

**PARISH** Blackwell

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**APPLICATION** Installation of a 500kW wind turbine with tip height of 64m and associated infrastructure including substation, vehicular access track from Pasture Lane and crane pad.

**LOCATION** Land to the South East Of Twin Yards Farm, Huthwaite Lane Old Blackwell

**APPLICANT** Mr Peter Bowman

**APPLICATION NO.** 14/00390/FUL

**CASE OFFICER** Mr Steve Phillipson

**DATE RECEIVED** 1st September 2014

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### **SITE**

(Note all distances quoted below are approximate and to the proposed turbine location rather than the proposed access track or ancillary equipment)



Gently undulating agricultural pasture land with some hedgerow field boundaries. The site is approximately 230m to the south east side of Twinyards Farm; 500m north east of the near edge of Hilcote (Cokefield Terrace) and 630m from dwellings on New Lane; 360m to the north

east of the closest independent dwelling (The Hideaway, Pasture Lane); 450m to the west of the industrial estate in Sutton-in-Ashfield; 800m to the north of Berristow Lane Industrial Estate; 1.5km to the north east of South Normanton (2km to St Michael's Church – tower only visible above the trees); 1km to the east of Old Blackwell (1.3km to the Church – partially screened by trees and landform); and 1.3km to Newton.

In terms of major infrastructure the site is some 900m east of the M1 Motorway and 1.3km north of the A38.

The site would be accessed from Pasture Lane and the proposed access track runs along part of the route of public footpath No 6. Public footpaths 6 and 7 run within 140m and 260m of the proposed turbine respectively.

Pylons and 132kV overhead lines cross close to the site from a northwest to southeast direction. The proposed wind turbine would be approximately 150m from the overhead lines.

There is a direct line of sight between dwellings facing the site from the northern end of New Lane Hilcote, as well as The Hideaway. Views from Cokefield Terrace are more oblique and partly filtered through trees. The landform rises around the northern side of the site and together with vegetation largely screen the site from Old Blackwell and Newton. More direct intervisibility can be had from dwellings on elevated land at Huthwaite (but when viewed from there with the turbine set against an industrial estate as a backdrop) and more distantly, South Normanton.

