

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 9th June 2015 at 4.00 pm.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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1. Apologies	
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3. Declarations of Interest by Members and Officers	
4. Declaration of any Intentions to Record the Meeting	
<u>PART 1 - ITEMS FOR DECISION</u>	
5. Land to South East of Thorney (15/00215/FUL) (Site Visit: 9.30am – 9.40am)	7 - 50
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| 7. | Abbey Close, May Lodge Drive, Rufford (15/00570/FUL)
(Site Visit: 10.35am – 10.50am) | 80 - 94 |
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(Site Visit: 11.30am – 11.40am) | 95 - 103 |
| 9. | PA Freight Services Ltd, International Logistics Centre, Park House, Farndon Road, Newark (15/00292/FUL) | 104 - 114 |
| 10. | Local Development Framework Task Group | |

Three Members of the Planning Committee to be nominated to the Local Development Task Group (Planning Committee representatives For 2014/15 were Councillors D Payne, M Shaw and B Wells.)

PART 2 – ITEMS FOR INFORMATION

- | | | |
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| 11(a) | Appeals Lodged | 115 - 116 |
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PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

The following items contain exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

NIL

NOTES:-

A Briefing Meeting will be held in Room G21 at 3.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 5th May 2015 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)
Councillor B. Wells (Vice-Chairman)

Councillors: R.V. Blaney, J. Bradbury, J.E. Hamilton, D. Jones,
Mrs S.E. Saddington, Mrs L.M.J. Tift and I. Walker,
P Handley, Mrs C. Brooks, and G.S. Merry

ALSO IN ATTENANCE: Councillors: I. Brown, R.J. Jackson, R. Shillito.

Prior to the transaction of business the Planning Committee stood in silence in memory of Councillor Mrs M. Tribe.

204. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors T.S. Bickley, Mrs G.E. Dawn and M. Shaw.

205. MINUTES – 7TH APRIL 2015

AGREED that the Minutes of the meeting held on Tuesday, 7th April 2015 be approved as a correct record and signed by the Chairman.

206. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that the following Member declared an interest in the items shown below:

<u>Members</u>	<u>Agenda Item(s)</u>
All Members	Agenda Item No. 12 – Knapthorpe Grange, Hockerton Road, Caunton (15/00349/FUL) Personal interest for all Members as the applicant was another District Councillor.

207. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording. A member of the public in attendance of the meeting indicated that she was undertaking a recording of the meeting.

208. ORDER OF BUSINESS

The Chairman, with the permission of the Committee, changed the order of business on the Agenda. Agenda Item No. 10, Agenda Item 13 and Agenda Item 11 were taken prior to Agenda Item 9 in that order.

209. BARN AT STOKE FIELDS FARM, LOW STREET, ELSTON (14/01720/FUL)

The application was withdrawn from the Agenda.

210. LAND REAR OF 49 THE ROPEWALK, SOUTHWELL (14/02172/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of two detached two storey dwellings with associated parking and garages.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published.

Members discussed flood risk concerns in the area and the lack of confidence in Nottinghamshire County Council as the Lead Local Flood Risk Authority. The concerns from the Southwell Flood Forum were also noted. A Member considered that it would be appropriate to defer consideration of the application until the flood risk could be properly assessed, rather than relying on a condition as was recommended by Nottinghamshire County Council. Members suggested that report should not have been written until the response from Nottinghamshire County Council had been received.

Members considered that the design of the units, as authorised by the 1971 planning permission, was more sympathetic, even now, to properties nearby. It was considered that the design would be incongruous and that the footprint, siting, and elevations would be detrimental to the amenities of nearby properties.

AGREED (with 9 votes for 3 votes against) that full planning permission be refused, contrary to the officer recommendation subject to the conditions contained within the report.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
T.S. Bickley	Absent
R.V. Blaney	For
J. Bradbury	Against
Mrs C. Brooks	Against
Mrs G.E. Dawn	Absent
J.E. Hamilton	For
G.P. Handley	For
D. Jones	For
G.S. Merry	For
D.R. Payne	Against
Mrs S.E. Saddington	For
M. Shaw	Absent
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For

211. PA FREIGHT SERVICES LTD, INTERNATIONAL LOGISTICS CENTRE, PARK HOUSE, FRANDON ROAD, NEWARK (15/00292/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a gantry crane on an existing industrial estate.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published.

Members noted the very close proximity of the elderly person's residential development to the north of the application site. Members equally noted that the screening provided at present is to a height of c10m.

Members raised concerns at the hours of operation sought for the crane and additionally wanted to understand how the existing site functioned in terms of hours of operation.

AGREED (unanimously) that consideration of the matter be deferred in order to allow Officers to negotiate further with the applicant on appropriate hours of operation for the crane and for more details to be provided on existing site operations.

212. FULLER LEISURE LTD, LOWDHAM ROAD, GUNTHORPE (15/00211/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a two bay extension to the vehicle repair workshop building.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published.

Councillor R.J. Jackson spoke against the application, outlining concerns regarding the level of expansion of the site and drainage/flood risk issues. The local Parish Council representation was unable to address the Committee as advance notice had not been given. The Business Manager Development advised the Committee that he had met separately with the Parish Council who had expressed similar concerns to those identified by Councillor R.J. Jackson.

Members noted that an expanding and successful business operated at the site. Members acknowledged the Green Belt issues and constraints. They also agreed that changes in market demand/conditions which lead to the need for the extensions was a significant consideration. With respect to flood risk, it was noted that the building would be sited on an area which was already hardstanding.

AGREED (unanimously) that full planning permission be approved, subject to the conditions contained within the report.

213. TYNE HOUSE, 43A GAINSBOROUGH ROAD, WINTHORPE, NEWARK (15/00261/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission to vary planning condition 2 of planning permission 05/02270/FUL. The previous permission was for the house now constructed on site and for a detached garage. The detached garage had been erected in the wrong position from that permitted.

AGREED (unanimously) that planning permission be approved, subject to the conditions contained within the report.

214. 141 CAYTHORPE ROAD, CAYTHORPE (13/01189/OUT)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought outline planning permission for the erection of two dwellings with associated garaging.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the applicant's agent which makes clear the extent of demolition which has taken place.

Members noted that the buildings previously located on the site were significant in size. A Member expressed some sympathy with the applicant in that the delay on the application was caused due to discussions with the Environment Agency. If the application could have been determined closer to the original submission date the buildings would have still been there and harm to Green Belt may be materially different to the position now.

Other Members expressed concern that there would be greater impact on the Green Belt resulting from the proposed development than what is on site at present, and that by siting units away from the previous buildings now demolished there would be encroachment onto areas of the site where built form has not previously existed.

AGREED (with 9 votes for and 3 votes against) that outline permission be refused for reasons set out in the report.

215. 4 TOP ROAD, BLIDWORTH (15/00048/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for a replacement dwelling, re-submission of application reference: (14/01660/FUL).

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the supporting neighbour and the Parish Council, who also offered support for the proposal.

This application was brought before the Planning Committee on 7 April 2015, where Members resolved to refuse the application due to the impact of the dwellings on the openness of the Nottingham Derby Green Belt. In coming to a view Members wished to make the applicant aware that should a scheme be submitted with the dwelling in closer proximity to the site frontage such a scheme would be considered favourably.

Prior to issuing a refusal discussions took place with the applicant to understand whether Members wishes could be accommodated. The applicant has now revised the proposed siting of the dwelling by relocating it approximately 5 metres back from the front of the site (as opposed to the 31.5m originally before Members).

AGREED (with 11 votes for and 1 abstention) that full planning permission be approved, subject to the conditions contained within the report and to an additional condition to secure remedial works to the exposed gable of the adjoining dwelling following demolition works.

216. KNAPTHORPE GRANGE, HOCKERTON ROAD, CAUNTON (15/00349/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the creation of an all weather ménage and the erection of associated fencing.

AGREED (unanimously) that full planning permission be approved, subject to the conditions contained within the report.

217. THE FORMER ABATTOIR, TOLNEY LANE, NEWARK (15/00354/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought variation of Condition 6(i) to change the wording from '28 days' to '4 months' and Condition 5(i) to change the wording from '3 months' to '6 months' of Planning Permission 14/01106/FUL – Change of use of former abattoir site and paddock to gypsy and traveller caravan site.

In addition to the suggested amendments to Conditions 5 and 6 set out in the agenda, the Officer Committee presentation included an update on Conditions 7, 8 and 10 of the consent which required details to be submitted prior to the site first being brought into use. Officers were aware of the current situation on site and considered that the none provision of these details was not causing any significant planning harm particularly given the temporal nature of the development. In the circumstances it was considered that conditions 7 and 10 could be amended to ensure any ancillary structures erected are removed and any hard and soft landscaping carried out

removed where required in accordance with the site restoration scheme under condition 5. Condition 8 requiring footway reinstatement and access works could be removed without any significant impact on highway safety in the longer term.

Councillor I. Brown spoke on behalf of Newark Town Council and raised concerns that the site needed to be properly controlled and conditions complied with.

The Members noted that the permission would remain temporary as part of this application. The applicants should be made aware that conditions should be complied with.

AGREED (unanimously) that temporary planning permission be granted, subject to the conditions contained within the report and amendments set out in the officer presentation.

218. FIELD REFERENCE NUMBER 3753, RUFFORD LANE, RUFFORD (15/00083/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the installation of a solar farm comprising a solar panel array, new or upgraded access tracks, inverter units, transformer buildings, substation and associated infrastructure for the generation of renewable energy.

Members discussed the lack of consultation with some properties to the South of the site. The Business Manager, Development stated that the properties were not notified individually of the application albeit the Council had satisfied its required under the relevant legislation. In any event it was necessary to consider all impacts of the development, including upon residential properties, in coming to a view. It was noted that residents had been approached by the applicants at the pre-application stage and that there was sufficient information before Members to come to a decision.

AGREED (with 11 votes for and 1 vote against) that full planning permission be approved subject to the conditions and reasons contained within the report.

219. APPEALS LODGED

NOTED: that the report be noted.

220. APPEALS DETERMINED

NOTED: that the report be noted.

Given that the meeting was the last of the current administration the Chairman took the opportunity to thank all of the Members and Officers for their assistance, work, and decision making during his time as Chairman.

The meeting closed at 6.50 pm.

Chairman

Application No:	15/00215/FUL	
Proposal:	Erection of a single 500kW wind turbine with a hub height of 50 metres, rotor diameter of 54 metres and a tip height of 77 metres.	
Location:	Land to South East of Thorney	
Applicant:	Furrowland Holdings Ltd	
Registered:	19th February 2015	Target Date: 16th April 2015
	An extension of time has been agreed until 10th June 2015	

The Site

The application site is an agricultural field currently used for the production of garden turf located in open countryside with the proposed turbine located south of Plot Farm. The site lies in an open flat landscape with hedgerow field boundaries and mature trees. There is a natural drainage channel (Ox Pasture Drain) running along the eastern boundary of the field and existing public right of way (Thorney Footpath 7) crosses the field.

The site is accessed via an existing track from Brown Lane, Sand Lane and Drinsey Nook serving Plot Farm a complex of farmstead buildings located to the north of the application site. There are no properties (other than those in the control of the applicant) within 600m of the application site. The nearest property is Highfield approximately 730m to the east of the application site. Station Farm is located approximately 650m south east from the proposed turbine and comprises of a farm house and outbuildings. Fir Tree Farm is located approximately 780m north-east of the application site and comprises a farm house with modern outbuildings. Just beyond this are other residential properties within close proximity of Fir Tree Farm.

In a wider context the turbine is located well outside of any defined settlement, lying approximately 1.2km north of Harby, 2.4km north-east of Wigsley and 1.8km south-east of Thorney.

Although not in immediate view of the application site, there are existing turbines beyond 3km from the application site. There are 6 turbines consented or constructed within a 6km radius of the site (only one, at Wigsley, falls within the Newark and Sherwood District). The Authority has also received an application, which is pending consideration, for a single turbine up to 80m in height (14/01257/FUL) located approximately 2.6km due west from the application site at Moor Lane Thorney.

The site is located within flood zone 2 and 3 as defined by the Environment Agency maps, indicating the site is at highest risk from flooding.

Relevant Planning History

Full planning permission was granted in December 2014 for the erection of single 500kW wind turbine with a hub height of 50 metres, a rotor diameter of 54 metres and a height to tip of 77.3m at Plot Farm Thorney some 270m to the north east of the current application site – application ref. 13/01701/FUL.

The Proposal

Full planning permission is sought for the erection of a single three bladed 500kW wind turbine. The turbine is Directwind 54 - Hh 50 with a hub height of 50 metres, rotor diameter of 54 metres and a tip height of 77 metres.

The proposal also seeks consent for a 10m x 10m concrete turbine base pad and includes the indicative details and drawings of associated infrastructure consisting of an electricity sub station and transformer cabinet in BS4800 14039 Holly Green colour which measures approximately 2.4m in width, 2.7m in length and has an approximate maximum height of 2.35m

The construction traffic would utilise the existing junction off Brown Lane, Sand Lane and Drinsey Nook, turning up the existing access track towards Plot Farm. There is an existing access through the site which serves the previously approved turbine which is proposed to be extended by some 270m in order to provide access to the proposed turbine and the associated infrastructure.

The turbine is required as a direct socio-economic benefit to the existing farm owned by the applicant at Plot Farm. Any additional or surplus energy produced will be sold back to the grid and together with the Feed in Tariff payments, will give a guaranteed income to the farming business.

In addition to the normal requirements, the application is accompanied by the following submissions:

- Noise Assessment and Acoustic Report
- Ecological Assessment Appraisal
- Transport and Access Statement
- Landscape and Visual Impact Assessment (LVIA) and Associated Appendices
- Planning Supporting Statement and Associated Appendices
- Shadow Flicker Assessment
- Pre-consultation Details
- Flood Risk assessment
- Photomontages

Departure/Public Advertisement Procedure

Occupiers of 17 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13: Landscape Character
- Core Policy 14: Historic Environment

Allocations & Development Management DPD

- Policy DM4 – Renewable and Low Carbon Energy Generation
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Wind Energy SPD, adopted March 2014
- Newark and Sherwood Landscape Capacity Study for Wind Energy Development, March 2014

Consultations

Thorney Parish Council – Comments have been received following 3 Parish Council meetings which are outlined as follows:-

- there is a great deal of inconsistency in the implementation of planning policy. Until policy is clarified applications shown to be of concern/to affect the immediate environment/local residents should be deferred.
- whilst NSDC complete the “Draft Wind Energy Supplementary Planning Document Consultation” the determination of wind turbine applications should be deferred. Policy should also take into account the outcome of those applications currently under appeal.
- individual planning applications are considered at the point of submission However other applications may be forthcoming which could lead to a proliferation of turbines to the further detriment of the local landscape.
- planning consent should not be granted for wind turbines located within a radius of 1000 metres of any residential property. This is required to protect concerns over visual impact, noise, vibration & flicker.

Additional comments have been received in relation to policy documents and guidance which are outlined as follows:-

Further details should be provided with regards to reference made to the direct community benefit of the proposal.

Reference and comments are made to policy and guidance and to Newark & Sherwood's Draft Wind Energy Supplementary Planning Document, which if it was in force at this time, the points raised would be very significant.

SPD: 4.27: - size limits of turbines.

Thorney lies on the cusp of medium to high sensitivity for a turbine of this height (77.3m) and, therefore, the application needs very careful consideration.

SPD: 4.3.8: English Heritage's Guidance in "Wind Energy & the Historic Environment" and "Planning practice guidance for renewable energy" (July 2013) regarding impact on Heritage Assets.

Lincoln Cathedral is clearly visible from the main rooms of homes along Brownwood Lane as it lies on the ridge which forms their major sight line. They can, at present, also see All Saints Church, Harby.

Within the Parish itself lies the architecturally significant, Grade 11 listed Church of St Helen, currently undergoing expensive restoration.

In close proximity to the Parish (2 miles) is the Grade 1 Elizabethan mansion, Doddington Hall, one of the most important historical assets in the country, & its associated gardens & St Peter's Church. This turbine "may be fully visible from upper stories of the Hall." (English heritage)

SPD: 5.1: Decommissioning S106 agreements.

Thorney Parish Council would want to make this a condition, should this application receive approval despite their objections to it.

LCS-Landscape Baseline: 3.27 & 3.28 & Maps 3, 7a.

This shows that between 21 & 44 turbines could, theoretically, be visible from this Parish, although some could be screened by trees from some aspects. However, this is clearly very high in terms of cumulative effect.

The Parish Council would also add that the whole issue of precedence needs to be looked at more carefully; concerns that others will follow, adding to an already large number in the wider area.

LCS-Sensitivity Assessment: 4.242: Skylines.

"Skylines within this LCT (as above) are not prominent with few landmarks. The flat horizon is generally screened by high hedges & woodland. Where longer views are available trees & woodland appear on the skyline."

This is not true of the view from Brownwood Lane where the horizon view is of Lincoln Cliff, the Cathedral & All saints, Harby.

The flat nature of the area makes it more susceptible to the visual impact of turbines, making them potentially visible as far as the Trent. This also reinforces concerns re cumulative effect.

Summary & Guidance 5.26: with reference to turbines over 50m, "avoid selecting sites on important undeveloped or distinctive skylines, or skylines with important cultural or historic features."

LCS Generic Guidelines 5.26 : It is preferable to site turbines where they do not detract from views of, or prevent the appreciation of, historic landmarks features such as church towers."

Perceptual qualities: (High sensitivity): regarding the landscape character of the area.

The rural, undeveloped, quiet, naturalistic nature of these areas of the Parish should be valued & preserved. They are of great importance to the people who live in the area & to those who enjoy quiet walks, cycle rides & horse riding in it, using the footpaths, cycle tracks & bridleways in the vicinity.

Sensitivity Assessment:

4.248: Guidance for Development regarding seeking to avoid areas valued for their quiet character & perceived peacefulness and consideration of broad views & cross boundary effects in siting turbines along the Lincolnshire boundary."

This Parish lies right on the Lincolnshire/Nottinghamshire boundary & is, therefore, subject to the wind energy developments in both counties. This means that a considerable number of turbines are planned within a relatively small radius of the village. This must be considered when any plans are submitted, with reference to visual impact & cumulative effect.

The trees in the area are not protected & therefore the cover they provide cannot be relied on in the future. It is believed that the impact of a large turbine in this setting would have a "detrimental impact." (Policy DM4 renewable Energy) The benefit of the turbine would be almost exclusively to the applicant alone.

4.249: regarding "There is likely to be lower sensitivity to medium & smaller turbines...."

There is a strong opinion in the Parish, even amongst those that are not against a turbine at this location, that the planned one is too large. This assessment (4.249) indicates some level of acceptance of this viewpoint.

LCS-Summary & Guidance: Capacity: Change in the landscape:

5.18 regarding variations within all LCTs which may lead to locally higher sensitivity & accordingly reduced capacity for development.

As set out above, this parish has a number of special considerations which the Parish Council hopes will be addressed.

Policy DM4 states that the hope is for the SPD re wind energy to adhere to policies on preserving the character of landscapes & that it would emphasise the "importance of preserving or enhancing the District's heritage assets."

LCS-Generic Guidelines: 5.25: regarding avoiding impacts on areas which are free from overt human influence & modern development, & which are valued for their perceived rural tranquillity" and consideration given to locating turbines on reclaimed, industrial & man-made landscapes,

5.28 regarding the siting of turbines and relevant guidance.

The proposed site for this turbine is in a very quiet rural setting where the nearest property is a 300 year old farm house. Other local residences are mostly single storey, all well-spaced from each other.

On the issue of proximity to existing housing, the parish Council regrets the absence of any setting of distances between residential homes & wind turbines of various sizes. Other Local Authorities have set distance limits & this seems sensible & helpful when it comes to responding to

applications. The Parish Council feels that there should be a cautious, defined protection zone to allay fears.

Additional comments have also been received outlining the chief objections to the proposal:-

- The application is misleading as it is for a “single” 500kw/77m turbine, making no reference to the one already given planning permission for the same site in December 2014. This **second** one is just 270m from the first. Councillors feel that this could have misled those living close to the site ~ coming so close on the heels of the first one, some of them thought the information still referred to that.
- 77m is far too high for the location. There is no way that these turbines will ever be screened by the trees which the plan claims will obscure them.
- Thorney Parish is already in danger of being encircled by turbines ~ some existing, some with planning permission, some in the pre-planning phase. NSDC needs to be aware of all these, including those just over the Lincolnshire border E.G: the 2 on the Straight Mile (between Drinsey Nook & Fenton), which are very clearly visible from properties in Thorney.
- Thorney Parish Council & parishioners are greatly concerned about this proliferation in such close proximity to the parish.
- The Photomontage Document on NSDC’s website is very selective, showing only the views from the entrance to Plot Farm & from the fishing lakes at Grange Farm. There are several properties much closer than this which will have very clear views of these turbines. Why were no pictures taken from these vantage points? The document clearly favours the applicant. The document, section 1.29 claims: “The application does not include any additional photomontages as per the request of respondents. In terms of understanding the magnitude of the landscape and visual impact of the turbine, and any cumulative impacts, the LIVA assessment includes a selected number of views, considered to be as representative of the magnitude of the landscape & visual impact as can be reasonably concluded.” This is clearly not the case.
- In the Landscape & Visual Assessment document, section 3.58, it states that: “there are Scattered farms & isolated dwellings. Individual properties have not necessarily been selected as viewpoints and this would require a separate residential survey.” The dwellings are not particularly scattered & the Parish Council believes this survey should be done, in the interest of fairness to all, as the current photos do not reflect what residents will see from their properties.
- The Parish Council agrees with residents that this particular area of the parish is becoming “industrialised.” It has, over the past year or so, been inundated with changes & plans, all from the same source. The small cluster of existing, long-term residents (in some cases for several generations) are now being encircled by: one turbine, permission already granted (Plot Farm), a very large poultry unit, almost completed (Land adjacent to Gibbet Wood) and impending greatly increased heavy goods traffic (pending, Castle Farm Yard). Councillors believe this is more than enough. It is changing the very nature & appearance of the area & causing distress to residents.
- The Parish Council is concerned about the potential compound effect of an additional turbine on the health & well-being of local residents. Although this may not seem to be strictly a “planning” issue, it is the duty of the Parish Council to care about residents & it notes that some of those living in the midst of all this are showing very clear signs of anxiety & distress.
- The Parish Council believes that, under the Localism Act, parishes are entitled to a greater say in planning issues so as to be better able to support local views and wishes. In practice,

this has **not** been the case. A number of residents expressed the sentiment that it “isn’t worth bothering to comment as the District Council never takes any notice of what people think.” This is very disappointing.

- In a speech in late 2014, the Prime Minister indicated an imminent end to additional on-shore wind turbines. In the light of this, and all the above considerations, the Parish Council would hope for some support in its objections to this application.

It is requested that comments from local residents & material previously submitted re the first Plot Farm turbine are considered. These are outlined below:-

- Turbines produce less energy than solar panels;
- Detrimental to human health;
- Too close to Sustrans, Harby Primary School and properties;
- Villages of Wigsley, Thorney and Harby will become encircled by turbines if accepted;
- No benefits to the community i.e. employment or monetary;
- Negative visual impact;
- Will set a precedent for future applications;
- Harm to ecology;
- Noise pollution & vibration effects;
- Shadow flicker;
- Increase in traffic movements;
- Detrimental to views of Lincoln Cathedral and Harby Church spire and heritage assets in general;
- Contrary to Section 2 of the Wind Turbines (Minimum Distance from Residential Premises) Bill [HL] 2012-13.

Previous Parish Council comments were as follows:- “From the verbal and written responses we have received the conclusion we have reached is that over 90% of the residents are against wind turbines being erected in populated areas for numerous reasons of which all have substance.

One of the objections also raised is that once one is passed the flood gates will open and diminish our living environment. As tax payers not only subsidise them but not having to live with them for no real reason other than someone to get a subsidy. The reason for this is their inconsistency to make a real difference.”

In the event of the detailed points of objection being overruled & planning consent granted it is requested that the following strict conditions (without prejudice to the comments above) should be attached:-

- In the event of noise being above the stipulated level, the turbine should be shut down until it can operate below such level
- If light flicker becomes an issue, the turbine should be non-operational during the time conditions are conducive to the effect.
- During construction/transportation of equipment & materials the structural safeguard of all properties must be assured.
- The District Council should assist in the setting up of a bond to ensure the safe decommissioning & removal of the turbine at the end of its productive life ~ max 25years.

The full details of the Parish Council comments are attached as an Appendix.

Wigsley Parish Council – It is considered that by virtue of its significant 77m height the proposed wind turbine will be visually intrusive in the flat landscape and detrimental to the character and appearance of the countryside.

Particular concern is raised in relation to the cumulative impact if this wind turbine is approved. This application is only 280m south-south-west of an approved application for a wind turbine of 77.3m at Plot Farm, Thorney (13/01701/FUL) less than 2km from Wigsley village. There is a further pending application for an 80m wind turbine at Moor Farm Moor Lane Thorney Newark On Trent Nottinghamshire NG23 7DG (14/01257/FUL) less than 2.5km from Wigsley Village and a wind turbine of 77m has already been approved on Wigsley Airfield (13/00682/FUL) only 1km from Wigsley village.

The flat nature of the landscape is such that it does not have the capacity to absorb wind turbines of this height without significant detriment to the amenity of the area. If these applications are approved, Wigsley village will be surrounded by four 77m+ high wind turbines to the north, south and east. All four turbines will be clearly visible from the village and the landscape will be defined by their presence.

Reference is also made to National Planning Policy Guidance.

South Clifton Parish Council- Objections are raised.

North Clifton Parish Council – No comments have been received.

Harby Parish Council – Objections are raised. The proposed size of the turbine is too large for the landscape where it is proposed to be located and will have a disproportionate effect on view as a result,. There are a number of approved applications for turbines in the area, including those which have now been built which will have a cumulative effect on the landscape (4.2.3 and 4.2.4 Newark and Sherwood District Council, Local Development Framework Wind Energy Supplementary Planning Document).

The proposed turbine is too close to a local resident's property.

North Kesteven District Council – No comments have been received at the time of writing.

West Lindsey District Council - No comments have been received at the time of writing.

NCC Landscape – The comments are summarised below:-

The landscape and visual assessment of the proposed development has been broadly carried out to the appropriate methodology and to edition 3 of the *Guidelines for Landscape and Visual Impact Assessment 2013*.

The direct physical impacts on the landscape during the construction phase have not been quantified within the LVIA. There is no information as to if vegetation removal will be carried out to allow the transport of the turbine components to the site. No hedgerows or trees have been identified for removal within the assessment. Therefore, overall it is assessed that the direct physical impact on the existing landscape would be **negligible**.

Effects on the landscape character of the immediate site surroundings at the operational stage are assessed and agreed as **slight - moderate adverse**.

Effects on the landscape character of the wider site surroundings at the operational stage are also assessed as **none**. However, it is considered that as the site is in close proximity to Policy Zones 5B Harby Village Farmlands and 3 -The Till Vale in West Lindsey where there may be some **slight** adverse effects. (Refer to Figure 2 Landscape Character Areas)

The overall effects on the visual amenity have been summarised as **negligible** to **slight** for surrounding visual receptors. It is considered that there is an overall **slight** effect. Viewpoint 1 and viewpoint 6 from the National Cycle Route northwest of Harby, have been identified with a **moderate/slight** adverse significance of effect.

