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.

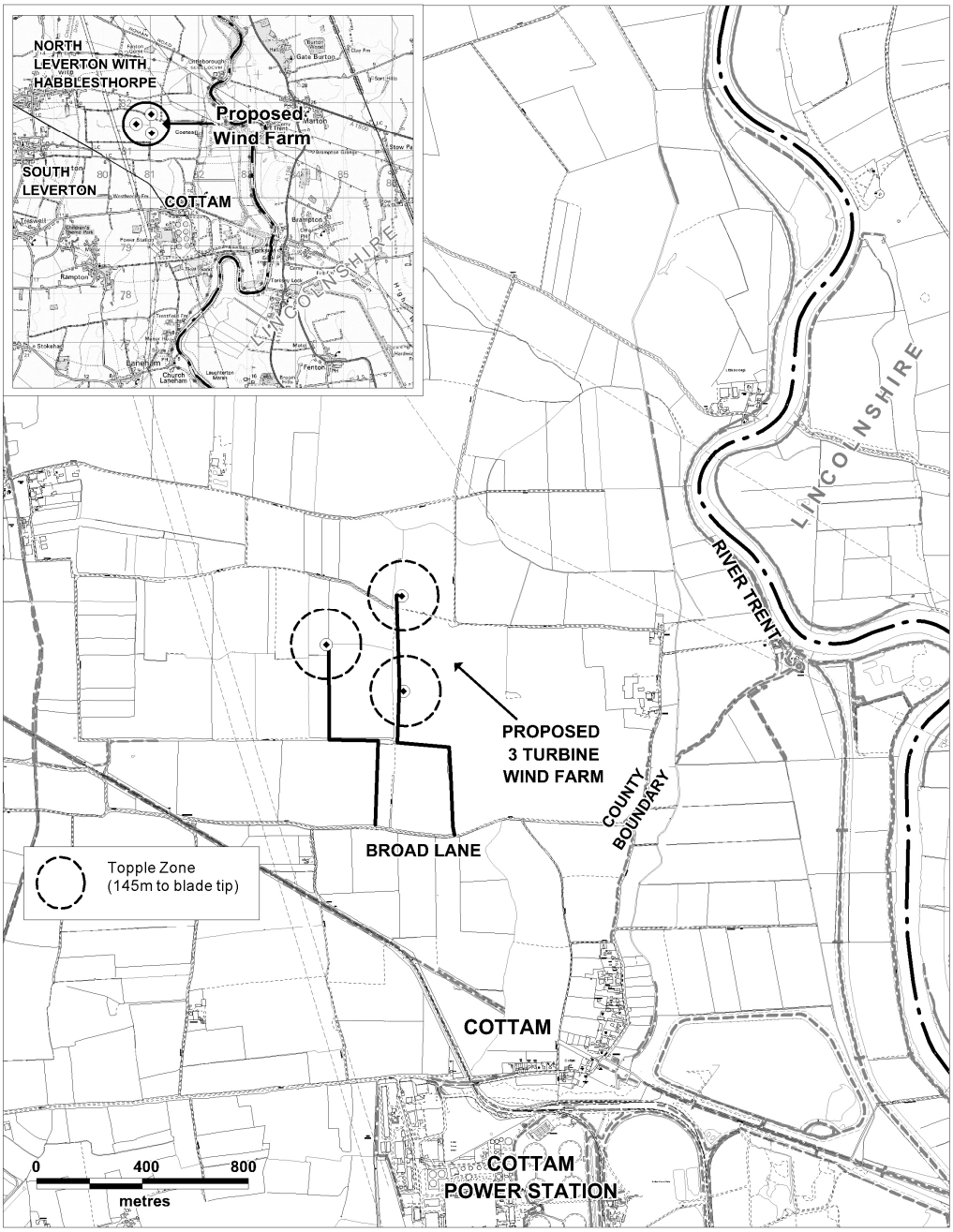
Background Papers and Published Documents

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



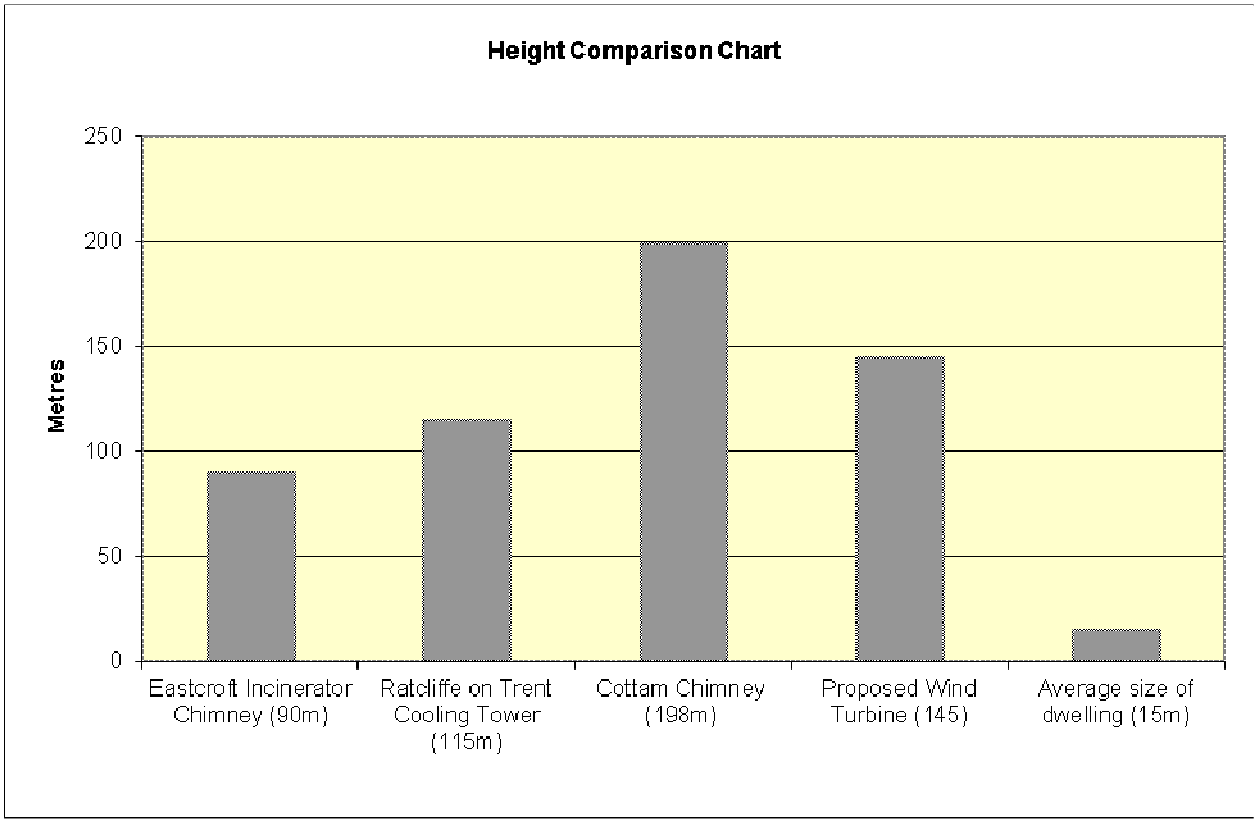
Nottinghamshire County Council
Trent Bridge House, Fox Road
West Bridgford, Nottingham, NG2 6BJ
Tel: 0115 982 3823

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

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