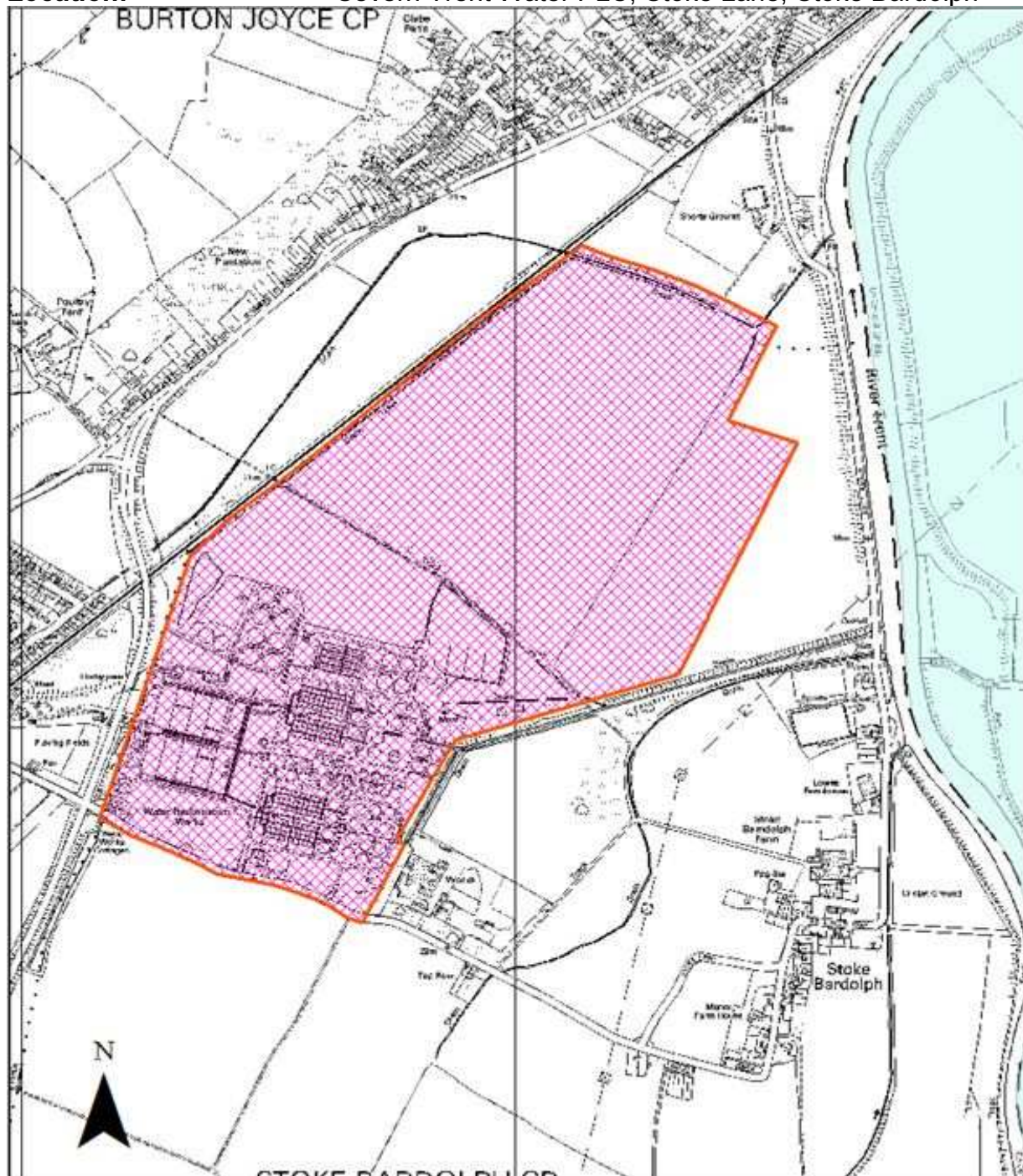


Application Number: 2012/1472

Location: Severn Trent Water PLC, Stoke Lane, Stoke Bardolph



NOTE:

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Report to Planning Committee

Application Number:	2012/1472
Location:	Severn Trent Water Plc, Stoke Lane, Stoke Bardolph, Nottinghamshire
Proposal:	Erection of a single wind turbine (rated capacity up to 2.5MW) and other ancillary development.
Applicant:	Severn Trent Water Limited
Agent:	Mr Chris Haggon

1.0 The Proposed Development

- 1.1 Full planning permission is sought for the erection of one wind turbine on agricultural land to the east of the existing Severn Trent sewage treatment works. The applicant has advised that the turbine would be operational for 25 years.
- 1.2 Access to the site would be gained off Stoke Lane and through the existing Severn Trent sewage treatment works. The junction access from Stoke Lane into the Severn Trent site would need to be upgraded as part of the proposed development. Alterations would be required to provide the access road from the Severn Trent site to the site of the wind turbine (approximately 500m to the north east of the treatment works). Vegetation including a number of trees would have to be removed in order to create the new access track.
- 1.3 A 33kv electricity substation is proposed to the north of the existing track that forms the northern boundary of the built up element of the sewage treatment works. The substation would measure at its maximum 15m x 9m, with an eaves height of 3m and a ridge height of 6m.
- 1.4 The proposed turbine would have a maximum hub height of 60m and a rotor diameter of 80m giving a maximum tip height of 100m. The turbine would have three blades, each 40m in length. The turbine would have a concrete foundation measuring approximately 18m x 18m and would extend to a depth of 3m below ground level. A temporary site compound and a crane erection area and component lay down area would be constructed adjacent to the site of the proposed wind turbine.
- 1.5 The site compound would provide temporary cabin structures to be used as a site office and parking would also be provided within the area. The site

compound, the component lay down area and the crane erection area would be surfaced with a geo-textile mat with crushed stone laid on top. The construction compound is proposed to be removed upon the completion of the development. The lay down area and the crane hard standing area would be retained and utilised during decommissioning. These areas would be covered in soil and reseeded during the operational phase of the turbine.

- 1.6 Cabling would need to be laid down to connect the turbine to the proposed electricity substation, although the exact route has not been confirmed it is anticipated that the cabling would be buried within or to the side of the access track.
- 1.7 The proposed development would comprise three distinct phases; phase 1 would be the construction phase; phase 2 would be the operational phase and phase 3 would be the decommissioning phase. It is anticipated that the construction phase would last for approximately 4 months. Construction would involve enabling works such as site preparation, upgrading of junctions to create the access, construction of accesses and the site compound, crane erection and component lay down areas. The main construction works would involve constructing the turbine foundations, electricity substation, laying cables, erecting the turbine and undertaking restoration works to remove the site compound, crane erection and component lay down areas.
- 1.8 The operational phase of the development would last for approximately 25 years, when the turbine would be generating electricity. The turbine would generate electricity at a wind speed of 3.5m/s. Should wind speed exceed 25m/s then the turbine would automatically shut down. It is predicted that the turbine would provide enough electricity for approximately 1,526 average U.K. households and provide carbon dioxide reductions of 2,166 tonnes annually. The electricity generated would be exported to the National Grid.
- 1.9 The decommissioning phase is anticipated to take approximately one month. Many of the activities of this phase would be common to the construction phase. Parts of the access track would need to be re-widened and a compound would need to be established for the temporary storage of materials. The site would then need to be restored.
- 1.10 The construction phase would generate the most amount of traffic to and from the site, and also would be the point at which there would be more people working at the site. During the decommissioning of the site the number of vehicles and people to and from the site would again increase.
- 1.11 During the operational phase of the development the site would be visited twice a year for maintenance purposes, by technicians who would use a small van. No other visits would be required unless there was component failure and replacement equipment was required. The turbine would be subject to remote computer checking throughout its operation.

2.0 The Site and its Surroundings

- 2.1 The site where the wind turbine would be located is bounded by a railway line to the north and the sewage treatment works to the south. To the east of the site is the River Trent and to the west is Nottingham Road. The Poplars Sports Ground is also located to the north of the site. The village of Stoke Bardolph lies to the south of the site and the village of Burton Joyce lies to the north of the site, whilst to the west of the site is Gedling.
- 2.2 The site is located within the valley of the River Trent. The view of the site from Nottingham Road and Stoke Lane is closed and small in scale given the flat nature of the landscape in the immediate vicinity of the site. However, the view of the site does become more open and large in scale when seen from the slopes of the River Trent Valley behind the village of Burton Joyce and Shelford.
- 2.3 The Ferry Boat Public House would be the closest property to the wind turbine and would be located approximately 505m from the turbine together with properties on Stoke Lane.
- 2.4 The closest public footpath to the site is located to the east of the site and runs from Stoke Lane, around the western edge of Stoke Bardolph and around the rear of the Ferry Boat Public House.
- 2.5 The turbine is proposed to be located in a field immediately to the rear of the existing Severn Trent sewage treatment works. The site itself is mainly level and was last used for agricultural purposes. In the past the site did comprise of settling ponds, which were filled in and it is known that in recent times slurry was deposited on the site. The agricultural field in which the turbine would be located is defined by a hedgerow to the east, a track (which is also a potential public footpath) to the south, a hedgerow to the west and a drain to the north. Along the access track is a linear broadleaved plantation. The turbines would be accessed from an existing track to the north of the sewage treatment works, and the sewage treatment works themselves are and would continue to be accessed off Stoke Lane, Stoke Bardolph.
- 2.6 The site is within the Nottinghamshire Green Belt. The eastern part of the site lies within Flood Zone 3. The central part of the site is located in Flood Zone 2 and the western part of the site is situated within Flood Zone 1 and is therefore at a low risk of flooding. The turbine would be located in flood zone 3 and is therefore at high risk of fluvial flooding. The site is located within the Trent Washlands Landscape Character Area as identified in the Nottinghamshire Landscape Character Area. The eastern part of the site lies within the river meadowlands character sub type of the Trent Washlands Character Area and the western part of the site falls within the terrace farmlands character sub type. The site also lies above an Aquifer Protection

Zone.

3.0 Application Publicity and Procedures

- 3.1 The application has been advertised as a departure from the Local Plan. Site notices have also been displayed to indicate that the proposed development could have an adverse impact on the setting of listed buildings and conservation areas in the vicinity of the site. The required Press Notices have been advertised within the Nottingham Evening Post.
- 3.2 1218 properties within a 1.2 km radius of the site have been notified of the application, by the Borough Council. The area of neighbour notification also included properties within the districts of Rushcliffe and Newark and Sherwood.

Neighbour Notification and General Publicity Responses

- 3.3 615 letters have been received objecting to the proposal and 9 letters have been submitted in support of the application. The letters of representation raise the following issues:

Adverse impact on the residential amenity of nearby residents in terms of noise, shadow flicker, visual intrusion and the potential impact on health;

Visual impact of the development on the local landscape and local heritage;

Impact on local sports and recreational facilities;

Proximity of the proposal to so many residential properties;

Impact on telecommunications;

Impact on the Green Belt;

Impact on the character of the area;

Impact on local wildlife, in particular on bats and birds;

Queries over the noise, contamination and ecology studies presented as part of the application and their robustness;

Highway and railway safety;

Impact on local hydrology and geology, increased risk of flooding, impact on the Aquifer and potential to cause additional contamination of ground water;

The need to consider other renewable energy sources, that the wind turbines have a small output and the efficiency and reliability of wind turbines is questionable, in addition the sustainability argument for the proposal is flawed as other matters need to be considered, such as impact on local area;

Impact on house prices;

No compensation or real local benefits are proposed as part of the

development;
Dominance within in the landscape;
A comparison cannot be made between this site and the Woodborough site for the wind turbine;
The proposal will set a precedent if granted;
The safety of the turbine is questioned;
Impact on walkers and cyclists in the area;
Impact on aviation;
Impact on the health of local residents;
Economic reasons for the turbine have not been demonstrated;
Turbines are not cost effective;
Questions are raised in regard to the role of Severn Trent Plc.

3.4 I have also received representations from the following groups:-

Gedling Sports Forum – The recreational function of The Poplars Sports Ground would be eroded and the proposal would not maintain or enhance the recreational character and the quality of the open space. The turbine would be visually distracting to players and spectators. The proposal could lead to the closure or restrictions on the activities of the sports club.

The Gunn and Moore South Nottinghamshire Cricket League – the turbine would have a serious effect on the safety of players. The proposal would create a serious distraction to players, officials and spectators.

Nottinghamshire Cricket Board Ltd – the proposal will have a negative impact on sports facilities and cricket.

Burton Joyce Cricket Club – the visual distraction of the turbine would result in a significant impact and will result in a detrimental impact on the ground facilities. Turbine rotation turbulence does not seem to have been addressed as part of the proposal. Should the turbine be erected it is likely that players would leave the Club and this would lead to the demise of the Club.

Burton Joyce Preservation Society (BJPS) – the BJPS can see no justification for this application to be treated any differently to the previous application for two turbines on this site, and it should be refused.

Whilst the BJPS accepts that the impact of a single, slightly smaller (100 metres) turbine will be less than that of the two turbines previously proposed, it continues to have very serious concerns over the effect that the turbine would have on a significant number of Burton Joyce residents due to noise and shadow flicker and the effect it would have on the Poplars Sports Ground.

In addition, the BJPS does not believe that the new proposal addresses any of the reasons for refusal of the previous application, as set out by Gedling Borough Council (GBC) – the site is in the Green Belt, a single turbine will adversely affect the Trent Washlands Area, it will have an adverse impact on various Listed Buildings

and buildings of Local Interest in the vicinity and it will erode the recreational character of the Poplars Sports Ground. Comparison with the proposed turbine at Woodborough is meaningless, as each application must be considered on its own merits (or lack of them).

