

APPROVAL OF PLANNING PERMISSION

Name and Address of Applicant

Name and Address of Agent (if any)

Next Generation Limited
Axiom House
Station Road
Stroud
Gloucestershire
GL5 3AP

Part 1 - Particulars of Application

Date of Application

Application No.

30.04.10

10/00333/FUL

Particulars and location of development:

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

Field No 2700 Paddys Lane Old Dalby

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Melton Borough Council grants permission for the carrying out of the development referred to in Part 1 hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. By the end of 25 years from the first generation of electricity from the development to the grid all surface elements of the development shall have been removed from the site and the land reinstated in accordance with a scheme which shall be approved in writing by and submitted to the Planning Authority for approval not later than 12 months prior to the expiry of the said period of 25 years.
3. If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise be agreed in writing by the Local Planning Authority.
4. In the event that a wind turbine and its associated ancillary equipment are removed in accordance with condition 3 the land shall be reinstated in accordance with a scheme to be submitted and implemented as approved by the Local Planning Authority such scheme to include management and timing of the works and a traffic management plan.

5. Prior to the commencement of the development, a scheme for the finish and colour of the wind turbines shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate a semi-matt finish for all of the wind turbines and no part of any of the wind turbines shall carry any logo or lettering other than that required for health and safety purposes or required for legal reasons. The development shall be carried out in accordance with the approved details.
6. The maximum height of the wind turbines, when measured from the turbines base to the blade tip in the vertical position, shall be no greater than 80 metres, and the length of the blades shall not exceed 24m.
7. All wind turbine blades shall rotate in the same direction.
8. Before the development hereby commences, a scheme for the lighting of the proposed development shall be submitted and agreed in writing to the Local Planning Authority. The proposal shall be implemented in accordance with the approved scheme.
9. No turbine shall be erected until a Statement of Common Understanding has been agreed with NATS and submitted to the Council.
10. No turbine shall be erected until a Primary Radar Mitigation Scheme has been completed in accordance with the Statement of Common Understanding and submitted to and approved in writing by the Local Planning Authority. No turbine blade shall be fitted until the approved Primary Radar Mitigation Scheme has been fully implemented and the development shall thereafter be operated fully in accordance with the approved scheme.
11. Development shall not begin until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
12. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
13. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved
14. The development shall not be operated until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 13 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
15. The mitigation measures set out in the Environmental Statement Chapter 11 and illustrated by Fig.11.8 Public Right of Way Mitigation Plan 3915_T0333_01 with regards to segregation and signage shall be implemented and remain in perpetuity during construction and decommissioning phases.

16. Prior to commencement of development, the applicants shall submit for approval by the Planning Authority details of the proposed access into the site from the A6006, such details to include a 7.3 metres wide access road for a distance of at least 30 metres behind the highway boundary (measured along the centre line of the access road) and minimum radii of 15.0 metre at the access and include tracking for HGV's. The proposed access works (as approved) shall be provided prior to the commencement of development.
17. Following completion of construction of the wind turbines, the proposed access shall be re-instated to the satisfaction of the Highway Authority.
18. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
19. Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.
20. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
21. The development hereby permitted shall be designed and installed in accordance with an appropriate ice detection system as set out in Enercon document "Ice Detection on Rotor Blades" dated December 2005 and with reference SA-ICE-Beschreibung der Eiserkennung-Rev1.1, or other similar system approved in writing by the Local Planning Authority.
22. Prior to commencement of development an updated survey for the presence of badgers should be completed and submitted to the Local Planning Authority. If badger setts are identified mitigation measures shall be agreed in writing with the Local Planning Authority and implemented in accordance with the agreed measures. Measures should be taken in order to prevent accidental entrapment of badgers including the covering and/or escape measures where trenches are left open overnight.
23. All works to hedgerows (including removal and replanting) should be completed outside of the bird-breeding season to protect any nesting birds.
24. Prior to commencement of development a management plan should be produced for the hedgerows on site. This should cover the removal and replanting of the hedgerows (including the species to be used) and the long-term management of the hedgerows to ensure that they do not grow too tall. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
25. A protected species survey must be completed prior to the decommissioning phase of the development and submitted to the Local Planning Authority. The decommissioning phase shall be in accordance with any mitigation measures identified and agreed by the Local Planning Authority.
26. Prior to the commencement of development mitigation measures to ensure that great crested newts are not harmed as a result of this development shall be in place. This mitigation must follow that outlined in the letter from Jamie Baldwin (Ecotricity) to Kirsty Gamble dated 27th September 2010, The 'Protected Species Supplementary Assessment in Support of the Proposed Dalby Wind Park (August 2010) and The 'Great Crested Newt Population Size Class Assessment of Ponds 2, 4, 7 & 8' (June 2010) a European Protected Species Licence will be needed.
27. All trees to be removed must be checked for bat roosts by a qualified ecologist prior to the work commencing, and the results submitted to your authority. It will be necessary to apply for a license from Natural England before the work is carried out on trees containing bat roosts.
28. Site clearance operations that involve the destruction and removal of vegetation or buildings on site shall not be undertaken during the months of March to August inclusive, except when approved by the Local Planning Authority, to ensure that breeding birds are not adversely affected.

