Nottinghamshire County Council

Environment and Sustainability Committee

Thursday, 14 November 2013 at 10:30

County Hall, County Hall, West Bridgford, Nottingham NG2 7QP

AGENDA

1	Minutes 10 October 13	3 - 6
2	Apologies for Absence	
3	Declarations of Interests by Members and Officers:- (see note below) (a) Disclosable Pecuniary Interests (b) Private Interests (pecuniary and non-pecuniary)	
4 a	Erection of three Wind Turbines at Headstand Bank Cottam FINAL	7 - 22
4b	Single Wind Turbine at Mill Farm Cottage Weston Newark FINAL	23 - 40
4c	Single Wind Turbine at Whatton Stud Manor Lane Orston FINAL	41 - 64
4d	Installation of a Solar Farm at Lodge Farm Orston Report FINAL	65 - 76
4e	Summary of Strategic Planning Observations FINAL	77 - 84
5	ADC Local Plan Publication Document 2013 Consultation FINAL	85 - 122
6	Strategic Planning Response to the partial review Northamptonshire Minerals and Waste Local Plan Rep	123 - 130
7	Waste Core Strategy Examination - Receipt of Inspector's Report and Adoption FINAL	131 - 152

8	Protocol for Planning Applications to be taken to the Committee FINAL	153 - 158
9	Work Programme FINAL	159 - 164

Notes

(1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

(2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Keith Ford (Tel. 0115 977 2590) or a colleague in Democratic Services prior to the meeting.

(4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

Nottinghamshire County Council

minutes

Meeting	ENVIRONMENT AND SUSTAINABILITY COMMITTEE
Date	Thursday 10 October 2013 (commencing at 10.30am)

Membership
Persons absent are marked with an 'A'

COUNCILLORS

Jim Creamer (Chairman)
John Wilkinson (Vice-Chairman)

Alan Bell
Richard Butler
Steve Calvert
Stan Heptinstall MBE
Roger Jackson
Bruce Laughton
Pamela Skelding

Ex-officio (non-voting)
A Alan Rhodes

OFFICERS IN ATTENDANCE

Lisa Bell	Team Manager	–	Planning Policy
Sally Gill	Group Manager	–	Planning
Tim Gregory	Corporate Director	–	Environment and Resources
Jas Hundal	Service Director	–	Transport, Property and Environment
Phil Keynes	Team Manager	–	Energy and Carbon Management
Helen Lester	Team Manager	–	Waste Strategy and Development
Paul Morris	Team Manager Management	–	Waste Contract and Environmental
Suzanne Osborne - James		–	Planning Policy
Ruth Rimmington		–	Democratic Services Officer

MINUTES OF THE LAST MEETING

The minutes of the meeting held on 12 September 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman. Councillor Heptinstall reported that he had sent his apologies for the meeting.

MEMBERSHIP

It was reported that Councillor Alan Bell had been appointed to the Committee in place of Councillor Parry Tsimbiridis for this meeting only.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTEREST

Councillor John Wilkinson declared a private interest in item 5 (a) – Strategic Planning Observation for a 141 dwelling proposal, Broomhill Farm, Hucknall as local member for the area.

PRESENTATION ON HYDROCARBONS

Lisa Bell Team Manager, Planning Policy gave a presentation on hydrocarbons (oil, mine gas, coal bed methane, underground coal gasification and shale gas). Members heard about national and local information within a planning policy context and the types of planning issues faced with each process.

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STRATEGIC PLANNING OBSERVATIONS

a) Strategic Planning Observations for a 141 dwelling proposal, Broomhill Farm, Hucknall

RESOLVED 2013/050

1) That Ashfield District Council is advised that the principle of housing development in terms of strategic, national housing and economic growth is supported.

2) That Ashfield District Council is minded to approve the Broomhill planning application in advance of any strategy or policy developer contributions to transport infrastructure being secured.

3) That should Ashfield District Council approve the application, the County Council request that they consult with the Developer Contributions Team to assess the need for developer contributions in line with the Council's adopted Planning Contributions Strategy.

4) That the County Council has no significant concerns over the impact of the proposal of this scale and location on the landscape/ecology but raises concerns relating to the choice of species proposed.

5) That bat and reptile surveys are carried out and that as a result of such surveys, additional mitigation measures may be necessary.

b) Summary of Strategic Planning Observations

RESOLVED 2013/051

That the report be noted.

MINERALS LOCAL PLAN – PUBLIC CONSULTATION ON PREFERRED APPROACH

RESOLVED 2013/052

1) That the Committee approves the publication of the Minerals Local Plan Preferred Approach for a period of 6 week public consultation.

2) That the Chairman in consultation with the Group Manager makes any final minor changes prior to consultation.

CONSULTATION ON A NEW WASTE MANAGEMENT PLAN FOR ENGLAND AND UPDATED NATIONAL WASTE PLANNING POLICY: PLANNING FOR SUSTAINABLE WASTE MANAGEMENT

RESOLVED 2013/053

That Committee notes the report and endorses the officer comments attached at appendix A to the report, in response to the Government's consultation on updated national waste planning policy.

PERFORMANCE REPORT – ENERGY AND CARBON MANAGEMENT 2012-13 OUT-TURN

RESOLVED 2013/054

That the report be noted.

PERFORMANCE REPORT – WASTE MANAGEMENT 2012/13 OUT-TURN

RESOLVED 2013/055

That the report be noted.

PLANNING OBLIGATIONS STRATEGY REVIEW – TARGETTED CONSULTATION

RESOLVED 2013/56

1) That the Committee approves the draft Planning Obligations Strategy for a period of 4 weeks targeted consultation.

2) That the Chairman in consultation with the Group Manager makes any final minor changes required, e.g. typographical prior to consultation.

WORK PROGRAMME

RESOLVED 2013/057

That the report be noted.

The meeting closed at 12.50pm.

CHAIRMAN M_10 October 2013

Nottinghamshire County Council

Report to the Environment and Sustainability Committee

14 November 2013

Agenda Item: 4 a

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

STRATEGIC PLANNING OBSERVATIONS ON A PLANNING APPICATION FOR THE ERECTION OF THREE WIND TURBINES AT HEADSTAND BANK, COTTAM.

Purpose of the Report

1. To seek Committee ratification for comments set out in this report which were sent to Bassetlaw District Council (BDC) on the 18th October 2013 in response to the request for strategic planning observations on the above planning application for the erection of three wind turbines at Headstand Bank, Cottam.

Information and Advice

2. 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. Officer comments have already been sent to Bassetlaw District Council in their role as determining planning authority for this application. A site plan is provided at Appendix 1.

3. 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.

Background Information

4. The County Council previously commented on a planning application for 12 wind turbines at this site following consideration by Cabinet on the 8th July 2009. Cabinet resolved to support the planning application subject to a number of caveats with regards to landscape, ecology and heritage. however, it was subsequently refused planning permission by Bassetlaw District Council.

Description of the Proposal

5. The application site lies in open countryside and is not within the Green Belt.

6. The wind turbines proposed for the Cottam Wind Energy Project will constitute 3 turbines with an overall tip height of 145m. The blades (typically of epoxy resin composite construction) are connected to the rotor hub by a pitch drive system which angles the blades during variations in wind condition to optimise the energy capture. Under low wind speed conditions the blades pitch into the wind whilst in extreme wind and emergency conditions, the blades pitch out of the wind. Lightning protection is built into the blades and the entire wind turbine structure is earthed through an earthing-mat designed in accordance with the ground conditions on the site.

7. Inside, a low speed shaft drives a gearbox which in turn drives a generator via a high speed shaft. The turbines brake using an independent blade pitch system (with emergency supply), a disk break and a rotor lock.

8. The tower is constructed from sections of welded rolled steel and bolted to the foundation plinth at, or just above ground level. Each turbine will have two oval access doors at the base of the tower. The doors are provided with security locks and are marked with safety warnings.

9. The foundations for the turbines will be a reinforced concrete slab foundation or concrete pile hybrid foundation specifically designed for each turbine location, dependent upon the results of the detailed soil condition survey undertaken as part of the pre-construction detailed project design.

10. The site access tracks will have the appearance of typical vernacular farm tracks with a crushed stone running surface; they are, however, constructed to carry the larger and heavier turbine element loads.

11. Appropriate safety fencing and safety signage will be installed in accordance with legislation and best practice. It is proposed that the form of the substation building, be made to it in with the local farm vernacular/building type to as to blend in with current structures on site.

12. The turbines will be electrically connected to each other in parallel in a daisy-chain style.

13. All cables will be run across the site in underground cable trenches following the routes of the site access tracks.

14. Appendix 2 contains a chart illustrating the height of the proposed wind turbine in terms of other surrounding landmarks on the landscape.

Planning Policy Context

National Planning Policy Framework (NPPF)

15. 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.

16. Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) seeks to ensure that proposals for wind turbines are assessed against their impact upon a range of factors including cumulative impact, safety, ecology, heritage assets, landscape and community benefit.

Local Planning Context

17. The adopted Bassetlaw DC Core Strategy (2011) contains Policy DM10: ' Renewable and Low Carbon Energy' which seeks to support such proposals provided that they would not result in unacceptable cumulative impacts, loss of high-grade agriculture and would not result in unacceptable impacts in terms of visual appearance; noise; shadow flicker; watercourse engineering and hydrological impacts; pollution, or traffic generation.

Strategic Planning Issues

Highways

18. The County Council does not wish to raise any strategic planning objections, in Highways terms, to the proposed development.

Landscape and Visual Impact

19. The Landscape team do not object to the principle of this development however it is considered that there are several key points that should be addressed by the applicant before a conclusion as to the full range of effects of this proposed development. These are:

    1. Clarification on the inclusion of a meteorological mast within the application.

    2. The inclusion of a detailed drawing showing existing site features against proposed turbines and track upgrading works and if vegetation will be lost during the construction period

    3. Mitigation proposals for compensating against the adverse effects on landscape character pre rather than post development. Reference made to the Policy Zone within which the site falls and the landscape priorities for this area.

    4. Production of a Zone of Theoretical Visibility (ZTV) for the development proposal and location plans for the representative viewpoints at a larger scale. Include a viewpoint from rights of way closer to turbine.

    5. Consideration of cumulative impacts of the development with other similar developments in planning/under construction or in operation.

20. Detailed Landscape and Visual impact comments are set out in Appendix 3.

Ecology

21. The proposals will not affect any statutory or locally designated nature conservation sites. The nearest SSSI (Ashton's Meadow) is around 2.4km to the south-west, whilst the nearest SINC/Local Wildlife Site (Cow Pasture lane Drains 2/470) is around 700m to the south.

22. The application is supported by an Ecological Walk-over Survey dated April 2013, which also draws on the results of more detailed surveys carried out in 2008. The surveys confirm that the site supports no rare or notable habitats, and that the majority of the site (which is arable farmland) is of low nature conservation value.

23. The proposals are likely to result in minimal ecological impacts, provided that the recommendations made in Section 6 of the Ecological Walk-over Survey (April 2013) are adhered to. These should be secured through appropriate planning conditions, and involve:
    - Minimising working areas and protecting retained vegetation;
    - Following good working practices in relation to Badgers;
    - Undertaking vegetation clearance outside the bird nesting season;
    - Undertaking post-construction monitoring of wintering Golden Plover and Lapwing;
    - Providing replacement nesting habitat for breeding Lapwings.

24. In addition, a further planning condition should be used to ensure that the proposals adhere to Natural England's Technical Information Notes TIN051, such that there is a distance of at least 50m between the blade tip of each turbine and the nearest boundary feature (such as a hedgerow, ditch or trees), to ensure that potential impacts on bats are reduced as far as possible.

25. Detailed Ecology comments are set out in Appendix 4.

Heritage

26. Section 2 of the applicants Environmental Statement, submitted by the applicant indicates that the methodology included consultation with a variety of information sources, but these do not include the Historic Environment Records of either Lincolnshire or Nottinghamshire. The NPPF lists Historic Environment Record (HER) as a primary source. It is considered that the applicant has failed to make such an enquiry during their examination of the impacts of the proposals. There are a large number of non-designated heritage assets, archaeology and buildings, that are determined to be of local interest and significance. As a result of this failure to enquire of the HERs the baseline data include none of these heritage assets and is therefore considered to be very skewed towards assessment of the designated assets alone.

27. The Environmental Statement also indicates the assessment methodology used to establish the impacts of the proposals on the heritage they have identified. It indicates that the setting of the heritage assets the applicants have identified is

not defined in policy or planning law. This is considered incorrect. The applicant has failed to make reference to the 2011 guidance issued by English Heritage ' The Setting of Heritage Assets'. It is also clear that, as a result of not accessing and using this guidance, the assessment of the impacts is not robust. In many cases (namely the issue of non designated assets) and the extent of setting of several key designated assets, the ES is incorrect in its findings.

28. The County Council does not support the Heritage element of the proposal.

29. Detailed Historic Environment comments are set out in Appendix 5.

Cumulative Impacts

30. There would be no cumulative impact as there are no applications approved or pending within the vicinity of the site.

Overall Conclusions

31. 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.

32. The County Council does not wish to raise any strategic planning objections, in Highways terms, to the proposed development.

33. The Landscape team do not object to the principle of this development however it is considered that there are several key points that should be addressed by the applicant before a conclusion as to the full range of effects of this proposed development is reached.

34. The County Council raises significant objections in relation to the implications for heritage assets.

Other Options Considered

35. 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

36. The County Council considers there to be insufficient information relating to the impacts of the proposal on the historic environment and does not support this element of the proposal.

37. It is considered that there are several key points, relating to Landscape and Visual impact that should be addressed by the applicant before a conclusion as to the full range of effects of this proposed development on the landscape can be made.

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 Bassetlaw District 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) The County Council considers there to be insufficient information relating to the impacts of the proposal on the historic environment and landscape and visual impact.

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 0115 9773793

Constitutional Comments (SHB.18.10.13.)

41. Committee have power to decide the Recommendation.

42. Financial Comments (SEM 23/10/13)

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

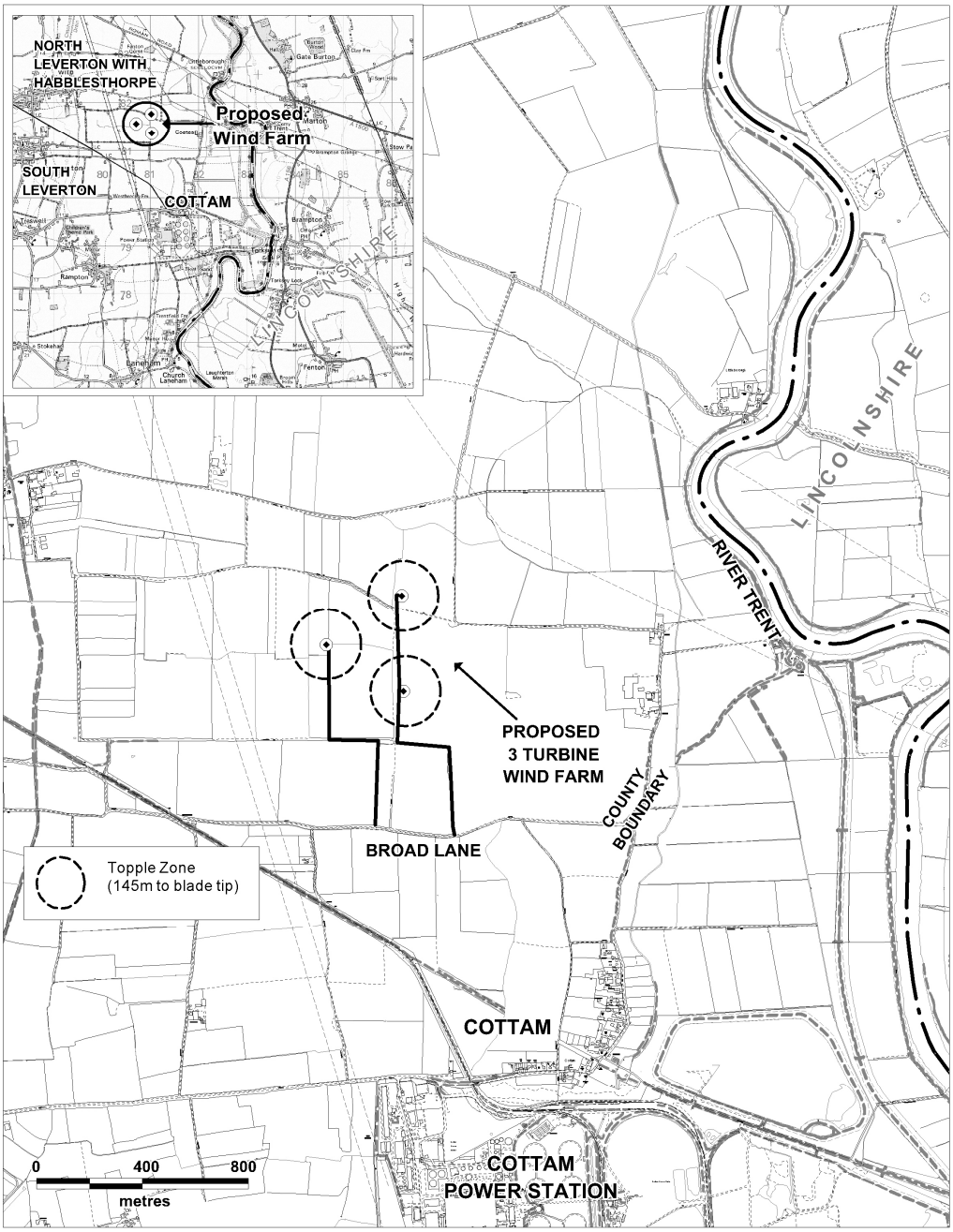
Background Papers and Published Documents

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.None

Electoral Division(s) and Member(s) Affected

Tuxford – Councillor John Ogle

Appendix 1 – Site Location Plan



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

Proposed Erection Of Three 145m (Tip Height) Wind Turbines With Associated Infrastructure.
Cottam Wind Farm Headstead Bank Cottam Nottinghamshire
Planning Application No. 13/00423/FUL

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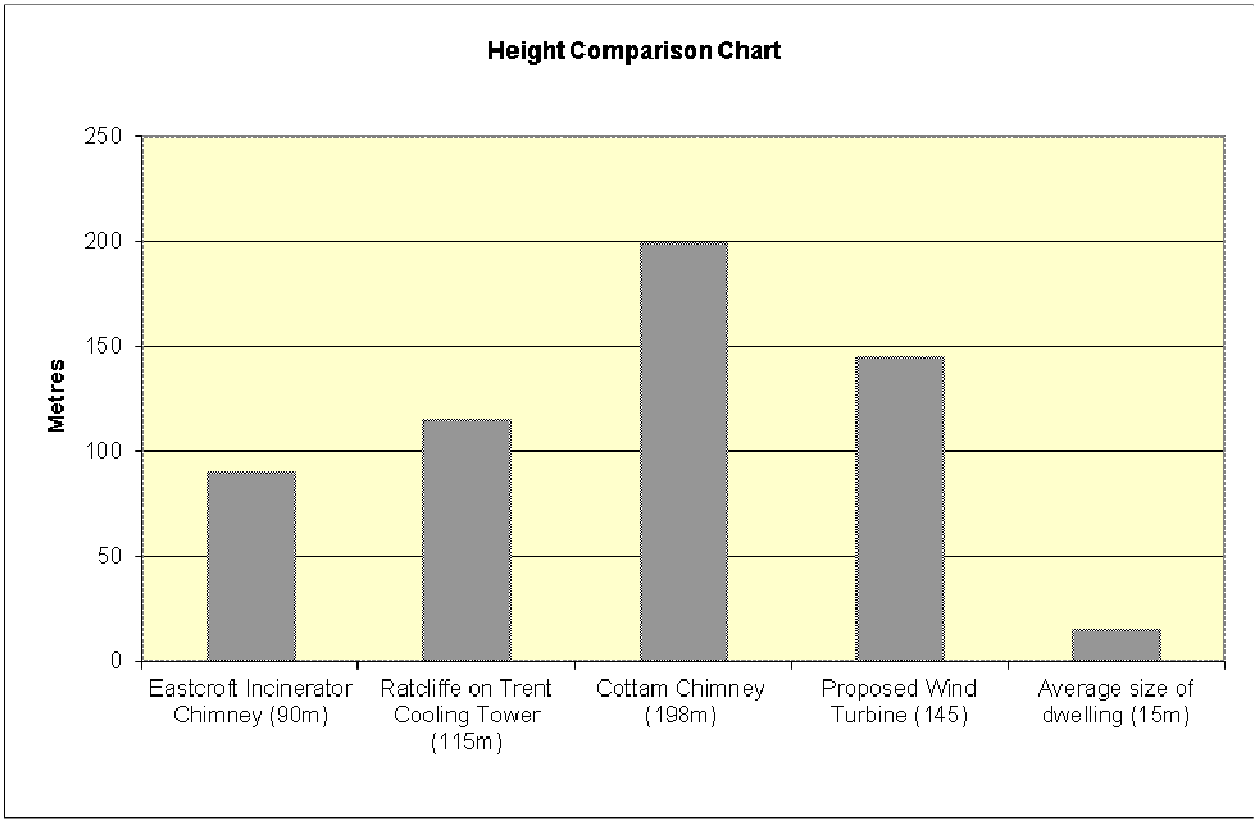
N W E S

Scale 1:20,000
Produced by: JW
Date: NOV 2013

Appendix 2 – Height Illustration Chart



Appendix 3 – Detailed Landscape and Visual Impact Comments

Proposal: Erection of three 145m (+/- 5m to tip height) wind turbines with associated infrastructure **Location:** Head Stead Bank**,** Cottam, Bassetlaw, Nottinghamshire
Applicant: Prowind (UK) Ltd

Thank you for asking the Landscape and Reclamation Team to comment on the above proposals.

The following documents and drawings have been assessed in order to provide these comments:-

Documents

Chapter 10 - Landscape and Visual Impact Assessment Prowind, Cottam Farm
Chapter 1- Introduction and Non-Technical Summary
Chapter 3 - Site Selection
Chapter 6 - The Development Proposal
Chapter 7 – Construction, Operation and Decommissioning
Photomontages for viewpoints 1 - 3, 5 - 9 and 11 and 13 within Nottinghamshire

Drawings

- Figure 10.1 Landscape Designation Plan
- Figure 10.2 Landscape Character Areas
- Figure 10.4 Landscape Character Types
- Figure 10.5 Tip Height Zone of Theoretical Visibility with Viewpoint Locations
- Figure 10.6 Public Rights of Way

1. Landscape and Visual Impact Assessment Methodology

The Landscape and Visual Impact Assessment has followed the general methodology as set out within the Landscape Institute and the Institute of Environmental Management and Assessment in "*Guidelines for Landscape and Visual Assessment*" – Second Edition, published 2002, Scottish Natural Heritage: *Guidelines on the Environmental Impacts of Windfarms and Small Scale Hydroelectric Schemes* (2002). The landscape assessment was carried out in April 2013 which predates the 3rd edition of the Guidelines for Landscape and Visual Assessment which was issued in May 2013.

2. Proposed Development

The landscape and visual impact assessment (LVIA) breaks the development down into 3 phases:

a. Construction Phase (7 month duration)

This would involve the construction of:

- Two access tracks 4.5m wide 2.6km long in total. (Note: This includes some upgrading of existing tracks. The proposed power cable in the trench alongside each would give combined width of 6m.)

- Temporary site compound, 30m x 40m (Area of hard standing constructed of crushed stone and surrounded by steel fencing and CCTV and would include a site office 5m x 3m, single storey.)

- Crane bases 20m x 40m (Area of hard standing constructed of crushed stone to remain in place during operational phase.)

We note that the position of the crane bases and the upgrading of the tracks have not been shown on a drawing within the Landscape and Visual Assessment. This may have been provided elsewhere in the application and if so should be cross referenced to the LVIA. If this is not the case a site proposals drawing should be shown as part of the planning application submission.

b. Operational phase (25 years)

In addition to the access tracks and crane bases this phase would include:

- 3 wind turbines sized 500kW (Nordex N90 turbine) with a height tip of 145 metres +/- 5 metres. It is proposed that the turbine is painted in a semi white colour such as RAL 7035 or RAL 7038.

- Substation (5.6m x 4.6m)

c. Decommissioning phase (2 month duration)

This is largely as described for the works carried out during the construction phase.

In addition to the works outlined above both the LVIA and Chapter 1 (Introduction and Non-Technical Summary, paragraph 1.27) indicate that a meteorological mast would **not** be required. Chapter 6 states this would be required, as detailed in paragraphs 6.0 to 6.3 inclusive. The inclusion of this requires clarification.

3. <u>Landscape Impacts</u>

The direct impacts of the works are described within the LVIA and essentially would include loss of agricultural land for the construction of the foundations, substation, additional access track and area of hard standing around the base of each turbine.

The impact on existing vegetation has not been described. Should the sweep of vehicles transporting the sections of turbine column come close to the root zone and/or hedgerows these should be protected Trees in Relation to Design, Demolition and Construction BS: 5837 2012. Any direct impacts on existing vegetation as a result of the proposed development should be quantified.

A more detailed site proposals drawing showing position of the three turbines in relation to the existing hedgerow (single thorn hedge) and copse associated with

Craibank Lane and Southbank Lane, described in 5.1 of the LVIA, should be provided by the applicant. This would help to identify the location of these existing features in relation to the development proposals.

Generally we agree with the findings of the section Landscape Effects page 6.1 of the LVIA.

4. Landscape Character

The site lies within the **Trent and Belvoir Vales** National Character Area Profile as defined by Natural England. At the county level the site falls with the **Trent Washlands** character area. Within the Bassetlaw Landscape Character Assessment the site lies within Policy Zone TW21 *Cottam, Rampton and Church Laneham Village Farmlands.*

The characteristic visual features of this predominantly large scale arable landscape are defined as:

• Small scale pastoral landscape around Cottam, Rampton and Church Laneham

• Views dominated by power stations and pylons

• Well trimmed mature hedgerows to internal field boundaries, with trees

• Less well maintained road side hedges, with trees

• Nucleated villages characterised by red brick buildings and pantile roofed buildings to historic cores with newer development to the periphery.

• Limited small woodlands

• Long distance views north and south across open landscapes, east and west long views are constrained by wooded ridge lines

The landscape policy for this area is to ***Conserve and Reinforce***

The landscape character is described at national, regional and local level within the LVIA. It would be useful if the landscape character of the study area was also described in relation to the local landscape character assessment, accompanied by a plan showing the study area and policy zones which lie within this area.

A summary of the Landscape Effects is set out on page 36 of the LVIA. The magnitude of change is assessed as low and the sensitivity of the landscape character of the area is described as medium giving a slight to moderate significance of effect for landscape character.

However we consider that there is some scope to provide some mitigation, with planting works on the surrounding farmland within the applicant's ownership. This should include some hedgerow and hedgerow tree planting where this does not

impact on wind flow patterns. This would help to deliver some of the key actions for the Policy Zone TW21 *Cottam, Rampton and Church Laneham Village Farmlands* such as:

- Reinforce hedgerows where these are gappy and in poor condition particularly along road sides.
- Conserve mature hedge lines along tracks, and measures for increasing existing tree cover.

Plant species should be suitable for the Trent Washlands Landscape Character Area as described in the Bassetlaw landscape character assessment.

We note that proposed planting works are described on page 35 of the report within paragraph 5.4 "Decommissioning", with reference to gaps in adjacent hedges replanted in consultation with the British Hedgerow Trust.

Planting works should be carried out as part of the development works and not at the end 25 year life of the wind farm. We would view land restoration works, in order to return the land to agricultural use, as a separate operation.

5. Visual Impact

A summary of the Visual Effects is given on page 45 of the LVIA for 16 viewpoints. The applicant assesses the visual effects as slight to moderate on aggregate.

The most adverse visual effects are from Viewpoint 1, (Wells Lane, Cottam) substantial and from Viewpoint 7 (Torksey Street, Rampton) moderate to substantial. Whilst we would generally agree with the findings in this table we have the following comments:

- Wire frame drawings would help to indicate where the turbines are located particularly in the more distant viewpoints and where existing summer vegetation screens direct views. For example for Viewpoint 3 it is difficult to discern where the turbines are located. The turbines will be more visible when existing trees are not in leaf as alluded to in the last sentence describing Viewpoint 6 (Leverton Road, Sturton-Le- Steeple) page 41 of the LVIA.

