

**MINUTES  
PLANNING COMMITTEE**

**Wednesday 18 September 2013**

Councillor John Truscott (Chair)

In Attendance:   Councillor Barbara Miller                   Councillor Andrew Ellwood  
                  Councillor Pauline Allan                   Councillor Cheryl Hewlett  
                  Councillor Roy Allan                   Councillor Jenny Hollingsworth  
                  Councillor Peter Barnes                   Councillor Meredith Lawrence  
                  Councillor Chris Barnfather                   Councillor Marje Paling  
                  Councillor Denis Beeston MBE                   Councillor Colin Powell  
                  Councillor Alan Bexon                   Councillor Suzanne Prew-Smith  
                  Councillor Bob Collis

Absent:                   Councillor John Boot, Councillor Sarah Hewson,  
                                  Councillor Mike Hope and Councillor Gordon  
                                  Tunncliffe

Officers in Attendance:   P Baguley, J Cole, L Parnell and L Sugden

**46           APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Boot, Hewson, Hope and Tunncliffe.

**47           TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 28 AUGUST 2013.**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**48           DECLARATION OF INTERESTS**

Councillor Barnes declared a none-pecuniary interest in Application No. 2013/0718 owing to his knowing the applicant.

**49           APPLICATION NO. 2012/1472- SEVERN TRENT WATER PLC, STOKE BARDOLPH**

Erection of a single wind turbine (rated capacity up to 2.5MW) and other ancillary development.

**RESOLVED to GRANT PLANNING PERMISSION, subject to the following amended conditions:**

**Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Local Planning Authority within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the first export date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 45 below. The site shall be decommissioned in accordance with the details to be approved under condition 45.
3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Figure 1.3 Rev P5 Detailed Proposed Site Layout Plan (During Construction); Figure 1.4 Rev P1 Detailed Proposed Site Layout Plan (Post Construction); Figure 2.1 R0 Constraints Map (100m to tip); Figure 4.1 Rev P0 Site Entrance Access; Figure 4.2 Rev P3 Road Works Within Compound; Figure 4.3 Rev P1 Road Works Within Compound Near AMP5; Figure 4.4 Rev 0 Typical Widening of Existing Tarmac Site Road; Figure 4.5 Rev 0 Typical Access Track Details New Stone Road; Figure 4.6 Rev P0 Typical Turbine Pile Foundation; Figure 4.8 Rev P0 Indicative 33kV Substation Plan & Elevations; Figure 4.9 Rev 0 Typical Cable Trench Details.
4. The wind turbine shall be of a 3-bladed configuration and not exceed an overall height of 100m measured from ground level to the tips of the turbine blades. The blades of the turbine shall not have a rotor diameter of more than 80m. The hub height of the turbine shall be no more than 60m measured from ground level to the top of the hub. The turbine shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority or required to satisfy any other condition of this planning permission.

5. The 33KV substation to be provided in accordance with figure 4.3 revision P shall have the following maximum dimensions; it shall be no wider than 9m, no longer than 15m and it shall have a ridge height of no more than 6m.
6. The wind turbine and its associated hard standing areas shall be provided in the position indicated in Figure 1.3 Rev P5 subject to a micro siting allowance of 30m as shown on Figure 2.1 R0 Constraints Map (100m to tip) (showing a zoomed in area indicating the extent of the 30m micro siting area by way of a red dashed line).
7. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route as shown on Drawing No. TNEI-SB-Map 1 (as included in submitted Environmental Report Volume 4, Appendix I) to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction deliveries; (iii) Details of measures to be taken to manage and control construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.
8. Before the development hereby approved is commenced the existing vehicular access into the site from Stoke Lane shall be widened and suitably constructed in accordance with figure 4.1 revision P0 so as to allow access for abnormal load, to the satisfaction of the Local Planning Authority.
9. Before the development hereby approved is commenced, Network Rail shall be given a minimum of 6 weeks' notice of any abnormal load vehicles transporting materials to the site.
10. Before the development hereby approved is commenced, a scheme for the installation of appropriate lighting of the turbine at night to assist air traffic shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first

export of electricity and shall be retained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority.

