 Nottinghamshire County Council	Report to Cabinet
	9 November 2011
	Agenda Item: 7
REPORT OF THE PORTFOLIO HOLDER, ENVIRONMENT AND SUSTAINABILITY	
STRATEGIC PLANNING OBSERVATIONS ON TWO PLANNING APPLICATIONS FOR THREE WIND TURBINES, NEW ROAD ACCESS AND ANCILLIARY DEVELOPMENT AT GROVE FARM SPORTS FIELD, LENTON LANE, NOTTINGHAM	

Purpose of the Report

1. To seek approval for comments set out in this report to be sent to Broxtowe Borough Council and Nottingham City Council in response to the request for strategic planning observations on the above planning applications.

Information and Advice

2. Two planning applications have been submitted for a total three wind turbines. The first planning application was submitted to Broxtowe Borough Council on 20th July 2011 (Ref: 11/00484/FUL) for one wind turbine and the second planning application was submitted to Nottingham City Council on the 12th August 2011 (Ref: 11/02419/PFUL3) for two wind turbines. Both applications relate to the same site, namely land at Grove Farm Sports Field, Lenton Lane, Nottingham. Appendix 1 contains a site plan, illustrating all three proposed wind turbines. All three of the proposed wind turbines lie within the Green Belt.
3. Nottinghamshire County Council has been consulted for strategic planning observations on the above applications and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Cabinet's decision, comments will be sent to Broxtowe Borough Council and Nottingham City Council.
4. There are two key issues associated with the proposal; renewable energy and the impact upon the Green Belt. These issues are addressed below.

Description of the Proposed Development – Broxtowe Borough Council

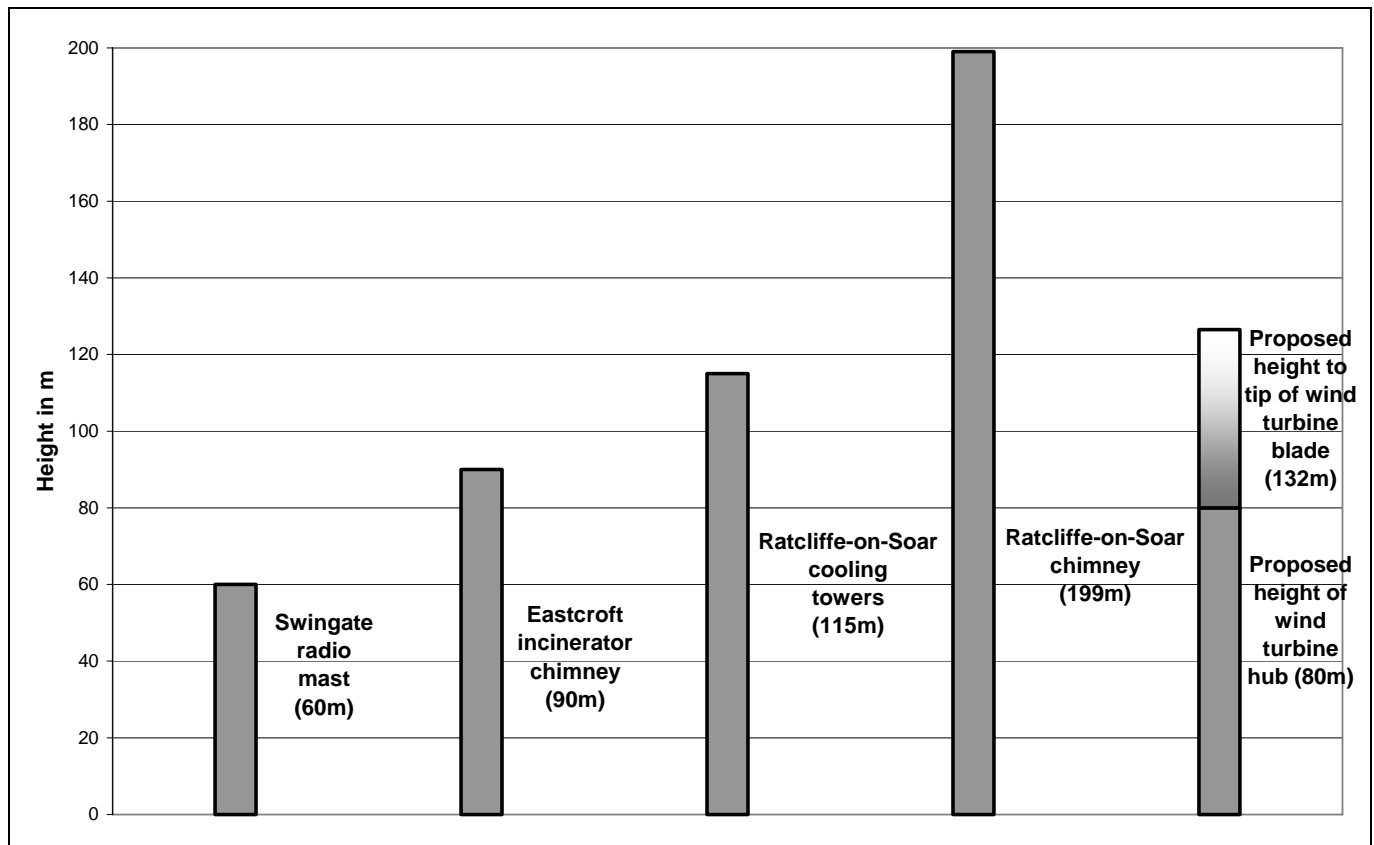
5. The proposed single turbine lying within the administrative boundary of Broxtowe will not exceed a maximum height to blade tip of 126.5m, with a maximum output of 2.5MW. The proposed turbine will be centrally positioned within the playing field and is some 120 from the Broxtowe Borough boundary, 265m from the Beeston Canal and 265m from the River Trent.

