

REPORT OF THE PORTFOLIO HOLDER, ENVIRONMENT AND SUSTAINABILITY**STRATEGIC PLANNING OBSERVATIONS ON PLANNING APPLICATION FOR 9 WIND TURBINES AT MAUMHILL WIND FARM, STURTON-LE-STEEPLE, RETFORD.****Purpose of the Report**

1. To seek Cabinet approval for comments set out in this report to be sent to Bassetlaw District Council in response to the request for strategic planning observations on the above planning application.

Information and Advice

2. A planning application was submitted to Bassetlaw District Council on the 11th January 2012 for 9 wind turbines, on a site near Sturton-le-Steeple, Retford, by Parson Brinckerhoff on behalf of EDF Renewable Energy. A site plan is provided at Appendix 1.
3. Nottinghamshire County Council 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 Cabinet's decision, comments will be sent to Bassetlaw District Council.
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.

Description of the Proposed Development

5. The proposed wind farm comprises a total of nine wind turbines, each capable of generating 2.05MW of electricity. The turbines will be 68.75m height to the 'hub' with blades of 92.5m radius, giving an overall height for each turbine of 115m to the blade tips.
6. The transformers for each turbine will be housed in a small container close to the base of each turbine, or alternatively within each turbine. Connection cables to the turbines will be underground and a grid connection building will be located within the site boundary. The power generated by the turbines will then be exported to the regional grid, most likely via a connection to the existing 33kV circuit running between Ordsall Road and Woodbeck or the 132kV circuit running between West Burton and Retford.

7. Construction access to the wind farm will be via the M180, then following the A15 onto the A631, before continuing onto the A620 southbound. The access route would then split off from the A620 and continue along Sturton Road and Gainsborough Road, before continuing along Station Road and Wheatley Road to the site entrance. Within the site itself, access tracks will be provided between the locations of each wind turbine for the purpose of construction. These access tracks will be retained and will be designed to resemble local farm tracks for future maintenance of the turbines.
8. A temporary laydown area will be provided to accommodate the tower sections, blades and plant/site cabling during the construction phase.
9. Planning permission exists for the siting of a meteorological mast, now present on the site. The final position of each turbine would be determined in the light of the meteorological information in order to achieve optimum efficiency of the wind farm.
10. Each turbine would have a generating capacity of 2.05MW, giving the proposed Wind Farm a total installed capacity of up to a maximum of 18.45 MW.

Planning Policy Context

National Planning Policy Framework

11. 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.
12. Detailed national and regional planning policy context is set out in Appendix 2.

Transport

13. The 'Access Review' report submitted with the planning application identifies (subject to confirmation by a haulier) that highway construction works will be required at three locations along the HGV route from the Lincolnshire/Nottinghamshire boundary at Gainsborough to the site, to enable the passage of the largest vehicles. These works will be subject to a Section 278 Agreement (Highways Act 1980) with Nottinghamshire County Council as Highway Authority. It is believed that all works can be undertaken within the extent of the current highway boundaries. Further details will need submission and approval prior to works commencing. In addition to these works, other modifications to remove and replace street furniture will be required to be agreed with and arranged through the Highway Authority. Appendix 3 contains suggested planning conditions which the County Council would wish to see attached to the granting of any planning permission at this site.
14. In conclusion, provided that the above transport comments are taken into account the County Council does not have any transport objections to make.

Ecology

15. Overall the relevant chapters in the ES submitted by the applicant suggest that the ecological impacts of the proposed windfarm are limited. However, there are a number of limitations to the surveys that were carried out, and there are a several matters relating to the surveys and impact assessment about which further information or clarification should be sought, before any decision on this planning application is reached.
16. Full detailed ecology comments are contained at Appendix 4.

Landscape

17. There are visual impacts and impacts on landscape character over a wider area in an area that has been identified on the Nottinghamshire landscape character assessment as being of good landscape condition. 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.
18. Detailed landscape and visual comments are set out in Appendix 5.