Whilst the BJPS support renewable energy projects in principle, and commend Severn Trent Water for its innovative activities in its use of methane from the sewage treatment works at Stoke Bardolph as an energy source, the BJPS continue to contend that this is an inappropriate site for a wind turbine.

As BJPS commented on the previous application, wind turbines are best located on high ground, where it is more economical to access prevailing winds using smaller turbines. Due to its location in the Trent valley, this turbine will have to be considerably larger, and costlier to construct, than an equivalent turbine on higher ground.

As such, the BJPS can only reiterate its objections, as follows:

1. The Poplars Sports Ground

Several of the clubs that regularly use the sports ground categorically stated that they will move elsewhere, or close down, if the turbines originally proposed were granted permission. The sports ground was developed by the Parish Council during the 1990's with massive support, fund-raising and voluntary effort from the residents of Burton Joyce and was supported by GBC, the County Council, Lottery funding and STWA. It is now a thriving and financially sound facility providing a much-needed and long-awaited village amenity.

Whilst the Constraints Map suggests that the proposed single turbine would be outside the field of view of cricketers and archers, the BJPS consider that it would still represent a considerable distraction to users of the facility. No doubt Sport England will comment in more detail on the effect of the turbine on the cricket square, but BJPS consider the arguments put forward on the previous application to be dubious and subjective, with inappropriate examples and comparisons. BJPS does not feel that the new application addresses these issues and it is extremely concerned that users of the Sports Ground will desert the facility if planning permission is granted.

Although the risk to life and limb may not be great, there have been several incidents highlighted in the media and on YouTube of catastrophic failures. These have included poor installation/structural, mechanical, electrical and fire problems with debris falling to the ground. However small the risk might be, it would be considered, with hindsight, that a turbine situated so close to a high usage sports ground just downwind was a most inappropriate siting.

2. Noise

Whilst noise nuisance was not one of the reasons for refusal of the previous application, many Burton Joyce residents are concerned that there will be a serious loss of amenity, particularly at night, due to the noise generated by the turbine.

BJPS understands that, due to the size and speed of the blades, the noise from the turbines will not be constant, but will rise and fall as each blade passes in front of the tower – this will be much more noticeable than the steadier level of background noise and could be likened to the unsettling effect of a dripping tap.

BJPS considers the imposition of an additional noise nuisance of this type on any household to be totally unacceptable. Furthermore, it believes that this noise nuisance will affect a very large proportion of the properties in Burton Joyce, due to the height of the turbine and the village's location downwind and within 2 km of them.

Many properties in Burton Joyce are located on hillsides, where they are not shielded by trees or other buildings. The images included in the Design and Access Statement show clearly that the turbine will be clearly visible from the top of the hills to the north-west of Burton Joyce, demonstrating the lack of noise protection to houses on the hillside – these are well outside the area considered to be at risk in the analysis presented by the applicant.

BJPS understands that there are no turbines of this size in onshore locations within 2km of a community the size of Burton Joyce anywhere in the country and is therefore concerned that all the noise data is based on 'typical' turbines, not on one of the size now proposed. Noise levels are notoriously difficult to predict, even for carefully designed enclosed spaces such as concert halls, and BJPS does not accept that the residents of Burton Joyce should act as guinea pigs for what, in the absence of more definitive information, can only be described as an experiment. What sanctions will local residents have if the turbines are built and noise levels are found to be significantly higher than predicted, affecting even more residents than is already anticipated?

3. Shadow Flicker

As BJPS stated in its previous submission, it considers that any occurrence of shadow flicker in a dwelling represents an unacceptably serious loss of amenity to residents affected, regardless of the duration of its occurrence. STW acknowledged in the previous application that a significant number of properties in Burton Joyce fall within the zone where shadow flicker will occur, and the new proposal will not change this. The original shadow flicker assessment states that, theoretically, it could affect properties to the west and north of the turbines for up to 96 hours a year over more than 100 days. The new proposal may reduce this threat to a certain extent, but the mere fact that STW has had to consider switching off the turbines when shadow flicker may affect residents, indicates that a turbine of the size proposed should not be located so close to a residential area.

BJPS continues to believe that the above concerns demonstrate that this revised proposal is still totally inappropriate in this location, due to the size of the turbine, its proximity to Burton Joyce and the Poplars Sports Ground and its location in open Green Belt countryside in a major river valley.

BJPS would again urge the Borough Council in the strongest possible terms to reject this application.

Carlton le Willows Academy – a letter has been submitted on behalf of the governing body of the Academy, objecting to proposed wind turbine.

Whilst the need for the county to invest in renewable forms of energy is appreciated, it is believed that this proposal is inappropriate because the turbines would be situated too close to the school and, as such, would potentially have a detrimental impact on the quality of teaching and learning.

The main areas of concern are in relation to any possible noise that would be emitted by the turbine and also the adverse effects of shadow flicker.

In summary, all renewable energy projects need to be sympathetically sited and a balance needs to be achieved between the benefits of renewable energy to the wider population and the detrimental impact upon the local population.

Burton Joyce Bowls Club

The turbine is too close to a large centre of population and too close to the Poplars Sports ground. The proposal is inappropriate within the environment that is used for recreational purposes. The Club has also raised issues in relation to the likely impact of noise and shadow flicker and the overwhelming visual impact of the turbine. The Club also point out that there is already a Biomass Crop Digester in the area that is a reliable and significant renewable energy source, therefore the need for additional localised generation would be an excessive burden on local residents and the land.

Newark Club Cricket Alliance

The turbine will result in a detrimental impact on The Poplars Sports Ground. The turbine will be a distraction to cricketers when the blades are turning and also if the sun catches the blades. This could also result in a health and safety hazard.

Support

The following letter of support for the turbine has been received from the following organisation:-

Nottingham Pro-Wind Alliance (NPWA) - a letter has been submitted on behalf of the NPWA in support of this proposal.

Climate change, depleting fossil fuel resources and the need to guarantee a home grown energy supply for the future have made a strong argument for the need to develop our renewable energy capacity in this country. There are duties across all communities in the UK to seek means for developing properly designed renewable energy projects of all types. There is an urgent need for the UK to develop renewable energy, including wind power, in order to meet our national commitments of 15% of energy supply from renewables by 2020. The NPWA welcomes Gedling Borough Council planning policy ENV5, which supports renewable projects, and also the wider East Midlands Regional Plan, that goes further by saying that 'local planning authorities need to accept that far more energy generation schemes using renewable technologies need to be accepted if renewable energy targets are to be

achieved’.

Small scale wind power installations, such as this proposal, can make valuable contributions to achieving this goal. The proposed single 2.5MW turbine should generate 1,400 to 2,000 MWh per year and save 2,166 tonnes of CO2 each year over its 24 years’ life. This is truly significant, and if brought into context with other renewables projects, including similar small scale wind turbine developments, can give a vision of a locally generated, low carbon energy supply for the future.

Considering specific issues, the NPWA raises the following points:

1. Visual Impact

It can be seen that Severn Trent Water (STW) has taken significant steps to address the conflict which led to refusal of the original scheme for two wind turbines at Stoke Bardolph.

Attention has been paid to the turbine location and specification to reduce the visual impact of the development from receptor points in the locality, at the local sporting facilities, and within the wider Trent valley area.

Regarding the local sporting facilities, particularly Poplars Sports Ground, the NPWA notes that attention has been given to ensure minimal effect upon the sports played there, particularly orientation of the turbine location with respect to the cricket pitch and archery range. Mitigation of visual distractions by means of inhibiting turbine operation during specific events is also proposed. As the new scheme is for one and not two turbines, the impact upon the openness of the area by the development will be much less than what was proposed under the previous application. It is also noted that the significant reduction in turbine height will reduce considerably the distance from which the turbine will be seen. It is arguable too that the visual impact of wind turbines is frequently overstated – in practice, they are often accepted very quickly, causing negligible nuisance. A recent example is Low Spinney Farm in Leicestershire, where objectors to the development subsequently acknowledged that their concerns had not materialised. Similarly successful wind turbine developments in Nottinghamshire include Hockerton and at B&Q’s distribution centre at Worksop. In their 2012 report objecting to the original scheme, Burton Joyce Parish Council used ‘cropped’ images of original photographs – thus giving an unrepresentative perspective of the turbine’s size, and creating an impression that the turbines were bigger than they actually would be.

2. Green Belt Development

Although wind turbines are ‘inappropriate’ development in the Green Belt, the benefit in terms of reducing carbon emissions should be accepted as the ‘very special circumstances’ required to allow such a development. NPWA agrees with the applicant that the thin form of the turbine would not block or restrict views across the Trent valley. Furthermore, the key purpose of the Green Belt - to prevent encroachment onto the countryside by urban development – will not be compromised by the erection of a single wind turbine.

Planning approval has already been given elsewhere in the county for wind turbine erection in the Green Belt, including Lindhurst (Rainworth) and Newthorpe (Giltbrook). Also of note is a development consisting of 26 wind turbines approved (and built) at Scouts Moor, in the Boroughs of Rochdale and Rossendale (the Rochdale turbines being located in the Green Belt). Here, the Secretary of State agreed with the Inspector that the development would retain a sense of openness as the turbines were visible but will not obstruct views. They said that visual permeability is relevant when considering openness; and that wind turbines are slim by design, and help retain the openness and character of the landscape setting.

Finally, NPWA agrees with the applicant that there are social, environmental and economic benefits that this turbine would bring. It is also noted that STW has committed to a Community Benefit Fund. The consequences of inaction and continued rises in CO2 emissions have been in the news recently. If Gedling Borough Council is to play its part in meeting national, regional and local targets to achieve reductions in climate change emissions and to increase generation of electricity from renewable sources, then this is the sort of proposal which it should be supporting. Accordingly, the NPWA urges the Borough Council to approve the proposed development.

Statutory and Technical Bodies Consultation Responses

3.5 The responses of the statutory and technical bodies that commented on the application are summarised below under the headings of ecology; cultural heritage and landscape; hydrology, geology, hydrogeology and contamination; noise and shadow flicker; sport and recreation; telecommunications; transport; parish councils and other local authorities.

Ecology

Nottinghamshire County Council (Arboricultural Advice) – observes that no trees of significance are affected by this proposal.

Natural England (NE) – observes that this proposal does not appear to fall within the scope of the consultations that NE would routinely comment on. However, this should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape, views on which should be sought elsewhere.

NE would expect the local planning authority to assess and consider the possible impacts resulting from this proposal on protected species, local wildlife sites, biodiversity enhancements and the local landscape when determining this application.

Further information is provided with regard to publications which have been developed specifically with respect to renewable energy and ecological matters.

Nottinghamshire Wildlife Trust (NWT) – makes the following comments in respect of ecology and ornithology:

1. Ecology

Bats

The NWT welcomes additional activity surveys in 2012, but would wish to have seen 'at height' surveys repeated also, due to the limited range of the 2009 survey.

Mitigation and monitoring should be secured by condition.

Badgers

Any mitigation in relation to this species should be secured.

Habitats

The NWT generally welcomes the proposed mitigation measures, but would like to see a plan showing habitats lost and created (or enhanced) as a result of the project.

The report mentions that created species-rich grassland and hedgerows would be managed to increase their biodiversity value. It is recommended that a management plan for this should be produced.

The report suggests that 270 square metres of plantation woodland would be removed, although it was understood that the turbine access track would generally follow existing tracks, which may require upgrade or widening. Clarification on this point is requested.

Otter

Although the proposed turbine is some 250 metres away from the River Trent, the outlined precautionary working methods should be secured by condition.

Reptiles

The proposed mitigation and enhancement measures should be secured by condition. It is also suggested that the coppicing of some scrub in the compound area might open up habitats.

2. Ornithology

The proposed bird mitigation measures during construction and operation should be secured by condition.

The NWT welcomes the intention to implement habitat enhancement measures, including the two 0.25 hectare rotational mitigation plots to be managed to provide appropriate breeding habitat for Lapwing. Reference to Natural England advice on

such areas is provided and assurance is sought that the plots would be maintained in line with published guidance and for the duration of the operational phase.

3. River Trent

The River Trent corridor leading east of Nottingham City has been identified in the emerging core strategy as having considerable nature conservation, recreation and environmental education interest and is considered to be a major area for protection and enhancement of habitats. Developing the area for tourism and educational use will enable it to deliver a range of economic, social and environmental benefits and provide a practical example of sustainable development. It would be disappointing if the current application set a precedent for wind energy production along the River Trent, thus reducing opportunities for habitat creation along this bird migration corridor for fear of encouraging birds into the area and increasing the risk of bird strikes.

Initially The NWT placed a holding objection in relation to this application, pending the submission of a habitat loss/gain plan in order to help secure the mitigation and compensation measures.

However, following the submission of further information including the habitat creation plan the holding objections is removed subject to the development being carried out in accordance with the Ecological Report.

County Council Nature Conservation Officer - Initially the County Council Nature Conservation Officer raised concern about the quality and extent of surveys submitted in relation to habitat, birds and bats. Following the submission of further information the County Council Nature Conservation Officer concluded that the development would not cause any significant impacts, but did request that a condition be imposed to secure adequate post-construction monitoring of impacts of the proposal on birds. They also requested that an Environmental Management Plan be submitted.

Cultural Heritage and Landscape

English Heritage – do not wish to comment in detail but recommend that consideration is given to the likely cumulative impacts and impact interactions that will result from other wind turbine developments within the area. It is considered that the proposal is harmful to a number of heritage assets, designated and undesignated, including the setting of the Church of St Peter and St Paul (Grade II*) within Shelford. The proposal must be assessed as to whether the public benefits of the proposal outweigh the harm to the historic environment

Nottinghamshire County Council Archaeology – Within the Trent Valley area there are likely to be archaeology of significance, however in regard to this site and the past activity such remains are likely to have been significantly disturbed. No objection was raised in relation to the proposal, but was requested that a condition be attached to ensure that a suitable archaeological watching brief was undertaken.

