

## Matter 9: Policies for the Environment

### Matter 9.6: EN10 (Energy Generation from Renewable Sources)

### Matter 9.8: EN13 (Heritage Assets)

Representation by John Moore

Reference: ANON-7VBY-7H4P-B

4 Appendices included with this representation (appendix 3 is in two parts)

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### **1.00 Policy EN10 is not consistent with the Government's Planning Practice Guidance (PPG) for Renewable and Low Carbon Energy nor with the Written Ministerial Statement (WMS) of the Secretary of State for Communities and Local Government concerning proposed wind energy development (18 June 2015).**

1.01 The Council has misunderstood what the WMS from the DCLG means in practice. This is examined in more detail within Appendix 1<sup>1</sup> but, in brief, it has read the WMS text which states “in applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan” to mean that the provisions of the WMS (and the consequent changes to planning practice guidance) can only be applied if suitable areas for wind energy development have been allocated in a Local or Neighbourhood Plan. The Head of Regulatory Services has said as much on several occasions including in his report on the matter to the Extraordinary Meeting of the Full Council on 1 September 2016<sup>2</sup>.

1.02 That is not the case. As the then Parliamentary Under Secretary of State for Communities and Local Government James Wharton explained<sup>3</sup>, the new planning tests were introduced to add an additional safeguard to national planning policy to ensure that wind turbines should only get the go-ahead when local people have said they want them, and where. In order to give local people the final say on wind farm applications, it requires that the planning concerns of affected local communities should be fully addressed even if the community has given its backing for wind turbines in the area through their Local or Neighbourhood Plan.

#### Changes to Planning Practice Guidance

1.03 The WMS set out new considerations for decision makers when determining planning applications for wind energy development involving one or more wind turbines and announced that the Secretary of State was making a limited number of consequential changes to the Government's planning practice guidance on Renewable and Low Carbon Energy. Some additional text was added to paragraph 005 of the PPG (*How can local planning authorities identify suitable areas for renewable and low carbon energy?*) and new paragraphs 032 (*How are 'suitable areas' defined in*

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- 1 Appendix 1: EN10 Policy Evolution covers the period from publication of the Emerging Options (Draft Plan) in January 2016 to the officer responses to representations made in December 2016 in respect of the Draft Local Plan.
  - 2 *Review of Melton Local Plan – Renewable Energy (Wind)* paragraph 3.6.3. The Head of Regulatory Services informed members that the (WMS) is considered to be of great significance to the content of the policy [EN10] because the Statement itself explains that the criteria can only be employed once a Local or Neighbourhood Plan has created a policy: 'In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan'.
  - 3 See Appendix 5

relation to wind energy development?) and 033 (Do local people have the final say on wind farm applications?) were added.

1.04 The additions to paragraph 005 include:

In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan.

1.05 Paragraph 005, which refers to suitable areas in relation to renewable and low carbon energy sources as a whole, is followed by new paragraph 032 which clarifies how suitable areas should be defined when planning for wind energy development in particular. It states:

Suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient.

1.06 New paragraph 033 references the WMS and addresses the particular planning considerations that relate to wind turbines to ensure that wind energy development should only receive planning permission if the identified planning impacts have been fully addressed and the proposal has the backing of the affected local community; whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.

#### Melton Borough Council's Approach to Renewable Energy Generation

1.07 The draft Local Plan's section on Renewable and Low Carbon Energy states that “the Borough Council has prepared evidence on the impact of wind energy on the landscape<sup>4</sup>” in the form of the *The Melton and Rushcliffe Landscape Sensitivity Study 2014*.

1.08 The Study broadly conforms with the guidance in paragraph 005 of the PPG that it could form the basis for considering which technologies at which scale may be appropriate in different types of location. However, the Council is unjustified in applying it as evidence for its judgement that 11 of the 15 broad landscape character units are suitable for wind energy development of defined turbine heights and cluster sizes<sup>5</sup>.

1.09 The Study's authors had made it clear that “while this landscape sensitivity assessment provides an initial indication of the relative landscape sensitivities of different areas to wind energy development, it should not be interpreted as a definitive statement on the suitability of a certain location for a particular development<sup>6</sup>”. Yet that is what the Council has done in practice.

1.10 The decision to identify specific LCUs as suitable areas for wind energy development was taken at the Extraordinary Meeting of the Full Council on 1 September 2016. The resolution was moved by Councillor Chandler, Chair of the Melton Local Plan Working Group, who stated the Working Group considered that by identifying named locations the draft policy would provide the best form of control for the borough. She referred to the “Government having introduced new controls into national guidance in 2015 [which said that] turbines could only be approved if they had the backing of the affected community. This was perhaps the best tool at the Council’s disposal

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4 Paragraph 7.20.8

5 Paragraph 7.20.12

6 Melton and Rushcliffe Landscape Sensitivity Study 2014, paragraph 4.19

if the Council was to resist turbines where they were unwelcome. However, it (the WMS) could not be applied until a policy to allocate suitable areas for wind energy was in place. The policy (EN10) did exactly that and was based on sound evidence and was quite sophisticated in terms of explaining what scale and grouping of turbines could be accommodated in principle across the Borough<sup>7</sup>.

1.11 However, contrary to the advice of the Council's Head of Regulatory Services that "policy EN10 as published closely follows the approach referred to in NPPG<sup>8</sup>", the misunderstanding of the WMS (believing that the affected local community could only have the final say on wind turbine applications if suitable areas had been identified in a local or neighbourhood plan) and the failure to apply the new planning policy requirements expressed in paragraphs 005 and 032 in the PPG have resulted in draft Local Plan policy EN10 being out of step with national planning policy:

- Identifying wide-ranging landscape areas where turbines "could be accommodated in principle" is not the same as clearly allocating particular locations as suitable for wind energy;
- *The Melton and Rushcliffe Landscape Sensitivity Study* upon which policy EN10 is based does not provide evidence of suitability; it outlines Landscape Character Units (areas) which would be less sensitive than others but it does not identify them as necessarily suitable for wind turbine development;
- The LCUs are too wide-ranging, approximately 60km<sup>2</sup> in the case of LCU<sup>9</sup>. This is despite the Head of Regulatory Services having informed the Council<sup>10</sup> that "in the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan";
- Landscape areas are considered to be suitable for wind energy development but the policy does not allocate them, contrary to paragraph 032 of the PPG. Factor 17 in the policy simply requires that the development site is in an area identified as being of low or low-moderate sensitivity to wind turbine development in the Melton and Rushcliffe Landscape Sensitivity Study 2014. This is despite the Head of Regulatory Services having informed the Council<sup>11</sup> that "suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient";

1.12 Further, contrary to the advice of paragraph 005 of the PPG and paragraph 97 of the NPPF, EN10 has not sought to identify suitable areas for all the forms of renewable energy mentioned in the first paragraph of the policy<sup>12</sup>, just wind.