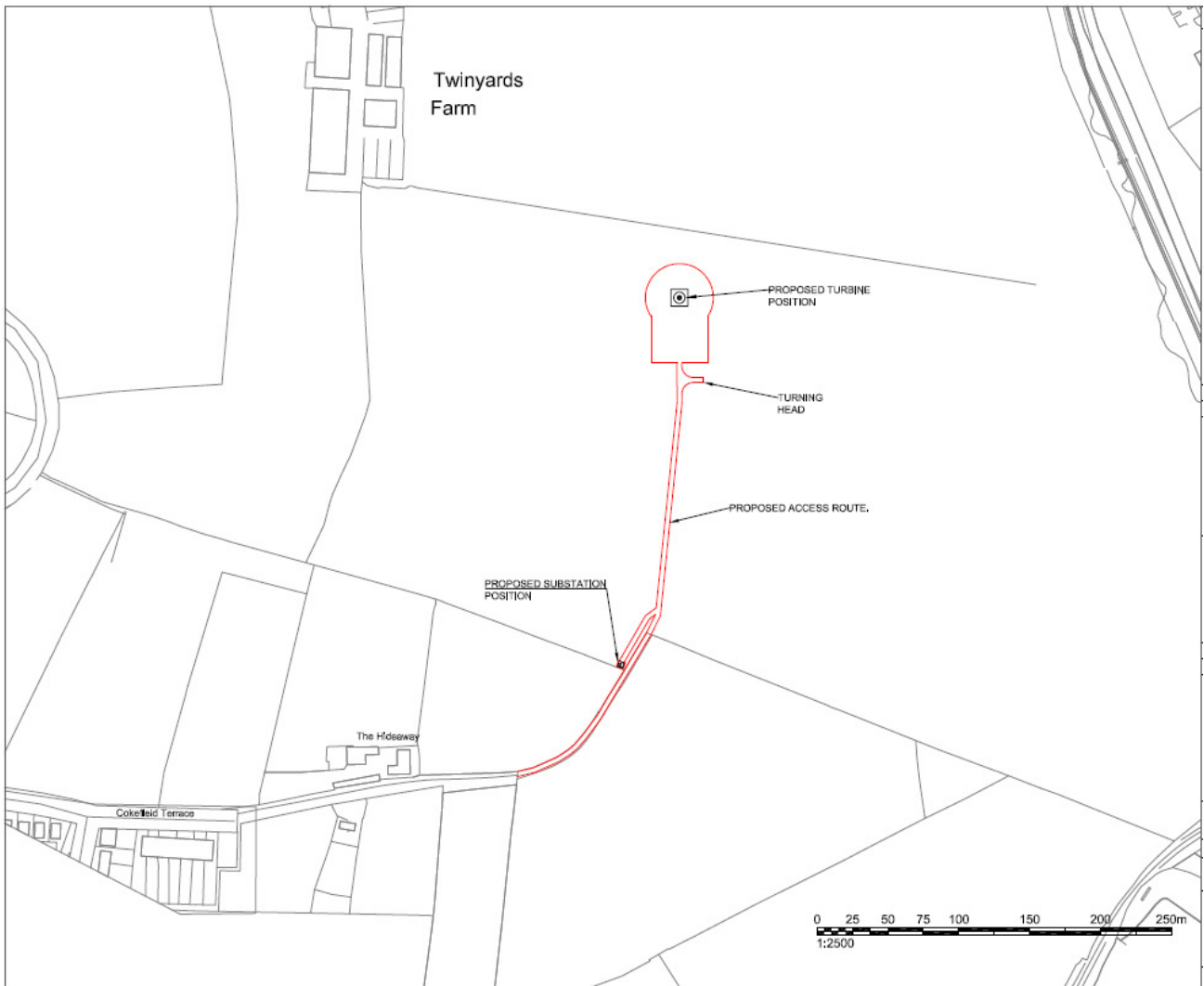
## **PROPOSAL**

Erection of one 500kW wind turbine with a hub height of 40m and overall tip height of 64m. The proposed wind turbine would have a monopole tower and nacelle with 3 blades with a diameter of 48m. It would be light grey in colour. In addition, two small GRP substation kiosks are proposed to connect the turbine to the National Grid. The foundation footprint of the turbine is likely to be a maximum of 10.5m<sup>2</sup> and the substations will be 2.25 x 2.65 x 2.4m high and 1.5 x 1.6 x 2.3m high.

Although not stated on the application form the Design and Access Statement says that the design life of the wind turbine is expected to be 25 years and after such time it is expected that the wind turbine would be decommissioned.

An existing access from Pasture Lane would be utilised with a temporary access track being installed using aluminium panels, which will extend from the field gate to the temporary crane pad area (40m x 40m) during the installation period.

The applicant states that the application site does not fall within a nationally or internationally designated area for landscape, ecological or heritage importance.



The application is accompanied by the following reports:-

**Noise Assessment:**

Concludes that there would be no significant noise impact on the occupiers of the closest properties and that the proposal complies with the requirements of the ETSU-R-97 guidance.

**A Landscape and Visual Impact Assessment (LVIA) with Photomontages and maps showing the Zone of Theoretical Visibility:**

The LVIA submitted with the planning application concludes that the overall effect on the landscape character fabric would be negligible and the overall landscape effect and visual impact would be Minor Adverse. The proposed wind turbine, either individually or cumulatively (with the existing smaller Fulwood Road South turbine in Ashfield District), would not significantly harm the character and appearance of Coalfield Village Farmlands landscape character area due to the industrial nature of the immediate surrounding area.

Some of the more notable visual effects listed in the LVIA are views:-

East from the public footpath on the north east edge of Hilcote, at the end of Pasture Lane where visual effects are predicted to be Major/Moderate Adverse (View Point 7) also other views from nearby footpaths including the Blackwell trail classed as Moderate adverse;  
North East from The Hideaway, Pasture Lane - Major/Moderate Adverse;  
North and East facing properties at the northern side of Hilcote - Major/Moderate Adverse.