6. The final choice of the type/specification/mode of the turbine will be subject to a competitive tendering process, however, the turbine is proposed to be coloured light grey or white with a semi-matt finish to reduce contrast with the background sky and to minimise reflections. It will be uniform in colour and not contain any company logo or advertisements.
7. A temporary hardstanding area is proposed adjacent to the turbine siting to accommodate the crane and to provide an assembly areas that will be used to construct and lift the turbine into place.
8. The turbine will comprise a reinforced concrete slab measuring approximately 16m x 16m, 2m deep, with a tapering section. The detailed design of the foundation will be undertaken following the final selection of the turbine model to be installed at the site. The requirement to used piled foundations is not expected. However, depending on the final choice of turbine and the local geotechnical conditions, shallow 'mirco-piles' may be used.
9. The scheme is intended to generate electricity for 25 years after which time it will either be decommissioned or an application made to extend the duration of operation.

Description of the Proposed Development – Nottingham City Council

10. The two proposed wind turbines within the Nottingham City administrative boundary will not exceed a maximum height to blade tip of 126.5m, with a maximum output of 2.5MW. Both turbines will be centrally located within the playing fields and are 427m apart. Turbine 2 will be 325m from the Broxtowe Borough Council boundary, 261m from Beeston Canal and 311m from the River Trent. Turbine 3 will be 405m from the Beeston Canal and 256m from the River Trent.
11. The specification and associated infrastructure of the two wind turbines is the same for the wind turbine proposed in the Broxtowe Borough Council boundary, as set out above in paragraphs 6-9.
12. Within the Nottingham City boundary there will a temporary construction compound set up at an existing hardstanding area of Grove Farm Cottages which will be 70m x 40m (2800m²). This will provide portacabins for office space, welfare facilities, storage containers for tools and equipment, plant, material and components, wheel wash facilities and car parking for the workforce, deliveries and visitors. Once the site has been built out this compound will be removed and the ground reinstated to its existing condition.
13. Each turbine will be connected to an outside substation via underground cables. The substation will be a single storey building measuring approximately 6m x 2.5 x 2.5m and will be located adjacent to the access road leading to the power league facility. This will house switchgear, protection, metering, and Supervisory Control and Data Acquisition (SCADA) plant and equipment. Precise details of the substation cannot be defined as this stage as they are dependant on the turbine model which has yet to be decided upon. Electricity from the wind farm will be exported from the onsite substation.

Graph showing comparison heights of structures



Planning Policy Context

Draft National Planning Policy Framework (July 2011) (DNPPF)

14. The consultation on the Draft National Planning Policy Framework (DNPPF) (2011) closed on the 17th October 2011. This document is considered to be a material consideration in the determination of planning application and therefore must be taken into consideration when examining the above proposals.