Nottinghamshire County Council Landscape and Reclamation Team- The County

Council consider the proposed turbine would have a 'significant visual impact' within a localised area on a specified number of residential receptors, traveller receptors over a limited distance on an 'A' road, and recreational receptors on a long distance footpath and the immediate Public Rights of Way network. The effects on visual amenity are major to major/moderate for these receptors, and Nottinghamshire County Council would add "are major to major/moderate adverse", which is the highest end of the scale of impact. Nottinghamshire County Council accept that these visual impacts are contained by the ridgelines that bound the Trent but nevertheless localised impact extends from this point up and down the valley for a distance of up to 3.5 kilometres. The physical impact of the proposal is minimal and has been quantified by the applicant and is further reduced by the mitigation proposals described. The impact on the character is as described in the Landscape and Visual Impact Assessment (LVIA) document as adding '*a new characteristic*' to the surrounding Policy Zone of the Trent Washlands Landscape Character Area (County Level) which Nottinghamshire County Council would agree with. At a wider scale of 1.5 – 2 kilometres, new landscape regional landscape sub-types will be developed – '*Floodplain Valleys with Wind Turbine*' and '*Wooded Village Farmlands with Wind Turbine*'. This would have a significant effect on localised parts of the landscape character of these sub types, which we would also agree with. There would be limited but significant effects on a small part of the Lambley and Burton Joyce MLA at its southern extension, to the area above and surrounding Gedling House. There would be limited but significant effects on a small part of the Bulcote Conservation Area both from important views out of the village and from residences on the fringe of the CA. It is accepted by NCC that there are likely to be limited points on the ridgelines where the proposals can be viewed. The cumulative impacts have been described from both fixed points and where sequential visual impacts are possible. Cumulative impacts are possible from limited areas which include from the village of Stoke Bardolph for some residents (Viewpoint 7), and from the Trent Valley Way west of Newton (Viewpoint 7) and from a bridleway at Lambley airfield (Viewpoint 8). Sequential cumulative impacts are possible from limited properties in Burton Joyce, Stoke Bardolph and Shelford, as well as the local road network including the A612, the Newark –Nottingham railway line and the public rights of way network including the Trent Valley Way. This cumulative assessment assumes that all currently planned turbines will go ahead which is not necessarily the case. Nottinghamshire County Council agrees that the visual impact of the proposals is 'significant' over a localised area, in our opinion from 7 of the 12 viewpoints within 3.5 kilometres of the site, as also stated in the LVIA report. Although the scale of turbine has been reduced and the number has reduced to a single structure we do not think that this is sufficient to reduce the visual impacts to an acceptable level and consider that this constitutes 'harm' to the visual amenity. However, the County Council does agree with the report submitted that significant effects upon the openness of the Green Belt would not occur as a result of the proposed development. On the grounds of impact on visual amenity Nottinghamshire County Council do not support this application. However this conclusion must be balanced against all other issues to be considered by Gedling Borough Council as part of the application including long term benefits in terms of production of renewable energy and reduction in greenhouse gas emissions.

Gedling Borough Council Conservation Consultant (CC) - The Conservation

Consultant is about the impact of the proposed development on local heritage assets and also on the historic value of the landscape. The reduction in height and change in position may lessen the impact in terms of Gedling House and Shelford Church, but there would still be an impact on the local interest and listed buildings in Stoke Bardolph. However, the decision making framework provided in the National Planning Policy Framework at paragraphs 131 to 135 would indicate that the impact on these lesser assets would need to be assessed against the public benefit of the proposal. Considering the proposal in these terms may indicate that the harm done could be outweighed by the public benefit of generating electricity from a renewable source.

Hydrology, Geology, Hydrogeology and Contamination

Environment Agency - Initially the Environment Agency objected to the proposal in the absence of an acceptable Flood Risk Assessment (FRA)

However, following further consideration of the application the Environment Agency no longer objects to the proposed development but recommends that if planning permission is granted conditions covering the submission of a land contamination and remediation plan, foundation construction details and storage of any fuels and chemicals are attached to any decision notice.

Gedling Borough Council Public Protection Service- Observe with regard to land contamination issues, that the site of the proposed turbine has been used in the past for the spreading of sewage sludge, which in itself can potentially cause land contamination issues.

The development itself does not introduce any sensitive receptors, and therefore the site would be suitable for use. However, there are two issues that may require addressing during the development. Firstly, the health and safety of site workers and, secondly, the disposal of earth removed during the construction of foundations for the turbine.

1. The applicant should therefore be aware of their responsibilities to ensure that site workers are not exposed to any potential contamination in the ground.
2. It is recommended that a Site Waste Management Plan is drawn up to ensure the correct management of wastes from the site.

Noise and Shadow Flicker

Gedling Borough Council Public Protection Service- After considering the noise report, I can advise that Public Protection would offer no objection to the above development. The report demonstrates that that proposed turbine will comply with the noise limits provided in the ETSU-R-97 assessment. In order to ensure that enforcement action can be taken in the event that these limits are exceeded, it is proposed that a condition is attached to any approval, to specify the limits deemed acceptable at the nearest properties. A suitably-worded condition should be drafted to secure this.

Sport and Recreation

Sport England – The applicants have submitted a comprehensive sports assessment of the impacts of the proposed single wind turbine which is a resubmission of an earlier proposal which proposed two wind turbines. The submitted application proposes a single turbine in approximately the same location as the original wind turbine closest to Stoke Lane, the wind turbine has however been reduced in height from 132 m to tip, to a maximum tip height of up to 100m. The original application was refused for a number of reasons including the ‘impact on the recreational function of the Poplars Sports Ground’.

The Sports impact assessment assesses:-

1. Shadow Throw effects: the turbine casting shadows across sports facilities.
2. Noise effects: emanating from the moving blades when operational.
3. Visual Distraction effects: the potential for the moving blades to disrupt play on four sports venues within the study area, Venue 1: The Poplars Recreation Ground, Venue 2: Gedling Town Football Club, Venue 3: Carlton le Willows Academy and Venue 4. Carlton Town Football Club. In addition to the above Sport England does not consider that Health and Safety (e.g. topple over, ice throw) is an issue given the distance of the wind turbine from the poplars Recreation Ground which is the nearest facility. At 370m this facility is considerably further away than the fall over distance plus 10% which is often regarded as a reasonable standard (Paragraph 51 of the Companion guide to PPS22)

The applicants report concludes that :-

The proposal would not give rise to any direct effects upon sporting facilities. There will be no direct loss of any facility as a result of the proposal. With regard to indirect effects, the proposal is capable of harming sporting amenity by way of shadow throw, noise and visual distraction. An assessment of the effects of the proposal finds:

Shadow Throw: subject to a planning condition that would secure the ‘*shut down*’ of the turbine during archery competition events held at The Poplars Sport Ground, the effect of the proposal would not be significant.

Effects of Visual Distraction: the effect of the proposal would not be significant.

Noise Effects: the effect of the proposal would not be significant.

Sport England are content that the impact of the installation on venues 2, 3 and 4 would be minimal and that the operation of the turbine would not lead to the loss of these sport facilities.

There is however, greater potential for a greater impact on the Polars Recreation Ground from shadow throw and visual distraction. The report indicates that there will be periods of time during the winter that shadow throw will occur across pitches

closest to the south western boundary to the site. Sport England do not consider that this impact even in the worst case scenario would be significant enough to prejudice the playing of football on these pitches. The impact of shadow throw on archery, in Sport England's view has been addressed by the proposed use of conditions to ensure that the wind turbines are shut down during Archery competitions.

Visual distraction to archery is not considered to be an issue on the identified practice range, which is understood to be used for a number of events. The whole use of the area for competitions would in Sport England's view be addressed by the shutdown referred to above.

Sport England agrees with the findings of the Sports Impact Assessment report in relation to Cricket.

This being the case Sport England does not wish to raise an objection to this application, providing that a suitably worded condition is attached to any decision notice to secure the shutdown of the wind turbine.

Canal & River Trust (CRT) – no comments to make.

Nottinghamshire County Council Rights of Way Officer- no comments received

Telecommunications and Transportation

Police Air Traffic- No objections subject to the attachment of a condition in relation to night lights

Ministry of Defence- the MOD has no objection to the proposal, but requests that the MOD are advised of the progress of developing the site should Planning Permission be granted.

East Midlands Airport – no comments received

Civil Aviation Authority – no comments received

NATS- no comments received

Notts City Airport - the Airport have no objection to the building of 1x 100m wind turbine at the location.

Network Rail (NR) – with reference to the railway, NR has no objection in principle to the proposed development. The four main items of concern to NR when considering wind turbines on land adjacent to the railway are:

1. AC power transients.
2. Lightning strikes.
3. The physical proximity of turbines to the railway.

4. The transport of material to the site.

Given the closest infrastructure for the scheme is the 33kv building which lies in excess of 100 metres from the closest railway infrastructure, the first three of the above points should not be of relevance in this situation. However, with regard to the construction traffic, NR's concern would be the route that construction traffic would take to and from the development site during the construction phase with regard to railway bridges or level crossings along the route.

It is therefore requested that NR be informed of abnormal loads with a minimum of 6 weeks' notice. There may also be a requirement for bridge/level crossing protection measures to be put in place at the applicant's expense. As such, NR would request that the applicant contact its Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect its asset(s) from any potential damage caused by abnormal loads.

NR would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Nottinghamshire County Council Local Highway Authority -From a County Highway point of view the principle of erecting a wind turbine within the grounds of the STW site at Stoke Bardolph is acceptable. The location of the turbine is well away from the public highway, so there are no issues with regards overhang or obstruction / distraction from "flicker". Obviously due to its height, once erected the wind turbine will be visible from the surrounding highway network, however, we do not consider this to be a safety concern that would warrant a reasonable highway objection. The abnormal load should be via the A1 & A46 Trunk Road network which is what is proposed within the submitted documents. Section 4.2.2 of Appendix 1 is now out of date as it refers to the A46 improvement scheme being on-going. These works are now complete and provide a direct route to the site with minimum disruption on the County road network.

The applicant will also need to enter into a Section 278 Agreement to undertake works at the access point on Stoke Lane. As well as this the applicant will need to enter into a unilateral undertaking with the Highway Authority under a section 106 Agreement to indemnify the Council against any damage to the highway caused by construction traffic, provide a construction traffic management plan and a detailed route for the proposed abnormal loads which would need to be approved by the Highway Authority.

A condition in relation to the proposed access works should be attached as part of any Planning Permission granted.

Highways Agency - the Highways Agency are content that the proposed development is not now expected to have a material impact on the strategic road network. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency has no objections to the proposal and I enclose our revised TR110 form for

your records.

Parish Councils

Burton Joyce Parish Council -In summary BJPC opposes this planning application for a proposed wind turbine for the following reasons:

Continued failure to maintain the openness of the Green Belt

Despite the minor reduction on height and the removal of T1 the proposed development is still very large in a flat landscape and it remains totally out of scale with the surrounding villages and rural landscape. Whilst the most northerly edge closest to urban development is less affected (due to the removal of T1). T2 continues to dominate the southerly and easterly aspects towards Shelford and Stoke Bardolph. As such, BJPC considers that the applicant has failed to modify the application sufficiently to maintain the openness of the Greenbelt and the planned development is still in breach of RLP policies ENV26 and ENV5.

Very special circumstances for development in Green Belt remain unproven

GBC previously ruled that (in line with the NPPF) the previous application had not demonstrated the requirement to establish a very special need to develop on the Green Belt. BJPC considers that the new planning application is virtually the same as that which was previously refused but will provide less than half the renewable energy. BJPC considers that, in spite of the applicants voluminous number of pages submitted, the revised application does not demonstrate any new 'special circumstances' for installing a huge industrial structure in the Green Belt. To simply reduce the number of structures is no argument for mitigation, nor does the reduction create a new 'very special circumstance' (as defined by the NPPF or in the GBC ruling) in its own right.

Adverse effect on the Trent Wash-lands character continues

The turbine which will impact the most on the character of the landscape continues to be the retained T2 turbine. The original decision notice stated that the first proposal was in contravention of ENV1 and would adversely affect the appearance of the landscape and wash-lands character due to its scale, bulk, form and layout. Whilst it is acknowledged that the number of proposed turbines has been reduced and the proposed height of this at 100m is less than the original 132m, BJPC considers that the retention of T2 will still adversely affect the Trent Wash-lands character and the issues with regard to the scale, bulk, form and layout remain unresolved.

Continued Impact on the Shelford and Stoke Bardolph historical assets.

It is acknowledged that the removal of the proposed T1 reduces the impact on Gedling House. However, the turbine which will continue to have the most impact on the settings of Shelford Church and buildings within Stoke Bardolph is T2. BJPC considers that the position of T2 has barely changed and its height at 100m will continue to impact on the historical assets of Shelford and Stoke Bardolph due to its

scale and bulk. BJPC feels that the impact on these valued buildings and rural locations still does not comply with ENV22 and ENV21.

Erosion of the recreation function of the Poplars Sports Ground

Whilst the removal of T1 has reduced the visual congestion issues for the Archery Club, the continued presence of T2 will remain a distraction to all of the participants of the various sports played at the Poplars Sports Ground - particularly the cricket players and their spectators. BJPC considers that the proposed installation of T2 will degrade the Poplars Sports Ground facility in general and the rotational distraction, bulk, form and visual impact to remains a threat to the future viability of this popular and well-used village amenity.

