

18 July 2013**Agenda Item: 6 (b)****REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****STRATEGIC PLANNING OBSERVATIONS ON THE ERECTION OF A SINGLE
WIND TURBINE AT LAND AT ORSTON, NOTTINGHAMSHIRE****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 at land at Orston, Nottinghamshire.

Information and Advice

2. A planning application was submitted to Rushcliffe Borough Council on the 16th April 2013 for the erection of a 50m single wind turbine (74m to tip of blade) on land at Spa Lane, Orston, Nottinghamshire
3. Nottinghamshire County Council (NCC) has been asked 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. A site plan is provided at Appendix 1.
4. The planning application is accompanied by a 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 open countryside.

Description of the Proposal

6. The application site is located within open countryside, 1km northeast of the village of Orston. The site is located on the west side of Spa Lane, which links Orston with Alverton. The site is currently used for hay production. It adjoins a poultry farm to the north. The field has indigenous hedgerows with isolated individual trees. The site is on higher ground facing the River Smite valley, to the west. The site is accessible from the A52 at Elton, then via Station Road to Orston.

7. The planning application is for a single 500kw wind turbine and associated infrastructure, including a 170m long access track. The turbine is a 3-blade model with a hub height of 50m and a blade diameter of 48m, giving a total maximum height above ground level of 74m. The turbine construction will require concrete foundations, which are of an octagonal shape, having a diameter of 10.4m, to a depth of 1.5m. Construction will be completed from a temporary working area (approx 60m x 60m) and storage areas in the vicinity of the turbine site and do not form part of this application.
8. The access track will be a permanent construction, to allow access for maintenance over a 20 year period. The track is to be constructed from the existing field gate on Spa Lane. The track would then follow a westerly direction, towards the proposed turbine site. The track would be constructed from imported 40mm limestone hardcore.

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 Governments 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.

Rushcliffe Local Plan

10. Rushcliffe Borough Council has formally adopted a Non-Statutory Replacement Local Plan (NSLP) and has determined that it carries significant weight in determining planning applications. This is following the abandonment of the Local Plan process.
11. The following policies are considered to be of relevance in the determination of this planning application; Policy EN20 seeks to restrict development in the open countryside, except for rural activities and other uses appropriate to the countryside and Policy EN24 which seeks to promote renewable energy, other than where sites have nationally recognised designations; and ensuring that location and design minimise increases in ambient noise levels and adverse impact on visual or residential amenity.

Rushcliffe Core Strategy

12. The Rushcliffe Core Strategy was submitted to the Secretary of State in October 2012. The 2012 Publication Version contains Policy 1 'Climate Change' that seeks to ensure that new development proposals reduce carbon emissions, adopt to climate change and contribute to national and local renewable energy targets. The onus is placed upon the applicant to ensure that their proposal conforms with the criteria set out in the policy and that it would not cause harm to the natural or built environment.

Strategic Planning Issues

Landscape and Visual

13. The applicants Landscape and Visual Impact Assessment (LVIA) fails to note the policy for each of the Nottinghamshire Landscape Character Assessment Zones and also fails to note

that the nearby villages of Aslockton and Whatton in the Vale have Conservation Areas status and as well as the key characteristics taken from the Conservation Area appraisals, the Townscape appraisal plans should also be taken note of which show the key views and vistas within and out of the Conservation Areas.

14. The LVIA is not clear as to whether the viewpoints for the visual analysis had been agreed with either Rushcliffe Borough Council or Nottinghamshire County Council as is best practice and the list of viewpoints does not seem to be exhaustive as there are other settlements with potential views such as Whatton in the Vale, Staunton in the Vale, Scarrington and Hawksworth. The Landscape team agree, in the main with the conclusions regarding the significance of visual impacts of those viewpoints assessed.
15. The LVIA incorrectly states that '*there are however relatively few rights of way in the vicinity of the turbine.*' This is not correct as there are a number of footpaths and bridleways in the area.
16. The LVIA states that the proposed turbine would have a negligible physical effect on the landscape, but effects other than that of the turbine and its foundation itself need to be considered, such as - will the construction of ancillary buildings and 170 metre access track have any physical effects?, will any vegetation need to be removed to bring the turbine to site? (this is not stated in the LVIA report) Will hedgerow removal be necessary to create the visibility splays necessary for maintenance vehicles to access and exit site? This needs to be considered by the applicant and the physical impact re-assessed.
17. The Landscape team agree with the conclusions with regards to the effects on landscape character in that impact of the turbine on the national character area as a whole is negligible.
18. The Landscape and Reclamation Team disagrees with the statement that '*no important views towards the village are likely to be significantly affected*' as there are identified views from the Conservation Area of Orston that will be affected by the development.
19. The application makes no mention of any vegetation clearance that may be necessary to bring the turbine to the site on a flatbed trailer/low loader except a standard clause which states:

'All hedges, shrubs, bushes, trees, overhanging branches and cables along the nominated route should be trimmed back to allow a 4.0m high window.'

and as such, more information is required on this matter.

