



Application Number: 2011/0523

Location: Woodborough Park, Foxwood Lane, Woodborough,
Nottinghamshire.



NOTE:

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Report to Planning Committee

Application Number: 2011/0523

Location: Woodborough Park, Foxwood Lane, Woodborough,
Nottinghamshire.

Proposal: Erection of 1 medium sized wind turbine with a generating capacity of 330kw. The turbine has a hub height of 50.09m and a blade length of 16.7m. Ancillary development comprises a permanent access track and crane pad.

Applicant: Mr. and Mrs. J. Charles Jones

Agent: Pegasus Group

Case Officer: David Gray

1.0 The Proposed Development

1.1 Full Planning Permission is sought for the retention of a single medium sized wind turbine with generating capacity of 330kw. The turbine has a hub height of 50.09 metres and a blade length of 16.7 metres. Ancillary development comprises a permanent access track and crane pad.

1.2 The agent has submitted a Compendium of Reports to update the planning application. These documents comprise:

- Planning Statement including Assessment of Very Special Circumstances (Update of Environment Appraisal Chapter 3);
- Evaluation of engineering operations for construction of a wind turbine;
- Energy and Carbon Audit (Update of Energy and Carbon Audit, dated May 2011);
- Assessment of Alternative Technologies;
- Alternative Technology Green Belt Openness Assessment;
- Landscape and Visual Impact Assessment (Update of Environmental Appraisal Chapter 5);
- Shadow Flicker Report (Update of Environmental Appraisal Chapter 7);
- Environmental Assessment – Noise (Update of Environmental Appraisal Chapter 6);
- Bat Survey Report (Partial update of Environmental Appraisal Chapter 8 to reflect discussions with the Council and other consultees);
- Heritage Settings Assessment (Update of Environmental Appraisal

Chapter 8);

- EIA Screening Request (30th July 2014) and Gedling Screening Opinion (20th August 2014).

- 1.3 The applicant installed the Enercon E33 wind turbine on their farm in December 2013, following receipt of planning permission 2011. However, this planning permission was subsequently quashed by the Court of Appeal in May 2014.
- 1.4 An access route measuring 4 metres in width and crane platform were created.
- 1.5 The turbine was connected to the grid via a transformer situated beside the farm house with low voltage cable from the turbine buried 1 metre below ground level. The transformer feeds the generated electricity from the turbine onto the farm supply and back into the grid.

2.0 Site Description

- 2.1 The application site is in a rural location and relates to a working farm, Woodborough Park Farm, located in between the highways of Woodborough Lane, Nottingham Road, Georges Lane, and Bank Hill.
- 2.2 The application site is within the designated Green Belt of Nottinghamshire and is sited on a working farm.
- 2.3 There are no regional or local nature conservation designations that cover the application site. The landscape is classified as Dumbles Rolling Farmland, a sub type of Nottinghamshire farmlands, and is within the Nottinghamshire Landscape Character Assessment as Woodborough Sloping Farmland.
- 2.4 The topography around the application site rises from the south to the north with a ridgeline at around 132 metres to 133 metres at its highest point.
- 2.5 There is a bridleway, Spindle Lane, which follows the ridgeline in an east-west direction linking Georges Lane with Foxwood Lane. The wind turbine is located approximately 120 metres south of the bridleway.
- 2.6 A small deciduous woodland block, Fox Wood, lies 520 metres to the east of the wind turbine. Fox Wood is identified within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) as a Site of Importance for Nature Conservation (SINC) and a Scheduled Ancient Monument (SAM) owing to the location of an Iron Age Hill Fort within the wood.
- 2.7 The application site is approximately 800 metres to the south edge of Calverton Village and approximately 1500 metres to the west edge of Woodborough Village.
- 2.8 The closest residential properties to the application site are: -

- Woodborough Park Farm (approximately 400 metres to the south);
- Spring Cottages, Georges Lane (approximately 530 metres to the north);
- St Georges Cottage, Georges Lane (approximately 580 metres to the east);
- 51 Georges Lane (approximately 840 metres to the north).

2.9 There are a total of 73 Listed Buildings, four Conservation Areas, and three Scheduled Monuments within the 5 kilometre Zone of Theoretical Visualisation study area.

2.10 Many of the Listed Buildings are contained within the Conservation Areas. There are only two Grade 1 Listed buildings, 1 within each of Oxton and Epperstone Conservation Areas.

The Conservation Areas are: -

- Calverton Conservation Area, approximately 600 metres to the north;
- Woodborough Conservation Area, approximately 800 metres to the east;
- Oxton Conservation Area, approximately 1.7 km to the northeast;
- Epperstone Conservation Area, approximately 1.85 km metres to the east.

3.0 **Relevant Planning History**

3.1 In August 2010 planning permission was **granted** for the erection of two 18 metre high wind turbines at Woodborough Park Farm (Application reference: 2010/0244).

3.2 In September 2010 an application for Environmental Impact Assessment (EIA) scoping for a single wind turbine was determined as to **not require the submission of an EIA** prior to the submission of a planning application (Application reference: 2010/0953EIA).

3.3 On 3rd November 2011, Gedling Borough Council granted planning permission for the erection of 1 medium sized wind turbine with a generating capacity of 330kw. The turbine is 50 metres to hub height and has a rotor diameter of 33 metres giving a total ground to tip height of 66.5 metres. Ancillary development comprises a permanent access track and crane pad.

3.4 Permission to apply for judicial review was granted; the challenge was on these grounds: material considerations; errors in the decision notice and resolution; and Environmental Impact Assessment. The High Court decision was issued on 12th June 2013 and upheld the Council's grant of permission.

3.5 An application to discharge conditions 6, 7, and 14 of planning application 2011/0523 was approved on 17th February 2012.

3.6 In October 2012 an application for a Non Material Amendment to planning

application 2011/0523 was **refused**. The change in hub height and increase in blade length together with the introduction of switch gear and an increase to crane pad, when seen in the context of the local landscape, was not considered non material.

- 3.7 In February 2013 an Environmental Impact Assessment (EIA) screening for a single wind turbine was determined as to **not require the submission of an EIA** prior to the submission of a planning application (Application reference: 2013/0127EIA).
- 3.8 In July 2013 an application to discharge condition 5 of planning application 2011/0523 was approved.
- 3.9 In October 2013 a Certificate of Lawful Development was **granted** for the erection of two small electrical switchgear housing structures (Application Reference: 2013/1017).
- 3.10 On 8th May 2014, the Appeal Court reversed the High Court decision and quashed the planning permission, remitting back to the Council for redetermination.
- 3.11 In August 2014 an Environmental Impact Assessment (EIA) scoping for a single wind turbine was determined as to **not require the submission of an EIA** prior to the submission of a planning application (Application reference: 2014/0924EIA).
- 3.12 With the quashing of the permission, the application has been remitted back to the Borough Council in February 2015 for re-determination. Additional information and details have been submitted as an update/revision to the information submitted as part of the original application (Application Reference: 2011/0523).
- 3.13 In October 2015 an application for Prior Approval for the installation of solar voltaic panels on the roof of an agricultural building was **granted** (Application Reference: 2015/1098PN).

4.0 Application Publicity and Procedures

- 4.1 The application was originally publicised for representation on 7th July 2011 prior to the decision of the Borough Council to grant planning permission in November 2011. As a result of the original consultation process 1225 representations were received. Of these 100 wrote in support and 1125 wrote in objection to the proposal.
- 4.2 Further to the original decision being quashed in May 2014, the refreshed application has been advertised as a departure from the Local Plan. 4 x Site Notices advertising the application as a departure were posted 4th March 2015. 2 x Site Notices have also been displayed to indicate that the development could have an adverse impact on the setting of Listed Buildings and Conservation Areas in the vicinity of the site 4th March 2015. The required

Press Notices have been advertised within the Nottingham Evening Post. Site Notices were posted Spindle Lane, Foxwood Lane, Foxwood Lane (Bridle Way), Bank Hill, Main Street (Woodborough), and Main Street (Calverton).

This consultation process resulted in a further 67 letters of objection have been received along with 160 letters delivered via petition. 176 letters of support have also been received.

4.3 Neighbour Consultation and General Publicity Responses

- 4.3.1 The comments below were made in respect of the application as originally submitted, prior to the Borough Council granting planning permission and this decision being quashed in May 2014. 1125 letters of representation were received objecting to the proposal as originally submitted. 100 letters of representation were received in support of the proposal.

The following issues were raised in the representations:

Renewable Energy

- The proposed turbine would not generate a significant amount of energy and would be inefficient;
- There are other alternative methods of producing renewable energy instead of the proposed turbine.

Green Belt Issues

- The development is inappropriate use of Green Belt and would compromise openness;
- The applicant has not demonstrated the 'very special circumstances' that outweigh Green Belt policy;
- The turbine should be sited elsewhere outside of the Green Belt on already degraded landscapes;
- Concerns are raised on the viability of the proposal;
- The proposal would devalue nearby residential properties;
- There are other alternative methods of producing renewable energy instead of the proposed wind turbine.

Local Landscape

- The development would have a significant adverse impact on the visual amenity of the area and would be seen from a large distance;
- The height of the turbine at 66 metres would be an unacceptable intrusion on the unspoilt landscape character;
- The development would have an impact on the sensitive ridgeline;

Cultural Heritage

- The development would have an adverse impact on the setting of the

- Conservation Areas of Woodborough and Calverton;
- There would be an adverse impact on the nearby Scheduled Ancient Monuments.

Nature Conservation

- The development would have an adverse impact on local wildlife in particular bats.

Amenity

- The proposed site of the turbine is too close to residential properties;
- Concerns are raised over invasive noise pollution and associated risks to health from living close to a wind turbine as well as potential impact of sleep deprivation;
- The turbine would have an adverse impact on the amenity of neighbouring residents;
- The turbine would have an adverse impact on residents as a result of shadow flicker.

Transport and Communication

- The development would have an adverse impact on the users of the footpath, including walkers, horse riders and cyclists;
- Drivers would be distracted by the turbine causing an impact on highway safety in the area.

Policy

- The application would be contrary to Green Belt Policy;
- Gedling Borough Council has no current policy in relation to the location of wind turbines;

Other Considerations

- The proposal is for commercial benefits and not agriculture;
- The granting of planning permission would set precedent for further turbine development nearby;
- The development would only benefit the applicant financially;

4.3.2 Revised Plans and Additional Information Re-Consultation Responses

Following the submission of Additional Information by the agent, Site Notices were posted and additional neighbour consultation letters were sent to neighbouring properties and previous contributors dated:

- 17th February 2015
- 26th February 2015
- 24th June 2015

67 letters of representation objecting to the wind turbine have been received and 176 Letters of support have been received

In addition a petition has been received containing 160 letters of representation from residents. Following consultation of revised plans 3 of these letters have been contested by the addressee, due to the petition letter not being signed by person/persons at the address registered by the Borough Council.

The additional representations raise the following issues: -

Policy Objections

- The proposed location is not an appropriate site for wind energy and the planning impacts raised by affected local communities have not been fully addressed;
- The development is inappropriate development in the Green Belt and 'very special circumstances' have not been demonstrated that outweigh the harm to the Green Belt in this location;
- The wind turbine is contrary to Policy ENV32: Protection of Ridgelines;
- Gedling Borough Council has not formulated Part two of the Aligned Core Strategy and does not have a wind turbine policy;
- The application is contrary to Policy ENV5 as it has an impact on the amenity of nearby residents;

Renewable Energy

- The capacity generator vastly exceeds that which is required to meet the needs of the farm. (IE 10 – 20 Kw : 6% of its capacity);
- Following an appraisal concerning the efficiency of the turbine completed by an interested party, the data (available from WACAT), shows a capacity factor of a mere 23%, well below the applicants estimate of 30% and far more crucially, well below the average for a UK site. Therefore the capacity does not justify the harm already done to the Green Belt;
- The turbine will not benefit electricity users in fact only add significantly to fuel costs and would not help with Climate Change. This has been recognised by Central Government concerning the need to reduce subsidies for wind power;
- The applicants have failed to adequately demonstrate how the proposed turbine would reduce carbon emissions. In order to do this the carbon emissions relating to manufacturing, transportation, and construction should be factored in;
- Solar panels would be a better less intrusive alternative to wind energy;
- Wind turbines are now proven to be unreliable, inefficient and uneconomic to tax payers and consumers;
- Wind energy is unreliable due to fluctuating wind speeds;
- As a result of more renewable energy, this increases demand for more

fossil fuel plants to provide back-up at times when availability of intermittent sources is low;

- A single 330 kW wind turbine does not come close to providing a wider environmental benefit;
- In the instance of a single wind turbine the wider benefits of renewable energy are practically non-existent and do not constitute as 'very special circumstances';
- A study has been produced assessing the need for the wind turbine. The Study addresses actual output of the wind turbine. This illustrates that the output factor at the original application was overly optimistic, and the site is well below the national average;
- In terms of a wind resource the location does not represent an exceptional site; the performance of the wind turbine over the first year of operation suggests that it is at best an average site, and very unlikely to justify an exception to the protection afforded to the Green Belt.