15. Paragraph 152 of the DNPPF states that,

“To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation...”

Furthermore, at paragraph 153, the DNPPF states that,

“When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and:

- Not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy and also recognise that even small-scale projects provide a valuable contributing to cutting greenhouse gas emissions: and*
- Approve the application if its impacts are (or can be made) acceptable...”*

16. This is broadly consistent with the Government's current approach to assessing renewable energy proposals.

Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1) (2005) and the Planning Policy Climate Change Supplement (PPSS1) (2007)

17. At the national level, PPS1 paragraph 13 (ii) states that, development plans should,

"...promote the development of renewable energy resources, and take climate change impacts into account in the location and design of development".

18. The supplement to PPS1 states, at paragraph 3 that,

"The Government believes that climate change is the greatest long-term challenge facing the world today. Addressing climate change is therefore the Government's principal concern for sustainable development".

19. Following the publication of PPSS1, the UK Renewable Energy Strategy was published in July 2009. It sets out a clear path for how the UK will meet targets to increase energy from renewable sources by 2020. The most recent target has been set by the Climate Change Act 2008; the development of renewable energy is a key component of achieving this target. The coalition government has signalled that it is their intention to meet these targets.

20. On the matter of the approach to dealing with renewable energy proposals in Local Development Frameworks the PPS states at paragraph 20 that:

"...planning authorities should:

Not require applicants for energy development to demonstrate either the overall need for renewable energy or its distribution, not question the energy justification for why a proposal for such development must be cited in a particular location".

21. There are two principles of note regarding impacts and benefits that have a direct influence on such cases as this. They are set out in PPS 22 'Renewable Energy' and set out in paragraphs 28- 29 below.

Planning Policy Guidance 2 'Green Belts' (2001) (PPG2)

22. PPG2 sets out the five distinct purposes of the Green Belt:

- I. "To check unrestricted sprawl of large built up areas;*
- II. To prevent neighbouring towns from merging into one another;*
- III. To assist in safeguarding the countryside from encroachment;*
- IV. To preserve the setting and special character of historic towns; and*
- V. To assist in urban regeneration by encouraging the recycling of derelict and other urban land"*

23. PPG2 sets out the type of developments which are considered to be appropriate in the Green Belt. Wind turbines are not included within the list of appropriate development. Paragraph 3.2, of PPG2 states that,

“Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development”.

24. The onus is therefore on the applicant to demonstrate that there are very special circumstances to justify such inappropriate development in this location.

25. In addition, PPG2 also states at paragraph 3.15, that,

“...the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt”.

Planning Policy Statement 5 ‘Planning for the historic Environment’ (2010) (PPS5)

26. PPS5 outlines the Government’s planning policies on the conservation of the historic environment and its heritage. The overarching aim is to ensure that the historic environment and its heritage assets are conserved and enjoyed for the quality of life they bring to this and future generations. Of particular relevance, policy HE1.3 states that,

“Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of heritage assets in accordance with the development management principles in this PPS and national planning policy on climate change”.

Planning Policy Statement 22 ‘Renewable Energy’ (2004) (PPS22)

27. There are two principles of note in PPS22 that have a direct influence in this case. Firstly, principle 1 iv) states that,

“...the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission”.

28. Thus National Planning Policy lends weight to the wider benefits of the proposal in the decision making process. On the other hand the environmental and social impacts, including more local ones, are dealt with in the second principle: 1(viii) which states that,

“Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures”.

This ensures that the negative impacts caused by development are considered and where possible kept to a minimum.

29. In line with PPG2, PPS22 states that,

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the Green Belt. Careful consideration will therefore need to be given to the visual impacts of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

30. With reference to Wind Turbines in particular, PPS22 states that,

“Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines”.

East Midlands Regional Plan (RS)

31. On the 6th July 2010 the revocation of Regional Strategies with immediate effect was announced by the Secretary of State for Communities and Local Government. However, following a legal challenge Regional Strategies (RS) have been reinstated and the RS therefore remains part of the statutory development plan for the purposes of determining planning applications within Broxtowe Borough Council and Nottingham City Council. Nevertheless, the intention of the Government to abolish Regional Strategies, through the enactment of the Localism Bill, may be taken into account as a material consideration in the determination of planning applications. In any event, in cases where national and local planning policies align with the RS policy on this issue, there is no material difference in the advice that results.

