

12 September 13

Agenda Item:

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

**STRATEGIC PLANNING OBSERVATIONS ON A SINGLE WIND TURBINE,
MANOR FARM, UPPER BROUGHTON**

Purpose of the Report

1. To seek Committee endorsement for comments set out in this report which were sent to Rushcliffe Borough Council (RBC) on the 9th August 2013 in response to the request for strategic planning observations on the above planning application for a single wind turbine on land at Manor Farm, Upper Broughton.

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.

Description of the Proposal

4. The planning application is for a single 250kw wind turbine, associated infrastructure and an access track. The turbine is a 3-blade model with a hub height of 30m and a blade diameter of 30m, giving a total maximum height above ground level of 45m. The turbine construction will require square concrete foundations, having dimensions of 8.7m, to a depth of 1.5m. development within the area. Appendix 2 chart illustrates the height of the proposed wind turbine in terms of other surrounding landmarks on the landscape.
5. Construction is proposed to be completed from a temporary working area (approx 60m x 60m) and storage areas in the vicinity of the turbine site and does not form part of this application. The construction programme should not exceed a period

of 14 days. The access track would be a permanent construction, to allow access for maintenance over a 20 year period. The track is to be constructed from the existing field gate onto the adjacent byway (which is accessed from Station Road to the south), to the east of the proposal site. The track would be constructed from imported 40mm limestone hardcore.

6. The proposed turbine would be operational for a period of 20 years. During that time, access would only be needed for routine maintenance. At the end of the operational period, the turbine would be decommissioned and removed from the site.

Planning Policy Context

National Planning Policy Framework (NPPF)

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 Highway Authority requires the applicant to provide track templates of the largest vehicle expected to access the site to ensure that the Station Road / Manor Barn Farm Lane junction is wide enough accommodate the turning manoeuvres of such vehicles.
13. A visibility splay of 2.4m x 215m cannot be achieved at the Manor Barn Farm Lane / Station Road junction. However, this is an existing junction, with the development only generating vehicular trips during any maintenance / construction period; it would therefore be difficult to argue that the proposal would intensify the use of an existing access, especially as the number of trips will be relatively low.
14. The proposed wind turbine measures 45m in height, with a 30m blade diameter. Drawing number MH5015-02 shows that the wind turbine will be located approximately 100m away from Manor Barn Farm Lane which is sufficient should it collapse. The Highway Authority also considers that the presence of the wind turbine will not cause an undue distraction to users of the highway.
15. The proposed sub-station will be located adjacent to Manor Barn Farm Lane. Therefore, it is requested that the applicant provide a layby for maintenance operatives to park their vehicles to prevent an obstruction to traffic on the byway.
16. With the above in mind, it is recommended that this application be deferred to enable the applicant to address the above points.
17. Detailed Highways comments are set out in Appendix 3.

Ecology

18. No statutorily designated site would be affected by the proposed development.
19. It should be noted that although a Desk Study has been undertaken, this has proceeded under the incorrect assumption that the site is in Leicestershire, and has involved consultation with the Leicestershire and Rutland Environmental Records Centre (LRERC) rather than the Nottinghamshire Biological and Geological Records Centre (NBGRC). As a result, the presence of locally designated sites within the locality has been overlooked, and no species records have been returned for Nottinghamshire. Given that many of the conclusions reached in the Appraisal are based on the results of the desktop study, it is suggested that the Appraisal should be carried out again, this time after consultation with the NBGRC.
20. Habitat Suitability Index (HIS) surveys have been carried out on five ponds in proximity to the development site, of which two are within 250m of the proposed turbine location. These two ponds are assessed as having 'good' and 'average' habitat suitability for great crested newts (a European Protected Species), respectively. No full survey of these ponds has been carried out (and it should be

noted that great crested newts are present within the area – approximately 1.5km of the site). Rushcliffe Borough Council needs to be mindful of its duty under Regulation 9(3) of the Habitats Regulations to have regard to the requirements of the Habitats Directive, and thus the ‘three tests’ which must be met before planning permission can be granted for an activity which would otherwise contravene the strict protection afforded to European Protected Species. In this case, whilst ‘Reasonable Avoidance Measures’ are put forward in the Ecological Appraisal, it is recommended that RBC seek explicit confirmation from the applicant that no impact on great crested newts is predicted, with reference to Natural England’s ‘Risk Assessment Tool’ for great crested newts. If such assurances are provided, adherence to the ‘Reasonable Avoidance Measures’ listed in Section 4.5.10 of the Appraisal should be made a condition of any permission granted.