**An Access and Traffic Management Plan:**

Route to be Via M1, A38, B6046 (Berristow Lane) and Pasture Lane. Some traffic management will be necessary as well as temporary removal of road signs to the south side of the junction of the B6406 with Pasture Lane.

**An Extended Phase 1 Ecology Assessment:**

The survey report concludes that there would not be any impact on statutory or non-statutory ecological designated sites.

In relation to protected species and their habitats, the report identifies that the proposed development would not incur long term impacts on amphibian habitats as the permanent loss of terrestrial habitat for great crested newt would be limited. However, it is recommended in the report that works occur during winter months when amphibians would not be active and unlikely to be present within the area of works as the grassland does not provide suitable habitat for hibernation; if this is not possible a working method statement will be required.

The proposed turbine would result in the minor loss of potential foraging habitat for badgers however due to the extent of suitable habitat in the wider area the report concludes that the local badger population would not be adversely affected.

Distance proposed to hedgerows means that the turbine should not affect an important foraging area for bats.

The habitat offers only limited potential for breeding birds and is unlikely to be on an important flight corridor for birds.

**Shadow Flicker Analysis:**

No material shadow flicker effect is predicted for the closest independent dwellings.

Some limited effects are predicted at the closest commercial properties to the east of the site but due to the time of year and day that the shadow flicker would occur it is argued that it is more than likely office blinds would be used to block out the low sun and therefore this would also block any potential shadow flicker. In addition, the intervening vegetation would restrict the impact of shadow flicker on any office properties.

**Coal Mining Risk Assessment:**

The report concludes: Based on the published records and accounts of coal mining activity in the area of the site, BWB consider the risks associated with coal mining and ground stability beneath the site is considered to be high, as seams have been worked at shallow depth by underground methods beneath the site area and untreated mine entries exist within the site area.

Intrusive investigations should be undertaken to determine the presence of mine entries at the proposed site location along with investigation of the presence and state of any shallow workings that may affect the stability of the proposed Wind Turbine, given the size of the structure and the anticipated high foundation loadings. This will allow confirmation of the

ground model and facilitate detailed foundation design solutions to be adopted for the proposed development and establish geotechnical development implications. Any intrusive investigation work will need to recognise the potentially combustible nature of the Top Hard seam.

**Air Safeguarding:**

Following consultations with air safeguarding authorities the Applicant states that that they do not expect any objections related to radar interference or on other air safeguarding matters.

**Statement of Community Involvement:**

A publicity exercise has been undertaken by the Applicant in accordance with statutory requirements. Press and site adverts as well as neighbour consultation by post has been undertaken (this is in addition to the Councils publicity which has also been undertaken as normal – see below). There was a total of 4 responses with 1 letter of support from a local resident and 2 letters (1 letter from two residents from the same property) of objection from local residents. Issues raised included:-

- New Government Directives asking council's to reject any plans submitted. (The applicant comments that there are no such directives).
- The scale of the turbine.
- Noise.
- Precedent.

**AMENDMENTS**

Amendments received 22.01.15.

Revised site location plan A1/BOWMAN/002 A clarifying position of the substation kiosks and includes turning head

Revised Block Plan A1/BOWMAN/003 clarifying position of the substation kiosks and includes turning head.

Additional Plan showing Land for Skylark Nesting Habitat A1/BOWMAN/001 A

E-mail confirms the construction of the crane pad will be temporary aluminium sheeting (like the access track) which will be removed after construction/installation. Also confirms the landowners agreement to set aside 3.45ha of land within the holding to be sown with spring cereal to provide suitable nesting habitat for skylark as sought by the Wildlife Trust.

Additional visual information including photo-montages provided and additional information on heritage impacts received. The Applicant states that no assessment accompanies the photomontages from Old Blackwell and Newton Conservation Areas because there is no view of the proposed wind turbine and therefore no impact from these viewpoints. This is not to say there would be no views from the Conservation Areas however it is highly likely that there would only be restricted glimpses of the proposed wind turbine and therefore the potential impact is likely to be negligible.

