

18th July 2012**Agenda Item:****REPORT OF GROUP MANAGER, PLANNING****STRATEGIC PLANNING OBSERVATIONS ON A PLANNING APPLICATION
FOR A WIND TURBINE, AT LAND WEST OF OLDHILL LANE, EAST
BRIDGFORD****Purpose of the Report**

1. To seek Committee approval for comments set out in this report to be sent to Rushcliffe Borough Council (RBC) in response to the request for strategic planning observations on the above planning application for a single wind turbine.

Information and Advice

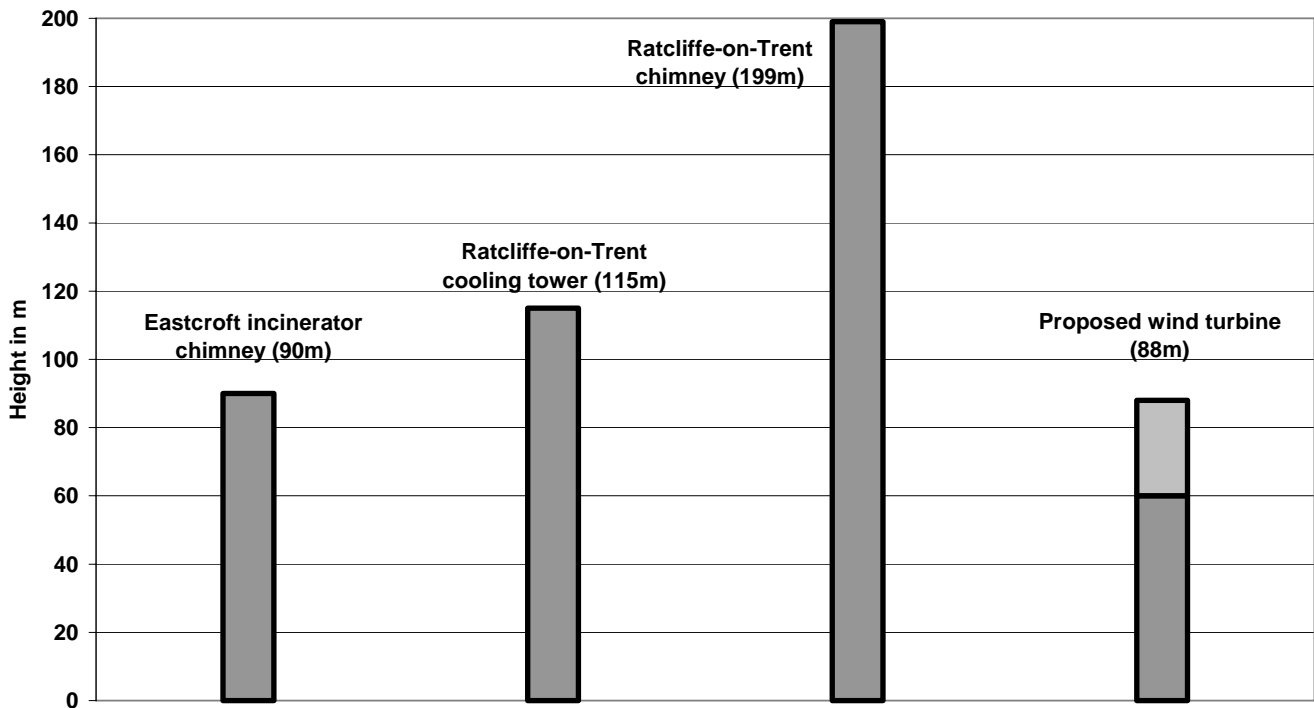
2. A planning application was submitted to Rushcliffe Borough Council on the 15th June 2012 for the installation of one 60m wind turbine on Land West of Oldhill Lane, East Bridgford, by East Bridgford Community Energy IPS Ltd. A site plan is provided at Appendix 1.
3. Nottinghamshire County Council (NCC) has been consulted for strategic planning observations on the application and this report compiles responses from Departments involved in providing comments and observations on such matters. On the basis of Committee's decision, comments will be sent to Rushcliffe Borough Council in their role as determining planning authority for this application.
4. The planning application is accompanied by an Environmental Statement, Design and Access Statement and a range of other supporting documents. This report is based on the information submitted with the application in the context of national, regional and local policy.
5. The application site lies within the Nottinghamshire Green Belt.
6. The site has planning permission for a temporary mast and two anemometers (Ref: 10/01752/FUL); the County Council previously commented on this planning application

Description of the Proposed Development

7. The proposed wind turbine is 500/800 KW with a free-standing mast on a 15m diameter concrete foundation and 6m base at ground level, which will provide energy and income for the inhabitants of East Bridgford, Nottinghamshire. The turbine has a hub height of 60m and has three blades of 27.5m. The blade tip height is 87.5m.