1.13 In response to my challenge of the soundness<sup>13</sup> of draft policy EN10 the Council asserted that without the Melton Local Plan identifying areas as suitable for wind energy development it would not be possible to permit even a small turbine, for example to support farming. I do not accept this. Surely a proposal to deploy a small wind turbine on a farm is a matter to be agreed within the

7 Item C in the minutes of the Extraordinary Meeting of the Council of the Borough of Melton, 1 September 2016: Review of Melton Local Plan Policy EN10 - Renewable Energy (Wind)

8 Report of the Head of Regulatory Services to the Extraordinary Meeting of Full Council, 1 September 2016: *Review of Melton Local Plan Policy EN10 - Renewable Energy (Wind)*, paragraph 3.6.2

9 The map depicting LCU8 is included as appendix 5

10 *Review of Melton Local Plan Policy EN10 - Renewable Energy (Wind)*, paragraph 3.6.2 quotes the new requirement of paragraph 005 of the PPG

11 *Review of Melton Local Plan Policy EN10 - Renewable Energy (Wind)*, paragraph 3.6.2 quotes the new requirement of paragraph 032 of the PPG

12 Biomass power generation, combined heat and power (CHP), hydro, wind, solar and micro generation systems

13 MBC Response to Chapter 7 Draft Melton Local Plan consultation, page 68

affected local community and would be better brought forward through a Neighbourhood Plan? Factor 16 in draft policy EN10 explicitly makes provision for this. It should be borne in mind that there is no legal requirement to carry out pre-application consultation with the local community for a single turbine of up to 15 metres<sup>14</sup> in hub height<sup>15</sup>. It should also be noted that Factor 17, as presently drafted, could not be applied to small turbines for agricultural uses in four of the LCUs: LCU2, LCU4, LCU7 & LCU12.

1.14 In general, consistent with national planning policy since 18 June 2015, I consider that allocations of areas for wind turbines in Melton Borough is a matter which would be better addressed through Neighbourhood Plans and that the Melton Local Plan should not seek to make allocations of suitable areas for wind energy development. There is no requirement for local plans to identify and allocate suitable areas for wind energy development<sup>16</sup>, neither has there been public support for the Council to do so through the consultation process<sup>17</sup>, so to persist with this approach would be bordering on the perverse given that the Council is mistaken in its belief that the second provision in paragraph 033 of the PPG<sup>18</sup> can only be applied if suitable areas for wind energy development have been allocated in a local or neighbourhood Plan.

1.15 Attention should now be paid to developing a more effective policy. I have enclosed as Appendix 3a an alternative wording which I consider would meet the Melton Local Plan's Vision and Strategic Objectives and would be consistent with the NPPF, Planning Practice Guidance and the Written Ministerial Statement. (Appendix 3b shows the additions and deletions to the policy text in the draft Local Plan.)

## **2.00 Clarification would be welcome as to the point at which criterion 18 will need to be addressed by the applicant.**

2.01 Paragraph 030 of the PPG states that local planning authorities should work constructively with prospective applicants undertaking compulsory pre-application consultation with the local community.

2.02 Therefore, whilst the responsibility for pre-application consultation should always rest with the prospective applicant, in the light of the WMS and new paragraph 033 of the PPG, it would be prudent for the local planning authority to inform the applicant what it considers to be the potentially affected local community or communities for any particular proposal.

2.03 Prior to validating a planning application, the local planning authority is required to establish that the applicant has complied with the statutory requirements for pre-application consultation. It would be sensible to require the applicant, in addition, to demonstrate to the Council's satisfaction that it has broad support within the affected local community or communities prior to validation.

2.04 Whilst the legal requirement for pre-application consultation applies only to proposals which involve more than two turbines or where the hub height of any turbine exceeds 15 metres, in the

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14 The draft Local Plan refers to height to the blade tip. A 15 metre hub height would translate into a blade tip height of about 20 metres depending on the model selected

15 The Town and Country Planning (Development Management Procedure) (England) Order 2015

16 Letter from the Minister of State for Housing and Planning; see Appendix 3

17 Paragraph 3.5 of the Report of the Head of Regulatory Services on the Review of Melton Local Plan Policy EN10 – Renewable Energy (Wind), 1 September 2016. Attached as Appendix A to the report was an analysis of consultation responses to draft policy EN10 at the Emerging Options stage in January 2016.

18 Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing

light of the WMS and paragraph 033 it would be wise for policy EN10 to establish a local requirement for pre-application consultation for all wind turbine proposals.

**3.00 Policy EN13 does not provide sufficient protection for the borough's heritage assets consistent with national planning policy and the statutory duties of s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

3.01 The policy states that “the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through [inter alia]: seeking to ensure the protection and enhancement of Heritage Assets when considering proposals for development affecting their significance and setting, and ensuring that new developments in conservation areas are consistent with the identified special character of those areas”.

3.02 Such a positive approach is consistent with the NPPF as far as it goes. Missing is the need as identified in the footnote to NPPF paragraph 126 for the Local Plan to set out a strategy for the conservation and enjoyment of the historic environment consistent with the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.03 The LBCA Act places a general duty in the exercise of planning functions to (1) have a special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses<sup>19</sup>, and (2) with respect to any buildings or other land in a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area<sup>20</sup>. The courts<sup>21</sup> have ruled that, in practice, special regard and special attention mean that there should be a strong presumption against a development which would result in even less than substantial harm to the heritage asset and that this must be given considerable importance and weight in the planning balance.

3.04 That statutory duty is not really reflected in EN13 with its “need for a balanced judgement about the scale of any harm or loss and the significance of the heritage asset”. The “positive approach (points A-F) to the conservation of heritage assets and the wider historic environment” does not go far enough. Missing is a clear reference as to how the statutory duty under the LBCA Act will be applied.

3.05 Policy EN13 should additionally state that the Council will apply the strong statutory presumption of the Planning (Listed Buildings and Conservation Areas) Act 1990 against development which would cause harm to a listed building or its setting and/or the character or appearance of a conservation area.

3.06 Point C should refer to “character and appearance of those areas” - add *and appearance*.

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19 Section 66i of the LBCA Act 1990

20 Section 72i of the LBCA Act 1990

21 (1) Barnwell Manor Wind Energy Limited v. East Northamptonshire District Council and others (18/02/2014), and (2) The Forge Field Society and others versus Sevenoaks District Council and others (12/062014)

## **Appendices to Matter 9: Policies for the Environment**

1. Policy EN10 Evolution
2. Letter to Councillor Simpson from the Minister of State for Housing and Planning
3. a) Chapter on Renewable and Low Carbon Energy and Policy EN10: Suggested Wording  
b) Chapter on Renewable and Low Carbon Energy and Policy EN10: Old Wording
4. Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development – Map of Landscape Character Unit 8
5. Ministerial Letter dated 20 January 2016

## Appendix 1

### Policy EN10 Evolution

1.00 On 3 September 2014 the Head of Regulatory Services presented the draft *Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development* to Melton Borough Council's Rural Economic and Environment Committee and sought approval for its “use as part of the Local Plan evidence base and in assisting the assessment of any planning applications for wind energy in the Borough”<sup>22</sup>.