Green Belt Issues

- The development is inappropriate in the Green Belt and the applicant has failed in providing any 'very special circumstances needed to clearly outweigh any harm';
- There are alternative sites outside of the Green Belt more suitable for renewable energy developments;
- The proposed wind turbine is an intrusive form of renewable energy provision, which is inefficient and only generates insignificant amount of energy, which does not override and justify the harm to the Green Belt;

Local Landscape

- The proposed wind turbine would have an undue impact on the landscape quality of the area;
- The proposal would have an undue impact on a prominent historical ridgeline;
- The turbine has destroyed one of the few exceptional landscapes in Gedling Borough with no benefit for the people;
- The proposed turbine would negatively impact on the views from residential properties in Calverton;
- The wind turbine has an undue impact on views from Calverton in particular views from the rear of properties on Renals Way;
- The supporting information fails to account for the cumulative impact of wind turbines developments in the near vicinity;
- The wind turbine has a negative visual impact particularly when viewed from Spindle Lane;
- Following on from a previous objection shadow flicker and noise have not proved to be an issue. However the turbine is more visually prominent than first anticipated;
- The photographic montages have been produced to minimise the

- perceived impact of the turbine;
- The Press has reported that 'A High Court Judge ruled their right to preserve their landscape was more important than the governments renewable energy targets';
- When stood at Dorket Head at the highest point and look down the Woodborough Valley, the impact of the character of the area and ridge lines are one of the most defining view points in the County and are compromised by an industrialised structure;
- The wind turbine and associated infrastructure are considered to have a more than negligible impact on the landscape quality of the area;
- The turbine blades have a dominant, overbearing appearance in the landscape when viewed from Shelt Hill, from Lowdham Lane, and particularly George's Hill;
- The mitigation provided as part of the original application, incorporating hedgerows on Spindle Lane, has proved ineffective with a vertical structure of 66.79m.

Cultural Heritage

- After reviewing the submissions with the re-submission insufficient attention and weight has been applied to the impact on heritage, recreational amenity, and visual/landscape impact;
- The proposal has a significant adverse impact on the visual amenity of the Conservation Areas;
- The turbine has an undue impact on SAM at Fox Wood;
- The industrial wind turbine does not conserve and/or enhance the ancient scheduled monuments or historic environment of Calverton or Woodborough or surrounding settlements.

Nature Conservation

- The turbine would have an adverse impact on local wildlife;
- The turbine is a danger to local wildlife and a threat to birds and bats;
- The validity of the comments received from Nottinghamshire Wildlife trust have been brought into question;
- The original bat and bird surveys were flawed and have not been updated; further information should have been provided.

Amenity

- The proposed wind turbine would result in a noise impact to the detriment of the amenity of neighbouring residents;
- The development would be overbearing in the landscape and would be visible from many approach roads to the villages;
- The wind turbine can be heard from residential properties nearby;
- The noise impact of the wind turbine can be heard at night above music and TV;
- Consideration should be given to limiting electricity generation to day times to mitigate undue noise impact at night;

- Shadow flicker has been dismissed because of the frequency is believed not to cause photosensitive epilepsy. This does not mean it does not cause distress;
- There is light flicker which is an unacceptable intrusion to nearby residential areas, footpaths, bridleways and roads;
- The validity of the noise monitoring has been brought into question;
- It appears that an increase in the density and the stability of the atmosphere during evenings and night-time period amplifies the noise level to a greater distance from the wind turbine;
- Noise surveys have not taken place at Fox Wood or Spindle Lane;
- There is not enough information provided by the agent to assess the noise from the wind turbine on the users of the Public Rights of Way;
- No shadow flicker assessment has been provided for the bridleway.

Safety

- Temperature inversion and wind shear have been ignored, but are of particular significance in the valley.

Transport and Communication

- The wind turbine could act as a distraction to drivers and would be a highway safety risk.

Other Considerations

- The proposed wind turbine is a danger to horse riders whom use the bridle path;
- The proposed wind turbine is not proposed to generate energy for the farm but is for financial gain to the farmer;
- There has been and will continue to be no discernible direct benefit to the people of Gedling Borough from the development;
- The turbine only serves to satisfy the greed of the farmer at the expense of a valuable amenity for the community;
- The turbine does not have the backing of residents of Woodborough and Calverton;
- The information put together by the agent in support of the application must be assumed to be biased as they have been produced by commercial organisations for the benefit of the applicant;
- The additional information and details are inadmissible and should be withdrawn, failing that the Borough Council would be at fault in considering the application. This is due to the wind turbine being erected illegally;
- The applicants are guilty of precipitative action as concluded at the High Court;
- Consideration should be given to relocating the wind turbine closer to Woodborough Road further from residential amenity;
- The comments supporting the application with regards to the fluctuation of crop prices are irrelevant. The crop prices when the

turbine was originally applied for were at their highest. The development is solely for the financial gain of the farmer;

- The financial figures supplied in support of the application indicate that the farm is not in need of additional financial support and therefore cannot justify diversification;
- The original application referred to a wind turbine of a different size indicated on the planning application. If this is correct, I feel it inappropriate to grant permission, as this could lead to retrospective claims for damages from anyone in Gedling Borough Council area who has had to amend a structure due to the height being different to that indicated on approved drawings;
- The wind turbine devalues properties in the area;
- The Planning Statement, including assessment of very special circumstances, was prepared by Pegasus Group and does not give a very credible account of the past and future net returns, when judged against the total turnover and expenses. The financial details have not been disclosed about the subsidies received for hedge seedlings and tree planting and leasing out fields.
- The wind turbine produces significantly more energy than an arable farm requires, and serves as a financial venture for the farmer feeding electricity back to the grid;
- The validity of the information provided by the agent has been brought into question;
- Financial Security; the comments received regarding the average crop prices are irrelevant. Agriculture has always suffered fluctuating crop prices. When the application was originally submitted crop prices were at their highest.

Comments in Support

- The turbine is not visually obtrusive or unsightly;
- The development supports the drive for renewable sustainable low carbon energy;
- The turbine helps reduce carbon emissions nationally;
- The turbine does not impact on important Conservation Areas or Heritage assets in the vicinity;
- The openness of the Green Belt has not been compromised by a single wind turbine;
- The turbine would help the financial viability of the farm enhancing the agricultural landscape;
- The turbine does not impact on public rights of way;
- There are no adverse noise impacts from the wind turbine;
- The wind turbine is an exemplar for modern farming techniques; it enables the farm to work towards becoming carbon neutral and also it utilises the farming land for alternative and reliable sources of income to assist the farm financially, making it environmentally viable;
- The turbine is a sensible distance from neighbouring residents and the bridleway;
- The turbine assists in combating climate change;

- In order for the farm to be self-sufficient diversification of the rural economy is essential.

4.4 Statutory and Technical Bodies Consultation Responses

4.4.1 The comments below were made in respect of the application as originally submitted prior to the Borough Council granting planning permission and this decision being quashed in the Court of Appeal in May 2014.

4.4.2 Ecology / Wildlife

Nottinghamshire Wildlife Trust

No objection subject to the inclusion of a condition requiring a programme of post installation monitoring of the wind turbine.

Natural England

No objections

Nottinghamshire County Council (Arboricultural Officer)

No objection subject to the inclusion of conditions relating to a scheme of treatment and a strip, map and record exercise.

4.4.3 Cultural Heritage and Landscape

English Heritage (Historic England)

Does not wish to offer any comments

Nottinghamshire County Council (Archaeology)

No objection subject to the inclusion of conditions relating to a scheme of treatment and a strip, map and record exercise.

Nottinghamshire County Council (Landscape)

No objection, there would be no direct impact on Local Landscape Designations such as MLA's. The Landscape Department would recommend a condition requiring the submission of a landscape and ecological management plan.

Urban Design and Conservation Officer

Objects to the proposed development due to the lack of planning policy on the siting of wind turbines and considers the proposal to be an intrusion into the rural setting around the Conservation Areas. Concerned that should this turbine proposal be approved, it would be difficult to refuse others in similar locations and this would result in a cumulative impact.

4.4.4 **Hydrology, Geology, Hydrogeology and Contamination**

Environment Agency

No objections. Comments relating to underground cabling and protection of ground water

4.4.5 **Noise and Shadow Flicker**

Public Protection

Concluded that due to the proposal being for a single wind turbine, rather than a wind farm, and that the site is in a rural 'low noise environment' a full noise assessment, including further background noise information, is not required in this instance, as this information would only serve to prove whether low noise environment exists at the site. When applying ETSU-R97 to areas that do not have a 'low noise environment' it is recommended that the turbine noise should not exceed 5dB above the background noise level and therefore such a condition could potentially lead to a greater noise environment than the predicted maximum noise limits. It is therefore considered that conditions that stipulate absolute noise levels would offer greater protection to the aural amenity of the site and nearby neighbouring properties.

4.4.6 **Telecommunications and Transportation**

Nottinghamshire County Council (Highway Authority) –

The application is for a single wind turbine. The wind turbine is located well away from the public highway. It would appear that the results of the routing survey of the major components to the site will not require any temporary works within the public highway.

It would appear that works will be required which will affect the bridleway no 19. The public rights of way section should be consulted on this aspect of the application.

No objections

MOD (Defence Infrastructure Organisation) –

No objection

NERL Safeguarding (The Public Ltd Company 'NERL' is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK)

No safeguarding objection.

Nottinghamshire County Council (Rights of Way Officer)

Objects to the proposal and refers to the British Horse Society advice of a 200m buffer zone between wind turbines and bridle paths.

4.4.7 Local Authorities and Parish Councils

Nottinghamshire County Council (Communities)

No planning objection subject to the applicant addressing the impact to bats and cumulative impact, as well as the Borough Council being satisfied that very special circumstances have been demonstrated.

Calverton Parish Council

Object to the proposed development on the grounds of visual impact and proximity to the Bridle Path.

Woodborough Parish Council

No objection.

Epperstone Parrish Council

Object to the proposed development. There is a presumption against inappropriate development and contribution to renewable energy is not on its own capable of amounting to very special circumstances.

Newark and Sherwood District Council (Business Development Manager)

No objection.

4.5 Statutory and Technical Bodies Consultation Responses (following resubmission details February / March 2015)

- 4.5.1 The comments below were made in respect of the application as resubmitted to the Borough Council following the decision being quashed in the High Court in May 2014.

4.5.2 Ecology / Wildlife

Nottinghamshire Wildlife Trust

The Wildlife Trust reviewed the ecological report provided and welcomes the additional data. It is understood that the necessary precautions advised in Natural England's Technical Information Note 051 were followed, and that the turbine is located 100 metres away from boundary features. The immediate habitat surrounding the turbine, which is heavily arable, is also determined to be of little value for bats.

The ecological information refers to a single dead noctule bat, a high risk

species as defined by Natural England TIN051, which was found adjacent to the turbine during mortality surveys. It also states that it was not possible to conclude whether the bat was killed by the turbine. Low numbers of *Nathusius pipistrelle*, also a high risk species, were recorded during the surveys. This is a rare species within Nottinghamshire and the loss of individual bats could be considered significant within a local context.

Due to this, it is strongly advised that the post monitoring surveys are continued for a 5 year period and, although the Wildlife Trust thinks it is already the case, we would like to see that the results of surveys contribute to academic research. This view is broadly in line with the approach taken by the Bat Conservation Trust, 'BCT would like to see monitoring undertaken at existing wind turbine sites and monitoring of all new wind turbines, whether large or small.' Source: http://bats.org.uk/pages/wind_turbines.html

The Wildlife Trust would like to see a mechanism put in place to ensure that, if further monitoring clearly reveals that this particular turbine poses a risk to local bat populations, mitigation that is appropriate to the risk can be secured. Although it is early to speculate whether this is required and what form this may take, it could comprise restrictions on turbine operation at times when bats are more likely to be active, such as after dusk on still summer evenings. For example, research has found that by raising the turbine cut-in speed (the lowest wind speed in which turbines generate power) to between 5.0 and 5.5 ms, bat fatalities were significantly reduced (by 40 – 60%), with claims of marginal annual power loss. However, the Wildlife Trust do not know whether this would be suitable option in this location.

Natural England

Natural England has no comments to make regarding this application.

Nottinghamshire County Council (Arboricultural Officer)

No further comments received.

4.5.3 **Cultural Heritage and Landscape**

Historic England (Formerly English Heritage)

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 (sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Act, 1990) must be taken into account by your authority when making decisions.

The importance to significance and setting with respect to heritage assets is also recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including the *Planning Practice Guidance* launched

by the Department for Communities and Local Government in March 2014 (PPG), the PPS5 Practice Code (2012) endorsed by Government, *Wind Energy and the Historic Environment* (English Heritage, 2005) and *The Setting of Heritage Assets* (English Heritage, 2011). Detailed guidance on assessing the impact of development on the setting of a heritage asset is set out within these documents.

