need for planning authorities/bodies to include policies for reduction in energy use, emissions, and promote development of renewable energy resources. Development plan policies should take account of mitigation of the effects of, and adaptation to climate change through the reduction of greenhouse gas emissions and the use of renewable energy; the protection of the wider countryside and the impact of development on landscape quality (para 20); and seek to promote and encourage, rather than restrict the use of renewable resources (e.g. development of renewable energy) (para 22).
3. In December 2007, the Government issued a Supplement to PPS1 (Climate Change), which sets out key priorities for tackling climate change, including challenging targets for the reduction in UK's CO₂ emissions by 2020 and 2050. At para 13 it states that Regional Spatial Strategies should seek to maximize opportunities for renewable and low-carbon sources of energy supply and set targets for renewable energy generation in line with PPS22.
4. Local development Frameworks (LDFs) should include policies designed to promote and not restrict these objectives, and:
 - should not require applicants to demonstrate either the overall need for renewable energy and its distribution, nor justify why a proposal must be sited in a particular location;
 - ensure any local approach to protecting landscape or townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than in the most exceptional circumstances; and
 - consider identifying suitable areas for renewable energy sources and supporting infrastructure.
5. Para 34 states that where monitoring suggests that implementation is not being achieved in line with an agreed strategy or that the strategy is not delivering the expected outcomes, it is essential to respond promptly and effectively. Paragraph 40 states that an applicant for planning permission to develop a proposal that will contribute to the delivery of the Key Planning Objectives set out in this PPS should expect expeditious and sympathetic handling of the planning application.
6. PPS 5 (Planning and the Historic Environment) was published in March 2010 and sets out the Government's intentions for 'Planning and the Historic Environment'. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Para 5 sets out the aim to conserve England's

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heritage assets in a manner appropriate to their significance. The effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application.

7. Policy HE1 states that where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change. Policy HE7 states that in considering the impact of a proposal on any heritage asset, planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. HE9 states that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, authorities should weigh the public benefit of the proposal against the harm;
8. PPS7 (Sustainable Development in Rural Areas) states that development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. Para 16 states that, when preparing policies and determining applications for development in the countryside, LPAs should (inter alia) provide for the 'sensitive exploitation of renewable energy resources in accordance with policies in PPS22'. Para 24 places an emphasis on carefully drafted, criteria-based policies in LDDs, and utilising tools such as landscape character assessment, should provide sufficient protection for locally designated landscapes.
9. PPS22 (Renewable Energy) sets out the government's policy framework and overall objectives to increase the contribution of renewable energy, based on sustainable development principles. The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
10. PPS22 states key principles for inclusion in regional and local planning policy. These include:
 - policies designed to promote and encourage, rather than restrict, the development of renewable resources;
 - criteria that will be applied in assessing planning applications and policies that do not place unreasonable constraints on various types of development;
 - the wider environmental and economic benefits are material considerations;
 - no assumptions about the technical and commercial feasibility;
 - acceptance of small scale projects that make a valuable contribution;
 - community involvement and active consultation with local communities;
 - identifying environmental, economic and social benefits as well as indicating how impacts can be minimised through location, scale, design and other measures.
11. At para 14 the guidance warns against the introduction of 'buffer zones' around nationally designated areas, *but* advises that the potential impact of renewable energy projects close to their boundaries is a material consideration to be taken

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into account when determining planning applications. Para 20 recognises that, of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. LPAs should recognise that such impacts will vary according to the size and number of turbines, and the type of landscapes involved, including the possibility of ‘temporary’ impacts relating to decommissioning. Para 25 deals specifically with wind turbines and advises that it is the responsibility of developers to address any potential impacts on infrastructure facilities (e.g. air traffic, power lines, roads).

12. There is a Companion Guide to PPS22 which sets out one its purposes as to encourage the appropriate development of further renewable energy schemes, throughout England. It explains that a ‘step change’ will be required if the targets are to be met, which has been recognised by the Government in preparing Planning Policy Statement 22. The Government expects each authority to contribute to meeting the targets and reducing overall demand for energy. The guide sets out the environmental, economic and social benefits. The guide sets detailed policy considerations in the formulation of planning policies. In determining a planning application, planning authorities must assess the case for each project put forward by a developer and come to an objective view on:
- the extent to which the project is in conformity with the development plan, in particular relevant criteria-based policies and any ‘broad area’ policies in RSS;
 - the extent to which the reasons for any area based designations may be compromised;
 - the extent of any positive or negative impacts, and the means by which they may be mitigated, if negative; and,
 - the contribution towards meeting the regional target, but recognising that a small contribution cannot be in itself a reason for refusal of permission.