- Viewpoints are generally representative positions although a viewpoint from a public right of way in closer proximity to the wind turbine would be useful.

- The Zone of Theoretical Visibility (ZTV) is shown on Figure 10.5. This drawing is for a wind farm development based on 12 wind turbines and not for the proposed development of 3 wind turbines. A ZTV drawing should be produced for the development proposal based on the **150m** high turbines (i.e. worst case scenario). Should the 100m meteorological mast also be part of the development proposals this should also be included.

- Guidance from SNH for Wind turbine developments recommends for each viewpoint there should be a detailed location plan, on a 1:50,000 or 1:25,000 OS

base map. This is information which in not within the current application and would be useful to assess this application.

- There has been no cumulative visual assessment of this development against other similar wind turbine developments in the area. This should form part of the LVIA.

Summary and Recommendations:

Whilst we do not object to the principle of this development there are several key points that should be addressed by the applicant before we can reach a conclusion as to the full range of effects of this proposed development.

These are:

6. Clarification on the inclusion of a meteorological mast within the application.

7. A more detailed drawing showing existing site features against proposed turbines and track upgrading works and if vegetation will be lost during the construction period

8. Mitigation proposals for compensating against the adverse effects on landscape character pre rather than post development. Reference made to the Policy Zone within which the site falls and the landscape priorities for this area. (Refer to relevant actions within Bassetlaw's Landscape character assessment)

9. Production of a ZTV for the development proposal and location plans for the representative viewpoints at a larger scale. Include a viewpoint from rights of way closer to turbine.

10. Consideration of cumulative impacts of the development with other similar developments in planning/under construction or in operation.

Appendix 4 – Detailed Ecology Comments

The proposals will not affect any statutory or locally designated nature conservation sites. The nearest SSSI (Ashton's Meadow) is around 2.4km to the south-west, whilst the nearest SINC/Local Wildlife Site (Cow Pasture lane Drains 2/470) is around 700m to the south.

The application is supported by an Ecological Walk-over Survey dated April 2013, which also draws on the results of more detailed surveys carried out in 2008. Ordinarily it would be expected that such surveys would be updated, however the walk-over survey has confirmed that conditions at the site remain as they were in 2008. Therefore, I am satisfied that despite the original surveys being at least 5 years old, the results from these can still be relied upon.

Surveys confirm that the site supports no rare or notable habitats, and that the majority of the site (which is arable farmland) is of low nature conservation value.

The 2008 surveys included transect and static surveys for bats, concluding that the open nature of the site provides sub-optimal foraging for bats, and recorded minimal activity over the arable fields in which the turbines would be located.

Bird surveys were also undertaken in 2008, and identified potential impacts on Golden Plover and Lapwing.

It is concluded that the proposals are likely to result in minimal ecological impacts, provided that the
recommendations made in Section 6 of the Ecological Walk-over Survey (April 2013) are adhered to. These should be secured through appropriate planning conditions, and involve:

44. Minimising working areas and protecting retained vegetation;
45. Following good working practices in relation to Badgers;
46. Undertaking vegetation clearance outside the bird nesting season;
47. Undertaking post-construction monitoring of wintering Golden Plover and Lapwing;
48. Providing replacement nesting habitat for breeding Lapwings.

In addition, a further planning condition should be used to ensure that the proposals adhere to Natural
England's Technical Information Notes TIN051, such that there is a distance of at least 50m between the
blade tip of each turbine and the nearest boundary feature (such as a hedgerow, ditch or trees), to ensure that potential impacts on bats are reduced as far as possible.

Nick Crouch
Senior Practitioner Nature Conservation
Nottinghamshire County Council

Appendix 5 – Detailed Heritage Comments

Comments from the built heritage perspective (not archaeological)

The main section with relation to the impact of the proposals on buildings of cultural interest is provided in 'Chapter 11' of the ES.

Section 2 of this document indicates that the methodology included consultation with a variety of information sources, but these do not include the Historic Environment Records of either Lincolnshire or Nottinghamshire.

Since the NPPF lists HERs as a primary source, it is unusual and somewhat short sighted of the consultants to fail to make such an enquiry during their examination of the impacts of the proposals. If they had checked the Notts HER they would have discovered a large number of non-designated heritage assets, archaeology and buildings, that are determined to be of local interest and significance. As a result of their failure to enquire of the HERs their baseline data include none of these heritage assets and is therefore very skewed towards assessment of the designated assets alone.

Section 2 also indicates the assessment methodology used to establish the impacts of the proposals on the heritage they have identified. Section 2.8 indicates that the setting of the heritage assets they have identified is not defined in policy or planning law. This is not really correct. It is clear that they have no knowledge of the 2011 guidance issued by English Heritage ' The Setting of Heritage Assets'. It is also clear that, as a result of not accessing and using this guidance, the assessment of the impacts is not robust. In many cases (namely the issue of non designated assets) and the extent of setting of several key designated assets, the ES is incorrect in its findings.

I would recommend that this document is not accepted as appropriate evidence of the impacts on the cultural assets affected by the proposed wind turbines.

Jason Mordan

Nottinghamshire County Council

Report to Environment and Sustainability Committee

14 November 2013

Agenda Item: 4 b

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

STRATEGIC PLANNING OBSERVATIONS ON A SINGLE WIND TURBINE, MILL FARM COTTAGE, NORTH ROAD WESTON, NEWARK ON TRENT

Purpose of the Report

1. To seek Committee ratification for comments set out in this report which were sent to Newark and Sherwood District Council (NSDC) on the 18th October 2013 in response to the request for strategic planning observations on the above planning application for the erection of a single wind turbine at Mill Farm Cottage, North Road Weston, Newark on Trent.

Information and Advice

2. 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. Officer comments have already been sent to Newark and Sherwood District Council in their role as determining planning authority for this application. A site plan is provided at Appendix 1.

3. 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 Proposal

4. The planning application seeks permission for the erection of a single wind turbine generator with a maximum tip height of 79m and a hub height of 55m, a rotor diameter of 48m and rated at 500kW.

5. The turbine will have a base diameter 3.3m and will be mounted on a tapered tubular steel tower to which are attached a hub and rotor assembly including three blades. The potential maximum capacity of the turbine is 0.8 Megawatts. In the base of the tower there will be a transformer that will boost the voltage of the turbine's electricity output from 400 volts to 33,000 volts. A typical colour for the

tower is a semi-matt grey, designed to blend with a sky background and present a clean appearance.

6. The blades are a single piece made of epoxy resin. They angle into and out of the wind in response to variations in wind speed to optimise energy capture.

7. The nacelle contains the generation, cooling system, part of the electrical control system and the yaw drive. The yaw drive rotates the whole nacelle to ensure the rotor is always pointing directly into the wind

8. The tower is constructed from sections of welded rolled steel. The height from the bottom of the tower to the middle of the rotor is called the hub height. For the chosen Enercon E-48 this is 55m. Electrical and telecommunication cables pass down the centre of the tower to an external transformer adjacent to the base of the turbine.

9. The application site lies in open countryside and is not within the Green Belt.

10. The chart in Appendix 2 illustrates the height of the proposed wind turbine in terms of other surrounding landmarks on the landscape.

Planning Policy Context

National Planning Policy Framework (NPPF)

11. 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.

12. Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) seeks to ensure that proposals for wind turbines are assessed against their impact upon a range of factors including cumulative impact, safety, ecology, heritage assets, landscape and community benefit.

Local Planning Context

13. The adopted Newark and Sherwood DC Core Strategy (March 2011) contains a number of relevant planning policies, of note are Strategic Objective 11, which seeks to ensure opportunities are taken to reduce the developmental impacts that can contribute to climate change and encourages the use of renewable and low carbon solutions. Core Policy 9 aims to ensure new development is sustainable and takes into account the potential impacts development cam have on climate. Core Policy 10 seeks to encourage the provision of renewable and low carbon energy generation.

14. The adopted Newark and Sherwood DC Allocations and Development Management Development Plan Document (July 2013) contains Policy DM4 that relates to renewable and low carbon energy generation and seeks to encourage

its use providing the benefits of such technologies outweigh any detrimental impact they may have.

Strategic Planning Issues

Highways

15. It is considered that the proposed development would not generate a road safety concern, nor a highway capacity issue. However, from a Highways point of view there are a number of concerns. The County Council would like to see a design that includes the available visibility splays either side of the carriageway at the junction on Infield Lane and the B1164, in addition the County Council would wish to see a swept path analysis (the calculation and analysis of the movement and path of a vehicle bringing plant and equipment to site) submitted in support of this current application along the route which is in Nottinghamshire under our control as the local highway authority (LHA).

16. The County Council has no objections in principle to the delivery routeing however the applicant or contractor must to contact the Nottinghamshire County Council Abnormal Load Officer.

17. It is recommended that the applicant liaise directly with the Highway Agency (which is in control of the A1 and slip roads) for approval prior to any works commencing as the access route to the site is from the A1 slip roads which is part of the 'Trunk Road' Network for which Highway Agency is the road authority.

18. In light of the above, it is confirmed that insufficient information has been submitted with the application to enable the Highway Authority to provide a formal response. Additional information as outlined above should be submitted to enable the Highway Authority to comment further.

19. Detailed Highways comments are set out in Appendix 3.

Ecology

20. The proposal will not affect any nationally or locally designated nature conservation sites.

21. A range of mitigation measures are outlined in section 6.1 of the applicants ecological assessment, which should be made conditions of any permission granted.

22. Provided that mitigation measures are secured, the proposal appears unlikely to result in any significant ecological impact.

23. Detailed Ecology comments are set out in Appendix 4.

Landscape and Visual Impact

24. The Landscape Team request that the applicant quantifies the direct impacts on the landscape and identifies possible sources of temporary impact during the construction period and also request that the applicant considers the impacts from rights of way in the surrounding landscape that are closer to the wind turbine than the chosen viewpoints.

25. The applicant should consider planting to enhance landscape character and help to mitigate the installation of the structure within the landscape.

26. Detailed Landscape and Visual impact comments are set out in Appendix 5.

Historic Environment

27. The application is accompanied by a 'Heritage Impact Assessment'. The assessment is considered to be insufficient in detail and fails to refer to a number of local interest buildings in the vicinity of the proposal site indicated on the county Historic Environment Record (HER). HER consultation is recommended as a minimum by paragraph 128 of the NPPF.

28. Regarding the methodology for assessment of impacts, it is considered that this is also insufficient information as it fails to note or take account of the recommendations of 'The Setting of Heritage Assets' English Heritage Guidance (2010).

29. Detailed Historic Environment comments are set out in Appendix 6.

Cumulative Impact considerations

30. An application for 3 wind turbines at Cottam in Bassetlaw, has been re-submitted and is pending consideration by Bassetlaw District Council.

31. In combination with this proposed development, the proposal outlined above is not considered to have any effects in terms of cumulative impacts.

Overall Conclusions

32. 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.

33. From a Highway point of view it is considered that insufficient information has been submitted with the application to enable the Highway Authority to provide a formal response. As such, additional information as set out in Appendix 3 should be submitted to enable the Highway Authority to comment further.

34. From an ecological perspective the proposal appears unlikely to result in any significant ecological impact.

35. The County Council raises concerns in relation to the direct impacts on the landscape and identify possible sources of temporary impact during the construction period, and would wish to see a an enhanced landscape planting scheme.

36. The County Council considers there to be insufficient information relating to the impacts of the proposal on the historic environment and does not support this element of the proposal.

37. In combination with this proposed development, the proposals outlined above are not considered to have any effects in terms of cumulative impacts.

Other Options Considered

38. 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

39. It is recognised that significant weight is given to renewable energy at a National and strategic planning level. From a Highway point of view it is considered that insufficient information has been submitted with the application to enable the Highway Authority to provide a formal response. As such, additional information as set out in Appendix 3 should be submitted to enable the Highway Authority to comment further.

40. From an ecological perspective the proposal appears unlikely to result in any significant ecological impact.

41. The County Council raises concerns in relation to the direct impacts on the landscape and identify possible sources of temporary impact during the construction period, and would wish to see a an enhanced landscape planting scheme.

42. The County Council considers there to be insufficient information relating to the impacts of the proposal on the historic environment and does not support this element of the proposal.

Statutory and Policy Implications

43. 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

44. There are no direct financial implications.

Implications for Sustainability and the Environment

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

RECOMMENDATION/S

1) That Newark and Sherwood District 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) Concerns are raised in relation to landscape matters and the impacts of the proposal on the historic environment.

3) It is considered that insufficient information has been submitted with the application to enable the Highway Authority to provide a formal response. As such, it is recommend that additional information as set out in Appendix 3 should be submitted to enable the Highway Authority to comment further.

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 (SHB.14.10.13)

46. Committee have power to decide the Recommendation.

Financial Comments (SEM 17/10/13)

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

Background Papers and Published Documents

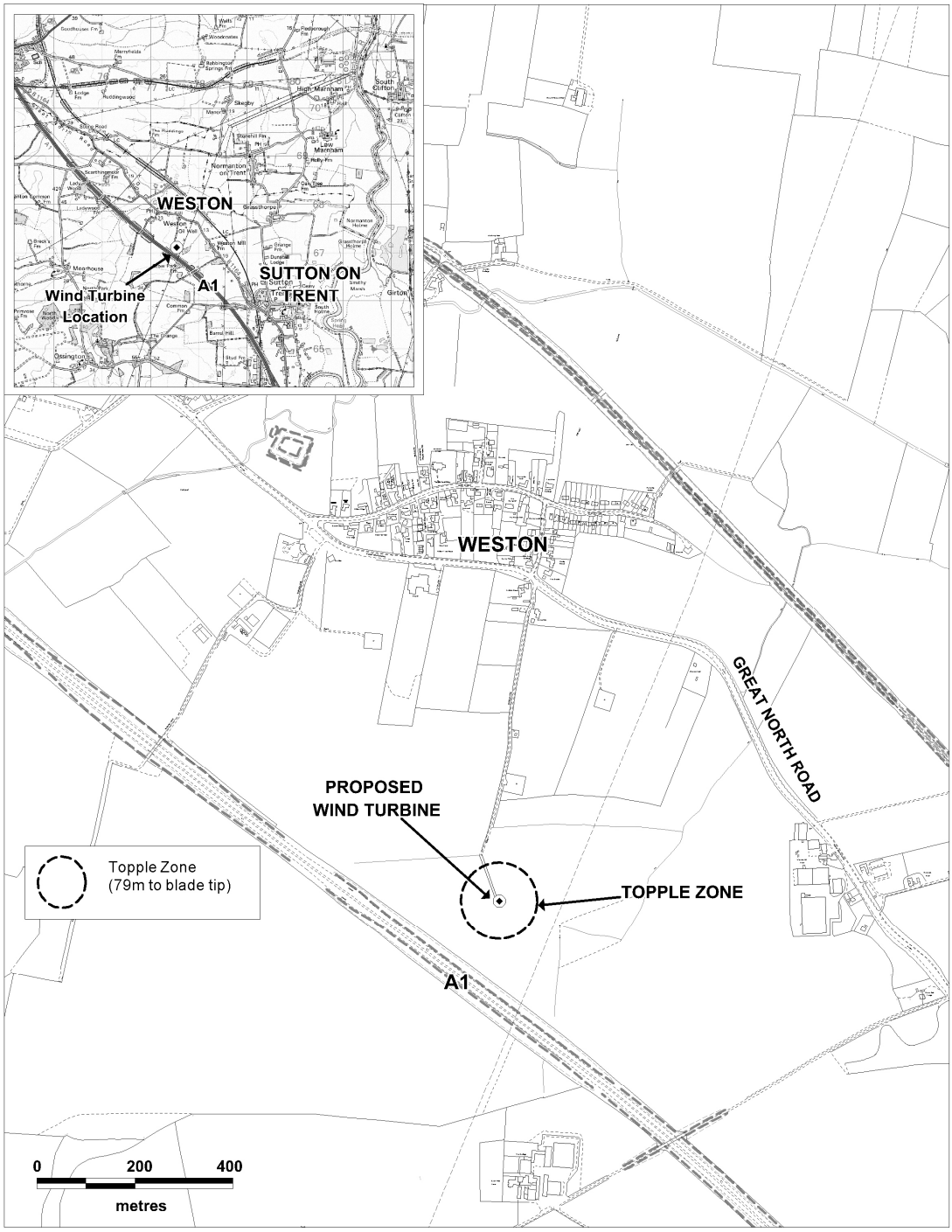
Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Collingham – Councillor Maureen Dobson;

Southwell & Caunton – Councillor Bruce Laughton;
Tuxford – Councillor John Ogle.

Appendix 1 – Site Location Plan



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

Erection of 1 no. 500kW wind turbine with a maximum height of 79m.
Mill Farm Cottage, Great North Road, Weston, Newark On Trent, Nottinghamshire.
Planning Application No. 13/00938/FUL

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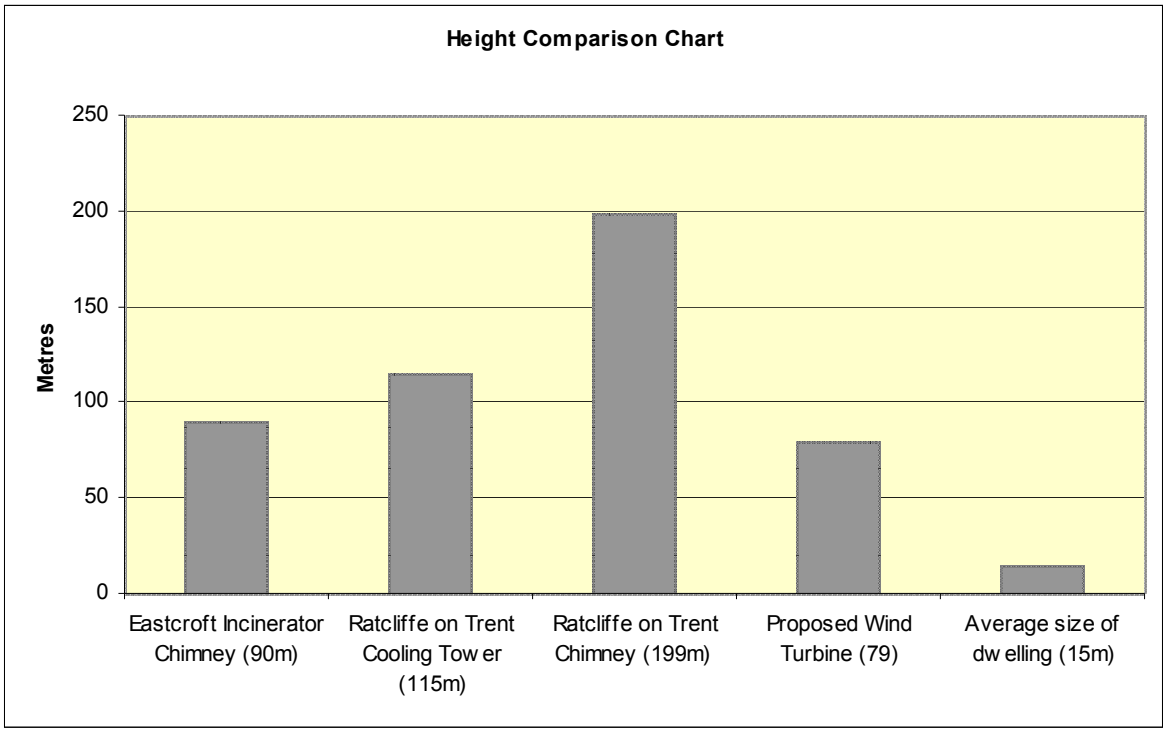
N W E S

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

Appendix 2 – Height Comparison Chart



Appendix 3 – Detailed Highway Comments

TOWN AND COUNTRY PLANNING ACT

HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT

DISTRICT:	Newark	Date received	20/08/2013
OFFICER:	Karen Tate	by D.C.	12/07/2013
PROPOSAL:	Erection of 1 no. 5000kW wind turbine with a maximum height of 79m.	D.C. No.	N/13/00938/FUL
LOCATION:	Mill Farm Cottage Great North Road West Newark on Trent		
APPLICANT:	Pollock Associates		

It is considered that the proposal will neither generate a road safety concern, nor a highway capacity issue. Once constructed the site will only generate low levels maintenance traffic. During construction, however, abnormal load vehicles will be involved and the applicant is advised to contact the Nottinghamshire County Council Abnormal Load Officer, Malcolm Goodhall, tel. 0115 977 4490 to agree routes.

In terms of the turbine's position and effect on the public highway, it meets the recommendations of the Companion Guide to PPS22 Planning for Renewable Energy.

This said we still have a number of outstanding concerns with the proposals which need to be addressed in the first instance;

- We would like to see a design that includes the available visibility splays either side of the carriageway at the junction on Infield Lane and the B1164,

- We require swept path analysis be submitted in support of this current application along the route which is in Nottinghamshire under our control as the local highway authority (LHA)

- Infield Lane is subject to rights of way and consultation must therefore be carried out with NCC Rights of Way section for authorisation.

We have no objections in principle to the delivery routeing however and as stated above the applicant or contractor must to contact the Nottinghamshire County Council Abnormal Load Officer, Malcolm Goodhall.

The applicant must also liaise directly with the Highway Agency (which is in control of A1, and slip roads) for approval prior to any works commencing as the access route to the site is from the A1 slip roads which is part of the 'Trunk Road' Network for which Highway Agency is the road authority.

In light of the above, it is confirmed that insufficient information has been submitted with the application to enable the Highway Authority to provide a formal response.

Additional information as outlined above should be submitted to enable the Highway Authority to comment further.

Additional notes to applicant:

The details also required by the Highways Authority before any works shall commence on site are as follows:

1. Provision of wheel washing facility and a road sweeper to remove mud, dirt or other debris from the public highway during the construction phase should be proposed as it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway.

2. Should any traffic management measures/road space approval be required, the applicant must contact Heath Phillips, Notts. C.C. Principal Co-Ordination Officer (North) 01623 520739 for approval prior to any works commencing.

3. The applicant should contact Malcolm Goodall, NCC Abnormal Load Officer on 0115 977 4490 for approval prior to any works commencing on site.

Shaun Brown
Highway Development Control Officer

Appendix 4 – Detailed Ecology Comments

Weston wind turbine
Nick Crouch

Re: Mill Farm Wind Turbine - Newark and Sherwood DC (13/00938/FUL)
Some brief comments on the above:

- The proposals will not affect any nationally or locally designated nature conservation sites.

- The application is supported by an ecological assessment, which is welcomed.

- The proposals are located within an arable field, and as such construction will not directly affect any habitats of high nature conservation value.

- The ecological assessment has considered potential impacts on birds although no detailed assessments have been carried out. Nevertheless, the site is not located in any situations, as detailed in Natural England's Technical Information Note TIN061, where detailed assessments would be expected (i.e. Locations where Schedule 1 or Annex 1 birds are present in significant numbers; locations within or close to SPA's; known migration routes and local flight-paths where potentially vulnerable species occur; or topographical features such as ridges or valleys).

- The ecological assessment has also considered potential impacts bats, and again no detailed assessments have been carried out. However, the site is likely to have low value for bats given its arable use, and the turbine has been located in compliance with guidance given in Natural England's Technical Information Note TIN051, which requires that wind turbines be sited more than 50m from boundary features which could be used by foraging bats - in this case the distance is around double this minimum requirement.

- A range of mitigation measures are outlined in section 6.1 of the ecological assessment, which should be made conditions of any permission granted.

- Biodiversity enhancements in the wider area, such as gapping up or reinstating hedgerows, and introducing management into the woodland identified as Target Note 1 in the ecological assessment (focussing on removal of non-native species such as sycamore, whitebeam and pine) would be welcomed if they can be secured through any grant of planning permission.

As such, and provided that mitigation measures are secured, the proposal appear unlikely to result in any significant ecological impact.

Kind regards,
Nick
Nick Crouch
Senior Practitioner Nature Conservation

Appendix 5 – Detailed Landscape and Visual Impact Comments

Your ref: Mill Farm Wind Turbine – N and S DC 13/00938/FUL
Our ref: 20130910MemoAS2NWMillFarm
Tel: 0115 977 2169
Email: alison.stuart@nottscc.gov.uk

Proposal: 1 No. 500kW Wind turbine with a maximum tip height of 79m

Location: Weston Mill Farm, North Road, Newark, NG23 6TS

Applicant: Pollock Associates

Thank you for asking the Landscape and Reclamation Team to comment on the above proposals. We have no objections to this application but have the following observations and recommendations.

The following documents and drawings have been assessed in order to provide these comments:-

- Landscape and Visual Impact Assessment Entrust Planning for Renewables. July 2013
- Design and Access Statement (DAS) July 2013
- Location Plan 1:5000

Landscape and Visual Impact Assessment Methodology

The Landscape and Visual Impact Assessment has followed the general methodology as set out within the Landscape Institute and the Institute of Environmental Management and Assessment in "Guidelines for Landscape and Visual Assessment" – Third Edition, published 2013 and the previous edition 2002 has also been referenced. There are no references to other guidance documents such as the Visual Assessment of Windfarms (Best Practice 2002), and the Visual Representation of Windfarms (Good Practice Guidance March 2006) Scottish Natural Heritage (SNH), the latter of which is currently under review.

Proposed Development

The proposed development is for a single medium sized 500kW wind turbine (Enercon E-48 Model or EWT 500) to a maximum height of 79m to blade tip, with a 48m rotor diameter. The turbine will have a base diameter of 3.3m and be mounted on a taped steel tower. The final colour is to be determined by consultation with Newark and Sherwood District Council but likely to be a semi-matt grey which is designed to blend in with a "sky" background.

The turbine will be set on foundations 1.6m deep and 12.6m in diameter. The cabling connecting the turbines to a substation will be laid underground. This land will continue to be in agricultural use.

The Design and Access Statement explains that the existing track north of Weston (Infield Lane) will be used for the construction and maintenance operations of the proposed development. A new access track will be constructed at the southern end which will be 4.5m.

The construction period for the development will be approximately 12-18 weeks and the main visual impact during this period would arise from the use of cranes to erect the turbines. I note that the size of crane has not been described but assume that this would be no larger than the turbine itself.

Our comments on the Landscape and Visual Impact Assessment are:-

1. Landscape Impacts

The direct impacts of the works are not described within the LVIA but within the Design and Access Statement (DAS) which states that:

"No hedgerows will be damaged or will need to be removed during the construction phase."

The temporary impacts on the landscape during the construction phase of the development have not been described although the works are described within the DAS.

Aerial photography shows existing hedgerows along either side of Infield Lane. Should the sweep of vehicles transporting the sections of turbine column come close to the root zone and/or hedgerows these should be protected Trees in Relation to Design, Demolition and Construction BS: 5837 2012

The Location Plan drawing does not show any areas of proposed hard standing adjacent to the turbine, such as for crane access for maintenance purposes so we assume that this is not required.

Generally we agree with the findings of this section of the report but the direct impacts on the landscape should be quantified.

2. Landscape Character

The site lies within the **Trent and Belvoir Vales** National Character Area Profile as defined by Natural England. At a county level the site falls with the **Mid Nottinghamshire Farmlands** character area. Within the Newark and Sherwood Landscape Character Assessment the site lies within Policy Zone MN20 *Ossington Village Farmlands with Ancient Woodlands.*

Within the Newark and Sherwood Landscape Character Assessment this area is described as:

"*A large area encompassing numerous varied landscape uses. Arable farming is the principal land use, with some pastoral farming, small industry and some commercial*

land use evident. Landform is gently undulating and rounded, resulting in views being medium to long distance throughout most of the area, with frequent wooded skylines. Vegetation within the area (woodlands and hedgerows) often encloses the views, especially along fields and tracks."

The landscape policy for this area is to ***Conserve and Reinforce***

The landscape character is described at national, regional and local level within the LVIA. It would be useful if the landscape character of the study area was also described in relation to the local landscape character assessment, accompanied by a plan showing the study area and policy zones within this area.