The NPPF defines significance as ‘The value of a heritage asset 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’. It further defines the setting of a heritage asset as, ‘The surroundings in which a heritage asset is experienced. Its 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 an asset, may affect the ability to appreciate that significance or may be neutral’ (NPPF Annex 2).

Further guidance on the setting of heritage assets and how they should be taken into account with respect to planning applications is contained in the PPG [PPG 18a-013-20140306]. It requires a thorough assessment of setting and impacts on the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

English Heritage published guidance on *Setting of Heritage Assets* (2011) which sets out a structured approach to the assessment of setting and impacts on the significance of heritage assets through changes to their setting(s). This approach begins by looking at what constitutes the significance of the heritage assets and how setting supports (or detracts from) those aspects of significance that are derived from experience of the setting.

Significance can be harmed or lost through development within a heritage asset’s setting and any harm or loss of significance ‘*should require clear and convincing justification*’ (Paragraph 132, NPPF). Your authority should aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social and environmental gains jointly and simultaneously (paragraph 8 NPPF).

In this case within 5km radius there are 3 SAMS (Foxwood earthworks, Cockput Hill, and two roman Camps 350 metres NE of Lodge Farm); 3 Grade II* listed buildings (Church of St Wilfrid, Church of St Swithin and Woodborough Hall), and 2 conservation areas of Woodborough and Calverton with designated and non-designated heritage assets within.

We note the submission of the Heritage Settings Assessment produced by Cotswold Archaeology (February 2015). It is for your authority to determine whether sufficient information has been submitted including potential impact on the experience of moving through the landscape and character of this area, not just static views.

Thus in determining the planning application, your authority should seek further advice from both your archaeological adviser, and your conservation officers and take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 131, NPPF).

Recommendation

In line with the NPPF, in determining the application for planning permission your local authority must weigh any harm caused to the heritage assets against any public benefits deriving from the proposed scheme, and must consider whether sufficient information and clear and convincing justification has been provided – paragraphs 128, 129, 131, 132 and 134 refer.

Nottinghamshire County Council (Archaeology)

No further comments received.

Nottinghamshire County Council (Landscape)

Landscape and Visual Impact Assessment Methodology

The Landscape and Visual Impact Assessment states that the *Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute of Environmental Management and Assessment) 3rd edition* has been used in the preparation of this LVIA (Landscape and Visual Impact Assessment).

Whilst this development has been constructed and operational since 2013 for the purposes of these comments the baseline situation has been taken to be the landscape without the wind turbine in place.

Study Area

As stated in Appendix 2 “the LVIA covers a study area of 20km radius plotted from the proposed wind turbine. The cumulative assessment considers other wind turbine developments within 10km distance from the wind turbine as agreed with Gedling Borough Council and with regard to SNH ‘Assessing the Cumulative Impact of Onshore Wind Energy Developments (March 2012)’ guidance.

Existing Site

The application site is located on farm land within a medium sized arable field approximately 450 metres to the northwest of Woodborough Park Farm House.

The topography around the application area rises from south to north, with a ridge line at around 132m to 133m at its highest point. A bridleway runs along this ridgeline in an east to west direction linking Georges Lane with Foxwood Lane. A small deciduous woodland block, Fox Wood, lies approximately 530m to the application area. Fox Wood is a Bio SINC ref: 5/335 - “A secondary

woodland and earthworks with associated rich woodland flora”.

A footpath (Public Right of Way, (PRoW) Woodborough FP11 reference 38/11/1) runs to the south east of the farm buildings and then diagonally in a north easterly direction, linking a footpath (PRoW Woodborough FP9 reference 39/9/1) along the dumble stream to the south, with Fox Wood and the bridleway (Calverton BW 19 reference 9/19/4) to the north along the ridge line.

In the wider landscape the application site lies approximately 1.9km north east of the northern edge of Nottingham, 1.6km northwest of Woodborough and 0.9km south of Calverton. The valley is surrounded by busy commuter roads on higher land with Nottingham Road and the B684, Woodborough Lane to the south. To the eastern side of the valley is Bank hill and Foxwood Lane and to the western side Georges Lane before it turns north dropping down into Calverton.

Proposed wind turbine development

The proposed wind turbine is a single three bladed Enercon E33 wind turbine which is 50.9m high to the hub with a blade length of 16.7m. The overall height is 67.6m to the vertical tip of the blade. It is sited at an elevation of around 118m AOD. The turbine tower is a semi-matt pale grey with bands of green rings to the base. The turbine has the associated features:

An area of hard standing made up of compacted crushed stone or inert recycled aggregate for the maintenance of the turbine.

A 5m wide access tracks linking the wind turbine to the farm access track to the north parallel to the bridleway that runs Spindle Lane along the ridgeline.

Physical impact of the wind turbine on the landscape

The physical effects of the wind turbine development on the landscape are shown on Table 3 of the LVIA Page 24. Overall the direct effects are described as being *minor/negligible*. I agree with this conclusion.

Impact of the wind turbine on Landscape Character

The site lies within the National Character Area **NCA 49 Sherwood** as defined by Natural England. The NCA48: Trent and Belvoir Vales lies 1.4km to the east of the site. The applicant identifies the National Character Areas and the Regional Landscape Character Areas on Figure 4.1 of the LVIA.

At a regional level the East Midlands Regional Landscape Character Assessment 2010 (Natural England) defines the application area to be within **5B: Wooded Village Farmlands**.

At a county level the Nottinghamshire Landscape Character assessment 2009 defines countywide landscape character areas and the site lies within

the Mid Nottinghamshire Farmlands.

Within the Greater Nottingham Landscape Character Assessment the application site is within the *Woodborough Sloping Farmlands (MN044)*. This sets out the characteristic features of this area, its landscape sensitivity, condition and actions in greater detail and this is described within paragraphs page 14 to page 16, 5.9 and 5.10 of the LVIA. Paragraph 5.10 states that *MN044 Woodborough Sloping Farmlands LCA* has been assessed within the Greater Nottingham Landscape Character Assessment as being of **good landscape condition**, and of **strong** landscape character with a landscape strategy to **conserve**. This conflicts with Appendix 5: Greater Nottingham Landscape Character Assessment, which states that this area has a **strong to moderate** landscape character with an overall landscape strategy to **conserve and enhance**. The latter is correct.

The sites local landscape character is then described in terms of existing landform, land cover, landscape pattern and built infrastructure. This description does refer to the wind turbine which should not form part of the baseline assessment.

The applicant summarises the sensitivity of MN044 as being of a *medium* sensitivity and a *high* magnitude of change giving a **major** level of effect stating that the key characteristics of MN044 would prevail with the turbine in place.

The County Council agree with this level but some written explanation as to the sensitivity of the landscape with specific reference to medium sized wind turbines would have been useful in this section.

Table 4 of the LVIA (pages 53-34) summarises the effects on all the landscape character areas and it is MN044 which experiences the greatest effect followed by MN045 Dumbles Rolling Farmland which has high sensitivity a low magnitude of change to give a moderate effect.

The County Council agree with these findings.

Visual Impacts of the proposed wind turbine development

The design and height of the proposed turbine is therefore known and the visual impact can be predicted.

Generally the applicant has carried out a thorough assessment on the effects on visual amenity with the identification of key visual receptors and on representative viewpoints.

Table 5 Summary of effects on Visual Receptors, page 69 of the LVIA sets out the findings of the Visual impact assessment. This identifies that the greatest effect (**moderate**) is to visual receptors in Calverton with **minor** effects for visual receptors in Woodborough, Oxtun and Arnold. These are overall levels of effect and there may be localised pockets where the magnitude of change is greater.

The residential properties which experience the greatest effect excluding

Woodborough Park Farm itself are shown to be the properties adjacent to the junction of Georges Lane/Spindle Lane Wood Farm, Dorket Head Farm and Arnold Lodge which have a **moderate** effect.

In terms of effect on visual receptors along Transport Routes and Public Rights of Way (PRoW) it is the recreational receptors' high sensitivity and closer proximity that gives users of the local PRoW network the higher levels of effect. One public footpath passing Woodborough Park Farm has a **substantial** effect with the footpaths between Dorket Head and Woodborough and the Bridleway along Spindle Lane experiencing **major** effects.

Eighteen representative viewpoints have been assessed within the LVIA which were agreed with Gedling Borough Council. The viewpoint locations are shown on Figure 6: *10km Study Area Zone of Theoretical Visibility and Viewpoint locations* and illustrated as photomontages and wire frames (Figures 7.1 to 7.18). For each viewpoint two photomontages have been prepared, one in good weather conditions with clear visibility in August and the second during poorer visibility in October. However in both situations there is leaf cover. For some viewpoints where there is vegetation in the foreground that filters views (e.g. Viewpoint 1 Farm track off Georges Lane and Spindle Lane). There will be clearer views in winter when hedgerow trees are without leaf cover.

The LVIA has identified that Viewpoint 16 (Public Footpath near Woodborough Park Farm) and Viewpoint 18 (Bridleway on Spindle Lane, Fox Wood) will experience the greatest level of effect - **substantial**. Both of these viewpoints have a high level of sensitivity and magnitude of change. Viewpoints 12, 13, 15, and 17 have **moderate** levels of effect. Table 6 sets out the range of effects and the County Council are in agreement with these findings.

Cumulative Landscape and Visual Assessment

Figure 8 of the LVIA "*Cumulative schemes Location Plan*" shows that there is one operational turbine within 5km of the Woodborough Park Farm turbine, "Hill Farm," which has a vertical tip height of 71m. There are 4 further operational turbines to the north of the site and 2 approved turbines which are within the 10km radius of Woodborough Park Farm.

With regard to cumulative effect on landscape character the LVIA concludes (page 99, paragraph 11.22) that there is a **minor** cumulative effect on MN044 Woodborough Sloping Farmlands and a **minor** cumulative effect on MN045 Dumbles Rolling Farmland. It is noted that Paragraph 10.9 and *Table 8 Summary of Cumulative Landscape and Visual Effects* show the cumulative effect on landscape character for MN045 Dumbles Rolling Farmland to be moderate.

The greatest effect is for visual receptors on the bridleway along Spindle Lane passing Woodborough Farm. They will experience a **moderate** cumulative effect where distant in combination, sequential and in succession views would be apparent. Overall the County Council are in agreement with the applicant's summary of cumulative landscape and visual effects as shown in Table 8 of the *Summary of Cumulative Landscape and Visual Effects* (LVIA page 92).

Summary

The Landscape and Visual Impact Assessment has been based on current guidance as set out in the *Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute of Environmental Management and Assessment) 3rd edition*.

The physical effects of the wind turbine development on the landscape are shown on Table 3 of the LVIA, page 24. Overall the direct effects are described as being **minor/negligible**. The County Council agree with this conclusion.

The LVIA has described the effect on landscape character for the hierarchy of Landscape Character assessments that are relevant to the site. At a local level the application site lies within MN044 *Woodborough Sloping Farmlands* which has been defined as having a *medium* sensitivity to wind turbines and a *high* magnitude of change. The LVIA acknowledges that this gives a **major** level of effect but states that the key characteristics of MN044 would prevail with the turbine in place I would add, albeit with a new introduced built structure sited within the landscape. Overall the County Council agree with the conclusions on the effects of the development on landscape character.

Generally the applicant has carried out a thorough assessment on the effects on visual amenity with the identification of key visual receptors and representative viewpoints. Table 5 Summary of effects on Visual Receptors, page 69 of the LVIA and Table 6 Summary of Effects on representative viewpoints sets out the findings of the Visual Impact Assessment. The County Council are in agreement with these.

The cumulative impact assessment has concluded that there would be a **minor** cumulative effect to MN044 Woodborough Sloping Farmlands and a **moderate/minor** effect for MN045 Dumbles Rolling Farmland. Distant in combination, sequential and in succession views for visual receptors along the bridleway along Spindle Lane passing Woodborough Farm will experience **moderate** cumulative effect. The County Council are in agreement with the applicants findings in Table 8 *Summary of Cumulative Landscape and Visual Effects*.

The proposals will introduce one medium size turbine as a moving element into a predominantly rural landscape. Whilst this is a medium sized turbine, it is located on the higher ground within the valley at 118m AOD as shown on Figure 2: Topography Plan and therefore will be visible from some isolated farms/residential houses to the outer edges of Woodborough and Calverton and from some elevated sections of the surrounding commuter roads, mainly to the south and west. Additionally there will be views from some sections of the surrounding public rights of way, particularly in the valley to the south which are in close proximity to the turbine. These effects have all been identified and described within the LVIA and overall the County Council are in agreement with the applicants findings.