Cumulative Impacts have been assessed in the LVIA. Intervening outgrown hedgerows and hedgerow trees and the relatively flat landform help to reduce adverse impacts but the presence of other wind turbines within the surrounding character areas, (Wiglsey Village Farmlands with Plantations Landscape Policy Zone, and surrounding character areas within Lincolnshire) means that there will be some sequential cumulative effects. There has been no detailed sequential analysis of the views from the surrounding road network (including views east from the A1133 and public rights of way).

This development is classed as a **medium** sized wind turbine (height range 51 - 80m) by *Newark and Sherwood Landscape Capacity Study for Wind Energy Development* although, at 77m, at the larger end of this range. This area is shown to have **medium** sensitivity to medium wind turbines height 51 - 80m (Refer to Figure 5.3 Newark and Sherwood Landscape Capacity Study for Wind Energy Development.)

The recommendation in the LUC report is that area D2 *Village Farmlands with Plantations* whose overall aim has been assessed as ***'a landscape with occasional wind energy, in which turbines may locally influence landscape character, but collectively do not affect perception on the landscape'***.

This low lying, flat landscape with its broad floodplain and flat horizon is generally screened by hedges and woodland and therefore has some capacity to accommodate this wind turbine development.

It is considered that there is some scope to provide some mitigation, with planting works on the surrounding farmland within the applicant's ownership. This could include to create new hedgerows and restore existing, and to seek opportunities to recreate field pattern which would help to deliver some key actions for the Policy Zone. Plant species should be suitable for the East Nottinghamshire Sandlands Character Area.

In conclusion the Newark and Sherwood Landscape Capacity Study for Wind Energy Development considers that although there is some capacity to accommodate medium sized wind turbine development there is likely to be an increase in sensitivity to larger cluster sizes for the particular landscape type within which this development is located. Future wind turbine developments will also contribute to cumulative effects particularly sequential cumulative effects for PRoW and road users

On balance taking all the above points into account NCC conclude that the proposed development should be considered for approval due to:

- no overall significant landscape and visual effects being brought about by this

development.

- the capacity to accommodate some medium sized wind turbine development due to a combination of both low lying landform and the partial screening offered by existing woodland hedges and hedgerow trees.
- the current distribution of consented developments within the 10km of the proposed site

Should planning permission be granted, planting works for mitigation to address impacts on landscape character should be carried out on land within the applicant's ownership. This would help to deliver some key actions for the Policy Zone – East Nottinghamshire Sandlands Wigsley.

Their full comments are attached as an Appendix

NCC Highways Authority – It is considered that the proposal will neither generate a road safety concern, nor a highway capacity issue.

Once constructed the site will only generate low level maintenance traffic. During construction, however, abnormal load vehicles will be involved and the applicant is advised to contact the Nottinghamshire County Council Abnormal Load Officer, Malcolm Goodhall, tel. 0115 977 4490 to agree routes.

Many of the more-difficult large vehicle turning areas that require strengthening/improvement works within the highway occur in Lincolnshire and Lincolnshire County Council should be consulted, since any work will have to be subject to their agreement and specification.

In order to protect the highway construction and drainage at the access point it will be necessary for the mouth of the access and part of Sand Lane in that vicinity to be strengthened and constructed in a tarmac finish to the satisfaction of the Highway Authority. If the proposal is similar to the one put forward under planning application 13/01701/FUL then details shown on drawing 15/002/01 would be similarly acceptable.

The Highway Authority raises no objections to the proposal subject to the following conditions:-

No part of the development hereby permitted shall be commenced until the access is surfaced in a bound material for a minimum distance of 15m from the carriageway edge in accordance with details to be first submitted to and approved in writing by the Local Planning authority in liaison with the Highway Authority. Such details will need to include drainage and local carriageway resurfacing.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

The applicant should be advised that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which is not within their control. In order to undertake the works they will need to enter into an agreement under Section 278 of the Act and should contact David Albans tel. 01623 520735 and or see part 6 of the www.leics.gov.uk/index/6Csdg.

The applicant is also advised to contact the Nottinghamshire County Council Abnormal Load Officer, Malcolm Goodhall, tel. 0115 977 4490 to agree routes.

Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the Flood Risk Assessment submitted with this application are implemented, and secured by way of planning conditions on any planning permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA

1. The base for the turbine to be set no lower than 5.6mAOD. The substation and transformer housing base to be set at 5.75mAOD and sensitive equipment to be raised above 6m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

2. Use sustainable drainage features

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To provide drainage benefits

3. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

Historic England – Historic England were previously consulted planning application 13/01701/FUL which was approved and which appears to be in close proximity to this current proposal. Attention is drawn to EH previous advice letter in which many of the uses identified will have relevance to the current application. It is strongly recommended that cumulative impact is fully assessed for this application.

In this case the site within a 5km radius there are 10 Grade I and II* listed buildings, 4 Scheduled monuments, the Grade II* registered historic park and garden at Doddington Hall, and the conservation areas of Saxilby and Doddington - both of which are within North Kesteven District

Council area. We would also draw particular attention to the impact of the turbine on the setting of the Grade II* listed Church of St Helen at Thorney.

The Grade I listed Doddington Hall lies two miles SE of the proposed turbine site which is a very important Elizabethan house and part of the 3% of listed buildings which are of exceptional architectural or historic interest. Part of the significance of this highly graded heritage asset are the key views from within the Grade II* registered park and garden and from principle points in the Hall itself (including the upper rooms and turrets/lead flats). There is stair access to the flat leaded roof which has a parapet. There are three domed, octagonal cupolas on the roof which are large enough to be used as 'summer houses'. Historically visitors would have had access to the roof and cupolas from where they could be entertained and admire the views of the gardens and setting of Doddington Hall. One of the principal rooms in the house is a long gallery on the second floor, with projecting rectangular bays with large windows, which was remodelled in the 18th century and extends along most of the west front. A key focal point of the long gallery, and the house itself, is the central bay which provides important views to the west over the formal gardens, parkland (including the long west avenue which is aligned on the centre of the house and central bay) and the wider rural setting.

Doddington Hall registered park and garden (grade II*) is a designed landscape which includes an early 18th century parkland and formal gardens and spaces immediately to the north, west and east of Doddington Hall on the site of former 16th and 17th century formal gardens. The views from the house of the gardens, parkland and wider rural setting are an important part of the designed relationship created over many years between these designated heritage assets, and are an important part of their setting and significance, particularly views looking towards the west from the roof and the long gallery. The views are an important part of the experience of these designated heritage assets which form an aesthetically pleasing landscape which is in large part a remarkable survival from the design illustrated in the Kip engraving of 1705. Doddington Hall and its setting are enjoyed today by the many visitors to the house which is open to the public. It is also used as a wedding venue and provides considerable benefits to the local area.

The views and impacts will need to be assessed in line with NPPF para's 128 and 129 which treat the understanding of significance and impacts with regard to heritage assets. This information and analysis is we believe vital in order for your authority to come to a safe determination. Staunch Hill and wood lie on a line between the proposed turbine site and Doddington Hall but the hall stand on rising ground. Due to the topographic relationships between the sites, turbine blades may be visible over the top of the wood when viewed from the park and gardens. Furthermore the turbine may be fully visible from upper stories of the hall. We advise your authority will need to satisfy itself that the impact upon the setting of Doddington Hall (G1) and its associated GII* Walls and Gate, GII* Gate House and GII* registered Park and Gardens and the Grade I listed Church of St Peter is not harmful to the setting of these assets and thus their heritage significance.

In assessing this impact we would remind your authority of potential impact on the wider setting of heritage assets should be fully considered. We advise your authority would need to consider if the significance of the heritage assets as a group, is also derived from any relationship with the rural landscape in assessing if the turbine will cause any harm. It is unlikely that there may be potential issues with intervisibility between the scheduled monuments though there is the potential for impact on the intervisibility and landscape rural setting between a number of the surrounding villages with designated conservation areas with the prominence of church spires within the landscape. The turbine may be seen from numerous locations and will impact on the experience of moving through the landscape and the character of this area. This would be

exacerbated by potential cumulative impact with other considered/consented turbines and in this respect, we note there is a pre application being considered by your authority for a wind turbine at field reference 3420. Whilst impact is considered **less than substantial harm** of the above planning application, it is nevertheless harmful and we draw your attention to relevant paragraphs within the NPPF as set out below.

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).

In line with the NPPF, in determining the application for planning permission your local authority must weigh the harm caused to the heritage assets including Doddington Hall and associated 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.”

NSDC Conservation – There are a number of designated heritage assets within 3km of the proposal which may be affected by the proposed turbine, including (but not exclusively):

- Church of St Helen, Thorney – Grade II* (designated 1967). Please note group value with other designated heritage assets in the settlement of Thorney, including the Grade II listed remnants of Thorney Hall;
- Moated site west of Church Road – Scheduled Ancient Monument;
- Site of medieval nunnery, Broadholme – Scheduled Ancient Monument (designated 1993; West Lindsey DC);
- Doddington Hall – Grade I (North Kesteven DC);
- Doddington Hall Registered Park and Garden – Grade II* (North Kesteven DC).

There are 10 high grade listed buildings (Grade I and II*) within a 5km radius of the proposal site, as well as 4 scheduled monuments, a Grade II* registered historic park and garden (at Doddington Hall) and the conservation areas of Saxilby and Doddington (both of which are within Lincolnshire). Furthermore, using the submitted ZTV, significant landmark structures at Lincoln, including the cathedral and castle, are within the 10km radii. The wider landscape might also include buildings and features identified as non-designated heritage assets (these are shown on the submitted HER extracts).

Conservation did not find the recent turbine approved at Plot Farm (ref 13/01701/FUL) to be harmful to heritage assets within Newark and Sherwood District, although some concern was raised about potential impact on Doddington Hall and the associated church and parkland.

Given the distance between heritage assets and the proposal site, it is considered that topography and intervening woodland blocks ensures that the proposed turbine will not be unduly prominent to the historic environment within Newark and Sherwood District. Although the proximity of the proposal to the recently approved turbine will potentially increase visual impact in longer views to and from heritage assets, the development is not considered to give rise to any significant detrimental impacts. I have also considered cumulative impact and potential inter-visibility between heritage assets and other turbines within the wider landscape in reaching this view.

Nevertheless, expert opinion should be sought from English Heritage and North Kesteven with respect to potential impact on Doddington Hall and the surrounding parkland.

Overall, the proposed turbine will not have any significant harmful impact on the setting of any heritage asset within Newark and Sherwood District. Nevertheless, any adverse impacts should be treated as less than substantial harm for the purposes of paragraph 134 of the NPPF, and the decision-maker is entitled to weigh the public benefits of renewable energy against any adverse impacts identified. In addition, should the scheme be approved, appropriate consideration should be given to the desirability of decommissioning and removing the structure once it has reached the end of its life-span.

NSDC Environmental Health – It is requested that a condition be attached should permission be granted, requiring that in the event of any complaint received with regards to noise or shadow flicker the applicant shall investigate the complaint and undertake all necessary works to the approval of the LPA.

NCC Rights of Way – Records show that the proposed turbine is within 140m of any public right of way which meets the requirements of the Countryside Access Team.

It is noted that the access route will cross a section of Thorney Footpath 7. The applicant must have written authorization from the Countryside Access Team if there is any intention to excavate or resurface the path. This is a legal requirement for this authorisation to be received prior to the disturbance of the surface of any public right of way.

Any damage to the surface of the footpath as a result of the installation or maintenance of the turbine must be repaired by and at the cost of the applicant or subsequent owner of the turbine.

Should it be likely that any installation works would cause any danger to the public using this right of way then it will be necessary to apply for a temporary closure at least 6 weeks prior to the date of commencement of any works which will be at the cost to the applicant.

Ramblers Association – No comments received.

NCC Archeology – No comments received

Natural England – No comments are made.

Nottinghamshire Wildlife Trust – The PEA undertaken is welcomed and NWT is generally satisfied with the methodology, results and recommendations. It is strongly advised that the following mitigation recommendations provided within the Preliminary Ecological Appraisal (PEA) are appropriately worded within conditions. It is noted that an additional turbine is proposed on the site and that others have received permission within close proximity of Thorney. It is also noted that a number of applications have been made for single turbines in the District. Although the PEA considers that the additional turbine on site would have negligible cumulative impact it is essential that the cumulative impacts of all turbines within close vicinity of the site are considered during determination of the application and that any ecological impacts are appropriately evaluated.

National Police Air Services (NAPS) - This unit neither supports nor objects to the above proposal. However, given its total height is 50ft higher than our minimum daytime operating height and only 250ft below our minimum night operating height, we would strongly recommend that it is fitted with an aviation warning light, visible to the naked eye – even more so as it is in an area with little cultural lighting to assist in identifying its position.

MOD – No objections are raised. Should permission be granted it is requested that the MOD are advised prior to the commencement of construction the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

NATS – NATS objected to a previous turbine application at this site. Subsequent to its objection NATS agreed a mitigation scheme with the applicant which it is in the process of deploying. This mitigation scheme has been designed to address an additional turbine located at 487343, 371780. NATS is satisfied that the impact from this proposal is already mitigated under the previous solution and as such has no objections to 15/00215/FUL

CAA – Offer standard advice including the Councils obligations to consult in accordance with ODPM/DfT Circular 1/2003 or Scottish Government Circular 2/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents,

Joint Radio Co Ltd (on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England) (06/03/2014) – “JRC does not foresee any potential problems based on known interference scenarios and the data you have provided.”

Caunton Airfield – No concerns are raised.

East Midlands Airport – No comments received.

Lincolnshire and Nottinghamshire Air Ambulance – No comments received

Derbyshire, Leicestershire and Rutland Air Ambulance – No comments received

Midlands Air Ambulance – No comments received

National Planning Caseworkers Unit – No comments received

Representations have been received from 22 local residents/interested parties, 20 of which were in support of the proposed turbine. Two letters of objection has been received which can be summarised as follows:

- The proposed turbine would be disproportionate and intolerable (overbearing) and would be a dominant feature in the landscape;
- The proposal would not accord with the Wind Turbines (Minimum Distances from Residential Premises);
- There would be a risk of damage to property and personal injury;
- There would be vibration nuisance pre and during construction and infrasound vibration during operational phase;
- Vibration damage and noise nuisance could occur;
- There is a potential for future similar applications to be submitted;
- The benefits of the proposal would be for the applicant and would not offer improved local facilities or local employment;
- There would be undue impact on local heritage sites;

- The Landscape Study refers to the scale of the turbine which is close to the class size limit for a medium size and this means that the sensitivity of the landscape is tending towards medium high;
- Reference is made to MP comments which suggest that there are sufficient wind turbines to meet targets and there should be no more;
- There is a perverse incentive at play which allows landowners to degrade the ecological environment, leaving large tracts of land let for turf and the impoverished land used for turbine proposals;
- The proposal is an attempt to generate income at the expense of the quality of life of local residents. The proposal is contrary to guidance with regards to landscape and heritage assets and cumulative impact of vibration presents overwhelming risk. The application should therefore be denied;
- The photomontages should have been taken from all properties within 1.5km before the application is determined;
- Existing photomontages show existing trees which will not screen the turbines. Some trees are in decline which will make the situation worse;
- The proposal will result in undue noise and flicker impact;
- The proposal will result in devaluation of property.

Comments of the Business Manager/ Appraisal

The UK Government is committed to meeting binding targets set by the EU Renewable Energy Directive (15% by 2020). The Government, in 2009, published its Renewable Energy Strategy which in turn envisages an energy mix from renewables required to meet its own prescribed targets. These targets have been maintained under the coalition Government.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012. The Framework replaced a series of national policy statements, circulars and guidance including Planning Policy Statement 22 'Renewable Energy' (PPS22) and Planning Policy Statement 5 'Planning for the Historic Environment' (PPS5). Although the thrust of the previous policy in these documents has been carried forward into the Framework, the wording is more condensed and there have been some changes in policy. The Noise Policy Statement for England (DEFRA - 2011) also remains in effect and is cross referenced in the Framework in a footnote to Paragraph 124.

A core principle of the NPPF is that planning should, *'Support the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources.'* The NPPF policy on renewable and low carbon energy is set out in section 10 of the document. NPPF paragraph 93 indicates that, *'Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'*. NPPF paragraph 94 states that, *'Local Planning Authorities should adopt proactive strategies to*

mitigate and adapt to climate change in line with the objectives and provisions of the Climate Change Act 2008.

NPPF paragraph 97 includes that Local Planning Authorities should *‘recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources’*; *‘have a positive strategy to promote energy from renewable and low carbon sources’*; *‘design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts’*; and *‘consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources’*.

NPPF paragraph 98 concerning the determination of planning applications includes provisions that Local Planning Authorities should in summary not require applicants to demonstrate the overall need for renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

In March 2014 the Department for Communities and Local Government (DCLG) launched its Planning Practice Guidance. This replaced a number of previous planning practice guidance documents including, of particular relevance to the consideration of this application, Planning practice guidance for renewable and low carbon energy (2013) and PPS 25: Development and Flood Risk Practice Guide (2009). The Guidance sets out that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. In identifying suitable areas for renewable and low carbon energy local authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. In this respect the Guidance states that Cumulative landscape impacts and cumulative visual impacts are best considered separately.

The District Council’s commitment to climate change is set out by Core Strategy Core Policy 10 and Policy DM4 of the Allocations & Development Management DPD. The policies indicate that the District Council will encourage the provision of renewable and low carbon energy generation within new development and recognises that the support for renewable and low carbon development is key to meeting the challenge of climate change.

In determining this application, I therefore consider it is necessary to balance the strong policy presumption in favour of wind turbines against any recognised positive or negative effects.

Impact on Landscape Setting

The LPA commissioned Independent Landscape Advice from NCC to assist the decision making process. Their comments are contained in full in the attached Appendix.

Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the district and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The Newark and Sherwood Landscape Capacity Study for Wind Energy Development (NS LCS) was published in March 2014 following public consultation. The study examines the sensitivity and capacity of the district's landscape to wind turbine development at a range of scales. It has been prepared to help inform planning application decisions for wind turbines, and will play a role in steering wind energy development to the most appropriate locations within the district boundary. Landscape sensitivity to wind turbines is defined as follows in the NS LCS: *'Sensitivity is the relative extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development.'* The turbine proposed at Plot Farm is described as medium typology (51 to 80m) with a moderate sensitivity.

The Newark and Sherwood Wind Energy SPD adopted in 2014 sets out the policy framework for wind energy development and describes how within this context the acceptability of impacts will be assessed. It also describes how material considerations will be taken into account when determining applications for wind turbines. It states that the SPD should be read in conjunction with the Newark and Sherwood Wind Energy Capacity Study supporting document which is described below. For the purposes of preparing a landscape and visual impact assessment this and the landscape character assessment described above are the key references.

The proposed turbine is located within the East Nottinghamshire Sandlands Policy Zone and specifically within the Wigsley Village Farmlands with Plantations character area (ES PZ 02) as defined within the LCA. Within the East Nottinghamshire Sandlands Policy Zone there is a chapter referring to 'Renewable Energy' which acknowledges the need for sources of renewable energy such as wind turbines within the planning policy and how they have *"the potential to change the landscape character of the East Nottinghamshire Sandlands, particularly in the more sparsely settled northern areas"* (para 5.2.7).

Policy Zone ES PZ 02: Wigsley Village Farmlands and Plantations is characterised by a generally flat topography with medium to long distance views towards wooded rising ground and views of the Marnham power station and associated power lines can also be seen.

The area, although dominated by arable agriculture, small areas of historic pastoral fields also exist. Commercial agriculture is prominent to the north of the policy zone which includes poultry houses and piggeries etc. This policy zone includes the settlements of Thorney, Thorney Moor, part of Harby, Wigsley, part of Spalford and Besthorpe.

The policy zone is described as having a moderate landscape condition. The landscape actions are a low sensitivity, poor condition with a policy action of create *'new features or areas where existing elements are lost or are in poor condition.'* The sensitivity is defined as very low within a moderate landscape condition. The sensitivity is derived from having a weak sense of place overall with an insignificant landform with intermittent areas of woodland giving a low visibility value which lead to a very low landscape sensitivity overall.

The landscape advice received from Nottinghamshire County Council in their capacity as appointed consultants acknowledges the submitted landscape assessment and considers that the document has been broadly carried out to the appropriate methodology and guidelines, although the assessment is unclear with regards to some points of analysis and presentation of detail and findings. The proposal has been assessed at its differing stages of development against the impact on the landscape character of the site. The assessment submitted by the application characterised this as follows:

- Construction phase – negligible significance of impact
- Operational phase – moderate-slight adverse significance of impact
- Decommissioning phase – negligible significance of impact

Although the direct physical impacts on the landscape during construction have not been quantified in the LIVA and no information has been provided with regards to any vegetation or any hedgerows or trees to be removed to allow transportation of the turbine components to the site, landscape consultants have assessed the direct physical on the existing landscape impact as being negligible.

The landscape consultants have disagreed that the effect on the landscape character of the wider site surroundings would be none at the operational stage, but consider that there may be some slight adverse effects taking account of the proximity of the site to Policy Zones 5B (Harby Village Farmlands) and 3 (The Till in the Vale in West Lindsey). I am also mindful that the submitted baseline character assessment for Terrace Sandilands has been taken from the Nottinghamshire Landscape Guidelines which, although relevant has been superseded by the Newark and Sherwood LCA document

It is also noted that the submitted landscape report does not allow for mitigation planting for adverse effects on the landscape character. The consultants advise that given the landscape designation of 'create' there should be some additional landscape mitigation planting on land on the applicant's ownership to ensure beneficial effects in the long term. I consider that it would be reasonable to secure this by condition should permission be granted.

Notwithstanding the level of details, the landscape consultants agree with the conclusions drawn within the LIVA with regards to impact on the landscape character areas. All areas have been described as having a medium sensitivity.

It is noted that all character areas have also been described as having a magnitude of change defined as none which gives a significance of effect as none. The landscape consultants consider that in terms of Harby Village Farmlands with Plantations magnitude of change would be more likely to be low to negligible the of the site giving , in that the overall magnitude of change on landscape character is considered medium and that the degree of significance is moderate-slight adverse impact.

Visual Impacts on the Landscape

The impact upon the landscape is a key consideration as well as cumulative effects. The LVIA submitted with the application deals in detail with the potential impacts. These include photomontages from a total of 11 viewpoints which attempt to show impacts of the turbine in relation to its immediate surroundings and in a wider context. The LIVA has identified the greatest level of effect is from the following view points:-

View Point 1 – the entrance to Plot Farm, 0.98km from the development which has a medium sensitivity, a medium magnitude of change and moderate to slight significance of effect

View Point 5 – Wigsley Road east of Wigsley Road 1.87km from the development with a medium sensitivity, low magnitude of change and slight significance of effect

View Point 6 – National Cycle Route NW of Harby 0.57km from the development which has a

medium sensitivity, a medium magnitude of change with a medium/slight significance of effect. NCC considers this to be a moderate significance of effect given the proximity of cycle route.

View Point 11 – from Gibbett Lane Cottages /B1190 1.53 km from the development which has a medium sensitivity, a low magnitude of change and a slight significance of change.

I am mindful that not all visual receptors can be included as part of the assessment, however I note the chosen viewpoints identify a range of short, medium and long distance receptors of varying sensitivities.

The LIVA has not identified any visual receptors as having any significant adverse effects.

The Landscape consultants have assessed and agree with these findings of the LIVA.

Planning Practice Guidance describes cumulative visual impacts as being ‘the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts’.

The LIVA lists the location of operational wind turbines, consented turbines and those in the planning system within 10km of the proposed turbine up to January 2015.

The applicant summarises that there would not be a cumulative effect on the character of the landscape and other turbine and that the cumulative magnitude of change on the visual amenity would be low to negligible overall. The landscape consultant’s agree with the cumulative effect on the landscape analysis but consider that the magnitude of change on the visual amenity for a few receptors would be low to medium.

The Landscape consultants have commented that in their opinion this is underestimated when viewing the landscape from the north east and consider that this should be low impact.

I am mindful of the comments of the landscape consultants with regards to the proposed turbine. Notwithstanding that they have noted some differences with regards to the analysis and findings of the LIVA, these are not in my opinion significant. I note that they have subsequently concluded that the proposed development should be considered for approval as it is considered that there would be no overall significant landscape or visual effects brought about by the proposal and that there is capacity to accommodate some medium sized turbine development due to a combination of both low lying landform and partial screening offered by existing woodland hedges and hedgerow trees.

Having considered the proposal in relation to all matters relating to landscape together with the independent advice I consider that subject to conditions requiring landscape enhancement through mitigation planting the proposal would have an acceptable impact on the landscape character of the area in accordance with Core Policy 13.

Impact on Heritage Assets

The site is not located partly or wholly within any World Heritage Site, Conservation Area or Area of Archaeological Importance. There are no Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens or Registered Battlefields on the site. Notwithstanding this, Core Policy 14 of the Core Strategy and NPPF paragraph 132 indicates that development may still be contrary to policy where it has a detrimental impact on the setting of heritage assets.

The NPPF sets out the policies for dealing with heritage assets, which is reinforced by Policies CP14 and DM9 of the Development Plan.

Core Policy 14 of the Core Strategy aims to secure, *'the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including Scheduled Monuments and other archaeological sites, Registered Historic Parks and Gardens, Listed Buildings and buildings of local historic importance, Conservation Areas and other cultural assets of significant value.'* This policy is supported by Policy DM9 of the Allocations & Development Management DPD.

There are 10 high grade listed buildings (Grade I and II*) within a 5km radius of the proposed site as well as 4 scheduled monuments, a Grade II* registered historic park and garden (at Doddington Hall) and the conservation areas of Saxilby and Doddington (both within the County of Lincolnshire). There are also significant landmark structures at Lincoln including the cathedral and castle within 10km. Within 6km of the site there are 6 committed wind turbines which have been granted permission all at 77m to tip but only one within the Newark and Sherwood District (Wigsley, granted on appeal).

The impact on the historic environment has been carefully considered in conjunction with our specialist Conservation Officer. NSDC conservation officer makes the following observations;

“Within Newark and Sherwood District, impact of the proposed turbine on the setting of the Grade II* listed Church of St Helen at Thorney is worthy of special consideration. This parish church dates to 1850 and was designed by Cottingham. Constructed in coursed ashlar with a stone slab roof, ashlar carvings and dressings. The church consists of a nave, chancel, vestry, bellcote, and sanctus bellcote. The structure replaces a 13th century church (the remains of which are to the east, and are listed Grade II). The church has additional group value with a number of listed buildings, including a 17th century manor house (Grade II), a former servant's wing to Thorney Hall (Grade II) and a cottage at Thorney Hall (Grade II). Former fish ponds to the manor house remain evident to the east and west of the historic core of the village (these may have archaeological significance).

Taking into account the scale and form of the 1850 church and intervening woodland, it is felt that the proposed turbine will not significantly harm the setting of the church or group of listed buildings adjoining the church. View Point 2 in the submitted photo montages gives a sense of this impact, and whilst it is felt that the turbine will have some impact on the way in which the church and surrounding area is experienced, the impact is not perceived to be significantly harmful. Any adverse impact in this context should be treated as less than substantial harm therefore.

In the wider area, but within Newark and Sherwood District only, a number of heritage assets have been considered, no other specific impacts have been found which might indicate that the

proposal may be harmful to the historic environment. In reaching this conclusion the cumulative impact and potential inter-visibility between heritage assets has also been considered.