The Applicant also states that the Zone of Theoretical Visibility shows that, Pinxton Castle and Brookhill Hall do not fall with the theoretical visibility and therefore no photomontages were undertaken at these heritage assets as there would be no potential impact. Equally, the other heritage assets identified such as St Werburgh Church, Old Farm Cottage, Three Lane End Farmhouse, Tap Farmhouse and Newton Old Hall are located close to viewpoints previously taken and submitted during the planning application and therefore the perceived

impact on the setting of these assets can be easily understood from these photomontages. It is unlikely that there will be any impact to the setting of these heritage assets due to the intervening vegetation/topography obscuring views towards the proposed wind turbine.

The photomontages provided from the setting of Carnfield Hall (and Conservation Area including important open space), Church of St Michael, Hilcote Hall and Tibshelf Conservation Area shown there would be no harm to the settings of these heritage assets due to intervening vegetation/topography, distance between proposed wind turbine and heritage assets and scale of the proposed wind turbine. In this respect, it was not deemed necessary to carry out a heritage assessment as there was no intervisibility with the proposed wind turbine.

### **HISTORY (if relevant)**

13/00023/FUL similar application withdrawn due to technical objection from consultee.

13/00392/FUL similar application also withdrawn due to technical objection from consultee.

### **CONSULTATIONS**

#### National Grid

No objections 24/09/14

#### DC Archaeologist

With regard to below-ground archaeology the proposals will have no impact; there is consequently no need to place an archaeological requirement upon the applicant. In relation to the Hardwick group of assets he feels that the proposals will have no meaningful setting impact on significance.

#### Coal Authority

No objection subject to conditions.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (May 2013); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment (May 2013) are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

24/09/14

NATS (National Air Traffic Safeguarding)

No safeguarding objection to the proposal. 24/09/14.

MOD

No objections but if planning permission is granted they would like to be advised of:

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine. 29/09/14

East Midlands Airport

No safeguarding objection to the proposal providing EMA are notified within 1 month of the turbine commencing operation. 01/10/14.

JRC (The Joint Radio Company Limited)

JRC analyses proposals for wind farms etc. on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements. JRC does not foresee any potential problems with the proposal. However they say that that the turbine dimensions and position is critical to avoid disturbance to the radio network controlling the electricity supply grid in this locality. For this reason, turbine position MUST be determined by means of survey grade equipment employing earth station correction to enhance accuracy. JRC requests that a condition to this effect together with the turbine parameters given above are both included in any planning permission associated with this application.

Highways Agency

No objections in principle but directs the LPA to impose a condition:-

“No wind turbine components from the development hereby permitted that require an abnormal load movement on the strategic road network shall take place, until a comprehensive transport strategy has been agreed in writing with the Local Planning Authority in consultation with the Highways Agency.” 03/10/14

DCC Highways

No objections subject to conditions requiring recording of highway condition and repair of any damage to the highway caused by abnormal loads; and route of abnormal load; measures to assist the manoeuvres of abnormal loads to be agreed. Also advisory notes. As per response of 09/04/13, updated for this application.

National Trust

Although the turbine is likely to be visible from the roof of Hardwick Hall, particularly in winter, the level of harm caused by this development to the historic significance of the property is likely to be low. The Trust considers that the extent of the harm to Hardwick from the proposed turbine would be ‘less than substantial’ and on its own would not be such as to warrant refusal of the application having regard to the renewable energy benefits that would result. Nonetheless the identified adverse impact does need to be weighed in the overall balance of cumulative adverse impacts in the determination of the application. 09/10/14.

### English Heritage

As this application potentially affects scheduled monuments, listed buildings and conservation areas the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when making its decisions. We also refer to the potential cumulative impact of wind turbines on the significance of heritage assets, which is relevant here.