8. Associated development includes a permanent 4m wide access track approximately 40m long off Green Lane, East Bridgford, and a 20m x 30m blinded hardcore crane platform with a 15m x 30m soft, level assembly area alongside. In addition a switch and transformer room, 3.5 x 3.0 x 2.7m high, will be provided adjacent to the mast or 11Kv grid connection point. The design detail of this has not been decided and it is suggested that this should be conditioned on any approval.

Proposed East Bridgford wind turbine - Trent valley comparison heights



Planning Policy Context

National Planning Policy Framework (NPPF)

9. There are clear aims and policies at a national strategic level that underline the need to meet renewable energy targets. The Government renewable energy target seeks to generate 10% of UK electricity from renewable sources by 2010, its aspiration by 2020 is 20%. As a minimum, the UK must meet its legally binding target of 15% by 2020 as set out in the EU Renewable Energy Directive.

Strategic Planning Issues

Green Belt

10. What constitutes acceptable development within the Green Belt is set out in the NPPF, wind turbines are not considered to be acceptable development in the Green Belt and as such the onus lies with the applicant to demonstrate that there are very special circumstances to justify such inappropriate development in such a location.

11. The applicants have set out in their application documents, in particular the Planning Statement and Design and Access Statement that they have assessed a number of sites and it is considered that they have demonstrated 'very special circumstances' in relation to locating the proposed wind turbine within the Green Belt.
12. Detailed planning policy in relation to the Green Belt is set out in Appendix 2.

Landscape

13. Additional information is required from the applicant at this stage before an assessment can be made as to whether the application can be supported in relation to landscape and visual impact issues.
14. Detailed comments on Landscape are contained at Appendix 3.

Highways

15. The principle of the installation of a wind turbine on land west of Old Hill Lane, East Bridgford is acceptable from a highway point of view.
16. Detailed comments on Highways are contained at Appendix 4.

Ecology

17. The ecological survey work completed to date is not considered to be sufficient to allow a proper assessment of the potential impacts of the proposed wind turbine to be undertaken.
18. Detailed comments on Ecology are contained at Appendix 5.

Rights of Way

19. The East Bridgford Bridleway No. 16 is affected by the proposed turbine. A number of other rights of way are also within the vicinity (See Appendix 6). The turbine is sited at a distance (approximately 175m) less than the British Horse Society (BHS) recommended distance (200m) from bridleway no. 16. The turbine could be sited slightly further away from the bridleway.
20. Detailed Rights of Way comments are contained at Appendix 7.

Historic Environment

21. The application does not appear to be accompanied by any information with regards to assessing the impacts of the proposals on the setting of designated heritage assets. As such the application cannot be assessed in accordance with NPPF paragraph 128, 129, 132 or 133. In the absence of further information I would object to the granting of planning permission. It is likely that the proposals will impact on the setting of St Peter's Church in East Bridgford.
22. Detailed comments on the Historic Environment are contained at Appendix 8.

Noise

23. There are a number of issues for concern in relation to noise issues, such as the lack of recording of noise survey times, as such the County Council raises concerns over the overall conclusions drawn in respect of noise at the application site.

24. Detailed comments on Noise related issues are contained at Appendix 9.

Conclusions

25. The overall National Planning Policy context in relation to wind farms, as outlined above, is strongly supportive of the principle of wind farms and the wider benefits of deploying renewable energy technologies in tackling climate change, subject to a number of considerations. The responsibility for determining planning applications for wind turbines lies with district planning authorities.
26. 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 the turbine.
27. 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. It is concluded, that the applicants have justified the location of the proposed wind turbine within the Green Belt.
28. Although there will clearly 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 Rushcliffe Borough Council to determine.
29. Additional information is required from the applicant at this stage before an assessment can be made as to whether the application can be supported in relation to landscape and visual impact issues, ecology, noise and issues relating to the historic environment.
30. There are no strategic planning objections to the proposal on highway grounds.
31. It is recommended that the turbine is located at the British Horse Society (BHS) recommended distance (200m) from the bridleway to the south-east.

Other Options Considered

32. 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 application.

Reason/s for Recommendation/s

33. It is recommended that the development is supported in principle as it is recognised that significant weight is given to renewable energy at a National and strategic planning level.
34. There are concerns over the potential impact of the proposal on the ecology, historic environment and landscape 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.

Statutory and Policy Implications

35. 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.