However, Doddington Hall, which is Grade I listed, is two miles southeast of the proposed turbine site. The surrounding parkland is Registered Grade II*. It is considered that the proposal could have a degree of adverse impact on views from within the grounds and from the Hall (notably from the upper parts of the building). Although Staunch Hill and intervening woodland significantly mitigates this impact (as intimated in View Point 9 of the submitted photo montages), the blades could appear over the top of the trees when viewed from parts of the grounds and the turbine may be more fully visible from upper stories in the Hall. Nonetheless, these heritage assets fall within North Kesteven District.

Taking account of other heritage assets that fall within nearby districts both North Kesteven and West Lindsey District Councils have been notified of the proposal. Any comments received will be reported to Committee as a late item.

The Conservation Officer concluded that overall, the scheme is not considered to have a significantly harmful impact on the setting of any heritage asset within Newark and Sherwood District. Any adverse impacts should be treated as less than substantial (for the purposes of paragraph 134 of the NPPF), and the decision-maker is entitled to weigh the public benefits of renewable energy against any adverse impacts identified.

I am therefore satisfied that the impact of the turbine on the character and appearance of the area is not likely to cause substantial harm to the significance of any specific or group of heritage assets within Newark and Sherwood District. As such, any adverse impacts identified should be treated as less than substantial harm for the purposes of paragraph 134 of the NPPF. The harm and can be weighed against any public benefit.

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development and Policy DM4 seeks to ensure no detrimental impact upon amenity, including noise pollution, shadow flicker and electro-magnetic interference.

Noise

NPPF paragraph 123 states that, *'Planning policies and decisions should aim to:*

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'*

In respect of renewable energy and low carbon energy development, it is stated in a footnote to Paragraph 97 that *'in assessing the likely impacts of potential wind energy development when*

identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure.'

Planning Practice Guidance 2014 recently replaced The '*Planning Practice Guidance for Renewable and Low Carbon Energy*' (which in itself replaced the PPS22 Companion Guide) and advises 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 development. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.

An Acoustic Assessment has been submitted as part of the application which has been reviewed by the NSDC Environmental Health Officer. The Assessment considers noise impact at 16 receptors. The Assessment concludes that the cumulative noise emissions from the consented turbine and the proposed turbine fall within the fixed limits in line with the guidance contained in the ETSU-R-97 of 35dB fir daytime and 43dBA for night time at all speeds up to 10m/s at nearby dwellings.

Having taken the advice of the Environmental Health Officer, I am satisfied that provided the suggested conditions are attached requiring that in the event of a complaint about noise, that the applicant carry out a full investigation and undertake all necessary remedial works, then neighbouring amenity will be protected.

It is therefore considered that the proposed turbine would not have a detrimental impact in respect of noise and as such the proposals would accord with Policy DM4 in terms of impact on amenity, the NPPF and guidance outlined in ETSU-R-97.

Shadow Flicker

As stated in Planning Practice Guidance, under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. It is also only properties located 130 degrees either side of north, relative to the turbines that can be affected at these latitudes in the UK. It has been accepted on previous planning applications considered and is stated within the Department for Energy and Climate Change document on submitted that only observers located within 10 times the rotor diameter of a wind turbine (in this case 540m) may be affected by shadow flicker.

The Shadow Flicker section of the Planning Supporting Statement (paragraph 3.71) concludes that shadow flicker is a very predictable phenomenon and is accepted, as outlined above, not be of concern outside of 10 rotor metres of a wind turbine. Given that there are no dwellings within this distance shadow flicker is not expected to cause any undue impact on amenity.

I therefore consider that any impact in terms of shadow flicker would be minimal and would not be so detrimental so as to warrant a refusal of permission on these grounds. I note that Environmental Health have raised no concerns in this respect and consider that it would be reasonable to attach a condition to any planning consent requiring that a scheme for the investigation and alleviation of shadow flicker be submitted on receipt of a written request from the LPA following any complaint in this respect. With such mitigation protocol in place it is likely

that any residual effects can be reduced to a satisfactory level that is not significant, protecting the amenity of nearby properties from the potential effects of shadow flicker.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and Policy DM4 seeks to ensure no detrimental impact upon the ecology of the local or wider area.

A Preliminary Ecology Survey (PEA) Revision no. 2 carried out by EMEC Ecology and dated 19th January 2015 has been deposited with the application. This revises the previous Ecological Assessment dated January 2014 submitted with the previously approved turbine ref. 13/01701/FUL). On the basis of the revised information provided, Nottinghamshire Wildlife Trust and Natural England raise no objection to the application subject to conditions being attached should permission be granted requiring the implementation of mitigation measures set out in these reports.

Although the Ecology Survey and PEA considers that the additional turbine would have a negligible impact, the cumulative impact of all turbines within close vicinity of the site should be considered and any ecological impacts be properly evaluated.

Taking account of the conclusions and recommendations of the Ecological Survey and being satisfied that in this instance the proposal would not result in any undue cumulative ecological impact Overall, subject to the suggested conditions it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of Core Policy 12 and Policy DM12 of the DPD.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

I note that the Highways Officer has raised no objection to the proposal subject to the conditions being attached should permission be granted in relation to surfacing of the access.

Therefore overall, subject to conditions, it is not considered that the proposed development would have an adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy and Policy DM4 of the DPD.

Decommissioning

Conditions would be attached to any consent requiring a decommissioning and site restoration scheme to be submitted on expiration of any planning consent.

I am mindful that the NSLCS includes that NSDC will seek confirmation from applicants that they are agreeable to a bond being secured to ensure that suitable funds are available to carry out decommissioning and restoration works at the end of the life of a turbine. In this instance a bond has not been secured. I am mindful that the proposal relates to a single turbine with minimal

works associated with the turbine, access and ancillary equipment. The cost of decommissioning and restoration of the land should therefore be comparably low. In this instance I therefore consider that the suggested condition with site restoration scheme would be commensurate to the scale of the proposal and consider it would be unreasonable to withhold consent solely on the absence of a bond.

Aviation Impacts, Telecommunication Links and Electromagnetic Interference

Members will note from the consultation section of this report that various organisations have been consulted with regard to aviation safety. No objections have been raised in this regard.

Some consultees have suggested the imposition of an aviation warning light to ensure the structure is visible, and this has now become standard practice amongst turbine installations.

No mitigation is required for electromagnetic interference and the proposal is not considered to have any adverse impacts on telecommunications.

Flooding

The site is located within flood zone 2 and 3 as defined by the Environment Agency maps, indicating the site is at highest risk from flooding. A Flood Risk Assessment (FRA) has been submitted to accompany the application.

Core Policy 10 and Policy DM5 seek to steer new development away from areas at the highest risk of flooding. Wind Turbines are deemed as Essential Infrastructure within the Planning Practice Guidance and are only acceptable within flood zone 3 where the exception test has been successfully met.

I am mindful that the publication of the Planning Practice Guidance (PPG), the PPS 25 – Practice Guide has been cancelled and the PPG does not discount essential infrastructure from requiring a sequential test. In this case the turbine is justified as being necessary to subsidise the energy requirements of the existing farming business between this site at Thorney and Newton on Trent. The entire site is located within Flood Zone 2 and 3 and there is no opportunity to relocate the turbine within other land at lower risk of flooding within the parameters of the ‘business’. As the turbine is specifically benefitting the energy needs of the business, whilst also providing a local benefit, I consider that these matters outweigh the requirement for a sequential test.

The Environment Agency have stated that a condition could be attached to any consent requiring the measures as detailed in the Flood Risk Assessment submitted with this application to be implemented. Whilst an element of undeveloped area will be taken up by the infrastructure this area is limited. Therefore the discharge of surface water from the site would have a negligible effect on surface water flood risk. The access track will be constructed of crushed stone to the minimum width necessary for reasonable access to mimic the existing drainage regime, and discharge surface water to ground. As there is a drainage system to cater for the run-off caused by the development, the proposal is not considered to have any adverse impact on the wider area with regard to increased flood risk.

Public Rights of Way

The proposed turbine would be a sufficient distance away from the nearest right of way so as not to present any safety hazards to the users of the nearest public rights of way.

Other Matters

The majority of the concerns raised by both the Parish Councils and neighbouring residents have already been addressed, however the outstanding matters that were raised are answered below:

- Concerns have been expressed by objectors that the granting of planning permission might set a precedent for other turbines within the wider surrounding area. Section 38 of the Planning and Compulsory Purchase Act 2004 clearly states that each application should be determined on its own merits.
- The operational safety of turbines is not a material planning considerations in this instance.
- The Government has not produced any planning policy guidelines in respect of the impact of wind turbines on human health. Whilst the impact of noise and shadow flicker can be considered (see above) no other adopted guidelines are available to Local Planning Authorities when considering such schemes.
- The Government has not yet enacted any Bill with regards to minimum distances of wind turbines from residential properties.
- Comments have been raised with regards to the Localism Act and having a greater say in planning issues. All comments received are given due consideration in the determination of any planning application.
- Questions have been raised with regard to the community benefits from the proposed turbine. It is considered that the benefit of the proposal would be in relation to climate change and renewable energy and that Surplus energy will be fed back to the national grid.
- Devaluation of neighbouring property is not a material planning consideration.

Conclusion

I acknowledge that the proposal will have some localised significant effects on the landscape character, however I consider in the wider context the landscape character has capacity to accommodate the turbine without causing a significant, unacceptable or cumulative change to the character of the area. I have also had regard to the need to provide renewable resources which in my view carries considerable weight.

There had been concern raised with regards impacts on heritage assets, however this has been shown to be less than substantial harm and the harm caused would not be of significance to justify a refusal of planning permission, when weighed in the balance with the other issues. Therefore having taken in to consideration all the comments raised during the application process, I consider the proposal to be acceptable and recommend approval of the application.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference 1000900 Rev 02 (General Arrangement) deposited on the 9th February 2015, L-ARD-063-SSLP Rev 1 (revised site layout plan) received on 18th February 2015 and unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: For the avoidance of doubt and in order to define the permission.

03

No development shall be commenced until precise details of the location within the application site plus types and colours of materials to be used on the external elevations of the transformer cabinet and turbine have been submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

Reason: To ensure the development has a satisfactory appearance by virtue of the materials used.

04

Prior to the commencement of the development hereby permitted, a scheme shall be submitted to and approved in writing by the local planning authority setting out the protocol for the assessment of shadow flicker and noise in the event of any complaint being received, including the remedial measures to be taken. Operation of the wind turbines shall be in accordance with the approved protocol.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

05

Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging disturbance from shadow flicker and/or noise from the turbine at a dwelling that is lawfully occupied and lawfully existing at the time of this consent, the wind turbine operator shall at its expense provide a scheme for the investigation and alleviation of shadow flicker and/or noise in accordance with the protocol required by Condition 4. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with the scheme thereafter.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

06

No development shall be commenced until the operator of the wind turbine has provided written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority:

- i) Proposed date of Commencement of Development
- ii) The maximum extension height of any construction equipment.

Within 14 days of the date on which electricity is first exported from the development, the operator of the wind turbine shall provide written confirmation of the following details to the Ministry of Defence (MOD), Civil Aviation Authority (CAA) and Local Planning Authority:

- i) Earliest possible date of completion of construction
- ii) The height above ground level of the highest potential obstacle
- iii) The position of that structure in latitude and longitude

In the event that the anticipated date of completion of construction varies from that which has been notified to the MOD and CAA, an update shall be provided in writing to both parties prior to construction extending beyond the date of which they have been notified.

Reason: In the interests of air traffic safety.

07

The noise emitted from the wind turbine subject to this consent shall be no greater than as detailed within the Noise Assessment by Acute Acoustics Ltd dated 6th January 2015 (Ref: 1573 Thorney Wind Turbine) which forms part of this permission.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

08

The turbine installed on site shall comprise a "EWT DirectWind 54 HH 50" wind turbine (as shown on drawing number 1000900 Rev 02) which shall be no larger than the maximum dimensions submitted as part of the application and no part of the structures shall carry any logo or lettering other than as required for health and safety reasons.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and the amenity of nearby residential occupiers in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD

09

Before development is commenced, precise details of the means of surfacing to the turbine and any temporary access to be laid during the construction period shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a bound material for a minimum distance of 15m from the carriageway. Once approved the development shall be completed in accordance with these details.

Reason: To protect the structural integrity of the highway and to allow for future maintenance and to ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

10

All electrical cabling between the turbine and the transformer station shall be located underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

11

If the wind turbine hereby permitted ceases to operate for a continuous period of 12 months then a scheme for the decommissioning and removal of the wind turbine and ancillary external housing equipment shall be submitted within six months of the end of the cessation period to the Local Planning Authority for its written approval.

Reason: In the interests of the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

12

The planning permission hereby granted shall be for a temporary period only, to expire 25 years after the date of the commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission in the interests of the character and appearance of the surrounding area in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

13

Not later than six months before the date on which the planning permission hereby granted expires, the wind turbine and external housing shall be dismantled and removed from the site and the land reinstated to its former condition in accordance with a scheme to be submitted to the Local Planning Authority for written approval prior to the commencement of the development. The scheme to be submitted shall include the dismantling and removal of the turbine and external housing above existing ground levels and the removal of the turbine base and foundations.

Reason: In the interests of visual amenity in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

14

No hedge or shrub that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with Core Policy 12 of the Core Strategy and Policies DM4 and DM7 of the Allocations & Development Management DPD.

15

No development shall be commenced until details of an aviation warning light to be fitted to highest practicable point (25 candela omni-directional red lighting or infrared lighting with an optimized flash pattern of 60 flashes per minute of 200ms to 500ms duration) of the turbine has been submitted to and approved in writing by the Local Planning Authority. The light shall thereafter be installed as approved.

Reason: In the interests of aviation safety and at the request of the MOD.

16

The development hereby approved shall be undertaken in complete accordance with the Mitigation Recommendations stated on page 4 and the Mitigation and Enhancement Recommendations stated within Section 6 of the Ecological Report dated January 2015 carried out by EMEC Ecology.

Reason: In the interests of maintaining and enhancing biodiversity.

17

No development shall be commenced until details of mitigation planting have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include;- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the landscape character of the site and shall include the use of locally native species.

Reason: In the interests of visual amenity and biodiversity.

18

The approved mitigation planting shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

19

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. The base for the turbine to be set no lower than 5.6mAOD. The substation and transformer housing base to be set at 5.75mAOD and sensitive equipment to be raised above 6mAOD.

2. Use sustainable drainage features.

The mitigation measures shall be fully implemented prior to occupation and subsequently in

accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to provide drainage benefits.

20

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage.

Note to Applicant

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

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.

03

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

04

The applicant should be advised that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which is not within their control. In order to undertake the works they will need to enter into an agreement under Section 278 of the Act and should contact David Albans tel. 01623 520735 and or see part 6 of the www.leics.gov.uk/index/6Csdg.

05

The applicant is also advised to contact the Nottinghamshire County Council Abnormal Load Officer, Malcolm Goodhall, tel. 0115 977 4490 to agree routes.

06

NCC Rights of Way/Countryside Access Team advise that the developer must apply to temporarily close this public right of way for the duration of any construction works that are likely to cause a hazard to the users of Thorney Footpath No.7. Application for temporary closures of this kind must be made to this office at least 6 weeks in advance of the commencement date of the works and this will incur a cost to the applicant.

BACKGROUND PAPERS

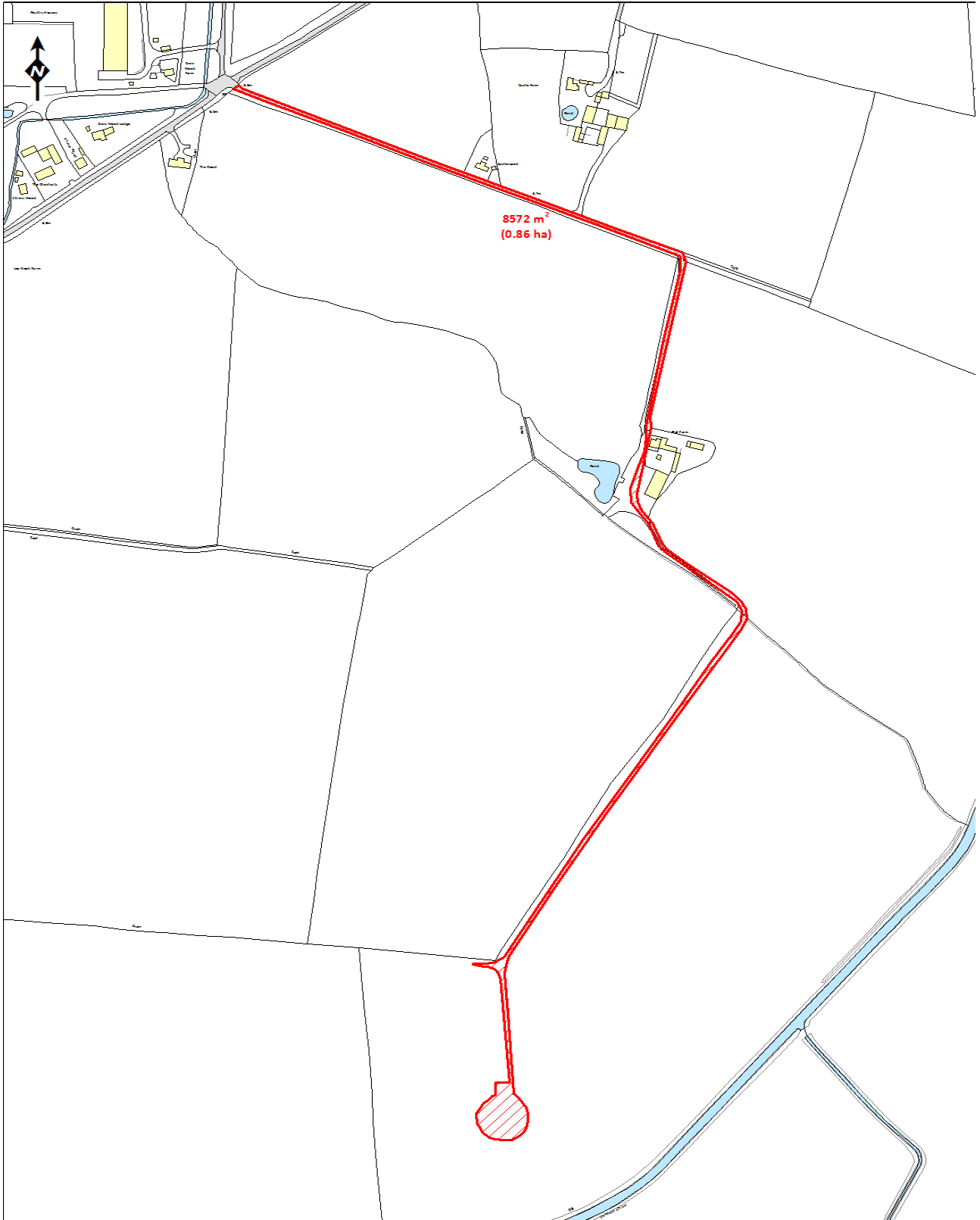
Application case file.

For further information, please contact Bev Pearson on ext 5840.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00215/FUL



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This matter is being dealt with by:
Alison Stuart
Reference:
0115 977 2169
alison.stuart@nottscc.gov.uk
www.nottinghamshire.gov.uk

Planning Officer
Newark and Sherwood District Council
Kelham Hall
Kelham
Newark
Nottinghamshire
NG23 5QX

29th April 2015

Dear Mrs Pearson
Application reference No: 15/00215/FUL

Proposal: Erection of a single 500kW wind turbine with a hub height of 50 metres, a rotor diameter of 54 metres and a height to tip of 77m
Location: Land south east of Thorney, Newark on Trent, Nottinghamshire NG23 7EH
Applicant: Furrowland Holdings Ltd

The following comments have been prepared by Alison Stuart of Nottinghamshire County Council (NCC) Landscape and Reclamation Team who are acting as Landscape and Visual Impact Assessment (LVIA) consultants to Newark and Sherwood District Council (NSDC). These comments have been formulated on the basis of the submitted documentation. Due to the time period between the submission of the application and the preparation of these comments, I have not had the opportunity to clarify or request further information from the applicant.

The applicant's Landscape and Visual Assessment (LVA) was submitted to Newark and Sherwood District Council as part of planning application **15/00215/FUL**. Photo montages and wire frame drawings were produced for eleven viewpoints were provided by the applicant. The following planning application documents and drawings have been assessed in order to provide the comments within this report:

Documents

- Landscape and Visual Assessment, January 2015 prepared by Galpin Landscape Architecture
- Volume 1 - Planning Supporting Statement , February 2015 prepared by JH Walter LLP

Drawings

- Furrow Holdings Ltd Turbine - Site Location Plan (no drawing number)
- Boundaries Plan - Drawing number L-ARD-063-BP Rev A
- Landscape and Routeways Figure 1
- Landscape Character Areas Figure 2
- ZTV Figure 3
- Cumulative Sites Figure 4
- 11 viewpoints each made up of an OS locations plan, photomontage and a wire line diagram.

1. **Landscape and Visual Impact Assessment Methodology**

The Landscape and Visual Assessment (LVA) states that it has been prepared with reference to the *Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute of Environmental Management and Assessment) GLVIA 2013*, third edition. The methodology is set out in Section 2 of the LVIA.

A significant effect in terms of the Environmental Assessment Regulations is generally defined as one which is **above moderate**. Within the methodology of this LVA the level of significance considered to be significant is defined as **moderate and above**.

In these comments I have made reference to the *Newark and Sherwood Landscape Capacity Study for Wind Energy Development*, commissioned by NSDC and prepared by Land Use Consultants in March 2014.

Study Area

The study area for this LVIA has been defined as a 10km radius from the proposed development for both landscape and visual receptors. The Zone of Theoretical Visibility was also defined as a 10km radius. A smaller study area of 5km was used for the appraisal of effects on landscape features and landscape character. A Cumulative Zone of Zone of Theoretical Visibility (CZTV) was not mapped but the locations of other consented turbines are shown within a 10km radius of the site (Figure 4).

2. Existing Site

The application site is located on farm land to the south east of the village of Thorney. The large agricultural field is predominantly flat, at an elevation of approximately 7m AOD and is currently used for the production of garden turf. The field is enclosed by hawthorn hedges within which are many mature hedgerow trees, principally oak. These hedges are generally outgrown with occasional gaps in places. Narrow strips of rough grassland form field margins that border some of these hedge lines. To the south west boundary of the field is Ox Pasture Drain.

The field within which the application site lies is accessed from an existing farm track to Plot Farm at the junction of Sand Lane, Brown Lane and Drinsey Nook Lane to the north west of the site. An existing Public Right of Way PRoW (Thorney FP7 159/7/1) runs from Sand Lane past Plot Farm through an adjacent field to the west of the application area, before crossing the field, within which the proposed wind turbine is to be located, to link up with a small footbridge across Ox Pasture Drain. The cycleway NCN 647 runs in an east - west direction along a dismantled railway approximately 300m to the south of application area. Both the cycle route and Ox Pasture Drain are locally designated Sites of Importance for Nature Conservation (SINC sites).

In the wider landscape the application site lies approximately 1.7km south east of the southern edge of Thorney and 0.8km north-west of the northern edge of Harby, and 1.7km north east of Wigsley. Small belts of woodland are found to the south with larger woods and plantations Glovers Wood Crow Wood, Thorney Brown and Plot Wood to the west of the site.

Views within the immediate area around the application area, within 1km, tend to be a medium range views over low lying flat landscape agricultural interspersed with farm steads and occasional residential houses. Woodland blocks and hedgerows with mature hedgerow trees often enclose and frame horizons. Pylon and pylon lines fringe the skyline further out to the south east of the site.

3. Proposed development

The applicant seeks consent to erect a single three bladed 500kW wind turbine (Direct Wind 54 -HH 50) 50m high to hub with a blade diameter of 54m. The overall height is 77m to tip of blade. It is sited at an elevation of 7m AOD. The colour of the turbine has not been specified

The auxiliary works include:

- Concrete hard standing for construction cranes (35m x 15m) and presumably for maintenance though this is not detailed within the application.
- Concrete turbine base pad 10m x 10m
- Turbine foundations (design and specification to be determined following geotechnical survey)
- Temporary site working area
- Electricity substation and transformer. The size has not been specified but the location is shown on drawing L-ARD-063-SLPP Site Layout Plan- Proposed. Underground cabling works not specified.
- Access tracks - approximately 260m of new access track will be constructed. This is 4m wide and to be constructed of recycled crushed concrete or road planings.

This development is classed as a **medium** sized wind turbine (height range 51 - 80m) by *Newark and Sherwood Landscape Capacity Study for Wind Energy Development* although 77m high at the larger end of this range.

4. **Physical impact of the proposed development on the landscape**

The location plan, drawing number L-ARD-063-SLPP Revision 1, shows the position of the proposed wind turbine and the new access road. Existing hedgerows and trees have not been shown on this drawing and any removal has not been quantified within the LVA. There also no information as to if vegetation removal will be carried out on the transport of the turbine components to the site. Having compared the site location plan and the aerial photography for the site it appears that there is primarily only a loss of agricultural land to accommodate the turbine foundations, access track and ancillary works.

However the proposed access road runs parallel to an existing hedge along the north-west edge of the field. An adequate standoff from this and the hedgerow trees within it should be allowed in accordance with *BS 5837:2012 Trees in relation to design, demolition and construction: Recommendations*.

Overall, although the direct physical impacts on the landscape during the construction phase have not been quantified within the LVIA I would assess the direct physical impact on the existing landscape as negligible.

5. **Impact of the proposed development on landscape character**

The site lies within the National Character Area **NCA 48 Trent and Belvoir Vales** as defined by Natural England. Approximately 10km to the east of the site is the NCA 45 Northern Lincolnshire Edge and NCA 47 Southern Lincolnshire Edge.

The applicant's LVA identifies the **Trent and Belvoir Vales** National Character area on Figure 2 over the 5km study area.

At a regional level the East Midlands Regional Landscape Character Assessment 2010 (Natural England) defines the application area to be within *Group 4a Unwooded Vales*.

At a county level the Nottinghamshire Landscape Character assessment 2009 defines countywide landscape character areas and the site lies within the **East Nottinghamshire Sandlands**. Within Newark and Sherwood district this character area has been divided into six policy zones. The application site is within the **Wigsley Village Farmlands with Plantations (ES PZ 02)** as described in the Newark and Sherwood Landscape Character Assessment which was adopted by NSDC as SPG in 2013. This sets out the characteristic features of this area, its landscape sensitivity, condition and actions in greater detail.

The characteristic features of this policy zone include:

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- Flat with occasional undulating landform around villages.
- Medium distance views to frequent shelterbelts and mixed plantations.
- Dominant views to the west of power stations and power lines.
- Mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture.
- Numerous fragmented blocks of mixed deciduous woodland, coniferous plantations and some remnant parkland.
- Watercourses drain land to the east, (Ox Pasture Drain and Wigsley Drain).

The baseline landscape character assessment for *Terrace Sandlands* has been described on page 13 - 15 of the LVA. This description has been taken from the Nottinghamshire Landscape Guidelines (1997) and whilst still relevant this document has been superseded by the Newark and Sherwood Landscape Character Assessment 2013. The adjacent landscape character types within the 5km study area are listed in paragraph 3.21 but not described though they are within the 5km study area and contribute the character of the wider baseline landscape.

Within the Newark and Sherwood Landscape Character Assessment the landscape condition for Wigsley Village Farmlands is defined as **moderate**.