32. The RS clearly supports and is in line with National Planning Policy on renewable energy. The considerations it outlines for the development of renewable energy resources include:

- *“the contribution of wind projects to national and international objectives on climate change;*
- *Impact of the landscape, natural, cultural and built environment;*
- *The size and number of turbines;*
- *The cumulative impact of wind generation projects; and*
- *The contribution towards the regional renewables target. (Appendix 5 of the RS sets out minimum regional renewable energy targets)”.*

33. It is worth noting that paragraph 3.3.84 of the RS, states that,

“To achieve the targets...there will need to be a complete change in attitude in current planning practice. Local planning authorities need to accept that far more energy generation

schemes using innovative renewable technologies need to be accepted if renewable energy targets are to be achieved. Furthermore, it should not be inferred that once targets have been met, efforts should not continue to deliver additional renewable schemes”.

34. RS Policy 31 relates to ensuring that the Region's landscape be protected from inappropriate development and where possible enhanced. RS Policy Three Cities SRS 2 relates to the Green Belt and seeks to ensure that any new development within them adheres to the principles of sustainable development and the principles and purposes of including land within the Green Belt as set out in PPG2. Both these policies align with national and local planning policy.

35. RS Policy 27 relates to the Region's historic environment and seeks to ensure that new development proposals understand, conserve and enhance the historic environment and recognise it for its own intrinsic value and contribution to the Region's quality of life.

Applicants statement in relation to Green Belt and PPS22

36. The applicants' set out in the Planning, Design and Access Statement accompanying both applications that they have assessed the proposals as being inappropriate development within the Green Belt, as set out in PPG2. The applicants state that the three proposed wind turbines will result in environmental benefits associated with increased production of energy from a renewable source and will

- Meet the UK Government's commitment to tackle climate change and deploy cleaner sources of energy;
- Make a major contributions to the University's carbon reduction targets; and
- Will enable NCC to play part in meeting national and local targets on carbon reduction and low or zero carbon energy generation.

37. They conclude by saying that overall the amount of physical change to the site will be minimal, that the number and proposed layout of the turbines provides for a visually permeable scheme and retains the openness of the landscape and views beyond and that by their very nature, wind turbine developments are temporary and once decommissioned, the Green Belt can be fully restored to its original condition.

38. Overall, the applicants consider that the overwhelming environmental benefits that will come from the proposals demonstrate very special circumstances which outweigh any harm by reason of inappropriateness and any other harm.

Strategic Planning Issues

39. PPG2 and PPS22 both indicate that very special circumstances need to be demonstrated to justify such a proposal in the Green Belt.

40. The proposal is inappropriate and thus by definition harmful to the Green Belt. The proposal impacts upon one purpose for establishing Green Belts; that of “*assisting in safeguarding the countryside from encroachment*”. It also impacts upon the openness and visual amenity of the Green Belt, which PPG2 seeks to protect.

41. PPS22 indicates that significant weight should be attributed to the benefits associated with increased production of energy from such a proposal in the decision making process.
42. The principal consideration is therefore whether the wider environmental benefits and any locational requirements amount to the very special circumstances needed to justify the proposed development in this Green Belt location.
43. The proposal's impact upon the Green Belt is mitigated by the number and the character of the structures, which are now, on planning policy grounds an accepted presence in the countryside (and in some cases the Green Belt).
44. National Policy Guidance, including the Draft National Planning Policy Framework of the current Government, which give significant weight to the wider environmental and economic benefits of renewable energy proposals, is of considerable significance and thus it is considered that in principle this outweighs the harm caused by the development by reason of its inappropriateness in the Green Belt. On the other hand the environmental and social impacts, including more local ones, are dealt with in the rest of this report.

Landscape Matters

Visual Impact Assessment Methodology

45. The County supports the methodology used by the applicants in assessing the proposed wind turbines.

Physical Impact on the Landscape

46. All 3 of the wind turbines will involve the loss of agricultural land, this should be quantified in m². In addition the amount of vegetation removal should also be quantified. The County Council agrees that the wind turbines would be unlikely to generate significant changes to the physical landscape resources of the site or surroundings.