On balance, on landscape grounds, these proposals are acceptable. Given the location of this wind turbine development and the overall landscape strategy for the *Woodborough Sloping Farmlands* policy zone is to “conserve and enhance”. Landscape enhancement and land management works to strengthen landscape character are particularly relevant to mitigate against some of the effects on landscape character. It is understood that from the application that

some works have been carried out on land within the applicant's ownership. The County Council are aware that there is currently no published Landscape Capacity or Sensitivity study that has been carried out for Gedling Borough. Given the framework of planning guidance in place for renewable energy it is likely that there will be further applications for wind energy developments within the borough and the subsequent cumulative effects on landscape character and visual receptors arising from such will become more of an issue. A landscape capacity study would help inform and provide a steer to locating development in the most appropriate locations within the Borough. It should be noted that the neighbouring local planning authorities of Rushcliffe and Newark and Sherwood both now have Landscape Capacity Studies for Wind Energy Development.

4.5.4 **Hydrology, Geology, Hydrogeology and Contamination**

Nottinghamshire County Council (Minerals and Waste)

Minerals

The proposed development does not lie within a Mineral Safeguarding and Consultation Area for sand and gravel, as defined in the Nottinghamshire Minerals Local Plan Preferred Approach (Policy DM13: Mineral Safeguarding and Consultation Areas).

Waste

There are no waste safeguarding issues at this site. However, the proposal should seek the minimisation of waste and maximum use of recycled materials in its design, construction and implementation as per Policy WCS2 of the Nottinghamshire and Nottingham Replacements Waste Local Plan – Part 1: Waste Core Strategy.

The County Council have no objections to the proposal from a Minerals or Waste perspective.

Severn Trent Water

No comments received.

4.5.5 **Noise and Shadow Flicker**

Public Protection

Public Protection has reviewed the resubmitted noise report for the wind turbine at Woodborough. The predicted noise levels in this report suggest that the noise levels are within the guidelines. It is therefore recommended that the noise conditions relating to the original application are still relevant.

There have been a small number of complaints generated from the wind turbine relating to noise, however, further investigation failed to substantiate these complaints.

4.5.6 **Telecommunications and Transportation**

Nottinghamshire County Council (Highways Authority)

The Highway Authority previously commented on this proposal on 8th June 2011, recommending no highway objections. There have been no material changes to the current submission. Our previous comments remain.

There are no Highway Authority objections to the application as submitted.

Nottinghamshire County Council Rights of Way / Countryside Access Team

The Area Rights of Way Officer commented on the original application in July 2011 and objected on the basis that the British Horse Society (BHS) policy for turbines recommends a minimum distance of 200 metres between the proposed location and the public right of way. The proposed location placed the turbine 112 metres from the bridleway.

In 2007, the BHS reviewed its wind farm policy and published a Wind Farm Guidance Leaflet in 2010 which was described as an 'advisory statement'. This advised a separation distance of 3 times the tip height with a minimum of 200 metres from non-national trail or Ride UK routes i.e. ordinary routes. This aligned with guidance in the Technical Guidance in Planning Policy Statement 22.

Good Practice advice published by the institute of Public Rights of Way Officers (IPRoW) and Central Beds unitary authority 2013 shows detailed consideration of the many factors affecting horses and riders using bridleways, byways and restricted byways. These conclude that where the bridleway is situated in the WSW-N-ESE segment of the compass, a minimum distance of tip height x 2.75 is recommended.

In 2014, the BHS issued a further document called 'Wind Turbines and Horses – Guidance for Planners and Developers'. In brief this stated 'a minimum separation distance of 200metres or 3 times blade tip height (whichever is greater) will be required between a turbine and any route used by horses or a business with horses'. This also recommends considering every site individually as there may be mitigating circumstances.

Government Planning Guidance

In March 2014, the government published the National Planning Policy Framework (NPPF) Planning Practice Guidance. This does not cover the interaction between rights of way, their users and wind turbines. There is no current government planning guidance which covers this area or a statutory separation distance for wind turbines and public rights of way.

The consultee referred to guidance which is no longer current. This is set out for completeness but because it is no longer current, should not be applied.

The 2004 companion guide to Planning Policy Statement 22 gave guidance on exclusion zones in section 56: 'the British Horse Society, following internal consultations, has suggested a 200m exclusion zone around bridle paths to avoid wind turbines frightening horses. While this could be deemed desirable, it is not a statutory requirement and some negotiation should be undertaken if it is difficult to achieve this.' Section 57 of the document further states: similarly there is no statutory separation between a wind turbine and a public right of way. Often fall over distance is considered an acceptable separation, and the minimum distance is often taken to be that the turbine blades should not be permitted to over sail a public right of way.

In 2013, the government issued 'Planning Practice Guidance for Renewable and Low Carbon Energy' Whilst this did not say anything specifically on public rights of way, it did state: 'Local Planning Authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with setback distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and nearby land users. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis'.

Consultation Response

The turbine was constructed and became operational in December 2013 in line with 2011 planning application. The separation distance in the application was approximately 112m and this is currently the case following construction. The bridleway is approximately northwest of the turbine. As such the County Council has no option but to sustain the objection on the basis of the guidance provided by both IPRoW, the BHS, and the Councils original objection of July 2011.

$3 \times \text{tip height (66.79m)} = 200.37$ (BHS current guidance)

$2.75 \times \text{tip height (66.79m)} = 183.67$ (IPRoW/Central Beds Good Practice Guide)

$\text{Topple distance (66.79m)} + 10\% = 74\text{m}$ (developers buffer/PPS22 s57)

In mitigation, the development only comprises a single wind turbine rather than a multiple turbine wind farm straddling the bridleway. One turbine on one side is easier to cope with than several. It is also clearly visible from both directions over a distance to users so does not present a sudden appearance from behind a hill or woodland. The 'as built' location does exceed the developers RoW buffer zone by 38m. Additionally, the Countryside Access Team has not received any reports of incidents where a horse has been startled or 'spooked' by the turbine since December 2013.

NATS (En Route) Public Limited Company (“NERL”) - (The Public Ltd Company “NERL” is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK)

The development has been examined from a technical safeguarding aspect and does not conflict with NERL safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal.

Defence Infrastructure Organisation (Ministry Of Defence)

The MOD have no objection to the proposal.

If planning permission is granted the MOD would like to be notified of the dates the construction starts and ends, the maximum height of construction equipment, and the latitude and longitude of every turbine.

Ramblers Association

The Ramblers Association state that although they do not agree to the wind turbine due to it being a blot to open countryside, they are aware the turbine does not impose on any existing footpaths.

The Ramblers Association consider that the existing mast will remain due to the fact that it's not cost effective for its removal, however, it is emphasised that any further attempts to build masts in this area would be strongly opposed.

Civil Aviation Authority

No comments received.

East Midlands Airport

No comments received.

North Midlands Helicopter Support

No comment received.

Derby/Rutland/Leics/ Air Ambulance

No comments received.

OFCOM

No representation received.

4.5.7 Local Authorities and Parish Councils

Newark and Sherwood District Council

No objection.

This is a very attractive area of landscape with few detracting features. It is an area of undulating landscape with distinctively rural, agricultural character. Arable farming is the predominant land use. There is a strong sense of enclosure which exists over most of the region. The landscape has a generally well-wooded character with many woodlands predominately sited on hilltops and rising ground.

Whilst the turbine will be clearly seen from some locations, the well wooded character combined with the strong topography does not restrict many of the views. There will be some views from within Newark and Sherwood but it is considered that the need to provide renewable resources in this instance carries considerable weight. I therefore consider that this application is acceptable in landscape terms bearing in mind the fact that it is a single turbine of a medium size and the need to provide renewable resources.

Lambley Parish Council

Objections: Green Belt Land, Visual Impact, Eyesore, and Noisy.

Burton Joyce Parish Council

Object to the proposal as the turbine is too overbearing in the landscape and too near to habitation.

Woodborough Parish Council

Woodborough Parish Council undertook a Parish Survey on the wind turbine.

The results were published as follows:

- Objecting: 346 (22.8% of electors surveyed)
- Not Objecting: 318 (20.9% of electors surveyed)
- Total Response: 43.7% of electors surveyed.
- A further 6 sheets were returned invalid and 3 sheets were returned with no comment.

Calverton Parish Council

1. Originally objected to the proposal in 2011; this is still the position of the Parish Council, having balanced the benefits of the installation against the harm caused by its siting at this location.
2. Whilst the turbine is not located within Calverton Parish, it is very close to the boundary and it impacts on important local heritage assets, landscape features, recreational amenities and green belt. It occupies a prominent position on the historic ridgeline that forms a distinctive backdrop to the settlement of Calverton. The impact of cumulative impact is also a major concern.

3. Calverton Parish raise concerns that there are no local policies / strategies for enabling the selection of the most suitable locations within the Borough for different types of renewable energy. There is a danger that insufficient weight will be placed on aspects of local heritage, landscape and green belt in the determination of this application.
4. Concerns are raised over the precedent that the development creates; a concern that (as made by the Court of Appeal Judgement) is a material consideration.
5. The applicant's 2015 submissions on heritage, landscape, and green belt considerations still do not present a sufficiently accurate analysis of the wind turbine's impact to permit a reasonable balancing of the benefits and dis-benefits of the application. Latest national policy guidance on local planning authorities' past record on interpretation of the current legislation makes it clear that the lack of weight given to local over wider environmental issues has been a common problem that now has to be addressed through proper application of the legislation.
6. Material prepared on behalf of the applicant to compare alternative renewable technology options for the applicant's farm fails, in Calverton Parish Council's opinion, to do this comprehensively or to reach sensible, transparent conclusions. Calverton Parish Council is not objecting to the principle of renewable energy but rather to this particular renewable energy installation – which constitutes the wrong infrastructure in the wrong place. It is believed that other options could be found that would be preferable.
7. With the advantage of the turbine installation being extant, it would have been anticipated that this would have resulted in comprehensive and accurate updated evidence-base upon which the application could be re-determined. It is not felt that this is the case. For example, the assessment of the impact of the Grade 2* listed building of St Wilfrid's Church Calverton is illustrative of wider concerns with the accuracy of the evidence base. The Applicant's Environmental Appraisal 2011 concluded that there would be no visibility from St. Wilfred's Church; this has proved to be factually incorrect.
8. The Policy Background and Context under which the consideration of the application should take into account has been discussed.
9. The Planning Statement is skewed having addressed government Planning Practice Guidance without referencing the fact that there is no legislative requirement for local greenhouse gas reduction/renewable energy, the application Planning Statement proceeds to highlight quotas that have to be met at a national level – this is contextually misleading.
10. Gedling Borough Council has not outlined preferred areas within the borough for wind energy infrastructure. At local level there are no national targets that need to be complied with no local targets being set.
11. As detailed in the Court of Appeal Judgement, the issue of precedence is a material planning consideration and, as such, the implications of siting a wind turbine of this scale in such a sensitive location within the borough should be properly addressed. If permission was granted an important precedent would be set with respect to determining acceptable thresholds for adverse impact of future renewable energy installations.
12. The turbine would have an adverse impact on designated heritage assets

contrary to the applicant's conclusions. There is inadequate recognition of the harm done to the settings of scheduled monuments. It is the position Calverton Parish Council that the turbine does impact significantly on the settings of the Scheduled Ancient Monuments (or Calverton Conservation Area) and there is certainly no evidence that the 'wholly exceptional circumstances' requirement has been satisfied.

13. It is considered that the aesthetic value of Calverton's historic ridgeline view and the cohesion of all three scheduled monuments – which together emphasise the historic connectivity between ridge and agricultural valley – has not been given proper weight by the applicant's submission. The visual salience of ridgelines designated heritage assets and the communal appreciation of the aesthetic value and historic association of those assets and their settings is substantially compromised by the physical presence of the turbine on the ridgeline.
14. Concerns are raised over the degree in which the visual impact of kinetic mechanical movement has been addressed by the applicant is negligible.
15. Concerns are raised over how the cumulative impact of existing wind turbines has been addressed.

In conclusion

Calverton Parish Council supports, in principle, the need for communities to contribute towards the provision of sustainable energy; however, this has to be infrastructure that is planned for, resulting in the right development in the right location.

Permitting the turbine to remain at this location would set an important precedent for future applications within the borough.

It is imperative that in determining the application proper consideration is given to the impact on designated heritage assets, including Calverton Conservation Area, with particular emphasis on the impact on the settings of the Scheduled Monuments in the vicinity.

Additional Comments:

Having given careful consideration to the further information submitted by the agent Calverton Parish Council remain of the opinion that on balance the siting of the wind turbine at this location is inappropriate. The contribution made to the nation's renewable energy requirements from this turbine has not been demonstrated to be sufficient to offset the turbines negative impact on the local communities of Woodborough and Calverton.

Lowdham Parish Council

No comments received.

Epperstone Parish Council

No comments received.

Others

British Horse Society

The BHS has no objection to wind turbines in principle but after careful consideration of the issues they cause, has issued clear guidelines about construction to reduce impacts as much as possible. The bridleway is 105 metres from the wind turbine and guidance recommends 200m.

The closer the wind turbine to a bridleway the greater the risk of horses being startled by the movement, noise and shadows cast by the blades, leading to higher risks of accidents.