20. Detailed landscape and visual impact comments are contained at Appendix 2.

Biodiversity

21. The application is supported by an Ecological Appraisal, dated 13th March 2013. The nearest statutorily designated site is Orston Plaster Pits SSSI, located 1.7km to the south west (although this site is not identified in the applicants Ecological Appraisal); this site would not be affected by the proposals. A small number of non-statutory sites (Sites of Importance for Nature Conservation, also known as Local Wildlife Sites) also occur in the area, the nearest

being approximately 500m from the development site. Again, none of these sites would be affected by the proposals.

22. A Desk Study, Phase 1 Habitat Survey, and Habitat Suitability Index (HSI) survey (the later in relation to great crested newts) have been carried out but no specific surveys have been completed in relation to birds or bats, the two groups of species which are normally at greatest risk from wind turbines. However, the Nature Conservation team conclude that these would not be necessary. However a standard condition should be included to control vegetation clearance during the bird nesting season.
23. The applicants Phase 1 Habitat Survey indicates that the field in which the proposed turbine is to be located is improved in nature, although no species list is provided to support this. However, aerial photos suggest this is the case, and the adjacent fields are ridge and furrow whilst the field in question is not, suggesting that it has undergone 'improvement' in the past. On this basis, the habitat directly affected by the proposals is not considered to have any significant nature conservation value.
24. HSI surveys have been carried out on two ponds in proximity to the development site, which have been assessed as having 'good' and 'average' habitat suitability for great crested newts (a European Protected Species), respectively. Unfortunately, two additional ponds within the survey area were not surveyed due to access restrictions (although it is noted that only 3 ponds in total are marked on the Phase 1 Habitat plan). The nearest pond is approximately 100m from the location of the proposed development, and whilst it is stated that the field in question comprises improved grassland of low potential for amphibians, Rushcliffe Borough Council needs to be mindful of its duty under Regulation 9(3) of the Habitats Regulations to have regard to the requirements of the Habitats Directive, and thus the 'three tests' which must be met before planning permission can be granted for an activity which would otherwise contravene the strict protection afforded to European Protected Species. In this case, whilst 'Reasonable Avoidance Measures' are put forward in the Ecological Appraisal, it is recommended that Rushcliffe Borough Council seek explicit confirmation from the applicant that no impact on great crested newts is predicted, with reference to Natural England's 'Risk Assessment Tool'.
25. No evidence of badgers was found during the Phase 1 Habitat Survey. Nevertheless, the site has some potential for badgers, and it is recommended in the Ecological Appraisal that a repeat survey for badgers is carried out within 50m of the working area prior to development commencing, with mitigation measures provided as necessary. This should be secured through an appropriately worded condition.
26. Detailed Biodiversity comments can be found in Appendix 3.

Cumulative Impact considerations

27. An application for two wind turbines at Sibthorpe was refused by Rushcliffe Borough Council in April 2013 and an application for an 87.5m high wind turbine to the west of this application site at East Bridgford is pending a decision.
28. In combination with this proposed development, the two proposals outlined above are not considered to have any effects in terms of cumulative impacts.

Conclusions

29. The overall National Planning Policy context in relation to wind turbines, as outlined above, is strongly supportive of the principle of wind turbines 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.
30. Additional information is required before the Landscape and Reclamation Team will be able to provide a considered response to the planning application.
31. The proposal is unlikely to have any significant impacts on protected or notable habitats or species however, it is requested that, if Rushcliffe Borough Council are minded to approve the application, a condition be attached that a repeat survey for badgers is carried out within 50m of the working area prior to development commencing, with mitigation measures provided as necessary and that a standard condition should be included to control vegetation clearance during the bird nesting season.
32. It is recommended that Rushcliffe Borough Council seek explicit confirmation from the applicant that no impact on great crested newts is predicted, with reference to Natural England's 'Risk Assessment Tool' to ensure their duty under Regulation 9(3) of the Habitats Regulations to have regard to the requirements of the Habitats Directive is met.

Other Options Considered

33. 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

34. It is recognised that significant weight is given to renewable energy at a National and strategic planning level.
35. Additional work is required in relation to the impact of the proposal on the landscape.
36. The proposal is unlikely to have any significant impacts on protected or notable habitats or species.
37. There would be no cumulative effects of this proposal when considering other similar proposals in the vicinity.

Statutory and Policy Implications

38. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, 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

39. There are no direct financial implications.

Implications for Sustainability and the Environment

40. There are no direct implications for Sustainability and the Environment.

RECOMMENDATION/S

1) That Rushcliffe Borough Council be advised 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.