A summary of the Landscape Effects is given on page 43 of the LVIA and generally we agree with these findings. However we consider that there is some scope to provide some mitigation with planting works on the surrounding farmland within the applicant's ownership in terms of hedgerow gapping up. This should include some hedgerow tree planting where this does not impact on wind flow patterns. This would help to deliver one of the key actions for the Policy Zone MN20 Ossington Village Farmlands with Ancient Woodlands which is:

"Conserve and maintain hedgerows and prevent fragmentation (through lack of management and intensification of arable farming). Infill hedgerows where necessary. "

<u>Visual Impact</u>

A summary of the Visual Effects is given on page 43 of the LVIA and we agree with these findings. The largest effect on Visual Amenity is **Moderate (Not Significant)** for Viewpoint 1, Intersection of Colley Lane and Great North Road and Viewpoint 2 Grade 1 Listed Church in Weston.

Viewpoints are generally representative positions although a viewpoint from a public right of way in closer proximity to the wind turbine would have been useful. The Zone of Theoretical Visibility (ZTV) is shown on Figure 4. Annotation to show the study area and 5km, 10km, 15km and 25km radii from the proposed wind turbine would allow for better interpretation of the drawing.

The viewpoint locations should also be shown on the ZTV drawings and the scale shown at the size it will be read in the document. Guidance from SNH for Wind turbine developments recommends for each viewpoint there should be a detailed location plan, on a 1:50,000 or 1:25,000 OS base map, along with a note on the grid reference of the location of the viewpoint, the date, time and weather conditions when the photographs were taken. This is information which in not within the current application.

Recommendations:

The following points should be considered by the applicant:

1. Quantify the direct impacts on the landscape and identify possible sources of temporary impact during the construction period.

2. Consider impacts from rights of way in the surrounding landscape that are closer to the wind turbine than the chosen viewpoints.

3. Consideration of planting to enhance landscape character and help to compensate against installation of structure within the landscape.

Appendix 6 - Detailed Historic Environment Comments

RE: Mill Farm Wind Turbine - Newark and Sherwood DC (13/00938/FUL)

Jason Mordan

With regards to the above application, I have the following comments from the viewpoint of cultural heritage and the requirements of the NPPF:

The application is accompanied by a 'Heritage Impact Assessment'. The assessment is not thorough and should be revisited. There are a number of local interest buildings in the vicinity of the proposal site indicated on the county HER that are not mentioned in the HIA. I suspect that there was no official consultation with the HER, we have no record of any recent enquiries regarding this site. HER consultation is recommended as a minimum by paragraph 128 of the NPPF.

Regarding the methodology for assessment of impacts, this is also insufficient as it fails to note or take account for the recommendations of 'The Setting of Heritage Assets' English Heritage Guidance (2010).

Jason Mordan
Senior Practitioner Historic Buildings
Nottinghamshire County Council
Tel: 0115 9696529

Nottinghamshire County Council

Report to Environment and Sustainability Committee

14 November 2013

Agenda Item: 4 c

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

STRATEGIC PLANNING OBSERVATIONS ON A SINGLE WIND TURBINE, ON LAND SOUT WEST OF WHATTON STUD, MANOR LANE, WHATTON

Purpose of the Report

1. To seek Committee ratification for comments set out in this report which were sent to Rushcliffe Borough Council (RBC) on the 18th October 2013 in response to the request for strategic planning observations on the above planning application for the erection a single wind turbine on Land south west of Whatton Manor Stud, Manor Lane, Whatton, Nottinghamshire.

Information and Advice

2. 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. Officer comments have already been sent to Rushcliffe Borough Council in their role as determining planning authority for this application. A site plan is provided at Appendix 1.

3. 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.

4. The application site lies within open countryside and is not in the Green Belt.

Description of the Proposal

5. The planning application seeks permission for the erection of a single wind turbine measuring 50m to the hub and 77m to the blade tip. The turbine would be free standing and the hub would be positioned on a tubular steel tower. The turbine would be of a three bladed horizontal axis propeller design, with a blade length of 27m and a total diameter of 54m. Appendix 2 chart illustrates the height of the proposed wind turbine in terms of other surrounding landmarks on the landscape.

6. The blades and the hub of the turbine will be constructed from a glass fibre and will be finished in a light grey. The turbine will be set on a 657.12m³ concrete foundation measuring 14.8m in length and width and 3m in depth. The turbine will connect into the nation grid through a three phase power line located adjacent to the disused railway line to the west of the site and all cabling will be underground.

National Planning Policy Context

7. 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.

8. Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) seeks to ensure that proposals for wind turbines are assessed against their impact upon a range of factors including cumulative impact, safety, ecology, heritage assets, landscape and community benefit.

Rushcliffe Local Plan

9. 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 their Local Plan process.

10. 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

11. The Rushcliffe Core Strategy was submitted to the Secretary of State in October 2012. Policy 1 'Climate Change' 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

Highways

12. The County Council does not wish to raise any strategic planning issues in relation to Highways for this proposal.

Landscape and Visual Impact

13. The Landscape Team are not able to comment fully on the proposal as it is considered that insufficient information has been submitted in support of the proposal. It is requested that the following information is provided:

- The applicant should reconsider the degree of significance assessed for Viewpoint 2
  Include additional viewpoints from adjacent high sensitivity residential receptors (2 no) and closest Bridleway (BW1 Langar cum Barnstone)

- The applicant should determine significance of physical impacts, the applicant should also assess the landscape sensitivity of the study area as well as the site itself.

14. Detailed landscape and visual impact comments are set out in Appendix 3.

Ecology

15. The proposals do not give rise to any significant direct ecological impact. Impacts on bats have been specifically considered, and whilst no significant impacts on bats are predicted, limitations within the survey methodology should be noted. In order to minimise impacts on bats, the turbine needs to be micro-sited such that it is a minimum distance (as specified above) from the nearest habitat features.

16. Detailed ecological comments are contained in Appendix 4.

Cumulative Impact considerations

17. 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 in East Bridgford is pending a decision.

18. In combination with this proposed development, the proposals outlined above are not considered to have any effects in terms of cumulative impacts.

Rights of Way

19. There are a number of rights of way in the area (see Appendix 5). The County Council's main concern relates to the access to the site which will cross the footpath just before the barn near to the turbine location. It is requested that the applicant/contractors ensure that the public are safe to still use the footpath while the construction works are being undertaken. This may include appropriate signage for both the public and the construction staff to be aware of each other and that no obstructions are placed across the path to hinder the walker crossing the track.

20. Detailed Rights of Way comments are contained at Appendix 6.

Overall Conclusions

21. The County Council does not wish to raise any strategic planning objections in relation to highways .
22. The Landscape Team are not able to comment fully on the proposal as it is considered that insufficient information has been submitted in support of the proposal.

23. The proposals do not give rise to any significant direct ecological impact. Impacts on bats have been specifically considered, and whilst no significant impacts on bats are predicted, limitations within the survey methodology should be noted. In order to minimise impacts on bats, the turbine needs to be micro-sited such that it is a minimum distance (as specified above) from the nearest habitat features.

24. In combination with this proposed development, the proposals outlined above are not considered to have any effects in terms of cumulative impacts.

25. The County Council's main concern relates to the access to the site which will cross the footpath just before the barn near to the turbine location.

Other Options Considered

26. 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

27. From an ecological perspective the proposal appears unlikely to result in any significant ecological impact.

28. The County Council raises concerns in relation to the direct impacts on the landscape and would wish to see additional information provided in support of the proposal.

29. The County Council considers there to be insufficient information relating to the impacts of the proposal on the historic environment and does not support this element of the proposal.

Statutory and Policy Implications

30. 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

31. There are no direct financial implications.

Implications for Sustainability and the Environment

32. 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) Concerns are raised in relation to landscape matters and the impacts of the proposal on the historic environment.

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 0115 977 3793

Constitutional Comments (NAB 21.10.13)

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

Financial Comments (SEM 23/10/13)

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

Background Papers and Published Documents

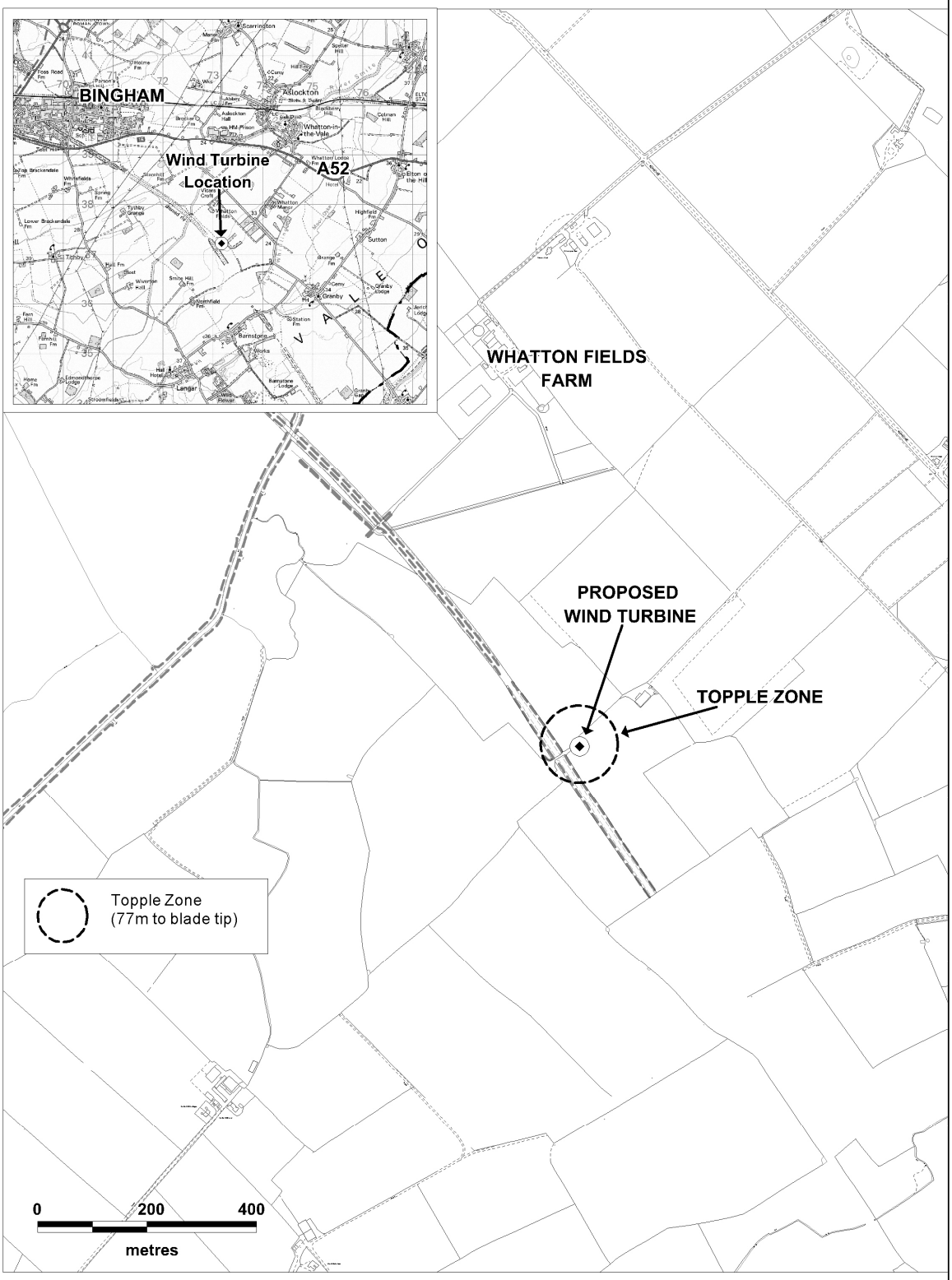
Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Electoral Division(s) and Member(s) Affected

Bingham - Councillor Martin Suthers OBE
Cotgrave - Councillor Richard Butler

Appendix 1 – Site Location Plan



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

Erection of 1 no. 500kw wind turbine measuring 50m to the hub and 77m to the blade tip. Land South West Of Whatton Manor Stud, Manor Lane, Whatton, Nottinghamshire.
Planning Application No. 13/01730/FUL

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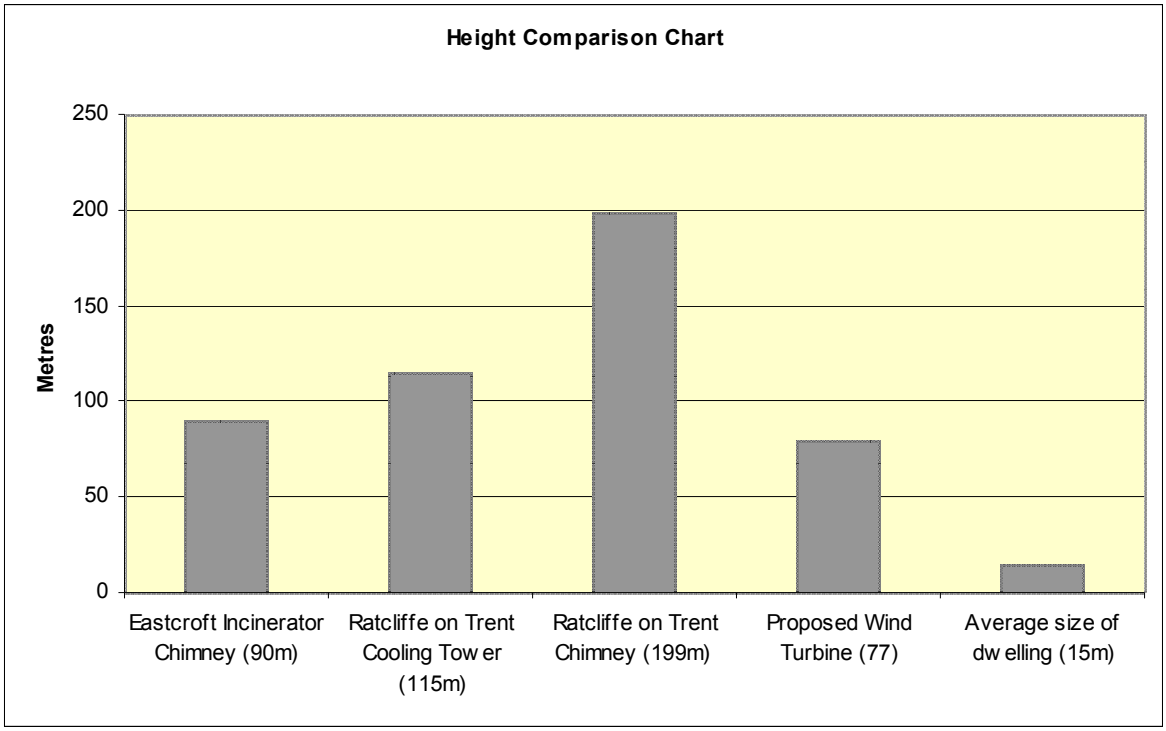
N W E S

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

Appendix 2 – Height Comparison Chart



Appendix 3 - Detailed Landscape and Visual Impact Comments

PLANNING APPLICATION NO. 2013/01730/FUL

LOCATION: Whatton Manor Stud, Whatton in the Vale
PROPOSAL: Erection of single 77 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:-

- **Application Form**
- **Site Location Plans including plans of turbine and foundations**
- **Landscape and Visual Impact Assessment – Influence- cla ltd – August 13 Final**
- **Planning Statement and Design and Access Statement – Fisher German – August 2013**
- **Abnormal load routeing assessment - SKM Colin Buchanan – March 2013**

The following were considered for information only and no comments are provided:-

- **Ecological Survey**
- **Statement of Community Involvement**

The full comments on landscape and visual impact issues are included in the attached Appendix A, but a summary of the NCC conclusions is provided below:-

To summarise the conclusions of the report :-

- **Landscape and Visual Impact Assessment – Influence- cla ltd – August 2013**

Viewpoints – The applicant should reconsider the degree of significance assessed for Viewpoint 2
Include additional viewpoints from adjacent high sensitivity residential receptors (2 no) and closest Bridleway (BW1 Langar cum Barnstone)

Landscape effects – The applicant should determine significance of physical impacts, the applicant should also assess the landscape sensitivity of the study area as well as the site itself.

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

Minor amendments to aid clarity of the report as detailed in Appendix A to be included

- **Planning Statement and Design and Access Statement – Fisher German – August 2013**

Make amendments to aid clarity where cross referenced with LVIA report

- **Abnormal load routeing assessment - SKM Colin Buchanan – March 2013 –** No comments

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 relevant reports again.

Landscape and Visual Impact Assessment – Influence-cla Ltd – August 2013

1.0 Introduction

Section 1.1 Outline - To the third paragraph should be added the following additional information – '… the village of Langar 2.5 km to the south west, and the smaller settlements of Tithby 3.3 km to the west and Elton on the Hill 4 km to the north west. The villages of Cropwell Butler and Colston Bassett are also 5km from the site as well as the smaller settlements of Scarrington and Plungar

2.0 Planning Context

Relevant Policy is listed, including NPPF, RBCSLP and all designated sites within the study area.

3.0 Methodology

The guidance referred to is appropriate to the application and the methodology follows best practice. It is accepted that the GLIVA second edition is referred to as opposed to the third edition which was only published during the production of this landscape and visual impact assessment. The method of illustrating the Zone of Theoretical Visibility is accepted as best practice. The study area has been defined as a 5 km radius which is acceptable.

Landscape assessment methodology

A description of the degree of Landscape Sensitivity has been included, as well as the degrees of magnitude of Landscape Impact.

Visual assessment methodology

A description of the degree of Visual Sensitivity has been included, as well as the degrees of magnitude of Visual Impact.

It is noted that in Table 1, residential receptors are assessed as high visual sensitivity receptors, users of local PRoWs as medium visual sensitivity receptors, and road users and people at their place of work as low visual sensitivity receptors which is accepted.

Viewpoints – these were determined by the consultants themselves, they were not agreed with RBC in advance as would be best practice. Ten viewpoints were assessed in June 2013 when trees were in full leaf, it would have been preferable to carry out this assessment after leaf fall to represent the worst case scenario in terms of visual impact. Also views from some of the closer residential receptors, agreed in Table 1 as of high sensitivity, have not been assessed, we would suggest that viewpoints from the following properties are also included, and from the closest Bridleway.

- View from Northfield Farm to the south west
- View from Whatton Manor to the north east
- View from Bridleway (Langar cum Barnstone BW1) to the south

Assessment of Significance of impacts

The description of each degree of significance of effects of landscape and visual impact has been included in the methodology. Those impacts which are significant in terms of the EA legislation are noted here, these are major and major/moderate landscape and visual impacts. It is also agreed that the landscape and visual impacts of wind turbine developments are generally considered adverse by the majority of people.

Cumulative Landscape and Visual Appraisal

The CZTV has been plotted for all consented applications, all constructed applications, and for those validated in the planning process, with in a 15 mile radius of the proposed site, this represents 10 sites, this list includes all applications that NCC is aware of .

Cumulative impact refers to a number wind developments being seen in combination from a particular viewpoint, or a number of wind turbines being seen sequentially on a journey.

4.0 Landscape Baseline Assessment

4.1 Existing Landscape Classification and evaluation

The National, and County Level documents are correctly referred to, the regional landscape character document is not are referred to but this is not critical.

Section 4.1 page 19 - landscape condition should be described here as 'moderate – good' not 'moderate'

These paragraphs refer to the Nottinghamshire Landscape Character assessment in order to describe the character of the study area, this describes landscape condition, and strength of landscape character of the relevant and adjacent Policy Zones.

4.2 – 4.6 No comments

4.7 Landscape Sensitivity Classification and Evaluation

There is confusion in this section between the landscape sensitivity of the site and landscape sensitivity of the study area. After an assessment of the landscape character of the study area a rating is given by the applicant for the application site of low which we would agree with. However there is no landscape sensitivity assessment of the study area, we would suggest this is medium

A low landscape sensitivity is defined by the applicant as follows - '*A landscape of no distinctive character and scenic quality or is damaged, neglected or poor character and lacking scenic quality. A landscape not subject to any form of landscape designation'*

Whilst this may apply to the site itself the first sentence does not apply to the study area as a whole, it is important that this factor is not under estimated as it has a bearing on the overall assessment of landscape impact of the proposals.

4.8 No comments

4.9 Low landscape sensitivity – see above

5.0 Visual Assessment Baseline

5.1 General Views – As described with reference to section 3 above, the viewpoints have been selected by consultant, there has been no consultation with RBC.

. 'ten viewpoints have been recorded to illustrate the general range of visibility across the application site and surroundings, as well as viewpoints with the potential to incur most impact from the proposed development'.

Four photomontages have been produced, not three as noted on page 24.

5.2 Description of Views from Representative Viewpoints

NCC comments on the selected viewpoints based on a site visit on 7th October (with leaf fall underway)

Viewpoint 1- From PROW northwest of Manor Farm stud, looking south – south east towards to application site.

p.25 Receptors are identified as residents of an isolated farm, recreational users of PROW (which is noted in the design and access statement is 85 metres from the site) and people working outside. Visual sensitivity of this viewpoint is assessed as medium.

p 32 Magnitude of change is assessed as low adverse and temporary at the construction stage, and medium adverse, long term on completion

→ Moderate adverse visual effect

NCC are in agreement with this assessment which is not a significant impact in terms of the EA regulations.

Viewpoint 2 – From PROW public footpath at the junction of Granby Lane and Granby Hill, looking west towards to the application site

p.25 . Receptors are identified as recreational users of the PRoW, outdoor workers, this description should also include vehicular travellers. Visual sensitivity of this viewpoint is assessed as medium. It should be added by the applicant that this is also an identified view in the RBC conservation area - Townscape assessment for Granby.

p 32 Magnitude of change is assessed as negligible adverse and temporary at the construction stage, and low adverse, long term on completion.

NCC are not in agreement with the applicant that the magnitude of change is low adverse at completion, it is at least medium adverse which would mean that the assessment of Minor/Moderate adverse visual effect is under estimated.

A moderate adverse impact is not a significant impact in terms of the EA regulations.

Viewpoint 3 – From PRoW off Green Lane, next to residential dwellings on the western fringe of Granby, looking west towards the application site.

p.25 Receptors are identified as residents of Granby, and recreational users of PRoW. Visual sensitivity of this viewpoint is assessed as high because it includes resients at a distance of less than 2 km This is also an identified view in the RBC conservation area - Townscape assessment for Granby

p 33 Magnitude of change is assessed as negligible adverse and temporary at the construction stage, and low adverse and long term on completion.

→ Moderate adverse visual effect

A moderate adverse impact is not a significant impact in terms of the EA regulations.

Viewpoint 4 - From the PRoW to the edge of Barnstone, along Main Road looking north towards the application site

p.25 Receptors are identified as residents of Barnstone and road users. Visual sensitivity of this viewpoint is assessed as medium

p 33 Magnitude of change is assessed as.low adverse and temporary at construction stage, and low adverse, long term on completion

→ Minor/ moderate adverse visual effect

NCC are in agreement with this assessment which is not a significant impact in terms of the EA regulations

Viewpoint 5 – Taken from PRoW at the Northern edge of Langar Woods, looking north towards the application site

p.25 . Receptors are identified as road users, recreational users of PRoW, and some residents of Langar . Visual sensitivity of this viewpoint is assessed as medium.This is also an identified view in the RBC conservation area - Townscape assessment for Langar

p 33 Magnitude of change is assessed as negligible adverse and temporary at the construction stage, and low adverse, long term on completion

→ minor/moderate adverse visual effect

NCC are in agreement with this assessment which is not a significant impact in terms of the EA regulations

Viewpoint 6 – From PRoW opposite Belvoir Castle Car park, looking northwest towards the application site.

p.26 Receptors are identified as road users, recreational users of PRoW, visitors using the car park at Belvoir Castle. Visual sensitivity of this viewpoint is assessed as medium.

p 34 Magnitude of change is assessed as negligible adverse and temporary at the construction stage, and negligible adverse, long term on completion

→ Negligible visual effect.

NCC are in agreement with this assessment which is not a significant impact in terms of the EA regulations

Viewpoint 7 – Taken from PRoW to the south of Orston on the residential fringe, looking southwest towards the application site.

p.26 . Receptors are identified as recreational users of PRoW and some residents of Orston. Visual sensitivity of this viewpoint is assessed as medium, although it includes residents, because of the distance from the site.

p 34 Magnitude of change is assessed as negligible adverse and temporary at the construction stage, and negligible adverse, long term on completion

→ Negligible visual effect

NCC are in agreement with this assessment which is not a significant impact in terms of the EA regulations

Viewpoint 8 - Taken from a PRoW joining Abbey Lane, at the western edge of Aslockton, looking south towards the application site.

p.26 Receptors are identified as road users, residents of Aslockton, people working outside and recreational users of PRoWs. Visual sensitivity of this viewpoint is assessed as medium, although it includes residents, because of the distance from the site.

p 34 The magnitude of change is assessed as negligible adverse and temporary at the construction stage, and negligible adverse, long term on completion

→ Negligible visual effect

NCC are in agreement with this assessment which is not significant in terms of the EA regulations

Viewpoint 9 – From PRoW at the eastern edge of Tithby, looking east towards the application site.

p.26 . Receptors are identified as recreational users, some residents of Tithby and farm workers. Visual sensitivity of this viewpoint is assessed as low, NCC this should be medium as it includes residents, but because of the distance from the site these are of a lower visual sensitivity, as with the Aslockton and Orston residents above.

p 35 Magnitude of change is assessed as negligible adverse and temporary at construction stage, and negligible adverse, long term on completion.

→ Negligible visual effect

This does not affect the assessment of negligible impact , which is not a significant impact in terms of the EA regulations

Viewpoint 10 – PRoW on the northwest residential edge of Granby, looking northwest towards the application site

p.27 Receptors are identified as recreational users of PRoW and some residents of Granby. This should also include vehicular users. Visual sensitivity of this viewpoint is assessed as medium.

p 35 Magnitude of change is assessed as negligible adverse and temporary at the construction stage, and low adverse, long term on completion

→Minor/Moderate adverse visual effect

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

Summary of significance of visual impacts of viewpoints by consultant

1 Moderate adverse visual effect
2 Minor/Moderate adverse visual effect NCC moderate adverse visual effect
3 Moderate adverse visual effect
4 Minor/moderate adverse visual effect

5 Minor/moderate adverse visual effect
6 Negligible adverse visual effect
7 Negligible adverse visual effect
8 Negligible adverse visual effect
9 Negligible adverse visual effect
10 Minor/moderate adverse visual effect

5.3 Summary of visual sensitivity - agreed

6.0 Proposed development

6.1 Constraints and opportunities - This section states that there will be no direct impact to surrounding heritage assets and the indirect impact to heritage assets will be limited due to their predominantly constrained settings and distance between the application site and assets.

The applicant has taken into account identified views within the Townscape Appraisals produced by RBC for each of the Conservation Areas. Viewpoint 2 represents the identified view from Granby. Viewpoint 5 represents the identified view from Langar The Whatton Townscape appraisal does not identify any particularly important views

6.2 Potential landscape and visual impacts during construction

Summary
Temporary short term impact to the landscape character - agreed
Temporary short term impact to visual character - agreed

Adverse physical impact on the landscape - the degree of impact has not been quantified by the applicant. There is a description of the physical impacts of the scheme at this point, and the abnormal load routeing assessment indicates that some hedgerow removal will be necessary, the dimensions of the turbine foundation are detailed in the Design and Access statement, but the degree of physical impact should be quantified in this section of the report.

6.3 Potential landscape and visual impacts on completion

Summary
Physical loss of agricultural land - agreed
Visual impact on residents, and users of PRoWs – to this list should be added vehicular users – agreed

Low impact on landscape character – according to the definitions on page 15 this would be described as an 'Inconsiderable or small change in the landscape and visual conditions' whilst this may be correct for the wider study area in our opinion this is an underestimate for the immediate landscape and we feel the description as a 'noteworthy or medium change' is more appropriate.

7.0 Landscape Impact Assessment

7.1 Impacts on the landscape character of Aslockton Village Farmlands Policy Zone -Agreed

7.2 Impacts on natural characteristics – As section 6.2 there are no details of the degree/magnitude of landscape impact , which should be defined as negligible, low, medium or high

7.3 Impacts on cultural and social factors – no comments

7.4 Impacts on aesthetic and perceptual aspects – no comments

7.5 Residual Impact – summary - low adverse, and temporary during construction -

7.6 Residual Impact - summary - low adverse, and long term post completion – As discussed in section 6.3 NCC opinion is that this is an underestimate of the landscape impact for the local area.