5.0 Assessment of Planning Considerations

- 5.1 Planning applications should be made in accordance with the Council's adopted development plan unless other material considerations indicate otherwise. Section 38(6) of the Planning and Compulsory Purchase Act sets this as a legal requirement.
- 5.2 Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th 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 policies of the Gedling Borough Aligned Core Strategy (September 2014) are relevant to this application: -
- Policy 1 – Climate Change;
 - Policy 3 – Green Belt; and
 - Policy 17 – Biodiversity.
- 5.4 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);

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 as it does not reflect the full range of issues which should be taken into account when assessing renewable energy schemes.

- 5.5 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 Practice 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).

5.6 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).
- NPPF paragraphs 128 – 139 (Conserving and enhancing the historic environment).

5.7 In terms of impacts, the NPPF (paragraph 97) indicates that the approach to assessing impacts taken in the National Policy Statement for Renewable Energy should be followed. The NPPG also sets out 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.

5.8 On the 18th 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:

‘When determining applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy

- development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore has their backing.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

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 originally received May 2011 and renewed in February 2015 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 Purchase 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 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 the representations received by the local community have been considered.

5.9 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).

6.2 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)'

6.3 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).

6.4 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 and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.'

6.5 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 a renewable energy proposal should be identified to establish the extent of the benefit that would arise from the proposal and then be compared to its impact.

6.6 National targets for renewable energy are as follows:

Source	Target
<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>

- 6.7 The annex to the 2015 Progress Report on the Renewables Directive produced by the EU indicates that 5.1% of the UK's energy is from renewable sources. The Final Statement for the First Carbon Budget Period (May 2014) indicates that emissions were around 23.6% lower in 2012 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.
- 6.8 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.
- 6.9 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:
- Do not adversely impact the amenity of nearby properties;
 - Do not adversely impact on the openness of the Green Belt; and
 - Are designed, sited and landscaped to minimise impact upon the character of the area.

As noted (paragraph 5.4) limited weight should be given to ENV5.

- 6.10 The need for renewable energy is also set out within other Government documents including, Electricity Market Reform: Policy Review (2013), Annual Energy Statement 2012, UK Renewable Roadmap Update (Dec 2012), and the National Planning Policy Statement for Renewable Energy Infrastructure.
- 6.11 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.
- 6.12 The applicant has provided information showing that the turbine is estimated to generate between 607,070kWh and 867,240kWh of energy per year. This has been based on a wind speed of 6.4 metres per second at a height of 50m (approximately the height to the hub). It is considered that the assumption about wind speed is reasonable as it is broadly consistent with assumptions made in the Low Carbon Energy Opportunities and Heat Mapping Report (March 2011) to which the Borough Council was party. Referring to the Office for National Statistics Household Energy Consumption -16 August 2013 - average energy use is 16.1mWh of which 74.6% is gas and 25.4% electricity. This means that an average household in England/Wales will use about 4mWh of electricity per year. Using the figures above and allowing 5% of the energy to be used on site this would result in the turbine generating enough electricity for

between 144 and 206 homes.

- 6.13 The range provided is the result of different assumptions about the 'Capacity Factor' that could be expected at the proposed location. Capacity Factor is the percentage of the year that a wind turbine will be operating at peak output and is used as a measure of efficiency of the turbine at a particular location; it varies year to year depending on wind speeds. It is understood that wind turbines usually have a capacity factor in the UK of between 20% and 30% depending on location.
- 6.14 Information from the Department of Energy and Climate Change (DECC) indicates that the average capacity factor for onshore wind turbines in the East Midlands over the last 5 years is 24.68%. The applicant has identified that this would result in the generation of an average 713,450kWh of energy per year. The applicant has also advised that the capacity factor over the year that the turbine has been operational is 24% despite lower than average wind speeds and interruptions to its operation. It is considered that the range identified is a realistic picture of the expected output and efficiency of the turbine as it is based on robust, independent figures for the East Midlands region supported by site specific data.
- 6.15 Additional information was submitted by the agent on request dated 21st April 2015. The actual performance of the wind turbine for the first operational year was 694,647kWh. This figure indicates a slightly lower than average capacity factor for the East Midlands but does fall within the usual range between 20% and 30%.
- 6.16 In terms of carbon emissions, the applicant has submitted an Energy and Carbon Audit which has been compiled using the CALM (Carbon Accounting for Land Managers) Tool. The CALM Tool was developed to assess the carbon emissions of farms looking at energy use, livestock, cultivation, use of fertilizers as well as the carbon sequestered in soil and trees on the landholdings. The CALM Tool is sponsored by Natural England, central government's advisor on the natural environment.
- 6.17 The Energy and Carbon Audit for Woodborough Park Farm identifies that there were net carbon emissions of some 463 tonnes in 2013/14. Paragraph 5.14 of the Planning Statement identifies that the proposed turbine will offset between 324 tonnes and 462 tonnes of carbon per year depending on the capacity factor. The proposal would offset at least 70% of the carbon emissions of the farm. These figures have been calculated based on the assumption that every kilowatt hour of electricity produced will offset 533 grams of carbon (0.000533 tonnes). The figure of 533g/kWh is based on information produced by central Government in the past and is considered to be reasonable.
- 6.18 The Climate Change Act (2008) commits the United Kingdom to reducing its carbon emissions by 80% from 1990 levels by 2050. The most up to date figures available at the time of writing (produced in May 2014) indicated that carbon emissions were 23.6% lower nationally than 1990 levels. Both the NPPF (paragraphs 17 and 93) and the ACS (Policy 1.3) support the reduction

of CO2 emissions. Although the carbon emissions reduced by the proposal may be small in absolute terms, the NPPF (paragraph 98) recognises that small scale projects provide a valuable contribution to reducing greenhouse emissions.

- 6.19 The main reason targets for reducing CO2 emissions and generating renewable energy have been introduced is to help address climate change. Both the NPPF (paragraph 17 and 93) and the ACS (Policy 1) highlight the importance of the role of planning in mitigating the impacts of climate change; while the impacts have already been felt, in the form of flooding in the UK and droughts elsewhere in the world, the use of energy generated from renewable sources will help minimise further effects.
- 6.20 Energy security is about making sure consumers can access the energy they need at prices that are not excessively volatile. Part of the Government's efforts to increase the resilience of the UK's energy market is increasing the amount of energy generated by renewable resources which helps reduce the dependence on foreign gas and oil.
- 6.21 This proposal will increase the amount of energy generated in the UK. Wind energy is inherently 'uncertain'; the amount of energy produced at any one time cannot be accurately predicted and cannot be increased to meet periods of higher demand. The use of average winds speeds and past experience can, however, robustly predict a likely amount for use in energy planning. As far as we are aware the Government has not identified a figure for the percentage of energy generated from 'uncertain' sources. It is assumed that any figure that could be identified would be at some point beyond the 15% figure identified in the UK Renewable Energy Strategy.
- 6.22 It is my opinion the circumstances listed above can be grouped under two headings; the overall need for renewable energy and the wider benefits of its generation. The NPPF (paragraphs 97- 98) identifies that applicants should not be required to demonstrate the overall need for renewable energy and there is a responsibility on all communities to contribute to renewable energy generation. The wider environmental benefits are specially mentioned in the NPPF.
- 6.23 These are generic circumstances which will apply wherever renewable energy is generated. While capable of forming part of the very special circumstances required, it is considered that, given the Court of Appeal's comments on precedent, site specific circumstances also need to be demonstrated. Additionally, it is considered that if generic circumstances on their own were capable of amounting to the 'very special circumstances' required to permit inappropriate development then all turbines would be, in effect, appropriate within the Green Belt. This is clearly not the intention of the Government as expressed by paragraph 91 of the NPPF.
- 6.24 The supporting documents state that whilst the electricity use at the farm is low the operation of the Enercon E33 wind turbine will not only increase the renewable energy generated on the farm, but also has a significant impact in

offsetting the farm's current carbon balance by an expected 462 tonnes. The farm originally had planning consent for two smaller 11kW wind turbines that would have seen an offset of around 14.5 tonnes CO₂ from each. This represents a smaller impact on the farm's carbon offsetting.

- 6.25 To address this issue, the applicant has identified site specific circumstances in the form of on-site carbon offsetting. As identified above, an audit of the farm holdings has identified that the farm has CO₂ emissions of some 463 tonnes per year. At a capacity factor of 24.68%, the 5 year average for the East Midlands, the turbine is estimated to offset 380 tonnes of carbon. Whilst the reduction of carbon would contribute to national targets it also has an indirect site specific benefit. The applicant has identified that there is a movement in the agricultural industry towards rewarding producers that have low carbon emissions with higher payments or larger contracts.
- 6.26 It is considered that the overall need for renewable energy and the wider benefits should be given moderate weight in determining if there are very special circumstances. While the turbine would contribute to achieving statutory national targets and the production of renewable energy is supported by Government policy these benefits would apply wherever the turbine was located (subject to wind conditions) and do not override the substantial protection given to the Green Belt. If these were the only circumstances identified there would not be the very special circumstances required to clearly outweigh the harm to the Green Belt or any other harm.
- 6.27 The ACS (Policy 1.5) supports the development of new renewable energy schemes. It should also 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 paragraph 97.
- 6.28 In my opinion the need for a low carbon future should be given moderate weight in the planning balance, given that this consideration can also be used on non-Green Belt sites. Given that the bar is set high in the Green Belt the need for communities to produce low carbon energy needs to be considered along with the need to support a prosperous rural economy and supporting farm diversification. If it is considered that these factors result in very special circumstances the individual impacts of the wind turbine in its specific location would also need to be addressed. Should the planning impacts of the development be made acceptable then it is considered that the arguments are not generic as any further applications for wind energy on different sites would need to pass all the tests.

7.0 Green Belt

- 7.1 Wind turbines are inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt by reason of inappropriateness, and any other harm 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations.

The very special circumstances test is a high test. The circumstances which are relied upon must be 'very special'.

- 7.2 Substantial weight should be given to ACS Policy 3 as far as it is relevant to this proposal.
- 7.3 Paragraph 80 of the NPPF states that: 'Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

Given the development is to support an existing arable farm and is sited on land that is to remain in use for agriculture; I consider the development would assist in the first two purposes of Green Belt listed above. I consider that a viable rural business that maintains the rural landscape assists in checking the sprawl of large built up areas and would not result in neighbouring towns merging together.

I note that the wind turbine is located centrally on land within the ownership of the applicant, currently in use for intensive arable farming. I am mindful of the character of the immediate vicinity consisting of attractive rolling countryside that has, to an extent, been sculpted by human activity. The site is also 120 metres from the Bridleway, Spindle Lane. I also note that there are various blocks of woodland within the undulating landscape. Given the strong sense of enclosure and that the surrounding area has a number of blocks of woodland and hedgerows that define the immediate landscape it is my opinion, whilst the turbine is clearly visible from some locations, the well wooded character combined with the strong topography does restrict many of the views to the development. Whilst I note the proposal is for one medium sized turbine which represents a moving element into a predominantly rural landscape, I also note that Nottinghamshire County Council Landscape Department have concluded that, on landscape grounds, the wind turbine is acceptable (paragraph 4.5.3). Given the existing landscape characteristics and that the applicant has undertaken land management works to strengthen the landscape character in the area (paragraph 9.8), it is my opinion that on balance, the wind turbine has only a limited impact on the openness of the Green Belt in this location and would cause only a limited degree of encroachment in this location.

- 7.4 Whilst I consider the impact on the openness of the Green Belt in this location would be slight, the scale of the development means it would not maintain the openness of the Green Belt.
- 7.5 Mitigation measures to reduce the impact of the proposal are not capable of being very special circumstances but may help to mitigate the impact or

enhance impact such as landscape character 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.

- 7.6 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 the appeals at Enifer Downs (ref 2071880) and Carsington Pastures (ref 2054080).

Alternative methods of producing renewable energy are a material consideration.

- 7.7 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.
- 7.8 At paragraphs 5.14 to 5.20 of the Planning Statement (February 2015) submitted as part of the updated application, the applicant identifies a number of circumstances which they consider amount to the very special circumstances which outweigh harm to the Green Belt: -

1. The increase in electricity generated from renewable resources;
2. Reduction in CO2 emissions;
3. Mitigation against climate change;
4. Increasing the security of the United Kingdom's energy supply;
5. Wider environmental benefits;
6. The need for renewable energy at Woodborough Park Farm:
 - a. Carbon Offset;
 - b. Financial Security / Profit smoothing.

- 7.9 In short, the circumstances listed above can be grouped under two headings; the wider overall need for renewable energy and the wider benefits of its generation. The NPPF (paragraphs 97 – 98) identifies that applicants should not be required to demonstrate the overall need for renewable energy and there is a responsibility on all communities to contribute to renewable energy generation. The wider environmental benefits are specially mentioned in the NPPF.

- 7.10 The applicant points to paragraph 91 of the NPPF which sets out that the wider environmental benefits associated with the increased production of

renewable energy may form part of the very special circumstances. Given the considerations set out in Chapter 6 (Renewable Energy) above it is my opinion that weight should be attached to the need to provide renewable energy. It is my opinion that the first five circumstances forwarded by the agent are considered to be generic and easily replicable; whilst they should be given weight, additional circumstances will be required to achieve very special circumstances.