Financial Implications

36. There are no direct financial implications.

RECOMMENDATION

That Rushcliffe Borough Council be advised that whilst the principle of such development in terms of strategic and National renewable energy policy is supported, Nottinghamshire County Council objects to the proposal on the grounds that:

- (a) insufficient information has been submitted with the planning application to allow valid and robust conclusions to be drawn on the applications potential impact upon the landscape, historic environment and ecology of the County, and
- (b) the wind turbine is sited within 200m of a public bridleway.

Sally Gill, Group Manager, Planning

For any enquiries about this report please contact: Nina Wilson, Principal Planner (Minerals, Waste and Spatial Planning) – 0115 977 3793

Constitutional Comments (NAB 6.07.12)

37. The Environment and Sustainability Committee has authority to approve the recommendation set out in this report.

Financial Comments ([initials and date xx/xx/xx])

38.

Background Papers

The following link provides access to all the relevant planning application documents used to inform the above report:

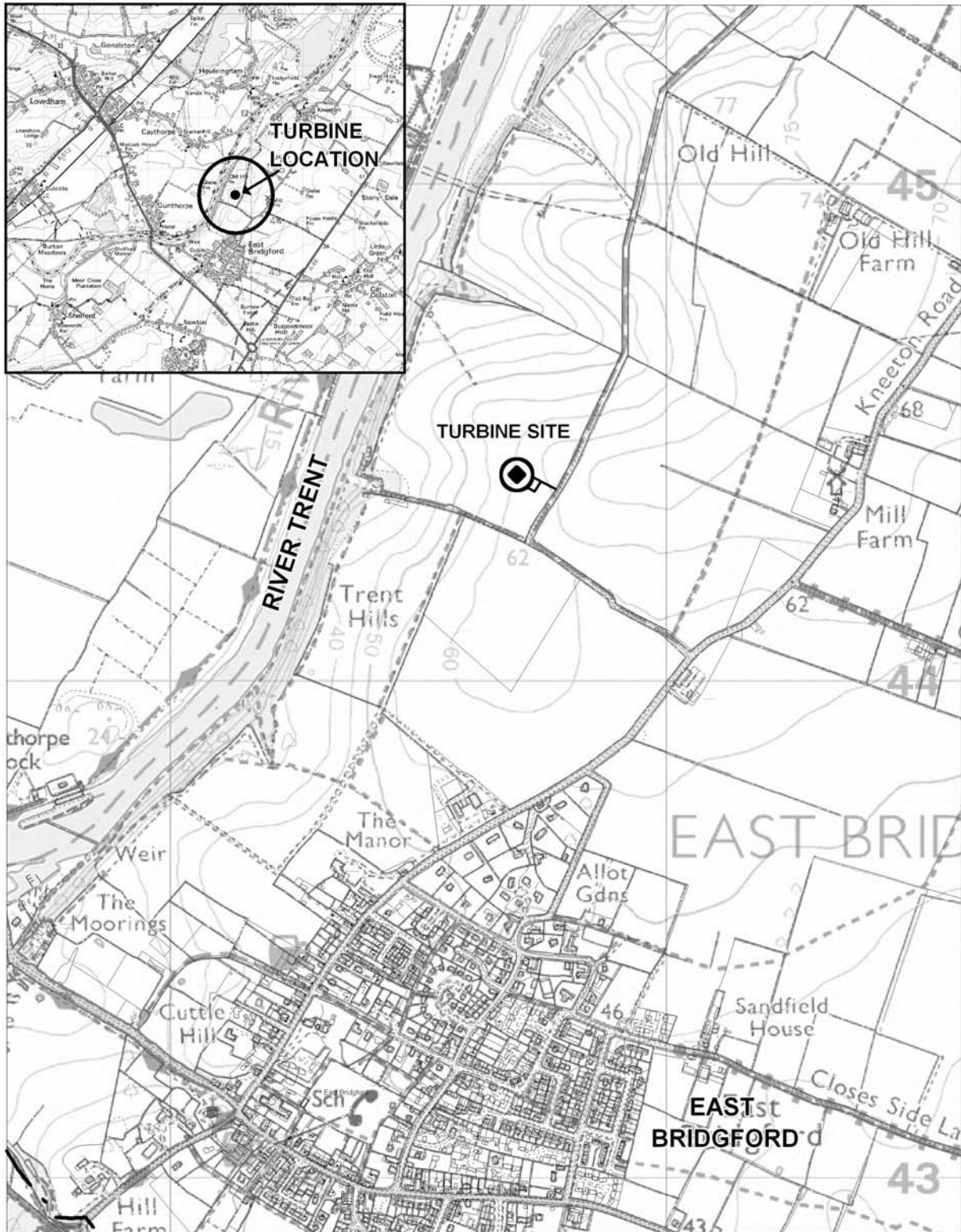
<http://www.document1.co.uk/blueprint/Results2.asp?Acpt=545208142&CaseNo=12/01015/FUL&Dept=DC>

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.