Within the LVA the sensitivity of the different landscape character areas is set out within Table 2 pages 2 - 11 (Potential Landscape and Heritage Features and Landscape Character Areas: Sensitivity of Landscape Receptors and Summary of Magnitude of Change and Significance of Effects). All the landscape character areas have been described as having a **medium** sensitivity. I agree with this level but some written explanation as to the sensitivity of the landscape with specific reference to wind turbine development would have been useful in this section.

Table 2 of the LVA (pages 2 – 4) all the landscape character areas have been described as having a magnitude of change defined as **none** which gives a significance of effect as **none**.

Whilst there is likely to be no effect for most of policy zones, I consider the effect on landscape character may have been under estimated for Harby Village Farmlands to the east and Wigsley Village Farmlands with Plantations. During the operational period the magnitude of change is more likely to be low to negligible for these areas giving a **slight** to **negligible** significance of effect.

The Newark and Sherwood Landscape capacity study for wind energy development by LUC, shows the proposed development lying within D2 - *Village Farmlands with Plantations Landscape Character Type of the East Nottinghamshire Sandlands Regional Character Area*. This area is shown to have a **medium** sensitivity to medium wind turbines height 51 - 80m (Refer to Figure 5.3 Newark and Sherwood Landscape Capacity Study for Wind Energy Development.)

Impacts on Landscape character of the site

The applicant has provided an overall assessment of the impact of the proposal on the landscape character of the site itself. The site area has not been defined on a plan so it is not clear if this is the area of land which is shown on the proposed site layout plan, or the red line boundary. I have taken this to be the area on the site layout plan and more immediate vicinity around 1km of the proposed turbine location.

Their summary is as follows:-

1. Construction phase – **negligible** significance of impact on landscape character.
2. Operational phase - **moderate – slight adverse** significance of impact on landscape character
3. Decommissioning phase - **negligible** significance of impact on landscape character

The effects on landscape character have been assessed at various landscape scales with

Paragraph 4.32 stating that the overall magnitude of change on landscape character being medium at the site, low in the immediate vicinity of the site and negligible – none within the rest of the study area. I agree with the conclusion in Table 2 that the degree of significance is moderate- slight adverse impact.

If mitigation planting for adverse effects on landscape character were to be carried out at the time of the development on land in the applicants ownership then post 25 years there should be some slight beneficial effects due to the retention of this now mature vegetation.

6. Visual Impacts of the proposed development

The proposed development would comprise the installation of a 500kW wind turbine measuring 77m from a tower that is 50 m tall with a 54m rotor diameter. The design and height of the proposed turbine is therefore known and the visual impact can be predicted.

Eleven viewpoints have been produced which have been assessed within Table 4 Viewpoint Locations, Sensitivities, Magnitude of Change and Significance of Effects.

The location of these receptors should have been identified on the 10km study area (Figure 3) which shows the Zone of Theoretical Visibility. Although the receptors have been described in detail within the text the location in relation to the wind turbine location a plan would have allowed for easier interpretation of the results (e.g. distance to development would be readily visible). There are no visual receptors that the LVA has identified as having significant adverse effects.

The LVA has identified that the greatest level of effect is from the following viewpoints:

Viewpoint 1: Entrance to Plot Farm, 0.98km from development.

Receptors are primarily road users at the junction of Sand Lane/Drinsey Nook Lane and Brown Lane which have a medium sensitivity. The magnitude of change has been described as medium giving a **moderate/slight** significance of effect.

Viewpoint 5: Wigsley Road east of Wigsley Road, 1.87km from development

Receptors are residential receptors with a medium sensitivity, and a low magnitude of change with a **slight** significance of effect.

Viewpoint 6: National Cycle Route northwest of Harby, 0.57km from development

Receptors are recreational receptors from NCN 647 who have been described in Table 4 as having a medium sensitivity, and a medium magnitude of change with a **moderate/slight** significance of effect.

The location of this turbine is relatively close to this cycle route and I consider this to be a **moderate** significance of effect.

Viewpoint 11: View from Gibbet Lane Cottages/B1190 1.53km from development

Receptors are from Gibbett Lane Cottages and B1190 who have a medium sensitivity, and a low magnitude of change with a **slight** significance of effect.

The sensitivity of residential receptors is normally higher than those of receptors from roads and although some of the views from Gibbett Lane Cottages are screened by surrounding farm buildings to the rear there may be views of the turbine from the south west from upper windows and garden.

From my site observations isolated properties (Fir Tree Farm, Manor Farm and Station Farm) west of the wind turbine along Station Road may get some views of the upper section of the wind turbine
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from first storey west facing windows. However existing vegetation and agricultural buildings to the rear of these farm properties are likely to limit the extent of views from several locations. The majority of views of the turbine development from surrounding settlements of Wigsley, Harby and Thorney will be contained by existing vegetation including woodland blocks, (Glovers Wood, Thorney Brown and Plot Wood) shelter belts and hedgerow trees.

Overall, I generally agree with the findings in the LVA. It would have been useful if the visual analysis had also addressed the receptors not covered by the viewpoints and the visual assessment summary informed by this.

7. Cumulative Landscape and Visual Assessment

The Landscape and Visual Impact includes an assessment of cumulative impact assessment on page 30-33 where cumulative impacts are discussed in a generalised way. The cumulative impact assessment determines any additional effects the proposed development would have on landscape character and visual receptors when considered together with other wind turbine developments.

Within the LVA drawing “Cumulative Wind Turbine Sites Figure 4 ” shows the location of operational wind turbine, consented wind turbines and those in the planning system within 10km of the proposed wind turbine up to January 2015 date of LVA preparation.

The following list shows sites within a 10km radius of the site, which have been submitted as a planning application for a wind turbine which is over 30m in height. This list has been compiled by NCC using the information obtained from NSDC in July 2014 and updated from planning authorities planning websites.

Within Newark and Sherwood District, Nottinghamshire:

- **15/00215/FUL Plot Farm, Brown Wood Lane, Thorney – Height 77m (Application)**
- 13/00742/FUL Trent Holme Farm, North Clifton – Height 46m (Approved)
- 12/01415/FUL Trent Holme Farm, North Clifton – Height 46m (Approved)
- 13/00682/FUL Wigsely Old Air Field, Wigsely – Height 77m (Approved)
- 13/01701/FUL Plot Farm, Brown Wood Lane, Thorney – Height 77.3m (Approved)
- 14/01257/FUL Moor Farm Lane - Height 80m (Planning decision pending)

Screening stage

14/SCR/00032 Clifton Lane Thorney (Environmental Impact Assessment not required)

14/SCR/00030 Birkland La South Clifton (Environmental Impact Assessment not required)

13/SCR/00003 Moor Farm Moor Lane Thorney (Environmental Impact Assessment not required)

14/SCR/00018 Grange Farm Homefarm Lane Thorney (Environmental Impact Assessment not required)

Within Bassetlaw District, Nottinghamshire:

- 13/00434/FUL -Main Street Ragnall - 80m (Appeal)

Within West Lindsey District, Lincolnshire:

- 129323 Furrowland , Newton on Trent - Height 77m (Approved)

- 128536 Ferry Farm Ferry Lane, Kettlethorpe - Height 77m Date (Approved)
- 128502 Lodge Farm House Kettlethorpe Lane, Kettlethorpe - Height 77m (Approved)
- 130061 Lincoln Lane Farm, Lincoln Lane, Kettlethorpe - Height 77m (Planning decision pending)
-

Within North Kesteven District, Lincolnshire:

- Old Farm – Height 77m Refused

The LVA does not include a cumulative zone of theoretical visibility. The wind turbine at Plot Farm is now currently the closest consented wind turbine which is 280m north - north west of this proposed development.

In Paragraph 4.81 the LVA states that there is an operational turbine at Furrowland Ltd. The turbine adjacent to this shown as a consented wind turbine (P. A. Arden and Son) on Figure 4 is now operational. These pair of turbines are the height of the consented turbine at Plot Farm (Applicant P. A. Arden and Son) and the proposed turbine (Applicant: Furrowland Holdings Ltd)

The cumulative effects on the Landscape Character are assessed in paragraphs 4.78 to 4.83 where generally the separation distance, flat landscape and intervening woodlands is described as diminishing cumulative effects. Overall the cumulative effects on landscape character that are likely to accrue from the development are judged as being negligible by the applicant.

Intervening outgrown hedgerows and hedgerow trees and the relatively flat landform help to reduce adverse impacts but the presence of other wind turbines within the *Wigley Village Farmlands with Plantations* Landscape Policy Zone, and surrounding character areas within Lincolnshire means that there will be some other cumulative effects particularly sequential cumulative effects.

For assessing the cumulative effects on visual amenity the LVA has analysed the following viewpoints:

Viewpoint 1 View from Entrance to Plot Farm (magnitude of change - none)

Viewpoint 2 View from Fishing lakes southern edge of Thorney (magnitude of change - low)

Viewpoint 3 View from Layby on A1133 (magnitude of change - negligible)

I note that this assessment has been made on the acute angle viewpoint to the east. From the same position turning to view the landscape to the north east there are 5 other wind turbines will be able to be picked out in the landscape north of the A57 and A156. I consider that the cumulative magnitude of change has been under estimated and that from this slightly elevated point this is at least a low impact where intervisibility between character areas and the longer views north east into Lincolnshire becomes more apparent.

Viewpoint 5 View from Wigsley Road with proposed wind turbine and Furrowland Wind turbine (magnitude of change - low)

Viewpoint 6 View from National Cycle Route north west of Harby to Wigsley wind turbine (magnitude of change - medium)

Viewpoint 10 View from National Cycle Route 647 (magnitude of change - medium)

Viewpoint 11 View from Gibbet Lane Cottages on B1190 which includes the proposed turbine and Wigsley turbine in the distance (magnitude of change low)

The applicant summarises the cumulative effects in paragraph 5.1 stating that *there would not a cumulative effect on the landscape character with other wind turbines in the study area and 4.102 The cumulative magnitude of change on the visual amenity would be low- negligible overall.*

I consider that there is a cumulative effect on landscape but this is **low to negligible** and that the overall cumulative magnitude of change on the visual amenity change is low with medium level for a few receptors particularly from the surrounding public rights of way.

Sequential Cumulative Visual Impact

There has been no assessment of sequential views from the surrounding roads that connect village settlements or along the A57 for example or Public Rights of Way such as the NCN 647 cycle way Lincoln to Worksop via Tuxford. A description of these and the length that these would be experienced over and the nature of the receptor travelling along these routes would be useful.

Although the actual visibility of the current pattern of wind turbine development is limited I consider that there would be a **low** cumulative effect on landscape character with other wind turbines when taking into account the sequential impact when travelling through the study area.

8. NSDC Landscape Capacity Study

On a strategic level the NSDC Landscape Capacity Study sets out an overall aim for each of the identified landscape character types. Within the NSDC Landscape Capacity Study Table 2.5 (Page 14) sets out levels of wind energy development within the landscape.

These are:

<p>A landscape without wind energy is considered to be an LCT within which no wind energy developments are located. There may, however, be in views of wind energy developments located in neighbouring types of landscape. Some landscapes in this category may be able to accommodate small scale turbines, for example associated with farm buildings, and this is clearly set out where this is the case.</p>
<p>A landscape with occasional wind energy is considered to be an LCT within which a very small number of wind energy developments are located. In this landscape, the wind energy developments are usually clearly separated and whilst each development influences the perception of the landscape at close proximity, they do not have a defining influence on the overall experience of the landscape (developments would not result in a significant cumulative impact on the LCT as a whole) The LCT would not be dominated by wind turbines.</p>
<p>A landscape with wind energy is considered to be an LCT within which several wind energy developments are located; where the landscape may be perceives as having wind turbines visible in more than one direction; and/or where wind energy developments have a strong influence on the character of the landscape <i>but</i> are not the defining characteristic of the landscape character. It will still be possible to appreciate the character of the landscape without wind turbines dominating every view in the LCT.</p>
<p>A wind farm landscape is considered to be an LCT where turbines are the defining influence on the landscape character of the area. All other landscape features are seen in the context of extensive wind energy development</p>

The proposed turbine development is located in Landscape Character Type D2 *Village Farmlands with Plantations* whose overall aim has been assessed as **a landscape with occasional wind energy** in terms of the level of development likely to be acceptable. In this landscape, the wind energy developments are usually clearly separated and whilst each development influences the perception of the landscape at close proximity, they do not have a defining influence on the overall experience of the landscape (developments would not result in a significant cumulative impact on the

LCT as a whole).

Having reviewed the guidance within the NSDC Landscape Capacity Study in relation to this proposed development and the surrounding landscape I conclude that there is some capacity to accommodate this wind turbine development. When looking at sensitivity of the Village Farmlands with Plantations to cluster size the Study identifies that this landscape type would be of higher sensitivity to groups of more than 3 wind turbines together, mainly due to the scale and physical extent of the landscape.

I therefore consider that this landscape has some capacity for an additional turbine but that depending on the size and position of any further wind turbine development this will to have a potentially more adverse cumulative impact on the surrounding landscape type.

9. Mitigation

Whilst it is not possible to mitigate against the majority of visual impacts for a wind turbine development there is scope to strengthen the landscape character area of the Wigsley Village Farmlands with Plantations LPZ.

I note that the LVA does not provide any mitigation proposals for any adverse impacts on landscape character. Landscape improvements over the applicants land within their ownership should be carried out in addition to any that have been agreed as part of previous consented planning applications. Works that help to strengthen landscape structure along PRoW might be specifically relevant to this application.

The overall action for the Wigsley Village Farmlands with Plantations is to '**Create**' and specific landscape actions are:

- **Create** new hedgerows and restore existing, seek opportunities to recreate field pattern where feasible, contain new development within historic boundaries.
- Seek opportunities to restore arable land to pastoral and/or introduce field margins to link habitats and increase biodiversity.
- Enhance tree cover and landscape planting generally, in particular along A1133, to **create** increased visual unity and habitat across the Policy Zone. Conserve the ecological diversity and biodiversity of the designated SINCs
- Maintain water courses and manage land either side of them to provide flood relief and promote biodiversity. Carry out maintenance operations in a way that works alongside the biodiversity objectives for the area where possible

Core Policy 13 of Newark and Sherwood District Councils Core Strategy indicates that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape conservation and enhancement aims for the area.

9. Summary

- The landscape and visual assessment of the proposed development has been broadly carried out to the appropriate methodology and to edition 3 of the *Guidelines for Landscape and Visual Impact Assessment 2013*.
- The direct physical impacts on the landscape during the construction phase have not been quantified within the LVIA. There is no information as to if vegetation removal will be carried out to allow the transport of the turbine components to the site. No hedgerows or trees have been identified for removal within the assessment. Therefore, overall I would assess the direct physical impact on the existing landscape as **negligible**.
- Effects on the landscape character of the immediate site surroundings at the operational stage are assessed as **slight - moderate adverse**. I agree with this view.

- Effects on the landscape character of the wider site surroundings at the operational stage are also assessed as **none**. I am not in total agreement with this view as the site is in close proximity to Policy Zones 5B Harby Village Farmlands and 3 -The Till Vale in West Lindsey where there may be some **slight** adverse effects. (Refer to Figure 2 Landscape Character Areas)
- The overall effects on the visual amenity have been summarised as **negligible to slight** for surrounding visual receptors. I consider that there is an overall **slight** effect. Viewpoint 1 and viewpoint 6 from the National Cycle Route northwest of Harby, have been identified with a **moderate/slight** adverse significance of effect. I agree with this view.
- Cumulative Impacts have been assessed in the LVIA. Intervening outgrown hedgerows and hedgerow trees and the relatively flat landform help to reduce adverse impacts but the presence of other wind turbines within the surrounding character areas, (Wigley Village Farmlands with Plantations Landscape Policy Zone, and surrounding character areas within Lincolnshire) means that there will be some sequential cumulative effects. There has been no detailed sequential analysis of the views from the surrounding road network (including views east from the A1133 and public rights of way).
- This development is classed as a **medium** sized wind turbine (height range 51 - 80m) by *Newark and Sherwood Landscape Capacity Study for Wind Energy Development* although, at 77m, at the larger end of this range. This area is shown to have **medium** sensitivity to medium wind turbines height 51 - 80m (Refer to Figure 5.3 Newark and Sherwood Landscape Capacity Study for Wind Energy Development.)
- The recommendation in the LUC report is that area D2 *Village Farmlands with Plantations* whose overall aim has been assessed as **'a landscape with occasional wind energy, in which turbines may locally influence landscape character, but collectively do not affect perception on the landscape'**.
- This low lying, flat landscape with its broad floodplain and flat horizon is generally screened by hedges and woodland and therefore has some capacity to accommodate this wind turbine development.
- I consider that there is some scope to provide some mitigation, with planting works on the surrounding farmland within the applicant's ownership. This could include to create new hedgerows and restore existing, and to seek opportunities to recreate field pattern which would help to deliver some key actions for the Policy Zone. Plant species should be suitable for the East Nottinghamshire Sandlands Character Area.

10. Conclusion

The Newark and Sherwood Landscape Capacity Study for Wind Energy Development considers that although there is some capacity to accommodate medium sized wind turbine development there is likely to be an increase in sensitivity to larger cluster sizes for the particular landscape type within which this development is located. Future wind turbine developments will also contribute to cumulative effects particularly sequential cumulative effects for PRoW and road users

On balance taking all the above points into account I conclude that the proposed development should be considered for approval due to:

- no overall significant landscape and visual effects being brought about by this development.
- the capacity to accommodate some medium sized wind turbine development due to a combination of both low lying landform and the partial screening offered by existing woodland hedges and hedgerow trees.

- the current distribution of consented developments within the 10km of the proposed site

Should planning permission be granted, planting works for mitigation to address impacts on landscape character should be carried out on land within the applicant's ownership. This would help to deliver some key actions for the Policy Zone – East Nottinghamshire Sandlands Wigsley Village Farmlands with Plantations

Yours sincerely,

Alison Stuart
Landscape Architect
Landscape and Reclamation Team
Nottinghamshire County Council

Application No:	15/00324/FULM	
Proposal:	Construction of solar photovoltaic farm with attendant equipment and infrastructure	
Location:	Field Reference Number 6508, Ossington Road, Carlton On Trent, Nottinghamshire	
Applicant:	Mr Miguel Gomes	
Registered:	10 March 2015	Target Date: 30 June 2015

The Site

This application site relates to 38.64 hectares of land located at Stud Farm on the north side of Ossington Road. It is located approximately 1.2km south west of Sutton on Trent and 1.4km west of Carlton-on Trent. The site consists of two agricultural fields which are part of the same agricultural holding used for growing oil seed rape. Boundary edges are defined by hedgerows. The site is located within and surrounded by open countryside.

The nearest residential dwellings to the site are located 500 metres to the east of the site along Ossington Road.

A triangular parcel of woodland, Carlton Wood; a Local Wildlife Site identified for its biological importance is located immediately to the west of the site.

A public right of way (Carlton-on-Trent Bridleway No. 08) runs along the east boundary of the site.

Two wind turbines (77 m to blade tip) are located immediately to the south of the site on the opposite side of Ossington Road.

Relevant Planning History

No relevant planning history.

Environmental Impact Assessment

The proposal was screened as EIA development in a response dated the 01 October 2014 (reference 14/SCR/00049). This request related to a larger 53Ha of land than the current application. A scoping response was issued 19 December 2014 (reference 14/SCO/00005).

The Proposal

The application seeks planning permission to construct a 25MW solar farm on approximately 38.64 ha of land adjacent to Ossington Road, Carlton-on-Trent, Newark, Nottinghamshire.

It would comprise 91,124 solar panels grouped together in rows on a metal framed mounting system with a maximum height of approximately 2.15 metres. The solar panel modules would run in a series of east-west continuous rows in a south facing direction. The modules would be angled at 25 degrees to optimize their direction towards the sun. The panels would be matte dark blue in colour.

The proposal would provide electricity equivalent to the average electrical needs of 7255 typical UK homes (approx.).

Supporting infrastructure includes:

- 12 inverter/transformer stations (max height 2.3m);
- Client substation and control room (max height 3m);
- Brick built DNO substation (max height 3.94m);
- 3 metres high pole mounted security cameras (CCTV);
- Entrance gate;
- 2 metre high wooden post and wire deer fencing around the perimeter of the site;
- Internal access tracks leading to the inverter/transformer stations;
- Temporary site compound;
- Cable run to facilitate grid connection.

Vehicular access to the site would utilise the existing access point from Ossington Road to the south east corner of the site.

The proposal seeks to maintain existing landscape features in particular adjacent boundary trees and hedgerows. Existing hedgerows would be allowed to grow to a height of 3m to improve screening and any gaps in the boundary hedgerow would be in-filled with additional planting. Additional planting is also proposed along the eastern and northern boundaries, with a few additional hedgerow trees in the southern boundary.

The development would be constructed in a single phase expected to take approximately 5 months. Approximately 347 (HGV lorries) deliveries would be required to deliver all equipment and material to the site during the construction phase equating to an average of 3 deliveries per day.

The solar farm would be a temporary use of the land as the equipment would be removed and the land returned to its former condition when the development is decommissioned following 25 years of operation.

The following documents have been submitted in support of the application:

- Non-Technical Summary
- Environment Statement (The ES includes qualitative, quantitative and technical analyses of the impacts of the development on its surrounding environment in physical, ecological and

social terms including Landscape and Visual Effects, Ecology, Archaeology and Cultural Heritage and Transport)

- Planning Statement
- Design and Access Statement
- Biodiversity Management Plan
- Construction Traffic Management Plan

Departure/Public Advertisement Procedure

Site notices were posted to notify of the development and a notice was published in the local press on 26.03.15. 188 neighbours were notified individually by letter.

Development Plan Policies and other Material Policy Considerations

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Policies relevant to this application:

- Spatial Policy 3: Rural Areas
- Spatial Policy 6: Infrastructure for Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 13: Landscape Character
- Core Policy 14: Historic Environment

NSDC Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

- Policy DM4: Renewable and Low Carbon Energy Generation
- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM8: Development in the Open Countryside
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance 2014 (PPG)
- UK Government Solar Strategy 2014
- Department of Energy & Climate Change letter dated 22nd April 2014

Consultations

Former Cllr Rose –

Comments received 07.05.2015:

This development is of a huge scale and does not contribute towards meeting landscape conservation and enhancement aims for the area. The area is classed as Ossington Village Farmlands with Ancient Woodlands. It is in good condition and of moderate sensitivity requiring the action to conserve and reinforce. The developer argues that because the A1 is about a kilometre from the site and the main railway runs near it with industry alongside that this is the reason to allow more development. I would suggest the opposite. Currently this is an attractive landscape. To allow this development would change the whole nature of the area from rural to brownfield, creating an unacceptable cumulative effect of development in the countryside. It will significantly impact on the historical village of Carlton on Trent, classed as a Conservation Area, with listed properties of Carlton Hall, Carlton Church and the Dower House. The development is on high quality agricultural land. I request a survey to prove that there is no less suitable land within the district. This huge development with the unknown effects of run off close to a village already at risk of flooding from local water and the Trent.

Comments received 15.04.2015:

Further clarification of the following is required:

- Whether there would be a need to disrupt traffic when connecting to the grid? A condition to ensure that the highway cannot be used for parking during construction should be added.
- Whether the cable would run under the railway line to the substation with no disruption to rail services?
- A survey to prove there are no suitable alternative brownfield sites should be provided.

Sutton-on-Trent Parish Council - object to this application because:

- It is sited on fertile agricultural land whilst it is not top-grade agricultural land it is perfectly suitable for growing crops or for grazing animals
- The size of the proposed development is far too large for its location close to the road, the bridle way, residential properties and the villages of Carlton and Sutton on Trent.
- A solar farm will further industrialise an area of rural beauty the A1, the Midland Mainline, industrial units of Caledonian and a gravel works.
- Flooding covering a large field with plastic will reduce the area available for rainwater to soak into the ground which will increase the risk of flooding both to Carlton village and to the East Coast Main Line.

Carlton-on-Trent Parish Council – Object to the application for the following reasons:

The consultation was insufficient – the first public consultation was held before all the environmental studies had been completed and before the soil samples had been taken therefore there was no substantial information available on the potential impact of the installation. Instead much emphasis was placed on the community fund being made available to the local area which was seen by many as a bribe to encourage residents to support the application. The mail-out which was supposed to inform the public consultation went to people miles away but NOT to those living in Carlton-on-Trent – the village most likely to suffer the impact of the construction work and the long term visual impact. Indeed the first consultation was such a shambles that the

parish council offered to leaflet every house in the village regarding the second meeting to ensure that everyone was informed.

The development is replacing fertile agricultural land – although not perhaps the top grade soil found in the fens, the site is high quality agricultural land for this area and has produced good crops such as wheat and oil seed rape for many years. According to the LANDIS soil map of the region, this land represents the most fertile in the region. There is a world shortage of food and taking land of this quality out of productivity can only exacerbate the problem as crops cannot be accommodated elsewhere. Solar farms however, can be located on brown field sites, meeting the need for renewable energy whilst also leaving arable land to continue to contributing to food production.

According to NSDC Landscape Character Assessment this development falls within the mid Notts Farmlands area containing Ossington Village Farmlands with Ancient Woodland. This policy zone has a landscape action classified as conserve and reinforce. The landscape condition is determined as good and the sensitivity as moderate. Among the identified threats to these areas is the increase of industrial land use (adjacent to A1). Core Policy 13 states that developments should positively address the implications of the landscape zones. The Parish Council therefore believes that this development represents a threat to the identified landscape character and would ask that this be given considerable weight in any planning decision.

A solar farm will further industrialise an area of rural beauty – this area already accommodates the A1, the Midland Mainline, industrial units of Caledonian and a gravel works. The proliferation of renewable schemes continues to industrialise the area with the recent addition of two wind turbines dominating the skyline and a scoping application for a third turbine is already in the planning system. This development will mean that the village, far from nestling in a rural idyll, will be completely engulfed by industrial developments. The Parish Council believes that the proposed site is too close to the existing wind turbine sites and the Caledonian Factory site, resulting in significant cumulative impact and reducing the amenity of this area which is presently enjoyed by many who access footpaths to enjoy the local countryside which will be severely marred by this development. It is therefore suggested that these matters be at the forefront of any discussions relating to the planning decision.

The potential for flooding in the village will increase – in June 2007 a sudden downpour saw water running off the fields in question into a drainage dyke which runs down the edge of the village and into the River Trent. The dyke was unable to cope with the volume of water running off the fields and the village will be besieged. Many gardens flooded and some properties suffered damage to outbuildings; people's homes were only saved from flooding by the tireless diligence of the flood wardens who stayed up through the night shifting sandbags and pumping water away from the properties. The village has seen winter floods several times since 2007; as the River Trent breaks its banks to the East and the A1 and sodden fields drain into dykes to the West. When these meet, the only place for the excess water to go is through the village and onto the A1. This development will place approximately 1500 square metres of plastic in fields preventing water from soaking into the ground. The water which would have landed on each 1.5 square metres of land will instead fall of a solar panel. It will then run down the plastic and hit a much smaller 1 metre strip of ground where it will not be able to soak in fast enough and will form rivulets running across the fields and into the drainage dyke. This will mean that less extreme weather conditions than those of 2007, will result in the same level of flooding, therefore putting homes at risk on a far more regular basis. Guidance from the British Horse Society states that 'the extensive surface area of the panels could significantly change the nature of the drainage. Existing drainage to protect equestrian

routes is essential to ensure they are not affected. This must be considered well beyond the site itself so that flash flood damage does not occur’.