8.0 Visual Impact Assessment

Magnitude of impacts – see earlier summary in section 5 - NCC opinion is that the residual impact for viewpoint 2 is under estimated .

9.0 Cumulative Appraisal

The applicant summary concludes that there is a low magnitude of cumulative impact on Aslockton Village Farmlands Policy Zone, there is limited inter visibility potentially of 7 – 10 wind farm developments within 5 km, including Whatton Manor stud but this inter visibility is restricted by vegetation. Potential successional views are possible but not considered significant. NCC are in agreement with this assessment.

10.0 Summary

10.1 Landscape Impact Assessment

Minor adverse and temporary during construction
Minor adverse and long term on completion – refer to comments in section 6.3
The degree of physical impact needs to be added by the applicant

10.2 Visual Impact Assessment

The main receptors of visual impacts have been identified
Viewpoint 1 Moderate adverse at the operational stage
Viewpoint 2 - 5 and 10 Minor/moderate operational stage - NCC - viewpoint 2 impact should be reconsidered
Viewpoint 6, 7, 8, 9 negligible at the operational stage

10.3 Conclusion

Local landscape impacts only, localised moderate visual impacts
No unacceptable(significant) visual or landscape impacts – NCC are in agreement with this assessment.

Planning statement including design and access statement – Fisher German – August 2013

3.0 Site and surrounding area

Paragraph 2.3 – this paragraph notes the nearest residential properties to the site, views from some of these, but not all, are assessed in the Landscape and Visual Impact Assessment and this has been noted in our comments on the LVIA.

Paragraph 2.5 and paragraph 3.13 – these paragraphs note that the nearest Public Right of Way to the site runs along the north eastern boundary and is 85 metres away at the closest point, again this is not mentioned in the LVIA report

Paragraph 3.5 - Colour RAL 7035 noted

Paragraph 3.6 – The foundation of the turbine is 657.12 m3 in volume and 14.8 x 14.8 x 3 metre depth, this is the only mention of the dimensions of the foundation and this should be referred to when assessing the degree of physical impact in the LVIA.

4.0 Planning Policy

Paragraph 4.14 - The assessment concludes that the proposed turbine could be accommodated without 'unacceptable landscape or visual effects' this should say 'without significant landscape or visual effects' (significant in terms of the Environmental Impact Assessment regulations)

5.0 Pre- application and EIA consultation – No comments

6.0 Potential environmental effects of the development

Paragraphs 6.1 – 6.9 - Any amendments to the LVIA should also be amended in this summary of the LVIA. In summary NCC think that the landscape impact has been underestimated and the visual impact needs to be considered from other close residential receptors and PROWs adjacent to the site. However overall we are in agreement that impacts are not significant in terms of the Environmental Impact Assessment regulations, that is they are not greater than moderate/major adverse.
The assessment of cumulative impact is accepted as accurate.

It is accepted that the visual impact from Belvoir Castle would not be significant.

7.0 Policy assessment – Applicant to amend this section to agree with the conclusions of LVIA

8.0 Conclusions – Applicant to amend this section to agree with the conclusions of LVIA

Delivery of proposed wind turbine to Whatton in the Vale – abnormal loads routeing assessment prepared by SKM Colin Buchanan – March 2013

This report mentions that vegetation clearance may be necessary to bring the turbine to the site on a flatbed trailer/low loader, this has not been cross referenced in the Landscape and Visual Impact assessment where the degree of physical landscape impact is assessed, this should be taken into account in the LVIA.

Helen Jones
Landscape Architect

Encs. – Appendix A – Detailed comments

Appendix 4 – Detailed Ecology Comments

Re: Erection of 1 no. 500kw wind turbine measuring 50m to the hub and 77m to the blade tip - land South West of Whatton Manor Stud, Manor Lane, Whatton (13/01730/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:

General

- The proposals relate to the installation of a 500kW turbine with a hub height of 50m (77m to blade tip), and a rotor diameter of 54m.
- An Ecological Appraisal of the proposal has been carried out, dated July 2013, which provides details of a desktop study and field study.
- The location of the proposed turbine is an improved grassland field of low ecological value, bounded by hedgerows, an area of plantation broad-leaved woodland, and a disused railway line.
- No direct impacts on protected species are identified, although badgers are known from the wider area. The site also possesses some potential for bats and supports a number of common and widespread farmland birds (see below).
- As per the recommendations made in the Ecological Appraisal (at section 4.5), a condition should be used to require that ground works affecting field boundaries (e.g. for cabling) are checked for the presence of badger setts by an ecologist, prior to the commencement of development, and that excavations are left covered overnight or with a ramp at one end to allow any mammals which fall in to escape.

Birds

- No specific breeding or wintering bird surveys have been carried out; however the site represents a fairly typical area of intensively managed arable farmland in south Nottinghamshire.
- As such, the site does not meet any of the criteria outline in Natural England's Technical Information Note TIN069 (*Assessing the effects of onshore wind farms on birds*) where more detailed assessments are required; that is:
    - Locations where Schedule 1 and/or Annex 1 species are present in significant numbers, especially those which may be sensitive to wind farm effects
    - 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.

- A barn owl box is located with the vicinity of the proposed turbine (although no evidence of use was noted). This species is not listed in TIN069 as being particularly sensitive to the impacts of wind turbines, as individuals tend to fly relatively low.
- A standard condition should be used to control vegetation clearance during the bird nesting season to ensure compliance with the Wildlife and Countryside Act.

Bats

- A separate bat survey report has been produced, dated August 2013. The survey methodology employed involved the use of paired static recorders and a manual activity survey, both carried out in July.
- It should be noted that the level of survey effort is lower that that recommended in the Bat Conservation Trust's '*Bat Surveys – Good Practice Guidelines 2nd Edition -Surveying for onshore wind farms*'. Rushcliffe Borough Council may wish to seek clarification as to why a lower level of survey effort was deemed appropriate in this instance.
- No bat roosts were identified during the surveys, although it is stated that it was not possible to rule out the possible presence of bat roosts within 500m of the proposed turbine location.
- Static and manual surveys identified 5 species of bats using the area around the proposed turbine, with common pipistrelle being the most abundant species recorded. Although a low level of activity was recorded at the turbine location, a much higher level of activity was recorded along the edge of the adjacent woodland plantation.
- The report concludes that impacts on bats at a local level are not predicted to be significant, and that the proposed turbine is not likely to adversely affect the favourable conservation status of bats, although it should be noted that low level of noctule activity was recorded, a species which is at high risk and high threat from turbines.
- This conclusion is in-part reached on the assumption that the turbine will be located at least 50m from the nearest bat habitat features (i.e. hedgerow/woodland edge), as measured from the turbine blade tip to the feature, so that collision risk is minimised. Whilst this does indeed appear to be the case, it should be noted that in order to comply with this the turbine needs to be at least:
    - 65.8m from the edge of the broad-leaved woodland along the north-eastern edge of the field and the disused railway along the south-west edge of the field (both with feature heights of 10m)
    - 63.2m from the hedgerow along the north-west boundary of the field (feature height of 6m)
    - 61.0m from the hedgerow along the south-east boundary of the field (feature height of 3m)
    - These distances are calculated using the formula contained within Natural England's Technical Information Note TIN 051 (*Bats and onshore wind turbines*). A condition should be used to ensure compliance with these distances.

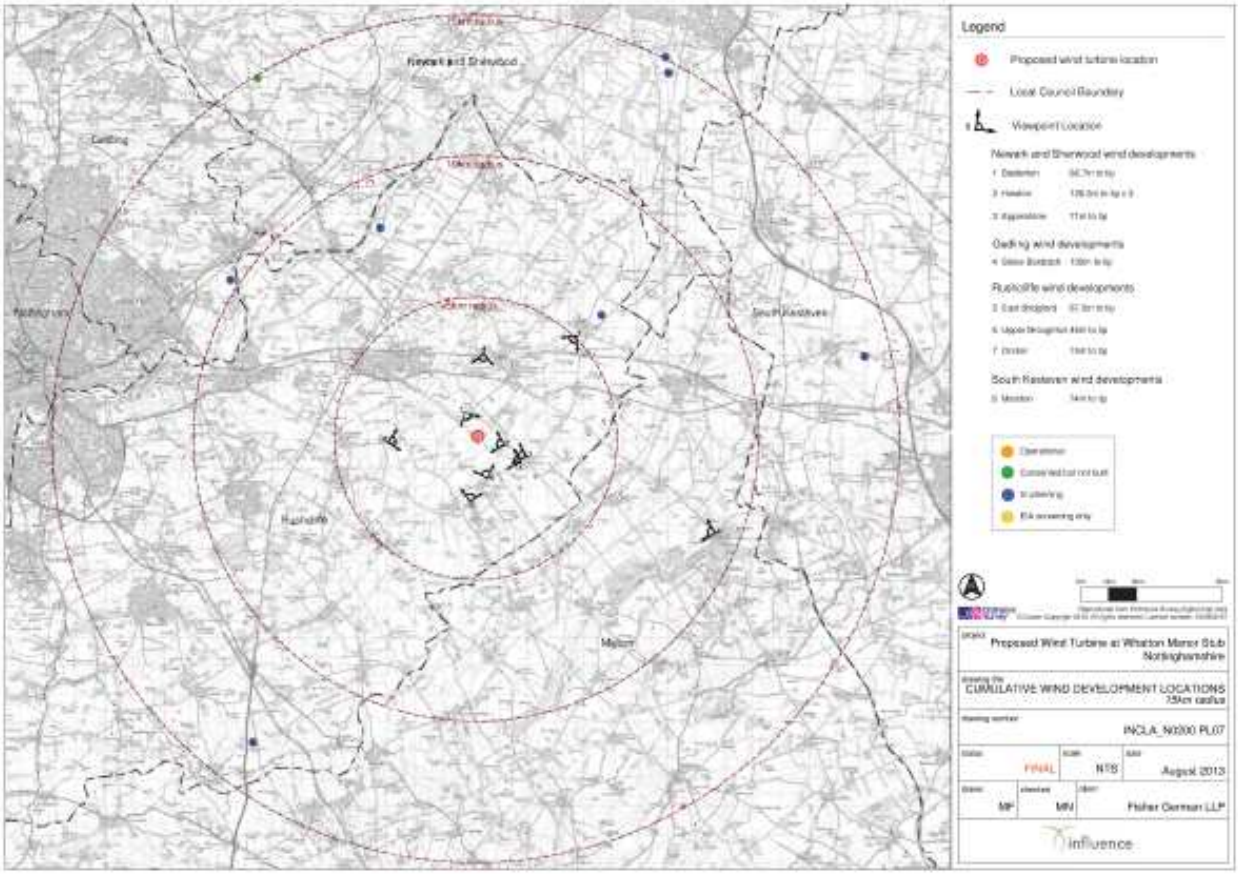
Summary

The proposals do not give rise to any significant direct ecological impact. Impacts on bats have been specifically considered, and whilst no significant impacts on bats are predicted, limitations within the survey methodology should be noted. In order to minimise impacts on bats, the turbine needs to be micro-sited such that it is a minimum distance (as specified above) from the nearest habitat features.

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

Appendix 5 – Landscape Viewpoint Plan



Appendix 6 – Detailed Rights of Way Comments

From: Jane Baines

Sent: 24 September 2013 09:35

To: Emily Dodd (EDodd@rushcliffe.gov.uk)

Subject: 13/01730 Wind Turbine, Whatton Manor Stud

Dear Emily

I have considered this application in relation to public rights of way network. There are a number of rights of way in the area:

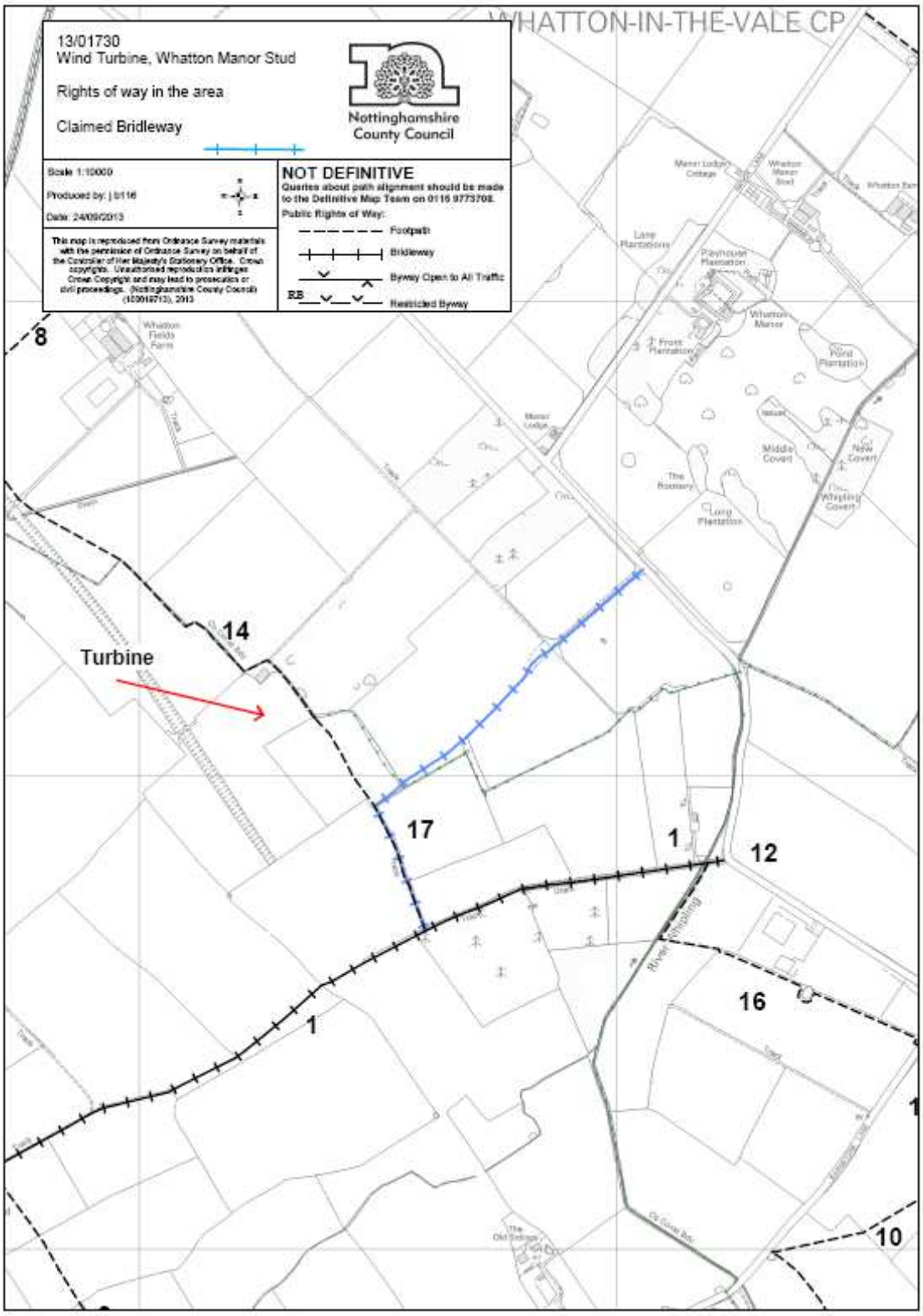
1. Footpath no 14 Whatton which leads into Footpath no 17 Langar cum Barnstone. At its closest point to the turbine is just outside the tip height plus 10% distance and therefore is of limited concern.

2. Bridleway no 1 Langar cum Barnstone is some 550m away.

3. There is a claimed bridleway which is 250m away. This has not reached its full determination yet so may or may not be added to the map through a Public Inquiry. However it is outside of the 200m recommended by the British Horse Society so is of limited concerned. The first part of this claimed route is used in the access to the site but as this is track already it is unlikely to be left in a damaged state, and there is no public access on it yet (if ever).

The only real concern is the access to the site which will cross the footpath just before the barn near to the turbine location. The applicant/contractors will need to ensure that the public are safe to still use the footpath while the construction works are being undertaken. This may include appropriate signage for both the public and the construction staff to be aware of each other and that no obstructions are placed across the path to hinder the walker crossing the track.

Regards
Jane
Jane Baines
Area Rights of Way Officer
Nottinghamshire County Council
Tel 0115 977 4802


13/01730
Wind Turbine, Whatton Manor Stud
Rights of way in the area
Claimed Bridleway
Nottinghamshire County Council
Scale 1:10000
Produced by: j b116
Date: 24/09/2013
This map is reproduced from Ordnance Survey materials with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. (Nottinghamshire County Council) (100019713), 2013
NOT DEFINITIVE
Queries about path alignment should be made to the Definitive Map Team on 0115 9773708.
Public Rights of Way:
Footpath
Bridleway
Byway Open to All Traffic
RB
Restricted Byway
WHATTON-IN-THE-VALE CP
8
14
Turbine
17
1
12
16
1
10

Nottinghamshire County Council

Report to Environment and Sustainability Committee

14 November 2013

Agenda Item: 4 d

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

STRATEGIC PLANNING OBSERVATIONS ON THE INSTALLATION OF A SOLAR FARM AT LODGE FARM, ORSTON

Purpose of the Report

1. To seek Committee ratification for comments set out in this report which were sent to Rushcliffe Borough Council (RBC) on the 18th October 2013 in response to the request for strategic planning observations on the above planning application for the installation of a solar farm, at Lodge Farm, Orston.

Information and Advice

2. 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. Comments were sent to Rushcliffe Borough Council on the 18th October 2013 in their role as determining planning authority for this application. A site plan is provided at Appendix 1.

3. 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 Proposal

The solar farm will be comprised of the following components, all of which are designed to last at least 25 years:

- **Solar Panels:** The solar farm will require approximately 51,288 PV panels, with a combined energy generation capacity of approximately 12.4MW. The panels will be approximately 1.959m x 0.995m, with a depth of approximately 0.05m.

- **Mounting Frames:** The solar panels will be attached to mounting frames at an angle of 25 degrees, to optimise daylight capture. The panels are fixed in place and will not move to 'track' the sun throughout the day. The mounted

solar panels will have a maximum height of 2.5m above ground level and at the lower end will be 900mm above ground level.

- The mounting frames are pile driven into the ground, and no concrete foundations are required. The base of the frame piles are 'H' shaped, thus they have very little impact on the ground and do not require any prior excavation. The frames are driven to a depth of approximately 1.5m. At the end of their operational life when the site is decommissioned, the frame piles are simply pulled out from the ground causing minimal ground disturbance. The mounting frames will be made of either galvanized aluminium of steel and will have a rough matt finish, rather than a polished finish.

- **Inverters:** The panels generate Direct Current (DC) electricity which must be converted into Alternating Current (AC) before being feed into the local electricity grid network. Central inverters are housed in a cabin like structure of approximately 2.27m high x 5.6m long x 1.32m wide and painted dark green. The Central Inverter block is mounted on a concrete base. A total of 7 inverters are required, as shown in the Layout Plan.

- **Transformers:** The transformer transforms electrical energy from one circuit to another, and allows for the energy generated to be fed into the local grid network. The transformer is housed externally separately from the Inverters. A total of 9 transformers are required.

- **Switchgear Substations:** Substations represent the onsite point of connection from where electricity flows into the grid network via the connection cable. The substations house the site switchgear. Switchgear is used as a safety mechanism to protect both the solar farm from any fault in the grid network, and the grid from any fault in the solar farm. It is used to disconnect electrical circuits if there is a fault in the system, much like a household fuse box. Two sets of switchgear are required, one to shut the grid off from the solar farm (referred to as the DNO Substation) and a second to shut the solar farm off from the grid.

- The switchgear will either be housed in two separate cabinets side by side, one set of the switchgear in each, or with both sets in one building with an internal wall separating them. Substations with a volume of 29m3 or less can be installed under Permitted Development rights.

- **Security Fence:** A 2m high fence will be installed around the solar farm for security purposes. The purpose of the fence is two-fold: first to protect the solar farm from theft and vandalism; and second to prevent unauthorised access to the solar farm.

Planning Policy Context

National Planning Policy Framework (NPPF)

4. 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.

5. Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) states at paragraph 26 that

   "The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscape. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively".

Rushcliffe Local Plan

6. 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 their Local Plan process.

7. 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

8. The Rushcliffe Core Strategy was submitted to the Secretary of State in October 2012. Policy 1 'Climate Change' 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

Highways

9. The Highways Authority has no objections to the principle of this development, however the plans provided by the applicant are not of sufficient detail or scale to enable the Highways Team to determine the adequacy of the existing access.

10. It is therefore request that a detailed plan showing the proposed site access be provided. In particular it would be useful to illustrate by vehicle tracking or similar, that the large rigid vehicles proposed for use during construction can enter and exit the site in a forward gear without overrunning the verge opposite.

11. Detailed Highway comments are set out in Appendix 2.

Landscape and Visual Impact

12. The County Council is in general agreement with the findings of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant, however raise a number of concerns as follows:

- The Paragraph 3.6 first sentence of paragraph 3.6 should read "The field peaks in the **northwest** corner of the site at approximately 34m Above Ordnance Datum (AOD)" rather than southeast corner.

- With reference to paragraph 3.7 "Construction traffic will access the site from the minor road adjacent to the site's westernboundary to the north east of Orston." Clarification is sought as to at what point will construction vehicles will enter the site and will this require removal of a section of the existing hedgerow?

- Paragraph 3.7 Operational traffic will have access to Lodge Farm on the northern boundary off Longhedge Lane. This area is not within the application area boundary. A yellow zone shown as a compound area and annotated as "concrete" is shown on drawing **General Plant 2.1 Rev 3**. Clarification is sought as to the proposed area of hard standing and whether this will require the removal of any existing hedgerow along Longhedge Lane?

- It is suggested that paragraph 7.40 be expanded to state the approximate timescales. Normal practice is to assess the impact at Year 1 following construction during the winter months and Year 15 during the summer when vegetation is in leaf.

- The swale is described as being along the eastern boundary of the site. However this has not been shown on the drawings. Clarification is sought as to where will the excavated material to create the shale be placed/disposed of?

- It is suggested that Euonymus europeaus be removed from the planting list and replaced with Ligustrum vulgare (Wild privet) which is on the species list for South Nottinghamshire Farmlands County Landscape Character Area.

- It is requested that some larger size **standard** hedgerow trees should be planted within gaps in the existing hedgerow. Areas to be gapped up should be shown on more detailed drawings as part of the planning conditions should consent be granted.

- The grass within the field of solar panels will be cut 3 to 4 times a year. Details are requested as to when and how often will the grass/wildflower field margins be cut each year? What provision for small mammal access and egress is made in the Deer Fence?

13. Detailed Landscape and Visual Impact comments are set out in Appendix 3.

Ecology

14. No designated sites would be affected by the proposals; the nearest SSSI, Orston Plaster Pits is located approximately 1.95km to the south-west, whilst the nearest SINC/LWS, Orston Horse Pasture (ref. no. 5/342) is located approximately 0.73km to the south-west.

15. No significant ecological impacts are predicted, and a number of mitigation measures are recommended, as follows;
    a. Vegetation clearance during the bird nesting season should be controlled.
    b. A pre-construction survey for badgers should be undertaken.
    c. Excavations should be covered overnight or left with a means of escape should mammals become trapped in them.
    d. The Reasonable Avoidance Measures for amphibians provided in Appendix 1 of the Ecological Appraisal should be adhered to.
    e. Hedgerows and trees should be protected during construction

16. A number of site enhancements are recommended, relating to the site landscaping scheme as illustrated on the Planting Plan (L.0259_04-D), as set out in Appendix 4 of this report.

17. In-principle agreement with these suggested amendments to the landscaping scheme should be sought from the applicant at this stage, with the submission of amended details and a landscape management plan secured through conditions.

18. Detailed Ecology comments are set out in Appendix 4.

Overall Conclusions

19. The overall National Planning Policy context in relation to solar farms, as outlined above, is strongly supportive of the principle of renewable energy 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 solar farms lies with district planning authorities.

20. The County Council support the principle of the proposed development in Highways terms, however, request additional information to be submitted in support of the application.

21. The County Council is in general agreement with the findings of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant, however raise a number of concerns as set out in Appendix 3.

22. Overall the County Council supports the proposal in principle, however, objections are raised on the basis that insufficient information has been submitted by the applicant in terms of Highways, Landscape and Visual Impact and Ecology. It is requested that additional information is submitted to address these issues.

Other Options Considered

23. 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

24. It is recognised that significant weight is given to renewable energy at a National and strategic planning level.

25. Overall the County Council supports the proposal in principle, however, objections are raised on the basis that insufficient information has been submitted in relation to Highways, Landscape and Visual Impact and Ecology. It is requested that additional information is provided in order to allow a full assessment of the proposal to be undertaken.

Statutory and Policy Implications

26. 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

27. There are no direct financial implications.

Implications for Sustainability and the Environment

28. 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) It is recommended that the application is deferred to allow the applicant to address the issues raised relating to Highways, Landscape and Visual Impact and Ecology set out in this report.

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 0115 9773793

Financial Comments (SEM 17/10/13)

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

Constitutional Comments (SHB.14.10.13)

30. Committee have power to decide the Recommendation.

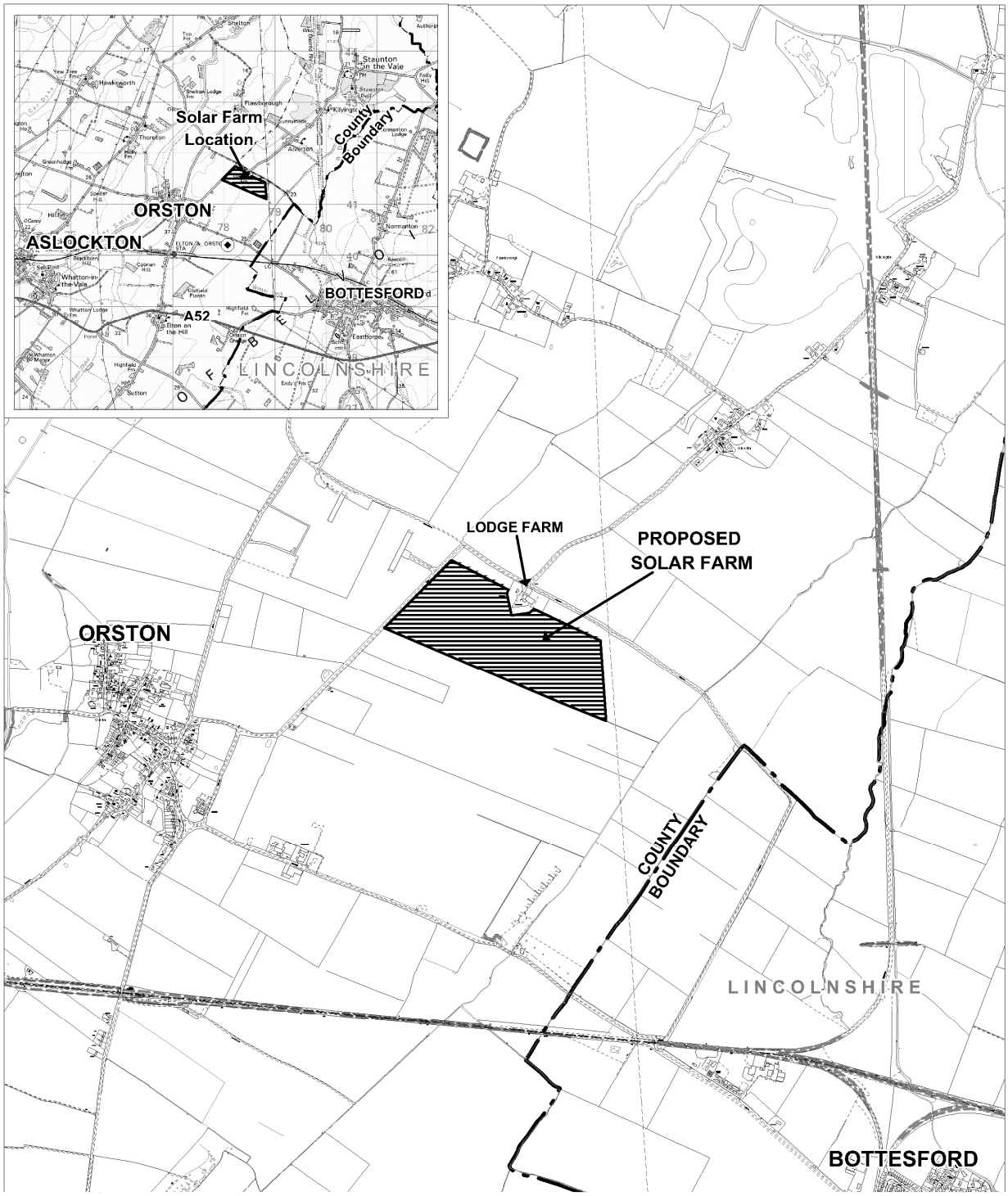
Background Papers and Published Documents

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

Bingham - Councillor Martin Suthers OBE

Appendix 1 – Site Location Plan



Appendix 3 – Detailed Landscape Comments

The proposed development is for a 12MW solar farm on a field, approximately 29.6 ha in size. Arranged in rows on an east to west axis, the solar panels will be 2.5m high at their tallest point, 0.9m at their lowest and be orientated to face south. The area will also accommodate 7no. inverters at approximately 2.3m high, 9no. transformers at 2.6m high, switch gear substations at 2.8m high and several internal access tracks. A 2m high Deer Fence will surround the site, set approximately 6m in from the existing field hedge. CCTV cameras will be positioned inside this fence at 3.5m high. I note that as the existing hedge is to be maintained at a height of 2.5 to 3m the top 0.5 to 1m section of columns and cameras are likely to be visible from parts of Longhedge Lane to the north and Spa Lane to the west. I note that this has not been identified within the LVIA.

