Hinckley & Bosworth Borough Council
A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant	**Name and Address of Agent (if any)**
Mr P Hilyer	Mr William Dixon
Park House Farm	ICE Renewables Ltd
Desford	Crabtree Business Centre
Leicestershire	Little Holtby
LE9 9JJ	North Yorkshire
	DL7 9LN

Part I - Particulars of Application

Date of Application	**Application No.**
27 April 2011	11/00329/FUL

Particulars and location of development :

ERECTION OF TWO WIND TURBINES INCLUDING ASSOCIATED TRANSFORMER AND CONTROL COMPOUNDS AND FORMATION OF ASSOCIATED INFRASTRUCTURE

Park House Farm Leicester Lane Desford Leicester Leicestershire

Part II - Particulars of decision

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it constitutes a renewable energy project that contributes towards the regional renewable energy targets for the East Midlands Region, it would not be detrimental to highway safety, to species of ecological conservation or to sites of historical or scientific importance.

Planning Policy Statement 22: Renewable Energy and the Companion Guide to PPS22: Planning for Renewable Energy both support the principle of harnessing wind energy by wind turbines and recognises it as an important contributor to supplying electricity in the United Kingdom and lowering carbon emissions. It sets out the different issues for consideration for wind turbine development. It is considered that the proposed development of two 250kw wind turbines in this countryside location addresses all of the key issues raised in the Companion Guide to PPS22 in regard to operation and maintenance, noise, landscape and visual impact, safety, ecology, proximity to infrastructure, electromagnetic interference, shadow flicker, aviation, and construction/operation disturbance. It will result in a form of development that will allow the applicant to reduce the carbon emissions of their agricultural operations, to produce electricity from a clean and sustainable source for the applicant and their agricultural operations and will contribute towards the supply of electricity into the National Grid.

Hinckley and Bosworth Local Plan (2001) :- BE, BE12, BE17, BE17, NE2, NE5, NE6

Hinckley and Bosworth Local Development Framework: Adopted Core Strategy (2009):- Spatial Objective 12

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in

Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written confirmation of the date of the first export of electricity to the grid from the wind farm hereby permitted shall be provided to the local planning authority within one month of the date of this taking place.

2. The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of the first export of electricity to the grid from the wind turbines hereby permitted, when the use shall cease and the turbines, control house, transformer compound and turbine laydown area shall be removed from the site in accordance with Condition 14.

3. No development hereby permitted shall commence until full details of the colour and finish of the turbines, control house, transformer compound, and air safety lighting have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

4. Not less than one year prior to the expiry of this planning permission a Decommissioning Method Statement shall be submitted for the written approval of the local planning authority. This shall include details of all site decommissioning works, including how the turbines and ancillary equipment would be dismantled and removed from the site, the depth to which the turbine foundations shall be removed below ground level, along with details of site restoration and a timetable of works. The Decommissioning Method Statement shall be carried out as approved.

5. The blades of all wind turbines shall rotate in the same direction

6. Prior to the First Export Date, a scheme for the investigation and alleviation of electromagnetic interference, including to television reception, caused by the turbines hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with a timescale approved in writing by the Local Planning Authority.

7. Prior to the First Export Date, a scheme setting out a protocol for the investigation and alleviation of shadow flicker caused by the turbines hereby permitted in the event of any complaint being received from residential dwellings within a distance of ten rotor diameters of the turbines, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with a timescale approved in writing by the Local Planning Authority and be kept in place for the duration of the permission.

8. Prior to the commencement of any works, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. This shall include details relating to:
   (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase.
   (ii) The control of dust including arrangements to monitor dust emissions from the development site during the construction phase.
   (iii) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase.
   (iv) Measures to control mud deposition offsite from vehicles leaving the site.
   (v) The location and size of temporary parking.
   (vi) The control of surface water drainage from parking and hard-standing areas
   (vii) The use of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site.
   (viii) The means by which users of public rights of way would be protected during the construction period.

   The development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

9. All construction and decommissioning works shall be carried out only between the hours of 07:00 to 19:00 Monday to Friday, 07:00 to 16:00 Saturdays and at no times on Sundays and recognised Public Holidays, unless otherwise agreed in writing by the local planning authority.

10. Prior to the commencement of the development, a traffic management plan shall be prepared in consultation with the local highway authority and shall be submitted to and approved in writing by the local planning authority. The management plan shall include details of access routes for all vehicles carrying turbine parts and any alterations or improvements which may be required to the highway network along these routes, including advisory signs. During construction work all deliveries shall be undertaken in accordance with the approved traffic management plan unless the local planning authority gives its written consent to any variation.

11. The turbines shall be fitted with appropriate lighting in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

12. Prior to the commencement of the development hereby permitted, details of the make, model and sound power levels of the wind turbines to be erected shall be provided to and approved in writing by the local planning authority. The information provided shall be of
adequate detail to allow proper comparison with the contents of the Environmental and Noise Statements.

13. All cables within the development site between turbines and from the turbines to the substation shall be set underground.

14. If any of the wind turbines hereby permitted ceases to operate for a continuous period of 6 months then, unless otherwise approved in writing by the local planning authority, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment shall be submitted to and approved in writing by the local planning authority within 3 months of the end of the 6 month cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented and site restoration completed within 12 months of the date of its approval by the local planning authority.

15. Access shall be afforded at all reasonable times to any archaeologist nominated by the Local Planning Authority which shall allow him/her to observe the excavations and record items of interest and finds throughout the period that redevelopment/development is taking place.