1.01 Committee members who spoke at the meeting expressed a sense of relief that the Council would now be able to resist unwelcome wind turbine planning applications. As the Head of Regulatory Services later recalled<sup>23</sup>, “during 2013 and 2014 the Council had received several applications for wind turbines but, due to the age and content of the 1999 Melton Local Plan, was confined to using only the guidance within the NPPF to form the basis for decisions. This guidance was felt to be limited in content and positive in intent and resulted in permission being granted for several turbines”<sup>24</sup>.

1.03 This sense of disempowerment was felt widely throughout the country such that wind energy development became an issue at the 2015 general election following which, on 18 June 2015, the Secretaries of State at the Departments for Communities and Local Government (DCLG) and for Energy and Climate Change (DECC) both issued Written Ministerial Statements (WMS) on the matter.

1.04 The Written Ministerial Statement from the DCLG set out new considerations for decision makers when determining planning applications for wind energy development involving one or more wind turbines.

1.05 The WMS also announced that the Minister was making a limited number of consequential changes to the Government's planning guidance on Renewable and Low Carbon Energy to require that planning permission for one or more wind turbines should only be granted in areas which had been identified as suitable in a local or neighbourhood plan; suitable being not simply an area favourable to wind turbines but one that had been clearly allocated in a local or neighbourhood plan.

1.06 As the Parliamentary Under Secretary of State for Communities and Local Government explained<sup>25</sup>, the new planning tests were introduced to add an additional safeguard to national

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22 Recommendation of the Report of the Head of Regulatory Services on the Landscape Capacity and Sensitivity Study: Wind Energy, 3 September 2014

23 In his report to an extraordinary meeting of the Full Council on 1 September 2016

24 Paragraph 3.1 of the Report of the Head of Regulatory Services on the Review of Melton Local Plan Policy EN10 – Renewable Energy (Wind), 1 September 2016

25 Letter from James Wharton MP, Parliamentary Under Secretary of State for Communities and Local Government to Geoffrey Cox, MP for Torridge and West Devon as reported in the North Devon Journal on 3 February 2016: “The new planning tests announced in the June 2015 written statement reflect our view that in future wind turbines should only get the go-ahead when local people have said they want them, and where. I can confirm that the statement does not require local planning authorities to identify suitable areas for wind energy development in their local plans. The National Planning Policy Framework also does not include such a requirement. The Framework does (paragraph 97), however, encourage local councils to consider identifying suitable areas for renewable energy, where this would help secure the development of such sources. We have, of course, been very clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. June’s

planning policy to ensure that wind turbines should only get the go-ahead when local people have said they want them, and where. In order to give local people the final say on wind farm applications, it required that the planning concerns of affected local communities should be fully addressed even if the community had given its backing for wind turbines in the area through their Local or Neighbourhood Plan.

1.07 The significant wording in the Parliamentary Under Secretary of State's letter is that the planning concerns of affected local communities should be fully addressed even if they have given their backing for wind turbines in the area through their Local or Neighbourhood Plan.

1.08 Policy EN10 in the submission draft Melton Local Plan has been developed based on a different understanding. The Council has read “in applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan” to mean that the second provision of the WMS<sup>26</sup> can only be applied if suitable areas for wind energy development have been allocated in a Local or Neighbourhood Plan. The Head of Regulatory Services said as much in his report on the matter to the extraordinary meeting of the Full Council on 1 September 2016<sup>27</sup> when members considered the *Review of Melton Local Plan Policy EN10* and agreed to the recommendation that the submission version of the policy be prepared based on the conclusion of the Local Plan Working Group that it was necessary to include specific, named landscape areas<sup>28</sup>. The Chair of Working Group, Councillor Chandler, proposed the motion and further informed members: “the Written Ministerial Statement cannot be applied until we have a suitable policy to allocate areas in the Local Plan.”

1.09 The Head of Regulatory Services acknowledged<sup>29</sup> that during public consultation on the Emerging Options (Draft Plan) earlier that year it had been pointed out that “the inclusion of named landscape character areas and their sensitivity to turbines of varying sizes and groupings (clusters) is unnecessary” and that “a criteria based policy is a preferred alternative approach”.

1.10 In my Emerging Options (Draft Plan) representation I challenged the soundness of citing the *Melton and Rushcliffe Landscape Sensitivity Study* as evidence that areas identified in policy EN10 are suitable for wind energy development for identified turbine heights and cluster sizes. I stated:

The draft Melton Local Plan has incorrectly used the *Melton and Rushcliffe Landscape Sensitivity Study 2014* to determine that Landscape Character Assessment Units judged as being of low or low-medium sensitivity ARE suitable for wind energy development for identified turbine heights and cluster sizes.

The authors of the Study made it clear (paragraph 4.19) that it provides an initial indication

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written statement adds an additional safeguard by being clear that the planning concerns of affected local communities should be fully addressed - even if they have given their backing for wind turbines in the area through their Local or Neighbourhood Plan”.

26 “Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.”

27 *Review of Melton Local Plan – Renewable Energy (Wind)* paragraph 3.6.3. The Head of Regulatory Services informed members that the (WMS) is considered to be of great significance to the content of the policy [EN10] because the Statement itself explains that the criteria can only be employed once a Local or Neighbourhood Plan has created a policy: 'In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan'.

28 Paragraph 3.7.1 of the Report of the Head of Regulatory Services on the Review of Melton Local Plan Policy EN10 – Renewable Energy (Wind), 1 September 2016

29 Paragraph 3.5 of the Report of the Head of Regulatory Services on the Review of Melton Local Plan Policy EN10 – Renewable Energy (Wind), 1 September 2016



only of relative landscape sensitivities and it should not be interpreted as a definitive statement on the sensitivity of a particular location for a particular development. Yet this is exactly what draft policy EN10 does when in paragraph 7.20.12 it states that the identified LCUs ARE suitable for wind energy development for the identified turbine heights and cluster sizes (throughout the 20 years of the Plan until 2036).

The authors had prefaced their Study by stating that it will assist by identifying areas of greater or lesser sensitivity (paragraph 1.4). They do not claim to identify areas which ARE suitable for wind energy development but to identify areas which might be less sensitive than others.

They also make it clear (paragraph 1.9) that judgements about the acceptability of landscape change can alter over time, not only in terms of attributes to a particular landscape but also in terms of our attitudes towards a particular type of change (as can be witnessed in the marked change of Government policy on the matter within just 10 months of the Study's publication).

In practice, as the authors acknowledged (paragraph 1.3), the Study provides an evidence base, albeit not definitive, upon which decisions can be more readily made. Indeed, recent appeals locally (Hazelton Farm, Hall Farm and Park Farm) have led to the Planning Inspectorate and the Secretary of State concluding that the *Melton and Rushcliffe Landscape Sensitivity Study* has only limited planning weight.