Electoral Division(s) and Member(s) Affected

Bingham – Councillor Martin Suthers OBE
Radcliffe-on-Trent – Councillor Mrs Kay Cutts
Farsfield and Lowdham – Councillor Andy Stewart
Farndon and Muskham – Councillor Mrs Sue Saddington
Carlton East – Councillor Allen Clarke
 - Councillor John Clarke

Appendix 1 – Site location plan and positioning of wind turbines



Proposed installation of one wind turbine, associated equipment for grid connection, trench work and access track.
Land West of Oldhill Lane, East Bridgford, Nottinghamshire
Planning Application No. 12/01015/FUL

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Date: JULY 2012

Appendix 2 – Detailed National and Regional Planning Policy Context

The proposed development relates to the generation of electricity from renewable energy resources. As such, elements of the UK and EU Energy Policy are significant material considerations, including the UK Energy White Paper (2007), the Energy Act (2008), the UK Renewable Strategy, Low Carbon Transition Plan 2009 and the Renewable Energy Roadmap of 2011.

Fundamental aspects of national energy policy are set out in 'Meeting the Energy Challenge: A White Paper on Energy' (2007) which sought to increase the production of energy from renewable sources. The Energy Act 2008 strengthens the Renewable Obligation to drive greater and more rapid deployment of renewables in the UK.

There are clear aims and policies at a national strategic level that underline the need to meet renewable energy targets. The Government renewable energy target seeks to generate 10% of UK electricity from renewable sources by 2010, its aspiration by 2020 is 20%. As a minimum, the UK must meet its legally binding target of 15% by 2020 as set out in the EU Renewable Energy Directive.

In terms of the most recent Government policy documents, on the 12th July 2011 the Government published 'Planning our Electric Future: A White Paper for secure affordable low-carbon electricity' and 'The UK Renewable Energy Roadmap'.

The White Paper sets out the Government's commitment to transform the UK's electricity system to ensure that future electricity supply is secure, low-carbon and affordable. The Roadmap sets out a comprehensive action plan to accelerate the UK's deployment and use of renewable energy, with the aim of putting the country on the path to achieve the national 2020 renewable energy target, while driving down the cost of renewable energy over time.

In terms of National Policy Statement (NPS) The Overarching Electricity Infrastructure NPS EN-1 and the renewables specific NPS EN-3 were designated by Parliament on the 19th July 2011. The Government has confirmed that its policy on the need for renewable energy is clear and the local planning authorities and decision makers may treat the NPSs as a material consideration when dealing with smaller infrastructure projects (such as wind farms below 50MW).

The National Planning Policy Statement (NPPF) was published in March 2012. This document is considered to be a material consideration in the determination of planning applications and therefore must be taken into consideration when examining the above proposal.

Paragraph 87 of the NPPF states that, in relation to development within the Green Belt,

"As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

Paragraph 88 states that,

"When considering any planning application, local planning authorities should ensure substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Paragraph 91 states that,

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”

In relation to renewable energy the paragraph 97 NPPF 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 from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;*
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;*
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;*
- Support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and*
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers”.*

Paragraph 98 states that,

“When determining planning applications, local planning authorities should:

- Not require applicant’s 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 contribution to cutting greenhouse gas emissions; and*
- Approve the application if its impacts are (or can be made) acceptable...”*

East Midlands Regional Plan (RS)

On the 6th July 2010 the Secretary of State announced the revocation of Regional Strategies. 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 the Bassetlaw District Council area. 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 RS policy on the issue, there is no material difference in the advice that results.

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 on the landscape, natural, cultural and built environment;*
- *The size and number of wind turbines;*
- *The cumulative impact of wind generation projects; and*
- *The contribution towards the regional renewables target”*

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 scheme”.

RS Policy 31 relates to ensuring that the Region's landscape be protected from inappropriate development and where possible enhanced. 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 of its own intrinsic value and contribution to the Region's quality of life.

Appendix 3 – Detailed Landscape Comments

Nina,

Impact of landscape character

- The applicant only makes brief reference to the County level landscape character assessment, and makes no reference at all to the Regional - East Midlands Landscape Character Assessment or the National Landscape Character Assessment, both of which are produced by Natural England
- These related LCAs are useful for accurately establishing the scale of the landscape in which the proposal will be located, is an 87.5m to tip turbine of an appropriate scale to fit into the landscape scale of the surrounding area?