2) If Rushcliffe Borough Council are minded to grant planning permission for the proposal, the issues raised above in terms of visual and landscape impacts should be satisfactorily addressed and that two conditions with regards to nature conservation are included as follows:

- The applicants undertake a repeat survey for badgers within 50m of the working area prior to development commencing, with mitigation measures provided as necessary; and
- Vegetation clearance should be controlled during the bird nesting season.

3) That Rushcliffe Borough Council seek explicit confirmation from the applicant that no impact on great crested newts is predicted.

Jayne Francis-Ward

Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 73793

Constitutional Comments (NAB 24.06.13)

41. Environment and Sustainability Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

Financial Comments (SEM 24/06/13)

42. There are no specific financial implications arising directly from this report

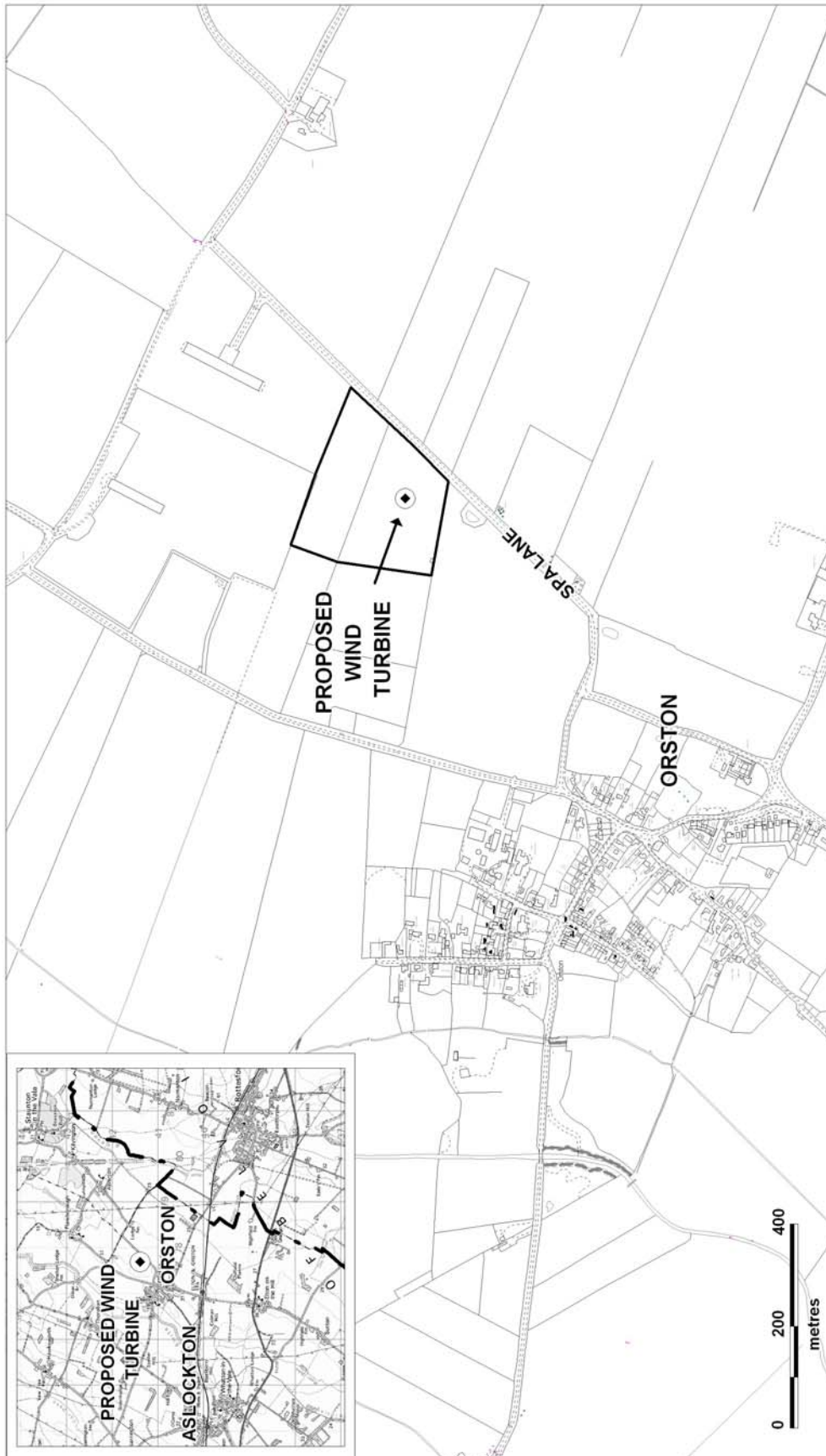
Background Papers and Published Documents

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

Councillor Martin Suthers OBE

APPENDIX 1: SITE LOCATION PLAN



Scale: 1: 10,000
Produced by: JW
Date: JULY 2013

Proposed Installation of 1 no. 500kw wind turbine (hub height 50m +max height to blade tip of 74m) with associated infrastructure including access track.
OS Field 7442 Spa Lane Orston Nottinghamshire.
Planning Application No. 13/00720/FUL