- 7.11 To address this issue, the applicant has identified site specific circumstances in the form of on-site carbon offsetting and the financial security the income generated by the proposal would bring to the farm business. Carbon offsetting is addressed in Chapter 6 (Renewable Energy), and the movement in the agricultural industry towards rewarding producers that have low carbon emissions with higher payments or larger contracts. It is my opinion that the move to provide a low carbon future can be supported in an existing arable farm by the way of carbon offsetting. The applicant previously had permission for 2 single wind turbines on the site. The decision to apply for single larger wind turbine was driven by the increased efficiency and increased energy generation resulting in a more sustainable and efficient form of development to help diversify the rural economy. As previously considered at para 6.5 the amount of energy produced should be identified to establish the extent of the benefit that would arise from the proposal and then compared to its impact. Given that the larger single wind turbine would produce significantly more renewable energy than the previously approved 2 single turbines the extent of the benefit, in terms of renewable energy and carbon offsetting, would be greater.
- 7.12 In terms of financial security it is estimated that the turbine will generate an income after capital repayments and maintenance costs of between £78,919 and £112,500 per year depending on the capacity factor. Even if the capacity factor remains below that experienced in the East Midlands over the last five years this still represents an overall increase in the farms profits of over 80%. The proposal would provide significant additional income and provide funds for investment in labour and machinery. The applicant has also provided information showing that prices for wheat and oil seed rape have fluctuated over the past few years. The income provided by the turbine would enable the farm to be resilient to these fluctuations. As such I can accept that the proposal does represent a form of farm diversification in line with the requirements of Paragraph 28 of the NPPF. I consider that substantial weight should be attached to the development and diversification of agriculture and development that supports the rural economy. I also consider that profit smoothing to account for fluctuations in crop prices can also be considered to assist in farm diversification.
- 7.13 It is my opinion that whilst the farm is a business, there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the contribution the farm makes to the rural economy. Given the support of the NPPF and the public benefits it is considered that farm diversification is capable of forming part of the very special

circumstances.

- 7.14 It is also noted that the applicant identifies that the proposal would have educational benefits through helping local school children learn about climate change.
- 7.15 In conclusion the following have been identified as being capable of forming the very special circumstances required to permit inappropriate development in the Green Belt:
- The overall need for renewable energy including the contribution to:
 - carbon reduction targets;
 - renewable energy generating targets;
 - mitigating climate change; and
 - energy security.
 - The wider environmental and economic benefits;
 - The need for renewable energy at Woodborough Park Farm including;
 - Offsetting carbon
 - Profit smoothing due to fluctuating crop prices; and
 - Farm diversification and supporting a prosperous rural economy.
- 7.16 It is my opinion that the overall need for renewable energy and the wider benefits should be given moderate weight in determining if there are very special circumstances. While the turbine would contribute to achieving statutory national targets and the production of renewable energy is supported by Government policy these benefits would apply wherever the turbine was located (subject to wind conditions) and do not override the substantial protection given to the Green Belt. If these were the only circumstances identified there would not be the very special circumstances required to clearly outweigh the harm to the Green Belt or any other harm. The extent that this, along with the wider environmental benefits and contribution to national renewable energy targets, contributes to very special circumstances is a combination of the extent of the benefits created along with less harmful alternatives.
- 7.17 Given that the whole of the site at Woodborough Park Farm is located within the Green Belt I do not consider there to be a better alternative site outside of the Green Belt for the applicant to provide renewable energy. The lack of an alternative site is one of the very special circumstances usually considered. As previously discussed, under paragraph 7.6 above, the availability of a suitable non-Green Belt site is not a ground for refusal. However, the Courts have ruled that different ways of generating renewable energy on site should be assessed as these may be less harmful.
- 7.18 As highlighted above, onsite alternatives to the proposal are a material consideration when determining proposals for renewable energy schemes in the Green Belt. It is considered that any alternative must:
- Produce a similar or higher level of electricity;

- Produce a similar or higher level of carbon reduction;
- Produce a similar or higher level of income;
- Be feasible in terms of construction and grid connection;
- Have a similar or lower level of cost (upfront and ongoing); and
- Have a lower level of impact in relation to a range of matters including Green Belt, landscape/visual, heritage, biodiversity, and highways.

- 7.19 The applicant has submitted an Assessment of Potential Alternative Technologies which provides information on the factors above for a variety of different alternative renewable energy technologies. Alternatives considered include different types of wind turbines, ground mounted solar panels, biomass, anaerobic digestion, and ground source heat pumps.
- 7.20 In terms of alternative wind turbines the applicant has considered turbines ranging in height to tip from 24 metres to 58 metres. In order to generate a similar level of energy and income as the 67.6 metres to tip turbine, a larger number of turbines would be required. Single wind turbines of the types assessed would only produce a fraction of the income and renewable energy of the turbine that has been erected.
- 7.21 It is considered that the constraints map submitted by the applicant demonstrates that the number of smaller turbines required (Between 4 and 30 depending on height) could not be accommodated within the applicants land. Additionally, the cumulative impact of a larger number of turbines, in my opinion, would potentially increase the impact on matters such as landscape, heritage and Green Belt. It is not considered that a larger number of smaller turbines are an alternative to the proposed single turbine. In my opinion, the wider impact on landscape character from the individual turbine is slight, and when viewed from a more localised position a larger number of smaller wind turbines would have a greater cumulative impact on landscape character and would also reduce the amount of land that can be farmed. I therefore consider that an individual slim line turbine would be preferable to multiple turbines; given the limitations of the site and that the individual taller wind turbine would be more efficient resulting in wider environmental benefits.
- 7.22 Consideration has also been given to whether a single smaller turbine would be an alternative. Smaller turbines would, however, not generate a comparable level of energy or income. A turbine with a height to tip of 58 metres (i.e. only 9.6 metres shorter than that proposed) is estimated to only generate around £21,500 per year after costs. This assumes a capacity figure of 30% which is not considered realistic in the East Midlands and the final figure is likely to be lower. As such it is not considered that a single, smaller wind turbine is an efficient alternative to the proposal when compared against the impacts of the development.
- 7.23 The applicant has also considered a turbine which has two blades and a height to tip of 71 metres. However, this has a lower output and would require two turbines to generate a similar level of electricity to the proposed turbine which would lead to an increase in harm caused by the cumulative effect of two turbines on landscape, Green Belt, and Heritage. Again these two turbines are

not considered an alternative. Installation of a single wind turbine of this type would generate less electricity and income; given that its height to tip is higher than the proposed turbine, it is not considered reasonable to treat as an alternative.

- 7.24 To generate a similar level of electricity from ground mounted solar panels it would require an installation of 1.6MW; this is due to the lower capacity factor of solar panels around Woodborough (around 11 – 15% compared to 20 – 30% for wind turbines). A 1.6MW solar scheme would require a land take of 3.2ha and exceed the grid connection capacity in the area (600kw). The land taken by the solar panels could not be used for growing crops, the main business of the farm, and could only be used for sheep grazing which the applicant does not consider as viable on the scale of 3.2ha. Additionally, it is likely that 3.2ha of solar panels would result in an increase in the impact on the landscape, heritage and Green Belt specifically the localised views. Overall I consider that solar panels are not an alternative to the proposed wind turbine.
- 7.25 Anaerobic digestion uses organic waste stored in tanks to produce a gas which is then burnt to produce heat and electricity. The organic waste used can be food waste, animal slurry or crops specifically grown for the purpose. Anaerobic digesters require careful management, usually having a dedicated employee, but do have a higher capacity factor. As there is no local heat requirement (from the farm or other nearby user), any heat generated by the scheme would be wasted.
- 7.26 In terms of the impacts of a potential anaerobic digester on part of the farm this would involve a number of 'industrial' style facilities such as tanks and processing plants; this would be inappropriate development in the Green Belt. The ability to provide organic waste for the digester is key to the production of energy. It is understood that the farm would not be able to meet the requirement from animal slurry as only a few animals are kept on the farm. This would mean that crops or food waste would have to be imported from elsewhere resulting in the need for HGV movements (estimated at about 1.6 per day) or the main focus of the farm being switched from food production to growing crops for energy. Neither of these options is considered feasible or suitable and, also given the potential impacts of the digester itself, this is not considered an alternative to the proposed turbine.
- 7.27 The applicant has also considered biomass and ground source heat pumps which only generate heat. As these technologies do not generate electricity there would be no income produced. As with the anaerobic digester, there is no local heat requirement and the heat generated would be lost. As such it is not considered that these are alternatives to the proposed turbine.
- 7.28 In conclusion, a number of alternatives to the 67.6 metre turbine have been considered. These are either not feasible on site, would likely result in greater impact on a range of factors or would not generate sufficient income to meet the needs of the farm. As such, 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 diversification of the farm.

- 7.29 I note the comments received via representation regarding the wind turbine being purely a financial venture by the applicant for the single benefit of financial profit. However, I consider that the benefits of farm diversification produced by the wind turbine should be given significant weight. It is my opinion that there are clear public benefits arising from the farm being financially stable, including the continued management of the countryside to reflect the existing landscape characteristics defined in the Greater Nottinghamshire Landscape Character Assessment, food production, and the contribution that the farm makes to the rural economy. Farm diversification schemes are supported by the NPPF at paragraph 28.
- 7.30 The site specific benefits of offsetting carbon should only be given moderate weight as this is an indirect benefit. I also consider that only limited weight should be given to the educational benefits of the proposal for local children.
- 7.31 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.'
- 7.32 The agent has carefully considered the limitations of the Application Site and explored alternative sites for a single wind turbine and assessed the impacts at each location.
- 7.33 It is accepted that the diversification of the rural economy to provide low carbon energy and to support economic growth along with enhancements made to the landscape character of the area do constitute very special circumstances in this instance provided that the applicant can justify the need for the new development weighed against the impacts of the wind turbine on the openness of the Green Belt, Heritage Assets, Amenity, and Landscape being acceptable.
- 7.34 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 that the development has on 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 7.3 and 7.4 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 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.
- 7.35 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 very 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.

7.36 In addition the transitional arrangements outlined in the Ministerial Statement dated 22nd 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: - ...promote the development and diversification of agriculture and other land-based rural businesses;'

8.2 While the farm is a private business, there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the continued contribution the farm makes to the rural economy. Given the support in the NPPF and the public benefits it is considered that farm diversification is capable of forming part of the very special circumstances.

8.3 The applicant also identifies that the proposal would have education benefits through helping local school children learn about climate change, whilst I consider this to be a public benefit I would only attach limited weight to this in the planning balance.

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 The site lies within the National Character Area NCA 49 Sherwood as defined by Natural England. The NCA48: Trent and Belvoir lies 1.4km to the east of the site. The applicant identifies the National Character Areas and the Regional Landscape Character Areas on Figure 4.1 of the LVIA.

At a regional level the East Midlands Regional Landscape Character Assessment 2010 (Natural England) defines the application area to be within 5B: Wooded Village Farmlands.

At a county level the Nottinghamshire Landscape Character Assessment 2009 defines countywide landscape character areas and the site lies within the Mid Nottinghamshire Farmlands.

- 9.5 I note the comments received from Nottinghamshire County Council Landscape Department which assesses the visual impacts of the development from various key receptor points. The County consider that the applicant has generally carried out a thorough assessment on the effects on visual amenity with the identification of key receptors and on representative viewpoints.

The Landscape Visual Impact Assessment submitted with the application summarises the effects on Visual Receptors. This identifies that the greatest effect (moderate) is to visual receptors in Calverton with minor effects for visual receptors in Woodborough, Oxtun and Arnold. These are overall levels of effect and there may be localised pockets where the magnitude of changes is greater. I note that the County has assessed the proposal that introduces one medium sized turbine as a moving element into a predominantly rural landscape. Whilst the turbine is medium sized it is located on the higher ground within the valley at 118 metres AOD and is therefore visible from some isolated farms/residential houses on the outer edges of Woodborough and Calverton and from some elevated sections of surrounding commuter roads, mainly to the south and west. Additionally there will be views from sections of the surrounding public rights of way particularly in the valley to the south which are in close proximity

to the turbine. These effects have all been identified and described in the LVIA and overall the County Council are in agreement with the applicants findings.