I am in general agreement with the findings of the LVIA but have the following comments on the
documents/drawings set out below:

Landscape and Visual Impact Assessment (Lightsource Renewable Energy Limited, 19th July 2013 Pegasus Group)

Paragraph 3.6 First sentence should say *"The field peaks in the* ***northwest*** *corner of the site at approximately 34m Above Ordnance Datum (AOD)"* rather than southeast corner.

Paragraph 3.7 "*Construction traffic will access the site from the minor road adjacent to the site's westernboundary to the north east of Orston."* At what point will construction vehicles enter the site and will this require removal of a section of the existing hedgerow?

Paragraph 3.7 Operational traffic will have access to Lodge Farm on the northern boundary off Longhedge Lane. This area is not within the application area boundary. A yellow zone shown as a compound area and annotated as *"concrete"* is shown on drawing **General Plant 2.1 Rev 3**. Is this a proposed area of hard standing and will this require the removal of any existing hedgerow along Longhedge Lane?

Paragraph 3.20 It would be useful to show the non-landscape designations on a drawing which shows the study area in Appendix 3.

Paragraph 7.40 This paragraph should be expanded to state the approximate timescales. Normal practice is to assess the impact at Year 1 following construction during the winter months and Year 15 during the summer when vegetation is in leaf.

Planning, Design and Access Statement - Page 26 *Swale*

The swale is described as being along the eastern boundary of the site. However this has not been shown on the drawings. Where will the excavated material to create the shale be placed/disposed of?

Page 32 paragraph 6.4 *Appearance*

This paragraph describes the LVIA as having “before” views and “after” visual simulations. I could only find descriptions of the levels of sensitivity, magnitude of change and the significance of effect and no “after” visual simulations.
Planting Plan

Euonymus europeaus should be removed from the planting list and replaced with Ligustrum vulgare *(Wild privet)* which is on the species list for South Nottinghamshire Farmlands County Landscape Character Area.

Some larger size **standard** hedgerow trees should be planted within gaps in the existing hedgerow. Areas to be gapped up should be shown on more detailed drawings as part of the planning conditions should consent be granted.

The grass within the field of solar panels will be cut 3 to 4 times a year. When and how often will the grass/wildflower field margins be cut each year? What provision for small mammal access and egress is made in the Deer Fence?

Alison Stuart
Landscape Architect
Landscape and Reclamation Team
Environment and Resources
Nottinghamshire County Council

Appendix 4 – Detailed Ecology Comments

Re: Orston Solar farm – 13/01609/FUL

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

- The application is supported by an Ecological Appraisal dated 31st July 2013, comprising a desktop study and Extended Phase 1 Habitat Survey.

- No designated sites would be affected by the proposals; the nearest SSSI, Orston Plaster Pits is located approximately 1.95km to the south-west, whilst the nearest SINC/LWS, Orston Horse Pasture (ref. no. 5/342) is located approximately 0.73km to the south-west.

- Surveys indicate that the field in question is arable in nature, extending to 25.1ha in size, and is of low ecological value; however, it is evident that a number of arable farmland bird species, including skylark and yellow wagtail, are likely to be displaced by the solar farm.

- No significant ecological impacts are predicted, and a number of mitigation measures are recommended, as follows;
    - Vegetation clearance during the bird nesting season should be controlled.
    - A pre-construction survey for badgers should be undertaken.
    - Excavations should be covered overnight or left with a means of escape should mammals become trapped in them.
    - The Reasonable Avoidance Measures for amphibians provided in Appendix 1 of the Ecological Appraisal should be adhered to.
    - Hedgerows and trees should be protected during construction

  Appropriate **conditions** should be used to secure these measures.

- In addition, a number of site enhancements are recommended, relating to the site landscaping scheme as illustrated on the Planting Plan (L.0259_04-D);
    - The gapping up of the boundary hedges is welcomed and supported
    - It should be specified that all stock will be of native genetic origin, and ideally of local provenance (and at least from Forestry Commission Seed Zone 402)
    - It appears that a narrow strip of grassland will be sown inside the site security fence. To maximise the biodiversity value of the installation, the entire site should be sown with an appropriate wildflower mix (such as Emorsgate Seed's EM2 Standard General Purpose Meadow Mixture, or Naturescape's N1 General Purpose Meadow Mixture).
    - It addition, there appear to be several relatively large areas within or around the site which could be enhanced, such as a wide strip running north-south through the western part of the site, and a wide strip along the northern and eastern boundaries (outside the security fence). Seeding these areas with a wildflower mix should also be undertaken, assuming that they will no longer be cropped.

- Grassland areas should be managed by mowing once a year at the end of the summer, ideally with arisings removed (or alternatively, by grazing). However, it is appreciated that overshading of the panels needs to be prevented, so it may be acceptable to mow the rides between the panels slightly more frequently if required (but avoiding the period May to July, when plants will be in flower and of maximum benefit to insects), with other areas (as highlighted in the bullet point above) mown just once a year. It is suggested that a brief landscape management plan should be produced, detailing the ongoing management of grassland and hedgerow habitats.

In-principle agreement with these suggested amendments to the landscaping scheme should be sought from the applicant at this stage, with the submission of amended details and a landscape management plan secured through **conditions**.

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

Nick Crouch
Senior Practitioner Nature Conservation

Nottinghamshire County Council

Report to Environment and Sustainability

14 November 2013

Agenda Item: 4 e

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

STRATEGIC PLANNING OBSERVATIONS

Purpose of the Report

1. To provide a summary of the current status of planning consultations received, and being dealt with, by the County Council from Nottinghamshire District and Borough Councils, neighbouring authorities and central government.

Information and Advice

2. Policy, Planning and Corporate Services has received 22 planning consultations during the period 2nd September to the 7th October 2013.

3. Appendix A contains a list of all the planning consultations received during the above period.

Other Options Considered

4. There are no alternative options to consider as the report is for information only.

Reason for Recommendation

5. This report is for information only.

Statutory and Policy Implications

6. 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.

RECOMMENDATION

1) This report is for information only.

Jayne Francis-Ward
Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 0115 97 73793

Background Papers

Individual Consultations and their responses.

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.

Constitutional Comments

7. As this report is for noting only constitutional comments are not required.

Financial Comments

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

Electoral Division(s) and Member(s) Affected

All.

Appendix A – Nottinghamshire County Council: Planning Consultations Received – September to October 2013

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
Ashfield District Council						
11.09.13	Ashfield District Council SCR/2013/0007	Whiteborough Farm, Chesterfield Road, Huthwaite, Sutton in Ashfield	Request a screening opinion – proposed Solar Farm	NW	O	Response sent 3rd October 2013
11.09.13	Ashfield District Council V/2013/0493	Unit 2, Washdyke Lane Workshops, Washdyke Lane, Hucknall	Eleven dwellings and access road	NW	O	Response sent 7th October 2013
13.09.13	Ashfield District Council V/2013/0486	Land at 57 Stoneyford Road, Sutton in Ashfield	Outline application for demolition of existing buildings and erection of a maximum of 50 dwellings	NW	O	Response sent 7th October 2013
17.09.13	Ashfield District Council V/2013/0503	Charles Trent Ltd., Sidings Road, Kirkby in Ashfield	Outline application of a maximum of 84 residential properties	NW	O	Response sent 7th October 2013
Broxtowe Borough Council						
10.10.13	Broxtowe Borough Council 13/00611/OUT	Field at Grid Reference 451088 343782 Kimberley/Eastwood Bypass, Nuthall	Outline planning application with all matters reserved for subsequent approval (except for means of access) for the construction of a mixed use development (outdoor multi-sport lifestyle and recreation facility)	NW	O	On-going

Date Received	ID	Address	Details	Officer Dealing	Response Type	Notes
Bassetlaw District Council						
09.09.13	Bassetlaw District Council 13/00423/FUL	Cottam Wind Farm, Headstead Bank, Cottam	Erection of three 145m (Tip Height) Wind Turbines with associated infrastructure	NW	C	November E & S Committee
13.09.13	Bassetlaw District Council 13/01025/RES	Land West of Ashford Court, Retford	Reserved Matters for the Erection of 198 Dwellings with Associated Infrastructure and Landscaping	NW	O	On-going
Gedling Borough Council						
02.09.13	Gedling Borough Council 2013/0836	Land Cornwater Fields, Longdale Lane	Residential development of up to 70 dwellings including access equipped play area and open space	NW	O	S106 response only
Mansfield District Council						
02.09.13	Mansfield District Council 2013/0435/ST	Land North of Skegby Lane, Mansfield	Outline application with all matters reserved for residential development (re submission of planning application reference 2013/0224/ST)	NW	O	On-going
23.09.13	Mansfield District Council 2013/0360/PR	Land off Clipstone Road East, Forest	Housing Development and improvements to existing	NW	O	On-going

		Town	sports and social facilities			
03.10.13	Mansfield District Council 2013/0482/ST	Land off Briar Lane, Mansfield	Erection of 30 No. Dwellings and Associated Access Roads and Sewers	NW	O	On-going
Date Received	**ID**	**Address**	**Details**	**Officer Dealing**	**Response Type**	**Notes**
Rushcliffe Borough Council						
02.09.13	Rushcliffe Borough Council 13/01080/FUL	Land South of Selby Lane, Keyworth	The erection of 14 dwellings on land south of Selby Lane	NW	O	On-going
02.09.13	Rushcliffe Borough Council 13/01074/OUT	Land to the north of Willow Brook Primary School, Willow Brook, Keyworth	Residential development of up to 35 dwellings with associated landscaping and infrastructure	NW	O	On-going
13.09.13	Rushcliffe Borough Council 13/01730/FUL	Land South West of, Whatton Manor Stud, Manor Lane, Whatton	Erection of 1 no. 500kw wind turbine measuring 50m to the hub and 77m to the blade tip	NW	C	November E & S Committee
19.09.13	Rushcliffe Borough Council 13/01812/FUL	Land to North of, Longhedge Lane, Flawborough	Anaerobic digestion renewable energy facility; associated landscaping and vehicular access	EMc	O	Response sent 3rd October 2013
23.09.13	Rushcliffe Borough Council 13/01820/FUL	Land to East of Works Farm, Works Lane, Barnstone	Erection of agricultural anaerobic digestion plant to include digester and storage tanks, 3 agricultural storage	EMc	O	Response sent 3rd October 2013

			clamps, feed hopper, CHP container unit, technical buildings, sub station, separator and drier			
Nottingham City Council						
07.10.13	Nottingham City Council		Nottingham City's New Local Plan – Preferred Option Consultation (Land and Planning Policies Document)	NW	C	December E & S Committee
Date Received	**ID**	**Address**	**Details**	**Officer Dealing**	**Response Type**	**Notes**
Newark and Sherwood District Council						
02.09.13	Newark & Sherwood District Council 13/00938/FUL	Mill Farm Cottage, Great North Road, Weston, Newark on Trent	Erection of 1 no. 500kW wind turbine with a maximum height of 79m	NW	C	November E & S Committee
17.09.13	Newark & Sherwood District Council 13/01279/FUL	South Forest Farm, Clipstone Road, Edwinstowe	The demolition of redundant buildings and the construction of a boarding kennel block with reception area, grooming and dog training centre (re-submission of 13/00567/FUL)	NW	O	On-going
18.09.13	Newark & Sherwood District Council		Public Consultation on the Gypsy and Traveller Development Plan Document (DPD)	NW	O	On-going
18.09.13	Newark & Sherwood District Council		Draft Developer Contributions and Planning Obligations Supplementary Planning Document (SPD)	NW	O	On-going

Other Consultations						
06.09.13	Northamptonshire County Council		Minerals and Waste Local Plan: Final Draft Plan (Proposed Submission Document)	NW	C	November E & S Committee
09.09.13	npower		The Proposed Willington C Gas Pipeline Development Consent Order	NW	O	Response sent 10th September 2013
09.09.13	Smart Wind		Hornsea (Round 3, Zone 4) Offshore Wind Farm	NW	O	Response sent 10th September 2013
Date Received	**ID**	**Address**	**Details**	**Officer Dealing**	**Response Type**	**Notes**
23.09.13	National Grid		Yorkshire and Humber Carbon Capture and Storage (CCS) Cross Country Pipeline: S48(1) Notice of Proposed Nationally Significant Infrastructure Project (NSIP)	NW	O	Response sent 24th September 2013

Response type

C Committee
O Officer

Nottinghamshire County Council

Report to Environment and Sustainability Committee

14 November 2013

Agenda Item: 5

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

ASHFIELD DISTRICT COUNCIL LOCAL PLAN PUBLICATION DOCUMENT 2013 – CONSULTATION

Purpose of the Report

1. To seek Committee ratification for the formal response (set out in Appendix 3) which was sent to Ashfield District Council (ADC) on the 30th September 2013 in response to the request for comments on the Ashfield Local Plan Publication Consultation document (2013).

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the Ashfield Local Plan Publication Consultation document (2013) 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 Ashfield District Council. The consultation period extends for 6 weeks from the 16th August until the 30th September 2013.

3. Appendix 1 contains a list of the proposed local plan policies. Appendix 2 provides the County's detailed Representation form.

4. At this stage representations should relate to the requirements of legal compliance or the 'soundness' of the local plan. The legal requirements include that the Local Plan is subject to a sustainability appraisal, and has regard to national planning policy and the authority's community strategy. The tests of soundness include the local plan being justified, effective, positively prepared and consistent with national planning policy; the National Planning Policy Framework (NPPF).

5. The National Planning Policy Framework and the Localism Act encompass the principles of sustainable development, the interests of local authorities and neighbourhoods. There are three aspects to Sustainable development described in the NPPF, giving rise to three roles of the planning system:

   - an economic role –
     - building a strong, responsive and competitive economy,

- ensuring that land is available to support growth and innovation;
- identifying and coordinating appropriate infrastructure;

- a social role –
  - supporting strong, vibrant and healthy communities,
  - providing sufficient housing for present and future generations;
  - creating a high quality built environment,
  - providing accessible local services that reflect the community's needs and well-being;
- an environmental role –
  - protecting and enhancing our natural, built and historic environment;
  - helping to improve biodiversity,
  - helping use natural resources prudently and minimise waste and pollution;
  - mitigating and adaptation to climate change;
  - helping moves to a low carbon economy.

6. The Soundness of a Local Plan depends partly upon it being able to:

   - positively seek opportunities to meet the development needs of the area and
   - meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
     — any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
     — specific policies in [the NPPF] indicate development should be restricted.

7. Any comments made by the County Council can only relate to the tests of soundness and therefore will need to address these issues and these alone.

8. All valid representations received by the Ashfield District Council will be submitted to a Planning Inspector who will then conduct a public examination of the Local Plan. The Plan can only be adopted if it is found to be 'sound' at examination.

<u>Nottinghamshire County Council Property Interests</u>

9. The County Council's property team submitted a response to the consultation in September 2013 regarding the County Council's land interests at Broomhill Farm, Hucknall and land adjacent to the proposed Lyndhust Development close to Rushley Farm, Mansfield. The property team have objected to the Ashfield Local Plan for two reasons:

   a. The area of land adjacent to 'Lyndhurst' is currently identified as 'Countryside' and would therefore restrict a comprehensive development of that area; and

   b. The wording of Policy HG1 (including site HG1Hr – Broomhill Farm) has diluted the policy considerably and the County Council Property Team consider that the policy is now ambiguous, ineffective and unjustified. It is also inconsistent with the National Planning Policy Framework.

The Ashfield Local Plan Publication Consultation document (2013)

Key Issues for Nottinghamshire

10. Nottinghamshire County Council has a significant interest in the production of a Local Plan for the Ashfield District Area. The County is a strategic planning authority and in terms of service provision and the interests of its residents, community groups and businesses, as well as the concerns of the environment and heritage assets within the county it is important that the up-to-date, relevant and robust plans are out in place to ensure, and assist the County Council, in meetings it service requirements and helping to make Nottinghamshire a prosperous place.

Overall Housing Provision

11. The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide for five years worth of housing against their requirements. Details of the five year land supply for Ashfield are set out in the Strategic Housing Land Availability Assessments (SHLAAs) and the Housing Technical Paper, and will be monitored and updated in subsequent Housing Land Monitoring reports.

12. Ashfield District Council have adopted a sequential approach to residential site identification based on national guidance to plan for development in sustainable locations, and in accordance with Policy SP2, Strategy for Growth. All sites have been assessed as being 'deliverable', that is, 'suitable, available and achievable', as required by the National Planning Policy Framework and have been identified to minimise the loss of Countryside and Green Belt areas

13. The test of soundness encompasses the above, and the evidence presented by Ashfield District Council is designed to demonstrate that the tests are met, as well as demonstrating clearly how the housing provision level has been produced.

14. Overall, provision in Ashfield District, as set out in Policy HG1 amounts to 7640 dwellings over the Plan period 2010-2024. This is split as follows:

    - Hucknall – 2460
    - Sutton/Kirkby – 4438
    - Villages - 742

15. In terms of affordable housing provision, Policy HG3 sets out the following:

	Dwelling Threshold	**& required**
Hucknall	15 or more	25

Sutton/Kirkby	15 or more	10
Selston, Jacksdale & Underwood	4 or more	25

16. There is currently a shortfall of authorised Gypsy and Traveller sites throughout the East Midlands, although Ashfield District only has a small Traveller population. The Local Plan Publication sets out in Policy HG2, a provision of 8 pitches at Park Lane, Kirkby-in-Ashfield for a Gypsy, Traveller and Travelling show people site. This has been evidence through a through a local Gypsy and Traveller Accommodation Assessment (GTAA) which will be reviewed and updated on a regular basis.

Comment:

17. The County Council consider the number of dwellings proposed during the plan period is broadly acceptable.

The Plan Period

18. The plan period cover by the Ashfield Local Plan is up to 2024, a life span of 10 years. With regard to planning strategically across Nottinghamshire it is considered more beneficial to plan for a longer time period. The NPPF, paragraph 157 seeks to encourage Local Plans to be positively planned and to cover an appropriate timescale, preferably 15 years, in order to take into account longer term development requirements.

Comments:

19. The County Council considers that the plan period would benefit from being longer to allow for planning across the whole of Nottinghamshire and to bring it in line with other District and Borough Councils in the County. This would then allow neighbouring District and Borough Councils to plan effectively beyond 2024. It is considered that the plan is therefore not positively prepared and as such unsound.

Developer Contributions

20. Ashfield District Council have adopted (Policy SD4) a 'Whole Life Costing' approach which is the systematic consideration of all relevant costs and revenues associated with the acquisition and ownership of an asset. Knowledge of an asset's costs over its full life span is important in achieving best value from both the capital costs of constructing the asset and the ongoing costs of operating it.

21. The infrastructure need generated by a proposed development is a material consideration in the determination of a planning application. The capacity of existing infrastructure may be exceeded as a consequence of new development, generating a need for new infrastructure or facilities. The use of planning obligations may be appropriate to require developers to make contributions for the provision of infrastructure to support proposed development.

22. Ashfield District Council is preparing an Infrastructure Delivery Plan which will seek to deliver not only the Local Plan's vision and objectives but also the priorities and objectives of public bodies and service providers where delivery is through the planning system. The Infrastructure Delivery Plan will be reviewed and revised on a regular basis to reflect changing needs and requirements. It will inform the nature of the infrastructure required in relation to any development.

23. The Ashfield Local Plan publication recognises that in certain circumstances, additional developer contributions may need to be sought through planning obligations following the introduction of the Community Infrastructure Levy (CIL).

Comment:

24. The Ashfield approach is welcomed and the County Council would seek to ensure that all the impact on its services and infrastructure from future development in the plan area is met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123 list insofar as it relates to County Council services and infrastructure.

<u>Ecology</u>

25. Ashfield DC have set out in their approach to ecology in Policy EV4 'Green Infrastructure, Biodiversity and Geological Conservation'. The local approach to Green Infrastructure and Biodiversity is set out in the Council's Green Infrastructure and Biodiversity Strategy. This examines the connectivity of green spaces at a local level and identifies green infrastructure network opportunities and ensures that the Green Infrastructure network is protected and enhanced.

26. The approach seeks to ensure that development proposals should particularly seek to contribute towards the objectives for priority habitats and species identified in the Nottinghamshire Biodiversity Action Plan (BAP) and the protection, identified in the Ashfield Green Infrastructure and Biodiversity Strategy. Proposals that could affect a site of value for biodiversity or geological conservation must be accompanied by sufficient information to assess the effects of development on protected sites, species, biodiversity or geology, together with any proposed prevention, mitigation or compensation measures.

Comment:

27. The County Council considered that the Ashfield Local Plan DPD Publication Document is sound and legally compliant in relation to ecological issues. Detailed ecological comments are set out in Appendix 3 of this document and relate to minor matters.

<u>Landscape and Visual Impact</u>

28. Ashfield set out their approach to the landscape and its character primarily at Policy EV1, EV2 and EV12, which seeks to ensure new all development protects and enhances the landscape. The approach is supported by a Landscape Character Assessment (2009) which evaluated and recorded the landscape quality of the Greater Nottingham area. The study covers the whole of Ashfield, excluding urban areas. The Assessment is an important decision making tool,

which systematically classifies the landscape into distinctive areas based on the interaction between topography, geology, land use, vegetation pattern and human influence. Its role is to ensure that future change does not undermine the characteristics or features of value within a landscape. Landscape Character Assessment is an approach that makes a significant contribution to the sustainable objectives of environmental protection; prudent use of natural resources; and maintaining and enhancing the quality of life for present and future generations.

Comment:

29. The County Councils consider that the approach to landscape, as set out in the Ashfield DC Local Plan is sound and legally compliant. Detailed landscape and visual impact comments are set out in Appendix 4 and relate to minor matters.

Overall Conclusions

30. The County Council consider the plan to be unsound in terms of its plan period that is not positively prepared in relation to its limited 10 year lifespan. In addition there are a number of minor matters that the County Council would recommend are incorporated into the plan, in relation to landscape and visual impacts and ecology.

Other Options Considered

31. As the consultation requires representations to be made on the soundness of the plan the only other option was not to make representations. This was considered and rejected, as the evidence behind the CS is currently inadequate and the County Council wishes to raise issues of soundness in relation to the plan period.

Reason for Recommendation

32. Having assessed the Ashfield Local Plan Publication Consultation document against the tests of soundness and as set out in paragraphs 9-28 above, it is considered that the document is not sound as the plan period is not considered to be positively prepared.

Statutory and Policy Implications

33. 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

34. There are no direct financial implications.

Implications for Sustainability and the Environment

35. The failure to consider the representations of the County Council on strategic planning and transport matters could lead to unsustainable development taking place, possibly without the adequate context of an adopted Local Plan. The education and transport interests of the County Council as service provider could also be compromised by the lack of a suitable Local Plan or Local Development Framework.

RECOMMENDATION

1) That Committee ratify the officer response (set out in Appendix 3) which was sent to Ashfield District Council on the 30th September 2013.

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 (SHB.15.10.13)

36. Committee have power to decide the Recommendation.

Financial Comments (SEM 17/10/13)

37. 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

Hucknall - Councillor Alice Grice
Hucknall – Councillor John Wilkinson
Hucknall – Councillor John Wilmott
Kirkby-in-Ashfield North – Councillor John Knight
Kirkby-in-Ashfield South – Councillor Rachel Madden
Selston – Councillor Gail Turner
Sutton-in-Ashfield Central – Councillor David Kirkham
Sutton-in-Ashfield East – Councillor Steve Carroll
Sutton-in-Ashfield North – Councillor Jason Zadrozny
Sutton-in-Ashfield West – Councillor Tom Hollis

Appendix 1 – Local Plan Policies

- Policy SP1: Sustainable Development Principles
- Policy SP2: Overall Strategy for Growth
- Policy SP3: Settlement and Town Centre Hierarchy
- Policy SPH1: Hucknall Green Infrastructure
- Policy SPH2: Hucknall Housing Growth
- Policy SPH3: Hucknall Economy and Jobs
- Policy SPH4: Hucknall Town Centre
- Policy SPSK1: Green Infrastructure in and around Sutton-in-Ashfield and Kirkby-in-Ashfield
- Policy SPSK2: Sutton-in-Ashfield and Kirkby-in-Ashfield Housing Growth
- Policy SPSK3: Sutton-in-Ashfield and Kirkby-in-Ashfield Economy and Jobs
- Policy SPSK4: Sutton-in-Ashfield and Kirkby-in-Ashfield Town Centres
- Policy SPV1: Green Infrastructure in and round Selston, Jacksdale and Underwood
- Policy SPV2: Selston, Jacksdale and Underwood Housing Growth
- Policy SPV3: Selston, Jacksdale and Underwood Economy and Jobs
- Policy CC1: Energy Use, Renewable and Low Carbon Energy Generation
- Policy CC2: Water Resource Management
- Policy CC3: Flood Risk
- Policy EV1: Green Belt
- Policy EV2: Countryside
- Policy EV3: Re-se or Adaptation of Existing Buildings in the Green Belt and Countryside
- Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation
- Policy EV5: Protection of Green Spaces and Recreation Facilities
- Policy EV6: Protection of Open Areas
- Policy EV7: Trees, Woodland and Hedgerows
- Policy EV8: Provision and Protection of Allotments
- Policy EV9: Recreational Equine Development
- Policy EV10: Agricultural Land Quality
- Policy EV11: The Historic Environment
- Policy EV12: Protection and Enhancement of Landscape Character
- Policy PJ1: Business and Economic Development
- Policy PJ2: Business and Employment Development Sites
- Policy PJ3: Rural Business Development
- Policy PJ4: Agricultural, Forestry or Horticultural Development Farm Diversification and Commercial Equine Development
- Policy PJ5: Education Skills and Training
- Policy SH1: Retail, Leisure and Commercial Development and Town Centre Uses
- Policy SH2: Local Shopping Centres, Shopping Parades and Single Shops
- Policy SH3: Food, Drink and the Evening Economy
- Policy HG1: Housing Land Allocations
- Policy HG2: Provision for Gypsies, Travellers and Travelling Showpeople

- Policy HG3: Affordable Housing
- Policy HG4: Public Open Space in New Residential Developments
- Policy HG5: Housing Mix and Density
- Policy HG6: Conversions to Houses in Multiple Occupation, Flats and Bedsits
- Policy HG7: Residential Annexes
- Policy HG8: Residential Extensions
- Policy SD1: Good Design Considerations for Development
- Policy SD2: Amenity
- Policy SD3: Recycling and Refuse Provision in New Development
- Policy SD4: Infrastructure Provision and Developer Contributions
- Policy SD5: Telecommunications
- Policy SD6: Contaminated Land and Unstable Land
- Policy SD7: Environmental Protection
- Policy SD8: Traffic Management and Highway Safety
- Policy SD9: Parking
- Policy SD10: Advertisements
- Policy SD11: Provision and Protection of Health and Community Facilities

Appendix 2 – NCC Representation Forms

Submit by Email | Print Form

Ref:

Ashfield Local Plan

Development Plan Document (DPD)

Publication Document Representation Form

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM

Ashfield District Council is seeking your comments on the Publication document of the Ashfield Local Plan. At this stage of the Local Plan process representations should be about whether the Local Plan is legally compliant and sound (see guidance notes).