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

Landscape

22. The construction of a wind turbine within a predominantly rural area will be incongruous; the landscape impact assessment notes a moderate and slight adverse impact for every category of landscape character considered. However the conclusion of the study is that (the turbine) has ‘*an obvious and directly functional relationship*’ with the landscape; the basis upon which this comment is made (or what it actually means) is unclear.

23. The siting of any wind turbine within this policy zone would appear to be contrary to the relevant landscape actions given in the Greater Nottingham Landscape Character Assessment (GNLCA); the turbine will be located on a prominent topographic spur in a landscape predominantly comprised of rolling hills, open arable fields and isolated farms. The landform in the vicinity is generally found between the 70 and 120m contour, with gentle slopes rising 30m above the valleys. A turbine of 45m, located just above the 100m contour will stand proud of the surrounding countryside and dominate the skyline for the immediate locality.

24. A fairly extensive Zone of Visual Influence is shown in the report, the locations of the viewpoints assessed are not shown on a map. Of the 13 viewpoints assessed, it is considered that the impact from Viewpoint 3 will be **slight/moderate adverse** (rather than slight), and from viewpoint 8, **moderate adverse** (not slight). The impact from walkers and cyclists on the nearby Public Rights of Way, especially where immediately adjacent to the turbine, will be **substantial adverse** – recreational users are highly sensitive and the magnitude of change will be high.

25. The only viewpoint taken from the A46 is some 2 km away at the A606 intersection. Although the road is generally lined with hedgerows and trees, and drivers are of low sensitivity, the magnitude of change will be high where there are gaps in the hedge or where localised topography gives elevation. In these instances the impact will be **slight or slight/moderate**.

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

Cumulative Impact considerations

27. An application for two wind turbines at Sibthorpe was refused by Rushcliffe Borough Council in April 2013 and an application for an 87.5m high wind turbine to the west of this application site at East Bridgford is pending a decision.
28. A single 660kw wind turbine proposal (tip height 78m) at Glebe Barn Farm, Willoughby-in-the-Wolds (Charnwood Borough Council area), approx 3.5kms southwest of the application site was approved in June 2008 and is now operational.
29. A 9 turbine Wind Farm proposal (tip height 79m) at Paddys Lane, Old Dalby (Melton Council area), approx 3.5kms south of the application site was approved in December 2010 but has yet to be installed.
30. In combination with this proposed development, the proposals outlined above are not considered to have any effects in terms of cumulative impacts.

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. From a Highways perspective it is recommended that this application be deferred to enable the applicant to address the points raised in paragraphs 12-16 above.
33. The Ecological Desk Study undertaken, involved consultation with the Leicestershire and Rutland Environmental Records Centre (LRERC) rather than the Nottinghamshire Biological and Geological Records Centre (NBGRC). As a result, the presence of locally designated sites within the locality has been overlooked, and no species records have been returned for Nottinghamshire. Given that many of the conclusions reached in the Appraisal are based on the results of the desktop study, it is suggested that the Appraisal should be carried out again, this time after consultation with the NBGRC.
34. Additional work is required in terms of great crested newts.
35. It is considered that there would be a moderate adverse impact on landscape character as such the application cannot be supported on landscape and visual impact grounds.
36. Overall the County Council supports the proposal in principle, however, objections are raised on the basis that the impact on landscape would be unacceptable, erroneous ecological consultations were carried out and insufficient highways information has been submitted.

Other Options Considered

37. 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

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

39. The County Council requests that the application is deferred to allow the applicant to address issues pertaining to highways.

40. The County Council raises concerns over the ecological desk top survey.

41. The County Council object to the proposal on landscape and visual grounds as it is considered the proposed development would a moderate adverse impact on landscape character.