- 9.6 I note that The County Landscape Team in their comments conclude that on balance, on landscape grounds, the proposal is acceptable. In their conclusion The County Landscape Team consider the landscape strategy for the *Woodborough Sloping Farmlands* policy zone is to 'conserve and enhance'. It is my view that the construction of a single wind turbine within a working farm maintained by the applicant in an area defined as 'Woodborough Sloping Farmlands' policy zone, would not detract significantly from the overall landscape characteristics of the area. It is therefore my opinion that the proposal, when assessed against the Greater Nottinghamshire Landscape Character Assessment, would not have a significant adverse effect on the landscape characteristics of the area. I also note that the applicant has undertaken landscape improvements which have assisted in enhancing the hedgerows and trees in the area (see 9.8). Given the above I consider that the proposal accords with Policy 10.5 of the ACS.
- 9.7 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 along with my own extensive site visits of the surrounding area. I accept that the wind turbine would have a significant impact on the landscape character in the immediate vicinity of the key receptor points on Spindle Lane and moderate impact on outer edges of Calverton. However, it is my view, given that the single wind turbine is a slim line structure, the impact remains local and does not extend to a significant wider landscape impact outside this area. I note that the wind turbine is located within a landscape that is characterised by rolling agricultural fields maintained by the applicant and, it is my view, that a development of this scale does not materially change the overall visual characteristics of the area. I also note that County Landscape Team concur, that on landscape character grounds, the proposal is acceptable.
- 9.8 In assessing the impact of the wind turbine on the localised landscape, I would note that the wind turbine is centrally located, on an existing working farm, within a landscape defined as the *Woodborough Sloping Farmlands*. Whilst I accept that the wind turbine is prominent in the immediate vicinity, it should also be seen in its wider context on an existing arable farm that maintains the distinctive farmland landscape characteristics of the area. I also note that as part of the previous approval and subsequent erection of the wind turbine the applicant has undertaken a landscape and ecological management plan to further enhance the native hedgerows and tree planting on the site. I consider that the continued landscape management and ecological enhancements that have been undertaken in line with details submitted within Discharge of Condition Application ref: 2011/1354DOC as reinforced in the Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended) has further enhanced the landscape characteristics of the area. I also consider that over time, as the planting matures, the vegetation would further mitigate localised visual impacts whilst enhancing the immediate landscape character. Should planning permission be forthcoming an

informative would be attached to any permission reflecting the details that have already submitted as part of a Discharge of Condition application which was reinforced by the Unilateral Undertaking between the applicant and Gedling Borough Council dated 17th day of September 2012.

- 9.9 Whilst I accept 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 moderate weight to be attached to renewable energy schemes and the significant weight to be attached to supporting the existing rural economy in the form of farm diversification. The context of the wind turbine is seen within an existing working farm that maintains and manages the key landscape characteristics defining the area. The wind turbine would support the diversification of this rural business that would help support the continued enhancement and economic viability of the site. It has also resulted in positive enhancements to the local area with the implementation of an ecological management plan. It should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of the development is acceptable to those viewing it.
- 9.10 Given the distances to the wind turbine from the significant vantage points, I consider that whilst there is 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 and the undulating landscape.
- 9.11 I note the Zone of Theoretical Visualisation indicates that there would be certain locations where cumulative impacts from this wind turbine and other wind turbine development would be seen. However, given the considerations set out above I do not consider that there would be 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.
- 9.12 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 predominately characterised by rolling agricultural fields with blocks of woodland. The slim line nature and footprint of the wind turbine still allow for the majority of the farmland to be used for agriculture reinforcing its existing landscape characteristics.

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. Relevant policy is contained in the NPPF and RLP Policy ENV21.
- 10.2 Paragraphs 132 and 133 of the National Planning Policy Framework advise that: -

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

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

10.3 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.'

10.4 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.'

10.5 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.

10.6 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.'

- 10.7 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.
- 10.8 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.
- 10.9 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 cause 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.'
- 10.10 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.

- 10.11 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.
- 10.12 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 of appearance of that area. The application site is not within a Conservation Area but is visible from and around Calverton and Woodborough Conservation Areas. In a wind turbine case at Ashfordby 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 setting would be affected by the scheme.
- 10.13 There are eleven designated heritage assets within 5 km proximity to the application site which include four Listed Buildings, four Conservation Areas, and three Scheduled Monuments. These assets include:
- Fox Wood Scheduled Earthworks;
 - Cockpit Hill Scheduled Monument;
 - Two Roman camps 350m north-east of Lodge Farm Scheduled Monument;
 - Calverton Conservation Area;
 - Woodborough Conservation Area;
 - Oxton Conservation Area;
 - Epperstone Conservation Area;
 - Grade II Listed Crifton Farmhouse;
 - Grade II Listed 16A, Bank Hill;
 - Hollinwood House and attached outbuilding;
 - Lodge Farmhouse and adjoining stables.
- 10.14 I note that a heritage settings assessment has been produced by Cotswold Archaeology.
- 10.15 The closest heritage asset to the wind turbine is Foxwood Scheduled Monument approximately 540 metres east of the development. The scheduled monument is earthworks that are believed to date to the Iron Age and are

contained within woodland named 'Fox Wood'. The impact on this heritage asset would be localised to views as you enter/exit 'Fox Wood' with limited/restricted views from the earthworks to the wind turbine between mature vegetation. The construction of the wind turbine 540 metres from the earth works, visible from the edge of Fox Wood, introduces a modern feature into the landscape. It is my opinion, given the distance to the wind turbine from the earthworks and the limited restricted views from the heritage asset due to mature vegetation, the impact on this asset can be assessed as less than substantial and should be weighed against the public benefits and special circumstances that support this application.

- 10.16 Cockpit Hill comprises earthworks of a large encampment, with a defensive ditch, located 980 metres west of the turbine. The monument is located within the private enclosed grounds and woodland of Ramsdale Park. Whilst the asset can be viewed from public rights of way along the eastern boundary of the asset, where the upper hub tower and blades are visible in the middle distance, the wind turbine cannot be viewed from the monument itself. Given the above and the distance to the wind turbine, 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.
- 10.17 Two Roman Camps are located 350 metres northeast of Lodge Farm are located 2.5 km from the wind turbine. There is a significant distance to the monument and there would only be distant views across the rural landscape and over Calverton which could result in glimpses of the turbine. It is my view 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.
- 10.18 Crifton House is located 3km northeast of the wind turbine. The historic value of this asset is derived from its architectural and historical values. Whilst there are distant glimpsed views of the turbine blades, these are not key views and it is my opinion that the proposal would have a less than substantial impact on this heritage asset and this would need to be weighed against the public benefits of the scheme.
- 10.19 Hollinwood House is located 1.2 km from the wind turbine, and much like Crifton House the historic value of the asset is derived from its architectural value. Given the distances and the blocks of woodland, I consider that, the proposal would have a less than substantial impact on this heritage asset and would need to be weighed against the public benefits of the scheme.
- 10.20 I note that Calverton Parish Council have raised objections to the proposal. In particular: -
- the impact of the development on Heritage assets;
 - the impact the wind turbine has on the rural setting and the prominent ridge line; and
 - the impact on the Conservation Area.

Calverton Conservation Area is located 1km north-west of the site and

contains 13 Listed Buildings and the Grade II* Listed Church of St Wilfred. The majority of the Conservation Area is contained along Main Street and the historic context is largely experienced from within the built area. The Calverton Conservation Area Appraisal (Gedling Borough Council 2007) does identify key views from the Conservation Area which does include a number of views south towards Spindle Lane ridgeline which allow for an appreciation of the rural setting of the village. When looking at the Calverton Conservation Area appraisal I consider there to be no significant views that would be interrupted by the wind turbine and certain views would be screened partly by vegetation and topography. I also note that the wind turbine is visible from certain vantage points along Mews Lane and the majority is screened from view. It is my opinion given the intermittent screening and distances involved that the wind turbine would only have a less than significant harm to the Conservation Area and as such should be weighed against the public benefits of the scheme.

I note the additional comments from Calverton Parish Council with regards to the impact of the wind turbine on the setting of the Church of St Wilfred. It is my opinion given the distance of 1.3km and that only the hub and the blades of the wind turbine can be seen in the landscape from the path that runs through the church yard; that the presence of the wind turbine at this distance does not substantially impact on the setting of the Listed Building in this instance.

10.21 Woodborough Conservation Area is located 1.6km to the south-east of the turbine within the lower east/west valley containing Woodborough Park Farm. As with Calverton the Conservation Area is linear and surrounds Main Street. The Conservation Area contains 14 Listed Buildings including the Grade II* Listed Woodborough Hall, Woodborough Manor, and Nether Hall (now demolished), and the Church of St Swithen. It is my opinion that there is a sense of enclosure within the Conservation Area of Woodborough and the historic context is largely experienced from within the built form. There are no views of the wind turbine from the Conservation Area, apart from the western edge on Bank Hill. Whilst the turbine can be viewed, it is my opinion, that the structure would appear distant and would not dominate the landscape given the various blocks of mature vegetation that also define the area. Given the above it is my opinion that the overall impact on Woodborough Conservation Area can be considered less than substantial and should be weighed against the public benefits of the scheme. I note also that Woodborough Parish Council have raised no objections to the proposal.

10.22 Oxton Conservation Area is sited 3.3km north-east of the turbine and Epperstone Conservation Area 3.3km to the east. I also consider that the historic value of these Conservation Areas is experienced from within the built form. I also consider given the significant distance to the proposed development that any intermittent views of the wind turbine blades would be slight and screened mostly by features such as woodland in the landscape. Given the above it is my opinion that the overall impact on Oxton and Epperstone Conservation Area can be considered less than substantial and should be weighed against the public benefits of the scheme. I note also that

Oxton Parish Council and Epperstone Parish Council have raised no objections to the proposal.

- 10.23 Overall considerable importance and weight have been accorded to the harm identified on heritage assets and it is recognised that the finding of significant harm to the assets gives rise to a statutory presumption against the grant of planning permission. However; I do not consider that the wind turbine, sited within the context of an existing arable farm would significantly harm the setting or significance of any of the Listed Buildings, Scheduled Monuments, or Conservation Areas discussed above. I also consider the development would not 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 assessed as less than substantial due to the location of the wind turbine; 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 in supporting a sustainable rural economy and farm diversification, 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 representations received with regards to the impact on the local wildlife populations of bats and birds, In particular the impact relating to the proximity of a water feature to Woodborough Park Farm. I also note that the advice from the Wildlife Trust has been challenged. For the purposes of my consideration I am going to accept the advice received from the Wildlife Trust as it is my opinion that their assessments are carried out in line with up to date policy and procedures.
- 11.3 I note the comments from the Wildlife Trust who have reviewed the ecological report provided. It is also noted that the necessary precautions advised by Natural England's Technical Information Note 051 were followed, and the turbine is located 100m away from boundary features. The immediate habitat surrounding the turbine, which is heavily arable, is also determined to be of little value for bats. 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 no part of the turbine should intrude, meaning the edge of the rotor-swept area needs to be at least 50 metres from the nearest part of habitat feature.

- 11.4 Having regards to the comments received from the Wild Life Trust and Natural England I am satisfied that the wind turbine results in no significant impact on wildlife.
- 11.5 I also note the comments received with regards to 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 of the site for a period of 4 years from the completion of turbine installation. It is my view that post monitoring of a total of 5 years from the date of first export of electricity is acceptable, and to require an additional year of monitoring at the expense of the applicant would not be reasonable in this instance.
- 11.6 I note the comments received with regards to the development not being considered using up to date information. However, I also note that the Wildlife Trust has welcomed the additional data submitted with the application and have advised that the necessary precautions advised in the Natural England's Technical Information Note T051 were followed.
- 11.7 I note the comments received from the Wildlife Trust with regards to mitigation should post monitoring provide details of risks to bat populations. I would note that since the wind turbine has been operational post monitoring has only resulted in the discovery of a single dead bat and that the development accords with the requirements set out by the Wildlife Trust and Natural England. Given that the development accords with the relevant distances to foraging habitat and important features I do not consider a condition involving post monitoring mitigation could be substantiated or made enforceable in this instance.

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 wind turbine are located at Georges Lane, Wood Farm and the outer boundary of Calverton.
- 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 from certain limited receptor points. These prominent views would be limited and would be part interrupted by vegetation and undulating landscape.
- 12.7 The proposed wind turbine would be screened for the majority of properties in Woodborough and Calverton due to the existing built form, significant vegetation, hedgerows and blocks of woodland in the landscape which helps to mitigate the prominence on the landscape from major receptor points. I also consider that the majority of views from these settlements would be experienced from within the built form and views from the settlements would be part mitigated by features in the landscape.
- 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 mature woodland in the landscape, and the undulating topography of the landscape, I do not consider that the single wind turbine would be visually intrusive, overly prominent, or overbearing enough to be a reason for refusal in this instance. It is also considered that from many receptor points where the turbine would be visible it would be in the middle distance and in my view would not result in an overbearing feature in the landscape.
- 12.9 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 a comparable CO₂ saving and energy production. Given the limitations of the application site, in particular that the whole of the applicant's site is within the Green Belt and other alternatives have been considered, it is my view that a single wind turbine within the established landscape of this height and scale would be acceptable in this instance.
- 12.10 I note the representations received with regards to the adverse visual impact of the development. The visual impact on the character of 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 within an existing agricultural setting, the height to tip, and the blocks of woodland and vegetation, I consider that the application is acceptable in terms of visual impact of the development on 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 wind turbines current location and this less than substantial visual impact will need to be weighed against the public benefit of the scheme.