In his decision letter for the Hall Farm appeal the Secretary of State disagreed with the assessment derived from The Melton and Rushcliffe Landscape Sensitivity Study of a low-moderate landscape sensitivity for a proposed 46.1 metre high turbine. He considered that the turbine was incompatible with its rural location in LCU8 and would cause moderate harm to the fabric of the landscape, a matter to which he attributed considerable weight in the planning balance.

The draft Melton Local Plan is therefore wrong to consider in paragraph 7.20.12 that “Landscape Character Assessment Units judged as being of Low or Low-Moderate sensitivity [in the *Melton and Rushcliffe Landscape Sensitivity Study 2014*] ARE suitable for wind energy development”. At the very least “are” should be replaced by “may be” or, better, “may offer locations for wind energy development”.

1.11 In its published Emerging Options consultation response in July 2016 Melton Borough Council rebutted my objection to the inclusion of identified LCUs as being suitable for wind energy development and stated that “The guidance in para 7.20.7<sup>30</sup> has now been superseded by that in para 7.20.8<sup>31</sup> and it is now a requirement for Local Plans to identify areas as suitable for wind energy development”. (Paragraph 7.20.7 was then amended in the Submission Draft Local Plan to remove the reference to the NPPF.)

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30 Paragraph 7.20.7 of the Emerging Options (Draft Plan) stated that “The Local Plan sets out an approach to supporting and managing these types of development to ensure that adverse impacts are addressed, including cumulative landscape and visual impacts. To do this the NPPF suggests that it might be appropriate to identify suitable areas for renewable and low carbon energy sources and supporting infrastructure, where this would help their development”.

31 Paragraph 7.20.8 of the Emerging Options (Draft Plan) stated that “the evidence [of the Landscape Sensitivity Study 2014] has been used to inform policy on renewable energy such that it complies with the ministerial statement issue[d] in June 2015 by the Secretary of State for Communities and Local Government. This set out new considerations to be applied to proposed wind energy development ....”

1.12 The officer response was wrong: (1) the WMS had not superseded the NPPF in any way and NPPF paragraph 97 had not been amended, and (2) I knew from having read the report of the letter from James Wharton MP, Parliamentary Under Secretary of State for Communities and Local Government that “the statement does not require local planning authorities to identify suitable areas for wind energy development in their local plans”.

1.13 I therefore drew the matter to the attention of my ward councillor and Local Plan Working Group member, Councillor Simpson, and on 9 August 2016 she wrote to the Government asking for clarification on allocating sites for wind turbines in local plans. She received a written reply from Gavin Barwell MP, Minister of State for Housing and Planning dated Friday 26 August which is included here as Appendix 2. The Minister of State confirmed that “the statement does not require local planning authorities to identify suitable areas for wind energy development in a local or neighbourhood plan.”

1.14 By this time the Report of the Head of Regulatory Services on the *Review of Melton Local Plan Policy EN10 – Renewable Energy (Wind)* had been published ahead of the extraordinary full council meeting of the 1 September. On Monday 29 August Councillor Simpson forwarded the Minister of State's reply to the Head of Regulatory Services. She requested that he make “revisions to the report which is to be presented to full council on Thursday 1st September particularly to 3.6.2, and the basis of how EN10 goes forward”.

Paragraph 3.6.2 was advising members that draft policy EN10 as published in the Emerging Options Draft Plan “closely follows the approach referred to in NPPG<sup>32</sup>” and “we need a policy of this nature in order to fulfil our responsibilities to make a contribution to renewable energy by virtue of wind. It is considered that if the policy or table of locations within it were removed, the policy would not be in conformity with the NPPF/NPPG and as such could be found unsound at examination”.

Paragraph 3.6.3 then advised members of the criteria that derive from the WMS and which are referenced in paragraph 033 of the NPPG<sup>33</sup> are “considered to be of great significance to the content of the policy because the Statement itself explains that the criteria can only be employed once a Local or Neighbourhood Plan has created a policy: *In applying these new considerations, suitable areas **will need to have been allocated** clearly in a Local or Neighbourhood Plan.*” [bold emphasis as published]

1.15 The Head of Regulatory Services replied to Councillor Simpson on 31 August<sup>34</sup>:

We have not sought to say the Local Plan must have such a policy, and do not contest Mr Barwell’s letter in this regard. Rather, we consider it should have one, both in terms of following NPPG guidance and to provide the best form of control for the Borough.

The NPPG is pretty clear about the desirability of such a policy (again, whilst stopping short of ‘must’) in order to discharge our responsibilities to encourage renewable energy whilst

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32 He cited extracts from paragraphs 5 and 32 of Planning Practice Guidance on Renewable and Low Carbon Energy: “In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan” and that “Suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan.

Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient [paragraph 032].

33 Planning Practice Guidance on Renewable and Low Carbon Energy

34 Email dated 31 August 2016, 5.37pm

applying the appropriate environmental controls. It goes on to explain how one might be developed with reference to landscape character assessments and as you know this is the path we have followed.

However, perhaps most importantly, the provisions made in the ministerial statement (and now part of NPPG) cannot be applied until, to quote, “in applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan”. The particular provision I believe will be of the greatest use to us is that which states “local planning authorities should only grant planning permission if:.....following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing”. This, in my opinion, is the key to resisting turbine developments where they are unwelcome, but to do so we first need a policy to allocate suitable areas for wind energy (as per the WMS).

1.16 Councillor Simpson advised me of the response and I contacted<sup>35</sup> the Head of Regulatory Services to point out that, contrary to his assertion that unwelcome turbine developments can only be resisted if suitable areas have been allocated clearly in a local or neighbourhood plan, there was a local example where a wind turbine application had been refused<sup>36</sup> precisely because (1) it was not within an area identified as suitable in a local or neighbourhood plan and (2) did not have the backing of the affected local community. I wrote:

I note that following the Written Ministerial Statement of 18 June 2015 you consider that the key to resisting turbine developments, where they are unwelcome, is to have a policy which allocates suitable areas for wind energy. You state that the provisions made in the ministerial statement (and now part of NPPG) cannot be applied until suitable areas for wind energy development have been allocated clearly in a Local or Neighbourhood Plan.

I disagree and would draw your attention to the decision notice (as attached) that was issued by Melton Borough Council on your authority in respect of a planning application made on 22 July 2015 for a wind turbine near Station Road – application number 15/00588/FUL.

The planning application was refused because “The Local Planning Authority is not satisfied that the planning impacts identified by the affected communities have been addressed and therefore the proposal does not have their backing. **The application is not within an area identified as suitable for wind energy development within a Local or Neighbourhood Plan**, and following consultation does not have the backing of the locally affected community. **The proposal is therefore contrary to the Written Ministerial Statement** dated 18th June 2015 [my emphasis].”

Contrary to the opinion you expressed in your email to Councillor Simpson it is quite clear that the provisions of the ministerial statement have been applied and the application was properly refused. However, if you have your way on identifying LCUs within the body of local plan policy EN10 it surely would not be possible to cite this reason for refusing a future application.