42. Overall the County Council supports the proposal in principle, however, objections are raised on the basis that the impact on landscape would be unacceptable, erroneous ecological consultations were carried out and insufficient highways information has been submitted.

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.

Statutory and Policy Implications

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Financial Implications

45. There are no direct financial implications.

Implications for Sustainability and the Environment

46. 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. However objections are raised as the impact on the landscape would be unacceptable, erroneous ecological consultations have been carried out.

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

Financial Comments (TMR 06/08/2013)

47. There are no direct financial implications as a result of this report.

Financial Comments (SHB.06.08.13)

48. Committee have power to decide the Recommendation.

Background Papers and Published Documents

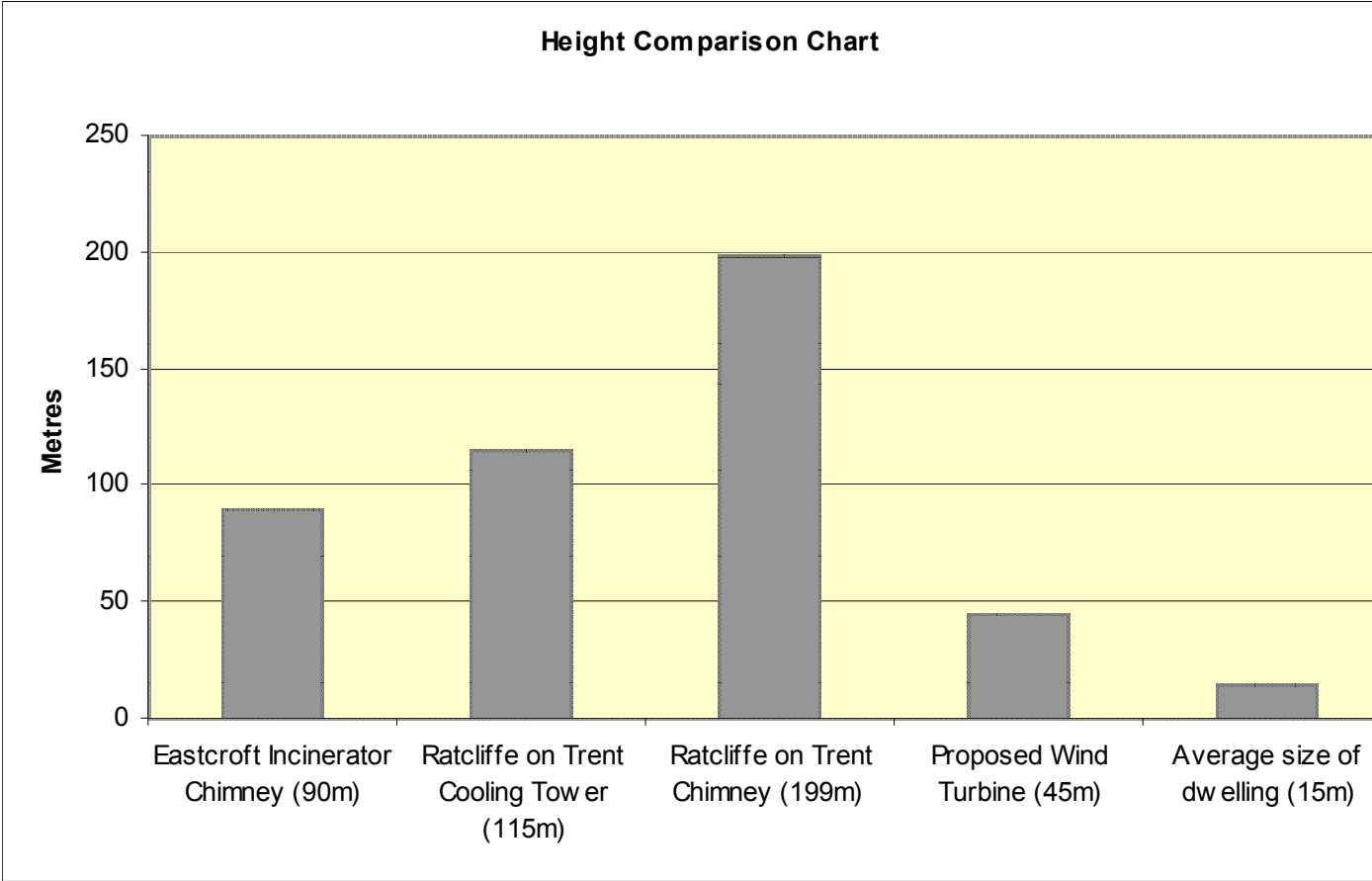
Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