Conclusions

19. 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 wide benefits of deploying renewable energy technologies in tackling climate change, subject to a number of considerations.
20. 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 is large. 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.
21. The ornithology information submitted by the applicant concludes that with the implementation of mitigation, the proposals are not likely to give rise to any significant impacts on ornithology, with residual effects arising from a small loss of agricultural habitat and a non-significant risk of disturbance and collision. Having reviewed the submitted information, this conclusion appears to be valid, although the fact that some of the surveys could be considered to be out of date is highlighted, along with the requirement for a number of matters of detail to be clarified/confirmed.
22. In conclusion, the relevant chapters in the ES suggest that the ecological impacts of the proposed windfarm are limited. However, there are a number of limitations to the surveys that were carried out, and there are a several matters relating to the surveys and impact assessment about which further information or clarification should be sought, before any decision on this planning application is reached.
23. Provided that the above transport comments are taken into account the County Council does not have any transport objections to make.

Other Options Considered

24. 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

25. It is recommended that the development is supported in principle as it is recognised that significant weight given to renewable energy at a National and strategic planning level.

26. The County Council has concerns over the potential impact of the proposal on the ecology 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

27. 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.

RECOMMENDATION/S

1) That Bassetlaw District 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 owing to the significant concerns over its potential impact, as yet undetermined, on the ecology and landscape of the County.

Councillor Richard Butler

For any enquiries about this report please contact:

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

Constitutional Comments (13/02/12 SHB)

28. Cabinet has power to approve Portfolio Holders comments and authorise that these be then sent to Bassetlaw District Council.

Financial Comments (14/02/12 MA)

29. There are no direct financial implications arising from the contents of this report.

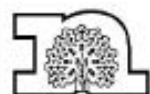
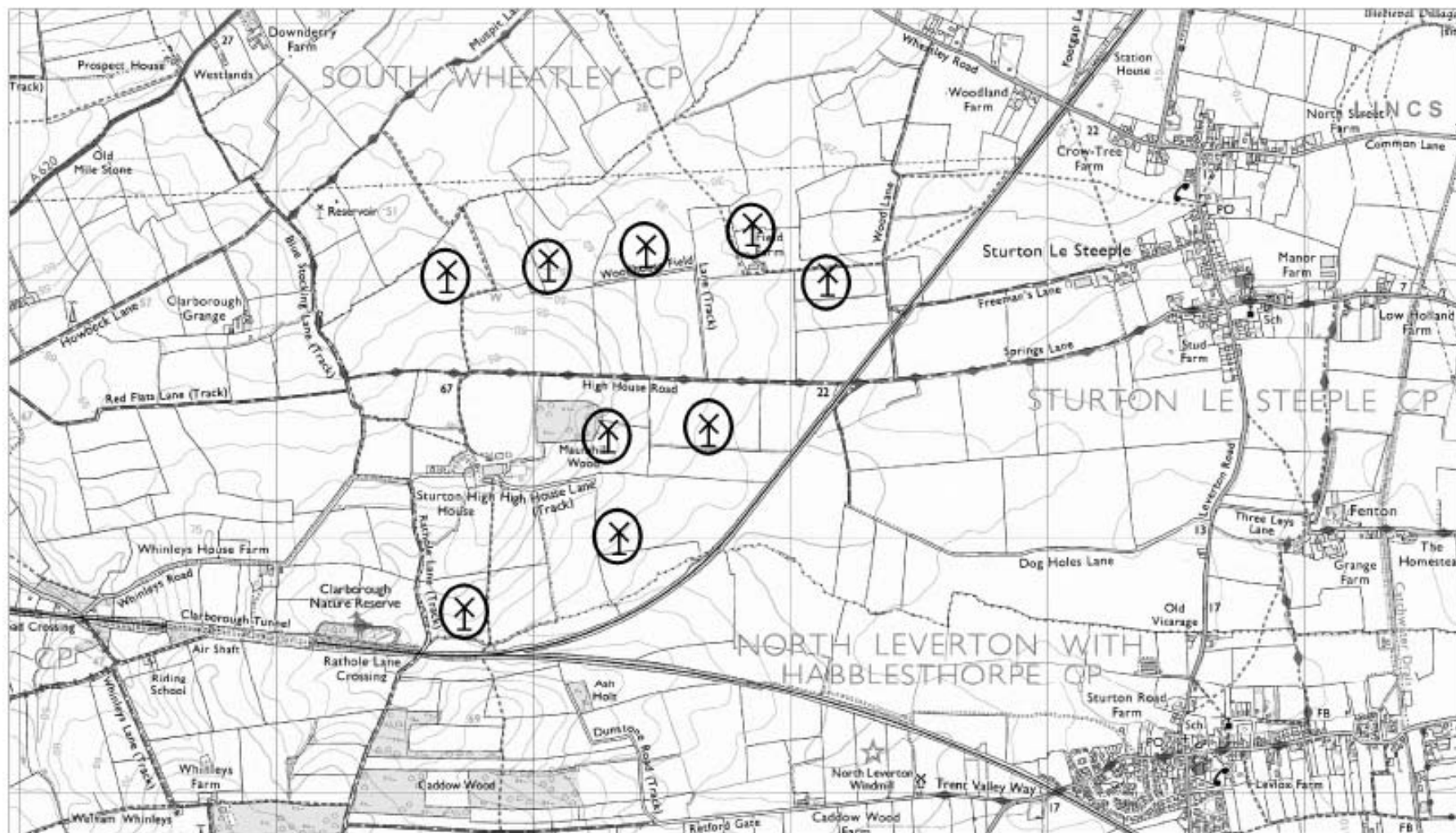
Background Papers