All representations must be received by the Council by **5.00pm Monday 30th September 2013.**

It is recommended that you complete this form electronically and submit via the email button displayed. Alternatively complete this form and post or deliver it to:
Forward Planning Team, Ashfield District Council, Urban Road, Kirkby In Ashfield, Nottingham NG17 8DA

This form has two parts:

Part A - Personal Details

Part B - Your representations.
If you are making representations on more than one Policy, Paragraph or other aspect, please fill in a separate Part B for each representation you wish to make and attach to Part A

If you wish to submit documents in support of your representation the Council would appreciate receiving these in electronic format to localplan@ashfield-dc.gov.uk

If you require assistance in completing your Representation Form please contact the Forward Planning Team

Tel: 01623 457381 / 01623 457382 / 01623 457383
Email: localplan@ashfield-dc.gov.uk

Data Protection

Any personal details submitted as part of a representation will be processed by Ashfield District Council in accordance with the Data Protection Act 1998 and used in connection with the development and adoption of the Ashfield Local Plan. Please note, the Council cannot accept anonymous responses. All representations received will be made available for public inspection and therefore cannot be treated as confidential. They will also be:

- Published in the public domain
- Published on the Council's website
- Shared with other organisations for the purposes of developing/adopting the Ashfield Local Plan
- Forwarded to the Secretary of State for consideration
- Made available to the independent Inspector appointed by the Secretary of State to examine the Local Plan
- Used by the Inspector to contact you regarding the Examination of the Plan.

When making representations available on the Council's website the Council will remove all telephone numbers, email addresses and signatures.

By submitting your Response Form/representation you agree to your personal details being processed in accordance with the above terms.

Part A

In circumstances where individuals/groups share a similar view, it would be helpful to the Inspector to make a single representation, stating how many people the submission is representing and how the representation was authorised.

1. Personal details*

*If an agent is appointed, only complete your Title, Name & Organisation boxes below but complete the full details of the agent in Section 2

Title	Mrs
First name	Nina
Last name	Wilson
Organisation	Nottinghamshire County Council
Address Line 1	County Hall, West Bridgford, 1st Floor,
Address Line 2	Policy, Planning and Corporate Services
Town	Nottingham
Postcode	NG2 7QP
Telephone Number	0115 977 3793
Email address	nina.wilson@nottscc.gov.uk

2. Agent's details (if applicable)

Title	
First name	
Last name	
Organisation	
Address Line 1	
Address Line 2	
Town	
Postcode	
Telephone Number	
Email address	

Requests for Further Notification

Please tick this box if you wish to be notified when the Local Plan DPD is submitted, upon publication of the Inspector's Report and upon adoption of the Local Plan. ☒

Please tick this box if you wish to be involved in the preparation of future plans and policies. ☒

Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number		Policy number	SD4	Policies Map		Other	

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

(1) Positively Prepared ☐

(2) Justified ☐

(3) Effective ☐

(4) Consistent with national policy ☐

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

...continue on a separate sheet if necessary.

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the pulication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

The Ashfield approach to Developer Contributions/S106, is welcomed, however the shorter plan period may raise issues with regards to positive planning in the longer term. The County Council would seek to ensure that all the impact on its services and infrastructure from future development in the plan area is met either through CIL or planning obligations. The County Council would welcome involvement in the development of any CIL(s), in particular with the drawing up of the CIL Regulation 123 list insofar as it relates to County Council services and infrastructure.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

☒ **No,** I do not wish to participate at the oral examination

☐ **Yes,** I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Signature: Nina Wilson

Date: 24 Sep 2013

Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number 1.5 Policy number ☐ Policies Map ☐ Other ☒

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☐ No ☒

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☐ No ☒

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

(1) Positively Prepared ☒

(2) Justified ☐

(3) Effective ☐

(4) Consistent with national policy ☒

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

The plan period covered by the ADC Local Plan is up to 2024, a life span of 10 years. With regard to planning strategically across Nottinghamshire it is considered more beneficial to plan for a longer time frame. The National Planning Policy Framework (NPPF), paragraph 157 seeks to encourage Local Plans to be positively planned and to cover an appropriate timescale, preferably 15 years in order to take into account longer term development requirements.

It is considered that the plan period would benefit from being longer to allow for planning across the whole of Nottinghamshire and to bring it broadly in line with other District and Borough Councils in the County. This would then allow neighbouring District and Borough Councils to plan effectively beyond 2024.

...continue on a separate sheet if necessary.

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the pulication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See response to Section 4 above.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

☒ **No,** I do not wish to participate at the oral examination

☐ **Yes,** I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number ☐ Policy number HG1 Policies Map ☐ Other ☐

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

(1) Positively Prepared ☐

(2) Justified ☐

(3) Effective ☐

(4) Consistent with national policy ☐

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

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5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the pulication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Overall the number of proposed dwellings is broadly acceptable, as such this approach is acceptable in policy terms.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

☒ **No,** I do not wish to participate at the oral examination

☐ **Yes,** I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Submit by Email | Print Form

Ref:

Ashfield Local Plan

Development Plan Document (DPD)

Publication Document Representation Form

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM

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All representations must be received by the Council by **5.00pm Monday 30th September 2013.**

It is recommended that you complete this form electronically and submit via the email button displayed. Alternatively complete this form and post or deliver it to:
Forward Planning Team, Ashfield District Council, Urban Road, Kirkby In Ashfield, Nottingham NG17 8DA

This form has two parts:

Part A - Personal Details

Part B - Your representations.
If you are making representations on more than one Policy, Paragraph or other aspect, please fill in a separate Part B for each representation you wish to make and attach to Part A

If you wish to submit documents in support of your representation the Council would appreciate receiving these in electronic format to localplan@ashfield-dc.gov.uk

If you require assistance in completing your Representation Form please contact the Forward Planning Team

Tel: 01623 457381 / 01623 457382 / 01623 457383
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- Published in the public domain
- Published on the Council's website
- Shared with other organisations for the purposes of developing/adopting the Ashfield Local Plan
- Forwarded to the Secretary of State for consideration
- Made available to the independent Inspector appointed by the Secretary of State to examine the Local Plan
- Used by the Inspector to contact you regarding the Examination of the Plan.

When making representations available on the Council's website the Council will remove all telephone numbers, email addresses and signatures.

By submitting your Response Form/representation you agree to your personal details being processed in accordance with the above terms.

Part A

In circumstances where individuals/groups share a similar view, it would be helpful to the Inspector to make a single representation, stating how many people the submission is representing and how the representation was authorised.

1. Personal details*

*If an agent is appointed, only complete your Title, Name & Organisation boxes below but complete the full details of the agent in Section 2

Title	Mrs
First name	Nina
Last name	Wilson
Organisation	Nottinghamshire County Council
Address Line 1	County Hall, West Bridgford, 1st Floor,
Address Line 2	Policy, Planning and Corporate Services
Town	Nottingham
Postcode	NG2 7QP
Telephone Number	0115 977 3793
Email address	nina.wilson@nottscc.gov.uk

2. Agent's details (if applicable)

Title	
First name	
Last name	
Organisation	
Address Line 1	
Address Line 2	
Town	
Postcode	
Telephone Number	
Email address	

Requests for Further Notification

Please tick this box if you wish to be notified when the Local Plan DPD is submitted, upon publication of the Inspector's Report and upon adoption of the Local Plan. ☒

Please tick this box if you wish to be involved in the preparation of future plans and policies. ☒

Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number ☐ Policy number ☐ Policies Map ☐ Other ☒

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

(1) Positively Prepared ☐

(2) Justified ☐

(3) Effective ☐

(4) Consistent with national policy ☐

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

...continue on a separate sheet if necessary.

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the pulication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Portrait of Ashfield - Some changes have been made to the 'Environmental characteristics' section. Whilst moving the text which refers to nature conservation to the top of this section is welcomed, the information it contains is rather scant when compared to the more detailed information contained in some of the other parts of this section, it is suggest that some of the information contained in the supporting text for Policy EV4 is inserted at this location.

The Vision for Ashfield - It is suggested that this should be reframed to read:

"Ashfield will be a place rich in wildlife, and growth will be accommodated in a manner that achieves the protection, restoration, enhancement and management of environmental assets, including Green Infrastructure networks, priority habitats and populations of priority species."

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

☒ **No,** I do not wish to participate at the oral examination

☐ **Yes,** I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Signature: Nina Wilson

Date: 24 Sep 2013

Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number ☐ Policy number EV4 Policies Map ☐ Other ☐

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

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(1) Positively Prepared ☐

(2) Justified ☐

(3) Effective ☐

(4) Consistent with national policy ☐

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

...continue on a separate sheet if necessary.

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the pulication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation Whilst this policy is supported overall, I previously suggested some changes to improve it, none of which have been addressed. To reiterate:

1. The policy needs to clearly distinguish between the hierarchy of designated nature conservation sites that exist. As currently worded, the policy offers the same level of protection to internationally designated sites as it does to locally designated sites. This change is required to ensure compliance with paragraph 113 of the NPPF, which states that "Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and give appropriate weight to their importance and the contributions they make to wider ecological networks". It therefore appears that this policy is not compliant with the NPPF.

2. As worded, the policy does not appear to be compliant with the Conservation of Habitats and Species Regulations 2010 (as amended), in relation to internationally designated sites; Part 1 of Government Circular 01/2005 is highlighted in this respect, and it is suggested that close attention should be paid to the conclusions of the Habitats Regulations Assessment which has been carried out in support of this document.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

☒ **No,** I do not wish to participate at the oral examination

☐ **Yes,** I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

n/a

...continue on a separate sheet if necessary.

Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number ☐ Policy number EV4 Policies Map ☐ Other ☐

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

(1) Positively Prepared ☐

(2) Justified ☐

(3) Effective ☐

(4) Consistent with national policy ☐

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

...continue on a separate sheet if necessary.

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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3. Reference needs to be made to the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species as listed in the UK Biodiversity Action Plan, and as required by the NPPF in paragraph 117. This is partially addressed by section 2, but it is suggested that some extra text is required to read "…They should maximise opportunities for creation, restoration, enhancement and connection of natural habitats and for the recovery of important species".

4. Ecological networks, wildlife corridors and stepping stones (as also referenced in paragraph 117 of the NPPF) are considered to be adequately addressed through the section of the policy that deals with Green Infrastructure, although it might be helpful to explicitly highlight these in section 1 of the policy.

5. In sections 3, 4, 5 and 6, reference to 'geodiversity' should be included.

6. In section 5, reference to priority species and habitats should be added in, as well as to protected species.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

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7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Submit by Email | Print Form

Ref:

Ashfield Local Plan

Development Plan Document (DPD)

Publication Document Representation Form

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM

Ashfield District Council is seeking your comments on the Publication document of the Ashfield Local Plan. At this stage of the Local Plan process representations should be about whether the Local Plan is legally compliant and sound (see guidance notes).

All representations must be received by the Council by **5.00pm Monday 30th September 2013.**

It is recommended that you complete this form electronically and submit via the email button displayed. Alternatively complete this form and post or deliver it to:
Forward Planning Team, Ashfield District Council, Urban Road, Kirkby In Ashfield, Nottingham NG17 8DA

This form has two parts:

Part A - Personal Details

Part B - Your representations.
If you are making representations on more than one Policy, Paragraph or other aspect, please fill in a separate Part B for each representation you wish to make and attach to Part A

If you wish to submit documents in support of your representation the Council would appreciate receiving these in electronic format to localplan@ashfield-dc.gov.uk

If you require assistance in completing your Representation Form please contact the Forward Planning Team

Tel: 01623 457381 / 01623 457382 / 01623 457383
Email: localplan@ashfield-dc.gov.uk

Data Protection

Any personal details submitted as part of a representation will be processed by Ashfield District Council in accordance with the Data Protection Act 1998 and used in connection with the development and adoption of the Ashfield Local Plan. Please note, the Council cannot accept anonymous responses. All representations received will be made available for public inspection and therefore cannot be treated as confidential. They will also be:

- Published in the public domain
- Published on the Council's website
- Shared with other organisations for the purposes of developing/adopting the Ashfield Local Plan
- Forwarded to the Secretary of State for consideration
- Made available to the independent Inspector appointed by the Secretary of State to examine the Local Plan
- Used by the Inspector to contact you regarding the Examination of the Plan.

When making representations available on the Council's website the Council will remove all telephone numbers, email addresses and signatures.

By submitting your Response Form/representation you agree to your personal details being processed in accordance with the above terms.

Part A

In circumstances where individuals/groups share a similar view, it would be helpful to the Inspector to make a single representation, stating how many people the submission is representing and how the representation was authorised.

1. Personal details*

*If an agent is appointed, only complete your Title, Name & Organisation boxes below but complete the full details of the agent in Section 2

Title	Mrs
First name	Nina
Last name	Wilson
Organisation	Nottinghamshire County Council
Address Line 1	County Hall, West Bridgford, 1st Floor,
Address Line 2	Policy, Planning and Corporate Services
Town	Nottingham
Postcode	NG2 7QP
Telephone Number	0115 977 3793
Email address	nina.wilson@nottscc.gov.uk

2. Agent's details (if applicable)

Title	
First name	
Last name	
Organisation	
Address Line 1	
Address Line 2	
Town	
Postcode	
Telephone Number	
Email address	

Requests for Further Notification

Please tick this box if you wish to be notified when the Local Plan DPD is submitted, upon publication of the Inspector's Report and upon adoption of the Local Plan. ☒

Please tick this box if you wish to be involved in the preparation of future plans and policies. ☒

Part B - Please use a separate sheet for each representation

Guidance notes to assist in completing the Local Plan Representation Form are available on the website or by post upon request

Your Name and Organisation Nottinghamshire County Council

Please answer the questions below and clearly explain your comments in the relevant sections.
Use one form per comment.

1. To which part of the Local Plan does this representation relate? (please state)

Paragraph number 9.83 Policy number EV4 Policies Map ☐ Other ☐

2. Do you consider the Local Plan is Legally Compliant? (see guidance notes)

Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

If you have entered No please answer question 3a

3a. The Local Plan is unsound because it is not:

(1) Positively Prepared ☐

(2) Justified ☐

(3) Effective ☐

(4) Consistent with national policy ☐

4. Please give details of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible.

n/a

...continue on a separate sheet if necessary.

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the issues you have identified. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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It is suggested that paragraph 9.83 should make reference to habitats and species listed under section 41 of the Natural Environment and Rural Communities Act 2006 - so-called habitats and species of principal importance for conservation in England. Furthermore, it is noted that the supporting text no longer states that "The protection and enhancement of … locally designated areas such as … Sites of Importance for Nature Conservation (SINC) … is vital."This is a rather perplexing change, and weakens the document.

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

☒ **No,** I do not wish to participate at the oral examination

☐ **Yes,** I do wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine who will be invite to speak at the examination hearing sessions.

...continue on a separate sheet if necessary.

Signature: Nina Wilson

Date: 24 Sep 2013

Part B - Please use a separate sheet for each representation

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Your Name and Organisation Nottinghamshire County Council

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Use one form per comment.

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Yes ☒ No ☐

3. Do you consider the Local Plan is Sound? (see guidance notes)

Yes ☒ No ☐

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NCC previously highlighted a number of instances where development was proposed for areas covered by local nature conservation designations (i.e. sites designated as SINCs). These were the Rolls Royce site at Hucknall (HG1MUa); the employment land allocations at Huthwaite (particularly PJ2Sa) and Summit Colliery (PJ2Kc, which has now been granted planning permission). It is, however, pleasing to note that a proposed housing allocation on Hall Green Grassland SINC 1/49 between Selston and Pinxton is no longer included.

Concerns were also previously highlighted in relation to Rushley Farm, as this site will have a potential to conflict with the prospective Sherwood SPA - of which there is still no reference to in document. The site abuts an area known to support breeding Nightjar (and potentially also breeding Woodlark), and as such the development of this site would have to be very carefully planned to avoid impacts on these species. Again, it is assumed this is covered in the Habitats Regulations Assessment.

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6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

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Use one form per comment.

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Paragraph number ☐ Policy number ☐ Policies Map ☐ Other ☒

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Yes ☒ No ☐

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Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following the pulication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Page 18: Obese children in Year 6. The figures for 08/09 in the brackets should be 18.2% for Ashfield and 18.3% for England

The Health Impact Assessment undertaken rates access to healthy affordable food as red. The plan currently does not address this or identify actions to improve this such as restricting fast food outlets.

There is no reference to the Nottinghamshire Joint Strategic Needs Assessment (JSNA) or the Nottinghamshire Health and Wellbeing Strategy.

The documents sets out the poorer health of residents in Ashfield than other parts of the country however planning for health improvement/healthy lifestyles did not seem to be integral and needs to be reinforced within the plan

...continue on a separate sheet if necessary.

6. If your representation is seeking a change to the Local Plan, do you consider it necessary to participate at the oral part of the examination? (please tick box)

☒ **No,** I do not wish to participate at the oral examination

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...continue on a separate sheet if necessary.

Appendix 3 – Detailed Ecology Comments

From: Nick Crouch, Senior Practitioner Nature Conservation, Conservation Team, Floor 6, TBH
To: Nina Wilson, Strategic Planning
Date: 2 September 2013

Re: Ashfield Local Plan 2010-2023 – Preferred Approach: ecology Comments

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, which have been made with reference to previous comments provided in October 2012:

Introduction

Reference is made in paragraphs 1.17 to the production of a Habitats Regulations Assessment. Again, I cannot find this on the ADC website, and it is assumed that Natural England have been/will be consulted on this.

A Portrait of Ashfield

Some changes have been made to the 'Environmental characteristics' section. Whilst moving the text which refers to nature conservation to the top of this section is welcomed, the information it contains is, in my opinion, still rather scant when compared to the more detailed information contained in some of the other parts of this section, and I again suggest that some of the information contained in the supporting text for Policy EV4 is inserted at this location.

The Vision for Ashfield

My suggested changes to the wording of the penultimate paragraph have not been made. I suggested that this should be reframed to read:

"*Ashfield will be a place rich in wildlife, and growth will be accommodated in a manner that achieves the protection, restoration, enhancement and management of environmental assets, including Green Infrastructure networks, priority habitats and populations of priority species*."

Policy SP1 – Sustainable Development Principles

Clarification relating to the definition of 'sustainable development' has been provided, which is welcomed.

Policy EV4: Green Infrastructure, Biodiversity and Geological Conservation

Whilst this policy is supported overall, I previously suggested some changes to improve it, none of which have been addressed. To reiterate:

1. The policy needs to clearly distinguish between the hierarchy of designated nature conservation sites that exist. As currently worded, the policy offers the same level of protection to internationally designated sites as it does to locally designated sites.

This change is required to ensure compliance with paragraph 113 of the NPPF, which states that "*Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and give appropriate weight to their importance and the contributions they make to wider ecological networks*". It therefore appears that this policy is not compliant with the NPPF.

2. As worded, the policy does not appear to be compliant with the Conservation of Habitats and Species Regulations 2010 (as amended), in relation to internationally designated sites; Part 1 of Government Circular 01/2005 is highlighted in this respect, and it is suggested that close attention should be paid to the conclusions of the Habitats Regulations Assessment which has been carried out in support of this document.

3. Reference needs to be made to the preservation, restoration and re-creation of priority habitats and the protection and recovery of priority species as listed in the UK Biodiversity Action Plan, and as required by the NPPF in paragraph 117. This is partially addressed by section 2, but it is suggested that some extra text is required to read "…*They should maximise opportunities for creation, restoration, enhancement and connection of natural habitats* ***and for the recovery of important species***".

4. Ecological networks, wildlife corridors and stepping stones (as also referenced in paragraph 117 of the NPPF) are considered to be adequately addressed through the section of the policy that deals with Green Infrastructure, although it might be helpful to explicitly highlight these in section 1 of the policy.

5. In sections 3, 4, 5 and 6, reference to 'geodiversity' should be included.

6. In section 5, reference to priority species and habitats should be added in, as well as to protected species.

In addition, it is suggested that paragraph 9.83 should make reference to habitats and species listed under section 41 of the Natural Environment and Rural Communities Act 2006 - so-called habitats and species of principal importance for conservation in England.

Furthermore, it is noted that the supporting text no longer states that "*The protection and enhancement of … locally designated areas such as … Sites of Importance for Nature Conservation (SINC) … is vital.*" This is a rather perplexing change, and weakens the document.

Proposals Map

I previously highlighted a number of instances where development was proposed for areas covered by local nature conservation designations (i.e. sites designated as

SINCs). These were the Rolls Royce site at Hucknall (HG1MUa); the employment land allocations at Huthwaite (particularly PJ2Sa) and Summit Colliery (PJ2Kc, which has now been granted planning permission). It is, however, pleasing to note that a proposed housing allocation on Hall Green Grassland SINC 1/49 between Selston and Pinxton is no longer included.

Concerns were also previously highlighted in relation to Rushley Farm, as this site will have a potential to conflict with the prospective Sherwood SPA - of which there is still no reference to in document. The site abuts an area known to support breeding Nightjar (and potentially also breeding Woodlark), and as such the development of this site would have to be very carefully planned to avoid impacts on these species. Again, it is assumed this is covered in the Habitats Regulations Assessment.

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

Nick Crouch
Senior Practitioner Nature Conservation
For more information please contact: Nick Crouch (0115 969 6520)

Appendix 4 – Detailed Landscape and Visual Comments

Nina,

I have no comments to make on the above document with reference to landscape issues, except for the following minor points:-

Page 10 - Figure 3 - Spelling error Newark

Page 129 - the reference should be to Policy EV12 and not to Policy EV4

The Glossary refers to Mature Landscape Areas (Page 229) but this designation is no longer referred to in the Nottinghamshire Landscape Character Assessment, the glossary does not define Landscape Character Assessment which would be more useful as it is referred to in the document.

Helen Jones

Nottinghamshire County Council

Report to Environment and Sustainability Committee

14 November 2013

Agenda Item: 6

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

STRATEGIC PLANNING REPONSE TO THE PARTIAL REVIEW OF THE NORTHAMPTONSHIRE MINERALS AND WASTE LOCAL PLAN

Purpose of the Report

1. To seek Committee ratification for comments sent to Northamptonshire County Council on the 31st October 2013 in response to their request for strategic planning observations on the Partial Review of their Minerals and Waste Local Plan (2013).

Information and Advice

2. Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the above document 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 Northampton County Council in their role as Minerals and Waste Planning Authority. A copy of the spatial strategy diagrams for minerals and waste are provided at Appendix 1 and 2 respectively.

3. The Partial Review is accompanied by a Sustainability Appraisal (SA), a Habitats Regulation Assessment (HRA), a Local Aggregates Assessment (LAA) and a range of other supporting documents. This report is based on the information and evidence submitted with the Partial Review and in the context of national, regional and local policy.

4. At this stage representations should relate to the requirements of legal compliance or the 'soundness' of the local plan. The legal requirements include that the Local Plan is subject to a sustainability appraisal, and has regard to national planning policy and the authority's community strategy. The tests of soundness include the local plan being justified, effective, positively prepared and consistent with national planning policy; the National Planning Policy Framework (NPPF).

5. The National Planning Policy Framework and the Localism Act encompass the principles of sustainable development, the interests of local authorities and

neighbourhoods. There are three aspects to Sustainable development described in the NPPF, giving rise to three roles of the planning system:

- an economic role –
  - building a strong, responsive and competitive economy,
  - ensuring that land is available to support growth and innovation;
  - identifying and coordinating appropriate infrastructure;
- a social role –
  - supporting strong, vibrant and healthy communities,
  - providing sufficient housing for present and future generations;
  - creating a high quality built environment,
  - providing accessible local services that reflect the community's needs and well-being;
- an environmental role –
  - protecting and enhancing our natural, built and historic environment;
  - helping to improve biodiversity,
  - helping use natural resources prudently and minimise waste and pollution;
  - mitigating and adaptation to climate change;
  - helping moves to a low carbon economy.

6. The Soundness of a Local Plan depends partly upon it being able to:

   - positively seek opportunities to meet the development needs of the area and
   - meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
     — any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole; or
     — specific policies in [the NPPF] indicate development should be restricted.

7. Any comments made by the County Council can only relate to the tests of soundness and therefore will need to address these issues and these alone.

8. All valid representations received by Northamptonshire County Council will be submitted to a Planning Inspector who will then conduct a public examination of the Local Plan. The Local Plan can only be adopted if it is found to be 'sound' at examination.

Overview of the Document

9. Northamptonshire County Council is undertaking a partial review of its Minerals and Waste Development Framework (MWDF). As part of this review the individual elements of the MWDF (known as Development Plan Documents or DPDs) are being combined into one document to form the Minerals and Waste Local Plan and the plan period is extended to 2031. The consultation period ran between the 5th September and 31st October 2013.

10. Northamptonshire County Council has previously consulted on the 'Way Forward' which set out the issues they proposed to address through the partial review. The next stage in the partial review process was, after taking into account responses received on the Way Forward document, to produce and consult on a Draft Plan. This was a document that brought together the four key elements of the adopted Minerals and Waste Development Framework (MWDF) - Core Strategy, Locations for Minerals and Waste Development and the Control and Management of Development – updated to reflect the matters covered by the partial review, including extending the end date of the plan to 2031. The Draft Plan was consulted on January to March 2013.

11. The current stage of the partial review is called the Final Draft Plan. This is the document that Northamptonshire County Council considers should be adopted as the new Minerals and Waste Local Plan.

Issues for the County Council

Minerals

12. Northamptonshire does not possess extensive mineral resources and is not therefore a major minerals producing area. However, there are resources of sand and gravel, limestone and ironstone which are currently exploited. The County Council was consulted previously on the Local Aggregates Assessment for Northamptonshire, which forms part of the evidence base for the Final Draft Plan, but did not raise any issues.

13. The Local Plan aims to provide a total of 11.1 million tonnes of sand and gravel and 8.1 million tonnes of crushed rock over the plan period. When added to existing permitted reserves this is comfortably more than the identified requirement in each case. The specific sites allocated are shown on the map in Appendix 1. There are also criteria-based policies for other, more incidental, minerals and for secondary and recycled aggregates in line with national policy in the National Planning Policy Framework.

Comment:

14. The Northamptonshire approach is welcomed and is not considered to raise any specific minerals issues for Nottinghamshire.

Waste

15. Northamptonshire is part of the East Midlands but does not border Nottinghamshire directly. Geographically, the plan area is influenced heavily by waste management pressures from London and the South East. This is reflected in Northamptonshire's position as an overall importer of waste. Waste movements between Nottinghamshire and Northamptonshire are relatively small although Nottinghamshire does rely on Northamptonshire's King's Cliffe facility for a proportion of its hazardous waste disposal. The general approach and content of the waste policies within the Final Draft Local Plan are largely unchanged but the

detailed estimates of future waste arisings and indicative waste management capacity needs have been revised in line with the extended plan period.

16. National waste policy, set out within Planning Policy Statement 10 (PPS10), requires plans to demonstrate how capacity equivalent to at least ten years' worth of the anticipated waste arisings could be provided. The Plan demonstrates that Northamptonshire has sufficient capacity for recycling and recovery until 2021 but there will be a need for additional facilities beyond that date. To meet this shortfall, the Plan allocates a number of sites for potential waste use as shown in Appendix 2. The plan also anticipates a shortfall in non-hazardous disposal capacity from approximately 2016 onwards. No specific disposal allocations have been made but the plan contains a general criteria-based policy setting out the level of anticipated need over the plan period and favours the extension of existing sites where feasible.

17. The plan aims to provide sufficient waste management capacity to manage the equivalent of Northamptonshire's own waste arisings (i.e. to be net self-sufficient). The plan therefore maintains a clear policy commitment to meeting Northamptonshire's future waste management needs whilst recognising the need for some cross-boundary movements of waste.