Keyworth - Councillor John Cottee

Appendix 1 – Site Location Plan

Appendix 2 – Height Comparison Chart



Appendix 3 – Detailed Highways Comments

TOWN AND COUNTRY PLANNING ACT

HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT

DISTRICT:	Rushcliffe	Date received	24/06/2013
OFFICER:	Helen Reid	by D.C.	20/06/2013
PROPOSAL:	Install a 250KW wind turbine and associated infrastructure including access walk	D.C. No.	13/00989/FUL
LOCATION:	Land north of Manor Barn Farm, Station Road, Upper Broughton		
APPLICANT:	Hallmark Power Ltd		

The application site is a wind turbine and access track that is bound on two sides by the A46 to the west, and Manor Barn Farm Lane to the west. The A46 is a Trunk Road that is managed and maintained by A-One+ on behalf of the Highways Agency. As such, it would be advisable to consult A-One+ on 0844 372 8381 to determine whether this application will affect their network.

Vehicular access to the site is via Manor Barn Farm Lane, a Byway Open to All Traffic that is managed and maintained at public expense. The lane is of varying width which serves a small number of properties, as well as Manor Barn Farm itself.

Manor Barn Farm Lane can be accessed from the A46 and Station Road. Section 8.5.1 of the Planning Statement specifies that “the delivery route will be via the motorway network onto the A46 Trunk Road, then via Station Road (towards Upper Broughton) as far as Top Cottage, then turn north onto the Byway, as far as the application site”. The Highway Authority will require the applicant to provide track templates of the largest vehicle expected to access the site to ensure that the Station Road / Manor Barn Farm Lane junction is wide enough accommodate the turning manoeuvres of such vehicles.

A visibility splay of 2.4m x 215m cannot be achieved at the Manor Barn Farm Lane / Station Road junction. However, this is an existing junction, with the development only generating vehicular trips during any maintenance / construction period; it would therefore be difficult to argue that the proposal would intensify the use of an existing access, especially as the number of trips will be relatively low.

The proposed wind turbine measures 45m in height, with a 30m blade diameter. Drawing number MH5015-02 shows that the wind turbine will be located approximately 100m away from Manor Barn Farm Lane which is sufficient should it fall over. The Highway Authority also considers that the presence of the wind turbine will not cause an undue distraction to users of the highway.

The proposed sub-station will be located adjacent to Manor Barn Farm Lane. We will therefore require the applicant to provide a layby for maintenance operatives to park their vehicles to prevent an obstruction to traffic on the byway.

With the above in mind, we recommend that this application be deferred to enable the applicant to address the above points.

Matt Leek.

Development Control, Highways South.

11th July, 2013.