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.

Electoral Division(s) and Member(s) Affected

Blyth and Harworth – Councillor Mrs Shelia Place
Misterton – Councillor Mrs Liz Yates
Retford East – Councillor Mrs Wendy Quigley
Retford West – Councillor Mike Quigley
Tuxford – Councillor John Hemsall

Appendix 1 – Site location plan and positioning of wind turbines



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

PROPOSED MAUMHILL WIND TURBINES

APPENDIX 1

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Not to Scale
Produced by: JH
Date: Feb 2012

APPENDIX 1

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 consultation on the Draft National Planning Policy Statement (DNPPF) closed on the 17th October 2011. 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 152 of the DNPPF states that,

“To help increase and use the 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 developments 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...”*

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)

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”.

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”

On the matter of the approach to dealing with renewable energy proposals in Local Development Frameworks/Local Plans 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 sited in a particular location”.

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

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 are 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)

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”.

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.

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)

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 – Transport Suggested Planning Conditions

No part of the development hereby permitted shall commence until the access to the site (off Wheatley Road) has been completed, and surfaced in a bound material for a minimum distance of 20m behind the highway boundary, in accordance with details to be submitted and approved by the LPA in writing.

Reason:

In the interests of highway safety and convenience.

No development shall commence on any part of the application site unless or until highway improvement works have been provided at the site access and at other locations on the HGV route between the Lincolnshire/Nottinghamshire boundary and the site to provide for the swept path of the largest construction/delivery vehicles, to the satisfaction of the Local Planning Authority and Highway Authority.

Reason:

To protect the structural integrity of the highway and to allow for future maintenance.

Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to **any** other works commencing on site.

Reason:

To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

Appendix 4 – Detailed Ecology Comments

Re: Erect nine 115 metre tip height wind turbines a 70 metre permanent meteorological mast and ancillary infrastructure – Maumhill Wind Farm, land south west of Wheatley Road, Sturton-le-Steeple, Retford. Planning application number 46/11/00035

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:

Introduction

The proposals are supported by studies relating to Ecology (chapter 9 in the ES) and Ornithology (chapter 10). The following comments deal first with impacts on designated sites, habitats and species (excluding birds and bats), and then impacts on birds and bats.

Impacts on designated sites, habitats and species (excluding birds and bats)

Surveys

The planning application is supported by the following information:

- Desktop study
- Phase 1 Habitat survey
- Badger survey
- Otter and water vole survey

It should be noted that some of the surveys (Phase 1 Habitat and Badger) were undertaken more than two years ago (July 2009 and November 2009 respectively), and therefore it could be questioned whether these are up-to-date, as is required by PPS9. Also, it is not clear when the Desktop Study was carried out.

Surveys appear to have been undertaken at appropriate times of year, following standard guidelines. However, it must be noted that the impact assessment process does not follow Institute for Ecology and Environmental Management (IEEM) guidelines, using an alternative approach instead. It is stated that this alternative approach allows comparison between other environmental disciplines and provides transparency about how decisions relating to significance have been reached, however it would have been preferable for the industry-standard IEEM guidelines to have been followed, for ease of use.