The application does not mention any improvement to existing drainage systems which is needed to ensure that water is channeled away from the A1 and the village. The Parish Council would therefore urge that this concern be given very serious consideration during any planning decision.

The perimeter fencing creates a tunnel effect along the bridle path – the buffer zone from the bridle path is insufficient. According to the British Horse Society Guidance “Solar farms are valuable investments with material that is vulnerable to crime. They are usually fenced to above head height for security. If bridleways or byways are alongside or through sites, care must be taken not to create a narrow corridor. Fencing can be intimidating, especially at this height, and create a need for vegetation control. It is not safe to fence users into too narrow a corridor, particularly for a length more than a few metres. The need to maintain adjacent hedges and surface vegetation so as not to further reduce the available width should also be considered.” The bridle way to the East of the development is used by cyclists and dog walkers as well as horse riders so needs to be very wide to allow different users to pass at a distance without having to intimidate one another. The parish council feels that insufficient space has been left for this purpose and that the use of screening vegetation will combine with the existing hedge to create a prolonged length of tunneling. The Parish Council would therefore expect this to be a consideration in any planning decision.

The site will impinge on the setting of several listed buildings – Carlton Hall, Carlton Church and the Dower House are amongst the listed properties in the village of Carlton on Tent which will have a line of sight to the development. Much closer to the site is the unique stables block of the former Foreshaws Stud Farm. This was an internationally renowned business in its heyday, having its own dedicated railway siding and purpose built stables of a unique design, which though not yet a listed property, they are of architectural significance and historical importance and are just 630m from the site. The Parish Council would therefore hope that these local buildings will be born in mind in any planning decision.

Road safety will be compromised – Ossington Road is not very wide and is bordered by soft verges. Whenever the A1 is closed and traffic diverts along Ossington Road, the large heavy vehicles are unable to pass other road users in the width of the road and they create deep ruts in the verge which become invisible with grass cover or difficult to judge their severity as rains stands in them. When cars are then forced onto the verge to pass lorries, the ruts make it very difficult to control the path of the vehicle and can cause damage to the underside. Only a matter of weeks ago a vehicle left the road on the bend adjacent to the site and came to a halt in the field opposite, having taken out several metres of hedging in its path. The road is heavily used by walkers, cyclists, horse riders and dog walkers who can move on to the verge as lorries pass but will be at risk if lorries are mounting the verge. The proposed 347 deliveries will undoubtedly exacerbate safety issues right along Ossington Road. The Parish Council request that safety is given high priority when making the planning decision.

The Parish Council feels that the objections outlined above show that the benefits of this development are outweighed by landscape character, heritage, amenity, highway safety, ecology and flooding concerns. The Council would therefore like to see the Localism Bill in action with the views of local people being given serious consideration. Indeed, the latest solar guidance from the Government in the Department of Energy and Climate Change statement UK Solar PV Strategy Part 2, paragraph 71 states “DECC will promote DCLG’s planning guidance on large-scale solar

farms. The guidance sets out particular considerations for solar farms, such as their visual impact, and underlines that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.”

Should NSDC be minded to permit the development, the Parish Council request that the following conditions be imposed:

1. The size of the site be restricted considerably to reduce its' overbearing nature;
2. A requirement to increase the buffer zones all round the development as advised by Notts Wildlife Trust but particularly along the road side and the bridle way to reduce visual impact;
3. A minimum width for the bridle way, of the existing path width plus 10 metres and an active management policy to keep vegetation cut back;
4. The restriction to one access point to the site;
5. Notts Wildlife Trust to be involved in the site inspection prior to any construction work beginning;
6. A regulation of no lighting visible to the human eye to be imposed throughout the entire working life of the development including no construction work during hours which require flood lighting;
7. All construction to be limited to sociable hours such as 8am to 6pm;
8. The imposition of a strict code of conduct regarding cleaning of the wheels of all vehicles leaving the site and continuous cleaning of the road to keep it mud free;
9. Controlled parking which prevents vehicles from being on the road during construction; all parking, loading and unloading must be accommodated within the boundary of the site, with no parking in road verges permitted at any time.

Environment Agency – The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted that a condition requiring development to be undertaken in accordance with the submitted Flood Risk Assessment is imposed.

English Heritage – In this case within a 5km radius there are 10 Grade I/II* listed, 9 SAMs, and 5 Conservation Areas. We note the submission of the Archaeology and Cultural Heritage Assessment produced by Wardell Armstrong and specific reference to potential impacts on the Grade II* listed Church of St Mary, Carlton on Trent – the spire of which is visible from within the site.

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 from static views. Whilst English Heritage broadly supports renewable energy we are aware that such developments can be challenging to the historic environment.

In general terms, English Heritage advises that a number of considerations will need to be taken into account when proposals of this nature are being assessed. This includes consideration of the impact of ancillary infrastructure, such as tracks and buildings associated with grid connections, as well as the photovoltaic panels themselves:

- The potential impact upon the landscape, especially if a site falls within an area of historic landscape;
- Direct impacts on historic/archaeological fabric (buildings, sites or areas), whether statutorily protected or not;
- Other impacts, particularly the setting of listed buildings, scheduled monuments, registered parks and gardens, conservation areas etc., including long views and any specific designed views and vistas within historic designed landscapes. All grades of listed buildings

should be identified. In some cases, intervisibility between historic sites may be a significant issue;

- The potential for buried archaeological remains;
- Effects on landscape amenity from public and private land;
- Cumulative impacts.

Thus in determining the planning application, your authority should seek further advice from both our archaeological advisor, and your conservations officers and take account of the desirability of sustaining and enhancing the significance of heritage assts.

In line with the NPPF, in determining the application 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.

Highways Agency – The proposed development is not expected to have a material impact on the closest strategic route, the A1. Therefore, the Highways Agency has no objections.

Natural England – Based on the information provided we do not consider the application is likely to result in significant impacts on statutory designated sites or landscapes.

The results of the Agricultural Land Classification survey confirm that the land is Grade 3b, which is not classed as ‘best and most versatile agricultural land’ (BMV agricultural land). Therefore this proposal will not impact BMV land. In addition, we consider that the proposed development is unlikely to lead to significant and irreversible long term loss of agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. General guidance for protecting soils during development is also available in Defra’s Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed , we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather. We would also advise your authority to consider applying conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

We have not assessed this application and associated documents for impacts on protected species.

Development of solar park sites may offer opportunities to deliver biodiversity improvements or Green Infrastructure (GI) enhancement through the creation of new habitats or appropriate management of the land around the panels. Therefore we are pleased a Biodiversity Management

Plan has been prepared which aims to minimise the impacts of the scheme and maximise the benefits for local biodiversity including birds and bats. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Network Rail – We have no objection in principle to the proposal but would comment as follows. Although the application does not include a specific glint and glare study to ascertain the effect the proposed farm will have on the operation of the adjacent railway, given the distance of the farm from the railway it is unlikely that there will be any effect on drivers or signal sighting. However it is noted that some of the railway does lie in the ZTV (fig 5.1) and as such there could be a possible effect on driver vision. Accordingly we would be happy to see a monitoring condition be added to any approval (such a condition has been accepted by other Authorities for inclusion in favourable decisions on solar farms adjacent to the railway).

A second area of interest is the route for construction traffic. It is noted in the Construction Traffic Management Plan that the preferred route to the site is via the Carlton on Trent (Ossington Road) level crossing over the East Coast Main Line. Although the likely level of traffic is unlikely to cause issues to the operation of the crossing (particularly as no abnormal loads are required for the transportation of parts) there remains the safe passage of the crossing itself. We would welcome an amendment to the Plan in section 4.5, to ensure that drivers are correctly appraised of correct level crossing usage, including the need to observe all signs and signals and remember the safe height for passage over the crossing bearing in mind the presence of overhead lines. Furthermore in section 5 (Highway condition survey) it should be acknowledged that this also applies to the surface of the level crossing, which should form part of the condition survey. If the survey is to be made the subject of a specific condition it should include reference to the level crossing.

National Air Traffic - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Ministry of Defence – No safeguarding objections to the proposal.

NCC Highways Authority – This application is for the construction of a solar farm with delivery/construction vehicles using the existing access from Ossington Road. The Construction Traffic Management Plan indicates that the construction period is expected to take approx. 5 months and that the total number of HGVs to the site is 347. A maximum of 50 staff are also expected on site. No abnormal load deliveries are required. The HGV route for all vehicles is via the A1 – turning west onto Ossington Road and a right turn into the application site, which is acceptable to the Highway Authority. The existing access is unsuitable for this increased use and requires improvement. However subject to conditions relating to the detailed construction of this access, there are no highway objections to this proposal.

NCC Lead Local Flood Authority – no comments received.

NCC Landscape and Reclamation –

1. The (LVIA) has been carried out to Guidelines for Landscape and Visual Impact Assessment, Third edition GLVIA 3 and the Study area has been defined as a 5km radius from the edge of the development beyond which the LVIA states that there would be no noticeable effects.

2. The proposed development is for solar panels which are mounted in arrays and set out in rows on an east to west axis. Twelve inverters and transformers would also be distributed within the

array of solar panels. Three substations (4.1m x 2.8m x 3m high) a control room building 3.2m x 2.3m 2.2m high and a DNO brick built substation 6.6m x 4.4m 3.94m tall at highest point would be sited near the site entrance off Ossington Road in the south east corner of the site. A 2m high timber post and wire deer fence would surround the site with CCTV cameras on 3m high posts positioned at 150m centres around the site perimeter.

3. The site lies within the National Character Area NCA48 Trent and Belvoir Vales, and at a district level with the Mid Nottinghamshire Farmlands Village Farmlands with Ancient Woodlands Landscape Character Type, Policy Zone MNPZ 20 Ossington Village Farmlands with Ancient Woodlands. A description of the character of the site and its immediate vicinity has also been described within the LVIA.

4. The applicant states that the proposed solar farm would add an additional man-made feature to the landscape but it would not be a defining feature and would not give rise to significant effects. However the applicant has identified are some significant visual effects with the 1km of the site. These are identified in the LVIA as:

- Castle Hill as the only individual property that would experience some significant effects which would lessen once the proposed planting to the eastern boundary matures.
- From a few Public Rights of Way (PRoW) particularly for users of Sutton On Trent Public Bridleway 18 there are significant visual effects. This bridleway runs along the eastern boundary where a new hedgerow with hedgerow trees is proposed. Once this has reached the 3m height effects will reduce.
- Visual receptors from Ossington Road will also experience some significant effects which will lessen when the existing boundary hedge has grown up to the required 3m.

5. The proposals on the Planting Plan (Figure 5.19) are acceptable although I would recommend that *Sorbus aucuparia* should be replaced with *Acer campestre* (Field Maple) which is more characteristic of the Mid Nottinghamshire Farmlands character area. A minor point is that the solar panels are quite close to the proposed hedge to the northern site boundary with a minimal stand off for future hedge maintenance. This should be increased.

Overall I agree with the findings within this application. However it is important the establishment maintenance period and the ongoing management of this site is carried out to allow the surrounding hedgerows to reach the required 3m, which effectively helps to reduce the majority of significant adverse visual effects to the south and east of the site.

NCC Archaeology - No comments received.

NCC Rights of Way – Carlton on Trent Bridleway 8/ Sutton on Trent Bridleway 18 runs inside the eastern boundary of the site as noted in the Non-Technical Summary and the width of the route is approximately 5 metres, and the construction access is also the start of the public bridleway. As deliveries will on average be 3 per day, I would expect that the bridleway can be kept open during the five month construction phase, especially as vehicles will be able to enter and exit the site in forward gear, and banksmen will also be available for large vehicles. Some warning notices for users and drivers might be appropriate.

The entrance will need to be in kept in a reasonable condition (similar to that at present) for the public use, which includes walkers, cyclists and horse riders, but also I am told a regular user in a wheelchair.

Nottinghamshire Ramblers - From a walker's perspective this is an attractive well-used fold of land crossed by several rights of way. The development would have a significant adverse effect on the environment for walkers. The scale of the proposal is quite inappropriate for this type of landscape. I am very familiar with this site and despite the developers' assertion that the land is of low-grade agricultural quality it has consistently been cropped. Surely land that is capable of arable production should be protected?

It is unacceptable to claim that the landscape has already been degraded by two wind turbines - there was plenty of local objection to these turbines and they should not be regarded as setting a precedent.

Despite the claims of the environmental surveys this field is of potential use to ground-nesting birds such as lapwings. Many walkers are also keen bird-watchers and the effect upon wildlife has not been satisfactorily resolved.

NCC Nature Conservation –

Comments received:

I can confirm that the additional information/clarification provided in the letter from Martifer Solar date 22 April addresses the comments/concerns I raised in my previous consultation response, regarding the site Biodiversity Management Plan. It is therefore suggested that a condition is used to require the submission of an updated Biodiversity Management Plan which incorporates these changes, where necessary, and that also makes reference to the Revised Security Fencing drawing and Revised BMP Support Drawing, as submitted.

Comments received 31.03.2015:

The application is supported by up-to-date ecological survey work, and an impact assessment, the details of which are contained in Chapter 6 (Ecology) of the ES. This indicates that:

- No designated nature conservation sites are likely to be affected by the proposals. A Local Wildlife Site (Carlton Wood LWS 2/600) lies adjacent to the western boundary of the site, but is protected by a broad stand-off area.
- The application site is dominated by arable farmland, of low inherent nature conservation value. Existing areas of semi-natural vegetation, including boundary hedgerows, hedgerow trees and ditches will be retained as part of the development.
- The site has limited value for protected or other notable species. Although no breeding bird surveys have been carried out, it is likely that the development will displace ground-nesting birds such as skylark, and possibly lapwing, but such impacts are localised.
- Mitigation measures are proposed in relation to badgers. A condition should be used to require a check for the presence of mammal burrows with an entrance diameter exceeding 100mm prior to the onset of works. In the event that such mammal burrows are recorded construction operations should cease until advice has been sought from a suitably qualified ecologist.

- A standard condition should be used to control vegetation clearance during the bird nesting season (which runs from March to August inclusive).

In addition, a Biodiversity Management Plan has been produced, detailing habitat creation and ongoing management works at the site, which is welcomed. However, it is requested that a small number of details are addressed:

- Reference is made to seed mix EG23, but it is unclear if this mix is actually proposed for use anywhere on the site.
- Seed mix EG27 is proposed for use across much of the site. Whilst the reasons for using this mix are accepted, it is requested that it is augmented with a small number of additional wildflower species which are tolerant of elevated nutrient levels, such as meadow buttercup, yarrow, oxeye daisy, tufted vetch or common knapweed, to diversify the sward and make it more attractive to wildlife.
- It is indicated that the site may be subject to sheep grazing in the future, but that ungrazed, species-rich margins will be maintained with fencing. It would be useful to have a plan clearly identifying the different grassland types/management areas.
- A relatively large area of land lies between the western boundary of the site, and the adjacent Carlton Wood LWS. This will presumably not be put back into arable production, so it is requested that this area is sown with a more diverse seed mix (EM4, as proposed for hedgerow margins).
- A proposed mixture for hedgerow planting is provided in section 2.4.3. Whilst the species listed are appropriate, the proportion of hawthorn should be greater, to reflect the fact that hedgerows are normally hawthorn-dominated. It is therefore requested that the proportion of hawthorn is increased to at least 50-60%, with the other proportions reduced accordingly (privet and dog rose should be reduced to 5% in any event).
- In section 2.6.1 it is indicated that gaps or gates will be included in security fencing, to allow mammals to access it. However, other information (Security Fencing drawing reference 14M14-P-SFREVO1) indicates that access will rely on natural undulations. Clarification of approach is therefore requested.

It is therefore requested that an **amended version** of the Biodiversity Management Plan is produced, which addresses these issues.

NCC Heritage – This application is accompanied with an ES including a landscape and visual impact assessment and cultural heritage assessment that provides sufficient evidence to allow the application to be determined in accordance with national and local policies. However, the cultural heritage section of the ES is somewhat 'light' on the identification and assessment of the significance of the setting of Carlton Hall (the Notts HER identifies the historic parkland to extend to the edge of the proposal site) and does not provide any great commentary on the impact on the setting of St Mary's Church which arguably includes the historic landscape character of this and other fields that are highly visible from the public realm within the parish. As identified by English heritage in their response of 20th March, impacts of the associated infrastructure as well as the PVs themselves must be considered. In the case of this proposal the fence, gates, substation, transformer station and control house will have a cumulative impact and it is this impact that must

also be considered and be placed in context against other proposals of a similar nature in the area that may also be causing a degree of 'harm' to the setting of the designated heritage assets.

Nottinghamshire Wildlife Trust –

Comments received 28.04.2015:

Thank you for consulting Nottinghamshire Wildlife Trust on the additional information regarding the above application. We welcome that additional enhancements are proposed for incorporation into the Biodiversity Management Plan and would support these amendments, should the application be granted. We suggest a condition is used requiring submission of an updated Biodiversity Management Plan which incorporates these changes and which makes reference to the updated plans.

Comments received 24.03.2015:

We welcome that the applicant has taken on board our scoping advice and carried out ecological survey, with the results informing mitigation and enhancement recommendations.

We are satisfied with the methodology employed in the ecological assessment and concur with the overall conclusions. The Biodiversity Management Plan (Wardell Armstrong, February 2015) appears to be a comprehensive document regarding habitat establishment and ongoing management and we would support securing its implementation through a suitably worded planning condition.

We would also suggest a condition to secure the proposed check for the presence of mammal burrows with an entrance diameter exceeding 100mm prior to the onset of works (Section 6.105 of the ES). If badger sets are identified, an increased buffer zone may be required.

NSDC Heritage Conservation – No objection. Please refer to Impact on Heritage section below which incorporates the comments made by the Conservation Officer.

NSDC Environmental Health – No comment.

18 representations have been received from local residents/interested parties comprising 4 letters of support and 14 letters of objection.

Support for the application include:

- Preference for a solar farm rather than a power station;
- Economic growth and diversification;
- Solar farms should be encouraged in this area;
- Solar PV is effective and able to be rapidly deployed.

Objections to the application include:

- Adverse visual impact;
- Screening will not mitigate visual impact due to the sites location on a hill;

- The proposed development in combination with the existing wind turbines in the adjacent field turn a rural landscape into an industrial scene;
- Reflection of light would create a safety hazard;
- Storms may cause the panels to blow away and cause an accident;
- Adverse impact on wildlife including wild deer and water fowl;
- Traffic and construction disturbance during construction;
- Loss of good quality agricultural land;
- Detrimental to the Country's ability to be self-sufficient in food production;
- Soil assessments can not be relied on;
- Solar energy has a disadvantage as it requires sun and does not therefore generate energy at night;
- Solar energy can't work without the support of other energy sources;
- Solar energy is inefficient and cause pollution during construction;
- Lack of appropriate consultation undertaken by the Applicant;
- The cumulative impacts of similar developments needs to be considered;
- Negative impact on heritage assets including listed buildings;
- Run off from the panels would create excess water flow and risk of flooding. The dyke downhill from the proposed development suffered severe flooding in 2007;
- It will destroy the landscape and view and discourage people from walking in the countryside;
- Overbearing;
- Loss of amenity to riders, walkers and cyclists;
- footpaths and bridal paths should be kept open at all times;
- if it does go ahead there should be a real downgrading and reduction in Council Tax.

Comments of the Business Manager

Principle of Development

The proposed solar farm is a renewable energy development. Increasing the amount of energy from renewable and low carbon technologies is a key principle of the aforementioned planning policies with the UK Government being committed to meeting binding targets set by the EU Renewable Energy Directive (15% by 2020). The Government, in 2009, published its Renewable Energy Strategy which in turn envisages an energy mix from renewables required to meet its own prescribed targets.

It is acknowledged that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012. The Framework replaced a series of national policy statements, circulars and guidance including Planning Policy Statement 22 'Renewable Energy' (PPS22).

A core principle of the NPPF is that planning should, *'Support the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources.'* The NPPF policy on renewable and low carbon energy is set out in section 10 of the document. NPPF paragraph 93 indicates that, *'Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of*

climate change, and supporting the delivery of renewable energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development’.

NPPF paragraph 94 states that, ‘*Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change’* in line with the objectives and provisions of the Climate Change Act 2008.

NPPF paragraph 97 includes that Local Planning Authorities should ‘*recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources’; ‘have a positive strategy to promote energy from renewable and low carbon sources’; ‘design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily’; and ‘consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources’.*

NPPF paragraph 98 concerning the determination of planning applications includes provisions that Local Planning Authorities should, in summary, not require applicants to demonstrate the overall need for renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable. The commitment to the delivery of renewable and low carbon energy projects has been supported by additional Planning Practice Guidance published in March 2014. The guidance specifically outlines a number of factors which local planning authorities will need to consider in the assessment of large scale ground-mounted solar farms.

The District Council’s commitment to climate change is set out by Core Strategy Core Policy 10 and Policy DM4 of the Allocations & Development Management DPD. These policies indicate that the District Council will encourage the provision of renewable and low carbon energy generation within new development and recognises that the support for renewable and low carbon development is key to meeting the challenge of climate change.

In determining this application it is necessary to balance any recognised positive or negative effects against the strong presumption in favour of promoting renewable energy provision and the views of the local community. The wider environmental and economic benefits of the proposal are a material consideration to be given significant weight in this decision.

The proposal relates to development within the open countryside which is strictly controlled by Policy DM8 of the Allocations and Development Management Document. This policy outlines the types of development which may be acceptable in countryside locations. This proposal for energy generation, more akin to an industrial use, would not fall comfortably within any of these development types. However it is acknowledged that the land take required for developments of this nature are more readily available in rural locations.

Loss of Agricultural Land/Alternative Sites

As identified, the recently published Planning Practice Guidance (March 2014) outlines a number of factors which local planning authorities will need to consider in the assessment of large scale ground-mounted solar farms. The stance of the Guidance is to encourage the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land. Paragraph 13 goes on to qualify that where a proposal involves greenfield land, which members will be aware

is relevant to the current proposal, the local planning authority will need to consider whether the proposed use of agricultural land has shown to be necessary and where it has, that poorer quality land has been used in preference to higher quality land, and that the proposal allows for continued agricultural use.

I am mindful of the scale of the proposal which relates to 38.64 hectares of land take. Clearly this is a substantial site area. Solar PV is further constrained by the requirement to be close to a suitable grid connection point. This site is in close proximity to the WPD substation adjacent to the East Coast Mainline, which has sufficient capacity to cater for the proposed solar farm.

The Applicant has considered alternative brownfield sites including large scale roof space within their Environment Statement. The roof of the largest roofspace in the vicinity of the proposal (Caledonian Works) was considered but not considered practical for any solar installation. The Applicant consulted the National Land Use Database of Previously Developed Land and identified 6 brown field sites within 5km of the site. The Applicant confirms that these sites were ruled out as they are of an insufficient size with the majority also being immediately adjacent to residential housing. Indeed, any comparable site area of brown field land which is not in agricultural use is likely to have been allocated for alternative development in the delivery of the Allocations Document. The vast majority of large brownfield sites of over 2ha are allocated to aid in the delivery of housing and employment uses and thus I consider that it would be appropriate to expect a solar farm of this extent to be located on agricultural land in the interests of preserving the intentions of the Allocations Document and not prejudicing the delivery of sustainable housing and employment development.

The application has been supported by an Agricultural Land Classification (ALC) report undertaken by qualified soil scientists (Soil Environment Services) which confirms that the proposed would utilise land that is classified as Grade 3b. The lab testing of the soil samples was undertaken by an independent laboratory. The NNPF defines 'Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification' and at paragraph 112 requires that where significant development is demonstrated to necessary LPAs should seek to use areas of poorer quality land rather than areas of higher quality.

Sub-grade 3b is described as *"moderate quality agricultural land - Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass harvested over most of the year"*. It is concluded that the proposed solar array, being on lower grade agricultural land complies with the NNPF and the NPPG. Natural England concur with this view.

I am mindful that it is proposed that the land between the rows of solar panels will be grassland which can be used for grazing and that this would allow for continued agricultural use as supported by PPG. The land can then be reinstated as agricultural land following the removal of the solar arrays. I am also mindful that the proposal represents an opportunity for rural diversification in the otherwise unpredictable and volatile market of farming practices.

Taking the above considerations into account I am of the opinion that the proposal adequately addresses the requirements of PPG and that it would be difficult to justify refusal on the grounds that the proposal would be on agricultural land.

Impact on Visual Amenity including the Setting of Public Rights of Way

Core Policy 9 states that new development should achieve a high standard of sustainable design

and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Ossington Village Farmlands and Ancient Woodlands (MN PZ 20) which is described as gently undulating and rounded, resulting in views being medium to long distance throughout most of the area with frequent wooded skylines. The landscape sensitivity is defined as moderate and condition is defined as good.

The policy action for this area is 'Conserve and Reinforce' with specific actions to maintain historic field patterns, maintain hedgerows and prevent fragmentation and to conserve and enhance ecological diversity.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application to identify and assess the likely significance of the landscape visual effects of the proposed development on the surrounding area. 11 viewpoints within the Zone of Theoretical Visibility (ZTV) including 3 photomontages for have been provided. I am satisfied that the visuals provided are sufficient to allow Members to reach a balanced judgement.

A number of visual receptors have been identified including the nearby settlements, roads and individual properties. There are also numerous public rights of way in the vicinity of the site. Surrounding woodland and topography limits the visibility of the site from the surrounding area. The LVIA considers the main visual effects to be contained to within approximately 1km of the proposed development.

Overhead electricity transmission lines cross the fields adjacent to the site to the north and east and there are two wind turbines located in fields to the south. The A1 runs north to south between Carlton on Trent and Sutton on Trent. The East Coast Mainline passes the site less than 1km to the east. These are considered to be detracting features in close proximity to the site.

The LVIA further states that the proposed solar farm would add an additional man-made feature to the landscape but it would not be a defining feature and would not therefore give rise to significant landscape effects. Boundary hedgerows and trees would be retained with new hedgerow and tree planting proposed. The hedgerows would be managed to grow approximately 3 metres high. It is recommended that this be secured by planning condition.

The cumulative effects of the proposed solar farm have been considered by the LVIA in combination with existing solar farms e.g. Egmanton and due to the separation distances, it is not considered that any cumulative impact would result. I concur with this view.

The LVIA confirms that there is no lighting requirement overnight for security reasons as all security cameras would be fitted with infra-red lighting. Other security measures are however proposed in the form of perimeter fencing and CCTV cameras. Overall, I consider that the security measures proposed by this application are adequate and take into account the requirements of Section 17 of the Crime and Disorder Act whilst balancing the need to protect the open countryside from visual harm.

The LVIA identifies that significant visual effects would be experienced by an individual property (Castle Hill), users of Ossington Road and the Public Rights of Way adjacent to the development. However, the impacts upon Castle Hill would lessen once the proposed planting to the eastern boundary matures and users of the routes identified would only experience such significant effects for short durations through gaps in the intervening vegetation.

As a consequence, the overall conclusion of the LVIA is that the proposed would give rise to no significant landscape effects. The County Landscape Officer concurs with this view subject to conditions relating to landscaping. The proposed solar farm would comply with the policy actions identified within the Landscape Character Assessment.

Impact on Highway and Railway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which are appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.

The Construction Traffic Management Plan indicates that the construction period is expected to take approx. 5 months and that the total number of HGVs to the site is 347. A maximum of 50 staff are also expected on site. No abnormal load deliveries are required. The Transport Assessment included in the ES concludes that the impacts associated with traffic movements during the life of the scheme are considered to be 'not significant'. The main impacts are associated with the increase in vehicle movements along Ossington Road and the A1 during the construction phase of the solar farm.