Physical impact on the landscape

- More information needs to be provided by the applicant on the amount of, and maturity of vegetation that will need to be removed - hedgerows, trees etc

Visual impact on heritage assets

- More information needs to be provided on the impact of the proposal on the listed buildings and the conservation area - are any particular views identified in the conservation area appraisal and management plan that would be affected by this proposal?

Visual impact on residential and recreational amenity

- The assessment of Visual impact on residential properties is not carried out to an accepted methodology - such as Guidelines to Landscape and Visual Impact Assessment published by the Landscape Institute, there is a limited description of the methodology used. The conclusions in the landscape assessment and the non technical summary are therefore vague. More information on visual impact on residential properties is required
- Similarly the assessment of visual impact on public rights of way assessment has not been carried out to the accepted methodology. More information on visual impact on recreational routes is required.

Choosing a site -Figure 3 - Non-technical summary

- Other factors need to be taken into account in choosing a site besides distance from dwellings, there needs to be agreed buffer zones around hedgerows and existing areas of woodland, as well as around existing power lines

- More information needs to be provided by the applicant concerning flood risk, but this is an area for other consultees to respond to in more detail.

Helen Jones

Appendix 4 – Detailed Highways Comments

Form TP.52

**Nottinghamshire
County Council**
Environment and Resources



TOWN AND COUNTRY PLANNING ACT

HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT

DISTRICT:	Rushcliffe	Date received	26/06/2012
OFFICER:	MS MICHELLE DUNNE	by D.C.	20/06/2012
PROPOSAL:	INSTALLATION OF 1 WIND TURBINE WITH A HUB HEIGHT OF 60M, BLADE DIAMETER OF 55M, ASSOCIATED EQUIPMENT	D.C. No.	12/01015/FUL
LOCATION:	LAND WEST OF OLDHILL LANE, EAST BRIDGFORD, NOTTS		
APPLICANT:	EAST BRIDGFORD COMMUNITY ENERGY IPS LTD		

We have held previous pre application discussions with the applicant with regards to this proposal and many of the highway concerns have now been addressed.

The principle of the installation of a wind turbine on land west of Old Hill Lane, East Bridgford is acceptable from a highway point of view.

However it should be noted that any works within the public highway would have to be carried out under a legal agreement with the County Council and the applicant should be advised to contact this authority to discuss the best form of agreement to enable these works to proceed.

The roadwork's and delivery of the turbine parts will have to be co-ordinated with the County Council's "roadwork's co-ordinator" Mandy Pollard Ward and as the A46 is a Trunk Road, the views of the Highways Agency should also be sought in relation to this matter.

It should also be noted that Old Hill Lane is a Bridleway and as such the views of the Rights of Way team should also be sought.

Condition

No development shall commence on any part of the application site unless or until verge strengthening works have been provided at the junction of Red Lodge Lane & Kneeton Road and Kneeton Road and Old Hill Lane to the satisfaction of the Local Planning Authority.

Reason – in the interests of highway safety

Notes to Applicant

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Paul Ghattaora on 0115 9772117.

The roadwork's and delivery of the turbine parts will have to be co-ordinated with the County Council's "roadwork's co-ordinator" Mandy Pollard Ward who can be contacted on 0115 9774702

Vince Mandeir
Highways Development Management

Appendix 5 – Detailed Ecology Comments

Re: Installation of one wind turbine with a hub height of 60m, blade diameter of 55m, a total height to blade tip of 87.5m with associated equipment for grid connection, trench work and access track - land West Of Oldhill Lane East Bridgford. 12/01015/FUL

Thank you for consulting the Nature Conservation Unit of the Conservation Team on the above matter. We have the following comments regarding nature conservation issues:

Designated sites

The proposals do not directly affect any nationally or locally designated nature conservation sites:

- The nearest nationally designated nature conservation site, Orston Plaster Pits Site of Special Scientific Interest (SSSI), lies approximately 7.6km to the east-south-east.
- The nearest locally designated nature conservation site, Trent Hills Wood, East Bridgford Site of Importance for Nature Conservation (SINC) 2/337, lies approximately 300m to the west, and forms the western boundary of the field in which the proposed turbine would be sited.

Site survey

A basic ecological assessment of the site has been undertaken. This involved an Ecological survey report produced by Whichmuir Consulting dated July 2012, and a document entitled 'Appendix 6: Ecological impact'.