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APPENDIX 2: DETAILED LANDSCAPE AND RECLAMATION COMMENTS

Memo



From: Helen Jones, Landscape & Reclamation, Highways, Trent Bridge House

To: Nina Wilson, Principal Planner, Policy, Planning and Corporate Services Department

Date: 20 June 2013

Your ref: -2013/00720/FUL

Our ref: G403R-T04/HMJ/

Tel: 0115 977 4552

Email: helen.jones@nottscc.gov.uk

PLANNING APPLICATION NO.	2013/00720/FUL
LOCATION:	Spa Lane, Orston
PROPOSAL:	Erection of single 74 metre wind turbine and other ancillary development

Thank you for asking the landscape team to comment on the above application. These are the comments of the landscape team only and separate comments will be provided on noise issues by David Collins. The Landscape Team have considered the following documents in order to make these comments:-

- **Letter from Hallmark Power Limited to RBC – April 2013**
- **Site Location Plans including plans of turbine and foundations**
- **Landscape and Visual Impact Assessment – FPCR – April 2013**
- **Visuals – Figures 1 - 5 – FPCR – April 2013**
- **Photographs and photomontages - Figures 6 -15 – FPCR – April 2013**
- **Planning Statement including Design and Access Statement – Hallmark Green Power – undated**
- **Route survey prepared for Hallmark Power Ltd - Delivery of wind turbine to Spa Lane , Orston - undated**

The full comments are included in the attached Appendix 1, but a summary of the NCC conclusions is provided below:-

To summarise the conclusions of the report :-

- **Landscape and Visual Impact Assessment – FPCR – April 2013**

The applicant needs to carry out a cumulative Landscape and Visual Impact Assessment, this is mentioned briefly in the Planning Statement including Design and Access Statement but there is no information in the LVIA report.

Methodology - Include definitions of degrees of significance of impact, note significant impacts in terms of Environmental Assessment regulations

Baseline landscape assessment – Include key characteristics of National Character Area 48 – Trent and Belvoir Vales in the description, include landscape actions for Policy Area SN06 here as well as in the Planning Statement including Design and Access Statement

Baseline visual assessment – Include information about adjacent Public Rights of Way with reference numbers (see attached map)

Viewpoints – Reconsider degree of significance assessed for viewpoint F,

Landscape effects – Determine significance of physical impacts

Visual effects

Residential settlements – make amendments to the text avoiding a generalised significance of impacts,

Road users – add precise descriptions of locations where views are possible from minor roads,

Public Rights of Way- Include information about adjacent Public Rights of Way with reference numbers (see attached map) as above, add an additional viewpoint to take into account views from PROW ref Orston Bridleway 13.

Designations - amend text to take into account identified views from Orston Conservation Area

Summary and Conclusions – to be amended when the above information has been included

- **Planning Statement including Design and Access Statement – Hallmark Green Power – undated**

Make amendments for clarity where cross referenced with LVIA report

- **Route survey prepared for Hallmark Power Ltd - Delivery of wind turbine to Spa Lane , Orston – undated**

Provide more detailed information on whether vegetation removal will be required in order to bring the turbine to site, particularly on close minor roads and how much vegetation will need to be cleared to achieve the '*4.0 metre window*'.

In summary the landscape team are not able to comment fully on the proposal until the above information is provided by the applicant, once this is provided we will consider the reports again.

Helen Jones
Landscape Architect

Appendix 1 - Full Comments

Landscape and Visual Assessment - FPCR – April 2013

1.0 Introduction

The objectives listed in Paragraph.1.2 include the following, '*To identify and assess any cumulative landscape and visual effects*' of the proposal. No information is included in the LVIA concerning cumulative assessment although limited information is included in the Planning Statement and is discussed below.

Paragraph 1.5 -There is a cut and paste error here where Derbyshire is referred to rather than Nottinghamshire.

2.0 Methodology

The guidance referred to is appropriate to the application and the methodology follows best practice. In Paragraph 2.21 - Significance of effects of landscape and visual impact, it would be useful to include definitions of the degrees of significance so that the final conclusions of the assessment can be compared with these definitions. Those impacts which are significant in terms of the EA legislation should be noted here, these are typically substantial and substantial/moderate impacts.

Paragraph 2.22 a study area of 3 - 4 km from the site is accepted for this assessment.

3.0 Baseline Conditions – Landscape Context

Paragraph 3.4 National Landscape Character – the key characteristics are taken from the legacy documents for NCA 48, an updated version for this NCA now exists and this should be used to describe the key characteristics of the area, (a copy is attached for information).