Results

Phase 1 Habitat

It should be noted that the habitat descriptions provided are rather brief and general. Areas of important habitat also appear to have been overlooked; for example, the presence of species-rich grassland in the High House Road Verges LWS is not identified. Furthermore, the

evaluation of the habitats provided in the Phase 1 Habitat survey report does not match those given in the main Ecology Chapter.

The majority of the site was found to comprise of arable fields and pasture, with overall low coverage of semi-natural habitat. Two Local Wildlife Sites (SINCs) lie within what has been identified as the zone of influence, one of which, High House Road Verges, will suffer the loss of a small section (0.4% of the whole site) to allow the creation of an access track. Short sections of species-rich hedgerows will also require removal to allow the creation of access tracks.

Otter and water voles

No evidence of these species was found during the surveys, and neither is considered further in the assessment process.

Badger

A number of badger setts were found in the survey area. Most are well removed from the development footprint, but one, an outlier, is located within 10 metres of the development footprint.

Other species

No potential breeding habitat for amphibians (including great crested newts) was found within the survey area, and this species is not considered further in the assessment process. The site is considered to have some potential value for reptiles, although no specific survey has been carried out.

Identification and valuation of Valued Ecological Receptors

It should be noted that in Table 9.3, Clarborough Tunnel SSSI is identified as being a 'Valued Ecological Receptor', within the zone of influence of the proposals. However, section 9.4.19 states that all SSSIs (i.e. including Clarborough Tunnel) are outside the zone of influence, and therefore the site is not given any further consideration. Given the nationally designated status of this site, this discrepancy needs addressing.

It should also be noted that there are discrepancies between the text on pages 171-176 of the Ecology chapter and Table 9.4 relating to the valuation of 'Valued Ecological Receptors' – for example, Maumhill Wood and High House Road Verges Local Wildlife Sites are assessed as County Value in the text but of Local Value in the table.

Impacts

During construction, minor negative impacts are predicted to arise upon the High House Road Verges LWS (0.4% of the site) and lengths of hedgerow, but with mitigation (which should be secured by a condition – see Ecology chapter section 9.5.17 relating to High House Road Verges LWS, and section 9.5.21 and 9.5.27 relating to hedgerows) these are not predicted to be significant. Loss of ditch is predicted to be a minor negative impact, with a negative residual impact at the neighbourhood level, with no mitigation proposed.

No significant impacts are predicted to occur on any other ecological receptors during construction; mitigation is proposed for reptiles (in section 9.5.47 of the Ecology chapter in the form of a Precautionary Method of Working), and for badgers (in section 9.5.52), which should be secured through a planning condition. It is stated in section 9.5.33 that a Construction Environment Management Plan will be produced, and this should be made a condition any permission granted.

During operation, no impacts are predicted on any of the ecological receptors, with the exception of reptiles, where a minor positive impact, significant at the neighbourhood level is predicted. It is stated in section 9.6.32 of the Ecology chapter that an Operational Management Plan (OEMP) will be produced, and this should be made a condition any permission granted.

Biodiversity enhancement

It is stated in section 9.7.4-9.7.6 that various habitat enhancements will be undertaken on the site, to benefit local biodiversity. The production of a detailed habitat enhancement plan should be made a condition any permission granted.

Conclusion

Due to distances from other wind farms / wind turbines, no cumulative impact is predicted as a result of these proposals. The Ecology chapter concludes that with the implementation of mitigation, the proposals will not give rise to residual adverse effects to 'Valued Ecological Receptors' significant above a neighbourhood level. Having reviewed the submitted information, this conclusion appears to be valid, although the fact that some of the surveys could be considered to be out of date is highlighted, along with the fact that a non-standard impact assessment methodology has been followed and the presence of discrepancies in the text/tables.

Impacts on birds

Survey

The following bird surveys were carried out:

- Breeding birds – field survey and vantage point
- Wintering birds – field survey and vantage point

Breeding bird field surveys were completed in 2008 (three visits) and 2011 (six visits), following standard methodologies. All bird species were recorded, following Common Bird Census principles. Vantage point (VP) surveys also took place in 2008 and 2011, in the period April to July. It should be noted that the methods for the VP surveys changed between 2008 and 2011, following changes in guidance (one VP was used in 2008 and two were used in 2011 at a reduced viewing distance). A total of 36 hours of survey was completed in each year and at each VP, as recommended in the relevant guidance, with all target species recorded. Wintering bird field surveys were completed in 2007-2008, involving 13 survey visits during the period October to early April, with all target species recorded. VP surveys took place during the same period, involving 39 hours of survey.