While the information that has been submitted is useful in understanding some of the impacts on some parts of the historic environment, we note that there is no comprehensive 'Heritage Impact Assessment' document that identifies and analyses the significance of all nearby heritage assets and the potential for impact upon their setting. We note that references are made to several listed buildings in the submitted Landscape and Visual Appraisal (paragraphs 3.4), but that the heritage impact assessment focuses solely on the impact upon the setting of Hardwick Hall and Hardwick Old Hall, and we are satisfied that the applicant has adequately demonstrated (by way of the photomontages) that there will be minimal impact on the setting of these two heritage assets. There appears to be no reference to other heritage assets, for example the scheduled monuments of Pinxton Castle motte and Castle Hill fortified manor, which lie within 5 km of the application site. To this end your authority should be satisfied, that in accordance with paragraph 128 of the National Planning Policy Framework (NPPF), it has sufficient information so that the proposal can be properly assessed and the application determined, in accordance with the principles of the NPPF.

### Conservation Officer

Initial comments:-

The conservation areas potentially affected by the proposal are:-

Old Blackwell, Newton, Tibshelf, Carnfield Hall and Hardwick and Rowthorne.

The applicant has submitted an extensive Heritage impact assessment which mainly covers Hardwick Hall and based upon the photomontages included in the document it appears that there will be no adverse impact upon the Grade I listed halls. Views from within Old Blackwell and Newton looking out towards the proposed site of the turbine have also been included and indicate minimal potential impact as many of the views are obscured by dense tree growth.

There are other conservation areas of the same distance away from the proposed site as Hardwick Hall that have not been included in the impact assessment submitted by the applicant. These are Tibshelf and Carnfield Hall, an impact assessment/ photomontage report should be produced to show potential impact upon views out of these areas towards the proposed turbine.

There are also several listed buildings and a Scheduled Ancient Monument within potential viewing range of the turbine that have not been mentioned in the impact assessment and should also be included in an additional impact assessment. These are:



Pinxton Castle (Scheduled Ancient Monument)  
Carnfield Hall (Grade II\* Listed)  
Brookhill Hall, South Normanton (Grade II Listed)  
Church of St Michael, South Normanton (Grade II\* Listed)  
Hilcote Hall, Hilcote (Grade II listed) Hilcote is referred to in the initial reports but there is no specific reference to Hilcote Hall.  
Also several listed buildings within Old Blackwell and Newton villages:  
St Werburgh Church, Old Farm Cottage and three lane end farmhouse in Old Blackwell (all Grade II Listed).  
Tap Farmhouse and Newton Old Hall in Newton (both Grade II Listed).

I advise the submission of a further heritage impact assessment to cover the buildings, SAM and conservation areas not already assessed. 31.10.14.

Further advice from the Conservation Officer was received 11.12.14 following the receipt of additional information. She advised that the turbine will have minimal impact upon the above mentioned conservation areas, listed buildings and Scheduled Ancient Monuments and that she had no objections to the proposal.

#### Parish Council

Strongly objects to the application. The turbine will be visible from Old Blackwell Conservation Area. Also residents of this area and from Hilcote have expressed concerns and objections. 10.10.14.

#### Amber Valley BC

No objections

#### Ashfield DC

No objections. The Councils Landscape Officer considers that the proposal will have an overall minor adverse impact on the landscape of Ashfield and may be considered consistent with the industrial 'fringe' setting in which the site is located. They would welcome a condition as indicated in the D&A to investigate shadow flicker complaints and provide mitigation where necessary. Noise conditions are also requested.

#### Derbyshire Wildlife Trust

The majority of the site was identified to comprise cattle grazed improved grassland and, as such, does not offer suitable habitat for great crested newt, although records for this species are known from the area.

The turbine is unlikely to result in any adverse impact upon bats.

Whilst the ecology report concludes that the site does not offer high potential for ground nesting birds due to its shortly grazed nature and likely disturbance by cattle, we would advise that during a site visit to the area in April 2013 at least two skylark territories were identified in the absence of any grazing cattle.

Given the scale of the development we would advise that the turbine is unlikely to have a significant adverse impact upon the passage of any target bird species.

We consider that the turbine has potential to displace and impact upon ground nesting bird species, including skylark, a UK BAP priority species. We therefore advise that the installation of the turbine should be scheduled to commence to avoid the bird breeding season unless a pre-commencement check of the site has confirmed the absence of any ground nesting birds.