Landscape Character

47. The wind turbines all lie within the Trent Valley character area although the character areas are described with reference to the Greater Nottingham Landscape Character Assessment the LVIA does not refer to the Policy Zone level. The site lies within the Attenborough Wetlands (Policy Zone TSV01).

Cumulative Impact Assessment

48. The LVIA is extensive and covers the impact of other wind farms development over a study area of 70km, narrowing down to 35km for a more detailed assessment. The LVIA concludes that there are no significant effects from the 27 viewpoints and the County Council would agree with this conclusion.
49. The County Council support the results of the LVIA in that significant changes to the landscape are likely to be restricted to the areas lying within 5km from the proposed development and in particular within the suburban-urban edges of Nottingham.

50. The County Council would wish to see further information on the heights of the cranes to be used in construction and the approximate size of any temporary soil mounds as a result of excavation works.

Heritage and Archaeology

51. The NCC archaeological team have been involved with the applicants in developing a programme of archaeological work in order to understand the potential implications of the proposed wind turbines. Preliminary results indicate there is a palaeochannel (evidence of an ancient stream) running through the site, which, if confirmed could have regional archaeological significance, containing well-preserved environmental remains. A model of the proposed development site is being developed in order to identify archaeological remains and provide overall targets for field evaluation.

52. As a result there remains considerable work to be undertaken before an informed opinion as to the archaeological value of the proposed development site. In addition the applicant has yet to supply information relating to construction methods, thus the identification of mitigations measures, if indeed there any suitable, cannot be made at this time. As such, from an archaeological viewpoint until this work is completed satisfactorily, both of the above planning applications cannot be supported at this time.

Highways

53. The turbines are to be accessed via highways in Nottingham City, where a new access road will be required to be constructed to accommodate the safe transportation and maintenance of the turbines. Nottinghamshire County Council's public highways will not be affected by this proposal, as the new road required lies within the Nottingham City Administrative boundary. As such there are no concerns over the proposal.

Rights of Way

54. There are two public rights of way near the applications site. These are Beeston parish No. 63 and No. 69, both of which have footpath status. It is considered that the footpaths would not be significantly affected by the proposal.

Nature conservation & ecology

55. It is understood that comments have been received (by the Borough Council) from the Nottinghamshire Wildlife Trust (NWT) and Natural England. In both cases objections have been raised. NWT strongly object to the proposal for several reasons including the lack of alternative locations being described in the Environmental Impact Appraisal (EIA). Of most concern to the County Council's Ecology section, is the NWT's concern that the 'likely' impact on bird and bat species has been assessed without the benefit of completed survey data.

56. The bat survey data will not be available until the surveys are completed in October (2011); consequently an informed assessment of the likely impact cannot yet be obtained. The bird survey data is also incomplete and surveys will not be complete until November 2011. Given the proposal's type and location in relation to sites of Special Scientific Interest

(SSSIs) and a number of SINC's of importance to bird populations, some of which are susceptible to turbine strike, it is necessary that the likely impact on birds is assessed.

57. The NWT are thus greatly concerned about the proposal to erect wind turbines in close proximity to a number of existing important sites plus a local biodiversity action plan project to create a marsh habitat. They are also concerned in view of the wider context, which would include the cumulative impact of the proposal and two similar undetermined applications in the Trent Valley. Pending the outcome of an EIA the NWT consider the impact is not likely to be minimal, as there is the potential to impact on the bat population and significant migrating Schedule 1 birds.
58. In the case of Natural England (NE), while it considers that sufficient field survey and desk study effort has been made to demonstrate no likely risk to bats NE would wish to see the results of the survey mentioned above for the 2011 bat activity period, before making final recommendations. With regard to the bird survey NE questions the viability of the surveys provided, which were undertaken against Government guidance which advises that observers should be located so as not to affect bird behaviour. Therefore Natural England has placed a holding objection until both sets of survey information are received.
59. Consequently, on the basis of the objections made by the above bodies it is considered appropriate to raise a holding objection until further survey information can be obtained, particularly in relation to bats and migrating birds, properly assessed in an EIA, and considered by the County Council's Ecology officer.

East Midlands Airport and air traffic control

60. While not directly a concern of the County Council, it is understood that the Borough Council has received an objection to the proposal for the wind turbine project from East Midlands Airport on the basis that the introduction of 3 wind turbines in this location will lead to an unacceptable impact on air safety. This appears to be a matter of degree, as one turbine, although undesirable, is tolerable. The Airport also does not agree with the conclusions reached in the Aviation Chapter of the submitted Environmental Statement. Details are awaited by the Borough Council.