Additional Reason for Refusal

The recent planning application at Teal Close, Netherfield 2013/0546 revealing plans by Severn Trent's land division to progress to an outline planning permission for 850 house and industrial units affects this application. Like the turbine, Teal Close also bridges the urban rural gap but is agreed that this is a necessary evil in the requirement for new housing. This turbine application completes the coalescence, impacts on openness and bridges completely urban Netherfield with the village of Burton Joyce, Stoke Bardolph. The NPPF states: *the essential characteristics of Green Belts are their openness and permanence. A new reason for refusal should therefore be set as:*

that proposed wind turbine would prejudice the deliverability and viability of future residential development of a site identified in the Council's emerging Aligned Core Strategy as a strategic allocated housing site known as Teal Close. The proposal is, therefore, contrary to the aims of policies 2 and 7 of the Greater Nottingham Aligned Core Strategies (Submission Version Feb 2013), guidance in the Replacement Local Plan Framework (2005) and to guidance within the NPPF.

New Developing Government strategy from Department of Communities and Local Government.

At the time of going to print with this objection document, it has been noted that the DCLG announced on the 6th June 2013, a revision to their policy on the interaction between wind farm developers, the local community and planning control. Government press releases would indicate that this is a highly relevant and material objection to this application. Due to time constraints the impact of this new development will be addressed within an addendum to this objection and forwarded at a later date.

For the reasons demonstrated within this document BJPC is of the view that this wind turbine application would unacceptably degrade the quality of life and the ability of residents to enjoy their local environment should it be constructed.

BJPC maintains that that a reduction from two turbines to a smaller, single one would not simply reduce the impact or the reasons for refusal by 50%. The reasons for the original rejection were equally attributable to each of the two individual turbines and not because there were two of them. Individually they both were inappropriate development in the Green Belt, so one is still inappropriate

development in the Green Belt. Both affected the Trent Washlands character and if anything the retained T2 is closer and contributed more to the original refusal notice than T1.

It is BJPC's strong contention that the adverse impact of this scheme has not been addressed satisfactorily within the new application and continues to be sited in a totally inappropriate location, that cannot be sustained within the landscape or community. As such we ask that this planning application be rejected.

Colwick Parish Council – no comments received.

Lambley Parish Council -no comments received.

East Bridgford Parish Council -no comments received.

Lowdham Parish Council -no comments received.

Gunthorpe PC -no comments received.

Shelford and Newton Parish Council -Object to the proposal on landscape grounds. The proposal would create an unacceptable visual intrusion on the local landscape. The proposal would detract from the rural feel of Trent Valley. The proposal would have a detrimental impact on people enjoying leisure activities in the Trent Valley. There will be cumulative effects from developments which erode the landscape

Holme pierrepont Parish Council -no comments received.

Bulcote Parish Council – observes that the height, scale and location of the proposed Wind Turbine in such close proximity to housing, roads and public amenities is totally inappropriate for the Burton Joyce and Bulcote rural locations.

Caythorpe Parish Council – objects to the proposed development on the following grounds:

Visual impact

Precedent for further applications

Adverse effect on environment

Radcliffe-on-Trent Parish Council – objects on the grounds of height and visual intrusion.

Stoke Bardolph Parish Council – observes that although many of the concerns raised in the previous application have been reduced due to moving the wind turbine and also reducing its height, the land in question is still Green Belt. Therefore, the Parish Council will be supporting Burton Joyce Parish Council to oppose the application.

Local Authorities

Nottinghamshire County Council Planning Policy- The County Council advised that great weight is attached to the need for renewable energy within National Planning Policy, but they did highlight the issues raised by the County Council Landscape team in relation to visual landscape impact of the proposal.

Newark & Sherwood District Council (NSDC) – observe that the proposed turbine is approximately 3 kilometres to the south-west of the NSDC border. The distance from the proposed site to this is such that it is not considered there would be any adverse impacts in terms of noise, shadow flicker or other such effects from wind turbines.

NSDC recognises the support afforded to renewable energy developments within the National Planning Policy Framework and the need to apply material weight to the environmental benefits of the development. Notwithstanding this, of concern to the Council is that due consideration is made to the potential visual and cumulative impact of the turbine development.

With respect to cumulative impact, NSDC has provided a copy of a map layer created by NSDC, which shows the approximate locations of other wind turbine developments granted planning permission in Newark and Sherwood District. The planning permission closest to Stoke Bardolph is Hill Farm at Epperstone.

Rushcliffe Borough Council – is concerned that the proposed turbine would be extremely visible from the Trent Valley Way to the south-east and would appear almost immediately behind the tower of the St Peter and St Paul's Church in Shelford. It would, therefore, have a significant effect on the setting of this Grade II* heritage asset and, on this basis, Rushcliffe Borough Council objects to the proposed development.

Gedling Borough Council (Planning Policy)- The proposal is for the construction of a wind turbine with a height to tip of up to 100m on a site located within the Green Belt. There are also a number of heritage assets in the area. Permission was refused on the same site in April 2012 for two turbines up to 132m to tip in height.

The following policies are relevant:

- NPPF paragraphs 80-92 (Protecting Green Belts);
- NPPF paragraphs 93-108 (Meeting the challenge of climate change, flooding and coastal change);
- NPPF paragraphs 126-141 (Conserving and enhancing the historic environment);
- RLP Policy ENV5 (Renewable Energy);
- RLP Policy ENV21 (Setting of Listed Buildings);
- RLP Policy ENV22 (Local Interest Buildings); and
- RLP Policy ENV26 (Control over Development in the Green Belt);

In accordance with Paragraphs 214-215 of the NPPF due weight should be given to the policies of the Replacement Local Plan in accordance with their degree of consistency with the framework. Consideration will also need to be given to whether

policies are out of date in line with paragraph 14 of the NPPF. Overall, it is considered that, in terms of this decision, ENV5 and ENV21 should be given limited weight while ENV22 and ENV26 should be given significant weight.

Government has legislated to abolish the East Midlands Regional Plan and the revocation order has been laid in Parliament and will come into force imminently and for all intents and purposes the East Midlands Regional Plan is no longer part of the development plan. Although the East Midlands Regional Plan itself has been revoked the evidence base used to inform it remains a material consideration where it is relevant and up to date. The following relevant policies formed part of the Regional Strategy:

RSS Policy 39 (Regional Priorities for Energy Reduction and Efficiency);
RSS Policy 40 (Regional Priorities for Low Carbon Energy Generation).

Additional information has been provided by the PPS22 Companion Guide and the Greater Nottingham Landscape Character Assessment (2009).

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

Policy 1: Climate Change;
Policy 3: The Green Belt;
Policy 10: Design and Enhancing Local Identity; and
Policy 11: The Historic Environment.

After reviewing the ACS Publication Version Summary of Representations (Feb 2013) and the Schedule of Proposed Changes (Feb 2013) it is considered that none of the unresolved objections are significant in terms of this proposal.

Planning Policy comments on Planning Policy Background

National

As paragraph 91 of the NPPF identifies, elements of many renewable energy schemes will comprise inappropriate development within Green Belts and will need to demonstrate 'very special circumstances' to proceed. In the case of renewable energy generation these very special circumstances may include the wider environmental benefits associated with renewable energy production.

Wind turbines are thought to be an 'engineering use' as opposed to a 'building' and as such would be classed as inappropriate development within the Green Belt unless they maintain the openness of the Green Belt and do not conflict with the purposes of maintaining land within it (NPPF Paragraph 90).

One of the core principles of the NPPF is that planning should support the transition to a low carbon future and encourage the use of renewable energy (paragraph 17). Planning plays a key role in supporting the delivery of renewable and low carbon energy (paragraph 93) and there is a responsibility on all communities to contribute to energy generation from these sources (paragraph 97). When determining applications local planning authorities should, inter alia (NPPF paragraph 98):

- Not require applicants to demonstrate the overall need for renewable energy;
- Recognise that small scale projects provide a valuable contribution to cutting greenhouse emissions; and
- Approve applications if the impacts are or can be made acceptable.

In terms of impacts the NPPF (paragraph 97) indicates that the approach taken in the National Policy Statement for Renewable Energy should be followed. This looks at the impacts on the following issues:

- Biodiversity & Geological
- Historic Environment
- Landscape and Visual
- Noise and Vibration
- Shadow Flicker
- Traffic and Transport

National targets for renewable energy are as follows

Source	Target
UK Renewable Energy Strategy	15% of energy from renewable sources by 2020
Climate Change Act 2008	reduce UK 'carbon account' 80% by 2050 from 1990 baseline

Paragraphs 126-141 of the NPPF set out the approach to the protection of the historic environment and heritage assets. Of relevance to this proposal, paragraph 132 identifies that substantial harm to the significance of Grade II listed buildings should be exceptional while substantial harm to the significance of Grade I or II* buildings should be wholly exceptional. Great weight should be given to the conservation of assets, the more important the asset the greater the weight.

Paragraph 133 goes on to say that where there is substantial harm or total loss of significance consent should be refused unless it is demonstrated that there are substantial public benefits. Where the harm to designated assets is less than substantial, the harm should be weighed against the public benefits of the proposal (paragraph 134). A balanced judgement will be required where there is harm to the significance of non-designated assets (such as locally listed buildings).

A letter from the applicant dated 11th April refers to the following documents:

The Energy Bill 2012 (Nov 2012)
Electricity Market Reform: Policy Overview (Nov 2012)
Annual Energy Statement 2012 (Nov 2012)
UK Renewable Energy Roadmap Update (Dec 2012)

These documents are not planning documents, make no reference to the delivery of Renewable Energy in specific areas or locations and do not override the NPPF and the need to protect the openness of the Green Belt. As they are national documents they will also apply to offshore wind farms. However, taken as a whole together with the NPPF, they do indicate the importance the Government attaches to the continued provision of renewable energy.

Regional

RSS Policy 39 (Regional Priorities for Energy Reduction and Efficiency) required, inter alia, that Local Authorities promote a reduction of energy use in line with the 'energy hierarchy'. The energy hierarchy adopts a sequential approach to energy requiring:

1. Reduce the use of energy;
2. Use energy more efficiently;
3. Move to energy from renewable sources; and
4. Use remaining fossil fuels more cleanly.

This approach required that steps to reduce energy consumption and use it more efficiently were taken before renewable energy was considered.

In relation to onshore wind energy, RSS Policy 40 (Regional Priorities for Low Carbon Energy Generation) identified that when establishing criteria for policies local planning authorities should consider the following:

Landscape and visual impact informed by Landscape Character Assessments;
The effect on the natural and cultural environment;
The effect on the built environment;
The number and size of turbines proposed;
The cumulative impacts of wind generation projects, including 'intervisibility';
The contribution of wind generation projects to the regional renewable target;
and
The contribution of wind generation projects to national and international environmental objectives on climate change.

Included in the RSS were targets for renewable energy and onshore wind. Appendix five of the RSS set out the following target for onshore wind:

Period	Target for onshore Wind
Up to 2010	122MWe

Up to 2020	175MWe
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Local

Policy ENV5 (Renewable Energy) of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) states permission will be granted for renewable energy schemes provided the proposals:

- a. Do not adversely impact the amenity of nearby properties;
- b. Do not adversely impact the openness of the Green Belt; and
- c. Are designed, sited and landscaped to minimise impact upon the character of the area.

As noted above, limited weight should be given to ENV5.

In relation to heritage, ENV21 identifies that planning permission will not be granted for development which adversely affects the setting of a Listed Building. Only limited weight should be given to this policy as the NPPF is more up to date and better reflects current government policy on the protection of listed buildings. ENV22 on Local Interest Buildings is up-to-date and consistent with the NPPF and should therefore be given significant weight. It identifies that planning permission for development which affects a Local Interest Building will be granted provided:

- a. The appearance or character of the building and its setting are safeguarded; and
- b. Any significant harm caused by the development would be outweighed by significant local community or environmental benefits;

Gedling Borough Council Replacement Local Plan Policy ENV26 (Control over development in the Green Belt) identifies that development in the Green Belt is inappropriate unless it is for one of the approved purposes (including agriculture and outdoor sport and recreation). The applicant will need to demonstrate 'very special circumstances'. Significant weight should be given to ENV26.

The Nottinghamshire Landscape Character Assessment (2009) is an up-to-date evidence document which provides useful information on the way that development can be designed to reduce its impact on or improve the landscape. The NPPF (paragraph 113) allows for 'criteria based policies' on local landscapes based on 'robust evidence' such as landscape character assessments to be adopted through Local Plans. Policy 10.5 of the Aligned Core Strategy sets out that the Greater Nottingham Landscape Character Assessment (2009) will form the basis of future planning policy regarding landscape in Gedling Borough. Use of Landscape Character Assessments in assessing proposals for renewable energy schemes is supported by paragraph 5.15 of the Practice Guidance for PPS22.

Planning Policy Comments on the Planning Application

The key determination is whether the impacts of the proposal are acceptable or can be made acceptable. The following issues will need to be considered:

Green Belt

Amenity of residents or users of nearby properties (including noise, vibration and shadow flicker)

Character of the area

Biodiversity & Geological

Historic Environment

Landscape and Visual Impact

Traffic and Transport

Green Belt

Planning Policy's opinion is that, given the nature and scale of existing development in the area, the proposal would constitute encroachment. Also, given its scale, it would not maintain the openness of the Green Belt. It should, therefore, be classed as inappropriate development in the Green Belt.