16. The development hereby permitted shall be carried out in strict accordance with the Ecological Walkover Survey Report produced by SLR Consulting Limited dated February 2011 with particular consideration given to then non-licence avoidance measures for Great Crested Newts and the stand-off distances recommended in paragraph 5.1.3 of the report.

17. Appropriate surveys of protected species and appropriate protection of these species shall be agreed in writing with the local planning authority prior to any works of decommissioning being commenced. The decommissioning shall be carried out in accordance with that agreement. The persons or body responsible for the decommissioning works shall designate a person or persons to ensure that all decommissioning work is undertaken in accordance with the terms of that agreement.

18. The LA--90,10min at any residential premises outside of the curtilage of Park House Farm shall not exceed 35dB(A) up to wind speeds of 10m/s at 10m in height.

19. The LA--90,10min at any residential premises within the curtilage of Park House Farm shall not exceed 45dB(A) up to wind speeds of 10m/s at 10m in height.

20. Within 28 days from the receipt of a written request from the local planning authority following a complaint to it, the wind turbine operator shall, at its own expense, employ an independent consultant approved in writing by the local planning authority to assess the level of noise emissions from the wind turbine at the complainants property following a procedure to be agreed in writing prior to the commencement of development with the local planning authority. Details of the assessment and its results as to whether a breach of the noise limits in conditions 18 and 19 of this permission has been established shall be reported to the local planning authority as soon as the assessment is completed.

21. Upon notification in writing from the local planning authority of an established breach of the noise limits in conditions 18 and 19 of this permission, the wind turbine operator shall, within 28 days propose a scheme to the local planning authority to mitigate the breach to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the local planning authority it shall be activated forthwith and thereafter retained.

22. On the written request of the local planning authority, following a complaint to it considered by the local planning authority to relate to regular fluctuation in the turbine noise level (amplitude modulation), the wind farm operator shall at its expense employ an independent consultant approved in writing by the local planning authority to undertake an assessment to ascertain whether amplitude modulation is a contributor to the noise complaint. If the said assessment confirms amplitude modulation to be a contributor to the complaint, the developer shall submit a scheme to mitigate such effect. Following the written approval of the scheme and the timescale for its implementation by the local planning authority the scheme shall be activated forthwith and thereafter retained.

23. Wind speed, wind direction and power generation data of the turbines shall be continuously logged at a height of 10 metres and provided to the local planning authority at its request. Such data shall be retained for a period of not less than 2 years.

The reasons for the conditions are :-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

3. In the interests of visual amenity in accordance with policies NE5 and BE1 of the Hinckley and Bosworth Local Plan.

4. The planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5. In the interests of visual amenity in accordance with policies NE5 and BE1 of the Hinckley and Bosworth Local Plan .

6. In order to ensure adequate mitigation of any impacts due to electromagnetic interference resulting from the turbines or their operation in accordance with the companion guide to Planning Policy Statement 22.

7. In order to provide mitigation of the effects of shadow flicker, should they be evident to an unacceptable level in accordance with the companion guide to Planning Policy Statement 22.

8. To ensure best practices throughout the constructional phase of the development are used in accordance with policies NE2 and BE1 of the Hinckley and Bosworth Local Plan.

9. To ensure the turbines operate in accordance with the parameters set out in ETSU-R-97, and to protect the amenity of residents in accordance with policy BE1 and NE2 of the Hinckley and Bosworth Local Plan.

10. In the interests of highway safety in accordance with policy T5 and BE1 of the Hinckley and Bosworth Local Plan.

11. In the interests of aviation safety in accordance with policy T5 and BE1 of the Hinckley and Bosworth Local Plan.

12. To ensure that the turbines operate in accordance with the parameters set out in the Environment and Noise statements and in accordance with ETSU-R-97 and Policy NE2 of the Hinckley and Bosworth Local Plan.

13. In the interests of visual amenity in accordance with policies BE1 and NE5 of the Hinckley and Bosworth Local Plan.

14. In the interests of visual amenity in accordance with policies BE1 and NE5 of the Hinckley and Bosworth Local Plan.

15. To ensure satisfactory archaeological investigation and recording to accord with policy BE16 of the Hinckley & Bosworth Local Plan.

16. To protect features of nature conservation in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

17. To protect features of nature conservation in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation

18. To ensure the turbines operate in accordance with the parameters set out in the Noise Report and in accordance with ETSU-R-97, and to protect the amenity of residents in accordance with policy BE1 and NE2 of the Hinckley and Bosworth Local Plan.

19. To ensure the turbines operate in accordance with the parameters set out in the Noise Report and in accordance with ETSU-R-97, and to protect the amenity of residents in accordance with policy BE1 and NE2 of the Hinckley and Bosworth Local Plan.

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23. To ensure the turbines operate in accordance with the parameters set out in the Noise Report and in accordance with ETSU-R-97, and to protect the amenity of residents in accordance with policy BE1 and NE2 of the Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5. The pond proposed in the north eastern corner of the field as shown on Drawing 2 submitted with the Ecological Walkover Report shall be constructed in accordance with the specifications set out in the report.

6. Any incidental bat/bird stike occurrences shall be recorded and reported to Leicestershire County Council ecology department.

7. Your should ensure that public footpath S2 remains unobstructed from delivery or construction vehicles, staff vehicles and from the storage of construction materials at all times. If it is necessary for any works to be undertaken within the confines of the public footpath then prior permission will be required from the Rights of Way Inspector for this area. Please contact Mr A Perry on 0116 305 0001 to discuss this matter further.



Date : 28 July 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.

4. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

6. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."

2 The buildings to which these requirements apply are :-

a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.

b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.

c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES – V2.1