The Highways Agency raises no objection to the application. The County Highways Officer raises no objection subject to conditions requiring improvements to the vehicular access to the site. I accept that there will be an impact on the highways network during construction but am of the view that this would only be for a temporary period and would not be so significant and to justify refusal on these grounds.

The preferred route to the site for construction vehicles is via the Carlton on Trent (Ossington Road) level crossing over the East Coast Main Line. Whilst, Network Rail raise no objection to this route, they have requested that the Construction Traffic Management Plan be amended to include a section on railway safety awareness for drivers and that the highways condition survey (to identify and agree any remedial works reasonably attributed to construction activities) include an assessment of the level crossing in addition to the highway. It is therefore recommended that an amended Construction Management Plan be required by planning condition.

Any works necessary to lay cable within the verge adjacent to Ossington Road would be agreed in advance by the Local Highways Authority.

Parking for construction vehicles would be made available within the site with sufficient space made available to prevent any potential need for HGV's to queue/park on Ossington Road. Wheel washing facilities would also be provided on site.

Subject to the inclusion of the suggested conditions from the Local Highways Authority and Network Rail, should permission be granted, I am satisfied that the proposal would not amount to a detrimental impact on highway or railway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Flood Risk

The NPPF directs development away from areas at highest risk of flooding employing a sequential approach. Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses.

A Flood Risk Assessment has been submitted with the application. This assesses the vulnerability of the site to flooding from other sources as well as from river and sea flooding and the potential of the proposed development to increase flood risk elsewhere. The policy aim within Flood Zone 1 is that local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond. This ES states that whilst the panels would not create an impermeable area, *'any risk of erosion due to the concentration of runoff would be mitigated by the cultivated soil and thick sward of tussocky grass and its maintenance regime, there should be no net increase in runoff reaching the site boundary. In this respect, the maximum gradient of 1 in 16 is not regarded as significant. The small increase in surface water runoff resulting from the substations and other roofs will be dealt with by dispersal to the surrounding land and not discharged to ditches or land drains, thereby not increasing the likelihood of flooding elsewhere. Similarly, runoff from the access roads and compound area will be reduced by the use of permeable aggregate and collected in shallow swales with regular turn out features to dissipate the flows across the site. Notwithstanding these precautions, in order to align with local Environment Agency practice regarding runoff from solar farms, a series of precautionary swales have been indicated on the lower boundaries of the site'*.

The Environment Agency raise no objection to the proposal subject to a condition to ensure that mitigation measures are implemented in accordance with the Flood Risk Assessment.

Taking the above into account I am therefore satisfied that the applicant has adequately demonstrated that the development will not adversely impact on flooding or drainage in accordance with the aims of the NPPF and Core Policy 9.

Impact on Heritage Assets including Archaeology

By virtue of their scale, form and appearance, solar farms are capable of affecting the historic environment. As set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, 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, and the more important the asset, the greater the weight should be.

Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and 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. All

heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Additional guidance on development affecting the setting of heritage assets is contained within The Historic Environment Good Practice Advice (HEGPA) in Planning Note 3: The Setting of Heritage Assets.

Policies CP14 and DM9 of the Council's LDF Core Strategy and Site Allocations DPDs is also relevant. In addition to the above, the effect of an application on the significance of a non-designated heritage asset (notably Carlton Hall Park) should be taken into account in determining the application (paragraph 135 of the NPPF). In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

There are no designated heritage assets within 1km of the proposal site, but there are a number of significant heritage assets within 3km worthy of consideration, notably:

- Church of St Mary (Grade II* listed), Carlton-on-Trent;
- Carlton Hall (Grade II* listed), Carlton-on-Trent;
- Carlton Hall Park, unregistered park and garden (see attached);
- Carlton-on-Trent Conservation Area;
- Church of All Saints (Grade I listed), Sutton-on-Trent;
- Sutton-on-Trent Conservation Area;
- Willoughby Deserted Medieval Village – Scheduled Ancient Monument (south by southeast of proposal site);
- Church of the Holy Rood (Grade I listed), Ossington.

Further to the requirements of paragraph 128 of the NPPF, the applicant is required to submit a Heritage Impact Assessment. The submitted reports, notably the section on 'Archaeology and Cultural Heritage', provides a broad assessment of heritage impact. I broadly agree with its conclusions:

- The setting of St Mary's Church in Carlton is a significant landmark building within the parish, and on this basis, its setting includes the wider landscape of the village. Nevertheless, although the distinctive church spire of St Mary is visible in part from the proposal site, the distance between the church and proposal site, intervening topography (notably trees) and lack of intervisibility at ground level ensures that the setting of the Grade II* listed building is not compromised in this case;
- Carlton Hall Park to the southeast of the proposal site (see attached map extract from the County HER) is not a registered park and garden (and therefore non-designated within the meaning of heritage asset as set out under Annex 2 and section 12 of the NPPF). The Park is, however, worthy of consideration as a landscape feature of local historic interest. In this case, the park has been significantly altered since the 18th century, notably in the formation of fields and the significant landscape intervention resulting from the East Coast mainline and A1 trunk road. The footpaths crossing this land reflect historic maps, and therefore people traversing this route will get a sense of the former parkland. However,

- overall, the proposal is not likely to harm the remaining significance of this site, noting the distance away from the site and the presence of intervening green infrastructure;
- The wider landscape includes a number of significant designated and non-designated heritage assets, many of which have archaeological significance. Whilst the proposed development is capable of affecting the wider setting of some of these insofar as one might recognise landscape features when travelling between sites, the distance between heritage assets, limited intervisibility (due to the modest height of panels), and intervening topography all ensure that the proposal has limited impact on the historic environment in this case.

Having reviewed the submitted plans and details, the Conservation Officer has no objection to the proposed development subject to appropriate mitigation (reinforcement/addition of hedgerows/green infrastructure to screen the development) and a condition requiring the removal of the infrastructure at the end of its commission. Whilst Conservation Officer finds no material harm to any heritage assets in this case, the scheme would benefit from minimising impact on the landscape in this location in order to sustain the positive landscape significance of the wider setting of the Church of St Mary, Carlton Hall, Carlton Conservation Area and the varied archaeological sites within 5km.

Even if any adverse impacts in terms of the historic environment had been identified, these would only amount to less than substantial in accordance with paragraph 134 of the NPPF and this harm would be outweighed by the public benefits accrued through renewable energy production in this instance.

An Archaeological Desk-Based Assessment has been submitted with the application which identifies the potential to encounter archaeological remains on the site. As such, a condition requiring a full scheme of archaeological mitigation prior to the commencement of development is recommended.

Taking these comments into account I am satisfied that the proposal, by virtue of the modest height of the panels and infrastructure, the topography of the site and the distances to the nearest heritage assets, would not have any detrimental impact on any heritage or historic assets.

Impact on Ecology including Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. No designated nature conservation sites are likely to be affected by the proposals. A Local Wildlife Site (Carlton Wood) lies adjacent to the western boundary of the site, but would be protected by a broad stand-off area.

An Ecological Appraisal comprising a Desk study and Extended Phase I Habitat Survey has been submitted with the application. This identifies ecology impacts during construction including habitat loss and disturbance of species. The site contains viable wintering habitat for flocks of golden plover and lapwing however adverse impact is considered to be unlikely as the initial wintering bird survey did not identify the presence of either of these species on site. The ES concludes the following:

'With the implementation of the mitigation/compensation measures it is not anticipates that there

will be any significant residual adverse effects upon the ecological receptors identified within or surrounding the application area with the potential (however unlikely) exception of wintering birds. The implementation of the Biodiversity Management Plan presents the opportunity to enhance the biodiversity value of the operational site. As such it is anticipated that the proposals will result in a minor beneficial enhancement to hedgerows, bats and breeding birds'.

Nottinghamshire Wildlife Trust and the County Nature Conservation Officer raise no objection to the application subject to mitigation measures and minor amendments to the submitted Biodiversity Plan. Additional information and plans comprising amendments to the submitted Plan have subsequently been submitted and are considered acceptable. A condition requiring the implementation of the Biodiversity Plan in accordance with these details is recommended. Measures include site security fencing to be installed prior to construction with a 5m buffer from field boundaries. No vehicles would be driven or construction materials stored within this buffer. Enhancements for the site include the creation of a more diverse grassland beneath the panels and tussocky grassland at the field margins to attract a variety of invertebrates, small mammals, reptiles, amphibians, bats and birds. Bat and bird boxes would also be installed onto mature trees.

An Arboricultural Survey has been submitted with the application. This confirms that there are a number of mature trees located within and immediately adjacent to the site. No trees require removal as a result of the development. Arboricultural works including deadwood removal is required on four trees. It is recommended that a condition be imposed to ensure that any tree works and their protection are carried out in accordance with the mitigation measures set out in the Survey.

Overall and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

Impact on Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

I am mindful that the application site falls within the open countryside with surrounding residential development being sparse in nature. The nearest residential property is 500 metres to the east of the site along Ossington Road. As the HGV route for all vehicles is via the A1 – turning west onto Ossington Road past a number of dwellings, it is recommended that restricted hours of construction and deliveries are imposed by planning condition.

The ES includes consideration of any potential glint and glare effects of the proposal. Whilst this concludes that it is not expected that there would be any adverse effect arising from solar reflections on rail or aviation interests in the area, Network Rail have requested that a condition be imposed on any consent to ensure that in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, the operator of the solar farm must submit a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works.

Given the low level nature of the development and the limited output in terms of noise emissions, subject to conditions, it is not considered that the proposal would have a significant adverse

impact on neighbouring land uses in accordance with the aims of the NPPF and Policy DM5 of the DPD.

Other Matters

Pre application consultation – although there is no statutory requirement for public consultation on solar farm development in the same way as there is for wind development, the Applicant has undertaken consultation with the community prior to the submission of the planning application. In relation to consultation, the Applicant has stated the following:

'It is correct that the first public consultation was undertaken prior to all the studies being completed because Martifer solar seeks to engage with the public at the earliest opportunity to allow for design changes and/or additional investigations that may be necessary. In this case it was a member of the public who strongly disagreed with the soil survey results that had been provided and it was therefore decided that independent laboratory testing of the soil samples should be undertaken to confirm the ALC grade of the site and provide a definite scientific answer. It is also correct that there were problems with the addresses that had been purchased, however, the public exhibitions were also advertised in the local newspaper and the Parish Council kindly agreed to display a poster outside the hall. The first event was attended by 59 people, mostly residents from Carlton and Sutton on Trent. A second consultation event took place after all the studies had been completed and the proposal amended reflecting suggestions made at the first event. In addition to the Parish Councils' kind offer to distribute leaflets in the village the addresses for the second mailshot had been amended to make sure everyone in Carlton and Sutton was invited. Two consultations represent best practice and this usually involves the first event taking place at the earliest opportunity, the reasons for which are explained above.'

Conclusion

Both national and local planning policy place great emphasis on the creation of energy through renewable schemes where the impacts of the development are (or can be made through appropriately worded conditions) acceptable. I am of the opinion that the proposed solar farm would contribute towards energy production and I am satisfied that no significant adverse impacts have been identified which would outweigh this benefit. Subject to planning conditions, the proposed development would not result in any significant visual impact, harm to the setting of heritage assets, adverse impact upon highway safety, ecology or archaeology. Based on a balancing exercise of positive benefits against the limited harm identified, it is considered that the scheme is acceptable and would represent sustainable development in accordance with the NPPF and the Development Plan.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

14M14-P-SDBMP-REV01 BMP support drawing

14M14-P-SF-REV02 Security Fencing

14M14-P-GL-REV04 General Layout

E&P_Elevations_PE10438 Existing and Proposed Elevations

Ex&PrpFloorPlan_v1_PE10438 Existing and Proposed Floor Plan

BlockPlan_V1_PE10438 Block Plan

BlockPlanCR_V1_PE10438 Block Plan – Cable Route

PE10438/5.19 Planting Plan

14M14-P-MS-REV01 Mounting Structure

14M14-P-PM-REV02 Perimeter Maintenance

14M14-P-AG-REV01 Access Gate

14M14-P-SS-REV02 Monitoring and Security

14M14-P-TS-REV01 Transformer Station

14M14-P-DS-REV01 DNO Substation

14M14-P-CS-REV01 Client Substation

14M14-P-CH-REV01 Control House

14M14-P-AR-REV01 Access Roads

14M14-P-TR-REV01 Mounting Structure

Solar panel & inverter details contains in Appendix 3.1 -3.3 of the Environmental Statement Part 1

PE10438-004 Tree Protection Plan

Unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

All hard and soft landscape works shall be carried out in accordance with the approved plans including drawing numbers PE10438/5.19 'Planting Plan' (received 19.02.2015), the letter dated 22 April 2015 by Martifer Solar and 14M14-P-SDBMP-REV01 BMP 'support drawing' unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the retention of all existing trees and hedgerows which shall be protected in accordance with the recommendations set out in the Arboricultural Survey (dated December 2014 by Wardell Armstrong) and drawing number PE10438-004 Tree Protection Plan. Existing boundary hedgerows shall be managed to a height of approximately 3 metres. Any trees/shrubs which, within a period of twenty five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved landscaping scheme shall be implemented in full.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

04

No topping, lopping or felling of trees shall be undertaken except in accordance with the arboricultural works identified in Appendix 1 Tree Schedules under the heading Preliminary Management Recommendations/Further Works contained in the Arboricultural Survey (dated December 2014 by Wardell Armstrong) unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of visual amenity and biodiversity in accordance with the aims of the NPPF, Core Policy 12 and Policies DM5 and DM7 of the DPD.

05

Notwithstanding the submitted details contained in the Construction Traffic Management Plan CTMP (dated January 2015 by JMP), no development shall be commenced until an amended CTMP, associated with the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

Reason: In the interests of highway and railway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

06

Construction works and deliveries to the site shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance in accordance with the aims of the NPPF and Policy DM5 of the DPD.

07

The development hereby approved shall be carried out in strict accordance with the Mitigation Measures outlined within Section 4 of the Preliminary Ecological Appraisal (Dated December 2014 by Wardell Armstrong) unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt, this shall include a check for the presence of mammal burrows with a diameter exceeding 100mm prior to the commencement of development.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

08

Notwithstanding the submitted details, the Biodiversity Management Plan (dated February 2015 by Wardell Armstong) shall be amended to reflect the details in the letter dated 22 April 2015 by Martifer Solar. Prior to the commencement of development the amended Biodiversity Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The provisions of this Plan shall thereafter be adhered to throughout the lifetime of the development.

Reason: In the interests of biodiversity and ecology in accordance with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

09

No tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

10

No external lighting shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details of the lifetime of the development.

Reason: in the interests of visual amenity and biodiversity in accordance with the aims of the NPPF, Core Policy 12 and Policies DM5, DM7 and DM8 of the DPD.

11

If the solar farm hereby permitted ceases to operate for a continuous period of 12 months then a scheme for the decommissioning and removal of the solar farm and ancillary equipment shall be submitted within six months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason: In the interests of visual amenity in accordance with the aims of the NPPF and PPG.

12

The planning permission hereby granted shall be for a temporary period only, to expire 25 years and six months after the date of the commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission and in accordance with the applicants expressed intent in accordance with the aims of the NPPF and PPG.

13

Not later than six months before the date on which the planning permission hereby granted expires, the solar farm and ancillary equipment shall be dismantled and removed from the site and

the land restored in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with the aims of the NPPF and PPG.

14

Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall within 28 days submit for approval in writing to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure safety of the users of the railway in accordance with the aims of the NPPF, Spatial Policy 7 and Policy DM5 of the DPD.

15

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Stud Farm Solar Project, Carlton on Trent, Nottinghamshire", Report number: RPT-001, January 2015. For the avoidance of doubt this includes the implementation of the following mitigation measures as detailed within the FRA:

1. Incorporate swales on downstream boundaries of the site as to intercept any possible overland flow routes as per the Precautionary Rural SuDS Features plan, Drawing No. PE10438-002. These swales should be at least 2m wide and 0.3m deep as described in section 4.2.10 of the submitted FRA.

2. Any related access tracks must be constructed of a permeable substance as detailed within section 4.2.7 of the submitted FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of surface water from the site and to reduce the surface water runoff generated by the proposed development in accordance with the aims of the NPPF and Core Policy 9.

16

The construction of the access hereby permitted as part of this application shall not be commenced unless or until details of its construction have been submitted to and agreed in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

17

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 15m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

18

No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to other road users in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

19

No development shall take place within the application site until details of an archaeological scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. Thereafter the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site in accordance with Core Policy 14 and Policies DM9 of the DPD.

20

No development shall commence until details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment and fencing has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with Core Policy 13 and Policy DM5 of the DPD.

Note to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/ 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.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

In order to carry out the access works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways act 1980 and therefore land over which you have no control. In order to undertake the works, you may need to enter an agreement under Section 278 of the Act. Please contact David Albans (01623) 520735 or david.albans@nottsc.gov.uk for details.

04

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

BACKGROUND PAPERS

Application case file.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

For further information, please contact Helen Marriott on extension 5793

K Cole
Deputy Chief Executive

Application No:	15/00570/FUL	
Proposal:	Demolition of Existing Bungalow and Replacement with New Dwelling	
Location:	Abbey Close, May Lodge Drive, Rufford, Nottinghamshire, NG22 9DE	
Applicant:	Mr & Mrs Jonathan Brealey	
Registered:	15.04.2015	Target Date: 10.06.2015

The Site

Abbey Close is a 20th century bungalow set within a private lane to the southeast of the Grade I listed Abbey complex at Rufford, which also includes a number of individually listed structures such as the water tower (Grade II) and the orangery and attached garden walls (Grade II*). The site is also within the Rufford Registered Park and Garden which is Grade II listed. The currently vacant bungalow measures approximately 6.6m in height at its highest roof ridge and is enclosed by high boundary walls relating to the park and garden. Surrounding development is otherwise residential comprising large plots to the north and south of May Lodge Drive displaying a varied design and material palette.

A small proportion of the southern corner of the site lies within Flood Zone 2 and 3 according to the Environment Agency maps.

Relevant Planning History

14/01114/FUL – Demolition of existing bungalow and replacement with new dwelling. Application refused by Committee in October 2014 for two reasons relating to the harm of the setting of the adjacent listed assets and that the proposed dwelling by its scale and massing would be overbearing and visually dominating to neighbouring properties.

The decision was appealed and subsequently dismissed:

Appeal Ref: APP/B3030/A/14/2228613 – Decision date 18th February 2015. The inspector concluded:

‘that the proposal would not significantly harm the living conditions of the occupiers of neighbouring dwellings with regard to an overbearing form of development. Against this however, I have concluded that it would detract from the setting, and therefore the significance, of nearby Grade I, Grade II and Grade II listed buildings, and other important heritage assets including the protected SAM and Registered Park and Garden, causing less than substantial harm to the significance of these heritage assets. This is a significant, substantial and overriding objection which must be decisive’.*

The Proposal

The proposal seeks full planning permission to replace the existing dwelling within the site with a detached property. The replacement dwelling would be of a substantial size and scale being three storeys with a maximum pitch height of approximately 9.2m and a maximum overall height (owing to the chimneys) of approximately 10.6m. The Design and Access Statement submitted with the application states that the design for the replacement dwelling draws on sources from the estate to create the vision of an extended Georgian house as a courted complex within the last of the three walled gardens.

The replacement dwelling is positioned at the May Lodge Drive end of the site, further forward than the existing dwelling. To the rear of the house the gardens will be formally laid out in the manner of the formal gardens within the parkland.

The current proposal has been submitted in an attempt to overcome the previous reasons for refusal. As such, the scheme has been amended since it was last assessed by Members. The key differences between the previously refused scheme and the current proposal are summarised as follows:

- Removal of two storey side wing on the north west elevation
- Removal of orangery extension on the north east elevation
- Revised design of north eastern single storey wing
- Reduction in height of chimneys by approximately 2m

The previous application was accompanied by a Landscape and Visual Impact Assessment, however, as confirmed by the submitted Design and Access Statement, this has not been updated for the current application. The current application has still included a Protected Species Survey (dated November 2013) and an Arboricultural Survey (dated August 2013).

Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Historic Environment Good Practice Advice in Planning Note 3 – the setting of heritage assets
- Appeal Decision dated 18 February 2015 APP/B3030/A/14/2228613

Consultations

Rufford Parish Council – Support the proposal. The Parish Council question the decision to demolish the old Abbey Garden Wall and would advise English Heritage to be consulted on this issue. Also, the adjoining neighbour may not be comfortable with the overlooking windows on the south west elevation.

On a technicality, the applicant has ticked the box on the planning form that indicates foul sewage disposed to mains sewer and surface water disposed into main sewer. There are no mains drainage/sewers on this site.

NSDC Conservation - A replacement dwelling scheme was considered by the Council last year (ref 14/01114/FUL), and following refusal, dismissed at appeal (ref APP/B3030/A/14/2228613). Conservation objected to this proposal, raising concerns about the scale and form of the development within the former walled gardens in proximity to a number of designated heritage assets.

It is acknowledged that the replacement dwelling within the latest submission has been much reduced in scale, with the orangery and service accommodation removed. The reinstatement of garden walls to the frontage, furthermore, is potential beneficial to the wider parkland. However, the host dwelling will still be a substantial 7 bay polite house, and in this context, remains harmful to the setting of designated heritage assets for all of the same reasons cited previously. Whilst it is acknowledged that some of the estate buildings at Rufford such as the brew house and mill are of a substantial scale, these buildings are not legible as polite domestic houses. Furthermore, the proposal site is associated with the former walled gardens to the Abbey, and in this context, the proposal does not preserve the contribution of the walled gardens to the setting and significance of the Abbey complex. Paragraph 13 (ID: 18a-013-20140306) of the PPG reminds us that “setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by

reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation."

Harm to the setting of listed buildings of any scale is contrary to the objective of preservation as required under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. "Preserving" in this context means causing no harm (see, for example, *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 A.C. 141, at p.150 A-G). Given the national significance of Rufford Abbey and interrelated heritage assets, the Council would need to be thoroughly convinced that appropriate special regard has been given to their setting and that any perceived public benefits significantly outweighed the harmful impacts identified. This is consistent with the recent *Forge Field Society V Sevenoaks DC* Judicial Review, in which the High Court reminds us that having "special regard" to the desirability of preserving the setting of a listed building involves more than merely giving weight to those matters in the planning balance. There is a statutory presumption, and a strong one, against granting planning permission for any development which would fail to preserve the setting of a listed building.

Historic England – Historic England (formerly English Heritage) was consulted on the previous planning application 14/01114/FUL for the demolition and replacement of existing bungalow with a new dwelling. This application, which comprised the construction of a new dwelling of two full storeys and attic, of main block with wings to either side was refused and a subsequent appeal, dismissed. In respect of heritage matters, the inspector concluded that the development would detract from the setting, and therefore the significance, of nearby grade I, grade II* and Grade II listed buildings (within Rufford Abbey) and other important heritage assets including the protected SAM and Registered Park and Garden, causing less than substantial harm to the significant of these heritage assets – *whilst there are some public benefits arising from the scheme, these are limited, and insufficient to outweigh the less than substantial harm that would be cause to the significance of the designated heritage assets affects.*

We have considered this new application and our advice is framed in relation to the potential impact of this application on the significance of the scheduled monument of Rufford Abbey, a Cistercian monastic house of 12thC origin comprising impressive standing remains (also listed Grade 1 with the later Jacobean house), the foundations of the cloistral complex and ancillary buildings, and water-management earthworks. The former abbey which is of outstanding national

significance lies within the Grade II registered park which contains several other listed structures including the grade II* former orangery and a number of Grade II listed buildings. Our advice is given in line with the Principal Act, the NPPF, and The Planning Practice Guidance. We also refer you to our published Historic Environment Good Practice Advice in Planning Note 3 – the setting of heritage assets, which replaces the English Heritage The Setting of Heritage Assets, 2011.

Historic England Advice

In our advice on planning application 14/01114/FUL we rehearsed the significance of the designated heritage assets within the complex of Rufford Country Park, which has a very rich and diverse historic environment. The national significance of Rufford is clearly recognized within the Scheduled monument status of Rufford Abbey, the Grade I listed Jacobean house, the foundations of the cloistral complex and ancillary buildings, and water-management earthworks. Lying within the Grade II registered park, there are several other listed structures including the grade II* former orangery, the Grade II listed water tower, brewhouse, garden house and garden walls.

The application site comprises a 1 acre walled garden along a private road (May Lodge Drive) and we have no objection to the principle of demolition and replacement dwelling - taking account the precedent set for housing development on this site. May Lodge Drive was developed around the rear of the kitchen gardens and ancillary buildings following, we understand, the purchase of Rufford Abbey and 150 acre estate in 1956 by Nottinghamshire County Council. The former kitchen garden, whilst outside of the registered park, formerly had a direct functional relationship to the Abbey, *retains a visual relationship to it, and is therefore significance as part of the setting of the Abbey complex, and the garden's surrounding brick wall may considered to be a heritage asset in its own right* (para 8 Appeal Ref: APP/B3030/A/14/2228613).

We have read through the supporting information, noting the Landscape and Visual assessment has not been revised, though the proposed development has been altered. The revised design is 9m to the ridge, is considered by the applicant to be a *substantial residence* with the main central block retained as a two storey block with mansard roof, and ancillary wing as a single storey pitched roof building. An additional garden room and office space is proposed as a single storey flat roofed pavilion with a roof sitting below the height of the garden wall. The previous scheme proposed a two storey northwest wind and elaborate orangery wing which has now been removed.

The applicants supporting Design and Access Statement refers to the amendment as an approach which would ultimately result in *less than the less than substantial harm to the heritage asset*. In our assessment of the proposed, it remains clear that the size, scale and design of the replacement building will create an impact that remains harmful visually on a number of the designated heritage assets and in the understanding and appreciation of the historic and architectural significance of these assets including the registered park and garden. As a country seat, the grounds with a variety of outbuildings and garden structures, of Rufford, including the area of the kitchen gardens, developed to serve the principal building and were laid out accordingly. Whilst accepting the reduction in scale of the revised scheme, this proposed development, which is designed in the proportion and detail of a Georgian *dower* house will

appear as another principal building, confusing the historic and architectural relationship between the main Jacobean residence and its ancillary structures. In our view, the principle concern has not been mitigated sufficiently through the revised scheme, to negate all harm.

As Government guidance advises, the extent and importance of setting is not confined to visual considerations and although views play an important part, it is the way in which we experience an asset in its setting is influenced by spatial association and by our understanding of the historic relationship between places. Guidance makes it clear that the setting is not absolutely fixed in time or space and not solely dependent on sight lines and views. This is particular relevant here and we would argue the setting of this group of heritage assets and the registered park itself, will be harmed by the scale of development on this proposed site.

We note the new build remains contained within the kitchen wall with the intention of rebuilding parts of the walls fronting May Lodge Drive. Whilst we note the Inspectors recognition of the advantages of rebuilding sections of the historic garden wall and works to the garden, it remains difficult to see that this scheme, by virtue of its design, overall massing and scale will enhance and reveal this part of the registered park.