Comment:

18. Northamptonshire's approach to future waste management provision is welcomed and it is considered that the updated policy targets and evidence base provide a positive and proportionate means of addressing future waste needs within the plan area whilst reflecting the principles of sustainable waste management.

Overall Conclusions

19. The County Council consider the Northamptonshire Minerals and Waste Draft Local Plan to be sound in terms of its positive approach to meeting future minerals and waste management requirements.

Other Options Considered

20. As the consultation requires representations to be made on the soundness of the plan the only other option was not to make representations.

Reason/s for Recommendation/s

21. Having assessed the Partial Review of the Northamptonshire Minerals and Waste Local Plan against the tests of soundness as set out in paragraphs 9-18 above, it is considered that the document is sound and does not raise any policy implications for Nottinghamshire.

Statutory and Policy Implications

22. 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

23. There are no direct financial implications.

Implications for Sustainability and the Environment

24. The approach set out within the Partial Review of the Northamptonshire Minerals and Waste Local Plan will enable an appropriate level of local minerals provision to meet identified needs and provides for sustainable future waste management at all levels of the waste hierarchy.

RECOMMENDATION/S

1) That Committee ratify the above comments which were sent to Northamptonshire County Council on the 31st October 2013.

Jayne Francis-Ward
Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Suzanne Osborne-James, Principal Planning Officer, Planning Policy Team, 01159 772108

Constitutional Comments (SLB 18/10/13)

25. Environment and Sustainability Committee is responsible for waste planning and is the appropriate body to consider the content of this report.

Financial Comments (SEM 23/10/13)

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

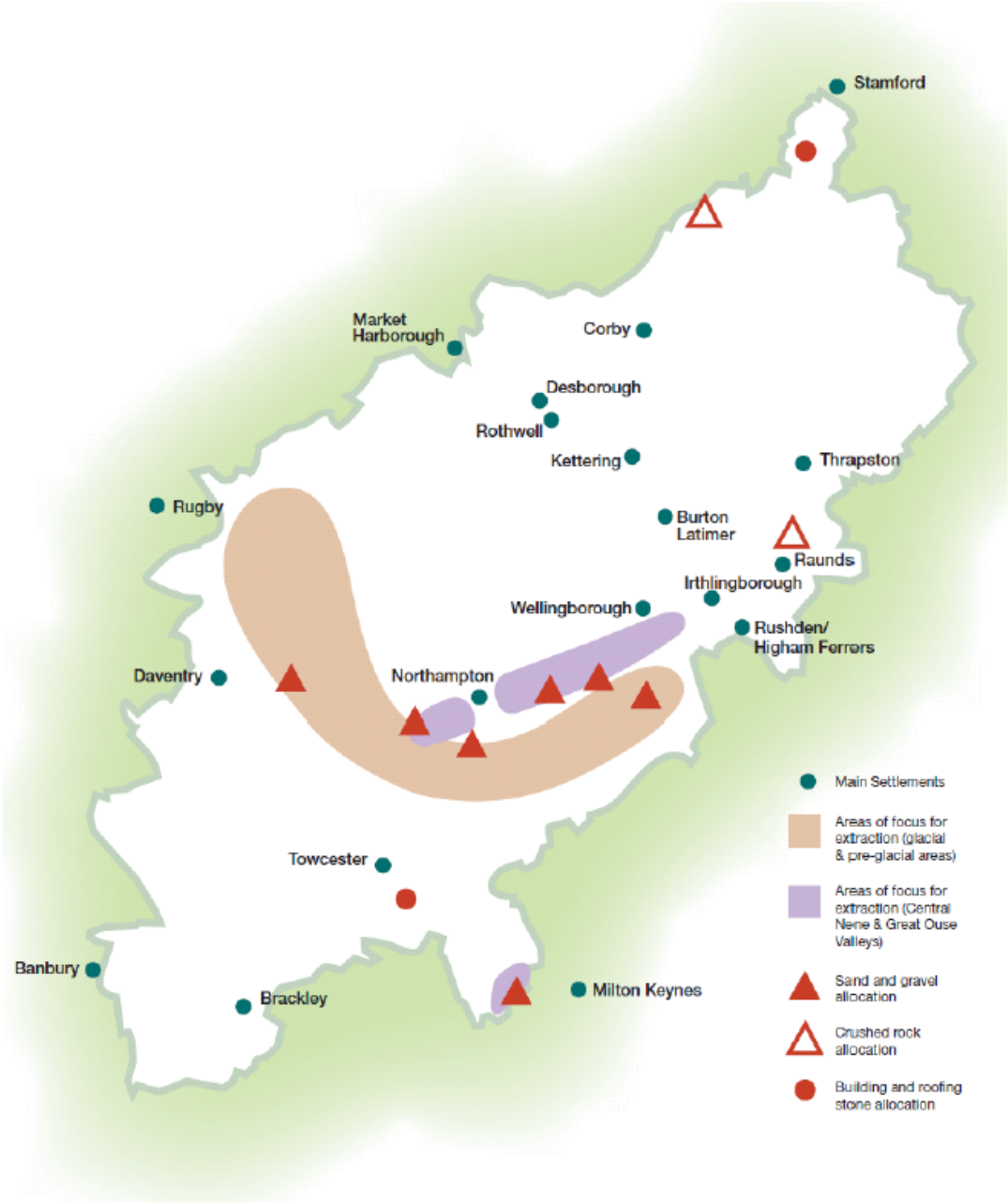
Background Papers and Published Documents

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.

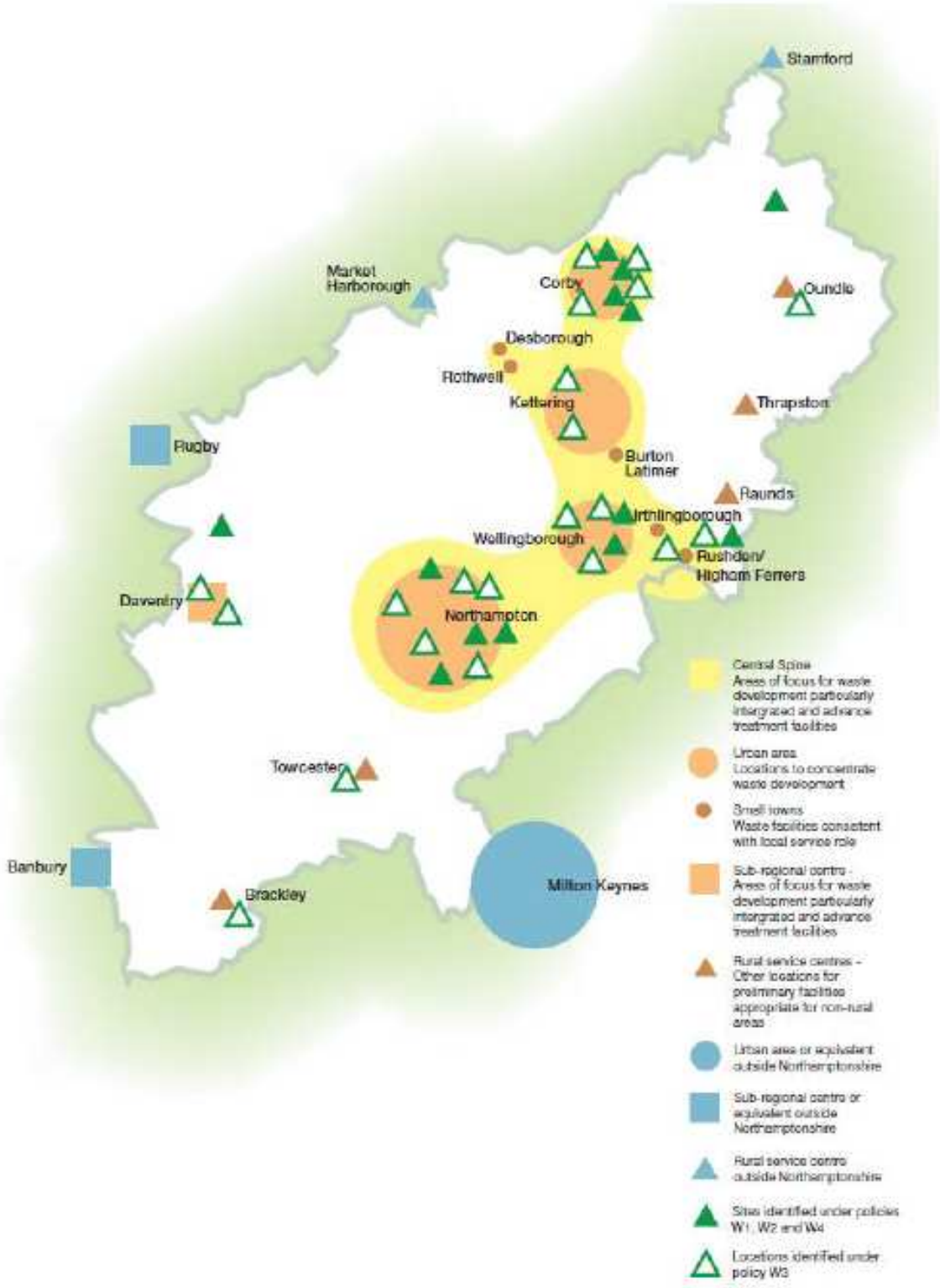
Electoral Division(s) and Member(s) Affected

All

Appendix 1 - Spatial strategy for mineral extraction showing allocated sites



Appendix 2 - Spatial strategy for waste management showing allocated sites



Nottinghamshire County Council

Report to Environment and Sustainability

14 November 2013

Agenda Item: 7

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES

WASTE CORE STRATEGY EXAMINATION – RECEIPT OF INSPECTOR'S REPORT AND ADOPTION

Purpose of the Report

1. To inform Committee of the outcome of the independent examination into the soundness of the Nottinghamshire and Nottingham Waste Core Strategy and to outline the formal adoption process.

Information and Advice

2. The Nottinghamshire and Nottingham Waste Core Strategy has been prepared jointly with Nottingham City Council. It is the first in a series of new waste policy documents which will progressively replace the County Council's existing joint Waste Local Plan which was adopted in 2002. When adopted, the Waste Core Strategy will set the strategic direction for all future all proposals for waste development such as recycling plants, energy from waste plants and landfill. Subsequent policies will deal with site allocations and development management issues.

3. In line with European and national legislation and policy, the Waste Core Strategy sets out the overall vision and strategic planning policies for the development of future waste management facilities across Nottinghamshire and Nottingham. Key principles are the need to manage waste according to the 'waste hierarchy' which promotes waste prevention and re-use followed by recycling, recovery and finally disposal; and the 'proximity principle' which seek to ensure that waste is managed at one of the nearest, most appropriate facilities. The strategy therefore seeks to encourage the movement of waste away from landfill with an ambitious target of 70% recycling for all waste by 2025. This is supported by a moderate increase in energy recovery where appropriate, and a reduction in landfill disposal to approximately 10% or less of all waste arisings.

4. The Waste Core Strategy identifies broad locations where future development is likely to be acceptable but does not allocate any specific sites as this will be carried out in separate, supporting, policies that will be subject to further consultation and public examination. In broad terms facilities for the sorting, processing and treatment of waste are supported in, or close to, the main urban

areas of Nottingham, Mansfield/Ashfield, Newark, Worksop and Retford. Within these broad locations development will be focused on existing or proposed employment sites and other derelict or previously developed land in order to minimise environmental impacts. Limited provision is also made for small–scale recycling or recovery facilities in rural locations where these can meet a specific local need; especially where this would allow for the re-use of existing farm or forestry buildings.

5. Although the Waste Core Strategy aims to minimise future waste disposal as far as possible, it is recognised that there will still be a need for the disposal of residual waste which cannot be further recycled or recovered. Where there is a proven need for disposal, the strategy promotes a sequential approach which favours the extension of existing sites where this would be environmentally acceptable, followed by the restoration and/or re-working of old colliery tips and other mineral voids.

6. The Waste Core Strategy has been through a number of stages of consultation and was submitted to the Secretary of State for Communities and Local Government on 14th January 2013. The Planning Inspectorate subsequently appointed Inspector Susan Holland to undertake the independent examination of the Core Strategy to determine whether or not the Strategy is legally and procedurally sound. This included public hearing sessions held at the National Water Sports Centre between 8th May and 17th May 2013. These resulted in three main modifications to the Waste Core Strategy in relation to Green Belt policy and clarifying the basis of the plan estimates. These modifications were approved by this Committee on 20th June 2013 and subsequently advertised for public consultation. A number of other minor modifications were also made for reasons of clarity which did not need to be advertised or consulted on but were published at the same time for information. The draft Core Strategy and subsequent modifications are available on the Council's website at www.nottinghamshire.gov.uk/wastehaveyoursay.

7. Shortly after the hearing sessions, the Government published a new Waste Management Plan for England, and updated national waste planning policy, for consultation. These were reported to this Committee on 10th October 2013. In light of this national consultation the Inspector invited those who had previously made representations to submit further comments on possible implications for the Waste Core Strategy. Two additional responses were received at this stage and passed to the Inspector.

8. The Inspector's final report was received on 7th October 2013 and concludes that the Waste Core Strategy is sound and provides an appropriate basis for the planning of the area over the next 15 years, subject to the inclusion of the main modifications referred to above. A copy of the Inspector's Report is appended to this report and has been published on the Council's website and made available for inspection. All those who made formal representations, or who have asked to be kept informed, have been notified of separately.

9. The two Councils can now proceed to adopt the Waste Core Strategy subject to the formal approval of both waste planning authorities. Members will be asked to

approve the adoption of the Nottinghamshire and Nottingham Waste Core Strategy at the County Council meeting on 21st November 2013. Similar approval will be sought at the City Council meeting on 9th December 2013. Subject to these final approvals the Waste Core Strategy will be adopted on 10th December 2013. There is then a six week period during which anyone aggrieved by the adoption of the Waste Core Strategy can make a legal challenge on procedural grounds.

10. For reasons of clarity the final Waste Core Strategy document, when printed, will be re-titled as the Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy. The policies within the Plan will also be re-numbered to accommodate the inclusion of the model policy on the presumption in favour of sustainable development. This will be numbered as Policy WCS1 and all other policies will be re-numbered accordingly.

11. Following adoption of the Waste Core Strategy, work will continue with the preparation of the site specific and development management policies development plan document which will form Part 2 of the Replacement Waste Local Plan. This will again be subject to several stages of public consultation which are due to start early next year.

Other Options Considered

12. The County Council has a statutory duty to prepare and maintain an up to date Waste Local Plan. The only alternative would be not to adopt the Waste Core Strategy which would result in policies becoming out of date and the lack of an appropriate local policy framework for future development decisions.

Reason/s for Recommendation/s

13. The re-naming of the Waste Core Strategy to the 'Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy' provides clarity and brings it in line with current Government guidance.

Statutory and Policy Implications

14. 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

15. Adoption of the Waste Core Strategy will require printed copies of the final document to be made available for local councils and public reference and/or purchase. A Waste Local Plan budget is in place to meet these costs.

Implications for Sustainability and the Environment

16. Production of the Waste Core Strategy is a statutory requirement and the Council could be subject to European Union fines if they do not have an up to date Waste Plan.

RECOMMENDATION/S

1) That the progress on the Waste Core Strategy is noted; and
2) That Committee approve the re-naming of the Waste Core Strategy to the 'Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy'.

Jayne Francis-Ward
Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Lisa Bell, Planning Policy Team Manager, 01159 97 74547

Constitutional Comments (SLB 31/10/13)

17. Environment and Sustainability Committee is the appropriate body to consider the content of this report.

Financial Comments (SEM 23/10/13)

18. The financial implications are set out in the report.

Background Papers and Published Documents

None.

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

All.

The Planning Inspectorate

Report to Nottinghamshire County Council and Nottingham City Council

by Susan Holland MA DipTP MRTPI DipPollCon

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 7 October 2013

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE NOTTINGHAMSHIRE AND NOTTINGHAM WASTE CORE STRATEGY

Document submitted for examination on 14 January 2013

Examination hearings held between 8 and 17 May 2013

File Ref: 648

Abbreviations Used in this Report

¶	paragraph
AD	Anaerobic Digestion
AM	Additional Modification
C&I	Commercial and Industrial (waste)
CDE	Construction, Demolition and Excavation (waste)
CHP	Combined Heat and Power
CS	Core Strategy
DEFRA	Department for the Environment, Food and Rural Affairs
DPD	Development Plan Document
EA	Environment Agency
EfW	Energy from Waste
FBA	Furnace Bottom Ash
FPC	Further Proposed Change
LAC	Local Authority–collected (waste)
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
MSW	Municipal Solid Waste
mtpa	million tonnes per annum
MWSS	Municipal Waste Spatial Strategy
N/N	Nottinghamshire and Nottingham
NPPF	National Planning Policy Framework ('The Framework')
NWMP	National Waste Management Plan
PFA	Pulverised Fuel Ash
PHM	Post-Hearing Modification
PPS	Planning Policy Statement
RDF	Refuse-derived fuel
RSS	Regional Spatial Strategy
RTAB	Regional Technical Advisory Body (for waste)
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SWAG	Strategic Waste Advisory Group
WCA	Waste Collection Authority
WCS	Waste Core Strategy
WPA	Waste Planning Authority

Non-Technical Summary

This report concludes that the Nottinghamshire & Nottingham Waste Core Strategy provides an appropriate basis for the planning of the area over the next 15 years providing a number of modifications are made to the plan. The Councils have specifically requested that I recommend any main modifications necessary to enable them to adopt the Plan. The main modifications are represented by specific Proposed Changes and Further Proposed Changes put forward by the Councils. Public consultation was required, and has been carried out between June-July 2013. Further public consultation on the draft National Waste Management Plan and on the draft revised PPS10 – Planning for Sustainable Waste Development was carried out in August 2013.

The main modifications can be summarised as follows:

- **MM1**: amendments to Table 1 and to paragraphs 4.25-4.35 to clarify the statistics on which the WCS capacity requirements are based;
- **MM2**: amendments to Policy WCS3 to bring it in line with national policy on the Green Belt;
- **MM3**: amendments to Policy WCS4 to bring it in line with national policy on the Green Belt.
- **MM4**: inclusion of Policy WCSSD as the Government's Model Policy.

(Other modifications put forward by the Councils, some arising out of the discussions at the Examination Hearings, are referred to in the Report. Whilst these represent minor modifications which neither individually nor collectively amount to Main Modifications on which public consultation would have been necessary, I commend these particular changes to the Councils in the interests of clarity).

Introduction

1. This report contains my assessment of the Nottinghamshire & Nottingham Waste Core Strategy[1] in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the Plan is sound and whether it is compliant with the legal requirements. The Report considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in that respect. It then considers whether the Plan is compliant with the legal requirements, and whether it is sound. The National Planning Policy Framework (the Framework) at paragraph (¶)182 makes clear that to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.

[1] Throughout this Report I shall refer to the document in summary as 'the Plan', 'the Core Strategy' or as 'the WCS'.

2. The starting point for the examination is the assumption that the Councils have submitted what they consider to be a sound plan. The basis for my examination is the submitted draft core strategy (January 2013) which is the same as the document published for consultation in March 2012.

3. In accordance with section 20(7C) of the 2004 Act the Councils requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In response to the main matters and issues raised during the course of the Examination, the Councils submitted a Schedule of Further Proposed Changes/Main Modifications in May 2013. A 4-week consultation was carried out on these during June -July 2013. The Main Modifications that go to soundness have therefore been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.

4. Other Further Proposed Changes (FPC) put forward by the Councils represent 'additional modifications' in the terms of the new Section 20 of the 2004 Act[2] as amended by Section 112 of the Localism Act 2011, which came into force on 15 January 2012. These modifications do not go to the main issues of soundness, do not require my endorsement, and can be made by the Authorities on adoption. Having said that, some such modifications are identified in my Report as arising out of the discussions at the Examination Hearings: and I commend these to the Authorities in the interests of clarity

5. In mid-April 2012 the Government published a Model Policy, to be included in all development plan documents (local Plans), to ensure implementation of the presumption in favour of sustainable development included in the Framework. The Model Policy has been incorporated into the Waste Core Strategy as Policy WCSSD, via Proposed Change No.32. The Government has made it clear that it is essential to soundness that the Model Policy be included. Accordingly I recommend the inclusion of Policy WCSSD as Main Modification **MM4**.

Assessment of the Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Authorities complied with any duty imposed on them by Section 33A of the 2004 Act in relation to the Plan's preparation. Evidence of the exercise of their duty to co-operate has been submitted to the Examination by the Councils in written form in their *Statement on the Duty to Co-operate* [SD07]; in their *Position Paper on Main Matter 1*; and orally at a dedicated Hearing session.

7. The Duty to Co-operate as set out in section 110 of the Localism Act 2011 requires mutual co-operation on the part of those persons and bodies which

[2] The Planning and Compulsory Purchase Act 2004.

it prescribes: co-operation to consist of constructive, active and ongoing engagement in any process by means of which activities in subsection (3) are undertaken. These activities include the preparation of development plan documents and other local development documents (including activities that can reasonably be considered to prepare the way for such documents), and activities that support the preparation of such documents *so far as relating to a strategic matter*. Included in the definition, given at subsection (4), of a *strategic matter* is *sustainable development or use of land that has or would have a significant impact on at least two planning areas* (including in particular such development or use *in connection with infrastructure that is strategic*).

8. In relation to planning for waste management and policy there is a well-established background structure of collaboration and co-operation in the former East Midlands Regional Technical Advisory Body (RTAB). In order to meet the new Duty to Co-operate, to prepare for the anticipated revocation of the Regional Strategy (the East Midlands Plan, now revoked), and to assemble the evidence necessary to justify waste development plans and proposals having a strategic element and impact, the work of the former RTAB has been carried forward by the new Strategic Waste Advisory Group (SWAG). This group brings together representatives from each of the Waste Planning Authorities (WPA), the waste industry, the Environment Agency and various environmental bodies. This arrangement has ensured valuable continuity of evidence generation, and its collaborative character has enabled an essential foundation of the new Duty to Co-operate. In addition to its work on the SWAG, Nottinghamshire County Council initiated regular, programmed meetings of WPAs within the East Midlands as the East Midlands Minerals and Waste Policy Officers' Group to share information and discuss areas of common interest.

9. A desk-based review of all neighbouring waste plans was undertaken to identify existing waste management capacity, anticipated shortfalls and key proposals. Meetings on the Core Strategy were also held with individual WPAs, including those in neighbouring parts of South Yorkshire – in Sheffield, Rotherham, Barnsley and Doncaster. Co-operation within SWAG and outside it enabled account to be taken of available treatment capacity, and of cross-boundary movements of waste between WPAs within the East Midlands and beyond the former regional boundary. Contacts were also made further afield, especially in relation to hazardous waste for which the Nottinghamshire and Nottingham (N/N) area includes treatment capacity used by operators in WPAs well beyond the East Midlands: but requires waste disposal capacity outside its own boundaries. On waste imports and exports, the Councils have worked closely with the Environment Agency (EA). In co-operation with the EA the Councils have made efforts to extract from the available data the maximum amount of useful information possible given the limitations of the records and recording systems. Whilst there are current difficulties in extracting information on particular matters - for example arisings of food waste, which are recorded within more than one waste stream and are particularly relevant to the potential for anaerobic digestion – there is no indication that those difficulties have stemmed from lack of co-operation between those parties bound to the Duty. Co-operation may be taken to imply, but is not necessarily synonymous with, agreement:

its essential component is a high degree of engagement, and this has been demonstrated.

10. Nottinghamshire County Council and Nottingham City Council have statutory responsibility as Waste Planning Authority for their respective plan areas. Given their close relationship, and the significant links in terms of waste generation, treatment and disposal between the 2 areas, the Councils have an established history of joint working on waste planning. This is evident in their collaborative production of their joint Waste Core Strategy and in their co-ordinated approach to producing the evidence base and presenting it to the Examination.

Conclusion on the Duty to Co-operate

11. On the evidence, therefore, I conclude that the Councils have met the duty to co-operate with regard to the Nottinghamshire and Nottingham Waste Core Strategy.

Assessment of Soundness

Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 4 main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the Core Strategy deals appropriately with national planning policy for the Green Belt.

13. The principal urban areas covered by the Core Strategy are the City of Nottingham, with its surrounding built-up areas including Hucknall, Arnold, Beeston, Carlton, Stapleford, West Bridgford and Clifton; and the town of Mansfield together with Sutton-in-Ashfield and Kirkby-in-Ashfield (Mansfield/Ashfield). These urban areas are closely spaced, leaving the intervening rural areas vulnerable to outward urban sprawl and infill development. In consequence, Green Belt designation covers much of the area between Nottingham and Mansfield, and encircles the combined Nottingham built-up area. Within the County of Nottinghamshire, Green Belt extends out to the east, south-east and south, and to the north-west.

14. This arrangement causes some difficulty for the Waste Core Strategy. For reasons of proximity to the urban population which collectively produces most waste, and also in compliance with government guidance at PPS10 on Planning for Sustainable Waste Management which requires that *communities take more responsibility for their own waste*, the Core Strategy at Policy WCS3 – *Broad Locations for Waste Treatment Facilities* supports waste treatment facilities of either large or medium scale *in or close to the built-up areas of Nottingham and Mansfield/Ashfield*. In many cases, a site *close to the built-up area* will be located in the Green Belt. In recognition of this difficulty, draft Policy WCS3 states that *development of facilities within the open countryside and within the Green Belt will be supported only where such locations are justified by a clear local need*.

15. However, this represents a telescoping of national Green Belt policy (now contained in the National Planning Policy Framework), amounting to misinterpretation: prejudging the consideration of waste development proposals against the Framework in such a way as to appear to ignore it altogether. In the implementation of Green Belt policy, the need for a development, the weight to be given to that need, and whether it is capable of outweighing inappropriateness and other harm so as to amount to very special circumstances, are matters to be judged in respect of a specific proposal. In the Green Belt context, support for any form of waste management development should not be stated in such a way as to pre-empt the full Green Belt balancing exercise in the manner of a foregone conclusion.

16. Government policy guidance at PPS10 – *Planning for Sustainable Waste Management* at ¶3 requires planning authorities to *prepare and deliver planning strategies that … protect green belts but recognise the particular locational needs of some types of waste management facilities … and … that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission*. This guidance applies to the consideration of individual proposals for waste management development, and in particular to the relative weight to be applied in the balance leading to a decision whether very special circumstances existed in the individual case. The guidance should not, however, have been taken to imply that the Green Belt balancing exercise as a whole could be short-circuited in respect of waste development, or that any single step in that exercise could be omitted.

17. The draft Revised PPS10 published in July 2013 removes the former reference that waste planning authorities should give significant weight towards locational needs and wider environmental and economic benefits when considering waste planning applications in the Green Belt. Revised PPS10 has not yet been finalised. However, whether the final document includes the revised Green Belt reference as drafted, or not, the valid and safe solution is to avoid misunderstanding by simply including within the relevant WCS policies the fundamental Green Belt test to be applied, as it appears in the Framework, without attempt at local variation.

18. Waste management development, whether by construction of new buildings or by use of land, represents *inappropriate* development in the Green Belt, to be justified only by reference to *very special circumstances*. The full force of Green Belt policy must apply. The Framework states at ¶87-88 that *as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*.

19. Representors, in particular Gedling Borough Council, have objected to Policy WCS3 on Green Belt grounds. Though WCS3 is the most obvious

point of conflict with national Green Belt policy, conflicts arise also in the supporting text (at ¶7.39) to Policy WCS6 – *General Site Criteria*, and in the table of criteria embodied in the policy itself, in which Green Belt is shown as a suitable location for small materials recovery facilities and for enclosed in-vessel composting and anaerobic digestion. In addition, Policy WCS4 – *Disposal Sites for Non-Hazardous and Inert Waste* makes no reference to Green Belt and so provides inadequate policy guidance in that respect, given that disposal facilities may well be sought in the Green Belt in proximity to built-up areas.

20. In order to make the Core Strategy sound by bringing it into line with national planning policy, it is necessary to modify the Plan. The Councils have done this through Main Modifications **MM2**, to Policy WCS3 and **MM3**, to Policy WCS4, and also AM10, amending Policy WCS6: in each case, to state the need for the demonstration of very special circumstances. Gedling Borough Council supports the Main Modifications in this respect.