The site for 15/00588/FUL falls within LCU8 which is one of the areas identified as suitable for wind energy development in draft local plan policy EN10. Whilst the particular

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35 Email dated 1 September 2016, 16.01

36 Planning application MBC 15/00588/FUL dated 22 July 2015

circumstances of the proposal would need to be assessed against the criteria listed in EN10, the fact that the landscape had been pre-judged to be suitable would significantly limit the ability of the affected local community to successfully resist further unwelcome proposals.

As you now appear to agree having had sight of Mr Barwell's letter there is no requirement to identify areas suitable for wind energy development in a Local Plan but local authorities may do so if they wish. I query the sense of so doing,

In the best interests of the community I urge you reflect further on the matter such that at this evening's meeting of the Council you recommend that the main body of draft policy EN10 should omit reference to areas considered suitable for wind turbine development.

1.17 At the Extraordinary Meeting of Full Council on 1 September 2016 the Head of Regulatory Services made no reference to any of the above nor made any amendment to his report *Review of Melton Local Plan Policy EN10 – Renewable Energy (Wind)*. The recommendation was approved almost unanimously by members with the effect that the draft Local Plan was prepared with an unchanged policy EN10. I attended the meeting and noted that when questioned on the matter the Head of Regulatory Services answered: "The policy is desirable, as set out in paragraph 3.6. If you have a policy like this you can use the Written Ministerial Statement. The policy identifying areas is not an open door in any way".

1.18 In the Submission Draft Local Plan policy EN10 *Energy From Renewable Sources* has seen some minor detail changes but remains fundamentally the same as at the Emerging Options stage and paragraph 7.20.12 still states "It is considered that Landscape Character Assessment Units (LCUs) judged as being of Low or Low-Moderate sensitivity are suitable for wind energy development for the turbine heights and cluster sizes defined in *The Melton and Rushcliffe Landscape Sensitivity Study*". However, policy EN10 itself does not include any wording about suitable areas, stating instead that "the development site is in an area identified as being of low or low-moderate sensitivity to wind turbine development in the *Melton and Rushcliffe Landscape Sensitivity Study* 2014."<sup>37</sup>

1.19 When making my consultation response I addressed this apparent oversight as below:

There is no requirement in the National Planning Policy Framework nor in national Planning Practice Guidance for local plans to identify areas as suitable for wind energy development but, if local councils choose so to do, the PPG for Renewable and Low Carbon Energy makes it clear in paragraph 32 that suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Policy EN10 identifies Landscape Character Units (areas) which would be less sensitive than others to wind turbine development but it does not identify them as necessarily suitable, yet alone allocate them. **Policy EN10, as drafted, is therefore contrary to national planning practice guidance.**

Further, some of the Landscape Character Units cover an extensive land area containing different landscape features and different sensitivities to wind turbines. For example LCU8, *High Leicestershire Hills, Great Dalby and Gaddesby Pastoral Farmland* covers an area of approximately 60km square around the villages of Great Dalby, Thorpe Satchville, Ashby Folville, Barsby, Gaddesby, Kirby Bellars and Burton Lazars. This is much too large an area to be considered suitable for allocation.

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37 Criterion 17 of the list of factors that proposals for renewable energy will need to take into account.

A single wind turbine application in the area covered by LCU8 was supported by neighbours but many others have seen sustained objections from the affected local communities (not least because of their impact on the landscape). I contend that without the backing of the affected local communities in LCU8 and elsewhere it would not be appropriate to list as suitable, let alone allocate, identified Landscape Character Units within Melton Local Plan policy EN10. The Written Ministerial Statement from the Department for Communities and Local Government dated 18 June 2015 makes it clear that planning permission for wind energy development involving one or more wind turbines should only be granted if the planning impacts identified by affected local communities have been fully addressed such that the proposal has their backing.

In addition, policy EN10 sits uncomfortably with other aspects of the Submission Draft Local Plan, in particular policy EN1 which seeks to enhance and protect the character of Melton Borough's landscape and countryside by, inter alia, “ensuring new development is sensitive to its landscape setting and enhances the distinctive qualities of the landscape character type (as defined in the Landscape Character Assessment”. In the accompanying text (paragraph 7.1.3) four of the twenty landscape character areas are identified for particular consideration including “the High Leicestershire Hills which is a classic landscape influenced by the requirements of sporting estates”.

1.20 The Council's response was to “make a modification to paragraph 7.20.12 to make it clear that Criteria 17 [sic] allocates areas which are suitable for wind energy development, subject to the remaining criteria 1-18 being satisfied”. Although, that does not satisfy my objection, I have been unable to find the modification within the Submission Draft Local Plan. The wording of paragraph 7.12.12 remains unchanged from that included in the earlier Emerging Options (Draft Plan).

Appendix 2



Department for  
Communities and  
Local Government

Councillor Simpson

[janetsimpson@melton.gov.uk](mailto:janetsimpson@melton.gov.uk)

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OU Ref: 157/0028

Dear Cllr Simpson,

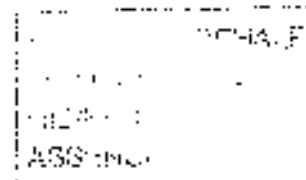
26 AUG 2016

Thank you for your email of 9 August to the Department for Energy and Climate Change seeking clarification on allocating sites for wind turbines in Local Plans. Your email has been passed to this department and I am replying as Minister for Housing and Planning.

The new planning tests announced in the June 2016 Written Statement reflect our view that wind turbines should only get the go-ahead when local people have said they want them, and where. I can confirm that the statement does not require local planning authorities to identify suitable areas for wind energy development. Rather, and subject to a transitional provision the statement sets out our view that planning permission should only be granted if the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan. We explained in the statement that, in applying the new considerations suitable areas for wind energy development will need to have been allocated clearly in a local or neighbourhood plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient.

In addition, the National Planning Policy Framework does not include a requirement to identify suitable areas for wind energy development, but says that local planning authorities should consider identifying suitable areas for renewable and low carbon energy sources where this would help secure their development. It is up to local councils how they wish to plan for such energy infrastructure in their areas.

  
GAVIN BARWELL MP



## **Chapter on Renewable and Low Carbon Energy and Policy EN10: Suggested Wording**

### **7.19 Renewable and Low Carbon Energy in Melton Borough**

7.19.1 The [UK Renewable Energy Strategy \(2009\)](#) indicates that 15% of the UK's energy demand will be met by renewable or low carbon energy sources by 2020. These include commercial and small scale wind, solar photovoltaic, solar thermal, ground source heat, hydroelectric, and biomass renewable technologies. This will also assist in meeting the UK's wider targets for reducing greenhouse gas emissions under the Kyoto Protocol and the Climate Change Act 2008. The latter requires an 80% reduction in UK emissions by 2050 with a 50% reduction having been achieved between 2023 and 2027.