11. Before the development hereby approved is commenced, and any associated materials transported to the site, the parking, turning and servicing areas for the turbine delivery vehicles and staff shall be provided in accordance with the plans to be first submitted to and approved in writing by the Local Planning Authority. The parking, turning and servicing areas as approved shall thereafter be retained for the life of the development.
12. Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with the contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified; (a) All previous uses; (b) Potential contaminants associated with those uses; (c) A conceptual model of the site indicating sources, pathways and receptors; and (d) Potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on the details provided in Appendix 6 of the submitted Environmental Report (with particular reference to letter report by Grontmij (ref 102766/I/01 dated 10th February 2010)) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
14. The development hereby permitted shall not be commenced until such time as a scheme for the storage of oil, fuel and chemicals has been submitted to, and approved in writing by, the Local

Planning Authority. Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed in writing by the Local Planning Authority.

15. Before the development hereby approved is commenced, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Site Waste Management shall be implemented in accordance with the approved details.
16. Before the development hereby approved is commenced, drainage plans for the disposal of surface water, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and timetable.
17. Before the development hereby approved is commenced, a schedule of tree and hedgerow pruning works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall contain details of the works to be undertaken and a timescale for the works to be carried out. Pruning works shall be completed in accordance with the approved schedule.
18. No tree or hedgerow removal, other than that identified on Figure 1.3 Rev P5; Figure 1.4 Rev P1; and Figure 4.2 Rev P3 shall be undertaken, without the prior written consent of the Local Planning Authority and no other tree or hedgerow pruning works other than that agreed within the approved schedule of tree and hedgerow pruning shall be undertaken without the prior written consent of the Local Planning Authority.
19. Before the development hereby approved is commenced, a landscape and planting scheme and maintenance schedule (covering a minimum period of 5 years) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall exclude those areas to be covered by the Habitat Management Plan required under condition 21 below. The landscaping and planting scheme shall be implemented in accordance with the approved details within eight months of the completion of the construction works. The maintenance of the site shall be carried out in accordance with the approved details. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next

planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

20. Before the development hereby approved is commenced, a scheme setting out the protocol for wind turbine shut down during archery tournament events held at The Poplars Sports Ground shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Burton Joyce Archers). The protocol shall be adhered to for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority. The wind turbine shall be operated and shut down in accordance with the details of the approved protocol, unless otherwise prior agreed in writing with the Local Planning Authority.
21. Prior to the commencement of the development hereby approved, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The habitat management plan shall include details of species/seed mixes, establishment methods and maintenance regimes. The habitat management plan shall cover a period of 25 years. The habitat management plan shall cover the areas of habitat to be created within the red line shown on location plan figure 1.1 revision c, and the specific areas shown on drawing 5581-06-N-N/A submitted on the 13th march 2013 (which shows the creation of a species- rich neutral grassland, creation of 150m of new hedgerow and at least 4,100 square metres of broadleaved woodland). The habitat management plan shall also cover the provision of two 0.25ha rotational mitigation plots to be located 1.5 miles to the north east of the development site within the blue line shown on location plan figure 1.1 revision c so as to promote nesting Lapwing. Precise details of the location of these rotational plots shall be submitted as part of the management plan, together with a schedule of works setting out a timescale for creating the new habitat and maintenance regimes. The habitat shall be provided and maintained in accordance with the approved Habitat Management Plan.
22. No construction or decommissioning works shall be undertaken after sunset and no high powered lights, fires shall be used during the construction or decommissioning period. Any trenches or holes created during construction works or decommissioning works shall be closed or covered overnight, where this is not possible due to size holes will be angled at a maximum of 45 degrees or large planks left in holes overnight.
23. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to Bats, following the same methods used within the 2012 summer transect surveys and remote monitoring surveys submitted as

part of the application, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall cover a period of three years from the first export date of electricity to the grid. A minimum of 3 transect surveys per year between April and October including 1 dawn survey shall be carried out. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