Those surveys carried out in 2007/2008 are around four years old, and as such their validity could be questioned, given that PPS9 requires ecological information to be up-to-date. In addition, the 2007/2008 surveys followed methodology which, although valid at the time, does not conform to current guidelines. Furthermore, no VP surveys were carried out during the passage periods, and no justification for this is provided; presumably the site was not considered likely to be important for passage birds, given its location and predominant habitat types, but confirmation of this should be sought.

Results

A total of 55 species were recorded breeding within the survey area during the 2008 and 2011 surveys, of which two (hobby and barn owl) were identified as being of high sensitivity, with a further two high sensitivity species (peregrine and crossbill) recorded during the VP surveys. The relative importance of the breeding bird population at the site does not appear to have been assessed.

Wintering bird surveys recorded one high sensitivity species (golden plover), with this, and one other (barn owl) also recorded at rotor height during the VP surveys. The main wintering species of interest was identified as golden plover, with peak numbers considered as regionally (i.e. at a Nottinghamshire level) important, and the report states that there is no evidence that the survey area was important for any other wintering bird populations, with no species being recorded in more than locally important numbers.

Impacts

Potential impacts are identified as:

- Direct habitat loss
- Disturbance during construction or operation
- Collision with wind turbines

Direct habitat loss

Given the relatively small footprint of the development, and the minimal habitat losses (identified above), the effect of habitat loss on birds is predicted to be of negligible magnitude, and not significant.

Disturbance

Based on research elsewhere, and on the basis that the Maumhill site is relatively small, with a generally low number of breeding and wintering birds, the impacts of disturbance and displacement are predicted to be of negligible magnitude, and not significant.

In order to prevent impacts on breeding hobby and barn owl (Schedule 1 birds) during construction, pre-construction surveys for works taking place during the breeding season are recommended, and this should be made a condition of any permission granted.

In addition, to ensure good practice, a standard condition controlling vegetation clearance during the bird nesting season (March to August inclusive) condition should be made attached to any permission granted.

Collision

Collision risk modelling (following the Band model) was carried out for four target species that were recorded flying through the site at collision risk height – hobby, golden plover, lapwing and curlew. This calculated that the magnitude of effect was negligible for hobby, lapwing and curlew, and low for golden plover, and no likely significant effect was predicted for any of the species concerned. It should be highlighted that the model predicted 20 golden plover collisions per year.

Monitoring

An ornithological monitoring programme, as specified in section 10.9.1 of the Ornithology chapter, should be made a condition of any permission granted. No collision monitoring is proposed. Relevant guidance states that collision mortality data are important to verify predictions of collision modelling and the success of mitigation measures. Justification should be sought as to why collision monitoring (including corpse searching) is not deemed necessary in this case.

Conclusion

The Ornithology chapter concludes that with the implementation of mitigation, the proposals are not likely to give rise to any significant impacts on ornithology, with residual effects arising from a small loss of agricultural habitat and a non-significant risk of disturbance and collision. Having reviewed the submitted information, this conclusion appears to be valid, although the fact that some of the surveys could be considered to be out of date is highlighted, along with the requirement for a number of matters of detail to be clarified/confirmed.

Impacts on bats

Survey

Bat surveys were carried out between May and October 2011, comprising:

- Roost inspections (buildings and trees)
- Emergence/dawn surveys (buildings)
- Commuting route surveys
- Transect surveys
- Static detector surveys (including at height)

The surveys can be considered to be up-to-date, and were carried out broadly in compliance with the relevant guidelines. However, a number of limitations are highlighted, including:

- Surveys during April 2011 were missed for transect and static detector surveys, as updated guidance (which requires surveys to be undertaken in April) was not published until the following month.
- The location of the static detectors A-D was altered during the survey period to allow farming activities to take place.
- Guidance states that where possible, static detectors should be operated as pairs, allowing comparison between turbine locations and nearby features providing suitable

habitat for bats, recording simultaneously over the same time period. This has not occurred in this case, and the detectors do not appear to have been placed at turbine locations.

- During August 2011, technical problems meant less than 8 hours recording took place at height, rather than the 5 consecutive nights required by guidelines.