7.19.2 [The Planning for Climate Change Study](#), evidenced by recent planning applications, suggests that Melton Borough has a strong potential to develop renewable energy: solar, wind and biomass energy from crops and waste. Wood obtained from trees which are certified as being managed in an environmentally sustainable way provides a sustainable source of biomass fuel. Whilst such technologies may be viable, they can have a significant environmental impact.

### **7.20 Decentralised Renewable Energy and Large Scale Renewable Energy**

7.20.1 Unlike conventional power sources that rely on large power stations supplying the national grid, renewable energy from biomass, wind or solar power can be developed to supply individual communities and buildings. These may still be connected to the national grid or can operate separately using local power networks.

7.20.2 In the future, community owned decentralised schemes could benefit a whole settlement. For example, Hockerton in Nottinghamshire has bought and installed a 225kw wind turbine, with feed-in tariff profits benefiting shareholders and paying for projects to benefit the local community.

7.20.3 However, it is unlikely that renewable energy alone will meet our energy demand. The Government has signalled its intention to investigate the opportunities which shale gas fracking may offer to provide additional sources of energy in the future. There is a possibility that areas in the Borough, notably to the North and West, may be considered to have the potential for shale gas production. However, Leicestershire County Council would be the authority responsible for determining such proposals, as the Mineral Planning Authority.

7.20.4 To meet the national requirements for renewable energy production it is likely that, subject to funding availability, there may be proposals for large scale renewable energy developments in the Borough, with different types of renewable energy technology having differing impacts.

7.20.5 Large scale renewable proposals, especially for wind energy, can have a significant impact upon the character and appearance of an area through impacts upon the landscape and heritage assets, along with effects on the amenity of residents.

7.20.6 Whilst protecting Melton Borough’s rural character, national policy requires that consideration must also be given to the need to reduce carbon emissions and support and deliver economic growth through low carbon energy generation.

7.20.7 The Local Plan sets out an approach to supporting and managing these types of development to ensure that adverse impacts are addressed, including cumulative landscape and visual impacts.

7.20.8 The Borough Council has prepared evidence on the impact of wind energy on the landscape. The Melton and Rushcliffe [Landscape Sensitivity Study](#) 2014 provides an indication of relative landscape sensitivities. The Study has been used to inform policy but it should not be interpreted as a definitive statement on the sensitivity of a particular location for a particular development.

7.20.9 The Melton and Rushcliffe Landscape Sensitivity Study divides the Borough’s landscape into 15 Landscape Character Assessment Units and makes a judgement on the landscape sensitivity to different heights of turbine. Sensitivity is judged on a five-point scale as shown in Table 16 below:

<b>Sensitivity level</b>	<b>Definition</b>
High	The key characteristics and qualities of the landscape are highly sensitive to change from the type and scale of renewable energy being assessed.
Moderate-High	The key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Moderate	Some of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Low-Moderate	Few of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Low	Key characteristics and qualities of the landscape are robust and are less likely to be adversely affected by the type and scale of renewable energy development being assessed.

**Table 16: Sensitivity levels and definitions**

7.20.10 The assessment is applied to all forms of turbines based on the most common horizontal axis three-bladed turbine and cluster sizes, based on bandings that reflect those most likely to be put forward by developers.

7.20.11 It is considered that Landscape Character Assessment Units (LCUs) judged as being of Low or Low-Moderate sensitivity may offer locations which are suitable for wind energy development for the turbine heights and cluster sizes defined in The Melton and Rushcliffe Landscape Sensitivity Study.



7.20.12 The layout and design of wind energy development proposals should be informed by both the generic guidance and the detailed guidance for each Landscape Character Unit in the Melton and Rushcliffe Landscape Sensitivity Study 2014.

7.20.13 In considering the cumulative effects of wind energy development, the guidance for multiple developments in the Melton and Rushcliffe Landscape Sensitivity Study 2014 should be followed.

## **Policy EN10 – Energy Generation from Renewable Sources**

**Renewable energy proposals appropriate for Melton, including biomass power generation, combined heat and power (CHP), hydro, wind, solar and micro generation systems, will be supported and considered in the context of sustainable development and climate change.**

**Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of the following factors;**

- 1. Siting, so as to gain maximum effect from wind/solar/water sources;**
- 2. The surrounding landscape, townscape and heritage assets;**
- 3. Residential and visual amenity;**
- 4. Noise impacts;**
- 5. Odour impacts;**
- 6. Designated nature conservation, geo-diversity or biodiversity considerations, including potential impact on ancient woodland and veteran trees;**
- 7. Ecology;**
- 8. Aircraft movements and associated activities, including effects on radar, communications and navigational systems;**
- 9. Electromagnetic transmissions;**
- 10. High quality agricultural land;**
- 11. Access for construction, maintenance and de-commissioning;**
- 12. Not creating demand for bio-energy fuels known to result in net carbon emissions through production methods, transport requirements and/or loss of carbon sinks;**
- 13. General safety in terms of highways, power lines, icing, visual distraction; and**
- 14. Transport movements for importation of biomass fuel.**

**In the case of proposals for wind energy development involving one or more wind turbines, planning permission will only be granted if:**

- 15. A bond is in place to cover de-commissioning; and**
- 16. The development site is an area identified as being suitable for wind turbine development in a Neighbourhood Plan;**
- 17. The proposal is consistent with the findings of the Melton and Rushcliffe Landscape Sensitivity Study 2014 or its successor<sup>38</sup>; and**

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<sup>38</sup> The Council has accepted in respect of draft policy EN1 which names the *Areas of Separation, Settlement Fringe*

**18. Following consultation, all planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.**

**In developing proposals for new thermal generating stations, developers should consider the opportunities for CHP and district heating from the very earliest point and it should be adopted as a criterion when considering locations for a project.**

**Renewable energy proposals which will directly benefit a local community in the medium and long term and/or are targeted at residents experiencing fuel poverty will be particularly supported.**

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*Sensitivity and Local Green Spaces Study 2015* that more up to date evidence may supersede the Study. It has proposed a modification that the “Study can be superseded” as item e in the Melton Borough Council List of Main Modifications at Submission.

## Chapter on Renewable and Low Carbon Energy and Policy EN10: Old Wording

New and/or replacement text is underlined; Deleted text is in parentheses and in [smaller type]

### 7.19 Renewable and Low Carbon Energy in Melton Borough

7.19.1 The UK Renewable Energy Strategy (2009) indicates that 15% of the UK's energy demand will be met by renewable or low carbon energy sources by 2020. These include commercial and small scale wind, solar photovoltaic, solar thermal, ground source heat, hydroelectric, and biomass renewable technologies. This will also assist in meeting the UK's wider targets for reducing greenhouse gas emissions under the Kyoto Protocol and the Climate Change Act 2008. The latter requires an 80% reduction in UK emissions by 2050 with a 50% reduction having been achieved between 2023 and 2027.