24. No fencing shall be erected around any watercourses or water bodies within the red line shown on location plan figure 1.1 revision c, at any time during the construction, operation or decommissioning phase of the proposed development, unless otherwise prior agreed in writing by the Local Planning Authority.
25. Prior to the commencement of the development hereby approved a verification statement shall be submitted confirming that the Clerk of Works appointed to oversee the construction works has been inducted by an appropriately qualified ecologist prior to the start of works to ensure that they are aware of their responsibilities in relation to the protection of wildlife.
26. Prior to the commencement of development precise details of at least four new hibernacula to be provided within the red line on location plan figure 1.1 revision c including their location shall be submitted to and approved in writing by the Local Planning Authority. The hibernacula shall be provided in accordance with the approved details, prior to the first export date of electricity.
27. No construction works or decommissioning works shall be undertaken during the bird breeding season (March to June inclusive) and no clearance works shall take place during bird breeding season, unless a checking survey by an appropriately qualified ornithologist has shown active nests to be absent immediately to the start of either construction or decommissioning works.
28. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to ornithology, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall have first been agreed in writing by Natural England/ and or the RSPB, and confirmation of this shall be submitted with the scheme to be submitted to the Council. The monitoring programme shall indicate the methods to be used to carry out surveys, the timings

of the surveys and length of time that monitoring shall be undertaken and shall provide for the production of reports following each survey detailing the findings of the survey and any mitigation measures proposed to address any issues raised. Monitoring shall be undertaken in accordance with the agreed monitoring programme. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

29. Should construction or decommissioning works take place during December-February inclusive, then prior to works commencing a watching brief will be implemented to ascertain if the site is being utilised by Lapwing, should Lapwing be present then a report setting out appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. Any mitigation measures approved shall be carried out in accordance with the approved details.
30. Prior to the erection of the wind turbine, details of the size, design and colour finish of the turbine tower; nacelle and blades shall be submitted to and approved in writing by the Local Planning Authority. The size and appearance of the turbine shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
31. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The size of the substation shall be in accordance with the parameters set out in condition 5 above. Development shall thereafter be carried out in accordance with the approved details.
32. All cables within the development site from the turbine to the substation shall be set underground.
33. Prior to the first export date, a protocol for the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The protocol shall also include full contact details of who to contact in relation to the development should the Local Authority receive a complaint from a local resident within 12 months of the first export date. The protocol shall provide for the investigation by a qualified independent television engineer of any



complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the protocol which has been approved in writing by the Local Planning Authority.

34. Prior to first export date (of electricity to the grid), final details of the exact position of the wind turbine and associated hard standing areas in the form of revised layout plans shall be submitted to and approved in writing by the Local Planning Authority. The wind turbine and associated areas of hard standing shall be sited in accordance with the approved details.
35. Before the first export date (of electricity to the grid), the widened part of the access track, turning head, component lay down area and crane erection area will be buried in situ and the site compound will be removed in accordance with the details indicated on Figure 1.4 Rev P1 and Figure 4.5 Rev 0.
36. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Local Authority shall be sent a copy of the notification made to East Midlands Airport.
37. The rating level of noise immissions from the wind turbine (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in Tables 1 and 2 attached to these conditions (37 to 44) at any dwelling which is lawfully existing or has planning permission at the date of this permission and the wind turbine operator shall adhere to this condition and condition 38 to 44 below.
38. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
39. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with condition 37 above

and the protocol required to be approved under condition 41 below. Amendments to the list of approved consultants shall be made only with prior written approval of the Local Planning Authority.