Paragraph 3.5 to 3.13 Local Landscape Character – These paragraphs refer to the Nottinghamshire Landscape Character assessment to describe the character of the study area. They mention the landscape sensitivity, landscape condition, and strength of landscape character of the relevant Policy Zones. They should also note the policy for each zone which is as follows:-

SN06 Conserve and Enhance

SN07 Conserve

SN08 Conserve and Enhance

Paragraph 3.18 – 3.24. Designations -The text notes that parts of the villages of Orston and Thoroton are designated as Conservation Areas. It should also be noted that the nearby villages of Aslockton and Whatton in the Vale also have Conservation Areas. As well as the key characteristics taken from the Conservation Area appraisals, the Townscape appraisal plans should also be taken note of, these show the key views and vistas within and out of the Conservation Areas.

4.0 Potential Effects and Mitigation

Construction Phase

Paragraph 4.3 This is understood to mean that the construction phase will last for 3 months.

5.0 Visual Analysis

Paragraph 5.1. *'A range of representative viewpoints has been selected to assist in the description of effects'*. Note that it is not mentioned in the Landscape and Visual impact assessment that the viewpoints were agreed in advance with either Rushcliffe Borough Council or Nottinghamshire County Council as is best practice.

Paragraph 5.3 This list does not seem to be exhaustive there are other settlements with potential views such as Whatton in the Vale, Staunton in the Vale, Scarrington and Hawksworth.

Paragraph 5.5 *'The network of public footpaths and bridleways through the local area provides potential locations for views towards the proposed turbine. There are however relatively few rights of way in the vicinity of the turbine.'*

This is not correct, there are a number of footpaths and bridleways in the area; these are shown on the attached plan which includes their reference numbers.

The visual baseline for each of the viewpoints is described in Paragraphs 5.9 - 5.30.

NCC comments on the viewpoints based on site visit on 29th May (with trees in full leaf)

Viewpoint A: View north from Mill Lane, Orston

Visual sensitivity of this viewpoint is assessed as medium/high. Receptors are identified as residents and road users. Magnitude of change is assessed as medium/high
→ Moderate/substantial **adverse** visual effect

This viewpoint should have a high visual sensitivity as this is a key vista identified from the Conservation Area (See Townscape Appraisal Plan). Users of PROWs ref Orston Footpaths 3,4,11 and 14 are also receptors, and are of high sensitivity. NCC agrees with the magnitude of change. This still means significance of impact would range from moderate to substantial adverse. NCC agrees with this assessment which is a significant impact in terms of the EA regulations.

Viewpoint B: View north from Lordship Lane, Orston

Visual sensitivity of this viewpoint is assessed as medium/high. Receptors are identified as residents. Magnitude of change is assessed as medium/high.
→ Moderate/substantial **adverse** visual effect

As above, this viewpoint should have a high visual sensitivity as this is a key vista identified from the Conservation Area (See Townscape Appraisal Plan). Users of PROWs ref Orston Footpaths 3,4,11 and 14, and road users are also receptors, and of high and low sensitivity respectively. NCC agrees with the magnitude of change. This still means significance of impact would range from moderate to substantial adverse. NCC agrees with this assessment which is a significant impact in terms of the EA regulations.

Viewpoint C: View north from Nottingham Road, Bottesford

Visual sensitivity of this viewpoint is assessed as medium/high. Receptors are identified as residents, and road users. Magnitude of change is assessed as low.

→ Slight **adverse** visual effect

NCC agrees with this assessment which is not significant in terms of the EA regulations.

Viewpoint D: View west from Normanton Lane

Visual sensitivity of this viewpoint is assessed as medium. Receptors are identified as residents and road users. Magnitude of change is assessed as low.

→ Slight **adverse** visual effect

Users of PROWs to the west are also receptors, and are of high sensitivity although they are at approximately 2 km from the site at this point, so views are diminished by the effects of intervening vegetation. NCC therefore agrees with this assessment, which is not significant in terms of the EA regulations

Viewpoint E: View northwest from near Belvoir Castle

Visual sensitivity of this viewpoint is assessed as high. Receptors are identified as road users and visitors on the terrace of Belvoir Castle, a designated feature. Magnitude of change is assessed as low.

→ Slight **adverse** visual effect

Magnitude of change may be negligible at a distance of 8km so visual effect may therefore be negligible. This impact is not significant in terms of the EA regulations.

Viewpoint F: View north from Station Road, Elton

Visual sensitivity of this viewpoint is assessed as medium. Receptors are identified as road users. Magnitude of change is assessed as low/medium.

→ Slight **adverse** visual effect

Although there are limited stopping points on a country road it seems misleading to choose a viewpoint where the site is screened by a tree when a more open view could be obtained at a slightly different stopping point on the road. Users of Bridleway ref Orston BW 8 to the northwest are also receptors, and are of high sensitivity at approximately 1 km from the site at this point. Visual sensitivity of this viewpoint should therefore be assessed as high/medium. Magnitude of change is accepted as low/medium from a point where the turbine would be visible. This would lead to a slightly higher Moderate/Slight **adverse** visual effect. Note from this viewpoint the electricity pylons further to the east can be seen so the closer turbine could be seen also. This impact is not significant in terms of the EA regulations.