The applicant must demonstrate very special circumstances as to why permission should be granted for inappropriate development. If very special circumstances are demonstrated that outweigh the impact on the Green Belt then it is considered that the impact on the Green Belt is acceptable. Due to existing development in the area, and the narrowness of the gap between the urban area and Burton Joyce, the Green Belt in this location is sensitive. It is considered that there would need to be very significant very special circumstances to outweigh the likely significant harm to the impact on the Green Belt in this location.

Mitigation measures to reduce the impact of the proposal are not capable of being very special circumstances but may help mitigate the impact on issues such as landscape or heritage. Paragraph 91 of the NPPF indicates that weight may be given to the wider environmental benefits associated with renewable energy generation as a very special circumstance. The wider environmental benefits could include the protection of habitats and species from climate change and the reduced need to extract fossil fuels.

The lack of an alternative site is one of the very special circumstances usually considered. In the case of wind turbines, there is nothing to stop these alternative sites being developed in addition to sites in the Green Belt, provided the sites are suitable for the proposals. Therefore the availability of a suitable non-green belt site is not a ground for refusal as shown at appeals at Enifer Downs (ref 2071880) and Carsington Pastures (ref 2054080).

The applicant, in their Planning Statement, puts forward the following as very special circumstances to outweigh the harm to the Green Belt:

Combating the effects of climate change (reducing CO₂ emissions);

Natural resource depletion;

Income, employment and expenditure;

Security of Energy Supply;

Implications for Food Security;

Implications for Human Health;

Implications for Infrastructure, Industry and Human Settlements;

The Achievement of Renewable Energy Targets;
The Unique Customer Benefits.

The applicant refers to the UN Intergovernmental Panel on Climate Change Assessment Report (2007) which identifies that “*warming of the climate system is unequivocal*”. The applicant identifies that electricity generation is a major contributor to climate change and releases large volumes of CO₂ into the atmosphere. The use of renewable energy reduces the amount of CO₂ released. In an email dated 9th May 2013 the applicant identified that the proposed turbine would generate sufficient energy to power 1,526 average UK homes and would remove 54,150 tonnes of CO₂ emissions over the 24 year period of operation. Weight can be given to the reduction in CO₂ as a very special circumstance.

The applicant also refers to the impacts of climate change on habitats, species, food security, human health, infrastructure, industry and settlements as separate very special circumstances. It is considered that these are either wider environmental benefits or benefits of combating climate change which will both be given weight as very special circumstances.

The applicant points to a joint report of the Department of Energy & Climate Change and Renewable UK (a renewable energy trade association) which has assessed the economic benefits of onshore wind turbines (DECC “Onshore Wind: Direct & Wider Economic Benefits” May 2012). The report shows that the economic benefits of the development, construction and operation of onshore wind turbines are as follows¹:

	Costs per MW (weighted)			
Stage	Local	Regional²	National³	Total
Development	£8,742	£44,722	£106,330	£108,759
Construction	£77,240	£343,606	£529,383	£1,182,612
Operation/Maintenance	£15,181	£34,215	£47,610	£52,659
Decommissioning	No figures available			
Total	£101,163	£422,543	£683,323	£1,344,030

The table shows that about 7.5% of the cost of installing and operating onshore wind turbines are retained in the local authority within which they are erected, with the majority of this coming through the construction phase (manufacture of parts, assembly, transport and logistics). Based on the average figures produced in the

¹ Adapted from DECC “Onshore Wind: Direct & Wider Economic Benefits” May 2012 (tables 4-1, 4-4 and 4-8)

² Includes spending retained at the local level

³ Includes spending retained at the local and regional level

DECC report this could result in around £250,000 being retained in Gedling Borough over the 25 year life span of a 2.5MW turbine. It is considered that the contribution to the local economy from wind turbines is capable of being a very special circumstance. The contributions to the regional and national economy are wider economic benefits and weight is given to this as a very special circumstances.

The increase in renewable energy generation will have knock-on benefits in terms of resource depletion and energy security. There will be less need for the use of fossil fuels which will prolong the life of existing supplies. Generating electricity in the UK will also reduce dependency on foreign sources of energy (such as gas) resulting in less vulnerability to price spikes and supply issues. It is considered that these are wider economic benefits, which carries weight as a very special circumstance.

In terms of contributing to the renewable energy targets figures provided by the applicant (letter dated 9th May 2013) indicate, as of April 2013, there is just under 177MW of installed capacity from onshore turbines in the East Midlands. Overall the East Midlands have met the targets for onshore wind generation in the Regional Strategy.

It is noted that the Regional Strategy has been revoked. The Inspector in a recent appeal (Thacker Bank, ref 2176754) considered that the revocation of the RSS would not have a significant bearing on the outcome of the appeal as the RSS was consistent with the NPPF and the RSS targets were based on a robust evidence base.

A report into renewable energy targets to inform the incomplete review of the RSS (Faber Maunsell "Reviewing Renewable Energy Targets for the East Midlands" 2009) found that there is capacity in the East Midlands region for a higher level of onshore wind energy generation than provided for in the Regional Strategy. The report was identified as up to date and treated as a material consideration in the recent Thacker Bank appeal.

The proposals will contribute towards the national targets for renewable energy and carbon reduction set out above. The Inspector in the Thacker Bank appeal found that "*the East Midlands Region, and indeed the country as a whole, are currently a long way off meeting the 2020 [i.e. the targets of the UK Renewable Energy Strategy] renewables targets*". The applicant has identified that the proposed turbine would generate sufficient energy to power 1,526 average UK homes and would remove 54,150 tonnes of CO₂ emissions over the 24 year period of operation.

While the Faber Maunsell report was carried out at the regional scale, and the increased targets it identifies have not been tested at examination, it has been given weight in an appeal decision. It is likely that an increase in the regional target could potentially lead to an increase in the amount of installed onshore wind capacity within Gedling Borough. Overall, therefore, it is considered that the contribution to renewable energy targets carries weight as a very special circumstance.

The applicant also identifies a number of 'unique customer benefits' which will result from the proposal. These relate to the provision of clean water and water treatment services and the threat to the ability to provide these caused by climate change. It is

considered this is a benefit of combating the effects of climate change which will be given weight as a very special circumstance.

The Borough Council has participated in the preparation of the 'Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands' (March 2011) known as the Heat Mapping Exercise. This document sets out an evidence base of the technical potential for renewable and low carbon energy technologies within the East Midlands. Its aim is to assist local planning authorities across the region in developing policies and strategies that support low carbon energy deployment up to 2030.

In relation to Gedling Borough, the Heat Mapping Exercise (March 2011) identifies the location proposed in this application as one of the few in Gedling Borough capable of accommodating wind turbines of the height proposed. It is important to note, however, that the Heat Mapping Exercise (March 2011) only considered 'technical' capacity and not 'deployable' capacity and did not take into account policy restrictions such as Green Belt. Whether or not proposals for turbine(s) on site were acceptable would need to be tested against the Development Plan through a planning application.

Given that turbines can only be developed where it is technically feasible (due in part to the wind), and the identification in the NPPF that there is a responsibility on all communities to contribute to energy generation from renewable sources (paragraph 97), weight should be given to the findings of the Heat Mapping Exercise (March 2011).

In conclusion on the impact on openness, weight can be given to the following as very special circumstances:

- Reduction in CO₂ emissions;
- Contribution to renewable energy targets;
- Combating climate change;
- Economic benefit to the local economy;
- Wider economic benefits;
- Wider environmental benefits; and
- The findings of the Heat Mapping Exercise.

Collectively, the NPPF and other national documents referred to above indicate the importance attached by Government to renewable energy and indicate that significant weight that should be attached to the reduction in CO₂, contribution to renewable energy targets and combating climate change.

It is considered that only limited weight can be given to the economic benefit to the local economy. The information suggests that only 7.5% of the costs of a wind turbine will be retained in the local authority area, which is not seen to be significant enough, on its own to justify inappropriate development. Without other factors very special circumstances would not be demonstrated.

Limited weight should also be given to the wider economic and environmental benefits. These are secondary benefits which have a dispersed effect. Without

other factors very special circumstances would not be demonstrated.

While weight should be given to the findings of the Heat Mapping Exercise, this should be balanced against the fact that the gap between the main urban area and Burton Joyce is one of the most sensitive parts of the Green Belt in Gedling Borough. Overall it is considered that significant weight should be given to the Heat Mapping Exercise as a very special circumstance. The findings are site specific and show that there are limited opportunities to deliver renewable opportunities of this scale. Additionally, paragraph 97 of the NPPF requires LPAs to recognise the responsibility on all communities to contribute to the generation of renewable energy.

It should be determined whether the impact on the openness of the Green Belt in this sensitive location is outweighed by the very special circumstances as a whole identified above.

In making this determination reference should also be made to the previous application. The previous application for two turbines up to 132m was refused partly on grounds of impact on openness. This proposal is for a single turbine up to 100m. The proposal will have a smaller impact on openness than the previous proposal as a result of its height but also as the issue of 'intervisibility' between turbines is no longer an issue.

Amenity of residents or users of nearby properties

Public Protection and other appropriate bodies should be consulted regarding any potential impact from the turbine in terms of noise, vibration and shadow flicker. This should include the impact on the nearby Poplars Sports Ground which was one of the reasons for refusal in the previous scheme.

Character of the area

The character of the area is largely considered through the assessments related to the Green Belt and the Landscape & Visual Impact. The impact on any other elements of the character of the area should be considered.

Biodiversity & Geological

The County Ecology team and Nottinghamshire Wildlife Trust should advise on the impact of the turbine on wildlife, specifically birds and bats.

Historic Environment

The adverse impact on a number of listed and local interest buildings was a reason for refusal in the previous scheme. English Heritage and the Borough Councils Conservation adviser should be consulted regarding the significance, reason for designation and harm from the current proposal to any heritage assets in the area. The public benefits of the proposal, which may be similar to the 'very special circumstances' identified above, and whether these outweigh any harm to the significance of the heritage assets should be considered.

Landscape and Visual

The County Council Landscape and Ecology teams should be consulted regarding these issues along with the Borough Councils Urban Design adviser.

The Landscape Character Assessment is also a useful as a source of information. This considers the landscape condition and landscape sensitivity of the area. The LCA places the site within the Stoke Bardolph Village Farmlands policy zone which is assessed as having a 'poor' landscape condition and a 'low' sensitivity. It recommends the following actions to help create a landscape:

- Create new hedgerows and restore existing hedgerows – seek opportunities to restore historic field pattern;
- Seek opportunities to restore arable land to permanent pasture/wet grassland;
- Enhance visual unity through appropriate small scale tree and woodland planting;
- Create woodland to contain and soften urban development, preferably in advance of development;
- Conserve the rural character of the landscape by concentrating new development around existing settlements;
- Conserve historic field by containing new development within historic enclosed boundaries, restoring hedgerow boundaries where necessary;
- Strengthen the continuity and ecological diversity of stream corridors;
- Conserve the character and setting of village settlements.

Traffic and Transport

County Highways should be consulted on the implications for the Highways network especially during the construction phase of the development. However, it is considered unlikely that the operation of the turbine will have a major impact on the highways network.

Planning Policy Conclusion

In conclusion, the impact of the proposal on the following should be identified following consultation with appropriate bodies:

- Openness of the Green Belt
- Amenity of residents or users of nearby properties (including noise, vibration and shadow flicker)
- Character of the area
- Biodiversity & Geological
- Historic Environment
- Landscape and Visual
- Traffic and Transport

It should be determined whether the impact on the openness of the Green Belt in this sensitive location, and any other harm, is outweighed by the very special circumstances as a whole identified above.

In terms of the Green Belt, the sensitive location means that the proposal is likely to result in significant harm to the openness of the Green Belt. However, significant weight should be given to the reduction in CO₂ emissions, the contribution to renewable energy targets, combating climate change and the findings of the Heat Mapping Exercise. Additionally, limited weight should be given to the economic benefits to the local economy, the wide economic benefits and the wider

environmental benefits.

Whether the other impacts are acceptable or capable of being made acceptable should also be considered.

4.0 Planning History

4.1 Planning permission was refused for the erection of two turbines at this site. The turbines subject to the previous application 2010/0289 would have had a height of 132m from ground to blade tip. The previous proposal was refused on the following grounds:-

- 1 The proposed development would not fall within the categories of appropriate development within the Green Belt as set out in Policy ENV26 of the Gedling Borough Replacement Local Plan and would not in the opinion of the Borough Council maintain the openness of the Green Belt at the application site. The development would therefore be contrary to Policy ENV5 (b) in this respect.
- 2 In the opinion of the Borough Council the proposed development would not maintain the openness of the Green Belt at the application site and would conflict with the purpose of assisting in safeguarding the countryside from encroachment and therefore in terms of the National Planning Policy Framework (NPPF), paragraph 90, the proposed development is considered to be inappropriate development. Paragraph 87 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 91 of the NPPF advises that for renewable energy projects 'developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'. Paragraph 88 of the NPPF advises that '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'. The Borough Council does not consider that the very special circumstances (of contributing to the increased production of energy from renewable sources) put forward by the applicant to justify the proposal would, in this instance, outweigh the harm to the Green Belt at this location due to the impact on openness and the harm caused to the purpose of safeguarding the countryside from encroachment.
- 3 In the opinion of the Borough Council the proposed development would have an adverse direct and localising influence on the Trent Washlands Character Area and would have an adverse visual impact on the appearance of the landscape that would affect an area within approximately 3km of the application site. Due to the scale of the proposed development there is in the opinion of the Borough Council no opportunity to minimise the impact through additional landscaping. The proposed development would therefore be contrary to Policy ENV5 (c) of the Gedling Borough Replacement Local Plan which requires development for renewable energy to be designed, sited and landscaped to minimise any impact on the character of the area. The

proposed development would also by reason of its scale, bulk, form, layout and materials affect the appearance of the landscape and as a result it would be contrary to Policy ENV1 (a) of the Gedling Borough Replacement Local Plan which states that planning permission will be granted for development provided that it has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

- 4 In the opinion of the Borough Council the proposed development would have an adverse impact on the setting of the Church of St Peter and Paul at Shelford (Grade II*), Gedling House (Grade II), Lowes Farmhouse (Grade II) and the local interest buildings of the Ferry Boat Public House, 27/28 Stoke Lane, 35/37 Stoke Lane, St Luke's Church and Stoke House located within Stoke Bardolph. In line with paragraph 133 of the National Planning Policy Framework, the Borough Council has given consideration to whether the proposed development will result in substantial harm to or loss of significance of a designated heritage asset, local planning authorities should in these instances refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In this instance, the Borough Council does not consider that the impact on the heritage assets named above would be outweighed by the economic, environmental and social benefits put forward by the applicant. As a result of the harm to the setting of a number of listed buildings the proposed development would be contrary to Policy ENV21 of the Gedling Borough Replacement Local Plan. Also, due to the adverse impact on the setting of a number of local interest buildings (without the harm being outweighed by significant community or environmental benefits) the proposed development would also be contrary to Policy ENV22 of the Gedling Borough Replacement Local Plan.
- 5 Paragraph 64 of the National Planning Policy Framework advises that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. In the opinion of the Borough Council, the proposed development by reason of its design would erode the recreational function of the Poplars Sports Ground and would not maintain or enhance the recreational character and quality of the open space. The Borough Council also considers that the operation of the turbines would be visually distracting to players and spectators of Cricket and Archery who play and visit the site.

5.0 Assessment of Application Planning Considerations

- 5.1 The most relevant planning policies in the determination of this application are contained within the National Planning Policy Framework (NPPF), the Gedling Borough Replacement Local Plan and the Emerging Gedling Borough Aligned Core Strategy. The Government has legislated to abolish the East Midlands Regional Plan; whilst the Plan has been revoked the evidence base used to inform its production is still relevant and up to date.
- 5.2 The following paragraphs of the NPPF are of relevance to this application:-

80-92 Protecting Green Belts
93-108 Meeting the challenge of climate change, flooding and coastal change
126-141 Conserving and enhancing the historic environment

5.3 The following policies of the Gedling Borough Replacement Local Plan and the Aligned Core Strategy are also of relevance to this application:-

RLP Policy ENV5 Renewable Energy
RLP Policy ENV21 Setting of Listed Buildings
RLP Policy ENV22 Locally Interest Buildings
RLP Policy ENV26 Control over Development in the Green Belt
ACS Publication Version (Feb 2013) Policy 1 Climate Change
ACS Publication Version (Feb 2013) Policy 3 The Green Belt
ACS Publication Version (Feb 2013) Policy 10 Design and Enhancing Local Identity
ACS Publication Version (Feb 2013) Policy 11 The Historic Environment

As noted in the comments received from Planning Policy consideration needs to be given to whether the policies of the RLP are consistent with the NPPF. Overall, it is considered that, in terms of this decision, ENV5 and ENV21 should be given limited weight whilst significant weight should be given to policies ENV22 and ENV26 of the RLP. Weight should be given to the policies of the emerging ACS, as it is considered that none of the unresolved objections following the review of the ACS Publication Version Summary of Representations and the Schedule of Proposed Changes (Feb 2013) there are no unresolved objections that are significant in relation to this proposal.

- 5.4 The background information and research undertaken to inform the production of the Regional Spatial Strategy (RSS) Policy 39 Regional Priorities for Energy Production and Efficiency and Policy 40 Regional Priorities for Low Carbon Energy Generation are still of relevance. Of particular relevance is the 'Low Carbon Energy Opportunities and Heat Mapping for Local Planning across the East Midlands' (March 2011). This document sets out the evidence base for the technical potential for low carbon technologies in the East Midlands.
- 5.5 Another document that is relevant to this application is the information contained Greater Nottingham Landscape Character Assessment (2009).
- 5.6 New Guidance on Planning for Renewable and Low Carbon Energy was issued by the Government in July (2013). This guidance replaces the Planning Policy Statement 22 Companion Guide which is now cancelled. The new guidance focuses on providing information on how renewable and low carbon energy generation can be incorporated in Local Plans. The guidance highlights that renewable energy is important to secure the UK's energy supply reduce greenhouse emissions and stimulate investment in new jobs and businesses. In terms of wind turbines the guidance identifies a number of planning considerations and provides information on how these should be assessed.

5.7 The main planning considerations in the determination of this application are:-

- Renewable Energy
- Green Belt
- Local Landscape
- Cultural Heritage
- Recreation
- Nature Conservation
- Local Residents (Visual impact, Shadow Flicker and Noise)
- Safety
- Flood Risk, Contamination and Hydrology
- Transport and Communication

Each of these issues is considered in turn below.

6.0 Renewable Energy

6.1 Paragraph 98 of the NPPF states that when determining planning applications, local authorities should:-

‘not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.’

6.2 Therefore the Council as local planning authority cannot ask the applicant to demonstrate that there is a need for the development. In relation to previous decisions relating to wind turbines the planning policy has not enabled the Council to consider the level of energy to be produced by the proposal. However in July of this year the Government published its Planning Practice Guidance for Renewable and Low Carbon Energy. Paragraph 38 of this does however state that the likely energy output of a wind turbine can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finely balanced. In an e-mail received by the Council from the Applicant 9th May 2013 it was confirmed that the proposed turbine would generate sufficient energy to power 1,526, average UK homes annually. The proposal would also result in removal of 54,150 tonnes of CO₂ emissions as a result of switching fossil fuels for renewable energy.

6.3 It should be noted that the Government places great weight on the need for the provision of renewable energy. This drive for renewable energy production can be seen within the NPPF at paragraph 97 which states that:-

To help increase the use and supply of renewable and low carbon energy, local authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

6.4 The need for renewable energy is also set out within other Government documents, The Energy Bill (Nov 2012), Electricity Market Reform: Policy

Review (Nov 2012), Annual Energy Statement 2012 and the UK Renewable Energy Roadmap Update (Dec 2012).

7.0 Green Belt

- 7.1 Paragraph 91 of the NPPF indicates that many elements of renewable energy schemes will comprise inappropriate development within the Green Belt, and as such very special circumstances will need to be demonstrated for the development to proceed. The erection of Wind Turbines are classified as engineering operations rather than as buildings and are therefore considered to be inappropriate development unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The most relevant purpose for including land in Green Belt at the application site is to safe the countryside from encroachment. Policy ENV26 of the RLP identifies development which is appropriate within the Green Belt, wind turbines are not included within the list of appropriate development and therefore, for the purposes of Policy ENV26 the proposal is inappropriate development within the Green Belt.
- 7.2 I note the comments made by the County Landscape Team who do not consider that the proposed development would have a significant impact on the openness of this location. I agree that given the slim nature of the proposal and the fact the landscape would be visible around that there would be limited impact on the Green Belt at this location. However, because there would be some impact on the openness of the Green Belt, the development would be inappropriate.
- 7.3 This part of the Green Belt is sensitive, because of its proximity to the built up area of Gedling Village, Burton Joyce and the Greater Nottingham Conurbation in general. In relation to this proposal I do not consider that the nature of the proposed wind turbine would result in a significant encroachment into the Green Belt. This is because the visual and physical impact of the proposed turbine would not be of such that it would add greatly to the sense of the area being built up.
- 7.4 I do concur with the view of Planning Policy that reference does need to be made to the previous decision in light of the above opinion that the wind turbine now proposed would have limited impact on the openness of the Green Belt and would also cause only a degree of encroachment. The proposed wind turbine would be 32m lower than the previous turbines proposed, which would result in a reduced impact on the openness of the Green Belt and in terms of its presence within the area. In addition only one turbine is proposed which further reduces the impact on openness as the issue of 'intervisibility' between the two turbines would no longer be present. This is because the presence of two turbines would cause a visual interaction between the turbines which would act to diminish the openness of the Green Belt when viewed by passers-by. The 'intervisibility' that would be caused by two turbines would also have led to a perception of significant encroachment into the Green Belt at this location.
- 7.5 As it has been recognised in paragraph 7.2 and 7.3, above, that there would be

some impact on the openness of the Green Belt at this location and a degree of encroachment into the countryside consideration does need to be given to paragraph 88 of the NPPF. Paragraph 88 of the NPPF advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm are clearly outweighed by other considerations. Very special circumstances, in my opinion, are those that are unique to the site and difficult to replicate. Policy ENV26 of the RLP also requires the establishment of very special circumstances.

7.6 As set out in the comments from Planning Policy the applicant in their Planning Statement have put forward the following as other considerations:-

- Combatting the effects of climate change;
- Natural resource depletion;
- Income, employment and expenditure;
- Security of energy supply;
- Implications for food security;
- Implications for human health;
- Implications for infrastructure, industry and human settlements;
- Achievement of renewable targets;
- Unique customer benefits
- Contribution of proposal to reducing greenhouse emissions and relationship to climate change
- Economic benefits of developing, constructing and operating onshore wind turbines
- The mapping exercise by Faber Maunsell 'Reviewing Renewable Energy targets for the East Midlands' which identifies application as one of the few areas in Gedling Borough capable of accommodating wind turbines.

7.7 The mapping exercise, referred to in the last bullet point, was undertaken in March 2011 to assist East Midlands Regional Spatial Planning. The exercise identifies the location of this application as one of the few areas in the Gedling Borough capable of accommodating wind turbines of the height proposed. The study looked at technical feasibility and also discounted areas of high landscape sensitivity, high ecological sensitivity and made use of buffers in order to avoid important transport links and areas used by air traffic, areas of large population, listed buildings and National Grid Transmission lines. However, the study did not consider policy restrictions such as Green Belt.

7.8 With regard to the other considerations put forward by the applicant I concur with the conclusions of Planning Policy that the following are most relevant to the determination of this application:-

- The wider economic benefits of the proposal;
- The wider environmental benefits, combatting climate change and reduction in CO₂ emissions;
- Contribution to renewable energy targets;
- The findings of the Faber Maunsell 'Reviewing Renewable Energy

targets for the East Midlands'

- 7.9 In line with the NPPF significant weight should be attached to the reduction in CO₂ contribution to renewable energy targets and combatting climate change. In my view weight should be given to the findings of the study that the application site is one of the few areas in the Borough capable of accommodating this size of wind turbine. Weight has to be attached to the study because wind turbines can only be developed where it is technically feasible to do so and paragraph 97 states that there is a responsibility on all communities to contribute to energy generation from renewable sources.
- 7.10 However, I consider that limited weight should be given to the economic benefit to the local economy and also to the wider economic and environmental benefits. This is because the benefits to the local economy would be negligible. With regard to the wider economic and the overall environmental benefits associated with renewable energy schemes it is my view that they are too general to be given any considerable weight.
- 7.11 The other considerations set out in paragraph 7.9, do in my view, when combined together carry considerable weight.
- 7.12 In my opinion, when all these other considerations are balanced against the impact that the proposed development would cause to the openness of the Green Belt at this location and the limited extent of encroachment that would result (as described in paragraph 7.2 and 7.3 above), that they do clearly outweigh the harm to the Green Belt. The design of the proposal and its effect on the surrounding area and the other considerations would be difficult to replicate and are unique to this application. I therefore consider that in this instance very special circumstances do exist which would allow this development to go ahead.

8.0 Visual impact and impact on the Landscape

- 8.1 Policy ENV5 of the RLP advises that renewable energy schemes should not adversely affect the character of prominent ridge lines and should be designed, sited and landscaped so as to minimise any impact upon the character of the area. However, due to the wording of the policy and its inconsistency with the NPPF, little weight should be attached to it in relation to determining this application.
- 8.2 Policy 10 of the ACS requires all new development Outside of settlements to be assessed with reference to the Greater Nottingham Landscape Character Assessment.
- 8.3 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on the issues to be considered in relation to the landscape and visual impacts of turbines. The visual impacts are concerned with the degree to which proposed renewable energy will become a feature in particular views, or sequence of views, and the impact that this will have on people experiencing those views. The landscape impacts are the effects of the

proposed development on the fabric, character and quality of the landscape and the degree to which the turbine will become a defining characteristic in the landscape.

- 8.4 The Landscape Character Assessment places the site within the Stoke Bardolph Village Farmlands policy zone, which is assessed as having a poor landscape condition and a low sensitivity.
- 8.5 The County Council Landscape Team in their comments advise that turbine would have a significant visual impact within a localised area. The impact would be contained by the ridgelines that bound the Trent and would extend for a distance of 3.5 kilometres around the Valley.
- 8.6 With regards to the impact on the character of the area, the Landscape Team have advised that the proposal would add a new characteristic to the area. Within a distance of 1.5 to 2 kilometres two new regional landscape sub-types would be created 'Flood Plain Valleys with Wind Turbine' and 'Wooded Village Farmlands with Wind Turbine'.
- 8.7 The Landscape Team have also commented that there would be limited but significant impacts on the landscape character of the Lambley and Burton Joyce mature landscape area and in relation to views out of the Bulcote Village and residences on the fringe of the Conservation Area.
- 8.8 There would be certain locations where cumulative impacts (viewpoints of this proposal and other wind turbine development could be seen). The County Council conclude that these impacts will range from moderate to significant.
- 8.9 In drawing their conclusions the County Council Landscape Team advise that in visual terms the proposal would have an impact on visual amenity, but that this needs to be balanced against other issues including the long term benefits of the production of renewable energy and reduction in greenhouse gases.
- 8.10 I concur with the County Landscape Team that there would be an impact on the visual landscape and also on the character of the landscape. However, I consider that these impacts need to be balanced against the significant weight to be given to renewable schemes. I also consider that it should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of development is acceptable to those viewing it.
- 8.11 In light of the above considerations whilst there would be an impact on the landscape in visual terms and its character would change, it is my opinion that the change would not be unacceptable particularly given the need for renewable energy.

9.0 Cultural Heritage

- 9.1 Planning Policy have advised that limited weight should be given to Policy ENV21 of the RLP, but that weight should be given to Policy ENV22 Local

Interest Buildings. Policy ENV22 states that:-

'Planning permission for development that would affect a local interest building or its setting will be granted provided:-

The appearance or character of the building and its setting are safeguarded:
and

Any significant harm caused by the development would be outweighed by significant local community or environmental benefits'

9.2 Paragraphs 132 and 133 of the National Planning Policy Framework advise that:-

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important an asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that harm or loss.'

9.3 The previous application for two wind turbines was refused because of the impact of the development on the Church of St Peter and St Paul Shelford (Grade II* Listed Building), Gedling House (Grade II Listed Building), Lowes Farm House (Grade II Listed Building) and number of local interest buildings including the Ferry Boat Public House, Nos 27, 28, 35 and 36 Stoke Lane, St Luke's Church and Stoke House.

9.4 The most important asset that could be affected by this proposal is the Church at Shelford. I note the comments of Rushcliffe Borough Council, English Heritage and the Council's Conservation Consultant. The main view of the Church setting that would be affected is the view of the Church from the Trent Valley Way Footpath west of Newton. The reduction in the number of turbines from two to one and the siting of the single turbine that forms this application does in my opinion reduce the impact on the setting of the Church from this vantage point along the Trent Valley Way. I concur with the views expressed in the Environmental Report chapter on Archaeology and Cultural Heritage, that the Church and turbine, would be seen as two elements within a wide panorama that contains many different features, including industrial and semi-industrial developments. As a result of the reduction in the number of turbines and the position of the proposed turbine I consider that the impact on the setting of this Church would be less than substantial harm.

- 9.5 With regard to Gedling House, I consider that because only one turbine is now proposed and because of the other semi-industrial/industrial features in the landscape that there would be less of an impact on the setting of this house when viewed from the west. As a result there would be less than substantial harm on the setting of this building.
- 9.6 The proposed wind turbine would be sited to the rear of Lowes Farm House and would be seen behind trees, although there would be views of the turbine behind the building. I consider that there would be substantial harm to the setting of this building.
- 9.7 With regard to the Local Interest buildings, the settings of these buildings would be affected still because the turbine would be seen within the views of these premises. I consider that the settings of these buildings would be substantially harmed.
- 9.8 In accordance with Policy ENV22 and the NPPF the substantial harm to the settings of these listed and local interest buildings needs to be weighed against the public benefits of this proposal. I consider that the weight to be given to the contribution that this proposal would make to reducing CO₂ emissions, combatting climate change, and to renewable energy targets would outweigh the harm caused to Lowes Farm House and also the local interest buildings.
- 9.9 I note that no issues have been raised in relation to archaeology and that this was not an issue in relation to the previous application.

10.0 Recreation

- 10.1 Paragraph 70 of the NPPF advises that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet day to day needs.
- 10.2 A sport impact assessment has been submitted as part of the application, which has been reviewed by Sport England. I note that Sport England in their comments advise that there is still potential for the proposed turbine to affect the Poplars Recreation Ground in relation to shadow throw and visual distraction. Sport England does not consider that this impact even in the worst case scenario would be significant enough to prejudice the playing of football on these pitches. The impact of shadow throw on archery, in Sport England's view has been addressed by the proposed use of conditions to ensure that the wind turbines are shut down during Archery competitions.
- 10.3 Visual distraction to archery is not considered to be an issue on the identified practice range, which is understood to be used for a number of events. The whole use of the area for competitions would in Sport England's view be addressed by the shutdown referred to above.
- 10.4 Sport England agrees with the findings of the Sports Impact Assessment report

in relation to Cricket. This being the case Sport England does not wish to raise an objection to this application, providing that a suitably worded condition is attached to any decision notice to secure the shutdown of the wind turbine. I consider that an appropriately worded condition could ensure that the turbine is shut down at appropriate times and that this condition should be a pre-commencement condition requiring the submission of a protocol to indicate on shut down would be achieved and that the protocol would need to be adhered to during the lifetime of the turbine. I therefore consider that the potential impact on sport and recreation at the Poplars could be adequately mitigated.

10.5 With regards to informal recreation pursuits in the area, I do not consider that the proposed development would cause any detrimental impact on users of public footpaths or the River Trent.

11.0 Nature Conservation

11.1 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, where significant impacts cannot be adequately mitigated then permission should be refused and if the proposal affects a Site of Special Scientific Interest or ancient woodland the benefits of the development would need to outweigh the harm to the nature conservation interest.

11.2 A phase 1 habitat survey was submitted as part of the application and whilst the County Council Nature Conservation Officer did initially query the level of detail submitted as part of the application, the submission of additional information was sufficient to overcome their concerns.

11.3 Given that no objections have been received from the ecological bodies in relation to the potential impact of the proposed turbine on nature conservation interests in the area, I do not consider that there would be any adverse impacts. Any impacts that would be caused would in my view be adequately mitigated by the proposed habitat to be created around the site and also the proposed area of land to be provided on rotational basis for lapwing. I concur with the views of the County Council Nature Conservation Officer, that conditions should be attached to enable post-construction monitoring of nature conservation interests in the area. I also consider that a habitat management plan should also be submitted.

12.0 Local Residents (Visual impact, Shadow Flicker and Noise)

12.1 The Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) provides guidance on how shadow flicker and noise should be assessed as part of an application.

12.2 With regard to shadow flicker paragraph 35 of the document advises that under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast shadow over neighbouring

properties. When blades rotate, the shadow flickers on and off. Only properties within 130 degrees either side of north, relative to the turbine would be affected. The guidance goes on to advise that modern wind turbines can be controlled so as to avoid shadow flicker.

- 12.3 The Guidance states that the report The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments.
- 12.4 The closest properties to the proposed turbine are along the part of Nottingham Road between the Woodside Road and Crow Park Drive junctions (these properties are approximately 780m away from the turbine), properties on Mill Field Close which are site approximately 700m away and the Poplars Sport Ground which is approximately 520m away from the turbine. With regard to the previous application the closest residential property was approximately 550m away from the proposed turbines.
- 12.5 In relation to the visual impact of the proposed turbines on local residents, I would refer to the conclusions drawn in relation to the previous application for two wind turbines. For the properties closest to the proposed wind turbines, the turbines are likely to be significant and prominent features in the landscape for the occupants of these properties. However, on balance given the distances between the properties and the proposed turbines I do not consider that the turbines would be visually intrusive or overbearing enough to be a reason for refusal.
- 12.6 I still concur with these conclusions in relation to the single turbine that forms part of this application. I consider that the impact on local residents would be even less given that only one turbine is now proposed and given the reduction in height.
- 12.7 The shadow flicker assessment that has been submitted as part of this application indicates that only properties on Nottingham Road would be likely to be affected by any potential shadow flicker. However, the impact would be at the very edge of the affected area. Consideration has been given to the impact on these properties along Nottingham Road. For this assessment the number, size and orientation of windows along this stretch of Nottingham were taken into account. From this further assessment it was found that no properties would be affected by shadow flicker.
- 12.8 The noise assessment submitted by the applicant has been reviewed by Public Protection. Public Protection has not raised any objections to the assessment. The noise assessment submitted by the Applicants, concludes that predicated turbine noise levels and measured background noise levels indicate that for receptors neighbouring the proposal, noise levels will meet the quite day-time and night time criteria within ETSU-R-97 during turbine operation.
- 12.9 To ensure that noise levels do accord with ETSU-R-97 it is recommended that a condition be imposed on any planning consent.

12.10 Given the siting and height of the proposed turbine I consider that the application is acceptable in terms of impact of the development on local residents.

13.0 Flood Risk, Contamination and Hydrology

13.1 Paragraph 103 of the NPPF states that when determining planning applications, local authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment, following a Sequential Test, and if required an Exception Test, it can be demonstrated that there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant.

13.2 The Environment Agency Flood zone map shows that part of the site is located in Flood Zone 3 and therefore at highest risk of flooding from the River Trent. The central part of the site is in Flood Zone 2 and the western part of the site is in Flood zone 1 and therefore at low risk of flooding. The turbine itself is proposed to be located towards the southern edge of Flood Zone 3.

13.3 As part of the application a Flood Risk Assessment was submitted, this assessment is considered to be appropriate by the Environment Agency. I therefore consider that with appropriate conditions to ensure that the development is carried out in accordance with submitted Flood Risk Assessment that the development would accord with the requirements of paragraph 103 of the NPPF.

13.4 Paragraph 121 of the NPPF indicates that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.

13.5 A ground conditions assessment and hydrology report has been submitted as part of the application. This assessment has been reviewed by both Public Protection and the Environment Agency, who do not raise any objections to the proposed development, providing that conditions are attached in relation to foundation construction and the submission of a scheme to deal with contamination.

13.6 Given that conditions could be attached to any decision notice that would adequately mitigate any potential issues in relation to contamination and impact on ground water, I consider that the proposed development is acceptable.

14.0 Transport, Communication and Safety

14.1 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on how safety is to be assessed in relation to wind turbines. The document requires consideration to be given to fall over distance, power lines, air traffic safety, defence, radar and the strategic road network.

14.2 I note that the Highway Authority have raised no objections to the proposed development in relation to the traffic that would be associated with the

construction, operational and decommissioning stage of the proposal. I do however note that they have suggested that conditions be attached to control abnormal loads during construction and decommissioning and to ensure that the necessary works to the Stoke Lane/Severn Trent access junction are undertaken. I also note that the County Council have requested a Section 106 agreement to indemnify the Council against any damage to the highway caused by construction traffic, to provide a construction traffic management plan and detail an approved route for abnormal roads. In my view these aspects could be dealt with by planning condition rather than through a s106 agreement.

14.3 I note that no objections have been received from local airport operators or the MOD in relation to impact of the development on air traffic. I also note that as part of preparing the application that the Applicants also consulted with these organisations and that no objections were received.

14.4 As part of preparing the application, the Applicants also consulted with the Office of Communications and local mobile phone network providers. These consultations resulted in no objections being received. With regard to potential impact on television signals the applicant has indicated that they would accept planning conditions usually used in order to prevent any adverse impacts.

14.5 With regard to fall over distance, it is recommended that wind turbines are sited at a minimum distance of the height of the wind turbine from ground tip plus 10% from any buildings. In relation to the proposed turbine this distance would be 110m, no properties are located within this distance from the turbine.

14.6 The closest National Grid power line, lies within 400m of the proposed wind turbine. The National Grid buffer distance between wind turbines and power lines is 3 times the rotor distance, in this instance this would be 240m. The proposed turbine would therefore be at sufficient distance so as not to cause any potential safety issues in relation to the power line.

15.0 Other Issues Raised

15.1 I note that Burton Joyce parish Council have raised the issue that this development would prejudice the development proposed at Teal Close. However, given the distance of this development, more than 1km away, and given that the proposed development would not raise any significant adverse impacts for existing residents in the area, I do not consider that the proposed turbine would prejudice the development at Teal Close.

16.0 Conclusion

16.1 At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

Any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

Specific policies in this framework indicate development should be restricted.

16.2 In light of the considerations given above in relation to:-

Renewable Energy and Green Belt
Local Landscape
Cultural Heritage
Recreation
Nature Conservation
Local Residents (Visual impact, Shadow Flicker and Noise)
Safety
Flood Risk, Contamination and Hydrology
Transport, Communication and Safety

I consider that on balance and taking into account the benefits that would be generated as a result of this proposal that it would constitute sustainable development. In reaching this conclusion I have also had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if its impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 to 15.0, above, I consider that it has been demonstrated that the impacts of the proposal are acceptable and that the recreational impacts of the development can be made acceptable through the use of a shutdown condition.

16.3 This application has been advertised as a departure, however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this proposal would have a significant impact on the openness of the Green Belt. I therefore do not consider that this application should be referred to the Secretary of State.

Recommendation:

GRANT PLANNING PERMISSION, subject to the following conditions;

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Local Planning Authority within one month of the date of this taking place.

2. This permission shall endure for a period of 25 years from the first export date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 45 below. The site shall be decommissioned in accordance with the details to be approved under condition 45.
3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Figure 1.3 Rev P5 Detailed Proposed Site Layout Plan (During Construction); Figure 1.4 Rev P1 Detailed Proposed Site Layout Plan (Post Construction); Figure 2.1 R0 Constraints Map (100m to tip); Figure 4.1 Rev P0 Site Entrance Access; Figure 4.2 Rev P3 Road Works Within Compound; Figure 4.3 Rev P1 Road Works Within Compound Near AMP5; Figure 4.4 Rev 0 Typical Widening of Existing Tarmac Site Road; Figure 4.5 Rev 0 Typical Access Track Details New Stone Road; Figure 4.6 Rev P0 Typical Turbine Pile Foundation; Figure 4.8 Rev P0 Indicative 33kV Substation Plan & Elevations; Figure 4.9 Rev 0 Typical Cable Trench Details.
4. The wind turbine shall be of a 3-bladed configuration and not exceed an overall height of 100m measured from ground level to the tips of the turbine blades. The blades of the turbine shall not have a rotor diameter of more than 80m. The hub height of the turbine shall be no more than 60m measured from ground level to the top of the hub. The turbine shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority or required to satisfy any other condition of this planning permission.
5. The 33KV substation to be provided in accordance with figure 4.3 revision P shall have the following maximum dimensions; it shall be no wider than 9m, no longer than 15m and it shall have a ridge height of no more than 6m.
6. The wind turbine and its associated hard standing areas shall be provided in the position indicated in Figure 1.3 Rev P5 subject to a micro siting allowance of 30m as shown on Figure 2.1 R0 Constraints Map (100m to tip) (showing a zoomed in area indicating the extent of the 30m micro siting area by way of a red dashed line).
7. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route as shown on Drawing No. TNEI-SB-Map 1 (as included in submitted Environmental Report Volume 4, Appendix I) to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction

deliveries; (iii) Details of measures to be taken to manage and control construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.