40. Within 21 days from the receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority under condition 39 above to assess the level of noise immissions from the wind farm at the complainant's property in accordance with procedures described in the attached guidance notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
41. The assessment of the rating level of noise immissions, following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator shall be undertaken in accordance with the approved assessment protocol. The protocol shall have been submitted to and approved in writing by the Local Planning Authority prior to the first export date of electricity. The protocol to be submitted for approval shall include proposed measurement locations identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Prior to investigation of any complaint received consideration shall be given to whether the noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operating conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment rating level of noise immissions. The proposed range of conditions to be utilised in the assessment of the rating level of noise immissions to be carried out by an approved independent noise consultant, (from the list required to comply with condition 39 above) following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator, shall be those that prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority required to have been made under condition 40, and such others as the independent consultant considers likely to result in a breach of the noise limits.
42. Where a dwelling to which a complaint is related is not listed in the tables attached to conditions 37 to 41 and 43 to 44 of this

permission, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking. The proposed noise limits shall be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainants dwelling. The rating level of noise immissions resulting from the wind turbine when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

43. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within two months of the date of the written request of the Local Planning Authority for compliance measurements to be made under condition 40 above, unless the time limit has been extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1 (e) of the Guidance Notes. The instrument used to undertaken the measurements shall be calibrated in accordance with Guidance Note 1 (a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
44. Where a further assessment of the rating level of noise immissions from the wind turbine is required pursuant to Guidance Note 4 (c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 41 above unless the time limit has been extended in writing by the Local Planning Authority.
45. The independent consultant shall submit a report of their findings in writing to the Local Planning Authority for its prior approval. The report shall include mitigation measures and a timescale for carrying out any required works if the noise limits agreed under condition 41 and to be agreed in relation to condition 42 are found to have been exceeded. The proposed mitigation measures shall be carried out in accordance with the approved details.
46. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months 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, including a timetable for its removal, 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 approved scheme shall thereafter be implemented in accordance with the approved details.

47. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decommissioned in accordance with the approved details.
48. No development shall take place within the application site until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full accordance with the approved details.
49. No development shall commence until the developer has submitted to the Local Planning Authority for approval final details of the make and model of the wind turbine to be used. This shall include an updated noise assessment and manufacturer's data to demonstrate that the proposed turbines meet the limits specified in *Condition 37*. The approved model shall be installed.
50. Prior to operation, the developer shall submit to the Local Planning Authority for approval a schedule of planned maintenance of the wind turbine. The turbine shall be operated in accordance with the approved maintenance schedule.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt
4. For the avoidance of doubt

5. For the avoidance of doubt
6. To define the nature of the planning consent and for the avoidance of doubt, should site circumstances require alteration to the exact position of the turbine.
7. In the interests of highway safety
8. In the interests of highway safety
9. In the interests of highway safety
10. To safeguard air traffic in the local area.
11. In the interests of highway safety
12. To ensure that the site is adequately remediated and does not pose a risk for adjoining land.
13. To ensure that piling or other foundation designs do adversely disturb land in manner that would affect the quality of ground water.
14. To ensure that the storage of oil, fuel or chemicals does not adversely affect the local water environment
15. To ensure that waste from the site is managed in an appropriate manner
16. To ensure the correct disposal of surface water so as to not adversely affect the local water environment
17. To safeguard the appearance of the site
18. For the avoidance of doubt and to safeguard the appearance of the site
19. To ensure that the site is adequately landscaped
20. To ensure that the operation of the wind turbine does not prejudice the use of the Poplars Sports Ground for Archery
21. To ensure that new habitat is created and established in order to promote biodiversity
22. To ensure that there is no adverse effect on local fauna within the site and the surrounding area.
23. To ensure that there are no adverse impacts on the local bat population as a result of the operation of the wind turbine