Viewpoint G: View north east from Cliff Hill Lane, Aslockton

Visual sensitivity of this viewpoint is assessed as high. Receptors are identified as road users and residents. Magnitude of change is assessed as low to no change because of the screening effects of intervening vegetation.

→ Slight **adverse** /negligible visual effect

NCC agrees with this assessment which is not significant in terms of the EA regulations.

Viewpoint H: View south east from Thoroton

Visual sensitivity of this viewpoint is assessed as medium because the small number of residential views are screened by intervening farm buildings. Receptors are identified as road users and residents. The magnitude of change is not stated and needs to be added but is assumed to be low.

→ Slight **adverse** visual effect

NCC agrees with this assessment which is not significant in terms of the EA regulations. We also note that further down the road, south west of the village there is only limited view where the hedge height is reduced due to crossing point of electrical pylons.

Viewpoint I: View south from Flawborough

Visual sensitivity of this viewpoint is assessed as high. Receptors are identified as road users and residents. Magnitude of change is assessed as low

→ Slight **adverse**/negligible visual effect.

Visual sensitivity of this viewpoint is assessed as high and magnitude of change as slight which NCC are in agreement with. This impact is not significant in terms of the EA regulations. Views from Flawborough Footpath 2 are screened by mature vegetation. We also note that further down the road, south west of the village views are limited by rising land.

Viewpoint J: View north from north of Sutton

Visual sensitivity of this viewpoint is assessed as medium. Receptors are identified as road users. Magnitude of change is assessed as low

→ Slight **adverse** visual effect

The visual sensitivity of users of PROW ref Elton footpath 1 should also be taken into account these are at approximately 2.5 kilometres from the site but sensitivity remains at medium due to the effects of intervening vegetation. NCC agrees with this assessment which is not significant in terms of the EA regulations.

Summary of significance of visual impacts of viewpoints

A Moderate/substantial **adverse** visual effect

B Moderate/substantial **adverse** visual effect

C Slight **adverse** visual effect

D Slight **adverse** visual effect

E Slight **adverse** visual effect

F Slight **adverse** visual effect NCC assessment - Moderate to slight adverse

G Slight **adverse** visual effect

H Slight **adverse** visual effect

I Slight **adverse** visual effect

J Slight **adverse** visual effect

6.0 Assessment of effects

Physical Landscape Effects

Paragraph 6.1 states that the proposed turbine would have a **negligible** physical effect on the landscape, but effects other than that of the turbine and its foundation itself need to be considered, such as - will the construction of ancillary buildings and 170 metre access track have any physical effects?, will any vegetation need to be removed to bring the turbine to site? (this is not stated in the LVIA report) Will hedgerow removal be necessary to create the visibility splays necessary for maintenance vehicles to access and exit site? This needs to be considered by the applicant and the physical impact re-assessed.

Effects on landscape character

We are agreed that impact of the turbine on the national character area as a whole is **negligible**.

The impact of the turbine on the adjacent county character areas is analysed and summarised in table on page 19 for Policy Zone 06 as a **moderate/slight adverse** landscape effect up to 2 kilometres from turbine site.

Typical definitions would be:-

Moderate adverse - The proposed scheme would be out of scale with the landscape or at odds with the local pattern and landform

Will leave an adverse impact on a landscape of recognised quality

Minor adverse - The proposed scheme would not quite fit into the landform or scale of the landscape

Affect an area of recognised landscape character

The landscape character effects are assessed to be a combination of the above definitions which we would agree with

The impact of the turbine landscape effect beyond 2 kilometres from turbine is **slight adverse to negligible**

Typical definitions would be:-

Minor adverse - The proposed scheme would not quite fit into the landform or scale of the landscape

Affect an area of recognised landscape character

Negligible

The proposed scheme would complement the scale, landform and pattern of the landscape

Maintain existing landscape quality

The landscape character effects are assessed to be a combination of the above definitions which we would agree with.

Visual effects

Residential settlements Paragraphs 6.7- 6.11

Orston – it would be better to say there is moderate **adverse** visual impact for a limited number of properties on Spa Lane and Lordship Lane only and not generalise with an overall assessment for the whole village.

Thoroton – as above it would be better to highlight individual properties that have a view of the turbine and define Significance of Impact rather than generalise with an overall assessment for the whole village.

Flawborough – as above it would be better to highlight individual properties that have a view of the turbine and define Significance of Impact rather than generalise with an overall assessment for the whole village.

Paragraph 6.10 Distant villages including Bottesford visual impacts - agreed.

Paragraph 6.11 *'There are relatively few individual properties and farmsteads within 2km of the proposed turbine and no significant visual impact are predicted.'*

This should be rewritten as:-

'There are relatively few individual properties and farmsteads which have a view of the proposed turbine within 2km of the site and no significant visual impact are predicted (that is impacts greater than a moderate adverse visual Impact).'