Appendix 4 - Detailed Ecology Comments

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 9th April 2013.
- The nearest statutorily designated site (in Nottinghamshire) is Kinoulton Marsh SSSI, located approximately 4.6km to the north-east; this site would not be affected by the proposals. A small number of non-statutory sites (Sites of Importance for Nature Conservation, also known as Local Wildlife Sites) also occur in the area, the nearest being approximately 580m from the development site, although these have not been identified by the Desk Study (see below). Again, none of these sites would be affected by the proposals.
- It should be noted that although a Desk Study has been undertaken, this has proceeded under the false assumption that the site is in Leicestershire, and has involved consultation with the Leicestershire and Rutland Environmental Records Centre (LRERC) rather than the Nottinghamshire Biological and Geological Records Centre (NBGRC). As a result, the presence of locally designated sites within the locality has been overlooked, and no species records have been returned for Nottinghamshire. Given that many of the conclusions reached in the Appraisal are based on the results of the desktop study, I am tempted to suggest that the Appraisal should be carried out again, this time after consultation with the NBGRC.
- In addition to the Desk Study, an Extended Phase 1 Habitat Survey and Habitat Suitability Index (HSI) survey (the later in relation to great crested newts) have been carried out. No specific surveys have been completed in relation to birds or bats, the two groups of species which are normally at greatest risk from wind turbines.
- The Extended Phase 1 Habitat Survey indicates that the field in which the proposed turbine is to be located is improved grassland, although no species list is provided to support this. However, aerial photos suggest this is the case. In addition, a short section of hedgerow may be affected by the proposals, to allow access to the site. On this basis, the habitat directly affected by the proposals is not considered to have any significant nature conservation value.
- Habitat Suitability Index (HSI) surveys have been carried out on five ponds in proximity to the development site, of which two are within c.250m of the proposed turbine location. These two ponds are assessed as having 'good' and 'average' habitat suitability for great crested newts (a European Protected Species), respectively. No full survey of these ponds has been carried out (and it should be noted that great crested newts are present within the area – records I have access to data which indicates a record from approximately 1.5km of the site). Rushcliffe Borough Council needs to be mindful of its duty under Regulation 9(3) of the Habitats Regulations to have regard to the requirements of the Habitats Directive, and thus the 'three tests' which must be met before planning permission

can be granted for an activity which would otherwise contravene the strict protection afforded to European Protected Species. In this case, whilst 'Reasonable Avoidance Measures' are put forward in the Ecological Appraisal, it is recommended that RBC seek explicit confirmation from the applicant that no impact on great crested newts is predicted, with reference to Natural England's 'Risk Assessment Tool' for great crested newts. If such assurances are provided, adherence to the 'Reasonable Avoidance Measures' listed in Section 4.5.10 of the Appraisal should be made a **condition** of any permission granted.

- Minor negative impacts are predicted on bats following the analysis of information gathered during the Desktop Study (but note comments above); as already indicated, no specific bat activity surveys were carried out. However, Natural England's Technical Information Note TIN059 (*Bats and single large wind turbines: Joint Agencies interim guidance*, dated 18 September 2009) states that "a bat survey should normally be recommended for applications for turbines that will be located within 50m of the following features:
 - Buildings or other features or structures that provide potential as bats roosts
 - Woodland
 - Hedgerows
 - Rivers and lakes
 - Within or adjacent to a site designated for bats"

In this case, none of these situations apply; in particular, the turbine has been sited such that it is more than 50m from any boundary features – in fact, the turbine would be 65 metres from the northern boundary and 63 metres from the eastern boundary with the distances accounting for the presence of 10m tall trees within the boundaries (a **condition** should be used to ensure that these distances are adhered to). On this basis, there does not appear to be a requirement for a bat activity survey. The Ecological Appraisal concludes that minor negative impacts on bats cannot be precluded, but that impacts on bat populations at the local level are considered unlikely. However, I am concerned that an ash tree with medium bat roost potential has been identified within 63 metres of the proposed turbine location. I strongly recommend that a further assessment of this feature is carried out, given the European Protected Species status of bats, prior to the determination of this application.

- The ornithological (i.e. bird) interest of the site is considered to be low, although no surveys have been carried out. However, it is stated that "the majority of bird species likely to be present within the survey area comprise small perching birds which are not generally considered to be vulnerable to wind turbine developments". Although not backed up with survey evidence, this appears to be a reasonable assumption to make. A standard **condition** should be used to control vegetation clearance during the bird nesting season.

A number of bird species of 'high risk' from collision with turbines (generally larger, less manoeuvrable species such as wildfowl and raptors) have been recorded in the wider area (although again, the records all originate from Leicestershire). The Ecological Appraisal states that such species may

occasionally be present within or around the application site. Regarding the absence of surveys in this respect, Natural England's Technical Information Note TIN069 (*Assessing the effects of onshore wind farms on birds*, dated 7th January 2010) states that "situations for which detailed assessments requiring surveys and monitoring are likely to be necessary include:

- Locations where Schedule 1 (Wildlife & Countryside Act 1981) and/or Annex 1 (EU Birds Directive) species are present in significant numbers, especially those which may be sensitive to wind farm effects (see Appendix 1).
- Locations within, or in the vicinity of, designated or proposed Special Protection Areas (SPAs), ornithological Ramsar Sites and ornithological SSSIs, again especially when used by species which may be sensitive to wind farm effects.
- Known bird migration routes and local flight paths, wetland sites and other locations where potentially vulnerable species occur in relatively high concentrations.
- Topographical features such as ridges and valleys and, on the coast, cliffs and headlands, which may funnel or otherwise concentrate bird flight activity."