Policy Context

We refer you to the Planning (listed Buildings and Conservation Areas Act) 1990 which advises local authorities to pay special regard to the desirability of preserving the building, its setting and any features of special interest - sections s.66. The role of the LPA should also aim to achieve the objective of sustainable development. The design, scale and height of this proposed new dwelling require clear and convincing justification (paragraphs 128 and 132). The proposal is considered harmful and clearly the NPPF states that the onus on the determining body will be to rigorously test the necessity of the works and weigh up the public benefit against the harm. It is not the case that less than substantial harm equates to acceptability under the NPPF – if justification is absent or weak, irrespective of the level of harm, we do not believe the proposal can be called sustainable development.

We also advise you are guided by your archaeological officer with regards to the potential for non-designated archaeological remains. The Abbey grounds are known to retain ancient sculptural remains within the site from late 18th C onwards. Works within the garden plots may require archaeological investigation by those skilled in the recognition of interesting pieces of stone.

Recommendation

In line with the NPPF we consider this planning application is harmful to significance of a number of designated heritage assets. We recommend your authority must rigorously test the necessity of the proposed scheme and weight up the benefit against the harm.

NCC Archaeology – No comments received at time of writing.

NCC Highways Authority – May Lodge Drive is an unadopted private drive, accessed from the A614. This application is for a replacement dwelling providing sufficient parking facilities. In view

of this, there will be no impact on the public highway, therefore, there are no highway objections to this proposal.

NSDC Access and Equalities Officer – Observations relating to Building Regulations.

Nottinghamshire Wildlife Trust - We have reviewed the Protected Species Survey (Scarborough Nixon, November 2013) which contains the results of survey work carried out in September 2013. This work is now over 18 months old and as such could be considered out of date as bats can change roost sites frequently. The report concluded that “the property is used on an occasional basis by a small number of bats of up to three species for temporary shelter, transient roosting and feeding (brown longeared bats). No signs of long term regular use were noted and there were no indications of maternity use”.

It appears that the consultant does not class the recorded bat activity as constituting a bat roost as the report suggests that an EPS licence is not required and that working to a Method Statement would be sufficient to “ensure that the local bat population remains at a Favourable Conservation Status post construction and that the work proceeds in a legally compliant manner”. UK Legislation makes it an offence to damage or destroy the breeding or resting place of a bat and it is our view that the findings of the report do not rule out the possibility that the activity falls within this description.

Part of the proposed Method Statement states that “Work will not commence until the ecologist is satisfied that the current status of the building for bats has been established”. We would recommend that the current status of the building should be established before the application is determined.

Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force), states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’

Mitigation for loss of potential roost features is recommended in the Method Statement, however we cannot see any reference to the proposed integral bat roosts and bat loft within the submitted design plans and clarification is sought on this matter.

In summary, we suggest that more up to date survey work could help the LPA to determine the extent to which bats may be affected by the proposal and whether an EPS licence would be required to avoid a breach in legislation. Mitigation for loss of bat roost features should be included within the design of the development. We would also recommend that continuity of potential roost features should be provided, for example erecting bat boxes on suitable trees prior to demolition of existing features and subsequent construction of replacement habitat.

One letter of representation has been received, stating the following:

- I feel the proposed new building is out-of-keeping with its historic surroundings. I understand that the previous application was refused.

Comments of the Business Manager

Principal of Development

The Core Strategy adopted in 2011, outlines the Districts approach to delivering growth and development in the District. On the basis of the Settlement Hierarchy outlined in Spatial Policy 1, Rufford is classed as an 'Other Village' where development will be considered against the sustainability criteria set out in Spatial Policy 3. In this case however, the proposals relate to a replacement dwelling which as a principle would be acceptable as in sustainability terms there is no net addition in market housing stock.

A small proportion of the southern corner of the site lies within Flood Zone 2 and 3 according to the Environment Agency maps. However, I would note that the majority of the replacement dwelling falls within Flood Zone 1. In any case it is considered sequentially appropriate to allow the proposal given that there would be no net addition in the number of dwellings with the site.

Given the above acceptance of the principal a replacement dwelling within the site the main issues are the impact of the design in terms of DM5 and CP14 and DM9.

Landscape and Visual Effects

The existing bungalow within the site possesses limited architectural interest; as such there is no objection to its replacement in principle which in fact presents an opportunity to better reveal the significance of the historic walled garden. The boundary walls at the property are significant heritage assets and relate to the park and garden. They appear to be 18th century red brick in Flemish bond with stone copings, and are typically 3-4 metres in height. The physical relationship to the Abbey and notably the orangery suggests the walls form part of the 18th century gardens, the plot being the third enclosed garden in a group of three running southeast from the orangery.

I appreciate the point within the Design and Access Statement in relation to not commissioning the update of the previously submitted Landscape and Visual Impact Assessment on the basis of the content of the Planning Inspectors decision. I concur that this is a reasonable approach given that the current proposal is for a reduced scale and mass and therefore the application submission is considered sufficient to allow the LPA to reach an informed decision on matters of heritage and character assessment.

The original LVIA submitted in support of the previous application found that there would be little or no significant adverse effects caused by the proposed dwelling having regard to landscape character and visual effects. Given that the current scheme demonstrates a reduced scale and massing, the comments of the Planning Inspectors decision are considered directly relevant in this context:

'At present there is no indication that the area beyond the kitchen garden wall is anything other than part of the park, although that after development there would be an altered perception of the area beyond the wall and there is no dispute that because of its greater height, the proposed dwelling could be viewed from the main Abbey complex, from higher vantage points, and from certain parts of the gardens and park. Based on the evidence and my site visit I consider the proposed dwelling would not be unacceptably dominant or obtrusive when seen from certain visual receptors within the Abbey grounds, even during the winter period when the trees are not in leaf. Views of the dwelling would tend to be limited to partial and glimpsed views of the roof and chimneys, and in my opinion not necessarily visually harmful to the surroundings in which the assets are experienced.'

I acknowledge that the presence of the replacement dwelling on the skyline will be substantial when viewed in the street scene from May Lodge Drive although it is considered that the proposed dwelling would not be interpreted as unduly prominent from May Lodge Drive given the context of the suburban character of the street.

'Taken in isolation, the design of the dwelling makes use of correct architectural detailing and materials, and the choice of a neo-Georgian style is not necessarily inappropriate.'

On this basis, I do not consider that the revised proposal would amount to a harmful impact solely with regard to landscape character and visual effects. This was also the conclusion of the Planning Inspector in the previous proposal and clearly the current scheme represents a lesser scale and massing.

Impact on Heritage Assets

Matters of heritage were a significant consideration in the determination of the previous application and indeed continue to form a key factor in determining the acceptability of the current proposal. The revised proposal has been subject to scrutiny both by Historic England and internal conservation advice, the full details of these responses are included above in the consultation section of this report.

May Lodge Drive is characterized by substantial detached houses varying in size and design but generally set in generous gardens. Nevertheless, the existing low height of Abbey Close, even in the context of the other modern dwellings, can be said to be an attempt to ensure a modest, neutral impact on the historic environment. I therefore do not consider that recent replacement dwelling schemes set a precedent for the design and scale of a replacement dwelling within the current site. Given the location of the current site in terms of its identification as a walled garden plot, the impact on the Abbey must be given significant weight.

As with the previous application, my principal concern is the impact of the scale of the proposed dwelling in terms of how it would affect the hierarchy of buildings within the parkland. As advised in the Government's Planning Practice Guidance (PPG), the extent and importance of setting is not confined merely to visual considerations and views. Although views play an important part, the way in which we experience an asset in its setting is influenced by spatial association and by an understanding of the historic relationship between places. The PPG makes it clear that setting is

also influenced by our understanding of the historic relationship between places, and for example, buildings that are in close proximity to each other but not necessarily visible from each other may have a historic connection that amplifies the experience of the significance of each.

There remains a distinctive hierarchy and inter-relationship of buildings within the estate, appreciated by Historic England in their assessment:

‘Whilst accepting the reduction in scale of the revised scheme, this proposed development, which is designed in the proportion and detail of a Georgian dower house will appear as another principal building, confusing the historic and architectural relationship between the main Jacobean residence and its ancillary structures. In our view, the principle concern has not been mitigated sufficiently through the revised scheme, to negate all harm.’

The revised proposal undoubtedly represents an improved scheme by removing the two storey side wing and elaborate orangery extension (two elements of the original design which the inspector specifically referred to as adding to the massing and bulk of the dwelling as a whole). Notwithstanding this, the main central dwellinghouse would still measure at a maximum pitch height of 9.2m resulting in a dominating structure occupying a considerable footprint. The proposal continues to represent a 7 bay polite house that is out of context within this established and significant hierarchy of historic form. Unfortunately I do not consider that the revisions presented in the current scheme have done enough to overcome the original identification of harm to the setting of the Abbey and its associated service and parkland elements. Whilst this harm is considered less than substantial in the context of the NPPF, the applicant has again failed to demonstrate a clear and convincing justification which would outweigh this harm.

Conclusion on Heritage Matters

In determining applications which affect the setting of listed buildings, the Council must pay special regard to the preservation of the listed building’s setting (section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). There is a statutory presumption, and a strong one, against granting planning permission for any development which would fail to preserve the setting of a listed building. Despite the reductions in the current scheme, I consider the comments of the Planning Inspector to be of direct relevance again to this proposal:

‘Paragraph 132 states 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. It goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset, or by development within its setting.’

I am satisfied in this case that the degree of harm caused would be less than substantial. In such situations this harm should be weighed against any public benefits arising from a proposal. I note it is proposed to rebuild sections of the historic garden wall and create gates and piers in the style of those now lost, and the garden would be laid out in a formal manner redolent of its historic use. I also accept that it would provide family accommodation to meet the appellant’s requirements. Whilst I recognise these advantages of the scheme, they are modest in scope, and the public benefits are not of such substance as to outweigh the harm I have identified to the significance of

the heritage assets. Nor has it been shown that the continued residential use of the appeal site is in any way dependant on the proposal.'

Impact on Residential Amenity

In determining the previous application, Members were minded to add an additional reason for refusal in relation to the impact of the proposal on neighbouring amenity:

The proposed dwelling by the fact that it fills the width of the entire plot would be overbearing in terms of its bulk and massing on neighbouring properties and would be visually dominating and out of character with the adjacent properties on either side of the site. This would be contrary to Core Policy 9 of the Core Strategy, Policy DM5 of the Allocations and Development Management Document and the National Planning Policy Framework which forms a material consideration.

I have also noted the comments of the Parish Council which make reference to the potential for overlooking from windows on the south west elevation.

Notwithstanding that the current scheme has been reduced in width insofar as the two storey north west element has been removed and therefore the revised design fills less of the width of the plot, I am minded to attach significant weight to content of the Inspectors decision on the original proposal to matters of residential amenity.

'In this regard DPD Policy DM5 says the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts and loss of light and privacy. However, in the context of the somewhat suburban character of May Lodge Drive, the relative heights of adjacent and nearby dwellings, and the wide variety of individual properties found there, I am satisfied that the proposed dwelling would not be unacceptably dominant or out of keeping in terms the way it relates to the adjacent properties on either side of the site.'

Given that the current scheme adopts similar design principles to the previously assessed scheme, the content of the previous committee report presented to Members is in some regards relevant:

In assessment of the proposal it is acknowledged that there is an established residential relationship between the site and neighbouring residential development. Nevertheless Members will be acutely aware that the scale and design of the replacement dwelling represents a significant departure from the existing dwelling. The potential for additional impact on residential amenity therefore forms a key consideration in the determination of the application.

It is intended that the replacement dwelling will be re-positioned within the site further south westwards towards May Lodge Drive. Despite this, I still consider the most sensitive neighbours in terms of potential amenity impact to be the adjacent neighbours on the north eastern side of May Lodge Drive; Cornerstones to the north and Grey Gables to the south.

To some extent the existing high boundary walls and vegetation will aide in mitigating the bulk of the proposed dwelling, in particular the ground floor of the principal house and the single storey

elements of the design. However I do appreciate that the overall height of the proposal is considerably higher than the boundary walls and there will therefore undoubtedly be a visual impact to neighbouring amenity.

I am conscious that the height of the proposed dwelling may also afford views across May Lodge Drive towards the residential development on the southern side of the road. Owing to the large plot sizes however the window to window distance at over 60m is considered adequate to alleviate any concerns in terms of direct overlooking. The second floor windows are shown to serve storage space.

The previous assessment went on to discuss that the windows at first floor on the side elevations could be obscurely glazed by condition if necessary given that they were intended to serve secondary bedroom windows and non-habitable rooms such as shower rooms. I am conscious however that the current proposal has revised the internal layout such that there is now a bedroom proposed at first floor with its sole outlook (two windows) towards the shared boundary with Grey Gables. The potential for overlooking which would be detrimental to neighbouring privacy therefore requires consideration over and above the assessment of the previous scheme. I am mindful that the proposed dwelling would be sited further forwards in the plot than the neighbouring dwelling and therefore any outlook from these windows would be towards the driveway and front garden of Grey Gables rather than their rear private amenity space. Moreover, the outlook of the windows would be intervened by the proposed single storey elements of the scheme along the shared boundary.

Given that the current scheme, in its reduced scale and form, presents an opportunity for a lesser impact on residential amenity, I consider that a reason for refusal on amenity grounds could not be sustained.

Other Matters

The replacement dwelling is not considered to put additional pressure on the highways network than that established by the existing dwelling. The site plans demonstrate sufficient ability to provide off road parking for numerous vehicles.

I have assessed the submitted Arboricultural Survey and evaluated the tree cover which exists on site. I would not raise any objection to the works detailed within the Survey. The indicative Landscape Design Principles plan is considered appropriate to the context of the site and I would concur with the comments of the Design and Access Statement that to heavily plant the site would be unnecessary. If Members were minded to approve the application then I consider that an appropriately worded landscaping condition to confirm the species of the new specimens would be beneficial.

I have noted the comments of Nottinghamshire Wildlife Trust reported in full in the above consultation section of the report. The Local Planning Authority take a general view that surveys undertaken within 2 years are acceptable for validation purposes. I therefore consider that the survey dated September 2013 is acceptable and given the resistance of the application on heritage grounds in any case, I feel it would be unreasonable to insist on additional survey work at this

time. The response of NWT was forwarded to the agent acting on behalf of the application during the life of the application, with specific reference to the clarification sought with regards to proposed integral bat roosts, but unfortunately no response on this matter has been received at the time of writing. As the comments of NWT point out, UK Legislation makes it an offence to damage or destroy the breeding or resting place of a bat and therefore there is additional protection in place outside of the Planning Regime. However, if Members were minded to approve the application then I consider it would be appropriate to attach a suitably worded condition in relation to ecological protection.

Conclusion

Despite the acceptance of a replacement dwelling in principal, and the acknowledgement that the scheme presents modest benefits such as rebuilding sections of the historic garden wall, the current proposal, even in its reduced scale and massing in comparison to that previously refused, is not considered to have adequately overcome the reason for refusal in relation to the surrounding heritage assets. The revisions presented in the current scheme have not done enough to overcome the original identification of harm to the setting of the Abbey and its associated service and parkland elements. Whilst this harm is considered less than substantial in the context of the NPPF, the applicant has again failed to demonstrate a clear and convincing justification which would outweigh this harm.

RECOMMENDATION

Refuse, for the following reason;

01

The substantial scale and form of the proposed replacement dwelling fails to achieve a degree of subservience in the context of the location of the site within Rufford Park, a Grade II listed Registered Park and Garden which contains a number of listed heritage assets. By virtue of its scale and form, the proposal fails to preserve the setting of the adjacent heritage assets and consequently amounts to a harmful impact to the significance of the heritage assets. The proposal therefore fails to meet the tests as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant has failed to provide a clear and convincing justification for this harm and therefore the proposal is contrary to Core Policy 14 of the Core Strategy, Policy DM9 of the Allocations and Development Management DPD and the advice contained within the National Planning Policy Framework which forms a material consideration.

Informative

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/.

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

Background Papers

Application case file.

For further information, please contact Laura Gardner on 01636 655907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

K.H. Cole

Deputy Chief Executive

Committee Plan - 15/00570/FUL



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Application No:	15/00708/FUL	
Proposal:	Two Detached Bungalows.	
Location:	The Hollies, Rainworth, Mansfield, NG21 0FZ	
Applicant:	Mr Daniel Skillington	
Registered:	28.04.2015	Target Date: 23.06.2015

The Site

The application site is a plot of currently vacant land approximately 0.09 hectares in extent to the east of The Hollies in the main built up area of Rainworth. The site is bounded by residential development to the north, south and west albeit there is a public footpath immediately adjacent to the northern boundary of the site. The footpath links The Hollies with a designated area of public open space to the east of the site.

As existing the site is vacant land which looks to have been recently cleared of vegetation. At present the boundaries of the site are open with the exception of fencing which separates the residential curtilages of neighbouring properties to part of the eastern boundary and to the southern boundary.

Relevant Planning History

The site has been subject to planning history for residential development in connection with the land on the northern side of the public footpath. This land has however recently been granted separate approval for the erection of two single storey dwellings and as confirmed by a site visit, this application has been implemented with works well underway to construct the dwellings.

The following applications were in relation to the current application site as well as the land to the north of the public footpath:

10/00016/OUT - Erection of three detached single storey dwellings. This was an outline application will all matters reserved for subsequent approval. Application approved.

13/00369/OUT - Erection of three detached single storey dwellings (Extant Permission, refer to 10/00016/OUT). Application approved. This permission remains extant until its expiry on 23rd September 2016.

Subsequently an application was approved last year for the land on the northern side of the footpath excluding the current application site.

14/01195/FUL - Erection of two detached bungalows. Construction appears to be nearing completion.

Following this, the application site itself has been subject to a recent refusal for a similar application for the erection of two detached bungalows.

14/02098/FUL - Two, Three Bedroom Detached Bungalows. The application was refused by the Planning Committee (as recommended by Officers) on 25th March 2015 for one reason relating to residential amenity:

The site constraints mean that the proposed dwellings, specifically Plot D, are spatially very close to the site boundaries and as such would have an adverse impact on neighbouring amenity by virtue of an overbearing impact to the neighbouring properties along Manton Close. This is exasperated by the difference in land levels. Moreover, the provision of private amenity space available for the proposed occupiers would be substandard at less than 5m in length for their rear gardens. As such, it is concluded that the constraints of the site do not allow for the provision of two residential units without an adverse impact on amenity. This would be contrary to Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material consideration.

The Proposal

The current proposal seeks full planning permission for the erection of two single storey, three bedroom bungalows accessed via separate driveways.

The current proposal seeks to overcome the previous reason for refusal through a revised scheme. The principal differences between the current application and that the recently refused scheme is that Plot D has now been moved approximately 2.5m away from the southern site boundary and the design of the dwellings has been altered such that the roof of the dwellings would be hipped (instead of the gable end roofs from the previous application).

A revised block plan has been submitted during the life of the application confirming that original block plan was inaccurate in terms of the length of proposed rear gardens which could be achieved. The revised block plan has confirmed that the rear gardens of the dwellings would be a maximum of 5.85m in length.

The application has been accompanied by a levels plan to demonstrate the difference in site levels between the application site and neighbouring development.

Departure/Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter. Owing to the proximity of the site to the public footpath, a site notice has also been displayed near to the site and an advert has been placed in the local press which was published on 13th May 2015. The overall date for the expiry of comments is June 5th 2015.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- MFAP 1 – Mansfield Fringe Area

Allocations and Development Management DPD Adopted July 2013

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 – Developer Contributions
- Policy DM5 – Design
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Rainworth Parish Council – Support the proposal.

NCC Highways Authority – This application is for the construction of two detached bungalows, each with integrated garage, served by two access drives onto The Hollies. As there is a Right of Way adjacent the application site, the applicant must consult NCC Rights of Way for advice/approval. Should any street furniture be required to be relocated as a result of this application, this will be at the applicant's expense. There are no highway objections to this proposal subject to conditions.

Nottinghamshire Ramblers - This development will be adjacent to Rainworth Footpath 2 which joins The Hollies to Holbeck Way. Our neutral stance is totally dependent on there being no encroachment on this right of way either during or after construction.

NSDC Access and Equalities Officer – Observations relating to Building Regulations.

Neighbours/Interested Parties

At the time of writing, an objection has been received from one neighbouring party, details of which can be summarised as follows:

- The revised proposal has a worse impact on neighbouring privacy than the original proposal as Plot D has been moved further along the fence of the neighbouring property.

Any additional representations received following agenda print will be reported to Members as a late item.

Comments of the Business Manager, Development

Given the similarities of the scheme in comparison to the recently refused scheme, some of the content of the previous Committee Report (reported to Members on March 25th 2015) remains of relevance. Repeated elements are in *italics* for clarity.

Principle of Development

The proposal relates to the erection of two dwellings within the defined urban boundary of the settlement. Rainworth is identified within the Spatial Strategy as a Service Centre, thus a very sustainable location and one that is capable of supporting additional residential development.

Outline permission exists for three dwellings on the site combined with the land to the north of the public footpath. However all matters were reserved for subsequent consideration so it was not determined how many dwellings would sit within with the site now subject of this application, albeit the Council has granted consent for two dwelling to the north. This outline consent is still extant and is a material consideration.

When combined with the approval to the north of the site, the original plot of land considered suitable for three dwellings at outline stage is now intended to provide residential curtilages for four dwellings overall. Nevertheless given the acceptance of residential development on the site in principle I do not consider this to be a legitimate reason to resist the application. The site density proposed is approximately 20 dwellings per hectare which is in fact below the recommendations of Core Policy 3 which ordinarily seeks for densities of no lower than an average of 30 dwellings per hectare. However I acknowledge that this density aspiration is more in line with housing developments on a larger scale and I consider that the constraints and character of the site would not allow for a scheme which meets these density aspirations.

In summary it is considered that the site is suitable for further residential development in principle subject to an assessment upon the site specific impacts.

Developer Contributions

A review of the planning history reveals that previous applications have been subject to discussions in relation to developer contributions for the provision of public open space. Much of the discussion in the determination of the extant outline permission focussed around the loss of amenity open space by assessment against Spatial Policy 8. The proposals map within the current Development Plan does not identify the site as public open space given that at the time of preparation of this plan there was an existing residential permission on the site. However, the previous Local Plan did identify the site as amenity open space. In considering the previous application it was

acknowledged that due to maintenance issues, the use of the site as public open space had been limited and the site had fallen into a state of disrepair leading to instances of anti-social behaviour. The acceptance of this formed part of the justification to release the site for residential development. However the approval of the outline permission was subject to the provision of a Section 106 agreement for the contribution of alternative facilities. The applicant has confirmed that the commuted sum has been paid on completion of the land sale and indeed internal emails have confirmed that the invoice in relation to this Section 106 was paid on 1st July 2014. I therefore do not consider it necessary to further pursue a revised Section 106 for the current application nor would I raise an objection to the loss of the site as public open space since this has already been accepted by the extant permission.

Impact on Character

The site as existing forms a vacant plot which appears to have been recently cleared of vegetation. As such, the site forms an obvious gap in the street scene to an otherwise well-established residential area. The submitted plans demonstrate single storey development which is reflective of the scale of existing development found within the immediate surroundings.

Despite the revisions to the design of the dwellings in terms of their reduced width to achieve greater separation distances and the amended roof designs, the conclusions of the previous assessment are still considered of relevance:

The design of the dwellings adopts similar characteristics to residential development in the surrounding area with internal garaging and projecting blank gables from the principal elevation. As such the proposal is deemed to respect the character of the surrounding area in line with the intentions of Policy DM5.

Impact on the adjacent Public Footpath

Whilst no details have been submitted as part of this application (and neither would they be required to be given that the public footpath is outside of the application red line boundary) it is clear from a recent site visit that the public footpath is clearly marked and tarmacked and is more than adequate for public use to allow connectivity between The Hollies and the public open space to the east of the site. As such I have identified no detrimental impact on the integrity of the public right of way.

Impact on Amenity

Given that matters of amenity formed the basis of the previous reason for refusal, the current scheme in its revised design has attempted to address this reason for refusal primarily in the alterations listed in the proposal section of this report.

The current proposal still seeks full planning permission for two detached bungalows in the same site area and thus it remains that the spatial constraints of the site will result in close neighbouring relationships. I have noted that the current submission includes site levels plan which was originally requested for the previous application but unfortunately not received. This helpfully

demonstrates the differences in land levels both throughout the site (there is a rising gradient in a northwards direction) but also in comparison to the site levels along the shared neighbouring boundaries. Taking specifically the southern boundary of the site, the survey shows levels of between 9.22m AOD and 9.73m AOD. Within the site, the marked levels closest to the southern boundary are recorded at 10.29m AOD. The submitted block plan demonstrates that the finished floor level of the nearest bungalow (Plot D) would be 10.150m AOD and thus slightly lower than the existing site levels. This would amount to a site level difference of approximately 0.59m between the proposed finish floor level of Plot D and the southern corner of the application site. The difference in land levels has been further demonstrated by a cross sectional elevation plan including the nearest neighbouring dwelling along Manton Close. Whilst this is useful from a levels perspective, I do not consider it helpful that the rear conservatory of 6 Manton Close has been omitted from the plan since this still forms part of the living accommodation of the neighbouring dwelling.

On review of the level plan and indeed the elevational cross section it does imply that the difference in land levels between the proposed development and the neighbouring property at Manton Close is relatively modest. Moreover, I fully concede that the additional separation distance from the shared boundary and the revised roof design is beneficial in aiding towards mitigating the bulk of Plot D. However, on balance, I still do not consider that the revised proposal has done enough to overcome the previous reason for refusal. It remains my view that it would be difficult for the plot to deliver two residential units with an acceptable overall impact on amenity. Having viewed the application site from the neighbouring property at 6 Manton Close, it is clear that the levels plan submitted does not give a comprehensive overview of the situation in reality. I am conscious that the rear amenity space afforded to 6 Manton Close is very modest such that any development, a mere 2.5m away on the other side of the shared boundary would have a significant potential to affect the amenity of the occupiers of the dwelling through an overbearing impact. It is fully appreciated that the current scheme represents a better situation than that previously refused however this does not equate to an automatic acceptance of the current proposal given that there is still deemed to be an unacceptable impact on neighbouring amenity.

In addition to this I have considered the impact of the proposal on the neighbouring development to the west of the site in terms of a loss of privacy through the inclusion a bedroom window on the principal elevation of Plot D. Whilst this may result in the neighbouring property (no. 6 The Hollies) being subject to a perception of being overlooked, I consider that the actual risk of overlooking would be relatively modest given the window to window distance and the boundary treatment which would largely mitigate the likelihood of this impact.

As confirmed above, the actual dimensions of the proposed rear garden lengths has been subject to clarification through the submission of a revised block plan during the life of the application. This shows a marginal increase of rear amenity provision however the length of the rear gardens is still relatively modest (Plot D would be served by a maximum length of 5.85m). The previous reason for refusal made reference to the level of amenity provision for the proposed occupiers stating the following in detailed assessment:

If the proposal was otherwise acceptable then in my view it would be a fine balance as to whether this alone would sustain a reason for refusal acknowledging that there is an area of public open space immediately adjacent to the site which could offer an overspill provision if required.

It is my view that the additional amenity provision secured in the currently considered plans would tip the balance such that the amenity for proposed occupiers no longer requires specific mention within the reason for refusal. Nevertheless, the impact on neighbouring amenity is still considered to amount to a detrimental impact which would be contrary to Policy DM5 of the Allocations and Development Management DPD and the principles of the NPPF.

The agent and the LPA are in ongoing negotiations in an attempt to overcome the issues in relation to amenity. The agent has offered to revise the proposal by reducing the width of bungalows and potentially reducing the floor level of Plot D. Whilst these amendments are yet to be viewed in plan form it is the officer view that this would be abortive work as it would not change the recommendation of refusal. If plans are received prior to committee these will be presented to Members as a late item.