Regional Planning Guidance

13. The East Midlands Regional Plan was adopted in March 2009 and sets out the regional guidance for development in the East Midlands up to 2026 and applies the general principles for sustainable development in national guidance. Policy 1 sets out a key objective to reduce the causes of climate change by minimising emissions of CO₂ in order to meet the national target through: maximising ‘resource efficiency’ and the level of renewable energy generation. Policy 26 requires that Sustainable development should ensure the protection, appropriate management and enhancement of the Region’s natural and cultural heritage, and sets out criteria in this regard.
14. Policy 27 sets out priorities for the regions historic environment, and states that development should promote sensitive change of the historic environment. To achieve this, Local Planning Authorities should (inter-alia) identify and assess the significance of specific historic assets and their settings, and use characterisation to understand their contribution to the landscape or townscape in areas of change.
15. Regional priorities for low carbon energy generation are set out in Policy 39. At 2006 renewable energy composed 3% of the region’s capacity which lags behind other English regions, and is well below the 20% target for 2020. The EMRP

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states that Planning Authorities need to accept that far more energy generation schemes using innovative renewable technologies need to be accepted if renewable energy targets are to be achieved.

16. Policy 40 sets out priorities for low carbon energy generation. Local Authorities, energy generators and other relevant public bodies should promote the development of a distributed energy network using local low carbon and renewable resources. In order to help meet national targets low carbon energy proposals in locations where environmental, economic and social impacts can be addressed satisfactorily should be supported. Planning Authorities should support the development of distributed local energy generation networks; and develop policies and proposals to achieve the indicative regional targets for renewable energy set out in Appendix 5.
17. In establishing criteria for onshore wind energy, Local Planning Authorities should give particular consideration to:
 - landscape and visual impact, informed by local Landscape Character Assessments;
 - the effect on the natural and cultural environment;
 - the effect on the built environment (including noise intrusion);
 - the number and size of turbines proposed;
 - the cumulative impact of wind generation projects, including ‘intervisibility’;
 - the contribution of wind generation projects to the regional renewables target; and,
 - the contribution of wind generation projects to national and international environmental objectives on climate change.
18. The Revised Draft East Midlands Regional Plan Partial Review (March 2010) provides that 275MW of on-shore wind energy should be provided by 2121, 335MW by 2026 and 400MW by 2031.

Local Plan considerations

19. The Charnwood Borough Local Plan was adopted in January 2004. Pending the preparation of the Local Development Framework, many of the policies in the adopted Local Plan have been ‘saved’, to provide for transition.
20. *Policy ST/1* states that in providing for the development needs of the Borough (inter alia) measures will be taken to: conserve, protect and enhance those features of the natural, historic and built environment which are particularly valued by the community; and, protect the character and appearance of the countryside for its own sake, especially within areas of particularly attractive countryside and other areas of local landscape value.
21. *Policy EV/39* states that planning permission will not be granted for new development which because of its nature or operation, would be likely to result in a serious risk to the health or general amenities of nearby residents, the public generally or the natural environment. Planning permission will only be granted where appropriate measures to overcome the potential pollution problems are proposed and implemented to the satisfaction of the local planning authority.

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22. *Policy CT/1 states that* land lying outside the defined Limits to Development is variously identified on the Proposals Map as Countryside, Green Wedge and Areas of Local Separation. Development within these areas of generally open land will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature, and small-scale new built development, where there would not be a significant adverse environmental impact and the proposal would:

- i) be essential for the efficient long-term operation of agriculture, horticulture or forestry; or
- ii) facilitate the diversification of the rural economy; or
- iii) improve facilities for recreation, or leisure uses; or
- iv) implement strategically important schemes for mineral related uses, transport infrastructure, and for public services or utilities.

In all cases it should be demonstrated that the proposed development could not reasonably be located within or adjacent to an existing settlement.

23. *Policy CT/2 states that* in areas defined as Countryside, development(s) acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and provided it could safeguard its historic, nature conservation, amenity, and other local interest.

24. *Policy CT/7 states that* Within the designated Areas of Particularly Attractive Countryside planning permission will be granted for uses where the proposal would not detract from the essentially undeveloped rural character of the landscape, damage natural features and landform or diminish the visual amenities afforded by important viewpoints by reason of:

- i) the introduction of prominent, visually obtrusive or incongruous elements by reason of poor siting, design construction and landscaping; or
- ii) the use of materials or designs incompatible with the traditional vernacular or otherwise unsuitable due to their colour or reflective qualities; and,
- iii) the removal of traditional buildings and structures, or particular elements of them, or other landscape features which contribute to the special character and appearance of the locality.

Where development is acceptable in principle it will be expected to maintain or enhance the character and appearance of the landscape. Proposals by statutory agencies involving the construction of large buildings or structures, including overhead power lines, will be acceptable where they are shown to be essential to operational requirements, and are located to minimise the visual impact on the landscape.

25. *Policy TR/6 states that* planning permission will not be granted for development on non-designated sites where the impact of traffic generated by an individual proposal or the cumulative impact together with other committed and allocated development in the locality would:

- i) result in unsafe and unsatisfactory operation of the highway system; or
- ii) have a significant adverse impact on the environment,

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Unless measures are proposed to overcome any harmful effects. Where such measures involve improvements to the transport system they will need to be environmentally acceptable, minimise land take and have a reasonable design life.

Local Development Framework (LDF)

26. The Charnwood Borough Core Strategy Submission Draft is still under preparation and has not been published as there are still questions about directions for growth and issues that need to be addressed, therefore at this stage it is considered that little weight could be attached to policies of that document.
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DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children's Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970, the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Disability Discrimination Act 1995. You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.