The Ecology chapter states that none of these are considered to compromise the validity of the surveys, but they certainly need to be considered when interpreting the results.

Results

General

A total of seven bat species were recorded during the surveys, including one rare species (Nathusius pipistrelle), and three of which are considered to be at high collision risk (noctule, Leisler's bat and Nathusius pipistrelle).

Roost surveys

A single, small common pipistrelle roost (involving 1-3 bats) was identified in one of the buildings within the survey area, over 500m from the location of the nearest turbine. Six trees/groups of trees were considered to have high potential to be used by roosting bats, but no confirmed bat roosts were identified, although evidence suggested that a noctule mating roost may be present in the survey area, but again over 500m from the location of the nearest turbine. Overall, the level of bat activity recorded in the survey area was interpreted as meaning that any roosts present within were small and transitory in nature, and used by only a few bats at most.

Activity surveys

Transect surveys recorded most bat activity around the farm buildings in the centre of the survey area. Elsewhere, bat activity was considered to be low. The six commuting route surveys did not reveal the presence of any heavily used commuting routes. The five static detectors recorded generally low levels of bats activity, however it is stated in section 9.4.79 of the Ecology chapter that the static detector next to Maumhill Wood recorded 'moderate' levels of bat activity, but this appears to contradict what is described in section 3.8.14 of the Bat Technical Appendix, which suggests that activity at this location was actually low - clarification on this matter should be sought.

It is stated that the overall level of bat activity at the site was considered to be low, for both low to moderate collision risk bat species, and for high collision risk bat species. Specifically, the number of bat passes registered during the at height surveys were considered to be extremely low.

Impacts

During the construction period, there would be a slight reduction in foraging and commuting habitat, which is considered to be temporary and of low magnitude (given the localised nature of the works), and not considered to give rise to a significant effect, although this statement, made in section 9.5.40 of the Ecology chapter contradicts table 9.5 which states that a negative

impact, significant at a neighbourhood level, will occur on foraging bats – clarification should therefore be sought. No impact is predicted on any bat roost sites.

During operation, there is a potential risk of bat mortality due to collisions with the rotors and barotrauma. It is stated that impacts on low to moderate collision risk species are of moderate magnitude and significant at a local level, and that impacts on high collision risk species are of low magnitude and significant at a neighbourhood level.

It should be noted that Natural England guidance (TIN051) indicates that collision risk can be minimised by siting turbines at least 50 metres from features used by bats (e.g. hedgerows, woodland edges etc.), as measured from the rotor tip to the closest part of the feature in question. However, five of the proposed turbines are positioned inside this 50 metre standoff zone (by 13.6 metres in one case). It is indicated that subsequent micrositing is 'likely' to allow four of these to be positioned beyond the 50 metre standoff zone. It is also stated that for those turbines remaining within the 50 metre standoff, an operational cut-in speed of 5 metres/second would be implemented between half-an-hour before sunset and an hour after dawn, between April and October inclusive, following research which suggests that the use of an operational cut-in speed reduces bat mortality rates at windfarms elsewhere. Vegetation management would also occur to prevent trees and hedgerows growing into the 50 metre standoff zone.

It is not clear why the turbines cannot be positioned in such a way at this stage that they can be moved outside the 50 metre standoff, or why it cannot be confirmed that micrositing will definitely allow the repositioning of the majority of the 'problem' turbines. Furthermore, there is confusion about exactly which turbines are affected, as turbines T2, T4, T5, T6 and T7 are identified in section 9.6.14 and 9.6.15 of the Ecology chapter, whilst T2, T3, T8 and T9 are identified in section 9.6.22 of the Ecology chapter (an error repeated in the Bat Technical Appendix). Therefore, further comment and clarification on this matter should be sought, as a *priority*. In any event, should these controls be considered sufficient (i.e. micrositing, the use of cut-in speeds and vegetation management), they would need to be made a condition of any permission granted, and strictly enforced.

Monitoring

The production and implementation of a detailed monitoring programme, as outlined in sections 9.6.25-9.6.28 of the Ecology chapter, should be made a condition of any permission granted, in order to allow the predictions made in the assessment to be validated, and to allow any additional mitigation requirements to be implemented.