Conclusions

61. The overall National Planning Policy context in relation to wind farms, as outlined above, is strongly supportive of the principle of wind farms in Nottinghamshire and the wide benefits of deploying renewable energy technologies in tackling climate change, subject to a number of considerations.
62. On the other hand concern in landscape terms is principally a matter of the effect upon the existing landscape. It should be acknowledged that the siting of any wind farm in any rural location will have a significant impact on the surrounding landscape, by its very nature, and the scale of these turbines, although only three in number, is large.
63. On Green Belt matters the harm from this "inappropriate development" is principally its effect on openness. However, as stated above, the "wider environmental and economic benefits" demonstrate the 'very special circumstances' for allowing development in principle. There is a clear need to respond to climate change by developing renewable

energy production and this presents a significant argument, backed by National planning policy, to support the proposal.

64. This matter is finely balanced. PPS22 also requires that *“development proposals should demonstrate how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures”*. The County Council has no significant concerns over the impact of the proposal of this scale and in this location on the landscape and openness of the Green Belt, and consequently supports the proposal in landscape terms.
65. Although there will clearly still be an adverse impact upon the surrounding area in relation to the visual landscape, the nature of wind farms is such that to a large extent this will always be an issue albeit that the severity of the concern will depend on the proposed location. However the extent of this impact and the weight to be attributed to it is a non strategic detailed matter for the Borough Council to determine. (para)
66. Nottinghamshire County Council’s public highways will not be affected by this proposal, as the new road required to be constructed falls within Nottingham City Council’s highways administrative boundary. As such there are no highway concerns to address in relation to the proposals. (para 53)
67. On Ecological grounds, however, there is considerable concern raised by the Nottinghamshire Wildlife Trust and, to a lesser extent, Natural England. Those concerns are shared by the County Council in that insufficient evidence on the effect upon bats and bird populations has been gathered. Consequently that evidence needs to be provided and assessed before any final determination can be made.
68. There remains a considerable amount of work to be undertaken before an informed opinion as to the archaeological value of the proposed development site can be made. (paras 51-2)
69. It is noted that East Midlands Airport has also raised concerns regarding air safety.

Other Options Considered

70. This report considers all of the relevant issues in relation to the above planning applications which have led to the recommendations, as set out below. Alternative options considered could have been to express no or full support for the applications.

Reason/s for Recommendation/s

71. It is recommended that the development is supported in principle as it is recognised that the significant weight given to renewable energy in PPS22 justifies ‘very special circumstances’ required for development in the Green Belt. The harm to the Green Belt from this development is principally its effect on openness and the proposal raises no significant concerns in that regard in terms of scale in this location upon the landscape and consequently the openness of the Green Belt;
72. The County Council has significant concerns over the potential impact of the proposal on the ecology and buried archaeology of the County. These concerns can not be addressed

until significant further work has been undertaken satisfactorily and relevant information has been provided by the applicants (paragraphs 51,52, 55-59 above).

Statutory and Policy Implications

73. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

- 1) The County Council's formal response to Nottingham City Council and Broxtowe Borough Council is that while it supports such development in terms of strategic and National renewable energy policy, it objects to the proposal owing to the significant concerns over its potential impact, as yet undetermined, on the ecology and buried archaeology of the County.

Councillor Richard Butler
Portfolio Holder for Environment and Sustainability

For any enquiries about this report please contact:

Nina Wilson – Principal Planning Officer (Minerals, Waste and Spatial Planning) – 0115 977 3793

Constitutional Comments (SHB.13.10.11)

74. Cabinet has power to decide the Recommendation.

Financial Comments (DJK 14.10.11)

75. The contents of this report is duly noted; there are no financial implications.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Planning application documents, including Environmental Statement and Planning Statement.

Electoral Division(s) and Member(s) Affected

Beeston North – Councillor Steve Carr

Beeston South and Attenborough – Councillor – Eric Kerry

West Bridgford West – Councillor Gordon Wheeler

West Bridgford Central and South – Councillor Barrie Cooper and Councillor Michael J Cox

Ruddington – Councillor Reg Adair

Appendix 1