21. In conclusion, therefore, the Core Strategy is sound in its treatment of Green Belt policy, provided that Main Modifications **MM2** and **MM3**, and also additional modification AM10, are made to the document.

Issue 2 – Whether the Core Strategy is founded upon adequate statistics and forecasts of the waste to be managed.

22. The Waste Core Strategy was prepared, and most of its procedural stages undergone, at a time when the East Midlands Plan – the Regional Strategy – remained in force. Even after the Government had announced, in 2010, its intention to abolish the Regional Strategies (RS) the position remained, in law[3], that *it would be unlawful for a local planning authority preparing, or a Planning Inspector examining, development plan documents to have regard to the proposal to abolish regional strategies. For so long as the regional strategies continue to exist, <u>any development plan documents must be in general conformity with the relevant regional strategy</u>* [my emphasis]. The Regional Strategy for the East Midlands (Revocation) Order 2013 only came into force on 12 April 2013, just over 2 months after the Core Strategy was submitted for Examination, and 1 month before the Examination Hearings began.

23. The East Midlands Plan set out indicative sub-regional waste apportionments for each WPA, projected forward to 2026. Planning Policy Statement 10 (PPS10) states at ¶13 that *the strategy for waste management confirmed by the Secretary of State following public examination should be carried forward into local development documents…. In preparing local development documents, there should be no need to reopen consideration of either its principles <u>or the annual rates of waste to be managed</u>* [my emphasis]. A slight fall in municipal waste arisings for the year 2007/8, however, prompted concern on the part of the Councils that the data underpinning the regional arisings estimates were becoming out-of-date. There was no clear consistency in national and local arisings for that year,

[3] Via the Appeal Court judgment of 27 May 2011 on the case of Cala Homes (South Ltd v SSCLG & ANR (Ref [2011] EWCA Civ 639).

but subsequent data for 2008/9 and 2009/10 confirmed further slight falls in municipal waste arisings. National DEFRA survey results published in 2010 suggested a fall in commercial and industrial (C&I) waste arisings of 29% nationally and 22% in the East Midlands. On that basis the evidence suggests that the arisings estimates in the RS were indeed too high, and did not reasonably represent conditions prevailing at least in the first half of the Plan period.

24. Work on existing capacity, and future capacity requirements, was carried out in 2010 on behalf of the RTAB (by consultants RPS, at SD21). The study used a projected growth rate of 0.5% per annum for municipal waste, taken from the DEFRA estimate in the National Waste Strategy for England 2007. For C&I waste and for construction, demolition and excavation (CDE) waste, the study assumes a rate of 1% per annum growth up to and including 2014/15 and 0% thereafter, reflecting assumptions from the Regional Plan, but at a slightly lower growth rate. Using these growth rates results in an estimate, for 2031, of 4.9 million tonnes per annum (mtpa) of municipal, C&I and CDE waste. The Regional Plan 'best case' estimate was 4.7 mtpa, and the 'worst case' estimate was 7 mtpa.

25. It is reasonable, given the length of the Plan period, to take account of both the recession and the prospect of a return to more normal economic circumstances. Other contributory factors include assumptions on recycling rates, based upon the Councils' experience (which is replicated in other urban WPA areas) of difficulty in maintaining increases in recycling rates in a built-up city environment, within deprived areas and in the current absence of solutions for improved separation at source. On development sites where reconstruction follows demolition, the immediate recycling of demolition and excavation materials is now common practice. The overall target of adopted by the WCS for the recycling or composting of 70% of municipal, commercial & industrial, and construction & demolition waste by 2025 is balanced and realistic.

26. Concerning the influence of waste imports and exports, the Councils have had some success in clarifying such movements through detailed scrutiny of the Environment Agency's Waste Data Interrogator information; improved recording of origins and coding of data on the waste movement returns (64% of data uncoded in 2010 reduced to 27% uncoded in 2011); and through co-ordinated examination of waste movements with the neighbouring waste authorities concerned. It is clear that there are many cross-boundary movements of similar waste categories. It is probable that these reflect the proximity of treatment facilities to sources, and the terms of existing contracts with waste operators.

27. On the availability of waste treatment facilities outside the N/N area, it cannot on the evidence be assumed that continuing spare capacity would be necessarily available at the existing incinerator at Sheffield to take waste from N/N. The Councils have maintained close contact with Sheffield as WPA, and there is no evidence that Sheffield plans or intends to provide capacity for N/N use throughout the Plan period.

28. A 'grey area' of potential difficulty concerning capacity estimates was

identified in respect of the gasification plant at Bentinck Colliery in Kirkby-in-Ashfield. This plant generates electricity as renewable energy, and its gasification process uses refuse-derived fuel (RDF). The plant does not appear in the table of existing capacity (Table 1), because its input material is regarded as fuel and not as waste. PAIN suggests its effective capacity is that of 75,000 tonnes of MSW, and considers that this plant should be counted as existing waste capacity. The available evidence did not include the extent to which the RDF was derived from N/N waste, and/or from imported material (though much was thought to be imported). Better recording and accounting of waste movements, and its tracking through intermediate treatment processes, via the Environment Agency's Waste Data Interrogator ought to improve the understanding of this particular technology and its influence upon waste treatment capacity. If gasification were to become more widespread as a technique for providing renewable energy based upon MSW and/or C&I waste, it would clearly undermine and distort the waste statistics if RDF were to be routinely discounted on the basis that it represented fuel rather than waste.

29. In these circumstances, and given the growth planned across the City and the County in other development plan documents, the Councils consider a single lower estimate of 5 mtpa is the most appropriate for the overall Plan period. On balance, this represents a reasonable compromise, unlikely to undermine credibility of the Core Strategy through extremes of either under-provision or over-provision.

30. PAIN argues that actual municipal waste generation figures have not increased at 0.5% per annum since 2007, but have decreased, resulting in a 93,000 tonne deficit for municipal waste alone. PAIN's calculations resulted in a figure of 4.2-4.3 mtpa. This was apparently achieved by starting from current government figures, projected into the future (rather than the 2007 Waste Strategy baseline), and by *abandoning* estimates for CDE waste, on the grounds that the figures for CDE waste represent a *distortion* of overall waste figures. PAIN maintains that there is no single *correct* set of figures to be applied, but sees in the Examination process an *opportunity to adopt better figures*.

31. Any change to the originally adopted baseline for the Waste Core Strategy would require all the assumptions involved to be re-visited, re-examined and re-calculated. The Core Strategy figures have been established by standard practice, using openly available evidence of the baseline position amended through the application of more recent data and growth projections, and to that extent can be readily understood. As a foundation for broad strategic policies the resulting figures are sufficiently realistic. The very recent revocation of the East Midlands Plan – with which, before its revocation, the Core Strategy was obliged to be in conformity – should not be used as the occasion for overturning the WCS and returning to square one.

32. Nevertheless, in its conversion of the figures for projected waste generation into capacity requirements for the Plan period, the Core Strategy lacks clarity. In part, the situation arises directly from the apportionment set out in the East Midlands Plan, in that *no provision is made for any additional recycling of commercial/industrial or construction & demolition waste* (¶4.29

and Table 4). This leads, in Table 4, to a complete absence of *estimated future capacity requirements* for the recovery of C&I waste. Other deficiencies lie in lack of precision on recovery capacity, taking account of maintenance at the Eastcroft EfW plant and on the conversion factor to be applied to non-hazardous waste treated for disposal; and on the over-precision of capacity requirements allocated to dates within the overall Plan period (again, taken from the East Midlands Plan).

33. The Councils put forward, in response, Main Modification **MM1** (PHM6). This involves comprehensive re-writing, re-ordering and re-tabling of the information presented in draft Tables 1, 2, 3 and 4 and at ¶4.25-4.35 of the Plan text. The modification enables the deletion of the now unhelpful references to the East Midlands Plan; the updating of figures for disposal, validly based on recent past practice in response to increased costs and changing behaviour; and the insertion of additional text to provide necessary explanation of the figures.

34. PAIN acknowledges that **MM1** *goes some way towards addressing [its] concerns…on soundness in respect of estimates of current waste arisings and the waste to be managed*. However, PAIN considers that the Core Strategy continues to place insufficient emphasis upon *Government central forecasts that anticipate waste falling significantly between now and 2020*. (PAIN reinforces this point in relation to the issue, in July 2013, of the consultation draft National Waste Management Plan, with its emphasis upon the February 2013 DEFRA document 'Forecasting 2020 waste arisings and treatment capacity'). PAIN maintains that the Core Strategy under-represents existing recovery capacity. PAIN also objects to the statement in **MM1** ¶4.32 that *the figures in Table 4a show the overall level of recycling, recovery or disposal that is likely to be required annually*: on the grounds that the qualification *likely* overstates the certainty of the requirement in the light of the evidence.

35. The evidence given to the Examination Hearings brought out the various constraints upon the availability of existing recovery capacity. Such constraints operate principally through the commercial system of waste operators, contracts, competition, and also availability, purity and consistency of waste materials. Data sources themselves, though improving, vary in their reliability. Forecasting models embody flaws both known and unknown, are based upon assumptions, and are incompletely robust. The behaviour of individual waste producers and handlers, can be crucial to the quality of the input material, and so to the appropriateness of treatment methods. The scope for changes in such behaviour can be limited. The links between waste generation and the state of the economy continue to be imperfectly understood. Forecasting the state of the economy is not straightforward. Given the existence and complex interplay of so many variables, it would be over-simplistic to forecast generation or capacity in precise and immutable terms. It would also be over-simplistic to assume, as PAIN appears to do, that in practice (as opposed to theory, which is not in doubt) treatment capacity is directly interchangeable between MSW and C&I waste. What might appear to some as harmful over-provision would represent, to others, beneficial flexibility ensuring that waste could always be properly managed in all circumstances.

36. In sum, therefore, the figures presented in the Waste Core Strategy represent a reasonable working basis for a sound plan. No figures are presented as immovable, nor should they be. The Core Strategy presents a set of capacity requirements openly stated to be *estimated*. It is sufficient for justification and for soundness that these should be realistic on the basis of known assumptions as included in the evidence base.

37. Draft Revised PPS10 states that *when determining planning applications, waste planning authorities should … only take into account the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan*. (Footnote 5 adds the guidance that *in such cases, waste planning authorities should consider the extent to which existing, and consented waste management capacity not yet operational, would satisfy any identified need*). This implies that the quantitative need for a proposal does not have to be demonstrated if the proposal complies with the provisions of the development plan. The qualification that the plan should be *up-to-date* is, however, significant where it can be shown that trends in, for example waste arisings, have overtaken the plan and rendered it out of date.

38. Moreover, there are many elements of the development plan to be satisfied by a proposal: and not simply the overall figure for waste treatment capacity – a figure which in any case the Plan states to be *estimated* on the basis that it cannot be accurately predicted. The requirements to be satisfied include those of Policies WCS3- *Broad Locations*; WCS11 – *Managing Non-Local Waste* which is likely to come into play in many instances, particularly for large-scale facilities, through the Core Strategy's provision for overall 'equivalence' to its own waste arisings, and which requires that *there are no facilities or potential locations in more sustainable locations in relation to the anticipated source of the identified waste stream* and that *there are wider social, economic or environmental sustainability benefits that clearly support the proposal*; and WCSSD – *Presumption in Favour of Sustainable Development* (inserted as Proposed Change No.32 and **MM4**, following the government's Model Policy and the Framework).

39. Furthermore, the following is an essential characteristic of the planning process. When any individual proposal (whether for waste, or for any other form of development, and particularly one of a significant scale) is put forward, the figures representing justification for that proposal are scrutinised against the development plan provisions in the context of more recent trends and events. These are capable of status as material considerations. In practice, therefore, it may be appropriate or even necessary to query the capacity figure in the majority of instances, particularly in respect of large-scale proposals.

40. The consultation draft National Waste Management Plan (NWMP) is just that: a draft document, issued very recently, and potentially to be amended as a result of consultation responses. The NWMP draws attention, on p27 and via its footnote 25, to the government's 'Forecasting 2020' document: though the NWMP refers simply to DEFRA's own *forecasts of waste arisings, recycling and landfill diversion*, and to its *range of forecasts and sensitivity analysis around those forecasts* and does not advocate the wholesale

adoption of its forecasts by all waste planning authorities.

41. The WCS gives a broad statement of waste policy covering a particular local area over a wide timespan. The Plan has to provide for the possibility of fundamental technological advances, and contains many essential policies which are largely independent of those which establish the capacity requirement. It would not be appropriate to overturn the entire Core Strategy for the sake of what represents the latest advance on forecasting methods as yet largely untried in the field of practical waste development planning. The sound plan should not be sacrificed for the prospect of a slightly better plan. The overall planning system is capable of compensating, via the scrutiny of data at application stage, for any mismatches that might occur in the course of time and events.

42. In conclusion, therefore, the Core Strategy is sound in its use of statistics and forecasts of the waste to be managed, provided that Main Modification **MM1** is made to the document.

Issue 3 – Whether the Core Strategy makes appropriate provision for waste technologies.

43. The balance of technological advantage is not stable over time. Past government guidance has shifted in its 'steer' and focus between energy from waste (EfW) - incineration with energy recovery (e.g. CHP) - and anaerobic digestion (variously regarded as composting and as energy recovery). It is likely that the tension between technologies may be pronounced at times within the Plan period, and at others unremarkable. A further complicating factor is the degree to which technologies are dependent, for their practicality, sustainability and success upon the purity and consistency of waste input - a factor which was frequently emphasised in evidence to the Examination Hearings.

44. The importance of adequate provision for waste materials recycling facilities to enable handling appropriate to subsequent stages of waste treatment is clear. Policy WCS1 – *waste awareness, prevention and re-use* is clearly of paramount importance to the achievement of suitable recyclate materials, via its provision that *all new development should be designed and constructed to … assist the collection, separation, sorting, recycling and recovery of waste arising from the development*. But much remains to be done in the handling of waste arising from existing developments – food waste in particular, but also other forms of waste which if not properly separated can suffer 'contamination' limiting their capability of use as recyclate materials. That problem is not in the control of the WCS as a spatial development plan.

45. WCS2 – *Future Waste Management Provision* is explicitly linked, within the wording of the policy itself, to the aim of the WCS *to achieve 70% recycling or composting of all waste by 2025*. Policy WCS2 clearly states at (a) that *priority will be given to the development of new or extended waste recycling, composting and anaerobic digestion facilities*. At (b) the policy states that *new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise*

need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid. That is a demanding requirement. Disposal capacity (and this would include incineration without energy recovery) is ranked lowest in the order of priority: though some element of disposal capacity is always likely to be required. In its priorities, therefore, Policy WCS2 mirrors the Waste Hierarchy and sets a clear order of precedence in the consideration of technologies. At the same time, the policies of the Core Strategy would *take care to avoid stifling innovation in line with the Waste Hierarchy* in the terms of the current PPS10. It is, appropriately, through the Waste Hierarchy that preference is given to particular technological areas or groups of technologies.

46. In conclusion, therefore, the Core Strategy makes appropriate provision for waste technologies.

Issue 4 – Whether the Core Strategy makes appropriate provision for power station ash.

47. As an element of local distinctiveness, the Core Strategy includes a specific policy, WCS5, dedicated solely to the matter of power station ash. The waste ash is produced by the 3 coal-fired power stations at Ratcliffe-on-Soar, West Burton, and Cottam. The policy is necessary, because pulverised fuel ash (PFA) and furnace bottom ash (FBA) together constitute the largest waste stream, by volume, arising in Nottinghamshire and Nottingham. PFA and FBA have properties, potential uses, and problems of management distinct from those of other wastes.

48. PFA contains elevated levels of the soluble metal boron which may be harmful to plants, and so is not regarded as truly inert. Disposal into former mineral workings is now possible only with some form of engineering containment. Past infill of mineral workings has taken place via pipeline, and distance is a limiting factor. Power station ash is not currently involved at non-hazardous landfill disposal sites, and its management is dealt with as a separate matter. No PFA has been exported. The WCS envisages that the ash would not compete for disposal capacity at the remaining operational landfill sites: but that it might be possible to arrange disposal of some PFA as restoration material in certain sand and gravel workings in the north of the county. Detailed requirements to secure beneficial restoration, in terms of physical containment, visual character, biodiversity and after-use, can be dealt with appropriately in the subsequent development management policies document.

49. Otherwise, Policy WCS5 provides for temporary stockpiling of ash within or on land adjacent to coal-fired power stations *where this will help maximise recycling*. The policy states that *landraising of ash for disposal will only be acceptable when no other reasonable options exist*. The element of priority within these provisions is necessary because of the visual impact of stockpiled or landraised ash. The policy provides for a variety of opposing possibilities: that quantities of ash produced may reduce with lesser reliance upon coal-fired power stations as a source of energy; that the markets for PFA and FBA as secondary aggregate may decline (or increase); that storage space within the power station sites may become severely

limited; and that suitably-located and viable disposal sites in former sand and gravel workings may or may not be found.

50. In conclusion, therefore, the Core Strategy makes appropriate provision for power station ash.

Other Matters

Sustainable Transport

51. Policy WCS10 seeks to *minimise the distance waste is transported by road*. This is to be achieved by *maximis[ing] the use of alternative forms of non-road transport such as rail, water, pipeline or conveyor*. In relation to water in particular, there are obvious tensions between potential residential waterfront uses in regeneration schemes and the restoration of water transport using former wharves; and also between recreational use of rivers and canals, and the transport of waste by water. The WCS therefore appropriately does not refer to specific locations where alternative transport opportunities might be considered to arise; but requires *all waste management proposals* to *seek to maximise the use of alternative forms*: in other words, to make an effort at least to examine and consider the possibilities for alternative transport, in each and every proposal.

Fly-Tipping

52. Fly-tipping – the unauthorised deposit of waste – has relevance, to a degree, to a number of policies in the WCS. The activity has some relevance to Green Belt and to disposal: but is not open to control at the strategic policy level. The problem of fly-tipping can be traced back to individual behaviour: in evident contravention of previous policies in development plans, in contravention also of planning legislation; in avoidance of charges made to anyone other than a householder for the use of legitimate waste deposit facilities; and in the absence of convenient facilities. Though liable, in law, to face enforcement action, the perpetrators often cannot be traced. Even where they are known, enforcement action is not always the course chosen by Councils for practical reasons. Particularly in connection with agricultural activities, the deposit of waste materials (such as demolition material to form hardcore for access routes) represents a potentially 'grey area' in which the planning application process, for reasons of permitted development allowances, may not be engaged.

53. In consequence, the Core Strategy is not an appropriate vehicle through which to superimpose an additional or improved level of control. To frame a strategic policy outlawing the random deposit of waste would be unlikely to have any prospect of the desired response: it would not be effective. More thorough tracking of waste from its source would go some way to improve matters. Increased provision of local recycling and deposit facilities, and possibly also a review of the charging regime, could also help. But the solutions lie outside the scope of this strategic policy document.

Minewater Rebound

54. The cessation of coal mining and the de-watering of deep mines have led to a recovery in water levels, with potentially significant pollution of receiving watercourses: particularly where mine space was used, in the interim, for the deposit of waste allowing the build-up of toxic substances. Such practices could not be continued under the current pollution control regime, which carries its own legislative control. The Waste Core Strategy is not therefore the appropriate vehicle for achieving improved knowledge or control of conditions in former mines. The Environment Agency is aware of the problem, and of the consequent need for monitoring of water quality.

Assessment of Legal Compliance

55. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Waste Core Strategy is identified within the approved Nottinghamshire LDS March 2013; and in the approved Nottingham City LDS January 2013, which sets out expected adoption in October 2013. The Core Strategy's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The Nottinghamshire County Council's SCI was first adopted in January 2007. Since then, the issue of the NPPF, the Localism Act, and County Council reorganisation made the original SCI out of date. Following a review, including a period of consultation, the SCI Review was adopted in April 2013. The Nottingham City Council's SCI, first adopted in June 2007, was subsequently updated in January 2010 via the Technical Addendum, which made changes to the SCI in line with changes to legislation. Consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment 2012 sets out why AA is not necessary.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS of each authority.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations.

Overall Conclusion and Recommendation

56. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. The deficiencies have been explored in Issues 1 and 2 set out above. Consideration of Issues 3 and 4 has identified no other unsoundness.

57. The Councils have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications MM1-MM4 the Nottinghamshire and Nottingham Waste Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

S Holland **INSPECTOR**

Nottinghamshire County Council

Report to Environment and Sustainability Committee

14 November 2013

Agenda Item: 8

REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE

PROTOCOL FOR PLANNING APPLICATIONS TO BE TAKEN TO ENVIRONMENT AND SUSTAINABILITY COMMITTEE

Purpose of the Report

1. To seek Committee approval for an agreed protocol on when to seek Member approval for comments to be sent to:
   - Nottinghamshire District and Borough Councils following requests for strategic planning comments on planning applications;
   - Neighbouring Local Authorities following requests for comments on Local plans and Strategies;
   - The Government as a response to consultations.

Information and Advice

2. The Planning Policy Team currently prepare committee reports on planning applications and other strategic matters, such as emerging Local Plans within Nottinghamshire neighbouring authorities local plans and central government guidance on strategic planning issues. These reports, once approved, or ratified by Committee, are sent to the relevant body as the County Council's response to these consultations.

3. This protocol has been formulated to ensure that the County Council provide a consistent approach to commenting on planning applications, local plans and government publications within the County.

4. All responses to planning consultations need to be made within varying statutory timeframes, for example the County Council needs to respond to a planning application within 21 days in order for comments to be considered. It is often not possible to meet committee lead in times and as we aim to provide a coordinated response, as such officer comments are often sent to the relevant body, with ratification of such comments being sought at the next scheduled committee meeting. Approval of consultation responses which meet the criteria (set out in Appendix A) but are required prior to the next scheduled Environment & Sustainability Committee, except for responses to day-to-day technical consultations, will be agreed with the chairman and/or vice-chairman and reported to the earliest available Committee following their submission.

5. All consultation responses as operational decisions will be reported back to E & S Committee (in summary form) as part of the existing Strategic Planning Observations Report (SPO).

6. Appendix A sets out the proposed protocol.

Other Options Considered

7. To not have an agreed approach on sending strategic planning comments to the relevant Local Authorities and statutory bodies and to continue with the current approach.

Reason for Recommendation

8. To ensure that the County Council has a consistent approach to commenting on planning applications, local plans and other planning publications.

Statutory and Policy Implications

9. 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.

RECOMMENDATION

1) That Committee approve the agreed the protocol for dealing with strategic planning comments on planning applications and other strategic matters with effect from 1 December 2013 as set out in Appendix A.

Jayne Francis-Ward
Corporate Director, Planning, Policy and Corporate Services

For any enquiries about this report please contact: Nina Wilson, Principal Planning Officer, Planning Policy Team, ext 0115 97 73793

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.

Constitutional Comments (SHB.15.10.13)

10. Committee have power to decide the Recommendation.

Financial Comments (SEM 17/10/13)

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

Electoral Division(s) and Member(s) Affected

All.

Appendix A – Proposed Protocol

Committee Reports will be prepared for Environment and Sustainability Committee for the instances set out below, (unless specifically requested by an E & S Committee Member, with a valid planning reason). Where these instances are not met technical comments will be sent to the relevant body.

Type of Development	Committee Approval Required
Planning Applications	
Renewable energy	• Single or multiple wind turbines above 15m high (including blade length); • All Solar Farms; • All Biomass Plants
Retail development	• Applications over 2500m² floorspace; • Other retail applications where the proposal is outside a defined town centre
Residential Development	• 0-50 dwellings: if strategic planning issues are apparent; • 51-200 dwellings: Applications which are contrary to local or national planning policy; • 201+ dwellings: All applications
Commercial Development	• Applications over 2500m² floorspace; • All applications outside a defined urban boundary
Other development	• To be decided on a case by case basis
Local and National Strategies/Guidance	
Local Plans/Core Strategies	• All plans within the County • Neighbouring Borough/District Plans/strategies
Other Plans/Strategies/Publications	

	• To be decided on a case by case basis

Responses which meet the criteria, set out in the table above, but are required prior to the next scheduled Environment and Sustainability Committee will be agreed with the chairman and/or vice chairman and reported to the earliest available Committee.

Applications for any proposed development that is in accordance with an adopted Local Plan or Core Strategy is unlikely to be taken to E & S Committee, unless requested to do so by an Environment and Sustainability Committee Member, as the principle of development is established in planning policy terms.

Note:
All relevant planning applications requiring strategic planning comments are contained on the weekly list which is circulated to all members groups.

Any requests by and Environment and Sustainability Member for specific planning applications to be considered at earliest Environment and Sustainability Committee should be made to the Planning Group Manager and the Planning Policy Team Manager.

Nottinghamshire County Council

Report to Environment and Sustainability Committee

14 November 2013

Agenda Item: 9

REPORT OF CORPORATE DIRECTOR, POLICY, PLANNING AND CORPORATE SERVICES

WORK PROGRAMME

Purpose of the Report

1. To consider the Committee's work programme for 2013/14.

Information and Advice

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.

3. The attached work programme has been drafted in consultation with the Chairman and Vice-Chairman, and includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.

4. As part of the transparency introduced by the new committee arrangements, each committee is expected to review day to day operational decisions made by officers using their delegated powers. The Committee may wish to commission periodic reports on such decisions where relevant.

Other Options Considered

5. None.

Reason/s for Recommendation/s

6. To assist the committee in preparing its work programme.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of finance, 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.

RECOMMENDATION/S

1) That the Committee's work programme be noted, and consideration be given to any changes which the Committee wishes to make.

Jayne Francis-Ward
Corporate Director, Policy, Planning and Corporate Services

For any enquiries about this report please contact: Ruth Rimmington, Democratic Services Officer on 0115 9773825

Constitutional Comments (HD)

8. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (PS)

9. There are no financial implications arising directly from 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.

- New Governance Arrangements report to County Council – 29 March 2012 and minutes of that meeting (published)

Electoral Division(s) and Member(s) Affected

All

ENVIRONMENT & SUSTAINABILITY COMMITTEE - WORK PROGRAMME

Report Title	Brief summary of agenda item	For Decision or Information ?	Lead Officer	Report Autho
Items to be scheduled for future meetings (dates to be confirmed)				
Strategic and operational study into effectiveness of HWRC. **Date to be confirmed**	Information		Mick Allen	
Consideration of options to progress recycling and waste minimisation across the County.	Information		Mick Allen	
November meeting				
18 November 2013 Meeting with Planning Minister	The County Council, along with the City Council and the District/Boroughs of Gedling, Broxtowe, Rushcliffe, Erewash and Ashfield have been invited to meet with Nick Boles MP who is the Parliamentary Under-Secretary for the Department for Communities and Local Government (Planning). The meeting is due to take place on 18 November 2013 at Portcullis House, Westminster to discuss strategic planning issues in Greater Nottingham with specific emphasis on the preparation of Local Plans. Councillor John Wilkinson will be attending in his capacity as vice-chairman of Environment and Sustainability Committee along with Sally Gill, Planning Group Manager.	The outcome of the meeting will be reported to the next Environment and Sustainability Committee.	Sally Gill	
Future Strategic Planning			Lisa Bell	

Report Title	Brief summary of agenda item	For Decision or Information ?	Lead Officer	Report Autho
Observations				
Waste Core Strategy Update			Lisa Bell	
Ashfield District Council Local Plan – Ratification of officer comments			Lisa Bell	
Mill Farm, Newark Wind Turbine			Lisa Bell	
Orston Solar Farm			Lisa Bell	
Whatton Manor Wind Farm			Lisa Bell	
Northampton Minerals Local plan – formal response			Lisa Bell	
Cottam Wind Turbine			Lisa Bell	
December Meeting				
Waste Performance Report Quarter 1 2013/14				
Strategic Planning Observations				
District Planning applications				
Waste PFI Draft Revised Project Plan				
January meeting				
February meeting				
Responses received to the Minerals Local Plan consultation				
Responses received from the Planning Obligations Strategy Consultation				

Report Title	Brief summary of agenda item	For Decision or Information ?	Lead Officer	Report Autho
March meeting				
Potential County Council Energy Strategy and Opportunities				
May meeting				
Approval to consult on Minerals Local Plan Submission Draft;				
Approval to consult on Waste Local Plan Part 2: Preferred Approach				
June meeting				
July meeting				