In order to mitigate/compensate for the displacement of ground nesting priority species we advise that habitat enhancement measures for skylark should be provided in the form of skylark plots on land under the applicant's control (The Applicant has provisionally agreed to this). The provision of such measures would accord with the principles set out in section 9 of the National Planning Policy Framework (NPPF) to achieve biodiversity gain from the proposal.

We fully support the implementation of the proposed precautionary mitigation measures as set out in section 6 of the Ecological Walk-over Survey report which should be secured by a planning condition.

In summary, provided that the above recommended mitigation measures are implemented, including the provision of enhancement measures for skylark, no significant ecological impacts are anticipated as a result of the proposed turbine.

Further response 22.01.15 confirms the amended plans are acceptable in terms of skylark mitigation.

#### Environmental Health Officer

01.10.14. Is satisfied with the conclusions of the Noise Impact Assessment submitted with the application and has no comments in relation to noise issues.

An assessment of Shadow Flicker has indicated a potential problem at certain properties for a few hours each year. As a result, I would recommend that a condition is attached to any approval requiring controls to be introduced, which can stop the operation of the turbine at certain hours on certain days.

Following further discussion on the likely limited extent of shadow flicker effects (a few commercial properties on the industrial estate in Ashfield that theoretically might be affected at certain times as well as Twin Yards Farm which has an interest in the proposal) a further response was received 09/01/15: The EHO advises that the probable effect of flicker is small and it may be possible to deal with it in retrospect as a nuisance issue should it arise and consequently it is unlikely to be a significant issue if the condition was not attached.

#### **PUBLICITY**

Advertised in the press, site notice posted, 114 neighbours consulted. Four objections received.

Grounds of objection include:-

- Use of a narrow unsuitable access ie Pasture Lane. It should be from the farm access instead.

- The village has been subjected to much unwanted intrusion over the years, from new factories being built to the threat of HS2 on our doorstep.
- The wind turbine would impose on the village both visually and audibly.
- Inadequate consultation on the proposal
- Scale too large
- Precedent
- Decision on the application should be delayed until the Governments position on on-shore wind and subsidies is made clear
- The position of the turbine seems to move depending on the plan viewed
- Ugly and obtrusive
- Noise
- Danger to road users
- Devaluation of property

## **POLICY**

### Bolsover District Local Plan (BDLP)

GEN1 Minimum Requirements for development

GEN2 Impact of Development on the Environment

ENV3 Development in the Countryside

CON10 (Development Affecting the Setting of Listed Buildings)

CON13 (Archaeological Sites and Ancient Monuments)

ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings)

ENV5 (Nature Conservation Interests Throughout the District)

ENV 8 (Development Affecting Trees and Hedgerows)

### National Planning Policy Framework

Since the NPPF came into force, the saved policies of the adopted Bolsover District Local Plan should be given due weight according to the degree of consistency with the NPPF, in accordance with paragraph 215 of the Framework. In the absence of any specific local plan policies on renewable energy, the policies in the NPPF in relation to renewable energy are afforded considerable weight. Relevant local plan policies considered in the assessment are considered to be consistent with the broad policy principles of the NPPF.

In relation to meeting the challenge of climate change, the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Renewable and low carbon energy and associated infrastructure are supported and considered central to the economic, social and environmental dimensions of sustainable development. Local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources, maximise renewable and low carbon energy while ensuring that adverse impacts are addressed satisfactorily. The overall need for renewable or low carbon energy does not need to be demonstrated. Applications should be approved unless material considerations indicate otherwise.

### Other (specify)

DCLG guidance "Planning practice guidance for renewable and low carbon energy" July 2013. This guidance states that all communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy automatically overrides environmental protection and the planning concerns of the local communities. It states that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

Paragraph 15 of the guidance emphasises various issues when considering planning applications for renewable or low carbon energy developments which includes cumulative impacts on landscape and local amenity, local topography, conservation of heritage assets and the protection of local amenity.

Specific considerations in relation to wind turbines are now given from paragraph 29 of the guidance.