Impact on Highways

The Highways Authority has raised no objection to the proposal subject to the inclusion of appropriately worded conditions. I would concur with their comments that the proposal demonstrates adequate off road parking and will therefore not have a detrimental impact on highways safety.

Conclusion

Although the principle of development within the site is acceptable and the design of the dwellings conforms to the character of the surrounding area, the proposal is recommended for refusal in terms of the impact of amenity.

I appreciate the revisions that have been made to the proposal since this previous conclusion but unfortunately I do not consider that these have substantially altered the outcome of assessment and it is recommended that, on balance, the current scheme should be refused in line with the same rationale behind the previous decision.

It is concluded that the constraints of the site do not allow for the provision of two residential units without an unacceptable adverse impact on amenity. This would be contrary to Policy DM5 of the Allocations and Development Management DPD.

RECOMMENDATION

That full planning permission is refused for the reason set out below.

01

In the opinion of the Local Planning Authority the site constraints mean that the proposed dwellings, specifically Plot D, are spatially very close to the site boundaries and as such would have

an adverse impact on neighbouring amenity by virtue of an overbearing impact to the neighbouring properties along Manton Close. This is exasperated by the difference in land levels. As such, it is concluded that the constraints of the site do not allow for the provision of two residential units in this form without unacceptable adverse impacts on amenity. This would be contrary to Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material consideration.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/.

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. These are unfortunately not considered to overcome the above reason for refusal.

BACKGROUND PAPERS

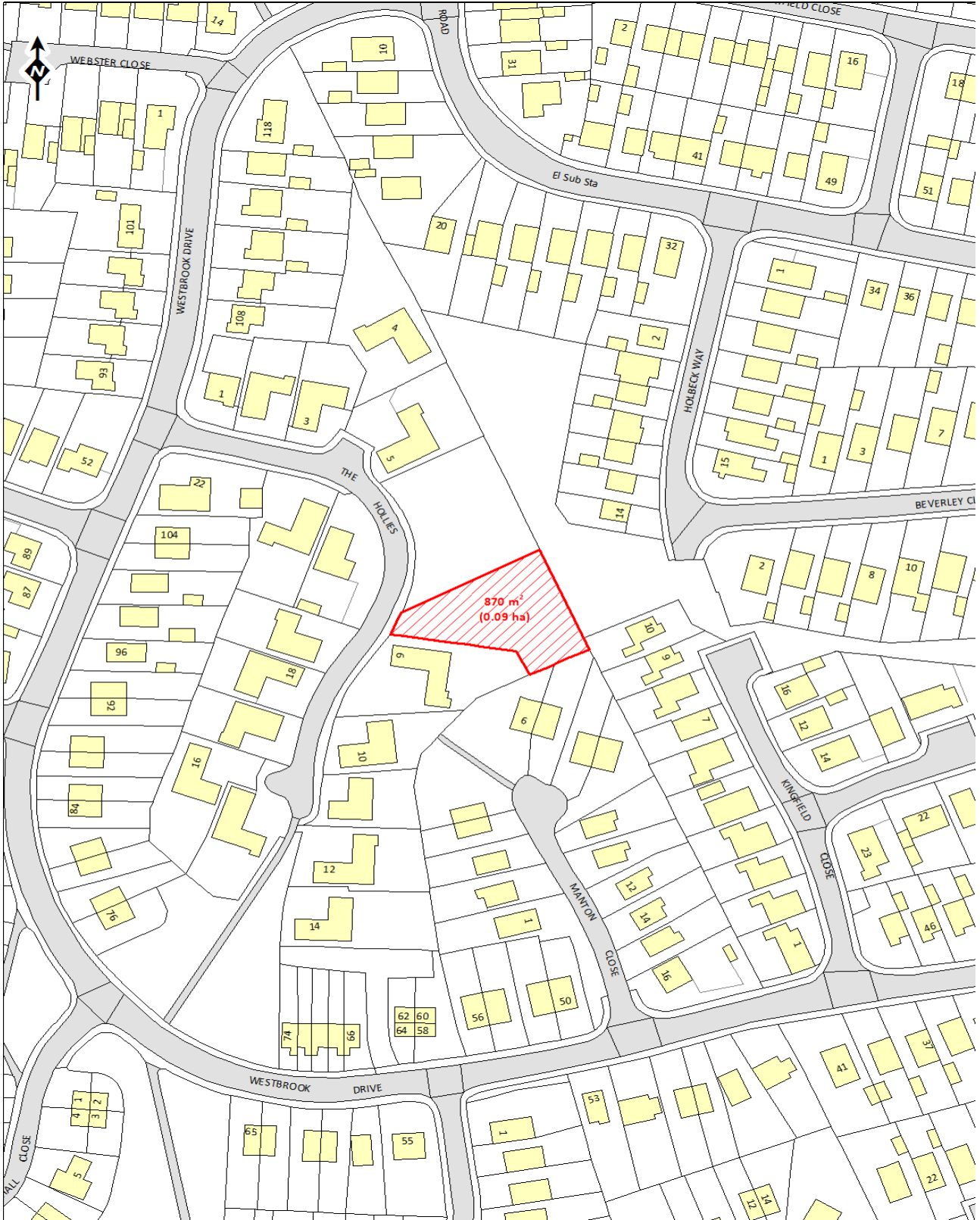
Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00708/FUL



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Application No:	15/00292/FUL	
Proposal:	Erection of new gantry crane on an existing industrial estate	
Location:	PA Freight Services Ltd, International Logistics Centre, Park House, Farndon Road, Newark	
Applicant:	Andrew Morris of PA Freight	
Registered:	09 March 2015	Target Date: 04 May 2015

Update

Members may recall that this application was deferred at the May meeting in order to allow Officers to negotiate further with the applicant on appropriate hours of operation for the crane. Further details were also requested on existing site operations.

The site which forms the basis of this application has an established employment use, with the earliest decision on record dating back to 1993 when change of use of former gardens to a yard was granted consent (93/51036/FUL). It is understood that the existing site has been occupied by the current owners PA Freight since 1996 with use of the site as a freight depot.

Having reviewed the planning history it is clear that development has taken place on the site in recent years, including for new warehousing and portacabins. However upon review of aerial photography it is clear to see that the site boundaries defined by the high screening hedging have not been altered and as such development on the site has not expanded beyond the defined boundaries. There is suggestion that activity on the site has intensified. Why this may have happened to some degree there is no evidence before the Authority that such intensification has taken place, has done so within the last 10 years (from an enforcement/immunity perspective), or represents a material change of use requiring planning permission.

Members may remember that the determination of the application was deferred from the May committee meeting so that officers could negotiate more stringent hours of operation of the proposed gantry crane and to investigate alleged noise complainants.

Confirmation has been provided from colleagues in Environmental Health that based upon records held since 2007, 3 noise complaints were received in 2008 and 2011. All complaints were investigated and noise diaries provided to the complainee's. However, no diaries were returned to Environmental Health and as such the complaints were closed without further action being taken. This instance of complaints does not suggest a significant intensification in usage nor ongoing amenity issues nearby.

Discussions have been entered into regarding the further reduction in the hours of operation of the proposed crane and the applicant has provided the following comments. "The crane would

enable PA Freight to move larger containers and therefore require less vehicular movements in the yard of the smaller tele handlers and fork lift trucks, which in the majority run on gas and are relatively noisy in their operation and have audible reversing warning features. The crane as seen by Officers and a colleague from Environmental Health is relatively silent in its operation, being driven by electric motors. As such the proposed gantry crane would result in the creation of less noise on site through the reduction in use of the noisier telehandlers and fork lift trucks to the benefit of the surrounding area. Further restriction in hours of use of the crane is considered by the applicants to be unreasonable and unnecessary and counter productive.”

As Members will be aware the use on this site is historical and there remain no restrictive hours of use. This application seeks the provision and use of a crane. One cannot, as part of this submission, seek to retrospectively regularise the operations on the site. In terms of the crane itself I am satisfied, as is my Environmental Health colleagues, that the crane and its use will not unacceptably affect amenity levels. Indeed the proposed crane would result in a reduction of movements through enabling fewer, larger containers to be handled to the benefit of the surrounding area.

RECOMMENDATION

That full planning permission is approved subject to the conditions below, including the revised hours of operation previously agreed by the applicant.

The Site

The application site relates to an existing logistics, warehousing and distribution centre, occupied by PA Freight. PA Freight are a specialist packing and freight company who organise the safe shipping and transport of abnormal loads across the world.

The existing site is occupied by a diverse range of buildings, comprising warehousing, a Nissan hut, stores, workshops, porta cabins and offices with parking for approximately 20 vehicles. Adjacent to this is a concrete surfaced handling yard for the freight. The buildings are all contained within a secured compound and generally well screened by mature conifer trees and fencing. Access is taken along an 80 metre private drive from Fosse Road, which is located immediately adjacent to a property known as 'Camahieu' at Farndon Road.

To the east, a strip of land (which appears to be a yard used for HGV parking and annotated on the plans as being owned by Mr Walmsley) separates the site from the rear gardens of residential development on Farndon Road. To the north is a vacant brown field site, and to the east are the grounds to a substantial detached dwelling 'Cranleigh Park' at 153a Farndon Road adjoining open countryside. The premises are bounded on all sides by a mixture of mature hedging and tree planting.

Land to the south-west of the existing premises, within the application site, forms part of an agricultural field, which itself borders the River Devon to the west and Fosse Road to the east. The new infrastructure in connection with the dualling of the A46 trunk road is now in place and includes an upgraded roundabout to the south-west. Construction of the new access to serve PA Freight by the Highways Agency has taken place.

The existing premises sit within Newark Parish and within the town envelope, whilst the adjoining field is located within the open countryside. The Farndon Open Break as designated by the Newark and Sherwood Local Plan is situated immediately to the south and east of the development site. Additionally, the site as a whole is designated as being within Flood Zones 2 & 3.

Relevant Planning History

There is long-established history of commercial uses occupying the site. Charles Lawrence (UK Ltd) formerly occupied the site which relocated to Newark's industrial estate around 1996 when PA Freight took over the site. The following applications are of interest:

82/1046 – Erect house (to become known as Cranleigh Park) on land rear of 153a Farndon Road, also within the Open Break. Approved 1st June 1983, subject to conditions linking the house to the adjacent business Charles Lawrence (UK) Ltd.

88/1459- Planning permission was granted for the refurbishment and extension to stores and staff facilities on 9th January 1989.

90/1427 – Planning permission was granted for the erection of a new storage shed, oil and general store on 12th February 1991.

93/51036/FUL - Planning permission was granted for a change of use of former gardens (strip of land at Cranleigh Park) to yard on 15th November 1993.

94/51039/TEM – Temporary consent was granted for portacabins on 29th September 1994.

96/51057/FUL – Approval for the erection of a storage shed was granted on 24th February 2007.

96/51049/FUL – Permission was granted on 29th October 1996 to allow the continuation of the use of the dwelling 'Cranleigh Park' without compliance with Conditions 2 and 3 of 82/1046 which linked the house to the adjacent business.

02/01147/FUL – Full planning permission was granted on 16th September 2002 for a new access drive off Old Fosse Road to serve a private dwelling known as Cranleigh Park and PA Freight. Having viewed aerial photographs from 2005, this appears to have been implemented and is known as Sproaks Lane.

02/02656/OUT - Outline permission was granted on 3rd April 2003 for proposed new offices and lecture theatre and new warehouse facilities.

03/02978/FULM – Full planning permission was refused for a new logistics training centre, warehousing and offices together with related car and lorry parks and landscaping on 17th June 2004. An appeal was lodged but ultimately withdrawn following announcement by the Highways Agency of the A46 Road Improvement Scheme which made the scheme unworkable.

05/02621/FUL – Full planning permission was granted retrospectively to allow the increase height of a warehouse on 19th January 2006.

07/00848/FUL – Full planning permission was granted retrospectively for the widening of an existing road and the provision of a turning area and temporary parking area for commercial vehicles on 15th August 2007. Condition 1 required that there would be no parking of vehicles on the site between the hours of 1830 and 0800. Whilst the description indicated the parking would be temporary there is no mechanism (such as a condition) within the decision notice to time limit this parking and as such this can lawfully continue in perpetuity.

11/SCR/00014 – A screening opinion (under the Environmental Impact Assessment Regulations) was sought for the development (re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles. Redevelopment of site involving demolition of some existing buildings and construction of 3 no. new commercial buildings) and it is the LPA's opinion that an EIA is required in this instance.

11/01300/OUTM – Re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles. Redevelopment of site involving demolition of some existing buildings and construction of 3 no. new commercial buildings. Appearance and details of new buildings will be a reserved matter. Still pending determination.

The Proposal

Full planning permission is sought for the erection of a gantry crane. The crane has a degree of permanence and hence constitutes development needing permission. This crane is C15m wide by C31.5m in length and is just over 9m high and would be located within the freight yards adjacent to an existing warehouse and close to the boundary with no. 14 Willow Cottages to the north. The crane is currently in operation at PA Freight Services Swinderby site and will be transferred to the Newark site to handle larger equipment.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile`
- Core Policy 9 -Sustainable Design
- NAP1 – Newark Urban Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – No objection

Farndon Parish Council – No objection

NCC Highways Authority – The proposal is not expected to have a significant impact on the public highway, therefore, there are no highway objections to this application.

Highways Agency - No objection

Environment Agency – We note that this application is located within flood zone 3, and hence is in a high flood risk location. It is usual for such applications to be supported by a flood risk assessment FRA. We note the comments in the email from Mr Rodgers on behalf of the applicant, but having reviewed the 2011 FRA to which he refers we consider that the FRA is out of date and not relevant to this application. We would recommend therefore that a FRA appropriate to the scale and nature of the proposal is submitted in support of the application, using the matters indicated in the email as a framework for the submission. If this can be submitted within the consultation period then we will be happy to carry out a further review before responding formally. Should this not be possible then we would have to **OBJECT** to the application on the basis of an inadequate FRA.

At the time of writing this report discussions are on-going between the agent and the Environment Agency. The agent is confident that given the diminutive footprint of the proposed crane that the objection raised by the EA shall be withdrawn.

Environmental Health – Having heard the crane in operation and visited the cranes proposed installation location, subject to a condition ensuring the crane is correctly installed and maintained I have no objection.

Representations have been received from two local residents/interested parties which can be summarised as follows:

- The site is not an existing industrial site
- The site is situated within a floodzone
- Existing HGV traffic causes damage to the neighbouring property and boundary treatment and would be increased by the proposed development
- The existing security lighting is damaging to surrounding residential properties
- The crane will result in the presence of more slow moving traffic entering the site to the detriment of highway safety
- The site is a haulage yard and is not commercial land as indicated in the application
- The creeping intensification of the site is inappropriate in a residential location
- The crane will tower over surrounding residential properties
- The crane would be highly visible and detract from views when entering the historic town of Newark
- The submitted site location plan is considered to be incorrect and land shown as within the blue line should not be
- It is not believed that the original Sui Generis permission for the site was ever intended to lead to the expansion of the yard into the Farndon Open Break and flood plain as the lorry park has done, the permission was for the site itself to be the area for the parking of lorries and not the creeping intensification of activities within the site, pushing the parking of lorries out into the open countryside

Comments of the Business Manager

The application has been called to committee at the request of Councillor Payne, who has raised concerns regarding the scale and height of the proposed crane and its perceived impact on neighbouring properties and visual impact on the entry into Newark.

Principle

Core Policy 6 of the Core Strategy states that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range of employment opportunities by amongst other things:

‘providing most growth, including new employment development, at the Sub-Regional Centre of Newark, and that of a lesser scale directed to our Service Centres and Principal Villages, to match their size, role and regeneration needs. Providing a range of suitable sites in these location that will enable employment levels to be maintained and increased, by meeting the modern requirement of different business sectors and types.’

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning

applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The Core Strategy is explicit in identifying that the Newark Urban Area is the Sub-Regional Centre for the District which will form the focus for further development and growth over the identified plan period. The Allocations and Development Management DPD identifies the development site as being within the Newark Urban Area where Area Policy NAP 1 is considered to be particularly relevant. NAP 1 states that the District Council will work with its partners, developers and service providers to promote the Newark Urban Area as the main focus for residential, commercial and leisure activity within the district.

The site is also situated adjacent to land allocated as Open Breaks. Policy NUA/OB/1 of the Development Management DPD states that 'within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for built development' However, notwithstanding the above, the development site is not situated upon land defined as Open Breaks. The proposed crane would be sited within the boundaries of the existing yard, which has an established employment use (occupied by PAF since 1996) for use as a freight depot.

The principle of further development on the proposed site is considered to be acceptable subject to the consideration of the proposed developments perceived visual impact, impact upon flood risk, perceived amenity impact, perceived impact upon highway safety and perceived economic impact.

Visual Impact

The site is situated approximately 100m to the east of Farndon Road and with the exception of the entrance views into the site are relatively limited. The site is laid out with a carpark to the south west with associated office building to the east of this. The yard area with associated buildings extends to the north and west of the main office building. Of particular note is the storage building on the northern boundary of the site which has a ridge height of approximately 9.2m. The entire site is screened from view by the presence of an approximately 10m high Leylandii hedge which marks the northern, eastern and western boundaries to the site.

It is proposed to site a gantry crane on the north western boundary of the site to the west of the storage building. The crane would have a width of 31.5m a depth of 15m and an overall height of 9.05m. The crane is currently in operation at the companies Swinderby site and the finish of the crane has been viewed by officers. The crane has a grey gantry frame with the travelling crane coloured a powder coated yellow.

Consideration of the perceived impact of the crane on the surrounding areas needs to be had. The closest residential property to the proposed cranes location would be 14 Willow Cottages, which forms part of a collection of sheltered bungalows for the elderly. It is considered that given the overall height of the crane at 9.05m and the approximate height of the dense Leylandii hedging which marks the boundary of the site at 10m it is not considered that views of the crane shall be possible beyond the development site.

The comments regarding the impact of the crane on views as people enter Newark via Farndon Road are noted; however given the cranes siting approximately 100m to the east of the road and the existing 10m high boundary screening it is considered highly unlikely that the structure will be visible beyond the development site. A condition is recommended to be added to any forthcoming permission for the boundary hedging to be retained at a minimum height of 9.5m, in the interests of the visual amenity of the surrounding area.

Flood Risk

The site is designated as being situated within Flood Zones 2 & 3 according to Environment Agency Flood Zone Mapping and lies within the floodplain of the River Trent and River Devon. The development site is in the majority surfaced with concrete with surface water draining into a network of ditches and culverts.

The proposed crane would be open sided and is constructed of steel i-beam legs on spreader plates. It is proposed that the legs of the crane would be bolted directly into the existing re-inforced concrete surface without the need for a foundation.

The comments from the Environment Agency are noted and it is understood that the agent is in on-going discussions with the Environment Agency regarding their stance on the application. The agent expects that the objection lodged by the Environment Agency shall be removed on the basis that the proposed installation would not dramatically alter the sites surface water absorption. Given the diminutive footprint of the proposed crane and that the site is at present hard surfaced with concrete, officers share the opinion of the agent and do not envisage that the installation of the proposed crane would detrimentally alter the surface water absorption of the site.

Residential Amenity

The sheltered elderly housing of Willow Cottages situated to the north of the site are the closest residential properties to the proposed development. Further afield the property known as 'Camahieu' situated to the south west of the development on Farndon Road would be approximately 80m from the cranes proposed location.

At present the Farndon Road site for PA Freight handles a variety of packing crates and containers of varying sizes. The logistics of managing these containers is currently undertaken by the existing smaller crane situated in the building to the east of the proposed gantry crane, fork lift trucks and telehandlers. Upon undertaking a visit to the site it was apparent that the site was an active shipping yard with vehicles frequently in operation moving materials around the yard. In addition to the noise created by vehicles moving around the yard, background noise of the nearby A46 was clearly audible. As such it was clear that the site is an operational shipping yard and a background noise level exists generated by existing operations.

The agent has commented that the siting of the proposed crane on the site would reduce the current number of vehicular movements on the site, given that a smaller number of larger containers could be managed as opposed to the current higher volume of smaller containers. This it is considered could result in a reduction of existing background noise levels to the benefit of surrounding residential properties.

Officers and Environmental Health colleagues have witnessed the proposed gantry crane whilst in operation at the companies Swinderby site. The crane is operated by electric motors and

notwithstanding the noise generated by these motors was relatively quiet in its operation. No objection to the proposed installation has been received from the Environmental Health Officer; subject to the imposition of a maintenance condition to ensure the crane operates as viewed on site.

Highway Impacts

The comments from neighbours regarding highway safety are noted, however it is not considered that the proposed installation would result in a greater volume of traffic. The agent has commented that the installation of the crane would result in the sites ability to handle larger containers thus resulting in fewer vehicular movements. Nottinghamshire County Council Highways Authority and the Highways Agency have both offered no objection to the proposed development.

Economic Impacts

The proposed crane is to be re-sited from the companies existing Swinderby site, which is to be closed with current operations absorbed by the Farndon Road site. Should the application for planning permission be refused, the jobs (approximately 10) currently provided at the Swinderby site would be lost. The proposed development site which forms the basis of this application, is situated within the Urban Centre of Newark where in accordance with Area Policy NAP 1 and Core Policy 6 of the Core Strategy employment shall be promoted. As such in the interests of job retention, it is considered that the proposed development would result in a positive economic outcome through the retention of jobs and allow a local business to prosper, to the benefit of the District.

Balance and Conclusions

The proposed crane would be sited within an operational shipping yard and within the existing boundaries of said site, as defined by approximately 10m Leylandii hedging. The re-location of the crane from PA Freights Swinderby site will ensure up to 10 existing jobs are retained. The existing boundary vegetation would screen the crane from view from neighbouring properties and users of Farndon Road. The crane would result in no greater noise disturbance level than that which currently exists on the site. The surface water absorption of the site is not considered to be significantly altered through the installation of the crane due to the modest foot print of the installed crane and the lack of any foundation.

The proposed development is considered to accord with Spatial Policy 7, Core Policies 6 & 9 and Area Policy 1 of the Newark and Sherwood Core Strategy. In addition with policies DM1, DM5 and DM12 of the adopted Development Management DPD.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown on the attached recommendation sheet.

Conditions

1. The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference
 - Block plan as proposed Dwg No 2
 - Plans and elevations as proposed Dwg No 3unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

3. The hedging along the northern, eastern and western boundaries shall be retained at a minimum height of 9.5 metres for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of residential and visual amenity

4. The use hereby permitted shall not take place outside the following:-

Monday – Saturdays 6am to 8pm

Sundays, Public or Bank Holidays 9am to 4pm

Reason: In the interests of residential amenity

Notes to Applicant

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The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

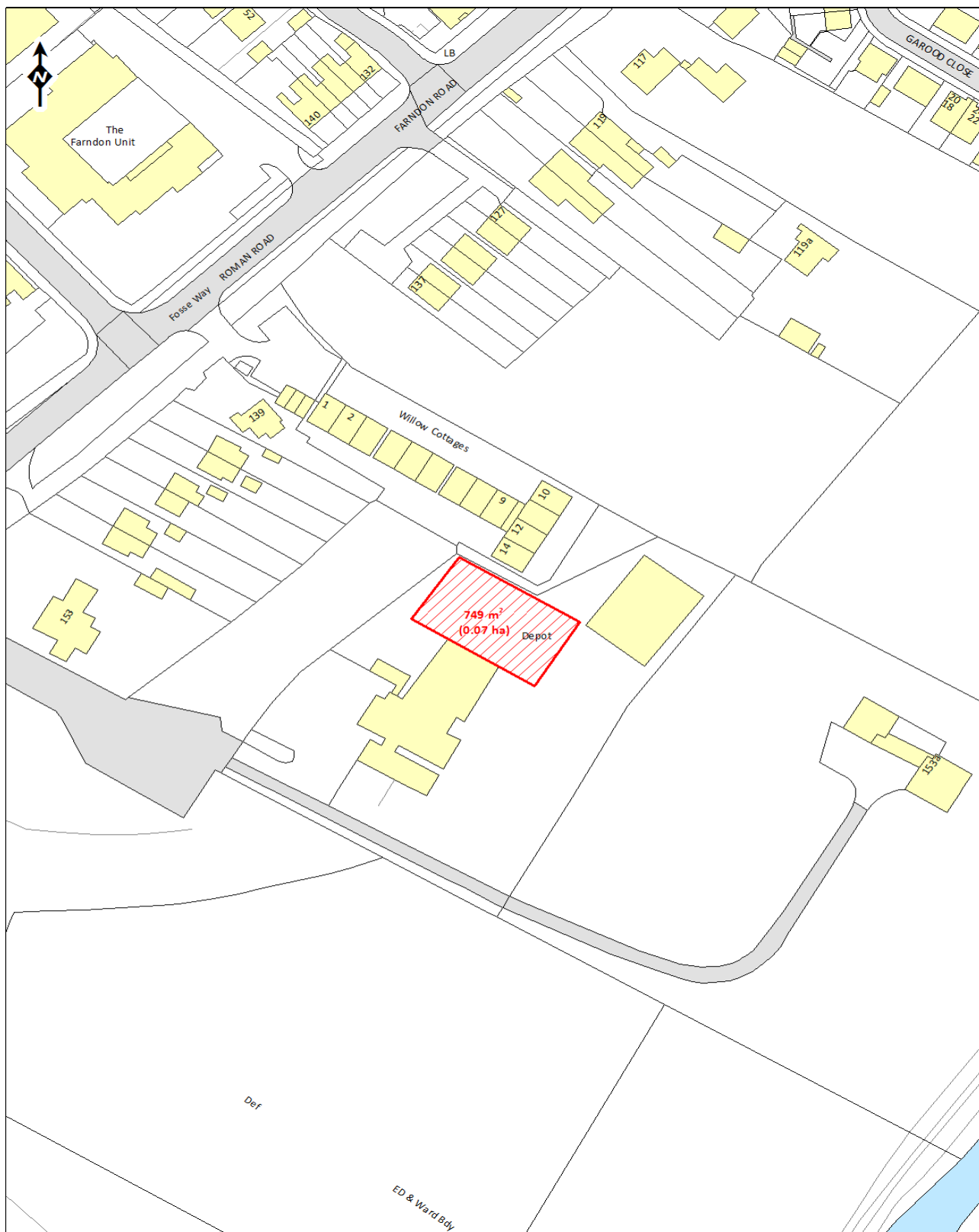
Application case file.

For further information, please contact James Mountain on ext 5841

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00292/FUL



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APPEALS A

APPEALS LODGED (received between 20 April 2015 and 1 June 2015)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact on Technical Support (Growth) Ext 5554 or planning@nsdc.info.

Matt Lamb
Business Manager Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/15/3010686	15/00068/FUL	Falcon Motors 2 Northern Road Newark On Trent Nottinghamshire NG24 2EU	Proposed change of use of part of site for siting of 5 No. shipping containers for self storage use	Written Representation

APPENDIX B: APPEALS DETERMINED (APPEALS B)

App No.	Address	Proposal	Decision	Decision date
14/00747/FUL	Orchard Stables Cottage Lane Collingham Nottinghamshire	Change of use of 6 existing stables to livery use, creation of 9 stables in existing barn and siting of temporary equestrian workers dwelling for a 3 year period	DISMISS	05.05.2015

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact Technical Support (Growth) on Ext 5554 or planning@nsdc.info.

Matt Lamb
Business Manager Development