Unfortunately, the Whichmuir survey was undertaken on a parcel land to the south which was the 'original' site for the turbine, and as a result it does not cover the field in which the proposed turbine would be located. As a result, no information is presented about the field in which the proposed turbine would be located. Aerial photos suggest that the field is under arable cultivation and therefore is unlikely to be of significant nature conservation interest, but it is not possible to infer anything about the hedgerow through which access to the field would need to be obtained, nor the quality of the road verge grassland, field margins, or the potential presence of protected species (e.g. badgers setts). It is recommended that the application should be supported by an Extended Phase 1 Habitat Survey (covering the development site itself and any other land affected by the proposals, such as where trenching would occur or where works are required to allow the transportation of turbine sections to the site).

The Appendix 6 document provides the results of a desktop study with data sought from the Nottinghamshire Biological and Geological Records Centre and the Nottinghamshire Bat Group, but it must be noted that no field surveys have been carried out at the site in relation to bats or birds:

- Regarding bats, the area is described by the South Nottinghamshire Bat Group in a letter to Rushcliffe Borough Council dated 29 July 2011 as a 'definite hotspot for bats'. Surveys undertaken by this group in 2011 at Kneeton (the village to the north) have confirmed the presence of Barbastelle (a UKBAP species classified as being at 'medium' risk from turbines), at what is its only known site in the county. In addition, a grounded Leisler's bat (a scarce species that is rare in east Nottinghamshire and at 'high' risk from turbines) was found in East Bridgford in 2010. It is therefore recommended that the application should be supported by a bat survey that follows appropriate methodology (Bat Survey - Good Practice Guidelines 2nd Edition: Surveying for onshore wind farms - Bat Conservation Trust), due to the potential importance of this area for bats.
- Regarding birds, it is also concerning that no bird survey has been carried out at the site. Whilst the supporting information acknowledges that the Trent Valley is an important migration and movement corridor for birds, it is asserted that most birds restrict their movements to the area immediately along the river, with few species moving over the development site. However, it is understood that Barn Owls may breed in the immediate area, and Natural England Technical Information Note 069 (*Assessing the effects of onshore wind farms on birds*) identifies known bird migration routes and local flight paths, and topographical features such as ridgelines, as being situations where detailed assessments requiring surveys are likely to be necessary. It is recommended that at the very least, a breeding bird survey of the site and its surroundings should be undertaken, focussing particularly on those species which are particularly at risk from turbine strikes.

Turbine location

It is stated that the turbine is located over 90m from the two bridleways which border the field (page 3 of Appendix 6), significantly greater than the 50m stand-off recommended by Natural England in their Technical Information Notes 051 and 059. However, the sketch plan entitled 'Turbine foundation and base for crane' indicates that the base of the turbine is located much closer than this, with the rotor-swept area closer still. It will be necessary to demonstrate that the location of the turbine complies with the 50m stand-off required by TIN051/059.

Site restoration

It is noted that sections of hedgerow removed during the installation of the proposed turbine would be reinstated, along with any sections of verge that required reinforcing, and a small wildflower meadow would be created (which is welcomed). A planning condition attached to any permission granted should be used to require the submission of details of the species mixes to be used, including proportions, establishment methods and maintenance regimes (along with details of genetic provenance of stock).

Conclusion

On this basis, the ecological survey work completed to date is not considered to be sufficient to allow a proper assessment of the potential impacts of the proposed wind turbine to be undertaken.

I trust you will find the above comments of use, but if you require any further information, please do not hesitate to contact me.