7.19.2 The Planning for Climate Change Study, evidenced by recent planning applications, suggests that Melton Borough has a strong potential to develop renewable energy: solar, wind and biomass energy from crops and waste. Wood obtained from trees which are certified as being managed in an environmentally sustainable way provides a sustainable source of biomass fuel. Whilst such technologies may be viable, they can have a significant environmental impact [on the landscape].

### 7.20 Decentralised Renewable Energy and Large Scale Renewable Energy

7.20.1 Unlike conventional power sources that rely on large power stations supplying the national grid, renewable energy from biomass, wind or solar power can be developed to supply individual communities and buildings. These may still be connected to the national grid or can operate separately using local power networks.

7.20.2 In the future, community owned decentralised schemes could benefit a whole settlement. For example, Hockerton in Nottinghamshire has bought and installed a 225kw wind turbine, with feed-in tariff profits benefiting shareholders and paying for projects to benefit the local community.

7.20.3 However, it is unlikely that renewable energy alone will meet our energy demand. The Government has signalled its intention to investigate the opportunities which shale gas fracking may offer to provide additional sources of energy in the future. There is a possibility that areas in the Borough, notably to the North and West, may be considered to have the potential for shale gas production. However, Leicestershire County Council would be the authority responsible for determining such proposals, as the Mineral Planning Authority.

7.20.4 To meet the national requirements for renewable energy production it is likely that, subject to funding availability, there may [will] be proposals [continued demand] for large scale renewable energy developments [proposals] in the Borough, with different types of renewable energy technology having differing impacts.

7.20.5 [These] Large scale renewable proposals, especially for wind energy, can have a significant impact upon the character and appearance of an area through impacts upon the landscape and heritage assets, along with effects on the amenity of residents.

7.20.6 Whilst [In] protecting Melton Borough’s rural character, national policy [also] requires that consideration must also be given to the need to reduce carbon emissions and support and deliver economic growth through low carbon energy generation.

7.20.7 The Local Plan sets out an approach to supporting and managing these types of development to ensure that adverse impacts are addressed, including cumulative landscape and visual impacts.

7.20.8 The Borough Council has prepared evidence on the impact of wind energy on the landscape. The Melton and Rushcliffe [Landscape Sensitivity Study 2014](#) provides an indication of relative landscape sensitivities. The Study has been used to inform policy but it should not be interpreted as a definitive statement on the sensitivity of a particular location for a particular development. [indicates the areas which have the most capacity and are the least sensitive for renewable wind energy development. This evidence has been used to inform policy on renewable energy such that it complies with the ministerial statement issued in June 2015 by the Secretary of State for Communities and Local Government, which is referenced in the National Planning Practice Guidance (Paragraph: 033 Reference ID: 5-033-150618). This set out new considerations to be applied to proposed wind energy development such that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.]

[7.20.9 In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a local or neighbourhood plan. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.]

7.20.9 The Melton and Rushcliffe Landscape Sensitivity Study divides the Borough’s landscape into 15 Landscape Character Assessment Units and makes a judgement on the landscape sensitivity to different heights of turbine. Sensitivity is judged on a five-point scale as shown in Table 16 below:

<b>Sensitivity level</b>	<b>Definition</b>
High	The key characteristics and qualities of the landscape are highly sensitive to change from the type and scale of renewable energy being assessed.
Moderate-High	The key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Moderate	Some of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Low-Moderate	Few of the key characteristics and qualities of the landscape are sensitive to change from the type and scale of renewable energy being assessed.
Low	Key characteristics and qualities of the landscape are robust and are less likely to be adversely affected by the type and scale of renewable energy development being assessed.

## Table 16: Sensitivity levels and definitions

7.20.10 The assessment is applied to all forms of turbines based on the most common horizontal axis three-bladed turbine and cluster sizes, based on bandings that reflect those most likely to be put forward by developers. [These are set out in Table 17.]

7.20.11 It is considered that Landscape Character Assessment Units (LCUs) judged as being of Low or Low-Moderate sensitivity may offer locations which are suitable for wind energy development for the turbine heights and cluster sizes defined in The Melton and Rushcliffe Landscape Sensitivity Study.

<b>[Height to blade tip</b>
<25m
25 to 50m
51 to 75m
76 to 110m
111 to 150m
<b>Cluster size</b>
Single turbine
Cluster of two or three turbines
Wind farm of four or five turbines
Wind farm of six or seven turbines
Wind farm of eight to ten turbines]

**[Table 17: Most Common Horizontal Axis and Cluster Size]**

[7.20.13 It should be noted that the Study is not a definitive statement on the suitability of a certain location, such that a site near the boundary of two LCUs needs to consider the assessment for both areas. The table in Policy EN10 which identifies areas suitable for wind energy development must be read in the context of the entire policy and the criteria 1-14 within it.]

7.20.12 The layout and design of wind energy development proposals should be informed by both the generic guidance and the detailed guidance for each Landscape Character Unit in the Melton and Rushcliffe Landscape Sensitivity Study 2014.

7.20.13 In considering the cumulative effects of wind energy development, the guidance for multiple developments in the Melton and Rushcliffe Landscape Sensitivity Study 2014 should be followed.

## Policy EN10 – Energy Generation from Renewable Sources

**Renewable energy proposals appropriate for Melton, including biomass power generation, combined heat and power (CHP), hydro, wind, solar and micro generation systems, will be supported and considered in the context of sustainable development and climate change.**

**Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be assessed both individually and cumulatively on their merits taking account of the**

following factors;

1. Siting, so as to gain maximum effect from wind/solar/water sources;
2. The surrounding landscape, townscape and heritage assets;
3. Residential and visual amenity;
4. Noise impacts;
5. Odour impacts;
6. Designated nature conservation, geo-diversity or biodiversity considerations, including potential impact on ancient woodland and veteran trees;
7. Ecology;
8. Aircraft movements and associated activities, including effects on radar, communications and navigational systems;
9. Electromagnetic transmissions;
10. High quality agricultural land;
11. Access for construction, maintenance and de-commissioning;
12. Not creating demand for bio-energy fuels known to result in net carbon emissions through production methods, transport requirements and/or loss of carbon sinks;
13. General safety in terms of highways, power lines, icing, visual distraction; and
14. Transport movements for importation of biomass fuel.