Road users Paragraphs 6.12 – 6.13

Paragraph 6.12 – For clarity it should be stated that a slight/negligible **adverse** visual effect is predicted. Paragraph 6.13 is too vague and this needs to give more precise descriptions of where views are possible from minor roads and national cycle routes and their significance of impact, as described earlier a generalised significance of visual impact should not be made.

Public Rights of Way Paragraph 6.14

We disagree that there are few PROWS in the area, those present are shown on the attached map together with their reference numbers. An additional viewpoint should be included from the close bridleway to the north west of the site (Bridleway Orston 13) where views are of high sensitivity, as this recreational activity is focussed on the countryside. Again views from PROWs should not be averaged out across the whole network.

Recreational users Paragraphs 6.15 - 6.16

For clarity it should be stated that a moderate/substantial **adverse** visual effect is predicted for users of the cricket field, which is agreed.

Designations Paragraphs 6.17 - 6.18

Paragraph 6.17 This states that 'no important views towards the village are likely to be significantly affected'. We would disagree with this as there are identified views from the

Conservation Area of Orston that will be affected by the development.(See viewpoint A.) We are in agreement with Paragraph 6.18 that there will be no adverse visual effects on the designated site of Belvoir Castle.

Summary and conclusions

The summary repeats the conclusions of the above sections therefore any comments made above which result in amendments need to be amended in this section also.

Planning statement including design and access statement - Hallmark Green Power – undated

Paragraph 2.10 stated that a *‘community turbine at East Bridgford was not deemed to require an ES.’*

Although this is correct, it should also be added to the statement that the NCC Landscape and Reclamation Team did request that a Landscape and Visual impact assessment was provided by the applicant as well as a cumulative LVIA as part of the submission before a decision was made.

Paragraph 7.8.4 lists policy zone landscape actions for Policy Zone SN06, it would be more useful if this was included in the LVIA documents rather than here where they would aid the baseline description of the landscape.

8.1 Other material considerations

8.1 Heritage assets

Paragraph 8.1.1 draws attention to an important vista from the Orston Conservation Area, which although relevant to consideration of landscape sensitivity is not mentioned in the LVIA report.

9.0 Planning evaluation

Paragraph 9.1.5 states that issues to consider include ‘visual/landscape impact, including any cumulative impact’ ; cumulative impact is not considered in the LVIA report.

9.2 Landscape impact

Paragraph 9.3.1 and 9.3.2 - Any comments that have been made concerning the LVIA also apply to this summary which is a synopsis of the LVIA.

Paragraph 9.4 - This is the only information provided by the applicant on the cumulative impact of the proposed scheme, this is far too brief and this information should be amplified and more correctly located in the LVIA document.

Additional information should be provided about all applications in the vicinity including those in the planning stage rather than just those with approval. These should include the site recently granted permission at Palmers Hollow, Normanton, 3 kilometres east of the application site

mentioned in paragraph 9.6.3. An analysis of potential inter visibility of other developments and the proposed development should be carried out by the applicant.

9.5 Conclusions on potential landscape impact

Paragraph 9.5.2 – *‘any potential harm to the landscape character is not considered to be of significant weight in the planning balance.’*

We do not agree with this statement - although no significant effects on landscape character have been identified, significant adverse visual effects have been identified from Orston and these should be mentioned here.

9.8 Public amenity

Paragraph 9.8.3 - Any amendments made to the LVIA report also need to be incorporated into this quoted section.

Paragraphs 9.8.4, 9.8.5, and 9.8.6 - We do not agree with these paragraphs for reasons detailed previously related to the LVIA report: the impact of the proposal on adjacent PROWs has been underestimated.

Paragraph 9.12.2 Visual Impact - Any amendments to the LVIA also need to be incorporated into this section. We are in agreement that none of the visual impacts can be described as ‘oppressive and overbearing.’

10.7 Landscaping

Paragraph 10.7.1 – No comments.

Delivery of proposed 500KW wind turbine to Spa Lane, Orston – route survey prepared for Hallmark Power Ltd – undated

This report makes no mention of any vegetation clearance that may be necessary to bring the turbine to the site on a flatbed trailer/low loader except a standard clause which says:-

‘All hedges, shrubs, bushes, trees, overhanging branches and cables along the nominated route should be trimmed back to allow a 4.0m high window.’