- 12.11 The noise impact assessment submitted by the agent has been reviewed by Public Protection. The predicted noise levels in the report suggest that the noise levels are within acceptable limits. It is also noted that a small number of noise complaints have been generated since the turbine has been operational, however, further investigation by Public Protection failed to substantiate these complaints. As such I am satisfied that the noise from the wind turbine is within acceptable levels and should planning permission be forthcoming the noise conditions previously attached requiring the development to accord with the ETSU-R-97 is recommended. I also note that the applicant has entered into a Unilateral Undertaking made under section 106 of the Town and Country Planning Act 1990 (as amended) with regards to acceptable noise levels from the wind turbine during daytime and night time hours in certain locations. Should planning permission be forthcoming I would attach an informative advising of this agreement in order to control adverse noise impacts should they occur.
- 12.12 I note the shadow flicker assessment submitted with the application using Wind Pro 2.9 an industry standard analysis package. The analysis concludes that there would be no undue shadow flicker during the operation or decommissioning of the wind turbine. I also note that the assessment has been carried out to incorporate the closest properties on Georges Lane. Since the operation of the wind turbine there have been no reports of undue shadow flicker reported to the Borough Council and Public Protection has not raised any objections in relation to this.
- 12.13 I note the comments received with regards to the development having an undue impact on a prominent ridge line. However, I note that the proposed development does not fall on any of the Primary or Secondary ridgelines identified on the Gedling 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.
- 12.14 I note the comments received with regards to the carbon footprint of the manufacture of the wind turbine. Whilst I have no specific data on the embedded carbon in the manufacture/installation of turbines, research on Wikipedia shows that a figure of 10gCO₂/kWh is a reasonable figure to assume. Whilst this is only research I am satisfied to assume that the proposal (using the figures above) would have CO₂ of between 6 to 8 tonnes. This compares to the range of 324 to 463 tonnes it would offset. I would note that these approximate figures exclude transportation. Approximate calculations using data from World Shipping Council suggests that transporting a turbine of 10 tonnes over 800 miles by ship would result in emissions of 0.12 tonnes. For the purpose of determining this application I consider giving an allowance of 0.5 tonnes for transport would be a reasonable estimate on the likely carbon footprint for travel. Given this

information I am satisfied that the net carbon gain would significantly offset that of manufacture and transport in this instance.

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 that the Highway Authority have raised no objections to the proposal, and as such I am satisfied that there are no undue highway safety implications as a result of the development.
- 13.3 I note that NERL and MOD have raised no objections to the proposal in relation to the impact of the development on local air traffic.
- 13.4 OFCOM was consulted as part of this application and this consultation resulted in no representation 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. I note that the Borough Council has not been notified of any electromagnetic interference in the first 12 months since the wind turbine has been operational I therefore do not consider there to be any adverse impact in this instance.
- 13.5 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 73.5 metres. The closest building to the application site is the Farm House at Woodborough Park Farm which is approximately 420 metres from the turbine. No properties are located within this distance from the turbine.
- 13.6 I note the comments received from the British Horse Society (BHS) and Local Residents with regards to the potential dangers to users of the Bridleway. I also note the guidance produced by the British Horse Society, which states that proposals for wind developments should include a buffer of 200 metres from any bridle path. In addition this guidance also recommends considering every site on its own merits. I must note that there is no current government planning guidance which covers this area or a statutory separation distance for wind turbines and public rights of way. Whilst I accept that the proposed turbine would be highly visible to the recreational users of the footpath and that it would be sited 120 metres from the bridleway there is not statutory government planning guidance that would warrant a refusal of this application at this distance in this location. It is my opinion, given that the development only comprises a single wind turbine rather than multiple ones, that the development is clearly visible from both directions from the bridleway and does not present a sudden appearance from behind a hill or woodland that the wind turbine does not represent an undue risk to recreational users of the

bridleway. I also note that the location of the wind turbine does exceed the developer's Right of Way buffer zone by 38 metres.

Whilst I note that the Borough Council has received representation regarding the wind turbine being a danger to horse riders, I also note the comments from the Countryside Access Team. The Countryside Access Team have stated that they have not received any reports that local riders have stopped using the bridleway nor have written reports been received of any incidents where a horse has been startled or 'spooked' by the turbine since December 2013.

- 13.7 I note the comments received with regards to the wind shear and ice throw. However, I am satisfied that the agent has accounted for the requirements of The Planning Practice Guidance for Renewable and Low Carbon Energy with regards to safety of the development and consider that the development is 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

- 15.1 I note the representations received 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 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, it is my opinion they are a useful visual representation of the wind turbine, which when utilised with the benefit of the wind turbine being in situ the information does allow for a detailed consideration of the visual impacts of the turbine.
- 15.3 I note the comments 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 and at submission the agent has submitted site specific details on the need for the development. A detailed assessment of the requirements of the farm and alternative ways of generating electricity to provide low carbon energy have been provided, addressing the special circumstances relating to the future diversification of the farm. 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 and the individual mitigating factors to do with a specific location of future applications for wind turbines, every application would need to be assessed on their own individual merits.

- 15.4 I note the comments received with regards to the development devaluing neighbouring residential properties; however, the value of neighbouring property is not a consideration that I would attach significant enough weight to warrant a refusal of this application on planning grounds.

16.0 Very Special Circumstances, the Overall Planning Balance, and the Written Ministerial Statement (HCWS42) 18th June 2015

- 16.1 It is my opinion, as considered in depth at chapter 6, that the mitigation of climate change tied together with the contribution the proposal makes to the national targets for carbon reduction and energy generation is capable of forming part of the very special circumstances. However, this benefit would not carry significant enough weight to overcome the inappropriateness of the development within the Green Belt on its own as the benefits are also capable of being replicated on non-Green Belt land where the development, by definition, would not be inappropriate. The wind turbine would generate a significant level of renewable energy for a further 24 years and there is a valuable contribution that the wind turbine would make to cutting greenhouse gas emissions thereby tackling climate change. For the purposes of my assessment I have attached moderate weight to the overall need for generating renewable energy in this instance. This is in reference to paragraph 98 which states that local planning authorities should recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, unless other material considerations indicate otherwise.
- 16.2 It is therefore important to look at the individual circumstances the applicant has put forward to justify the need for the development weighed against its harm coming from the inappropriateness of the development in the Green Belt and any other harm.
- 16.3 In August 2010 an application for two individual 18.5 metre high wind turbines was approved by the Borough Council (ref: 2010/0244), it was considered by the Borough Council at the time that the need for producing renewable energy was a special circumstance that outweighed the harm to the Green Belt and any other harm in this instance. Prior to implementing the planning permission alternative more efficient technologies were considered by the applicant that resulted in the submission of the current refreshed application for a single medium sized wind turbine. The decision to apply for a single larger wind turbine was driven by the increased efficiency and increased energy generation resulting in a greater environmental benefit and greater benefits to the farm.

- 16.4 The applicant has highlighted that one of the direct benefits to the farm is by the way of carbon offsetting. It is considered at paragraph 6.16 that the reduction in CO₂ emissions is capable of forming part of the very special circumstances. A Carbon audit was undertaken which identifies that there were net carbon emissions of some 463 tonnes in 2013/14; the wind turbine would offset some 70% of the net carbon emissions at the farm through the production of renewable energy (paragraph 6.15). In my opinion there would be a direct benefit to the farm from producing renewable energy in the form of carbon offsetting.
- 16.5 As discussed in paragraph 7.16 there is also a benefit to the farm in terms of financial security and profit smoothing. It has been highlighted that crop prices have fluctuated and cannot be guaranteed. The wind turbine offers financial security to the farm and would enable diversification and investment in labour and machinery. It is my opinion, that whilst the farm is a business, there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the contribution the farm makes to the rural economy. As such I have attached substantial weight to the need to support a prosperous rural economy and to promote diversification of agriculture in line with the requirements of Paragraph 28.
- 16.6 The land within the ownership of the applicant is all located on Green Belt and therefore there are no alternative sites available on non-Green Belt land for the applicant to produce renewable energy. The lack of an alternative site is one of the special circumstances that needs to be given weight in the planning balance. If it is accepted that there is an established need for the farm to produce renewable energy, the applicant is limited to this development within a Green Belt location. Paragraph 7.6 sets out that the availability of non-Green Belt sites is not a reason for refusal. I attach significant weight to the limitations of the application site and there being no suitable alternative sites outside the Green Belt for the applicant to generate renewable energy. The courts have ruled that alternative ways of generating renewable energy on site should be assessed as these may be less harmful. Paragraphs 7.20 – 7.32 assess alternative forms of energy production and it is concluded that there would be no more appropriate form of energy production given the limitations of the application site and the alternative technologies.
- 16.7 It is also noted that in line with previous discharge of condition applications that ecological enhancements have been undertaken to the wider landscape in the form of native hedgerow planting and tree planting (paragraphs 7.37 and 9.8). It is my view that these works have a direct benefit to the landscape character and ecology in the area and should be given moderate weight in the planning balance.
- 16.8 Therefore, it is my opinion that; the diversification of the rural economy to provide low carbon energy to support an existing agricultural business, along with the ecological enhancements already undertaken in the wider area, do constitute very special circumstances.

- 16.9 It is also recognised that the character of the proposed location is an agricultural landscape, as opposed to a non-cultivated, natural landscape. As such, the landscape has been influenced by human activity over time and bears the impacts of this, as seen in the patterns of hedgerows, field boundaries, trees, roads and buildings located within it. It is my view that the single slim line wind turbine would provide the most efficient and suitable form of renewable energy to support the needs of the farm and the wider environmental benefits supporting a low carbon future.
- 16.10 Other factors that have been addressed are be the impact of the development on 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 and Decommissioning. The combination of very special circumstances weighed against the planning impacts of the proposal and any other harm from the development will have to be considered in the planning balance when making a decision on this application.

17.0 Conclusions

- 17.1 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 form of 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.

- 17.2 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 18th 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 benefits of the proposal.

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

Recommendation:

To GRANT CONDITIONAL PLANNING PERMISSION.

Conditions

- 1 This permission relates to the approved plans, application forms and supporting information dated 11th February 2015 ref: C.0514.
- 2 This permission shall endure for a period of 25 years from 1st April 2014 [First Export Date (of electricity to grid)], after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from site, and the land restored to its original condition in line with the details submitted under Condition 4, unless otherwise agreed in writing by the Borough Council.
- 3 The wind turbine hereby approved shall be dismantled and removed from site, in the event of being non-operational for a continuous period in excess of 6 months and the site returned to its original condition, unless otherwise approved in writing by the Borough Council. The wind turbine shall be decommissioned in line with the details approved under Condition 4.
- 4 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.
- 5 The development hereby approved shall be completed and thereafter

maintained in accordance with the details approved under the Applications for approval of details reserved by condition reference: 2011/1354DOC and 2013/0748DOC unless otherwise agreed in writing by the Local Planning Authority. Any planting material which becomes diseased or dies within five years from the 1st April 2014 shall be replaced in the next planting season by the applicants or their successors in title.

- 6 The methodology and scheme for the monitoring programme in relation to Bats set out in Chapter 10 of the Additional Information to allow the Council to re-determine the Planning Application dated 11th February 2015 ref: C.0514 shall be followed in accordance with the details submitted. The monitoring programme shall cover a period of four years from the date of this permission. 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 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.

Reasons

- 1 For the avoidance of doubt.
- 2 This is a temporary permission and condition 2 is attached for the avoidance of doubt.
- 3 In order to safeguard visual amenity of the area in the event that the benefits from the production of renewable energy by the wind turbine have ended, as the turbine is non-operational. In accordance with the requirements of the NPPF, National Policy Statements (NPS) for Energy (EN-1), and Renewable Energy (EN-3).
- 4 To ensure that when the site ceases operation at the time stated within condition 2 and 3 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.
- 5 To ensure the development is constructed and maintained in accordance with the details previously approved by the Gedling Borough Council.
- 6 In order to record and monitor information on the direct impact of the turbine on bat populations from wind turbines, in accordance with the recommendation of Nottinghamshire Wildlife Trust.

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

The development hereby approved is subject to the Unilateral Undertaking dated 17th day of September 2012 between Mr John Nigel Charles-Jones and Mrs Catherine Mary Charles-Jones in favour of Gedling Borough Council, Made under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to: - Land at Woodborough Park Farm, Foxwood Lane, Woodborough.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that the development comprises a structure(s) and/or buildings that people only enter for the purpose of inspecting or maintaining fixed plant or machinery.

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 following on from the Court of Appeal decision to quash the planning permission, remitting back to the Council for redetermination. Further information requested related to: The 'Very Special Circumstances' that were put forward, Efficiency, Consideration of Alternative Forms of Renewable Energy, Financial Support for the Farming Enterprise and Farm Diversification, Carbon Emissions Reduction, Landscape and Visual Impact, Noise Impact Assessment, and Habitat and Wildlife Surveys.

Date Recommended: 22nd December 2015