29. Post -construction monitoring of bird impacts should be carried annually for 3 years, once the turbines are operational and submitted to the Local Planning Authority. This should take the form of breeding and wintering surveys, vantage points analysis and mortality searches.
30. Any incidental records of bat or bird strike must be forwarded to the Local Planning Authority.
31. No works in relation to the Development are to commence until the planning authority have given approval in writing for the final specification of the wind turbines which will include: the make, model, design, power rating and warranted sound power levels.
32. The developer's noise assessment shall be updated as necessary to reflect the turbine specification approved, and shall be submitted to the planning authority prior to the commencement of development. In the event of predicted exceedance of ETSU-R-97 levels or as otherwise agreed, the developer shall submit mitigation measures to the planning authority for their prior written approval in advance of the commencement of development.
33. At wind speeds not exceeding 10 metres per second, as measured or calculated at a height of 10 metres above ground level (at the location of the meteorological mast shown at location 465146, 323998 on the approved layout plan) the wind turbine noise level at any occupied dwelling or other Noise Sensitive Premises shall not exceed:
 - during night hours (23:00-07:00), 43 dB LA90,10min, or the night hours LA90,10min background noise level plus 5 dB(A), whichever is the greater;
 - during quiet waking hours (18:00-23:00 every day, 13:00-18:00 on Saturday, 07:00-18:00 on Sunday), 35 dB LA90,10min or the quiet waking hours LA90,10min background noise level plus 5 dB(A), whichever is the greater; and,
 - at all times 45 dB, LA90,10min or the (day/night as appropriate) hours LA90, 10min background noise level plus 5 dB(A), whichever is the higher in respect of any house where the occupier is a stakeholder in the development,This condition shall only apply to dwellings or other Noise Sensitive Premises lawfully existing at the date of this planning permission.
34. At the request of the planning authority and following a valid complaint to the Planning Authority relating to noise emissions from the wind turbines, the wind farm operator shall measure or calculate, at its own expense, the level of noise emissions from the wind turbines. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment and Rating of Noise from Wind Farms", September 1996, ETSU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and calculations of noise made using the approach reported in the environmental statement submitted with the planning application. The assessment approach shall be approved by the Planning Authority prior to undertaking the detailed assessment. In comparing measured wind turbine noise levels with background noise levels, regard shall be had to the prevailing background noise levels as measured at specified properties and shown by the best fit curves in the environmental statement submitted with this application. In the event of a complaint from a property other than one of the specified properties in the environmental statement, the measured wind turbine noise levels at that other property shall be compared to the prevailing background noise levels at the specified property which is most likely to have similar background noise levels.
35. Should the wind turbine noise levels specified in Condition 33 be exceeded, the wind farm operator shall take immediate steps to ensure that noise emissions from the wind farm are reduced to or below such levels or less, and obtain written confirmation of that reduction from the Planning Authority.
36. At the request of the planning authority and following a valid complaint to the Planning Authority relating to shadow flicker from the wind turbines, the wind farm operator shall follow the mitigation scheme as detailed in the Environmental Scheme 13.20 and 13.23 which shall be agreed in writing by the Local Planning Authority.
37. At the request of the planning authority and following a valid complaint to the Planning Authority relating to TV and Radio interference from the wind turbines a scheme to secure the investigation and rectification of any electro-magnetic interference to terrestrial TV caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented.

38. The hours of work during the construction phase of the development and any traffic movements to or from the site associated with the construction of the development shall be limited to 0730 to 1900 hours on Mondays to Fridays and 0700 to 1400 hours on Saturdays other than as allowed for under condition 14. No work shall take place outside these hours (including on Bank Holidays) unless otherwise previously agreed in writing by the Local Planning Authority.
39. Notwithstanding the provisions of condition 38, delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours prior notice of such traffic movements being given to the Local Planning Authority and such deliveries first being approved in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that, on decommissioning, the site is reinstated in order to protect the environment
3. To ensure that any redundant turbines are removed from site in order to protect the visual qualities of the environment
4. To ensure that, subsequent to the removal of redundant turbines, the land is reinstated in order to protect the natural and visual qualities of the environment.
5. In order to protect the visual qualities of the environment.
6. In order to protect the visual qualities of the area and to comply with the application.
7. In order to protect there visual qualities of the area.
8. In the interest of aviation safety.
9. In the interest of National Air Traffic Safety.
10. In the interest of National Air Traffic Safety.
11. To prevent the increased risk of flooding, to improve and protect water quality.
12. To prevent pollution of the water environment.
13. To ensure the appropriate recording of affected archaeological remains and to advance understanding of their significance prior to any detrimental development impact.
14. To ensure the appropriate recording of affected archaeological remains and to advance understanding of their significance prior to any detrimental development impact.
15. In the interest of pedestrian safety.
16. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
17. In the interest of highway safety.
18. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
19. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

20. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
21. To ensure that the A46 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from the proposed development, in the interests of road safety.
22. In the interest of protected species and habitats.
23. In the interest of protected species and habitats.
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25. In the interest of protected species and habitats.
26. In the interest of protected species and habitats.
27. In the interest of protected species and habitats.
28. In the interest of protected species and habitats.
29. In the interest of protected species and habitats.
30. In the interest of protected species and habitats.
31. In order to clarify the terms of the permission and retain effective control over the development
32. In order to clarify the terms of the permission and retain effective control over the development
33. In order to control noise in the interest of residential amenity
34. In order to control noise in the interest of residential amenity.
35. In order to control noise in the interest of residential amenity.
36. In order to protect the amenities of neighbouring residents.
37. In order to protect the amenities of neighbouring residents.
38. In order to protect residential amenity.
39. To enable turbine and crane components to be delivered at times appropriate to minimise impacts on highway safety and the free flow of traffic.

NOTES TO APPLICANT:-

Under Article 22 of The Town and Country Planning, (General Development Procedure) (England) (Amendment) Order 2003 Note 1 is a summary of the reasons and development plan considerations relevant to this decision.

- 1 The site is located in open countryside as identified within the adopted Melton Local Plan. Therefore, the proposal should be considered against policies OS2 of the plan. Policy OS2 does not allow for development outside the town and village envelopes shown on the proposals map except for limited small scale development for employment which is not significantly detrimental to the appearance and rural character of the open countryside. PPS22: Renewable Energy outlines the key principles to which regional planning bodies and local planning authorities should adhere in their approach to planning for renewable energy.

A summary of the reasons for granting planning permission:

The proposal is considered to be supported in terms of very broad principles by national policy as contributing to the wider aims of encouraging renewable energy. It is also considered that the proposal will not adversely affect the character and appearance of the area or the setting of the nearby Conservation Areas or Listed Buildings. Furthermore the proposal will have no significant adverse impact upon the amenities of neighbouring properties or highway safety. Condition 2 - 7 are imposed to protect visual amenities, Condition 8 -10 relates to aviation safety. Condition 11- 12 relates to the water environment. Condition 13 - 14 relates to archaeology recording. Condition 15 - 21 and 39 relates to highway safety and condition 22 - 30 relates to ecology. Condition 31 - 38 relates to protection of residential properties and the appearance of the turbines. The specific reasons for each condition are set out above. The proposal is therefore considered to accord with the above stated policies and no other factors are present to indicate that the decision should depart from the terms of the Development Plan.

2. Any facilities for the storage of oils, fuels or chemicals during construction shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

If it is proposed to use soakaways for the disposal of surface water, the applicant should ensure that the soakaway has sufficient permeability through adequate soakaway testing to ensure that surface water drains freely within the soakaway and does not pond on the surface.

3. At the request of the Highway Authority;

1. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Northern Area Manager- (telephone 0116 3052114.)

2. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for `major' accesses) or the Area Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -

For `major' accesses - see Part 6 of the "6Cs Guide (Htd) at www.leics.gov.uk/Htd.
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

3. A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

4. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.

5. The proposed access road shall be a minimum of 7.3 metres in width for a distance of at least 30 metres behind the highway boundary (measured along the centre line of the access road) with radii of 15.0 metres at its junction with the A6006.

6. If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the Highway. It is likely that any sign erected in the Highway without prior approval will be removed.

Before you draw up a scheme, the Area Managers' staff (contacts as below) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.

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For Charnwood, Melton and North West Leicestershire: tel: 0116 3052104.

For Blaby, Harborough, Hinckley & Bosworth and Oadby & Wigston : tel: 0116 3052202.

4. You are advised that common reptiles (grass snake, adder, common lizard and slow-worm) receive partial protection under the WCA 1981, which makes it an offence to:
 - Intentionally or recklessly kill or injure these species; and
 - Sell, offer or advertise for sale, possess or transport for the purposes of sale these animals, whether alive or dead, or any part thereof.
5. You are advised that a European Protected Species Licence will be needed.

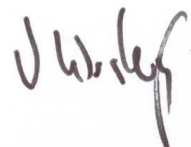
Approved Plans

This permission authorises only the development shown on the approved plans. Any changes will require a further planning permission, without which they will be unauthorized and open to enforcement action to remedy the breach of planning control. .

Conditions

Please note that a written request to discharge a condition now requires a fee to be submitted of £25 for domestic works and £85 for all other types. Requests to discharge conditions should be made on the attached form or through the website www.planningportal.gov.uk Forms can also be obtained from the Council on 01664 502502 and from the website www.melton.gov.uk , 'Planning Application Forms and guidance' page. The Council is required to determine such requests within 8 weeks of submission.

Commencing development without complying with the terms of conditions renders this permission null and void and therefore the entire development unauthorized. It is only capable of being rectified by a further retrospective application for the total scheme.



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Head of Regulatory Services
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