Nick Crouch
Nature Conservation Leader

Appendix 6 – Bridle Path Plan

12/01015 East Bridgford Turbine

Approx location of turbine



Nottinghamshire
County Council

Scale 1:10000

Produced by: j b116

Date: 26/06/2012



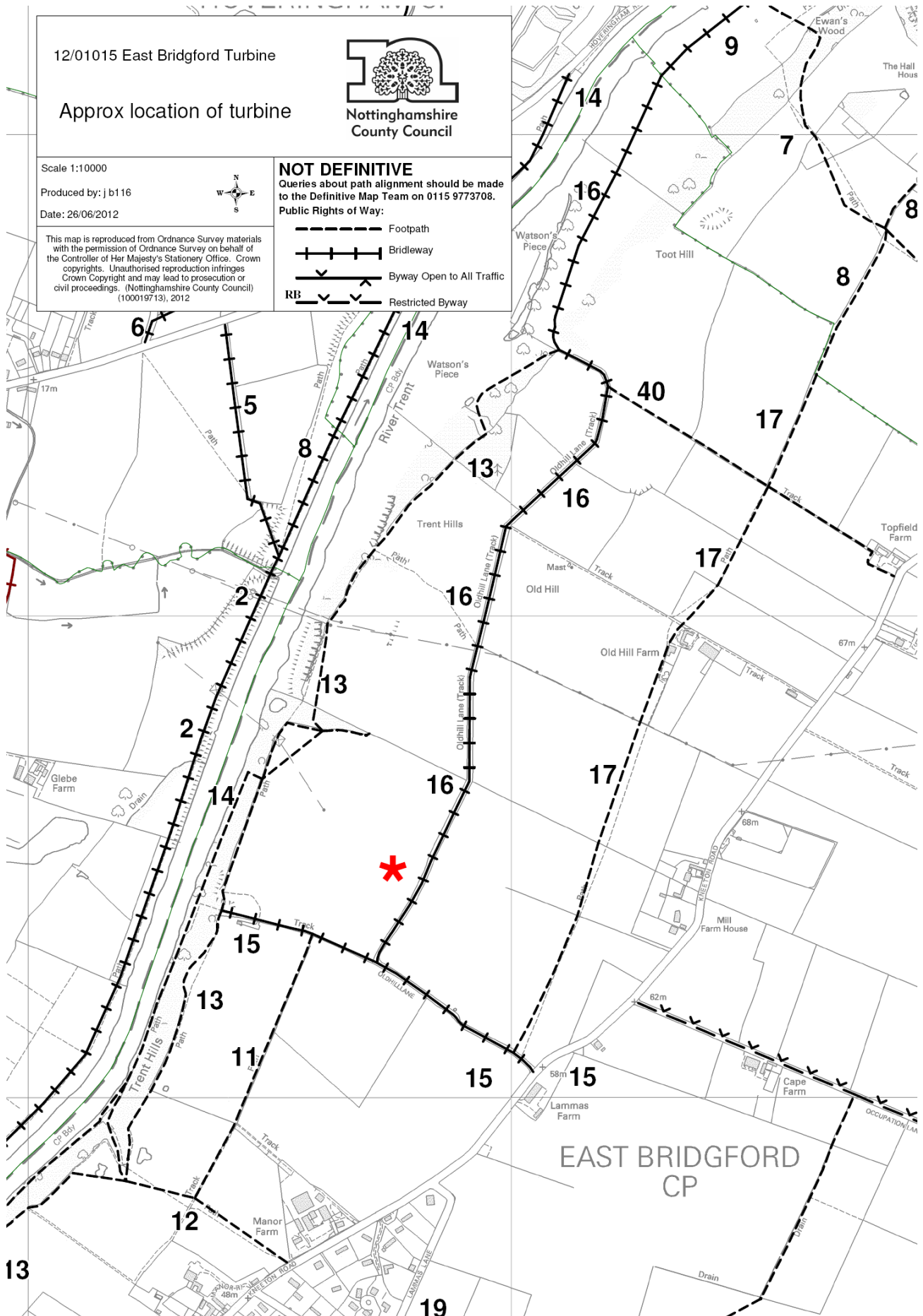
NOT DEFINITIVE

Queries about path alignment should be made
to the Definitive Map Team on 0115 9773708.

Public Rights of Way:

- Footpath
- + + + + + Bridleway
- >---> Byway Open to All Traffic
- RB --->---> Restricted Byway

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(100019713), 2012



Appendix 7 – Detailed Rights of Way Comments

Dear Michelle,

My comments with regard to this application proposal.

East Bridgford Bridleway No. 16 is affected by the proposed turbine. A number of other rights of way are also within the vicinity (see plan). Bridleway No 16 runs along a double hedged wide track. I am not aware of its current level of use but as a safe off road green route it is a very valuable equestrian path and the ability to use it safely by equestrians must be protected for the future.

The location of the turbine is:

- 60m from the edge of bridleway no 16.
- 210m approx from Bridleway no.15
- 320m approx from Footpath no.17
- 310m approx from Footpath no.13

The turbine height is 60m with a blade length of 27.5m giving a tip height of 87.5m.

There is no statutory distance laid down for a turbine to be situated away from a highway (which includes footpath and bridleways). However there are a number of well researched recommendations.

The British Horse Society's current wind farm policy in respect of separation distances of wind turbines from roads and public rights of way is:

'That, as a starting point when assessing a site and its potential layout, a separation distance of four times the overall height should be the target for National Trails and Ride UK routes, as these are likely to be used by equestrians unfamiliar with turbines, and a distance of three times overall height from all other routes, including roads, with the 200m recommended in the Technical Guidance to PPS 22 being seen as the minimum, where it is shown in a particular case that this would be acceptable. The negotiation process recommended in PPS 22 should indicate whether, in the particular circumstances of each site, these guidelines can be relaxed or need strengthening to minimise or eliminate the potential difficulties.'