Conclusion

No clear conclusion appears to be presented in the Ecology chapter relating to bats, and it would be useful for such a conclusion to be made. However the intimation appears to be that there will be no significant impacts on bats, provided that the proposed mitigation measures are implemented. However, clarification on this matter should be sought, along with clarification on the other matters highlighted above.

Conclusion

In conclusion, the relevant chapters in the ES suggest that the ecological impacts of the proposed windfarm are limited. However, there are a number of limitations to the surveys that were carried out, and there are a several matters relating to the surveys and impact assessment about which further information or clarification should be sought, before any decision on this planning application is reached.

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

Nick Crouch
Nature Conservation Leader

Appendix 5 – Landscape and Visual Impact Detailed Comments

The Landscape and Visual Impact Assessment has been carried out to the recognised methodology and has referred to the appropriate guidance documents. The methodology of the assessment is clearly set out in the introduction to the report. Assessment of landscape and visual impacts has been carried out at the construction, operational and decommissioning stages of the proposed project.

The results of the assessment process of the Landscape and Visual Impact Assessment (LVIA) and the County Council support this as an accurate and fair summary of the proposed development. The report states that the proposed development will have a substantial landscape character impact on the Mid Nottingham Farmlands landscape character type and major to moderate visual impact over an area 800-900 metres from the proposed turbines due to the height of the structures in such an open flat landscape. They would remove some element of the tranquillity of this landscape although this has not been quantified. This impact would continue over a distance of up to 4km, affecting the character of the landscape substantially.

The visual impact will be major/moderate or major adverse for 4 residential receptors (the most sensitive) over a localised area within 1km of the site. The visual impact will be major adverse for 16 residential receptors over a localised area within 1.3km of the site of these 3 will have a clear view of the proposed site. There would be significant effects for road users on the minor road network up to 4km from the site. There would be significant effects to users on adjacent Public Rights of Way including the Trent Valley Way and from areas of high ground between 6 and 7km from the site.

The Non technical summary (NTS) of the landscape and visual assessment process - Paragraphs 4.2.1. – 4.2.4 is misleading particularly paragraph 4.2.3.because it does not mention the significant impacts correctly identified in the more detailed landscape and visual assessment report. This summary in the NTS document should be redrafted and reissued for clarity to give a clear summary of the findings of the report.

The report considers 22 viewpoints, a written description as well as visualisations from each viewpoint have been provided. It has been noted that the photographs were all taken in winter (November and December 2011) and although it must be said that some photographs are quite hazy in the distant view, they do illustrate the scenario where there is least vegetation to screen the turbines and are accepted as an adequate representation of the proposed development. Some of the viewpoints descriptions in Appendix C do not include assessment of impacts that we would require, the most important omissions are:-

- There is no assessment of visual impact on recreational receptors from Viewpoint 13 south east from A631 Gringley on the Hill. There are many Public Rights of Way across this ridge line, so this information needs to be included in the report.
- There is no assessment of visual impact on residential and recreational receptors from Viewpoint 8 south west from Northfield Road, North Leverton. This is a relatively close viewpoint (approx 3km distant) so this information needs to be included in the report.
- As a general point there are some errors in the numbering of the viewpoints and the labelling of figure 6.8, these should to be amended for clarity.

In summary the landscape and visual assessment has been carried out to the accepted methodology and guidance and the landscape team are in agreement with its findings set out on page 127 – 128 of section 6 of the environmental statement, that is there are substantial visual impacts on a small number of residential receptors and users of public rights of Way over a localised area (less than 1 km from the site). There are visual impacts and impacts on landscape character over a wider area in an area that has been identified on the Nottinghamshire landscape character assessment as being of good landscape condition. 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:

- Cross refer to Section 9 – Ecology chapter - to clarify amount of vegetation to be removed
- Redraft paragraph 4.2.3 in Landscape and visual impact summary of Non Technical Summary
- Provide assessment of visual impact on recreational receptors from viewpoint 13 south east from A631 Gringley on the Hill
- Provide assessment of visual impact on residential and recreational receptors from viewpoint 8 south west from Northfield Road , North Leverton
- Correct errors in numbering of viewpoint descriptions in relation to Figure 6.8
- Provide additional information about the tranquillity score of the immediate surroundings to the site (within 2 kilometres)

Once the Landscape and Reclamation Team have received the above information from the applicant, we will provide our final conclusions as to whether we support the application in relation to landscape and visual impact issues.