More information required

APPENDIX 3: DETAILED BIODIVERSITY COMMENTS

Re: Consultation on 50m Wind Turbine, Orston – Rushcliffe Borough Council
Ref: 13/00720/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:

- The application is supported by an Ecological Appraisal, dated 13th March 2013.
- The nearest statutorily designated site is Orston Plaster Pits SSSI, located 1.7km to the south west (although this site is not identified in the Ecological Appraisal); this site would not be affected by the proposals. A small number of non-statutory sites (Sites of Importance for Nature Conservation, also known as Local Wildlife Sites) also occur in the area, the nearest being approximately 500m from the development site. Again, none of these sites would be affected by the proposals.
- A Desk Study, Phase 1 Habitat Survey, and Habitat Suitability Index (HSI) survey (the later in relation to great crested newts) have been carried out. No specific surveys have been completed in relation to birds or bats, the two groups of species which are normally at greatest risk from wind turbines.
- The Phase 1 Habitat Survey indicates that the field in which the proposed turbine is to be located is improved in nature, although no species list is provided to support this. However, aerial photos suggest this is the case, and the adjacent fields are ridge and furrow whilst the field in question is not, suggesting that it has undergone 'improvement' in the past. On this basis, the habitat directly affected by the proposals is not considered to have any significant nature conservation value.
- HSI surveys have been carried out on two ponds in proximity to the development site, which have been assessed as having 'good' and 'average' habitat suitability for great crested newts (a European Protected Species), respectively. Unfortunately, two additional ponds within the survey area were not surveyed due to access restrictions (although it is noted that only 3 ponds in total are marked on the Phase 1 Habitat plan). The nearest pond is approximately 100m from the location of the proposed development, and whilst it is stated that the field in question comprises improved grassland of low potential for amphibians, Rushcliffe Borough Council needs to be mindful of its duty under Regulation 9(3) of the Habitats Regulations to have regard to the requirements of the Habitats Directive, and thus the 'three tests' which must be met before planning permission can be granted for an activity which would otherwise contravene the strict protection afforded to European Protected Species. In this case, whilst 'Reasonable Avoidance Measures' are put forward in the Ecological Appraisal, it is recommended that RBC seek explicit confirmation from the applicant that no impact on great crested newts is predicted, with reference to Natural England's 'Risk Assessment Tool'.
- Minor negative impacts are predicted on bats following the assessment of information gathered during the Desktop Study; as already indicated, no specific bat activity surveys were carried out. However, Natural England's Technical Information Note TIN059 (*Bats and single large wind turbines: Joint Agencies interim guidance*, dated 18 September 2009)

states that “a bat survey should normally be recommended for applications for turbines that will be located within 50m of the following features:

- Buildings or other features or structures that provide potential as bats roosts
- Woodland
- Hedgerows
- Rivers and lakes
- Within or adjacent to a site designated for bats”

In this case, none of these situations apply; in particular, the turbine has been sited such that it is more than 50m from any boundary features (and a **condition** relating to micro-siting should be used to ensure that this is the case). On this basis, there does not appear to be a requirement for a bat survey. The Ecological Appraisal concludes that minor negative impacts on bats cannot be precluded, but that impacts on bat populations at the local level are considered unlikely.

- The ornithological (i.e. bird) interest of the site is considered to be low, although no surveys have been carried out. However, it is stated that “the majority of bird species likely to be present within the survey area comprise small perching birds which are not generally considered to be vulnerable to wind turbine developments”. Although not backed up with survey evidence, this appears to be a reasonable assumption to make. A standard **condition** should be used to control vegetation clearance during the bird nesting season.
- A number of bird species of ‘high risk’ from collision with turbines (generally larger, less manoeuvrable species such as wildfowl and raptors) have been recorded in the wider area, all associated with the Kilvington Lakes site some 2km the north east. The Ecological Appraisal states that such species “may occasionally be present over the site on passage, but due to the lack of suitable breeding and foraging habitat within the application site, these species are not likely to be regularly present”. Regarding the absence of surveys in this respect, Natural England’s Technical Information Note TIN069 (*Assessing the effects of onshore wind farms on birds*, dated 7th January 2010) states that “situations for which detailed assessments requiring surveys and monitoring are likely to be necessary include:
 - Locations where Schedule 1 (Wildlife & Countryside Act 1981) and/or Annex 1 (EU Birds Directive) species are present in significant numbers, especially those which may be sensitive to wind farm effects (see Appendix 1).
 - Locations within, or in the vicinity of, designated or proposed Special Protection Areas (SPAs), ornithological Ramsar Sites and ornithological SSSIs, again especially when used by species which may be sensitive to wind farm effects.
 - Known bird migration routes and local flight paths, wetland sites and other locations where potentially vulnerable species occur in relatively high concentrations.
 - Topographical features such as ridges and valleys and, on the coast, cliffs and headlands, which may funnel or otherwise concentrate bird flight activity.”

None of these instances apply in this case, and on that basis there does not appear to be a requirement for bird surveys.

- No evidence of badgers was found during the Phase 1 Habitat Survey. Nevertheless, the site has some potential for badgers, and it is recommended in the Ecological Appraisal that a repeat survey for badgers is carried out within 50m of the working area prior to development commencing, with mitigation measures provided as necessary. This should be secured through an appropriately worded **condition**.

- No significant impacts on any other protected or notable species appear likely.

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
Senior Practitioner Nature Conservation