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

- No evidence of badgers was found during the Phase 1 Habitat Survey. Nevertheless, the site has some potential for badgers, and it is recommended in the Ecological Appraisal that a repeat survey for badgers is carried out within 50m of the working area prior to development commencing, with mitigation measures provided as necessary. This should be secured through an appropriately worded **condition**.
- No significant impacts on any other protected or notable species appear likely.
- The general mitigation measures outlined in section 9.6.11 of the Planning Statement should be secured through a **condition**.

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

Appendix 5 – Detailed Landscape Comments

Application: 45m Wind Turbine at Manor Barn Farm, Upper Broughton
Ref: 13/000989/FUL

Further to your email correspondence of 8 July in respect of this application, please find my comments below.

Existing Site

The application site lies to the north of Manor Barn Farm, Upper Broughton, and approximately 300m east of the A46. The locality is classified as the Widmerpool Clay Wolds (NW03) in the Greater Nottinghamshire Landscape Character Assessment, and the landscape policy action is '*to conserve*'. Recommendations go on to note '*that development should be carefully sited to protect the existing rural character of the area*'.

Applicant's documentation

The applicant has included a Landscape and Visual Impact Assessment undertaken by AAH Planning Consultants. The assessment includes a matrices of impact for both landscape character and visual impact, with the proposal compared to the baseline. It would however have been useful to have had a plan showing the location of the viewpoints used for the visual impact analysis and the associated photomontages. Given the close network of PRoWs in the immediate vicinity of the application site, the presence of the Midshires Way 1.5km to the south and the close proximity of the A46, there is a notable scarcity of viewpoints taken within 1km radius of the site (3 out of 13).

Landscape Character

The construction of a wind turbine within a predominantly rural area will be incongruous; the landscape impact assessment notes a moderate and slight adverse impact for every category of landscape character considered. However the conclusion of the study is that (the turbine) has '*an obvious and directly functional relationship*' with the landscape; the basis upon which this comment is made (or what it actually means) is unclear.

The siting of any wind turbine within this policy zone would appear to be contrary to the relevant landscape actions given in the GNLCA; the turbine will be located on a prominent topographic spur in a landscape predominantly comprised of rolling hills, open arable fields and isolated farms. The landform in the vicinity is generally found between the 70 and 120m contour, with gentle slopes rising 30m above the valleys. A turbine of 45m, located just above the 100m contour will stand proud of the surrounding countryside and dominate the skyline for the immediate locality.

Visual Impact

As noted above, although a fairly extensive Zone of Visual Influence is shown in the report, the locations of the viewpoints assessed are not shown on a map. Of the 13 viewpoints assessed, I am in agreement with the conclusions of 11; I would however argue that the impact from Viewpoint 3 will be **slight/moderate adverse** (rather than slight), and from viewpoint 8, **moderate adverse** (not slight). The impact from walkers and cyclists on the nearby PRowWs, especially where immediately adjacent to the turbine, will be **substantial adverse** – recreational users are highly sensitive and the magnitude of change will be high.

The only viewpoint taken from the A46 is some 2 km away at the A606 intersection. Although the road is generally lined with hedgerows and trees, and drivers are of low sensitivity, the magnitude of change will be high where there are gaps in the hedge or where localised topography gives elevation. In these instances the impact will be **slight or slight/moderate**.

Summary

Overall I do not support the proposal. There will be a moderate adverse impact on landscape character, and the LVIA has been rather selective in its analysis of visual impact, as the impact on key recreational and nearby amenities is not wholly considered.

Amanda Blicq, Landscape & Reclamation, Highways, Trent Bridge House