24. To ensure that no fences are erected around water courses or water bodies which could affect the movement of fauna within the local area and have an adverse impact on their welfare
25. In the interests of safeguarding the biodiversity of the site
26. To ensure that new habitat is created and established in order to promote biodiversity
27. To ensure that there would be no adverse impacts on birds during the breeding season
28. To ensure that there would be no adverse impacts on birds as a result of the operation of the turbine
29. To ensure that there would be no adverse impacts on wintering birds using the site should construction or decommissioning works take place
30. To ensure that the precise details of the turbine are defined in order for the Local Planning Authority to control the nature of the development
31. To ensure that the precise details of the substation are defined in order for the Local Planning Authority to control the nature of the development
32. To safeguard the appearance of the site
33. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated
34. To ensure that the precise details of the development are defined in order for the Local Planning Authority to control the nature of the development
35. To safeguard the appearance of the site
36. To ensure that East Midlands Airport are advised that the turbine has commenced operation
37. In the interests of safeguarding aural amenity
38. In the interests of safeguarding aural amenity
39. In the interests of safeguarding aural amenity
40. In the interests of safeguarding aural amenity

41. In the interests of safeguarding aural amenity
42. In the interests of safeguarding aural amenity
43. In the interests of safeguarding aural amenity
44. In the interests of safeguarding aural amenity
45. To ensure that any mitigation measures required as a result of the independent noise consultant's investigations and report are carried out to ensure that the operation of the turbine is acceptable in terms of aural amenity.
46. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
47. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.
48. To ensure that any archaeological remains located within the site will be recorded and conserved in an appropriate manner.
49. To enable the Local Authority to make an informed decision with regards to noise levels from the development in order to protect the amenity of local residents.
50. To reduce the potential for noise related to mechanical faults in order to protect the amenity of local residents.

### **Reasons for Decision**

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable and that the recreational impacts of the development can be made acceptable through the use of a shutdown condition.

### **Notes to Applicant**

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The applicants are asked to note the additional information contained within the attached responses received from Network Rail, the MOD, the Environment Agency and the Local Highway Authority which require the

applicant to carry out necessary action to satisfy the requirements of other legislative regimes or advice to be taken into account during the construction, operational and decommissioning phases of the proposed development

Two tables are attached to conditions 37 to 44 which set out the noise level limits to be used between 07:00 and 23:00 and between 23:00 and 07:00 at the property grid references stated should complaints be received. Attached to this decision are Guidance Notes that have been produced by the Institute of Acoustics that should be read in conjunction with conditions 37 to 44.

**50 APPLICATION NO. 2013/0718- 13 MAIN STREET, CALVERTON**

Construction of two storey side extension.

**RESOLVED to GRANT PLANNING PERMISSION subject to the following amended conditions:**

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission relates to the approved plans received on 10th July 2013 drawing no's: 001, 002, 003, and 004.
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details and a sample of the materials to be used in the external elevations of the proposed extension. Once approved the development shall be constructed in accordance with these approved details.
4. No gates shall be erected at the access to the car port from the public highway.
5. No garage door shall be erected to the car port.

**Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).



4. In the interests of highway safety due to there being insufficient hard standing available.
5. In the interests of highway safety due to there being insufficient hard standing available.

### **Reason for Decision**

In the opinion of the Borough Council the proposed development results in no significant impact on neighbouring properties or the Calverton Conservation Area. The proposed development therefore accords with policies ENV15 and ENV30 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

### **Notes to Applicant**

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards.

If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

## **51 APPEAL DECISION- POET'S CORNER, NEWSTEAD ABBEY PARK**

### **RESOLVED:**

To note the information.

## **52 PROBITY IN PLANNING FOR COUNCILLORS AND OFFICERS**

**RESOLVED:**

To establish a cross party working group to review current guidance and consider whether any new guidance should be introduced.

**53 PLANNING DELEGATION ACTION SHEETS**

**RESOLVED:**

To note the information.

**54 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**55 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

The Chair provided the Committee with updates on current court proceedings.

The meeting finished at 7.00 pm

Signed by Chair:

Date: