

**Application Number:** 2014/1168  
**Location:** Newstead And Annesley Country Park, Tilford Road,  
Newstead, Nottinghamshire.



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## Report to Planning Committee

**Application Number:** 2014/1168

**Location:** Newstead And Annesley Country Park, Tilford Road,  
Newstead, Nottinghamshire.

**Proposal:** Wind turbine with a maximum tip height of 100m, associated infrastructure to include control building and crane hardstanding.

**Applicant:** Mr Rob Crowder

**Agent:** Mrs Sandra Painter

**Case Officer:** David Gray

### 1.0 The Proposed Development

1.1 Full Planning Permission is sought for the erection of a single wind turbine and associated infrastructure on land currently designated as Green Belt.

1.2 The proposed wind turbine would have the following specifications: -

- Maximum tip height of 100m;
- Blade diameter of 77m;
- Hub Height: 61.5m;
- Number of blades: 3; and
- Output rating: 1.5 MW.

1.3 Whilst the above wind turbine is the proposed model used for this assessment the final turbine choice would be dependent on a number of factors but would not exceed the tip height of the above model.

1.4 The proposed turbine would be sited on a solid foundation dependant on site geology, turbine location, and the turbine manufacturer's ground stiffness foundation criteria. Given the previous coal mining history of the site, preliminary site survey work would be undertaken prior to the construction to establish which foundation would be appropriate for the site. The foundation would take the form of reinforced circular or square concrete foundation which would include a circular steel support plinth to accommodate the base profile of the tower section. The turbine foundations would typically measure 12m x 12m.

1.5 An area of hardstanding would be required in order to provide a solid base on which to lay down the turbine components ready for assembly and erection and to site the crane necessary to lift the tower sections, the nacelle and the

rotor components into place. The total area of hardstanding, adjacent to the proposed location of the turbine, would be approximately 1000sqm (25m x 40m). The hardstanding would be constructed in layers of crushed stone or recycled aggregate. The hardstanding would be left in place for the life of the turbine and decommissioned when no longer in operation.

- 1.6 The site would be accessed by an existing access track within the ownership of Rural Community Action Nottinghamshire (RCAN). The track forms part of Newstead and Annesley Country Park which is also in the ownership of RCAN.
- 1.7 Western Power Distribution (WPD), the local Distribution Network Operator, can provide a connection in the Country Park from a buried cable behind the compound of Northfield Construction.
- 1.8 The proposal incorporates a Transformer Cabin that would have footprint dimensions of 10.5 metres x 4.5 metres and a height of 3 metres.
- 1.9 The development has been designed to have an operational life of 25 years. At the end of this period the wind turbine would be decommissioned, or a new application submitted. The transformer and switchgear and associated cabin will be removed and the area reinstated.
- 1.10 The agent has submitted a Planning Statement, Design and Access Statement, and Environmental Report with the application. The chapters covered in the supporting documentation cover the following: -
  - Project Description;
  - Policy and Process;
  - Landscape and Visual Assessment;
  - Ecology;
  - Geology and Hydrology;
  - Traffic and Transport;
  - Noise Assessment;
  - Shadow Flicker;
  - Aviation and EMI;
  - Heritage Assessment;
  - Tourism and Recreation.
- 1.11 These conclude that it is considered that the proposal provides attributable, very special circumstances which clearly outweigh any potential perceived harm to the Green Belt thus justifying an exception to Green Belt policy in this instance.

These considerations include: -

- The latest International Panel on Climate Change (IPCC) scientific report;
- The consideration of the relevant European, National and Local policies;

- The pivotal economic function of the proposal for the survival and long term running of the Country Park;
  - The local and wider benefits the development of this proposal would bring;
  - The design, environmental and site location considerations;
- 1.12 The Planning Statement advises that the proposal is initiated out of Government Policy to develop the generation of renewable energies within a location owned by Rural Communities Action Nottinghamshire (RCAN) who are working to develop a sustainable country park for the local and wider community to enjoy. The proposal would also act to promote and deliver on local, national and European commitments for renewable energy targets and a reduction in reliance on fossil fuels.
- 1.13 The Planning Statement also advises that the long-term sustainability of the park is an important part to its survival. This consideration applies to its function as a resource as much as it does of funding. The wind turbine would enable both of these drivers to be satisfied. Clean electricity and a consistent income stream would be generated over the 25 year operational life of the proposal. In addition, a community fund would run over the same period.
- 1.14 The proposal is on the western edge of the Green Belt designation within land owned and controlled by RCAN. The purpose of the park is to regenerate an area of land previously mined, for the benefit of access and enjoyment by the local and wider community.
- 1.15 Rural Community Action Nottinghamshire (RCAN) is one of 38 independent voluntary organisations across the country. RCAN exists to promote social economic wellbeing of rural communities. Through partnership working RCAN aim to improve the quality of life of people living and working in rural areas and their vision is for 'Thriving, sustainable and cohesive rural communities in Nottinghamshire.'
- 1.16 RCAN is developing a community owned and managed Country Park connecting the two former mining villages of Newstead and Annesley, and on land which once was the former pit tips of the two mines until their closure in the late 1990s. The area has long been disadvantaged by the impact of the closure of the mines – unemployment, poverty and a range of social issues have stigmatised the area, which also feels cut off from the surrounding area geographically due to the road network. The site was purchased with the specific aim of creating a Country Park for the benefit of the local community and for use by local community groups to also benefit from the facilities on offer.
- 1.17 During the processing of the application a detailed business plan and financial plan was submitted illustrating the various income streams that RCAN have been exploring to finance the continued operation of the organisation and of Newstead and Annesley Country Park. Solar Power was considered as an alternative to raising funds for the upkeep of the park but the assessment identified that 3.5ha of land would be required to generate 1.5 MW and the

financial returns for solar investment is significantly lower. The wind turbine was therefore considered the most sustainable revenue source to maintain the continued development of the Country Park.

1.18 In summary the additional information submitted by the application outlines that the installation of the wind turbine would have a significant positive financial impact for the project and for RCAN: -

- Successive Governments have encouraged the voluntary sector to reduce their reliance on grant aid and to look at ways of generating their own income. The Newstead and Annesley Country Park is owned by RCAN and managed to maximise the Environmental Social and Economic benefit to the area.
- RCAN will receive a revenue income from the wind turbine erected within the Country Park.
- The Board of RCAN is committed to develop the facilities of the Country Park including the opening of the visitor centre. RCAN would continue the development of the site management plan previously submitted to the council, improving paths, signage, and general access along with wildlife enhancements.
- The £7,500 community fund would be spent locally allowing further improvements to the site and the community.
- The installation of the wind turbine would enable water and electricity services to be installed at the Visitors Centre, finally allowing it to open for the general public.
- Electricity from the wind turbine would be supplied directly to the Visitors Centre, reducing the long term running costs and improving the eco credentials of the building.
- RCAN, as a charity, is presently investing approximately £35k per annum on the Country Park. This includes: one and a half days a week of dedicated staff time supporting the wardens and the general running of the site, development of the 'Friend of' group, plus arrangement of the two Eon volunteer days. In addition there is a direct input to the Visitors Centre build and general oversight by the Chief Executive, CAST management of the fishing lake and support to the community payback team working on site. The £30k per year land rental would go towards subsidising these expenses.
- A consistent income stream would allow the future of the park to be secured and to remain open for the public benefit.

## 2.0 Site Description

2.1 The application site is in a rural location which consists of rough grazing land adjacent to an existing access track within Newstead and Annesley Country Park to the east of Newstead Village. The previous use of the site was a colliery which is now owned and controlled by Rural Community Action Nottinghamshire, and is in use as Newstead and Annesley Country Park.

2.2 The application site is within the designated Green Belt of Nottinghamshire and is sited on a Country Park that was a previous spoil heap serving

Annesley Colliery, which was decommissioned in 2000.

2.3 There are no regional or local nature conservation designations that cover the application site. However, approximately 370 metres to the east of the application site there is a Site of Importance for Nature Conservation adjacent to a fishing pond.

2.4 The application site is approximately 630 metres to the east of Newstead Village, 750 metres to the east of a new housing development sited on Annesley Cuttings within Ashfield District Council. The village of Ravenshead is approximately 3.2 km to the east of the application site, the village of Linby is approximately 2.5 km to the south, Kirkby in Ashfield is approximately 2.2 km to the north, and the village of Papplewick is approximately 3.5 km to the southeast.

2.5 The closest neighbouring residential properties to the application site are:-

- Foundry Terrace, approximately 608 metres to the southwest;
- North Lodge, approximately 627 metres to the south;
- Abbey Fields Farm, approximately 750 metres to the southeast;
- The Bungalow, approximately 900 metres to the east;
- Poets Corner, approximately 1,127 metres to the east;
- Monk Barn, approximately 1,188 metres to the north east;
- Nott's Golf Club, approximately 1000 metres to the north.

2.6 Three Registered Parks and Gardens are identified within 5km of the application site. These include Newstead Abbey, Annesley Hall and Papplewick Hall. The boundary of Newstead Abbey Park and Gardens extends to within 580 metres of the proposed wind turbine location.

2.7 There are 112 Listed Buildings and Conservation Areas identified within 5 km of the proposed wind turbine. Many of the Listed Buildings are contained within the Conservation Areas of Kirkby Cross, Linby and Papplewick and Newstead Abbey Park and Gardens. Four of the Listed Buildings are Grade 1 which includes:

- Newstead Abbey and adjoining boundary wall 1.65 km;
- Ruins of Church of All Saints 2.5 km;
- Papplewick Hall 2.89 km;
- Church of St James 2.8 km

A number of additional buildings (Local Interest Enhancement Buildings) are identified within 1 km of the proposal, which includes areas of the Newstead Colliery Village Hazelford farmhouse, Railway Overbridge and Abbeyfields Farmhouse. These are not listed but add to the surrounding heritage.

2.8 The closest Conservation Areas are: -

- Felley Conservation Area, approximately 1.1km metres to the west;
- Linby Conservation Area, approximately 2.5 km to the south;

- Papplewick Conservation Area, approximately 3 km to the southeast.

### **3.0 Application Publicity and Procedures**

3.1 The application has been advertised as a departure from the Local Plan. 2 x Site Notices advertising the application as a departure were posted. 4 x 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. Site Notices were posted in Newstead Village and at Annesley Cuttings, Annesley Conservation Area, Papplewick Conservation Area, and Linby Conservation Area.

3.2 577 Properties were notified of the application by the Borough Council focussing on the Village of Newstead, Annesley and Newstead Abbey. The consultation area was extended following a request from Ashfield District Council to include the new housing development located at Annesley Cuttings.

As a result of this consultation 121 letters were returned no such address and 13 letters were returned address inaccessible.

### **3.3 Neighbour Consultation and General Publicity Responses**

26 letters of representation have been received objecting to the proposal and 11 letters have been submitted in support of the application.

A further 97 individual letters have been received in support of the application as a result of a petition conducted in Newstead and Annesley.

The following issues raised in the letters of representation can be outlined as follows under the following headings:

#### Renewable Energy

- Without Government subsidy the project would be unviable economically.

#### Green Belt

- The proposed development would be contrary to ENV5 of the Gedling Borough Replacement Local Plan as it would adversely affect the openness of the Green Belt;
- The application would be contrary to para's 79 – 90 of the NPPF;
- The planning application impact on the historical environment and the local Green Belt which would prove harmful and contrary to Policy ENV26.

#### Local Landscape/Country Park

- The wind turbine would be unsightly and would detract users of the Country Park;
- The wind turbine would be too large and would detract from the landscape character of the area contrary to NPPF para 9;
- The proposed turbine would be visible from a significant distance, seen clearly as you leave Annesley on the A611 and B6020, and across the rural areas to Papplewick and Ravenshead, and from the Conservation Area of Annesley;
- The wind turbine would be sited 50m from the visitors centre and would detract people from using it because of the noise;
- As the project would be of no benefit to local residents the local landscape should not be ruined;
- The proposal would be an eyesore that would dominate the skyline;
- The proposed development including the crane hardstanding and control building would be too imposing;
- Contrary to paragraph 28 of the NPPF the placement of the wind turbine near to the visitor centre and angling areas will not improve but deter visitors to the eco-park and its continued existence should be brought into question;
- The proposed wind turbine would be prominent on the ridgeline when viewed from Hucknall and Linby in particular. The proposal would therefore be contrary to policy ENV32 of the GBRLP;
- The application would not conserve or enhance the local environment contrary to para 109 of the NPPF;
- NPPF para 165: - Planning Policies and decisions should be based on up to date information about the natural environment and other characteristics of the area. As no up to date surveys have been undertaken the application is contrary to this guidance;
- The wind turbine would not be appropriate development and would be contrary to the purpose of the Country Park.

### Cultural Heritage

- The historic environment associated with Lord Byron would be under threat.
- The turbine is close and would have a negative impact on Conservation Areas in the vicinity;
- The turbine would have an adverse impact on the character and significance of the historic value of the landscape of Newstead Abbey Park which is designated Grade II\* on the register of Parks and Gardens;
- The development would impact on Robin Hoods Way a public footpath.

### Nature Conservation

- An adverse impact on local birds and bats;
- The application would be contrary to para's 109, 110, and 113 of the NPPF, in that it would cause considerable harm to the local environment and also against Gedling Borough Policy ENV36;
- The application contains old ecological surveys produced to support an



application from imported material to create a lake submitted to the County Council.

### Amenity

- The turbine would be too large and too close to neighbouring residential properties;
- The proposal would adversely affect walkers and horse riders of the local paths and bridleways;
- There is potential for nearby residents to experience undue shadow flicker from the turbine blades;
- The application would be contrary to Gedling Borough Policy ENV5 given that it would have an adverse impact on the amenities of residents and users of nearby properties in terms of noise, amplitude modulation and low-frequency vibration;
- Noise impact from the proposed turbine;
- The UK Noise Association recommends that wind turbines are not sited within 1 mile of residential properties;
- Risk of sleep disturbance and related health issues;
- The noise impacts would be contrary to para 69 of the NPPF;
- The applicant has not considered the noise impact appropriately;
- No background noise levels have been taken;
- The ESTU-R-97 is not fit for purpose;

### Safety

- The construction of the wind turbine on a former coal mine could have technical and structural implications;
- The applicant has failed to take into account of the wind shear, ice throw and amplitude modulation and low frequency noise etc of the proposed turbine;

### Transport and Communication

- The roads through the villages and approaching roads are not suitable for extra-large vehicles delivering the wind turbine;
- Construction traffic through the small villages and past the school is of concern;
- There would be potential impact on television signals in the area;
- The full impact on the local paths, bridleways and public footpaths and the adverse impact on tourism needs to be evaluated;

### Policy

- The proposal contravenes the following planning policies: Gedling Borough Council: ENV26, ENV32, and R7. Government Policy: PPS7
- The new government has indicated that developments should not be permitted if the local community is opposed to the scheme and this is enshrined in the Localism Bill. This gives a strong mandate from the local community to refuse the application if enough people oppose;

- The application would be contrary to the principles set out in paragraph 58 of the NPPF discussing local policies and neighbourhood plans;
- The application would be contrary to paragraph 73 of the NPPF as it would detract people from using the Country Park;
- The application should be refused under the requirements of para's 93 – 108 inclusive;
- The development would not represent sustainable development as indicated in NPPF para 7 due to its close proximity to the visitor centre and fishing lakes, which would deter people from using them;

#### Other Considerations

- Residents of the new development at Annesley Village were not consulted until a request was made by an Ashfield District Councillor;
- Annesley and Felley Parish were not consulted;
- The photos and plans are enhanced in favour of the application;
- A large number of people buying houses in the Annesley Cuttings area would not have been aware that a wind turbine was going to be proposed when purchasing properties;
- The turbine would impact on the value of property in the area;
- Questions raised over the type and appropriateness of camera lens used to generate the photomontages and the location of the Viewpoints;
- The development could set standards for future developments in the area;
- The profits being generated are going to the Country Park and not the Local Residents;
- Despite extensive grants from the Greater Nottinghamshire Partnership, Heritage Lottery Funding and personal loans from directors over a period of from its inception in 2009 to date, the Eco-Park still remains unfinished.
- The use of the industry standard 50mm lens for the photomontages results in the wind turbine appearing smaller. Research undertaken by Alan McDonald – Architect – is referred to as documented in a National Newspaper article. The article highlighted the implications a 50mm rather than a 75mm lens making objects appear smaller at distance.
- Alternative more efficient locations for wind turbines should be considered.

#### Comments in Support

- Having a wind turbine was requested as a priority by Newstead residents when they were consulted in 2007 for the Parish Plan;
- No objections to noise or visual appearance after visiting larger wind farms in Scotland;
- The wind turbine could be an asset for Newstead and Annesley Country Park supporting its long-term objectives for the community;
- The wind turbine would support the Country Park and would provide valuable renewable energy;
- Generating renewable energy on a former colliery site puts out an

statement and action towards reversing dependence on high carbon producing sources of power;

- The site has already been transformed from former spoil heaps into woodland;
- The site being a former colliery and now a woodland acts as a carbon sink and the introduction of a wind turbine would further contribute to a sustainable green future;
- The site was previously used for coal production / energy generation and has now been transformed to a Country Park. The introduction of a wind turbine would be appropriate and would be of benefit to the site and rove an interesting and educational dimension to the site;
- The financial benefits to the Country Park to help its long term survival is a positive consideration;
- The Country Park is a key community asset and the wind turbine would assist the further development of the asset.
- The wind turbine would provide enough energy to meet the demands of 700 homes, offsetting 2,000 tonnes of CO2 per annum and contributing to local and national renewable energy targets.
- The visual impact must be put into context with the widespread environmental damage which climate change could cause in the area.

### **3.4 Statutory and Technical Bodies Consultation Responses**

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

### **3.5 Ecology/Wildlife**

#### Nottinghamshire County Council (Arboricultural Advice)

No trees of significance are affected by this proposal.

#### Natural England

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy features for which the site has been notified. Therefore the presence of an SSSI does not represent a constraint in determining the application.

Natural England recommends that the application be considered under their Standing Advice (SA) with regards to protected species.

#### Nottinghamshire Wildlife Trust (NWT) –

The additional information from Stillwind Ecology is appreciated, although we wish to provide you with the following advice:

1.) & 2). Again, we wish to remind you that this site qualifies as a Local Wildlife Site for its breeding and overwintering birds. Whilst it is accepted, as stated by the Ecologist, that wildfowl populations are not “endangered”, these species are in decline, hence the recognition of the LWS for holding wintering numbers. Thus, as stated within our previous response, in order to comply with the NPPF, *any* potential impacts on birds are a material consideration in your determination.

5.) Collision risk assessments give a snapshot of flight behaviour and potential impacts on the site. We advise the LPA should still consider the presence of higher risk species (such as peregrine) and nationally protected species (such as woodlark, an Annex 1 species) recorded during the surveys and using the site, as potential impacts cannot be fully dismissed. As previously stated, impacts are likely to be more significant for species of lower population numbers within Nottinghamshire, such as peregrine.

3). & 5). Behaviour was queried as it was stated that this would be included in Section 1.29 of the Ecological Assessment. We are aware that species such as lapwing forage on the ground, but additional information provides clarification of bird use within the footprint/near the turbine (and therefore the extent of species presence). Lapwings tend to feed in flocks, and will characteristically circulate in the air as a flock when disturbed (by predators), hence, although foraging on the ground, this does not eliminate the fact that they are likely to fly within and between the development footprint. You should also be aware that kestrels will hover and remain stationary at height whilst hunting.

6). As previously stated, our concerns regarding breeding birds are during the operational phase. Land for the habitat mitigation/woodlark enhancement is yet to be secured (see point 15). As this land has not been secured, and involves a Site where woodlark are breeding (again, a European Protected Species), we strongly advise you take a precautionary approach, as this mitigation is yet to be guaranteed.

7). It is appreciated that 3 survey visits were undertaken, which follows standard survey practice. However, our query regarding the BBS data refers to section 1.33. of the Ecological Assessment (GLM Ecology). It is stated that BBS surveys were undertaken by Corvus Consulting in 2014. The report refers to species recorded in Table 04; however, the results in Table 04 are dated 21/04/2011. We requested clarification to if this is an error in the date, or if the table is referring to previous data and not to the latest data collected in 2014. We also advised that the surveyor vantage point is provided, to determine the view shed of the survey.

8). Additional evidence to support this statement would assist the LPA when determining the application and level of impact.

9), 10) & 11) It is understood that the site already has a high level of activity and recreational disturbance. Therefore, any additional disturbance should be

suitably mitigated for, to prevent an increase in the threshold of disturbance level and any consequential displacement of sensitive species of breeding/wintering birds. Techniques to reduce this within the management plan would be welcomed, particularly as we have already highlighted our concerns regarding birds uncommon in Nottinghamshire and ground nesting birds.

12). We stated, "It is further stated within the SNH guidelines that where duration of one year or less is proposed (for survey duration), developers and consultants must clearly demonstrate that the chosen duration is robust and appropriate." In the response by Stillwind Ecology dated 31<sup>st</sup> July, this has been clearly justified.

13). We are aware of contradiction between guidelines. We highlighted this and that two hours would have been more ideal as this would be in accordance with Natural England TIN069 regarding surveyor fatigue, but the Ecologist has justified that the methodology is in accordance with SNH.

14). We have highlighted this issue/limitation regarding post monitoring at this stage so that it can be fully considered at the earliest opportunity. It is also important to recognise this limitation, as if you do not believe accurate post monitoring data is achievable, you may wish to condition stricter mitigation for bats such as curtailment during certain months/hours, in order to fully eliminate potential impacts. The LPA would need to assume that they will be able to understand and interpret the monitoring correctly. You should be aware of recent anecdotal evidence in which dead bats under turbines have been found in Nottinghamshire, such as a dead noctule recently found in Bilsthorpe.

15). We are aware that the Ecologist has recommended construction works to be undertaken outside of the bird breeding season and we are in support of this. However, our concerns regarding breeding birds refer to the operational phase. Regarding our comments to the brief mitigation outline, the Addendum refers back to Section 1.64 and states the following: "*Without consultation with local stakeholders it is unknown precisely what areas are to be considered for mitigation. If planning permission is granted, then as a planning condition a Habitat Management Plan for woodlark enhancement would be provided as a priority. This would entail input from RSPB, NWT, landowners and local groups and all other interested parties.*" We therefore advised an area to be secured prior to determination, and any further details on proposed mitigation/enhancements (to allow the LPA information at the earliest opportunity), so that this can be secured through a S106 agreement. In the absence of this detail, the impacts of this Annex 1 species cannot be properly assessed.

Following receipt of additional ecological addendums the Wild Life Trust makes the following comments: -

Part of the proposed mitigation is within the 50 metre buffer of the turbine and it would be preferable to see it beyond this buffer zone.

## Bats

It is welcomed that the expertise that will be involved in designing the post monitoring surveys, it is still suggested that some form of information is put forward on how the post monitoring will be undertaken prior to determining this application – so that the LPA can determine if the methodology will be sufficient.

## Mitigation

Whilst it is welcomed that the applicant has put forth an area for mitigation, you should be aware that this is within the LWS boundary which is designated for botanical interest – therefore any mitigation should not compromise features which give the site its botanical interest.

Also, it depends what they want to provide for woodlark to determine if the proposed area will be suitable. Having quickly looked back over the surveys, I believe at the proposed track a singing woodlark was recorded. If the proposed mitigation will be for foraging- I can understand them looking for insects in an open area surrounded by trees and scrub, but for nesting they would usually prefer a much more open expanse with a mix of short sward, bare patches etc, some small, sporadic scrub (like gorse), but nothing high enough to perch a corvid on, and where they can get long views.

## Nottinghamshire County Council (Ecology) –

### *Site survey*

An Ecological Assessment (undated 2014) has been carried out in support of this application, with an Ecology Report (dated September 2012) also submitted. Together, these provide a good understanding of the ecological interest of the application site and the wider Newstead and Annesley Country Park.

### *Impact on habitats*

The proposed turbine is located within the boundary of the Annesley Pit Tip Local Wildlife Site (LWS) 5/392, and the 2012 Ecology Report identified the habitat that would be affected by the works as being semi improved grassland. Overall, the footprint of the development is very small compared to the size of the site as a whole, and permanent loss of habitat will be negligible. Nevertheless, it is evident that works will give rise to some temporary disturbance of the area during construction, so it is requested that a condition is used to require the submission of a brief restoration plan for this area, with the aim of re-establishing species-rich grassland.

### *Impact on birds*

A Breeding Bird Survey (BBS), Vantage Point (VP) surveys, winter walk-over

surveys, and specific surveys for nightjar and woodlark have been carried out at the site. The level of survey is considered to be generally appropriate (although it should be noted that the BBS comprised a single visit in April but is supported by additional information from the 2012 Ecology Report), and has confirmed that the site is of particular ornithological interest. It should be noted that whilst no nightjars were recorded at the site, breeding woodlarks were confirmed to be present; however, this species is not considered to be at risk of collision with turbines. Therefore, it appears that the proposed turbine would not have an impact on the species for which Sherwood Forest may become designated as an SPA in the future.

Regarding the VP surveys, whilst a number of species were recorded flying within the collision risk area, it is stated that this did not occur frequently enough to warrant any meaningful collision modelling, and that any effects of collision mortality on local bird populations would be negligible. On that basis, it appears that the turbine, in its currently proposed location, will not give rise to any significant impact on birds using the site as a result of collision mortality.

By way of mitigation, vegetation clearance should take place outside the bird breeding season (which runs from March to August inclusive), unless otherwise approved, and this should be secured through a condition; the Ecological Assessment also recommends that construction should, if possible, also take place outside the bird breeding season.

#### *Impact on bats*

Surveys for bats were carried out using walked transects and a static detector, the latter positioned at the approximate location of the proposed turbine. Both confirmed that bats (primarily soprano pipistrelles) forage along the woodland edge adjacent to the turbine location. No potential roost sites were located within the vicinity of the turbine.

In order to minimise impacts on bats, Natural England guidance states that a 50m buffer should be maintained around any feature (e.g. trees or hedgerow) into which no part of the turbine should intrude, meaning that the edge of the rotor-swept area needs to be at least 50m from the nearest part of the habitat feature. This is recognised in section 1.73 of the Ecological Assessment, and it is stated that to facilitate this, young trees and scrub would need to be removed. Given that the vegetation to the north is on a slope, and can be expected to gain height as it grows, it is therefore requested that further information is provided, in the form of a plan, showing the extent of tree and scrub removal that will be required, calculated with reference to Natural England's Technical Information Note TIN051 and taking account of the adjacent topography (i.e. it is not simply a case of drawing a 50m radius around the base of the turbine).

Once this has been submitted, a condition will be required to ensure that the trees and shrubs within this area are removed and stump-treated (to prevent regrowth), and that the area is maintained as grassland for the 25 year

lifetime of the turbine.

#### *Impact on other protected species*

No evidence of badgers was found within the vicinity of the application site, but this species is known to be present in the area. A condition should be used to require that mitigation measures outlined in section 1.78 of the Ecological Assessment (2014) are adhered to.

The NACP site supports reptiles and amphibians (including a significant population of toads breeding in the adjacent waterbody). The mitigation measures outlined in section 1.80 should therefore form the basis of a Mitigation Strategy for Reptiles and Amphibians, the production of which should be secured through a condition.

#### *Other mitigation*

To mitigate for the loss of woodland that will arise through the imposition of a 50m buffer zone around the turbine, it is recommended that the condition and value of the remaining woodland at the site is improved through thinning of dense plantations, the removal of conifers and other non-native species, and restocking with native species appropriate to the local area, if required. The production of a Woodland Enhancement Plan to this effect should be secured through a condition.

British Horse Society - no comments received.

### 3.6 **Cultural Heritage and Landscape**

#### English Heritage

As this application potentially affects scheduled monuments, listed buildings and conservation areas the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area (Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when making its decisions.

English Heritage does not believe there is sufficient information to make an informed assessment of the proposal's impact on the designated heritage assets potentially affected. Therefore we do not believe your authority is in a position to determine this application in line with paragraphs 128 and 129 of the NPPF.

The proposed turbine would sit within a landscape rich in heritage and is potentially within the setting of numerous highly graded designated heritage assets.

Historic associations with Newstead and the other nearby medieval and later



parks are of key importance alongside the literary and personal links with Byron. The inter-relationship of these parks, in terms of both social and design history, requires careful and robust assessment in relation to the potential impact of the turbine. Large estates and their now listed buildings were often designed with reference to one another, in terms of designated views and wider setting as well as the adjoining countryside.

The turbine may be seen from numerous locations and will impact on the experience of moving through the landscape and the character of this area. This is particularly important in an area rich in designed landscape, juxtaposed against the rural landscape and villages within. We advise that the local authority needs to consider the significance of the heritage assets as a group is also derived from any relationship with each other and each with their rural landscapes beyond in assessing if the turbine will cause any harm.

Following on from an additional Heritage Statement submitted by the agent Historic England have the following additional comments to make: -

The review is limited in its assessment – it does not for example, mention the scheduled monuments at Damstead or Annesley Castle – although the impact is potentially low, their exclusion demonstrates the lack of understanding of the historic landscape as a whole which is experienced in movements between places and the historic relationships between designated heritage assets.

We note the heritage review accepts and recognises harm to a number of designated heritage assets – it is important to note that paragraph 132 of the NPPF makes it clear that ‘As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’ The decision maker would therefore need to ensure that considerable importance and weight should be given to the desirability or preserving the setting when balancing the possible public benefit (which would need clear and convincing justification) against the harm to designated heritage assets of outstanding national interest.

On the basis of this additional information, we recommend that your authority is satisfied that you have received sufficient information from which to understand the potential impact on the significance of all heritage assets before determining the application (NPPF 128). Historic England remains unconvinced by this. It is essential that your Authorities conservation officer and Archaeological Adviser should be contacted for advice – the latter in relation to the potential impacts of the scheme on mitigation of impact and the evaluation and treatment of undesignated archaeological remains; you should be guided by their recommendations. We recommend this application is determined in line with Government legislation, policy and guidance relating to the historic environment.

Nottinghamshire County Council Archaeology – No comments received.

Nottinghamshire County Council Landscape and Reclamation Team –

## □ **Built Heritage**

Regarding the Landscape and Visual Impact Assessment, this should be cross referenced in the Heritage Statement. It highlights the location of three registered historic parklands in the close vicinity of the proposed turbine and has a 'viewpoint' usefully positioned in one of them (Newstead), however it does not contain a viewpoint from Papplewick Hall park or from Annesley parkland (which includes a Scheduled ancient monument). There appears to be no reference to any of the listed buildings associated with these parks or outside of them. It does not appear to refer to the designated conservation areas within the 5km buffer (Annesley; Linby; Papplewick; Bestwood and Blidworth for instance), as such the County Council expect it will be insufficient evidence to support any assessments provided in any Heritage Statement.

The key on the plan (Fig. 8) showing cumulative wind turbine ZTV is unclear.

The proximity of the registered parklands and high grade listed buildings (Newstead Abbey – grade I listed for instance) would necessitate a consultation with English Heritage and the statutory amenity society of Nottinghamshire Historic Gardens Trust.

## □ **Landscape and Visual Impact**

### *Landscape and Visual Impact Assessment Methodology*

The Environmental Report states that the *Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute of Environmental Management and Assessment) 2013 edition* has used been used in the preparation of this LVA (Landscape and Visual Assessment) .

### *Study Area*

The study area for this LVA has been defined as a 10km radius from the proposed development for both landscape and visual receptors. The Zone of Theoretical Visibility was also defined as a 10km radius.

### *Physical impact of the proposed development on the landscape*

The location plan, Figure 1 and 2, shows the position of the proposed wind turbine and the new access road. Existing hedgerows and trees have not been shown on this drawing and any removal has not been quantified within the LVA. There is also no information as to if vegetation removal will be carried out on the transport of the turbine components to the site. Comparison of the aerial photograph with the site plan shows that there appears to be minimal loss of existing vegetation but this should be set out within the LVA.

Overall, although the direct physical impacts on the landscape during the

construction phase have not been quantified within the LVA the County Council would assess the direct physical impact on the existing landscape as **negligible**.

*Impact of the proposed development on landscape character*

The site lies on the boundary of the National Character Area **NCA 49 Sherwood** as defined by Natural England with **NCA 49 Southern Magnesian Limestone** which lies primarily to the south and west of the site of the location of the turbine site.

The applicant's LVA identifies the National Character Areas on Figure 9 over a 30km study area and these are described within the LVA.

At a regional level the East Midlands Regional Landscape Character Assessment 2010 (Natural England) defines the application area to be within *Group 6d Limestone Farmlands*

At a county level the Greater Nottingham Landscape Character assessment 2009 defines countywide landscape character areas. The site lies within the Magnesian Limestone Ridge *Linby Wooded Farmlands PZ ML17*.

This sets out the characteristic features of this area, its landscape sensitivity, condition and actions in greater detail.

The characteristic features of this policy zone include:

- Flat to gently undulating natural land although restored mineral working sites create artificial elevations in the landform
- Small streams flow through the area and there are some small, artificial water bodies in the north of the area, on restoration land
- The DPZ has an urban fringe farmland character, influenced by restored land, agricultural with pockets of recreation land.
- Field sizes are medium to large and usually irregular in shape
- Hedgerows are often fragmented and are low and scrubby in places
- Large woodland blocks enclose pockets of farmland
- New areas of plantation and regenerating scrub on restored landscapes will add to the woodland content of the area as they mature
- Woodland belts follow the linear features through the landscape, such as the railway embankment the streams and roads
- The extensive woodland blocks at Newstead Abbey and Annesley Plantation are visible in the adjoining DPZ areas and contribute to the wooded character
- The settlement of Newstead has a clear mining heritage and is characterised by rows of uniform red brick terraced housing
- Overhead power lines are a common feature crossing the farmland
- Views are open over the farmland but restricted and enclosed by the blocks of woodland
- There are long views from the recreational footpaths which cross the restored colliery mounds over the young woodland and the farmland

beyond

### *Impacts on Landscape character of the site*

The applicant has not provided an overall assessment of the impact of the proposal on the landscape character at the county or more local scale or of the site itself. It has been based on the National Character assessment and the 1997 County assessment rather than the more recent Greater Nottingham Character Assessment 2009. The more detailed local landscape assessments show that whilst the site this site is on the junction between the Southern Magnesian Limestone and Sherwood it is actually within the Magnesian Limestone NCA.

The site description should relate to the more local landscape character assessments and an analysis of the impacts brought about by the proposed development (covering the construction, operational and decommissioning phases) along with whether these impacts are significant should be provided by the applicant. The scope for any mitigation, such as planting, for adverse effects on landscape character could be then identified from these findings.

### *Visual Impacts of the proposed development*

The proposed development would comprise the installation of a 1.5MW wind turbine with a hub height of 61.5m, a rotor diameter of 77m and a height to tip of 100m. The design and height of the proposed turbine is therefore known and the visual impact can be predicted.

Eight viewpoints have been produced which have been assessed within the Environmental Report (*Table 1 - Location of Viewpoints*, page 28) and these are shown on a Zone Theoretical Visibility produced for the 10km diameter study area (Figure 6a). Whilst the County Council generally agree with the selection of the viewpoints in the LVIA and the description of the existing views and proposed views for a wind turbine development of this size the predicted levels of impact should be defined with regard to the sensitivity of the receptor and the magnitude of change which is experienced.

Written analysis of the sensitivities of the visual receptors to the proposed development, the magnitude of change and significance of effects should be provided for each viewpoint. The level of impact has not been given for any of the viewpoints.

For Viewpoint 1 (Newstead Abbey Grounds) the County Council note that the trees were in leaf in this photo montage which appears to screen the majority of the turbine. More of the turning blades may be visible in winter. The proposal is also described on page 35 as not significantly changing the setting of the view. However this landscape does contribute to the setting of a heritage asset and therefore would expect this to be picked up in the heritage assessment.

### *Cumulative Landscape and Visual Assessment*

The Landscape and Visual Impact includes an assessment of cumulative impact assessment on page 25 - 27 where cumulative impacts are discussed in a generalised way. The cumulative impact assessment determines any additional effects the proposed development would have on landscape character and visual receptors when considered together with other wind turbine developments.

Within the LVA Figure 8 "*Cumulative Zone of Theoretical Visibility 10km*" shows the location of operational wind turbines within 10km of the proposed wind turbine. This has only identified the Lindhurst wind turbines to the north east of the application site. The colour coded key on this drawing does not make it clear as to how the ZVIs for these 2 wind turbine developments overlap.

A search for other consented and operational wind turbine developments with other planning authorities in the 10km study area should be undertaken if this has not already been carried out. This is because any additional wind turbine developments may have a cumulative impact with this development either sequentially (along roads or public rights of way) or combined from one viewpoint in the same view or in succession.

### *Mitigation*

Whilst it is not possible to mitigate against the majority of visual impacts for a wind turbine development there is scope to strengthen the landscape character area of the Linby Wooded Farmlands PZ. I note that the LVA does not provide any mitigation proposals for any adverse impacts on landscape character.

### *Summary*

Whilst the County Council do not object to the principle of this development it recommended that due to its size and location further information is required from the applicant on this proposed wind turbine development. This should include:

- The direct physical impacts on the landscape during the construction phase have not been quantified within the LVA. There is no information as to if vegetation removal will be carried out to allow the transport of the turbine components to the site. No hedgerows or trees have been identified for removal within the LVA.
- Effects on the landscape character of the immediate site surroundings at the various stages during construction, operational and decommission stages have not assessed. This should include the assessment of the landscape receptors sensitivity and the magnitude of landscape effects to determine the significance of the effect.
- Effects on the landscape character of the wider site surroundings has been carried out based only on the National Landscape Character

Assessment. The Greater Nottingham Landscape Character Assessment should be used to provide the local context for impact of the proposed development on landscape character. The overall level of effect on landscape character should be provided.

- Written analysis of the sensitivities of the visual receptors to the proposed development, the magnitude of change and significance of effects should be provided for each viewpoint. A summary of the overall visual effect should be given.
- Cumulative Impacts have been described in the LVA with regard to Lindhurst Wind farm. There may be other developments particularly wind turbine sites which may have a cumulative landscape and visual impact. These should be assessed.
- The significance of effects should inform the development proposals and where possible mitigation provided to any adverse effects.

Nottinghamshire County Council Biological & Geographical Assessment – no comments received.

### 3.7 **Hydrology, Geology, Hydrogeology and Contamination**

Environment Agency

As the development is on high ground the Environment Agency treat it as low risk and therefore there is no further comment.

Gedling Borough Council Public Protection Service –

No objections in relation to land contamination.

Severn Trent Water

No objections.

### 3.8 **Noise and Shadow Flicker**

Gedling Borough Council Public Protection Service -

No objections subject to conditions to prevent noise from being detrimental to nearby properties.

### 3.9 **Telecommunications and Transportation**

Nottinghamshire County Council (Highway Authority) –

There are no highway objections with regards to the erection of a wind turbine at Newstead and Annesley County Park.

The proposed route for construction traffic and any abnormal load is acceptable and it is reassuring to know that the applicants would liaise with Network Rail with regards to timings for crossing the rail line in Newstead Village.

The applicant should be informed that it would be both beneficial and good public relations if a letter drop was undertaken to residents of Tilford Road asking they park on one side of the carriageway only, on the date of the abnormal load to ensure adequate passage.

Also, the applicant should liaise with the Network Coordinator officer, Mandy Pollard Ward, 0115 977 4702 with regards to the date of the abnormal load to ensure that there are no roadworks / closures on the proposed delivery route.

#### Civil Aviation Authority

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. However, on behalf of other non-regulatory aviation stakeholders, in the interest of Aviation safety, the CAA requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographical Centre including location(s), height(s) and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction, to allow for the appropriate notification to the relevant aviation communities.

#### NATS

Following re-examination of the wind turbine being proposed at Newstead and Annesley Country Park, NATS remove their objection. Mitigation is available which can be funded by the developer.

Mitigation has been formally approved by NATS.

#### OFCOM

No comments received.

#### East Midlands Airport

The application does not conflict with safeguarding criteria. No objections subject to a condition requiring the applicant to notify East Midlands Airport 1 month before the operation of the wind turbine has commenced.

#### North Midlands Helicopter Support

No comments received.

#### Derby/Rutland/Leics/ Air Ambulance

No comments received.

### MOD Safeguarding

No objections. If planning permission is forthcoming the MOD would like to be advised of the following prior to commencement of construction

- The date the construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of every turbine.

## 3.9 **Transport**

### Nottinghamshire County Council (Highway Authority)

There are no highway objections to the erection of a wind turbine at Newstead and Annesley Country Park.

The proposed route for construction traffic and any abnormal load is acceptable and it is reassuring to know that the applicants intend to liaise with Network Rail with regards to timings for crossing the rail line in Newstead Village.

The Highway Authority would like the applicant to note that it would be beneficial and good public relations if a letter drop was undertaken to residents of Tilford Road asking that they park on one side of the carriageway only, on the date of the abnormal load to ensure adequate passage.

Also, the applicant should liaise with the Highway Authority Network Coordination officer, Mandy Pollard Ward, 0115 977 4702 with regards to the date of the abnormal load to ensure that there are no roadworks / closures on the proposed delivery route.

## 3.10 **Local Authorities and Parish Councils**

### 3.10.1 Gedling Borough Council (Planning Policy)

The proposal is for the construction of a wind turbine with a height to tip of 100m on a site located within the Green Belt. The site is also within a Local Wildlife Site (SINC) and a Country Park. Although the Country Park is not designated by the Replacement Local Plan it should be given significant weight in determining the application.

As such, the following policies are relevant to the principle of the development:

- NPPF Paragraph 28 (Supporting a prosperous rural economy);
- NPPF Paragraphs 69-78 (Promoting healthy communities);
- NPPF paragraphs 80-92 (Protecting Green Belts);



- NPPF paragraphs 93-108 (Meeting the challenge of climate change, flooding and coastal change);
- NPPF Paragraphs 109-125 (Conserving and enhancing the natural environment);
- ACS Policy 1: Climate Change;
- ACS Policy 3: The Green Belt;
- ACS Policy 16: Green Infrastructure Parks and Open Space; and
- ACS Policy 17: Biodiversity.
- RLP Policy ENV5 (Renewable Energy);
- RLP Policy ENV26 (Control Over Development in the Green Belt);
- RLP Policy ENV36 (Local Nature Conservation Designations); and
- RLP Policy R1 (Protection of Open Space).

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 should be given limited weight while ENV26, ENV36 and R1 should be given significant weight.

Gedling Borough Council, at its meeting on 10th September, approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area.

Additional information has been provided by the National Planning Practice Guidance.

### **Green Belt**

As paragraph 91 of the NPPF identifies, elements of many renewable energy schemes will comprise inappropriate development within Green Belts. As identified by the NPPF, ACS Policy 3 and ENV26, inappropriate development is, by definition, harmful to the openness of the Green Belt. 'Very special circumstances' which clearly outweigh the harm to the openness of the Green Belt and any other harm will need to be demonstrated. Significant weight should be given to ACS Policy 3 as far as it is relevant to this proposal.

Wind turbines are thought to be an 'engineering use' as opposed to a 'building'. They will, as such, 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).

It is noted that, at page 21 of the submitted Environmental Report, the applicant considers the proposal to be appropriate as it does not cause encroachment and has significant benefits. However, given the scale of the proposed turbine it is not considered that it will maintain the openness of the Green Belt. While there may be benefits associated with the proposal, these do not affect whether the proposal is inappropriate or not. It is, therefore,

considered that the proposal is inappropriate development within the Green Belt. This is consistent with the approach that has been taken with other wind turbines of a similar height in the Green Belt.

The applicant is required to demonstrate that there are very special circumstances as to why permission should be granted. This is a consistent requirement across the NPPF, ACS Policy 3 and ENV26. If it is demonstrated that there are very special circumstances which clearly outweigh the harm to the Green Belt then it is considered that the impact on the Green Belt is acceptable. The impact on other matters is considered below.

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 renewable energy schemes, 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). However, the Courts have ruled that different ways of generating renewable energy on site should be assessed as these may be less harmful. The applicant will need to provide evidence of why alternative, less harmful forms of energy generation are not considered suitable or possible.

The courts have also ruled that the risk of creating a precedent is a material consideration especially in the Green Belt where a high bar is set. Where the very special circumstances put forward by the applicant are generic or capable of being easily replicated on other sites consideration will need to be given to the extent to which any very special circumstances could be used on different sites leading to a decrease in the openness of the Green Belt. The provision of very special circumstances which are specific and not easily replicable should help mitigate the risk of a precedent being created.

## **Renewable Energy**

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.

While permission should not be refused for small scale schemes, the courts have ruled that the amount of energy that is produced by a renewable energy proposal is a material consideration. The amount of energy produced by the proposal should be identified to establish the extent of the benefit that would arise from the proposal; this should then be compared to the impact of the proposal.

In terms of impacts, the NPPF (paragraph 97) indicates that the approach taken in the National Policy Statement for Renewable Energy should be followed, while the NPPG also provides a number of issues that should be considered. Together they show that the following issues should be considered for both wind turbines and solar panels:

- Biodiversity/Ecology and Geology
- Historic Environment
- Cumulative Landscape and Visual Impact
- Noise and Vibration
- Shadow Flicker and Reflected Light
- Traffic and Transport
- Electromagnetic Transmissions
- Safety
- Decommissioning

It is noted that information on many of these issues has been provided by the applicant; relevant consultations should be made. Information may also be found in the evidence base prepared to inform the preparation of the Aligned Core Strategy (for example the Landscape Character Assessment). Guidance on assessing the issues above can be found in the NPPG and in the in-house Standing Guidance such as that prepared for Heritage.

The Renewable and Low Carbon Energy section of the NPPG sets out a number of considerations related to specific technologies including wind turbines. These should be checked to ensure all issues are addressed.

National targets for renewable energy are as follows:

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

The 2013 Energy Strategy Roadmap Update (November 2013)<sup>1</sup> indicates that 9.7% of energy is generated from renewable sources. The Final Statement for the First Carbon Budget Period (May 2014)<sup>2</sup> indicates that emissions are around 23.6% lower than in 1990. Weight will need to be given to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.

Policy 1 of the ACS supports the development of low carbon energy schemes appropriate for the plan area which includes biomass, combined heat and power and micro-generation. Significant weight should be given to the ACS.

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.

### **Green Infrastructure**

Paragraph 73 of the NPPF sets out that access to high quality open spaces can make an important contribution to the health and wellbeing of communities. Paragraph 74 goes on to identify that existing open space should not be built on unless:

- An assessment has been undertaken which clearly shows the open space to be surplus to requirements; or
- The loss would be replaced by equivalent or better provision; or
- The development is for alternative sports and recreational provision.

Policy 16.4 of the ACS also sets out that open space should be protected from development. Exceptions may be made where the development is a small part of the Green Infrastructure network and will not be detrimental to its function. Exceptions may also be made where the open space is underused or undervalued. Alternative scheme designs that have no or little impact should be considered before mitigation is provided. Significant weight should be given to ACS Policy 16.

Replacement Local Plan Policy R1 identifies that planning permission will not be granted for development on open space. It also sets out a number of exceptions to this. While none of the exceptions are directly relevant to Country Parks it is considered that the provision of renewable energy within a country park can be supported subject to there being no conflict with the use

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or enjoyment of the Country Park.

The applicant should provide information about how the proposal will impact on the use and enjoyment of the Country Park as well as alternative schemes which may have less impact. Parks and Street Care should be consulted on this issue. It is noted that there are instances elsewhere in the country where wind turbines have been permitted within Country Parks.

## **Biodiversity**

Paragraph 109 of the NPPF sets out that the planning system should minimise the impacts on biodiversity. Paragraph 113 goes on to require local planning authorities to set criteria based policies and make distinctions between the hierarchy of international, national and locally designated sites so that protection is commensurate with status. When determining applications, paragraph 118 requires that a sequential approach is adopted; impacts should be avoided (through use of alternative sites) prior to mitigation or, as a last resort, compensation being considered.

Policy 17 of the Aligned Core Strategy also includes the need to protect biodiversity and protect designated sites in line with their position in the hierarchy. Policy 17e also repeats the sequential approach. Significant weight should be given to Policy 17.

Replacement Local Plan Policy ENV36 sets out that in considering proposals which have an adverse effect on a Local Wildlife Site (SINC) the reasons for the proposal will be weighed against the local ecological and community value of the site. Consideration will also be given to:

- The impact on the long term ecological viability of the habitat;
- The impact on the public's enjoyment of the site;
- Measures taken to minimise damage and disturbance to the habitat and wildlife; and
- The nature, layout and density of the development proposed.

The applicant should provide information about how the proposals will affect the two Local Wildlife sites and the steps taken to avoid and/or minimise harm to them. Nottinghamshire Wildlife Trust should be consulted regarding this.

## **Conclusion**

In conclusion the applicant should provide:

- The very special circumstances which they consider apply along with supporting information and evidence;
- Evidence in relation to the issues identified in the National Policy Statement for Renewable Energy;
- Information about the level of energy to be produced;
- Information about different ways of generating energy and why these are not considered to be reasonable alternatives in this case;

- Information about how the proposals will impact on the use and enjoyment of the Country Park as well as alternative schemes which may have less impact; and
- Information about how the proposals will affect the Local Wildlife site and the steps taken to avoid and/or minimise harm to it.

The evidence relating to very special circumstances will need to be assessed to determine the extent to which they are generic and easily replicable.

It is noted that information covering some of the requirements above has been provided by the applicant including on ecology, landscape and heritage. The information provided should be reviewed to ensure that it is satisfactory and addresses the issues identified. Appropriate consultations will need to be made with a range of organisations including GBC Parks & Street Care and Nottinghamshire Wildlife Trust.

In response to the additional information with regards to the business plan and financial implications, Planning Policy has the following comments to make:

After reviewing the additional information provided, Planning Policy are satisfied that the applicant has explored alternative ways of generating the income required to support the operation of the Country Park. The level of income the alternative schemes provide would not generate sufficient or consistent income in the same way as the proposed wind turbine. Some of the alternative schemes identified within the additional information may be possible alongside the proposed wind turbine to supplement the income subject to planning permission in some cases.

Should planning be forthcoming it is recommended that a condition be attached to any approval requiring the turbine to be removed if the Country Park ever closes. This would tie the proposal to the key identified VSC's, including the operation of the park.

### 3.10.2 Gedling Borough Council (Parks and Street Care)

Support the construction of a wind turbine as a suitable development due to it helping secure the future of the Country Park which in turn allows access for the community to the open countryside.

The electricity generating wind turbine would allow for renewable sustainable electricity generation which does not pollute the air and impact on greenhouse gases.

In a time of budget restrictions the lease monies arising from the siting of the turbine would help secure the long term viability of the park.

### 3.10.3 Newstead Parish Council

The Parish is broadly supportive of the scheme but does have a number of

concerns which the Council hopes can be addressed.

The Parish consider that the potential benefits of the proposal outweigh the harm likely to be caused by it. As a result the Parish Council would ask that planning conditions are applied (if this is possible) to ensure the applicant spends the financial benefit accrued through the lease of the site (but not including the Community Benefit Fund) wholly on the upkeep and maintenance of Newstead and Annesley Country Park. Any income raised should be used wholly to progress the development of the country park and should not, for example, be used to offset the running costs of RCAN. Whilst there is no suggestion this will be the case, the Parish Council would like to be assured that the funds acquired as a result of the wind turbine continue to be used directly into the park as a continued source of revenue throughout the whole period that the wind turbine is operational. Should it ever be the case, that the Country Park is not the beneficiary of these funds, then the Council's opinion the application ceases to be one which demonstrates the very special circumstances required to override the fact the proposal is inappropriate development in the Green Belt. The Parish Council believes the public interest in this case is best served by ensuring that plans for the country park are brought to fruition, the visitor centre finished and present paths around the park upgraded.

- Location

The Parish notes consideration was given to the siting of the turbine in two potential locations within the park defined as Location 1 and Location 2. Following discussion, it was agreed by the Council that on balance location 2 was the preferred option. The parish council does have some concerns in terms of noise levels where the likelihood that residents will be adversely affected by noise from location 2 which may be greater than location 1.

- Wind turbine

It is noted that the maximum tip height should not exceed 100m which is a reduction from an earlier proposal of 126m in height. The smaller wind turbine would have less of a detrimental visual impact. The Borough Council should take steps to ensure that the height given is absolutely necessary to achieve the output required.

The Parish Council refer to the Environmental report page 10 and request that consideration is given the architectural merits of the associated infrastructure including the cabin and the concrete base. The Parish consider that some planting would be possible around the surrounding perimeter fence to screen the infrastructure from visitors to the park and the visitor centre.

The submitted plans show a mesh fence surrounding the buildings. Consideration should be given to a more durable fence such as heras type fencing screened where possible.

Construction works should be undertaken outside of bird breeding season.

The Parish Council suggest that construction works takes places only on weekdays between the hours of 8am and 6pm.

- Landscape and Visual Assessment

The parish council consider that the wind turbine would be most prominent from Station Road / Newstead Crossing and have asked whether screening could be considered within Pocket Park which might mask the wind turbine from ground level.

- Ecology

The Parish Council are pleased to note that comments have been taken on board from the Notts County Council Ecologist. The Parish are satisfied that this aspect of the application appears to have been carefully considered.

- Traffic and Transport

The Parish Council are reasonably satisfied that steps are being put in place to ensure that traffic movements through the village during the construction phase cause least disruption to residents.

The Parish Council suggest that the best way to access the site from the A611 would be from Annesley Cutting rather than Hucknall Road.

The Parish Council would like to be supplied with contact details for the site manager responsible for deliveries, in order to report any problems such as excessive dirt, inconsiderate driving. Notification to residents on Tilford Road should be given on the date of the abnormal load. Consideration should also be given to avoiding school collection times.

- Noise Assessment

Of all the issues raised it is the issue of noise which most concerns the Parish Council. The Parish request that Public Protection are consulted and relevant conditions to protect the amenity of residents from noise are considered.

Particular attention should be given to the residents on Foundry Terrace which are high density and could be affected by noise.

- Heritage Assessment

The Parish Council request the views of English Heritage are sought in connection with the likely impact on views from the Abbey.

- Tourism and Recreation

Community Benefit Fund - According to the information contained in the proposal, it is proposed that Newstead Enterprise be given sole control of this



fund. As this organisation predominantly consists of members of RCAN, the Parish Council believes it should also have a voice on how this money is spent. The Parish Council consider it should be spent on wider purposes than simply Newstead and Annesley Country Park, where the income will already have been received from leasing the land to the wind turbine operator.

- Conclusion

The Parish Council supports this application as a means to bring additional revenue to help secure a sustainable financial future for a much wanted country park where in light of the current economic climate the means of securing alternative funding to complete work required on the Country Park is limited. Nevertheless the Parish Council does have some concerns regarding the proposals, such as noise issues, which could be addressed by relevant planning considerations.

3.10.4 Ravenshead Parish Council

No comment on this application as it is out of Ravenshead Parish Council jurisdiction.

3.10.5 Papplewick Parish Council

No comments received

3.10.6 Linby Parish Council

No comments received

3.10.7 Annesley and Felley Parish Council

No comments received

3.10.8 Newark and Sherwood District Council

The site is located approximately 5.5km from the boundary with Newark & Sherwood and approximately 6km from Blidworth; our nearest settlement. This village has a Conservation Area which contains 5 listed buildings on the western periphery of which 4 are grade II listed and of greater importance the Church of St Mary of the Purification is Grade II\*. The church is relatively prominent feature although it should be noted that the scale and height of the church tower is such that it is not a dominating landscape feature within the wider landscape.

The turbine at Copt Hill Farm (13/01651/FUL) whilst not yet implemented is approximately 5km to the north east of the proposed turbine and as far as I can see does not appear to have been considered as part of the applicant's assessment. In viewing the applicants ZTV the turbine would be sited approximately behind the 5km label on the plan and it is unclear as to whether the turbine would or wouldn't be visible. Clarification should be sought from

the applicant.

The Council 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, due consideration should be made of the potential visual and cumulative impacts of the proposed turbine.

In addition to the proposed turbine at Copt Hill the following turbines within our district may need to be taken account of:

- Turbine at Cottage Farm
- Turbines at Lindhurst
- Turbine at Norwood

### 3.10.9 Ashfield District Council

Ashfield District Council raises no objection to the development but would make the case officer aware of the following:

- 1) There is no view point taken from the site of the former Annesley Colliery. This should be addressed prior to determination of the application;
- 2) There is no reference within the Landscape and Visual Impact Assessment to the type/model of camera used for the viewpoints. It is assumed that a full frame sensor 50mm fixed lens has been used. If not, the crop factor would need to be taken into consideration.

### 3.10.10 Mansfield District Council

Given the significant distance of the proposal from the district boundary, I write to advise that Mansfield District Council does not wish to make observation.

## **4.0 Relevant Planning History**

- 4.1 In February 2011 Full Planning Permission was granted (ref: 2010/0971) for the change of use of the site to form a Country Park on land to the north of Newstead Village. The change of use was from a previous spoil heap serving Annesley Colliery which closed in 2000. The proposal incorporated the construction of an eco-build Visitors Centre and associated car parking.
- 4.2 In January 2013 a Request for Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In April 2013 the Borough Council responded that the proposed development did not require an Environmental Statement.

## **5.0 Assessment of Application Planning Considerations**

- 5.1 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National

Planning Practise Guidance (NPPG). Other material considerations taken into account include the National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3) and the Written Ministerial Statements on renewable energy published in June 2013 by the Secretaries of State for Energy and Climate Change and for Communities and Local Government in April 2014 and 18 June 2015 (HCWS42).

5.2 Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (GBRLP) referred to in Appendix E of the GBACS.

5.3 The following paragraphs of the NPPF are of relevance to the principle of this application: -

- NPPF paragraph 28 (Supporting a prosperous rural economy);
- NPPF paragraphs 69 – 78 (Promoting healthy communities);
- NPPF paragraphs 80 – 92 (Protecting Green Belts);
- NPPF paragraphs 93 – 108 (Meeting the challenge of climate change, flooding and coastal change);
- NPPF Paragraphs 109 – 125 (Conserving and enhancing the natural environment).

5.4 The following policies of the Gedling Borough Aligned Core Strategy (September 2014) are relevant to this application: -

- Policy 1 – Climate Change;
- Policy 3 – Green Belt;
- Policy 16 – Green Infrastructure Parks and Open Space; and
- Policy 17 – Biodiversity.

5.5.1 The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant: -

- Policy ENV1 (Development Criteria);
- Policy ENV 5 (Renewable Energy);
- Policy ENV36 (Local Nature Conservation Designations); and
- Policy R1 (Protection of Public Open Space).

In accordance with paragraphs 214 – 215 of the NPPF due weight should be given to the policies of the Replacement Local Plan in accordance to 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 should be given limited weight while ENV36 and R1 should be given significant weight.

5.6 On the 18<sup>th</sup> June 2015 a written ministerial statement on local planning and wind farm applications was released by the Department for Communities and Local Government (HCWS42). The Ministerial Statement states inter-alia:

'Where a valid application for wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.

Given that the application was received October 2014 the application should be considered under the transitional provision above.

In terms of weight to be afforded to this Statement, assessment and determination of planning applications should, primarily have regard to the policies set out in the Council's adopted development plan unless other material considerations indicate otherwise. Section 38(6) of the Planning and Compulsory Planning Act sets this as a legal requirement. The NPPF gives additional weight to this stating that where a proposal accords with an up-to-date development plan it should be approved without delay as required by the presumption in favour of sustainable development (paragraph 14 of the NPPF). Paragraph 14 also requires the application to be determined in accordance with the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole; or specific policies in the Framework indicate that development should be restricted. Such policies include Green Belt designation, designated heritage assets and policies relating to sites protected under the Birds and Habitats Directives.

Paragraph 196 of the NPPF makes it clear that the Framework itself is a material consideration in decision making. Along with the NPPF is National Planning Practice Guidance, which is guidance only and not policy, with Policy being given greater weight.

I would recommend that the decision maker should attach substantial weight to the Ministerial Statement and whether the planning impacts have been addressed, as this represents the most recent expression of government planning policy for onshore wind. This view is supported in the Secretary of State's decision at French Farm made in pursuance of section 77 of the Town and Country Planning Act 1990 ref: APP/J0540/V/14/2220136. My interpretation of the wording of the Ministerial Statement is that if the concerns raised by residents have been addressed to the point where the impact of the development is acceptable then permission can be granted. The statement goes on to confirm that whether the impacts are acceptable and therefore has the backing of the local community is 'a planning judgement for the local planning authority'. In applying the transitional provision to this application proposal the representations received by the local community have been considered.

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

- Renewable Energy
- Green Belt
- Public Benefit
- Local Landscape and Visual Impact
- Cultural Heritage
- Nature Conservation
- Local Residents (Visual Impact, Shadow Flicker and Noise)
- Safety
- Transport and Contamination
- Other considerations

## **6.0 Renewable Energy**

- 6.1 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).

Paragraph 17 of the NPPF states inter-alia: that planning ‘should support the transition to a low carbon future in a changing climate..., and encourage the use of renewable resources (for example, by the development of renewable energy)’

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).

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

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy;
- 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 While permission should not be refused for small scale schemes, the courts [(Court of Appeal, Maurice Kay L.J., Patten L.J., Sir Stanley Brunton, May 8, 2014) 2014 EWCA Civ 599] have ruled that the amount of energy that is produced by renewable energy proposal is a material consideration. The amount of energy produced by renewable energy proposal should be identified to establish the extent of the benefit that would arise from the proposal and then compared to its impact.

- 6.3 In terms of impacts, the NPPF (paragraph 97) indicates that the approach taken in the National Policy Statement for Renewable Energy should be followed, while the NPPG also provides a number of issues that should be considered. Together they show that the following issues should be considered in regards to turbines:

- Biodiversity / Ecology and Geology;
- Historic Environment;
- Cumulative Landscape and Visual Impact;
- Noise and Vibration;
- Shadow Flicker and Reflected Light;
- Traffic and Transport;
- Electromagnetic Transmissions;
- Safety;
- Decommissioning.

Evidence regarding the impact of the proposal on each of these areas is considered within this report.

6.4 National targets for renewable energy are as follows:

National targets for renewable energy are as follows:

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

6.5 The Energy Strategy Roadmap Update (November 2013) indicates that 9.7% of energy is generated from renewable sources. The Final Statement for the First Carbon Period (May 2014) indicates that emissions are around 23.6% lower than 1990. Weight would need to be given to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.

6.6 Policy 1 of the ACS supports the development of low carbon energy schemes appropriate for the plan area which includes biomass, combined heat and power and micro-generation. Significant weight should be given to the ACS.

6.7 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 on 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.

- 6.8 The need for renewable energy is also set out within other Government documents including, The Energy Bill (Nov 2012), Electricity Market Reform: Policy Review (Nov 2012), Annual Energy Statement 2012, UK Renewable Roadmap Update (Dec 2012), and the National Planning Policy Statement for Renewable Energy Infrastructure.
- 6.9 As a consequence of the national planning policy weight should be attached to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.
- 6.10 The applicant has stated within Section 1 of the Planning Statement that the wind turbine would be enabling the supply of electricity of an average 774 homes. Para 3.5 outlines; in the proposed location the wind turbine has been calculated to have a capacity factor of 25%. It is upon this figure that calculations on the CO2 savings and number of houses equivalent have been calculated. The agent considers this to be a conservative estimate based on wind measurements taken from NOABL database which provides wind speeds over 1km square area at 10 metres. This data has then been extrapolated to derive wind speed measurements at the wind turbine hub height - 66.5 metres.

The wind turbine is calculated to produce 4,170kWh annually, the equivalent of powering 774 homes with CO2 savings of 1,937kg/pa

- 6.11 It should be noted that the Government places great weight on the need for renewable and low carbon energy. This drive for renewable energy production can be seen within the NPPF at paragraph 97.
- 6.12 The need for renewable energy is also set out within other Government documents including, The Energy Bill (Nov 2012), Electricity Market Reform: Policy Review (Nov 2012), Annual Energy Statement 2012, UK Renewable Roadmap Update (Dec 2012), and the National Planning Policy Statement for Renewable Energy Infrastructure.

## **7.0 Green Belt**

- 7.1 Paragraph 17 of the NPPF states inter-alia: that planning 'should support the transition to a low carbon future in a changing climate..., and encourage the use of renewable resources (for example, by the development of renewable energy)'

Paragraph 91 of the NPPF and Policy 3 of the ACS identifies, elements of many renewable energy projects will comprise inappropriate development within the Green Belts. 'Very special circumstances' which clearly outweigh the harm to the openness of the Green Belt and any other harm will need to be demonstrated. Significant weight should be given to ACS Policy 3 as far as it is relevant to this proposal.

- 7.2 Wind turbines are thought to be an 'engineering use' as opposed to a 'building'. They will, as such, 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).

- 7.3 It is noted that, at page 21 of the submitted Environmental Report, the applicant considers the proposal to be appropriate as it does not cause encroachment and has significant benefits. However, given the scale of the proposed turbine it is not considered that it will maintain the openness of the Green Belt. Whilst there may be benefits associated with the proposal, these do not affect whether the proposal is inappropriate or not. It is therefore, considered that the proposal is inappropriate development within the Green Belt. This is a consistent approach that has been taken with other wind turbines of a similar height in the Green Belt.

Therefore, the applicant is required to demonstrate that there are very special circumstances as to why permission should be granted. This is a consistent requirement across the NPPF and ACS Policy 3. If it is demonstrated that there are very special circumstances which clearly outweigh the harm to the Green Belt then it is considered that the development is acceptable.

- 7.4 I note that the wind turbine would be located to the northeast of an industrial estate and a number of properties within Newstead Village and the under construction development at Annesley Cuttings. The application site would be sited centrally on land that has been transformed from a former colliery into a country park for use by the general public, giving access to open countryside. It is also noted that there are various blocks of woodland that would assist in screening the majority of the development from many of the main receptor points looking over the landscape. It is also noted that in this location that there are other modern elements such as overhead power lines and pylons to the south, in between the application site and Station Avenue. It is noted that Station Avenue is tree lined and whilst the development would be visible through the trees, it is my view the visual impact would be kept to less than substantial through the mature vegetation. Given the development would be located on a previous colliery, with a management plan in place to establish it as a country park and further improve the landscape value of the area, it is my opinion the proposal would only have a limited impact on the openness of the Green Belt and would only cause a limited degree of encroachment in this location.

- 7.5 Whilst I consider the impact on the openness of the Green Belt in this location would be slight, the scale of the proposed wind turbine means it would not maintain the openness of the Green Belt and should be classed as inappropriate development. Therefore very special circumstances which clearly outweigh the harm to the openness of the Green Belt and any other harm will need to be demonstrated.

- 7.6 Very special circumstances as to why planning permission should be granted are therefore required. If very special circumstances are demonstrated that clearly outweigh the impact on the Green Belt by reason of inappropriateness, it is considered that the impact the impact on the Green Belt is acceptable.

- 7.7 Mitigation measures to reduce the impact of the proposal are not capable of



being very special circumstances but may help to mitigate the impact on issues such as landscape and 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 drive to a low carbon future, the protection of habitats and species from climate change and the reduced need to extract fossil fuels.

- 7.8 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 within 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). However, the Courts have ruled that different ways of generating renewable energy on site should be assessed as these may be less harmful.
- 7.9 The courts have also ruled that the risk of creating a precedent is a material consideration especially in the Green Belt where a high bar is set. Where the very special circumstances put forward by the applicant are generic or capable of being easily replicated on other sites consideration will need to be given to the extent to which any very special circumstances could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable should help mitigate the risk of a precedent being created.
- 7.10 The Holder decision (paragraph 17) [(Court of Appeal, Maurice Kay L.J., Patten L.J., Sir Stanley Brunton, May 8, 2014) 2014 EWCA Civ 599] has set out that alternative methods of producing renewable energy are a material consideration.
- 7.11 The Planning Statement and additional information submitted with the application addresses the Green Belt and alternative forms of generating energy. The agent advances the following as very special circumstances which outweigh harm to the Green Belt: -
1. The latest International Panel on Climate Change (IPCC) scientific report;
  2. The consideration of the relevant European, National and Local policies;
  3. The pivotal economic function of the proposal for the long term survival and long term running of the Country Park;
  4. The local and wider benefits the development of this proposal would bring;
  5. The design, environmental and site location considerations.

It is my opinion that of these the first two are considered to be generic and easily replicable; whilst they should be given weight, additional circumstances will be required to achieve very special circumstances.

The agent has expanded on points 3, 4, and 5 with respect to the very special

circumstances within the planning statement and within additional information submitted on 17<sup>th</sup> September 2015.

- The development would provide infrastructure for the water and electricity to the visitor centre currently under construction, approved under planning application 2010/0971;
- The development would assist in the continued delivery of the of the outline management plan. The delivery of the plan is to transform the former colliery into an ecological sustainable Country Park improving access and paths along with ecological and wildlife enhancements;
- Successive Governments have encouraged the voluntary sector to reduce their reliance on grant aid and look at ways of generating their own income. The Newstead and Annesley Country Park is owned by RCAN and managed to maximise the Environmental Social and Economic benefit to the area;
- The Country Park is currently owned by RCAN and the revenue would allow for the continued access to the park and open space for the communities of Annesley and Newstead and the surrounding area;
- The development would result in a community fund of £7.5k per annum to be managed and operated by the local community;
- There are no alternative sites outside of the Green Belt as this is RCAN's only asset;
- Alternative sources of income were extensively explored which would provide the income necessary to support the future of the Country Park and there were no better alternatives;
- Alternative locations for the wind turbine were explored and resulted in the relocation of the proposed wind turbine to minimise the visual impact.

7.12 I accept that there would be a financial benefit to Rural Community Action Nottinghamshire from the generation of on-site renewable energy and that this should be given weight. The extent that this, along with the wider environmental benefits and contribution to national renewable energy targets, amounts to very special circumstances is a combination of the extent of the benefits created along with less harmful alternatives.

7.13 Given that the whole of the site 'Newstead and Annesley Country Park' is located within the Green Belt I do not consider there to be a better alternative site outside of Green Belt for the applicant to provide renewable energy. 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 (re 2071880) and Carsington Pastures (ref 2054080). However, the Courts have ruled that different ways of generating renewable energy on site should be assessed as these may be harmful.

7.14 On the 4<sup>th</sup> of December 2014 the agent provided further information on the alternative forms of renewable energy considered. It is accepted that Biomass and Ground Source Heat Pumps are not viable alternatives in this location due

to the technical requirements and critically the technologies provide heat and not electricity. An Anaerobic digestion plant was also considered however the plant would require significant additional inputs into its delivery. This would include the construction of the plant itself requiring an area of 5 to 6 times what is being considered for the wind turbine. There would be a requirement of the annual delivery to the site of approximately 30,000 tonnes of material to the site which would compromise the accessibility to the site for the general public. A business plan was submitted to the Borough Council on 17<sup>th</sup> September 2015 that indicates that a range of alternative options to the wind turbine were explored. Solar power was considered as an alternative to raising the funds for the park. Assessment identified that 3.5 ha of land would be required to generate 1.5 MW and the financial returns for the solar investment are significantly lower. The wind turbine was therefore considered the most suitable source of generating electricity. I do not consider that any of these alternative forms of energy production would be more appropriate in this instance and the wind turbine proposed would be more suited to the rural location providing renewable energy and income to support the future of the Country Park.

7.15 Paragraph 98 states that: - 'local planning authorities should:

- Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognises 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.'

7.16 The agent has carefully considered the limitation of the Application Site and explored alternative sites for a single wind turbine and assessed the impacts at each location. This process incorporated community consultation and involvement. The financial contribution required to safeguard the continued operation of the Country Park has been balanced against the size of the wind turbine and the amount of energy produced.

7.17 It is accepted that the diversification of the rural economy to provide low carbon energy and support economic growth along with the continued development, improved public access and ecological enhancements to the Country Park do constitute a very special circumstance in this instance provided the applicant can justify the need for the development weighed against the impacts of the wind turbine on the openness of the Green Belt, Heritage Assets, Amenity, and Landscape being acceptable.

7.18 It is therefore important to carefully consider the limitations of the application site and the impact of the development on the openness of the Green Belt in this location. In my opinion, when all these considerations are balanced against the impact of the proposed development would cause to the openness of the Green Belt at this location, and the limited extent of encroachment that would result (subject to the assessment of these in paragraphs 7.4, 7.5 and 7.6 above), that the special circumstances do outweigh the harm to the Green Belt at this location. It is my view that the limitations of the application site and the siting of the proposal in relation to other factors such as heritage assets and residential properties (considered in detail in the following chapters) along with

the other considerations which would be difficult to replicate and are unique to this application. I therefore consider that in this instance very special circumstances do exist which could allow this development to go ahead.

7.19 Whilst I consider that very special circumstances exist these need to be balanced against the overall harm to the Green Belt by means of inappropriateness, impacts on openness and the other constraining factors. The planning impacts that need addressing and balanced against the special circumstances established relate to factors such as:

- Biodiversity / Ecology and Geology;
- Historic Environment;
- Cumulative Landscape and Visual Impact;
- Noise and Vibration;
- Shadow Flicker and Reflected Light;
- Traffic and Transport;
- Electromagnetic Transmissions;
- Safety;
- Decommissioning.

7.20 In addition the transitional arrangements outlined in the Ministerial Statement dated 22<sup>nd</sup> June are a material consideration that carries significant weight. The ministerial statement states 'local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. The planning impacts raised by local residents will also need to be addressed.

## **8.0 Public Benefit**

8.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 28 addressing development in rural areas. There is a strong emphasis on the need to assist economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. Paragraph 28 states inter-alia: - 'To promote a strong rural economy, local and neighbourhood plans should: - ... support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.'

8.2 Paragraph 73 of the NPPF sets out that access to high quality open spaces can make an important contribution to the health and wellbeing of communities. Paragraph 74 goes on to identify that existing open space should not be built on unless:

- An assessment has been undertaken which clearly shows the open space to be surplus to requirements; or
- The loss would be replaced by equivalent or better provision; or

- The development is for alternative sports and recreation provision.

- 8.3 Policy 16.4 of the ACSS also sets out that open space should be protected from development. Exceptions may be made where the development is a small part of the Green Infrastructure network and will not be detrimental to its function. Exceptions may also be made where the open space is underused or undervalued. Alternative scheme designs that have no or little impact should be considered before mitigation is provided. Significant weight should be given to ACS Policy 16.
- 8.4 Replacement Local Plan Policy R1 identifies that planning permission will not be granted for development on open space. It also sets out a number of exceptions to this. While none of the exceptions are directly relevant to Country Parks it is considered that the provision of renewable energy within a Country Park can be supported subject to there being no conflict with the use or enjoyment of the park. I note that the proposed development would be sited on an existing area of aggregate / hardstanding and the impact on the Green Infrastructure would be minimal. It is my opinion that the physical development of the wind turbine and associated infrastructure would have a negligible impact on the enjoyment of the wider park and on the provision of open space. I also consider that the improvements sought through the financial benefits of the scheme would further enhance the green infrastructure of the park and improve access for the community.
- 8.5 The development would facilitate the opening of the visitor centre and would also result in an annual community financial contribution of £7.5k making an important contribution to economic growth in a rural area. The agent has confirmed that prior to the first export of electricity, a binding legal agreement will be submitted to the Borough Council between RCAN and the Friends of Newstead, which would include a representative from each of Newstead and Annesley Parish Councils, who will manage the £7.5k annual fund. It is my opinion that the proposal would represent sustainable development in line with the guidance contained within the NPPF and significant weight should be attached to the benefits to the local community. The benefits to the community relate to the increased access and the continued long term viability of the Country Park making an important contribution to the health and wellbeing of the community, the completion of the Visitor Centre supporting the provision and expansion of tourist and visitor facilities, and the financial contribution to be made through an annual community fund. In this regard, it is considered that the proposal has the potential to contribute positively to the rural economy.
- 8.6 Should planning permission be forthcoming I would suggest attaching conditions to any approval requiring the wind turbine to be decommissioned and removed from the site should the Country Park ever cease to give open access to the public, and to require the submission of the terms of agreement with the community stakeholders who are to manage the community fund.

## **9.0 Local Landscape and Visual Impact**

- 9.1 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.

- 9.2 Policy 10 of the ACS requires all new development outside of settlements to be assessed with reference to the Greater Nottinghamshire Landscape Character Assessment.
- 9.3 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.
- 9.4 At the county level the Greater Nottinghamshire Landscape Character assessment 2009 defines countywide landscape areas. The site lies within the Magnesium Limestone Ridge *Linby Wooded Farmlands* PZ ML17.

The characteristic features of this policy zone include:

- Flat to gently undulating natural land although restored mineral working sites create artificial elevations in the landform
- Small streams flow through the area and there are some small, artificial water bodies in the north of the area, on restoration land
- The DPZ has an urban fringe farmland character, influenced by restored land, agricultural with pockets of recreation land.
- Field sizes are medium to large and usually irregular in shape
- Hedgerows are often fragmented and are low and scrubby in places
- Large woodland blocks enclose pockets of farmland
- New areas of plantation and regenerating scrub on restored landscapes will add to the woodland content of the area as they mature
- Woodland belts follow the linear features through the landscape, such as the railway embankment the streams and roads
- The extensive woodland blocks at Newstead Abbey and Annesley Plantation are visible in the adjoining DPZ areas and contribute to the wooded character
- The settlement of Newstead has a clear mining heritage and is characterised by rows of uniform red brick terraced housing
- Overhead power lines are a common feature crossing the farmland
- Views are open over the farmland but restricted and enclosed by the blocks of woodland
- There are long views from the recreational footpaths which cross the restored colliery mounds over the young woodland and the farmland beyond

- 9.5 I note that The County Landscape Team in their comments assess overall that the direct physical impact of the development on the existing landscape would negligible.
- 9.6 When assessing the impact of the development on the wider character of the area I have given careful consideration to the Landscape and Visual Assessment submitted by the agent. Whilst I note that the County Council requested more information on the wider impact on the landscape character of the area, I am satisfied that the information submitted is sufficient to assess the wider impacts of the turbine in this instance.
- 9.7 I accept that the wind turbine would have a significant impact on the landscape character in the immediate vicinity of the restored colliery mounds; however, the impact remains local and does not extend to a significant wider landscape impact outside the local area. I note that the area still carries significant characteristics from its previous use as a spoil heap decommissioned in 2000. I also note that since February 2011 significant ecological enhancements have been made by RCAN to transform the visual appearance of the site and to establish it as a viable Country Park. Submitted with the application is a management plan for the continued ecological enhancements incorporating plantation of broadleaved woodland and coniferous woodland to the north of the application site. This continued commitment to the long term viability and ecological enhancement of the Country Park would assist in visual mitigation from receptor points to the north over time as the woodlands mature. It is my view, given the nature of the site and the visual improvements being brought forward through the ecology management plan, that there would be a moderate adverse impact on the landscape character locally. However, once outside this area, impact on the landscape character would be slight as the wind turbine would be further away and what could be seen of the wind turbine would be viewed in conjunction with other elements, such as the overhead power lines and pylons which are a common feature in the farmland as identified in the Greater Nottinghamshire Landscape Character Assessment 2009.
- 9.8 In assessing the impact of the proposal on the localised landscape, I would note the wind turbine would be located on the southeast edge of the Country Park and is bounded to the south and east by open undulating agricultural fields and restored land. The wind turbine would be sited approximately 635 metres from the nearest residential properties at Boundary Terrace. However the rear gardens back onto the railway line and there is dense vegetation separating the properties from the railway line. There would also be a visual impact on the new development at Annesley Cuttings; however, I consider that the visual impact would be sufficiently mitigated by the mature blocks of woodlands which define the landscape inbetween the application site and this new residential development. I also note that there would be views from the A611 but these would be restricted to road users. On crossing the railway line, which in itself is a significant industrial visual characteristic, leaving Newstead Village the wind turbine would be seen against Newstead Industrial Estate in the foreground leading to the Country Park. Whilst the wind turbine would be prominent in this location the wind turbine should be seen in its wider context to

support the Country Park.

- 9.9 The landscape was historically defined by the former coal mining use and the Country Park has now been established in its location. To the south of the application site the landscape is characterised by undulating agricultural fields and blocks of woodland. To the north would be the Country Park and further blocks of woodland. There would be views to the wind turbine experienced from Station Avenue leading to Newstead Abbey Park. Station Avenue is lined with mature trees and hedges and any views through from Station Avenue across to the proposed wind turbine would also include other modern features such as overhead power lines and pylons.
- 9.10 Whilst I accept that there would be a significant local impact in the immediate vicinity, given the considerations above, I consider there to be only a moderate impact on the wider landscape character of the area. This moderate impact needs to be balanced against the significant weight to be attached to renewable energy schemes. The context of the wind turbine would be seen within a relatively newly created Country Park and its purpose would be to support the continued enhancement of the site and to provide increased ecological improvements. It should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affect the perception of whether the impact of the development is acceptable to those viewing it.
- 9.11 Given the distances to the wind turbine from the significant vantage points, I consider that whilst there would be an adverse impact on the local landscape it would be limited to less sensitive locations and in many areas would be part screened by blocks of woodland. I also note that there are a number of modern additions in the local landscape including electricity pylons and overhead lines.
- 9.12 I note from the Zone of Theoretical Visualisation indicates that there would be certain locations where cumulative impacts from this proposal and other wind turbine development would be seen. However, given the considerations set out above I do not consider that there would be an undue adverse impact due to the cumulative impact of wind turbine developments in this location and conclude that these impacts would be less than substantial given the distances to other wind turbine development.
- 9.13 In light of the above considerations whilst there would be an impact on the landscape in visual terms and its character would change, the landscape would still be predominantly characterised by the Country Park, blocks of woodland, restored former colliery land and agricultural fields, and it is my opinion that the change would not be unacceptable particularly given the context of the need for renewable energy generation and the siting within an area previously mined for fossil fuels that is currently being managed to improve the biodiversity of the area.

## **10.0 Cultural Heritage**

- 10.1 Legislation regarding buildings and areas of special architectural or historic



interest is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and RLP Policy ENV21.

10.2 The NPPF says at paragraph 98 that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved if their impacts are (or can be made) acceptable. The NPPF advises that decision makers should follow the approach set out in the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), read with the Overarching NPS Energy (EN-1), both dated 2011.

10.3 The NPPF has a number of core principles at paragraph 17 one of these says that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

10.4 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.’

10.5 Section 66 of the 1990 Act requires that:

‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess.’

10.6 Paragraph 134 of the NPPF states:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.’

10.7 Particularly relevant for this application is section 5.8 of EN-1 which concerns the historic environment. Paragraph 5.8.18 says that when considering

applications for development affecting the setting of a designated heritage asset, the IPC (or the decision maker) should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the decision maker should weigh any negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to be justify approval.

- 10.8 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset; may affect the ability to appreciate that significance; or, may be neutral.

Historic England guidance: 'Historic Environment Good Practice Advice in Planning 3' indicates that 'while setting can be mapped in the context of an individual application or proposal, it does not have a fixed boundary and cannot be definitively and permanently described for all time as a spatially bound area or as lying within a set distance of a heritage asset because what comprises a heritage asset's setting may change as the asset and its surroundings evolve or as the asset becomes better understood or due to the varying impacts of different proposals: for instance, new understanding of relationship between neighbouring heritage assets may extend what might have previously have been understood to comprise setting.'

- 10.9 The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 10.10 Heritage significance can be harmed through development within setting. Substantial harm to the significance of a Grade II listed building should be exceptional. Substantial harm to the significance of designated heritage assets of highest significance (including SAMs, Grade I and II\* listed buildings) should be wholly exceptional. Paragraph 133 of the NPPF says that if development would cause substantial harm to significance, then planning permission should not be granted unless it can be demonstrated that an exception is warranted; an exception would be justified if the substantial harm is necessary to achieve substantial public benefits that would outweigh the harm. If the development would cause less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 10.11 The PPG also provides advice on conserving and enhancing the historic environment, saying that heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. In assessing whether 'substantial harm' in the terms of the NPPF is likely to occur, it says: 'what matters in assessing if proposals causes substantial harm is the impact on the significance of the heritage asset. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting. Whether a proposal

causes substantial harm will be the judgement for the decision taker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from the works to the asset or from development within its setting. While the impact of total destruction is obvious, partial destruction is likely to have considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably no harm at all, for example, when removing later inappropriate additions to listed buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'

- 10.12 The most recent advice in the PPG with regard to how heritage should be taken into account in assessing wind turbines application is: 'As significance of a heritage asset derives not only from its physical presence, but also its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on scale, design, and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of an asset.'
- 10.13 In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The preservation of setting is to be treated as a desired or sought-after objective, and considerable importance and weight attaches to the desirability of preserving the setting of listed buildings when weighing this factor in the balance.
- 10.14 As required by section 72(1) of the LBCA, special attention must also be given, with respect to any buildings or other land in a conservation area, to the desirability of preserving or enhancing the character or appearance of that area. The application site is not within a Conservation Area but the proposed single wind turbine may be visible from and around Felly, Linby and Papplewick Conservation Areas. In a wind turbine case at Asfordby Business Park, the Secretary of State noted that special attention should be paid to the desirability of preserving or enhancing the character of those conservation areas whose settings would be affected by the scheme.
- 10.15 The most significant heritage assets within 5 km proximity to the application site include Newstead Abbey Park and Gardens, Annesley Hall and Papplewick Hall.
- 10.16 Newstead Abbey Gardens extend to within 580 metres south of the application site. The north edge of Newstead Abbey Park is defined by mature

woodland in which the Park and Gardens are enjoyed. The impact on this heritage asset would be localised to views as you enter/exit the park from Station Avenue and to the north boundary of the Registered Park and Garden. The proposed wind turbine would be sited approximately 580 metres to the north from this boundary. The construction of a wind turbine in the landscape, visible from the setting of the Registered Park and Garden, introduces a modern feature in the landscape. This would adjoin other modern attributes in the landscape including electricity pylons. It is my opinion given the significant distance to the wind turbine combined with other modern features in the landscape and the substantial screening that the impact on the setting of this Registered Park and Garden, and the Listed Buildings contained within, would be less than substantial and would have to be weighed against the public benefits of the scheme. I also consider that the development should be seen together with, how over time the landscape has changed and been enhanced from its previous use as a spoil heap serving a colliery.

- 10.17 Papplewick Hall is sited approximately 2.89 kilometres from the application site and Annesley Lodge is approximately 2.4 kilometres from the application site. The views from the setting of Papplewick Hall and Annesley Lodge are all intersected with blocks of mature woodland and undulating landscape characteristics which would act as significant screening from the impact of the wind turbine. It is my opinion given the significant distances, the significant screening, and the location of modern features such as roads, power lines and a railway line within the visual landscape the impact on these heritage assets would be less than substantial and from most receptor points negligible. I do not consider that the proposed wind turbine sited on a previous colliery would significantly impact on the interconnectivity of these heritage assets and would not significantly impact on the historic relationships between these assets. Given the above, it is my opinion that the impact on the setting of this heritage asset would be less than substantial and would have to be weighed against the public benefits of the scheme.
- 10.19 Annesley and Felley Conservation Area is sited approximately 1.1 kilometres to the west and the zone of theoretical visibility indicate that the turbine would be partly visible from this area. Views from the Conservation Area to the southeast, and the visualisations submitted, indicate that the wind turbine would be partly visible beyond a large block of woodland. It is my opinion, given the block of woodland between the Conservation Area and the proposed wind turbine would act as a natural screen and a buffer, so the structure does not dominate the landscape in an overbearing manner. Therefore, I do not consider that the impact on this Conservation Area would be substantial in this instance. Given the above, it is my opinion that the impact on the setting of this heritage asset would be less than substantial and would have to be weighed against the public benefits of the scheme.
- 10.20 Papplewick and Linby Conservation Areas are experienced largely from within the built area. Views from Papplewick Conservation Area are largely to the north-east and south-west away from the proposed wind turbine. The Zone of Theoretical Visibility indicates that the wind turbine would be visible to the north of Linby Conservation Area. The north boundary of the Linby Lane, as

you leave Linby, is defined by mature vegetation and hedgerows that screen open views towards the proposed location of the wind turbine. The views beyond the hedgerows also incorporate telephone lines and other modern features. Linby Conservation Area is also mainly experienced from within the built form with views from the Conservation Area being restricted to the fringes. To the north of Linby is Freckland Wood which also acts as a natural screen from the development. Given the above, it is my opinion that the impact on the setting of the Conservation Area would be less than substantial and would have to be weighed against the public benefits of the scheme.

- 10.21 I note the comments from Historic England with regards to potential impacts on Damstead and Annesley Castle, however, there is a significant distance to these assets beyond the assets assessed above, and I consider that the potential impact on these would be low.
- 10.22 I note the comments from Historic England with regards to undesignated archaeological remains, given the previous use of the site as a spoil heap I consider that there would be very little potential to impact on undesignated archaeological remains in this instance. I would however attach an informative to any approval that should any undesignated archaeological remains be found then Nottingham County Council Archaeological Officer should be contacted in order to advise on the evaluation and treatment of these.
- 10.23 I do not consider that the proposed wind turbine sited on a previous colliery would significantly impact on the interconnectivity of the heritage assets discussed above and would not significantly impact on the historic relationships between these assets. In accordance with the NPPF, given it is my opinion that the harm to the settings of heritage assets could be commensurate as less than substantial, this impact needs to be weighed against the wider public benefits of the proposal. I consider that the weight to be given to the contribution that this proposal would make to reducing CO2 emissions, combating climate change, to renewable targets, and to sustainable rural economic development to help secure the future of a Country Park for the benefit of the local community, would outweigh the less than substantial harm to the heritage assets discussed above.

## **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 I note the comments from Nottingham County Council Ecology with relation to the ecological survey carried out providing a good understanding of the ecological interest of the application site and the wider Newstead and Annesley Park. The proposed wind turbine would be located with the

boundary of the Annesley Pit Tip Local Wildlife Site (LWS) and the ecological report identifies the habitat that would be affected by the works as being semi-improved grassland. I concur with the County ecologist in that overall, the footprint of the development is very small compared with the site as a whole, and the permanent loss of habitat would be negligible.

- 11.3 I note that the agent has responded to the Wildlife Trust concerns with regards to the potential impact on bats and birds. During the processing of the application the agent has proposed a mitigation area to deal with the potential impacts on birds, in particular woodlarks. Whilst I note that the agent has submitted a mitigation plan to offset the impact on woodlark, the siting is within the 50 metre buffer zone of the proposed development. It is my opinion that this mitigation can be made acceptable outside of this buffer zone. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring a detailed plan and management schedule showing the mitigation area to be designed and enhanced for woodlarks as a result of the development. I am satisfied that the provision of adequate mitigation area would result in the development addressing the impact on the local wildlife.
- 11.4 I also note the comments from the County Ecologist whom considers that the level of survey undertaken with regards to birds is considered generally appropriate. The County have noted that woodlarks are confirmed to be present on the site; however, this species is not considered to be at risk of collision with wind turbines. Therefore, it appears that the proposed wind turbine would not have an impact on the species for which Sherwood Forest may become designated as an SPA in the future. I consider that the mitigation discussed in paragraph 11.3 would be adequate to address the impact on woodlarks at the site.
- 11.5 It is also noted that the County Ecologist states that it appears that the turbine, in its currently proposed location, would not give rise to any significant impact on birds using the site as a result of collision mortality.
- 11.6 In order to minimise the impact on bats, Natural England guidance states that a 50 metre buffer should be maintained around any feature (e.g. trees and hedgerow) into which part of the turbine should intrude, meaning the edge of the rotor-swept area needs to be at least 50 meters from the nearest part of the habitat feature. I note that the proposed wind turbine would be sited 50 metres from any significant trees or hedgerows however there are trees to the north that are on a slope and can be expected to grow in the future. Section 1.73 of the Ecological Assessment recognises this and to facilitate the development young trees and scrub would need to be removed. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring a plan to indicate the extent of tree and scrub removal that will be required, calculated in reference to Natural England's Technical Information Note TIN051 taking into account of the adjacent topography. Once approved the trees and shrubs in this area will be stump-treated and the area maintained as grass land for the life of the development.

- 11.7 I also note the comments received with regards to the post monitoring surveys for bats. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring the submission of a programme of post installation monitoring of the bat population and activity at the site for a period of 5 years from the completion of the turbine installation.
- 11.8 It is my opinion, given the former use of the site as a colliery, the potential to mitigate for any adverse impacts on the population of bats and woodlark, and the comprehensive ecological management plan to improve the biodiversity of the Country Park, there is the potential for the development to facilitate ecological improvements to the Country Park and result in an acceptable and positive impact on nature conservation in this instance. In this regard I consider that significant weight should be given to the ongoing ecological enhancements of the Country Park.
- 11.9 I note the comments received with regards to the development being considered using up to date information about the natural environment and other characteristics of the area. During the processing of the application additional information and addendums were submitted by the agent to address concerns raised by the Wildlife Trust and Nottingham County Council Ecology. Given the outcome of this additional information, leading to the creation of mitigation measures to address the local impacts, I consider that sufficient information has been submitted to account for the impacts of the development on the natural environment.

## **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 Paragraph 5.9.18 of EN-1 advises that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites and that judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project. EN-3 states at paragraph 2.7.6 that appropriate distances should be maintained between wind turbines and sensitive receptors to protect the amenity, the two main impact issues being visual amenity and noise.
- 12.3 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.
- 12.4 The Guidance state 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.

- 12.5 The closest properties to the proposed wind turbine would be located at Boundary Terrace and the new residential development at Annesley Cuttings and properties on Station Avenue leading to Newstead Abbey Park.
- 12.6 For the properties closest to the wind turbine, the turbine is likely to be a significant and prominent feature on the landscape for the occupants of these properties.
- 12.7 The proposed wind turbine would be screened for the majority of properties in Newstead Village and Annesley Cuttings due to the location of a significant block of woodland. There is also significant vegetation along Station Avenue with mature hedgerows and trees which would help mitigate the prominence on the landscape from these receptor points. I also consider that when the development at Annesley Cuttings is completed, the residential development would largely be experienced from within the built form and views out of the development would be mitigated by the mature vegetation.
- 12.8 In relation to the visual impact of the proposed turbine on local residents, on balance, given the distances between the properties and the proposal, the various blocks of woodland in the landscape, and the undulating topography of the landscape, I do not consider that the proposed single wind turbine would be visually intrusive, overly prominent, or overbearing enough to be a reason for refusal in this instance.
- 12.8 I also consider that the introduction of a single wind turbine in the landscape would be preferable to a cumulative impact of multiple smaller wind turbines that would produce the comparable CO<sub>2</sub> saving and energy production. Given the limitations of the site I consider that the single wind turbine within this established landscape of this height and scale would be acceptable in this instance.
- 12.9 I note the representations received with regards to the adverse visual impact of the development. The visual impact on the character on the landscape and heritage has been discussed in more detail in Sections 8.0 and 9.0 above. Given the topography of the land, the siting of the proposed wind turbine, the height to the tip, and the blocks of mature woodland, I consider that the application is acceptable in terms of impact of the development local residents. Whilst I note that the wind turbine would be visible from a number of receptor points, the visual impacts would be kept to a minimum in the location proposed and this less than substantial visual impact will need to be weighed against the public benefit of the scheme.
- 12.10 The noise impact assessment submitted by the applicant has been reviewed by Public Protection. Public Protection concluded that the noise levels would fall within normal ETSU-R-97 limits for daytime and night time at nearby dwellings. As the levels are acceptable no objections were raised.
- 12.11 To ensure that noise levels do accord with the ETSU-R-97 it is recommended



that a condition be imposed on any planning consent.

- 12.12 I note the comments received with regards to the 'unfitness' of the ETSU 97 document to assess the potential impact of noise. However, The Planning Practise Guidance for Renewable and Low Carbon Energy advises that local planning authorities should use this documentation when assessing noise from wind turbines. The representation outlines that the submitted information relates to average wind speeds and there is a potential noise increase by 3.2 dB(A) in high winds. However, following further consultation with Public Protection, I do not consider the potential for an increase in noise of 3 dB(A) in high winds to be significant in this instance. This is further reinforced from the following excerpt from The Little Red Book of Acoustics: 'A 3dB change in level is generally just noticeable, and is a small change in the perceived level, even though it is a doubling of energy'.
- 12.10 I note that a shadow flicker assessment has been submitted within Chapter 10 of the Environmental Report using WindPro 2.9, an industry standard analysis package. The predictions are worst case in the sense that the calculations are based on information that the sun is never obscured by clouds. This analysis concludes that the impact on surrounding properties would be limited to a possibility of shadow flicker at a small number of properties for less than 7 minutes a year. Given the distances from the wind turbine to the closest residential properties and the maximum impacts being 7 minutes in a year it is my opinion that no residential properties would be significantly adversely impacted by shadow flicker. It is also noted that Public Protection have not raised any concerns with regards to shadow flicker.
- 12.11 I note the comments received with regards to the potential for the wind turbine to detract users to the park, visitor centre, and fishing lakes due to the proximity of the proposed development and the potential visual and noise impacts. I consider that, given the special circumstances put forward by the agent, the historic use of the site as a former colliery, and the improvements made by RCAN to develop the former spoil heap into a Country Park, that the proposed development of the wind turbine should be seen as facilitating development allowing for the future viability of the County Park for the general public. I therefore would not attach significant weight to the potential for the wind turbine development to detract some users to the park due to this needing to be balanced against the public benefit of the development facilitating the future viability, ecological enhancements and maintenance of the Country Park.
- 12.12 I note the comments received with regards to the development being contrary to Policy ENV32 of the GBRLP given that the wind turbine would be prominent on the ridgeline when viewed from Hucknall and Linby. However, the proposed development does not fall on any of the Primary or Secondary ridgelines identified on the Gelding Borough Council Replacement Local Plan Proposals Map and therefore this policy is not relevant in this instance. However, the visual impacts and impacts on the surrounding villages and Conservation Areas have been carefully considered in sections 9.0 and 10.0 above.

### **13.0 Transport, Communication and Safety**

- 13.1 The Planning Practise 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.
- 13.2 I note 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 stages of the proposal. I do note however that they have requested an informative be attached to any approval advising that it would be beneficial and good public relations if a letter drop was undertaken to residents of Tilford Road asking they park on one side of the carriageway on the date of the abnormal load to ensure adequate passage. An informative would also be attached advising the applicant to contact the Highway Authority Network Coordination Officer with regards to the date of the abnormal load to check for road closures and road works. Whilst I note the concerns from local residents raised in relation to the access roads and the construction traffic through the villages and past the school I do consider that the proposed traffic management plan is adequate to sufficiently mitigate any adverse impact from abnormal load and construction traffic.
- 13.3 I note that following re-examination of the wind turbine, NATS have removed their objection as mitigation is available which can be funded by the developer. Should planning permission be forthcoming a condition would be attached to any approval requiring the formal approval of NATS to be submitted to the Borough Council and approved before the development is first commenced.
- 13.4 I note that no objections have been received from local airport operators or the Ministry of Defence (MOD) in relation to the impact of the development on local air traffic. Should planning permission be forthcoming a condition would be attached to any approval requiring the developer to notify the MOD of the date that construction starts and ends, the maximum height of the equipment and the latitude and longitude of the turbine.
- 13.5 OFCOM was consulted as part of this application and this consultation resulted in no representations being received. When referring to the National Planning Policy Statement for Renewable Energy other issues that need to be considered in regards to wind turbines include Electro-magnetic Transmissions. It is my opinion that any potential mitigation works, should any complaints be received in relation to electro-magnetic interference, can be suitably mitigated by condition. I note that the agent has agreed to the wording of the condition.
- 13.6 With regards 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 to

tip plus 10% from any buildings. In relation to this wind turbine this distance would be 110 metres. The closest building to the application site is the visitor centre serving the Country Park which is over 250 metres from the wind turbine. No properties are located within this distance from the turbine.

- 13.7 The closest National Grid power line lies approximately 270 metres of the proposed wind turbine. The National Grid buffer distance between wind turbines from and power lines is three times the rotor distance, in this instance this would be 231 metres. The proposed turbine would therefore be at sufficient distance so as not to cause any potential safety implications in relation to the power lines.
- 13.8 I note the comments received regarding the construction of a wind turbine on a former colliery which could have structural or technical implications. However, the construction of the wind turbine would be a matter for the developer and the fall over distance has been observed. I would not attach significant enough weight to the construction being on a former coal mine to warrant a refusal of the application in this instance.
- 13.9 I note the comments received with regards to the wind shear, ice throw and amplitude modulation. However, I am satisfied that the agent has accounted for the requirements of The Planning Practise Guidance for Renewable and Low Carbon Energy with regards to safety of the development and consider that the proposal would be acceptable in terms of Transport, Communication and Safety.

#### **14.0 Contamination**

- 14.0 I note that Public Protection has raised no objection in relation to potential contamination at the site.

#### **15.0 Other Considerations**

- 15.0 I note neighbouring comments with regards to the economic viability of the scheme without Government subsidy. However, the direct benefits of the scheme to the Country Park are by way of land rental and I would give the commercial economic viability of the scheme very little weight in the planning balance.
- 15.1 I note the neighbouring representations with relation to the impact of the development on the Green Belt, the Historic Environment, the Visual Impact on the Landscape, Renewable Energy, Nature Conservation, and Residential Amenity and the compliance with the National Planning Policy Framework and the Gedling Borough Council Replacement Local Plan. The impact of the development in relation to National and Local Policy is assessed with regards to these matters in depth in Sections 6.0, 7.0, 8.0, 9.0 and 10.0 above.
- 15.2 I note the representations received with regards to the accuracy of the photo montages submitted with the application. Whilst I accept that there is no evidence to suggest that these are precise representations of the wind

turbine, in my opinion they are a useful visual representation which allows any interested parties viewing the application to get a better understanding of how the development would look within the existing landscape. I do not consider that the accuracy of the lens type used to produce the photomontages would carry significant enough weight to warrant a refusal of this application.

- 15.3 I note the comments received with regards to the development setting standards for future developments in the area and a precedent for development being set. During the processing of the application the agent has submitted site specific details on the need for the turbine that has been proposed. A business plan and alternative ways of generating income have been provided addressing the special circumstances relating to the future viability of the Country Park to secure the ongoing management and ecological enhancements. These factors along with the factors referred to in The Planning Practise Guidance for Renewable and Low Carbon Energy need to be addressed on future applications. These include Biodiversity / Ecology and Geology; Historic Environment; Cumulative Landscape and Visual Impact; Noise and Vibration; Shadow Flicker and Reflected Light; Traffic and Transport; Electromagnetic Transmissions; Safety; Decommissioning. All these factors need to be considered with future applications for wind turbines and would need to satisfy the tests on their own merit. Given the level of detail required, the mitigating factors to do with the specific location of future applications for future wind turbines would be assessed on their individual merits against these factors.
- 15.4 I note the comments with regards to the profits not going to the local community. However, I would note that there is to be a community fund to be set up for the benefit of the community and the long term viability of the Country Park has a benefit to the community with regards to the increased access to open countryside.
- 15.5 I note the comments with regards to alternative locations being considered for the proposed wind turbine. The Environmental Report submitted by the agent discusses two locations that were explored by the applicant given the limitations of the Country Park all being within the Green Belt I can except that there were no non Green Belt locations available to the applicant. I am satisfied that the agent has considered the site limitations and alternative locations in this instance.
- 15.6 I am satisfied, given the distance of approximately 1.8 km to Robin Hoods Way, and the distances between all rights of way outside of the Country Park that there would be no significant impact on horses and ramblers using the registered footpaths in the area. It is also noted that Robin Hoods Way enters into Newstead Abbey Park to the South and that the majority of the path in this location would be screened by mature woodland.
- 15.7 I note the comments from Newark and Sherwood District Council with regards to the cumulative impacts of wind turbines when considering the site as a whole. I note the wind turbines that have been constructed within Newark and Sherwood and those with extant permission, however, given the distances to

the nearest wind turbines I am satisfied that there would not be an undue cumulative impact from wind turbines in the area.

## **16.0 Conclusions**

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 the development should be restricted.

16.2 In light of the considerations given above in relation to

- Renewable Energy
- Green Belt
- Public Benefit
- Local Landscape and Visual Impact
- Cultural Heritage
- Nature Conservation
- Local Residents (Visual Impact, Shadow Flicker and Noise)
- Transport Communication and Safety
- Contamination
- Other considerations

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 had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 – 15.0, above, I consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

16.3 In considering the impacts of the proposed development, the planning issues raised by the local community have been considered in chapters 6.0 – 15.0 above. It is considered that on balance the proposals are acceptable and that any harm material to the determination of this proposal is outweighed by the benefits the turbine would bring. In respect of the Ministerial Statement released on 18<sup>th</sup> June 2015, if the concerns raised by residents have been addressed to the point where the impact is made acceptable, then permission can be granted. The statement goes on to confirm that whether the impacts are addressed and therefore has the backing of the local community is ‘a

planning judgement for the local planning authority'. In my opinion all the planning matters raised by those objecting to the scheme have been acceptably addressed and outweighed by the overall benefit of the proposal.

- 16.4 This application has been advertised as a departure; however, the application is only required to be referred to 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 application should be referred to the Secretary of State.

### **Recommendation:**

**To GRANT CONDITIONAL PLANNING PERMISSION.**

### **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 Borough Council 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 18 below. The site shall be decommissioned in accordance with the details to be approved under condition 18.
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: Newstead and Annesley Wind Turbine Environmental Report dated October 2014 received on 14th October 2014; The Planning Statement dated November 2014; The Design and Access Statement received on 14th October 2014; and the GLM Ecology - The Newstead 3 Addendum dated 16th September 2015.
4. Before development hereby approved is first commenced, precise details and elevations of the proposed wind turbine and transformer cabin housing shall be submitted to and approved in writing by the Borough Council. The wind turbine shall be of a 3-blade configuration and not exceed an overall height of 100 metres measured from ground level to the tips of the turbine blades. The blades of the wind turbine shall not have a rotor diameter of more than 77 metres. The hub height of the turbine shall be no more than 61.5 metres measured from ground level to the top of the hub. The transformer cabin shall have the following parameters: No wider than 4.5 metres, no longer than 10.5 metres, and it shall have a ridge height no more than 3 metres. The

development shall be implemented in accordance with the written approval.

5. 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 Borough Council. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route 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.
6. Before the development hereby approved is commenced, and any associated materials transported to the site, precise details of the hardstanding for construction traffic and details of improvements to the access track for the turbine delivery vehicles shall be provided in accordance with the plans to be first submitted to and approved in writing by the Borough Council. The hardstanding and servicing areas as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.
7. Before the development hereby approved is commenced, a habitat management plan to deal compensatory area to be managed specifically for woodlarks shall be submitted to and approved in writing by the Borough Council (as indicated in the GLM Ecology Addendum 3). The schedule shall contain the precise location of the mitigation area outside of the 50 metre buffer zone of the blade overhang, details of the works to be undertaken and a timescale for the works to be carried out. Ecological site enhancement works shall be completed in accordance with the approved schedule. Mitigation should not compromise features which give the site botanical interest within the Local Wildlife Site boundary.
8. All construction work associated to the installation shall be undertaken outside of the bird-breeding season (March - September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken and any works required at the site to be submitted to and approved in writing by the Borough Council prior to the commencement of development at the site. Works shall be completed in accordance with the approved details.
9. Prior to the erection of the wind turbine, details of the colour finish of the turbine tower, nacelle and blades shall be submitted to and approved in

writing by the Borough Council. Development shall thereafter be carried out in accordance with the approved details.

10. 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 Borough Council. The size of the substation 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.
11. Before development hereby approved is first commenced, precise details, including depths of the proposed wind turbine foundations to be constructed shall be submitted to and approved in writing by the Borough Council. The foundations as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.
12. All cables within the development site from the turbine to the substation shall be set underground.
13. Prior to the First Export Date, a scheme providing a protocol for 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 Borough Council. The protocol shall also include full contact details of who to contact in relation to the development should the Borough Council receive a complaint from a local resident within 12 months of the first export date. The protocol 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 Borough Council 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 protocol which has been approved in writing by the Borough Council
14. 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 Borough Council shall be sent a copy of the notification made to East Midlands Airport.
15. The rating level of noise from the wind turbine (including the application of any tonal penalty) when calculated in accordance with the method described in the guidance document 'ETSU-R-97: The Assessment and Rating of Noise from Wind Farms' shall not exceed 35dBa for daytime and 43dBa for night time at the nearest residential property (Foundry Terrace: Grid Reference easting 452,079 Northing 353,048).



16. Within 28 days from the receipt of a written request from the Borough Council, following a substantiated complaint to it, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Borough Council to assess the level of noise generated by the wind turbine, following the method described in ETSU-R-97 referred to in condition 15. Within 60 days of appointing the independent consultant, unless agreed otherwise in writing with the LPA, the ETSU-R-97 noise assessment shall be completed and submitted to the Borough Council. Prior to the commencement of the noise measurement and assessment the monitoring locations shall be agreed in writing with the Borough Council. If wind turbine Noise levels are measured and found to exceed those levels set out in Condition 15 the necessary corrective action should be taken within 30 days to reduce the levels to those set out in condition 15 and further noise assessment carried out to ensure compliance with condition 15. Copies of the results on noise assessments made after remedial action has been taken should also be submitted to the Borough Council. A complaint shall be considered 'substantiated' where the Borough Council has conducted a preliminary investigation and taken into consideration the data requested as per condition 15 and judged that the complaint warrants further investigation by the operator to demonstrate that the noise limits are not being breached.
17. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d) of ETSU-R-97. 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 Borough Council on its request, within 14 days of receipt in writing of such a request.
18. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Borough Council, 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 Borough Council, 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.
19. 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 Borough Council. The site shall be decommissioned in accordance with the approved details.
20. Prior to the first export of electricity a legally binding agreement between Rural Community Action Nottinghamshire (RCAN) and the Friends of Newstead, who will manage the annual £7.5k annual community fund, shall

be submitted to and approved in writing by the Borough Council. Rural Community Action Nottinghamshire shall provide the £7.5k fund annually in line the terms of the legally binding agreement. The agreement shall be adhered to for the life of the development unless otherwise agreed in writing by the Borough Council.

21. Before the development hereby approved is commenced, a reptile mitigation management plan should be submitted to and approved by the Borough Council which meets the criteria for designation as a herptile Local Wildlife Site. The reptile mitigation plan should include details of the habitat to be created and its location. Any reptiles found during the construction and decommissioning of the development should be removed to the receptor area that is suitably fenced to prevent them from re-entering the proposed construction area.
22. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to Bats 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.
23. Should Newstead and Annesley Country Park cease to operate and access to the open space for the general public be restricted then the wind turbine shall be decommissioned within 6 months of the date of the closure of the Country Park in accordance with details submitted under Condition 19 above.
24. Prior to the first export of electricity the formal approval from NATS with regards to the approved mitigation measures shall be submitted to and approved by the Borough Council in writing. The wind turbine installation shall conform with the mitigation measures approved for the life of the development.
25. The applicant must notify the Ministry of Defence (MOD) the date that construction starts and ends; the maximum height of the equipment and the latitude and longitude of the turbine. Prior to development commencing the Borough Council shall be sent a copy of the notification made to the MOD.
26. Before the development hereby approved is commenced, a plan indicating a 50 metres buffer from the rotor swept area, showing the extent of tree and shrub removal required (calculated with reference to Natural England's Technical Information Note TIN051 and taking into account of the adjacent topography) shall be submitted to and approved in writing by the Borough Council. The 50 metre buffer zone shall be provided in accordance with the

approved details before the first generation of electricity from the wind turbine. Once approved the trees and shrubs within this area shall be stump treated (to prevent re-growth) and the area shall be maintained as grassland for the life of the development.

27. The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in sections 1.78 and 1.80 of the GLM Ecological Assessment dated 2014 with regards to the protection of badgers, reptiles and amphibians.

## **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. To ensure a satisfactory development in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. In the interests of highway safety
6. For the avoidance of doubt.
7. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
8. In order to safeguard the local bird population in accordance with the requirements of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. To ensure a satisfactory development in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To ensure a satisfactory development in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

12. To safeguard the appearance of the site in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
13. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated.
14. To ensure that East Midlands Airport are advised that the turbine has commenced operation
15. In order to safeguard the aural amenity of the site and neighbouring residential properties in accordance with the guidance contained within EN-3, paragraph 2.7.6.
16. In order to safeguard the aural amenity of the site and neighbouring residential properties in accordance with the guidance contained within EN-3, paragraph 2.7.6.
17. To enable the Borough Council to monitor noise impacts and to monitor against condition 18.
18. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
19. 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.
20. In order to secure the financial public benefit of the scheme with the relevant stakeholders in the community.
21. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
22. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
23. To ensure the site is decommissioned appropriately should the Country Park cease to operate for the benefit of the local community.
24. In order to safeguard potential impacts on air traffic in the local area.
25. In order to ensure the MOD have received the requested information relating to the development.

26. To ensure there is no adverse impacts on the local bat population as a result of the wind turbine in line with paragraph 118 of the National Planning Policy Framework (March 2012).
27. To ensure there is no adverse impacts on the local wildlife populations, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **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.

### **Notes to Applicant**

For the purpose of good public relations you are advised that it would be beneficial if a letter drop was undertaken to residents of Tilford Road asking that they park on one side of the carriageway on the date of the abnormal load to ensure adequate passage. You are advised to contact the Highway Authority Network Coordination Officer with regards to the abnormal load to check for road closures and road works.

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information was sought with regards to mitigation measures required given the Local Wildlife designation of the application site and the requirements of NATS with regards to air traffic.

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. In the interests of Aviation safety, the Civil Aviation Authority requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic, including location(s) height(s) and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction to allow for the appropriate notification to the relevant aviation communities.