This confirms that the minimum distance from a bridleway should be 200m unless it can be shown and documented that this is not necessary.

The Planning for Renewable Energy – a companion guide to PPS22 also recommends the topple height as an acceptable distance but as a minimum the blades should not oversail the right of way. The County Council accepts that this is acceptable for a footpath but it is suggested that safe equestrian use requires a greater distance in line with the BHS guidance.

Shadow flicker has a greater impact on a bridleway and for this reason the distances should be greater. A document produced by Central Bedfordshire Council (Wind Turbines near Public Rights of Way – Working Practice Guidance Note) includes a table and diagram of recommended distances to reduce the shadow flicker from a bridleway. The proposal does not meet this recommendation in any of the compass segments.

Some of this relates to the sudden appearance of a moving object which may have been hidden by trees and is suddenly exposed. This site is very open and the turbine will be visible from a distance and therefore the sudden appearance of a moving object should not upset and 'spook' the horse.

The County Council objects to the proposal on the grounds that the turbine is sited too close to the bridleway. It is recommended that the turbine is located at the BHS recommended distance from the bridleway (200m from the hedge) and that the turbine site is pushed further back into the field. The objection would be withdrawn on this basis.

Access to site, I assume that the applicant has or will gain a legal private right of access to the field which will allow a private vehicle access into the field from the bridleway. There is no right to take a vehicle along the bridleway unless a private right of access exists. Use of the bridleway without a private right of access would constitute a criminal offence.

The lanes and bridleway, serving as access to the turbine site, are part surfaced and part beaten earth at present. Any changes or works to the surface of a public highway i.e. the bridleway, must first have the permission of the Highway Authority to ensure that suitable surfacing is being used, especially with regard to equestrian use.

The works also may require the path to be closed for the duration of the surfacing works and construction of the turbine to ensure that users are safe. The applicant will need to apply for a temporary closure of the paths. There is a 6 week lead-in time for this and costs of approximately £600. The County Council will insist on disruption to the public use of the bridleway being kept to an absolute minimum during construction works.

The works needed to install the cable under the bridleway again will need express permission as the surface of a public path is affected, and a temporary closure of that path. I assume that these will happen at the same time and can be combined.

A temporary closure of the bridleway allows you to prevent public access for the duration but private access must be considered and managed during the works.

Please confirm receipt of this objection

Yours sincerely

Jane Baines

Area Rights of Way Officer
Countryside Access
Transport Policy & Programmes
Highways
Environment & Resources
Nottinghamshire County Council
Tel 0115 977 4802
Fax 0115 977 2414

Appendix 8 - Detailed Historic Environment comments

My comments:

The application does not appear to be accompanied by any information with regards to assessing the impacts of the proposals on the setting of designated heritage assets.

It is clear from my check of the County Historic Environment Record (as required by NPPF paragraph 128) that the wind turbine would be highly visible from, and towards, a high number of designated heritage assets. As such the proposals would clearly affect the setting of these designated heritage assets and should be subject to considerations set out in NPPF and English heritage 2011 guidance 'Setting of Heritage Assets'.

The application cannot be assessed in accordance with NPPF paragraph 128, 129, 132 or 133. In the absence of further information I would object to the granting of planning permission. It is likely that the proposals will impact on the setting of St Peter's Church in East Bridgford. This is a grade I listed building and therefore a consultation with the S of S through English Heritage should be in order (in accordance with Circular 2001/01).

Jason Mordan

Historic Buildings Leader
Nottinghamshire County Council
Tel: 0115 969 6529

Appendix 9 – Detailed Noise comments

Derek

Have looked through the submitted noise assessment report that accompanies the planning application for the above and have the following concerns :

- No indication that presented night-time background noise levels are La90's as required by the Energy Technology Support Unit (ETSU) of the former Department of Trade and Industry - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) - published in 1996
- Noise survey times not listed
- The capability of the instrument used (Adastra 952 - 425) to log La90's and Laeq's
- ETSU requires that background noise levels are established for quiet day time hours (1800 - 2300hours every day plus 1300 - 1800hours Saturdays and 0700 - 1800hours Sundays - not included in submitted assessment
- The derivation of turbine noise level not explained
- The presented conclusion is open to question.

Clayton Wardle

0115 9774232

Project Engineer(Noise)

Environment and Resources Department

Nottinghamshire County Council