In the case of proposals for wind energy development involving one or more wind turbines, planning permission will only be granted if:

15. A bond is in place to cover de-commissioning; and
16. The development site is [in] an area identified as being suitable for wind turbine development in a Neighbourhood Plan; [or]
17. The proposal [development site] is consistent with the findings of [in an area identified as being of low or low-moderate sensitivity to wind turbine development in] the Melton and Rushcliffe Landscape Sensitivity Study 2014 or its successor. [These areas and acceptable turbine requirements are set out in the following below]; and
18. Following consultation, all [it can be demonstrated that the] planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

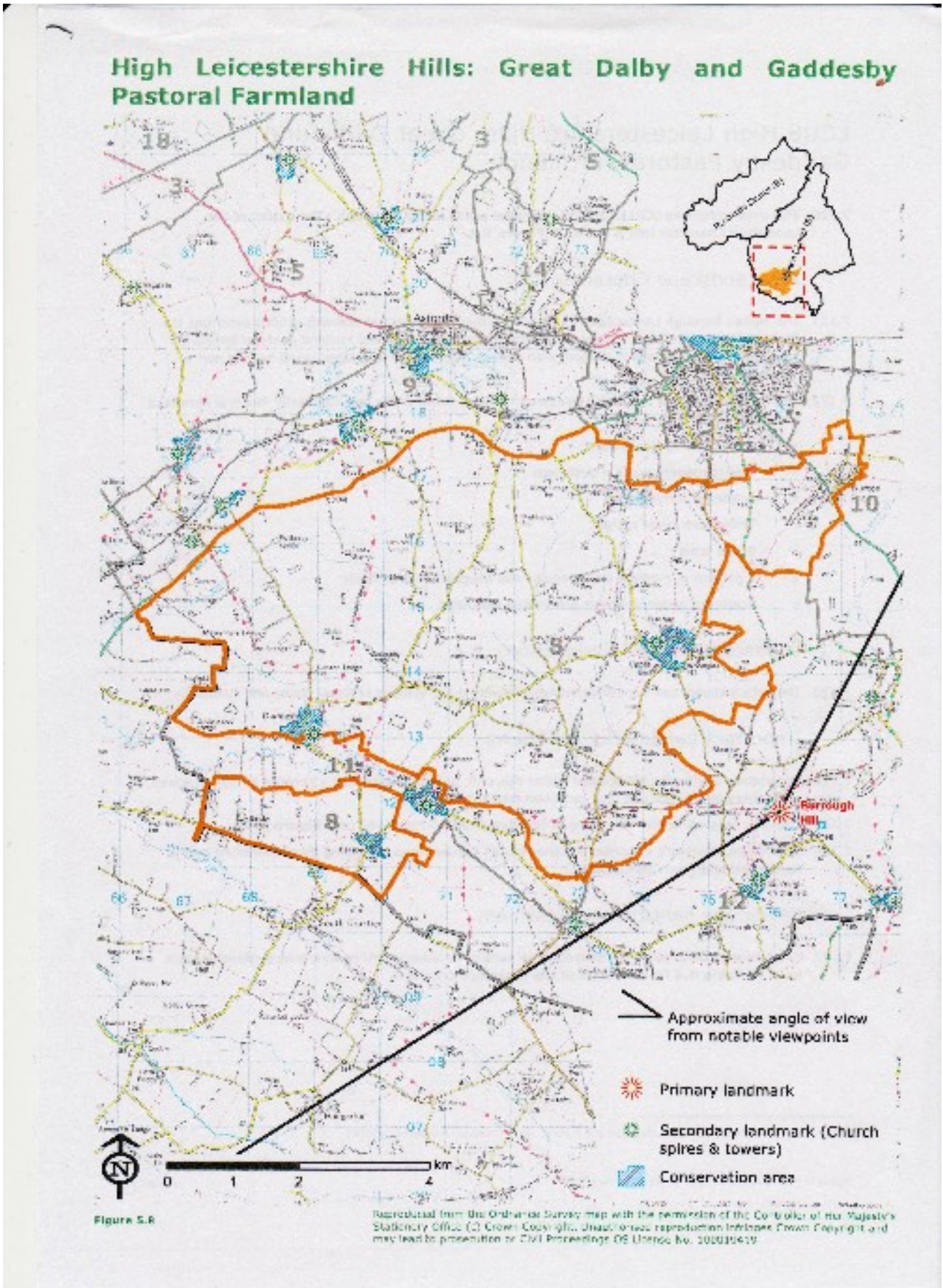
In developing proposals for new thermal generating stations, developers should consider the opportunities for CHP and district heating from the very earliest point and it should be adopted as a criterion when considering locations for a project.

Renewable energy proposals which will directly benefit a local community in the medium and long term and/or are targeted at residents experiencing fuel poverty will be particularly supported.

[Landscape Character Assessment Unit	Maximum Acceptable Turbine Height (to blade tip) and Cluster Size
LCU1 Vale of Belvoir	<25m as a single turbine or clusters of two/three in larger scale areas
LCU3 Leicestershire Wolds: Dalby to Belvoir Wolds	<25m as a single turbine or clusters of two/three in larger scale areas

<b>LCU5 Leicestershire Wolds: Ragdale to Saltby Woods</b>	<b>&lt;25m as a single turbine in the smaller vales or two/three turbines in elevated areas.</b>
<b>LCU6 Kesteven Uplands: Saltby and Sproxton Limestone Edge</b>	<b>Up to 75m as clusters of two/three turbines in wooded areas or clusters of four/five in open arable areas</b>
<b>LCU8 High Leicestershire Hills: Great Dalby and Gaddesby Pastoral Farmland</b>	<b>Up to 50m as clusters of four/five turbines and in areas of varied, steeply sloping topography and small field patterns clusters of two/three</b>
<b>LCU9 Leicestershire Wolds: Wreake Valley</b>	<b>&lt;25m as clusters of two/three turbines</b>
<b>LCU 10 Leicestershire Wolds: Eye Valley</b>	<b>&lt;25m as a single turbine in the east of the area and two/three turbines in the west.</b>
<b>LCU11 High Leicestershire Hills: Gaddesby Valley</b>	<b>&lt;25m as clusters of two/three turbines</b>
<b>LCU13 Leicestershire Wolds: Buckminster, Wymondham and Freeby Farmland</b>	<b>Up to 50m as clusters of two/three turbines</b>
<b>LCU14 Leicestershire Wolds: Asfordby Quarry</b>	<b>Up to 50m in clusters of four/five turbines</b>
<b>LCU15 Leicestershire Wolds: Melton Farmland Fringe</b>	<b>Up to 50m as clusters of two/three turbines]</b>

# Melton and Rushcliffe Landscape Sensitivity Study: Wind Energy Development Landscape Character Unit 8







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Our Ref: 1510105  
Your Ref: DC15/15/100

22/10/2015

I thank you for your letter of 23 December to the Rt Hon Greg Clark MP, on behalf of your constituents about the written statement on wind energy development made in June 2015. I am replying because planning for renewable energy falls within my ministerial responsibilities.

The new planning tests announced in the June 2015 written statement reflect our view that in future wind turbines should only get the go-ahead when local people have said they want them, and where. I can confirm that the statement does not require local planning authorities to identify suitable areas for wind energy development in their local plans.

As you say, the National Planning Policy Framework also does not include such a requirement. The Framework does (paragraph 97), however encourage local councils to consider identifying suitable areas for renewable energy, where this would help secure the development of such sources. We have, of course, been very clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.

June's written statement adds an additional safeguard by being clear that the planning concerns of affected local communities should be fully addressed – even if they have given their backing for wind turbines in the area through their Local or Neighbourhood Plan.

JAMES WHARTON MP