8. Before the development hereby approved is commenced the existing vehicular access into the site from Stoke Lane shall be widened and suitably constructed in accordance with figure 4.1 revision P0 so as to allow access for abnormal load, to the satisfaction of the Local Planning Authority.
9. Before the development hereby approved is commenced, Network Rail shall be given a minimum of 6 weeks' notice of any abnormal load vehicles transporting materials to the site.
10. Before the development hereby approved is commenced, a scheme for the installation of appropriate lighting of the turbine at night to assist air traffic shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to the first export of electricity and shall be retained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority.
11. Before the development hereby approved is commenced, and any associated materials transported to the site, the parking, turning and servicing areas for the turbine delivery vehicles and staff shall be provided in accordance with the plans to be first submitted to and approved in writing by the Local Planning Authority. The parking, turning and servicing areas as approved shall thereafter be retained for the life of the development.
12. Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with the contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified; (a) All previous uses; (b) Potential contaminants associated with those uses; (c) A conceptual model of the site indicating sources, pathways and receptors; and (d) Potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on the details provided in Appendix 6 of the submitted Environmental Report (with particular reference to letter report by Grontmij (ref 102766/I/01 dated 10th February 2010)) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components shall require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
14. The development hereby permitted shall not be commenced until such time as a scheme for the storage of oil, fuel and chemicals has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed in writing by the Local Planning Authority.
15. Before the development hereby approved is commenced, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Site Waste Management shall be implemented in accordance with the approved details.
16. Before the development hereby approved is commenced, drainage plans for the disposal of surface water, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and timetable.
17. Before the development hereby approved is commenced, a schedule of tree and hedgerow pruning works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall contain details of the works to be undertaken and a timescale for the works to be carried out. Pruning works shall be completed in accordance with the approved schedule.
18. No tree or hedgerow removal, other than that identified on Figure 1.3 Rev P5; Figure 1.4 Rev P1; and Figure 4.2 Rev P3 shall be undertaken, without the prior written consent of the Local Planning Authority and no other tree or hedgerow pruning works other than that agreed within the approved schedule of tree and hedgerow pruning shall be undertaken without the prior written consent of the Local Planning Authority.
19. Before the development hereby approved is commenced, a landscape and planting scheme and maintenance schedule (covering a minimum period of 5

years) shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall exclude those areas to be covered by the Habitat Management Plan required under condition 21 below. The landscaping and planting scheme shall be implemented in accordance with the approved details within eight months of the completion of the construction works. The maintenance of the site shall be carried out in accordance with the approved details. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

20. Before the development hereby approved is commenced, a scheme setting out the protocol for wind turbine shut down during archery tournament events held at The Poplars Sports Ground shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Burton Joyce Archers). The protocol shall be adhered to for the lifetime of the development, unless otherwise prior agreed in writing by the Local Planning Authority. The wind turbine shall be operated and shut down in accordance with the details of the approved protocol, unless otherwise prior agreed in writing with the Local Planning Authority.
21. Prior to the commencement of the development hereby approved, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The habitat management plan shall include details of species/seed mixes, establishment methods and maintenance regimes. The habitat management plan shall cover a period of 25 years. The habitat management plan shall cover the areas of habitat to be created within the red line shown on location plan figure 1.1 revision c, and the specific areas shown on drawing 5581-06-N-N/A submitted on the 13th march 2013 (which shows the creation of a species- rich neutral grassland, creation of 150m of new hedgerow and at least 4,100 square metres of broadleaved woodland). The habitat management plan shall also cover the provision of two 0.25ha rotational mitigation plots to be located 1.5 miles to the north east of the development site within the blue line shown on location plan figure 1.1 revision c so as to promote nesting Lapwing. Precise details of the location of these rotational plots shall be submitted as part of the management plan, together with a schedule of works setting out a timescale for creating the new habitat and maintenance regimes. The habitat shall be provided and maintained in accordance with the approved Habitat Management Plan.
22. No construction or decommissioning works shall be undertaken after sunset and no high powered lights, fires shall be used during the construction or decommissioning period. Any trenches or holes created during construction works or decommissioning works shall be closed or covered overnight, where this is not possible due to size holes will be angled at a maximum of 45 degrees or large planks left in holes overnight.
23. Prior to the commencement of the development hereby approved, a scheme

setting out a monitoring programme in relation to Bats, following the same methods used within the 2012 summer transect surveys and remote monitoring surveys submitted as part of the application, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall cover a period of three years from the first export date of electricity to the grid. A minimum of 3 transect surveys per year between April and October including 1 dawn survey shall be carried out. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

24. No fencing shall be erected around any watercourses or water bodies within the red line shown on location plan figure 1.1 revision c, at any time during the construction, operation or decommissioning phase of the proposed development, unless otherwise prior agreed in writing by the Local Planning Authority.
25. Prior to the commencement of the development hereby approved a verification statement shall be submitted confirming that the Clerk of Works appointed to oversee the construction works has been inducted by an appropriately qualified ecologist prior to the start of works to ensure that they are aware of their responsibilities in relation to the protection of wildlife.
26. Prior to the commencement of development precise details of at least four new hibernacula to be provided within the red line on location plan figure 1.1 revision c including their location shall be submitted to and approved in writing by the Local Planning Authority. The hibernacula shall be provided in accordance with the approved details, prior to the first export date of electricity.
27. No construction works or decommissioning works shall be undertaken during the bird breeding season (March to June inclusive) and no clearance works shall take place during bird breeding season, unless a checking survey by an appropriately qualified ornithologist has shown active nests to be absent immediately to the start of either construction or decommissioning works.
28. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to ornithology, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall have first been agreed in writing by Natural England/ and or the RSPB, and confirmation of this shall be submitted with the scheme to be submitted to the Council. The monitoring programme shall indicate the methods to be used to carry out surveys, the timings of the surveys and length of time that monitoring shall be undertaken and shall provide for the production of reports following each survey detailing the findings of the survey and any mitigation measures proposed to address any issues raised. Monitoring shall be undertaken in accordance with the agreed

monitoring programme. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

29. Should construction or decommissioning works take place during December-February inclusive, then prior to works commencing a watching brief will be implemented to ascertain if the site is being utilised by Lapwing, should Lapwing be present then a report setting out appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. Any mitigation measures approved shall be carried out in accordance with the approved details.
30. Prior to the erection of the wind turbine, details of the size, design and colour finish of the turbine tower; nacelle and blades shall be submitted to and approved in writing by the Local Planning Authority. The size and appearance of the turbine shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
31. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The size of the substation shall be in accordance with the parameters set out in condition 5 above. Development shall thereafter be carried out in accordance with the approved details.
32. All cables within the development site from the turbine to the substation shall be set underground.
33. Prior to the first export date, a scheme providing a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full contact details of who to contact in relation to the development should the Local Authority receive a complaint from a local resident within 12 months of the first export date. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the scheme which has been approved in writing by the Local Planning Authority.

34. Prior to first export date (of electricity to the grid), final details of the exact position of the wind turbine and associated hard standing areas in the form of revised layout plans shall be submitted to and approved in writing by the Local Planning Authority. The wind turbine and associated areas of hard standing shall be sited in accordance with the approved details.
35. Before the first export date (of electricity to the grid), the widened part of the access track, turning head, component lay down area and crane erection area will be buried in situ and the site compound will be removed in accordance with the details indicated on Figure 1.4 Rev P1 and Figure 4.5 Rev 0.
36. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Local Authority shall be sent a copy of the notification made to East Midlands Airport.
37. The rating level of noise immissions from the combined effects of the wind turbine (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in Tables 1 and 2 attached to these conditions (37 to 44) at any dwelling which is lawfully existing or has planning permission at the date of this permission and the wind turbine operator shall adhere to this condition and condition 38 to 44 below.
38. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
39. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with condition 37 above and the protocol required to be approved under condition 41 below. Amendments to the list of approved consultants shall be made only with prior written approval of the Local Planning Authority.
40. Within 21 days from the receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority under condition 39 above to assess the level of noise immissions from the wind farm at the complainant's property in accordance with procedures described in the attached guidance notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain

a tonal component.

41. The assessment of the rating level of noise immissions, following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator, shall be undertaken in accordance with an assessment protocol that shall have been submitted to and approved in writing by the Local Planning Authority prior to the first export date of electricity. The protocol shall include the proposed measurement locations identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operating conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment rating level of noise immissions. The proposed range of conditions to be utilised in the assessment of the rating level of noise immissions to be carried out by an approved independent noise consultant, (from the list required to comply with condition 39 above) following a complaint received by the Local Planning Authority and it making a written request to the wind farm operator, shall be those that prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority required to have been made under condition 40, and such others as the independent consultant considers likely to result in a breach of the noise limits.
42. Where a dwelling to which a complaint is related is not listed in the tables attached to conditions 37 to 41 and 43 to 44 of this permission, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking. The proposed noise limits shall be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainants dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
43. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within two months of the date of the written request of the Local Planning Authority for compliance measurements to be made under condition 40 above, unless the time limit has been extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1 (e) of the Guidance Notes. The instrument used to undertaken the measurements shall be calibrated in accordance with Guidance Note 1 (a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

44. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4 (c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 41 above unless the time limit has been extended in writing by the Local Planning Authority.
45. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment, including a timetable for its removal, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.
46. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Local Planning Authority. The site shall be decommissioned in accordance with the approved details.
47. No development shall take place within the application site until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt
4. For the avoidance of doubt
5. For the avoidance of doubt
6. To define the nature of the planning consent and for the avoidance of doubt, should site circumstances require alteration to the exact position of the turbine.

7. In the interests of highway safety
8. In the interests of highway safety
9. In the interests of highway safety
10. To safeguard air traffic in the local area.
11. In the interests of highway safety
12. To ensure that the site is adequately remediated and does not pose a risk for adjoining land.
13. To ensure that piling or other foundation designs do adversely disturb land in manner that would affect the quality of ground water.
14. To ensure that the storage of oil, fuel or chemicals does not adversely affect the local water environment
15. To ensure that waste from the site is managed in an appropriate manner
16. To ensure the correct disposal of surface water so as to not adversely affect the local water environment
17. To safeguard the appearance of the site
18. For the avoidance of doubt and to safeguard the appearance of the site
19. To ensure that the site is adequately landscaped
20. To ensure that the operation of the wind turbine does not prejudice the use of the Poplars Sports Ground for Archery
21. To ensure that new habitat is created and established in order to promote biodiversity
22. To ensure that there is no adverse effect on local fauna within the site and the surrounding area.
23. To ensure that there are no adverse impacts on the local bat population as a result of the operation of the wind turbine
24. To ensure that no fences are erected around water courses or water bodies which could affect the movement of fauna within the local area and have an adverse impact on their welfare
25. In the interests of safeguarding the biodiversity of the site
26. To ensure that new habitat is created and established in order to promote

biodiversity

27. To ensure that there would be no adverse impacts on birds during the breeding season
28. To ensure that there would be no adverse impacts on birds as a result of the operation of the turbine
29. To ensure that there would be no adverse impacts on wintering birds using the site should construction or decommissioning works take place
30. To ensure that the precise details of the turbine are defined in order for the Local Planning Authority to control the nature of the development
31. To ensure that the precise details of the substation are defined in order for the Local Planning Authority to control the nature of the development
32. To safeguard the appearance of the site
33. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated
34. To ensure that the precise details of the development are defined in order for the Local Planning Authority to control the nature of the development
35. To safeguard the appearance of the site
36. To ensure that East Midlands Airport are advised that the turbine has commenced operation
37. In the interests of safeguarding aural amenity
38. In the interests of safeguarding aural amenity
39. In the interests of safeguarding aural amenity
40. In the interests of safeguarding aural amenity
41. In the interests of safeguarding aural amenity
42. In the interests of safeguarding aural amenity
43. In the interests of safeguarding aural amenity
44. In the interests of safeguarding aural amenity
45. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
46. To ensure that when the site ceases operation at the time stated within

condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.

47. To ensure that any archaeological remains located within the site will be recorded and conserved in an appropriate manner

Reasons for Decision

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable and that the recreational impacts of the development can be made acceptable through the use of a shutdown condition.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The applicants are asked to note the additional information contained within the attached responses received from Network Rail, the MOD, the Environment Agency and the Local Highway Authority which require the applicant to carry out necessary action to satisfy the requirements of other legislative regimes or advice to be taken into account during the construction, operational and decommissioning phases of the proposed development

Two tables are attached to conditions 37 to 44 which set out the noise level limits to be used between 07:00 and 23:00 and between 23:00 and 07:00 at the property grid references stated should complaints be received. Attached to this decision are Guidance Notes that have been produced by the Institute of Acoustics that should be read in conjunction with conditions 37 to 44.