*Renewable Energy and Low Carbon Study (2009)* for Bolsover Council Development Framework, this assesses the District's potential for the installation of renewable and low carbon energy technologies, suggests possible approaches for different scales and types of development, and makes recommendations on future policy directions. The study, undertaken by consultants, was considered by the Council's Planning Committee on 29 April, 2009. The study was to help to inform the development of policies in the New Local Plan for renewable and low carbon energy and as a result has little weight in the determination of specific planning applications. It identifies large scale wind as having the greatest potential within Bolsover District for producing low carbon energy. It shows constrained areas and less constrained areas for large wind farm developments. This application site is not identified as a less constrained area.

Statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990  
S66(1) PI (LBCA) Act 1990 – "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have **special regard** to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 72 PI (LBCA) Act 1990 - requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area."

### **ASSESSMENT**

The proposal is for one 40m hub height, 64m blade tip height wind turbine. Although a large structure, this is a medium sized turbine by modern standards.

### The Principle of Development

Despite political debate on on-shore wind, current national planning policy in the NPPF (as summarised above) encourages renewable and low carbon energy generation stating that it is considered central to the economic, social and environmental dimensions of sustainable development. The overall need for renewable or low carbon energy does not need to be

demonstrated and applications should be approved unless material considerations indicate otherwise. These are assessed below.

The benefits of low carbon energy generation and minimising energy vulnerability are benefits weighing in favour of the proposal.

**Agricultural Land:** Policy ENV2 of the Bolsover District Local Plan aims to protect the higher grades of agricultural land (1, 2 and 3A) from development. This site is moderate grade 3 to 4 and is probably not protected by the policy. Even if the policy were applied the loss of agricultural land which could result from the proposal is small comprising the surface area of the turbine tower foundation and sub-stations. Agricultural use can otherwise continue in the field. Given the relatively small area of moderate grade agricultural land involved and the temporary life of the development which can be restored to agriculture, it is considered that the proposal could not be reasonably refused on this issue given the wider renewable energy benefits in favour.

**Development in the Countryside:** The site is within the countryside where policy ENV3 of the Bolsover District Local Plan applies. ENV3 will allow development in the countryside if it is necessary in such a location or where development is necessary for the exploitation of sources of renewable energy provided that, inter alia, the development would not materially harm the rural landscape. In accepting that the location is necessary for the exploitation of renewable energy sources (In accordance with the NPPF the overall need for renewable or low carbon energy does not need to be demonstrated) the principal of the proposal is acceptable in the terms of this policy subject to its impact on the rural landscape which is considered below in this report.

#### Conclusions on the Principle of Development:

The erection of a wind turbine is potentially acceptable in principle in accordance with national policy and guidance unless material considerations indicate otherwise, and generally in compliance with policy ENV2 and the aims of policy ENV3 of the Bolsover District Local Plan. However there are several material considerations which need further consideration.

#### Impacts on Heritage Assets

The DC archaeologist has confirmed that there will not be any harm caused to archaeological interests.

All of the heritage consultees have advised that any setting impacts on the high grade Hardwick Hall group of assets will be minimal-less than substantial- (partial view from the roof only) and would not justify refusal.

Following the receipt of additional information the Conservation Officer does not object to the proposal. Setting impacts on the nearest conservation areas, listed buildings and scheduled monuments are considered to be minimal- less than substantial. The closest assets are at Old Blackwell but direct intervisibility between the Listed Church, the other listed buildings set out above by the Conservation Officer, and from the conservation area to the proposed turbine are restricted by established vegetation and the landform. Where there are views the harm to setting is considered to be less than substantial and also not so high as to otherwise justify refusal. The turbine will not reduce the rural setting of these assets to any significant degree

such that their setting is preserved.

### Wider Landscape Impacts

The area is not protected by any special landscape designation. The site is set in a partial bowl within the landform which limits more distant views. The character of the wider landscape is heavily influenced by two nearby large industrial estates, large farm buildings, power lines, strategic highways, as well as the nearby village of Hilcote. As such the landscape is not considered to be especially sensitive to change.

Cumulative impacts with the existing small/medium sized turbine to the south east are unlikely to be significant.

However views from some of the public footpaths running close to this site means that an observer from some of these vantage points may experience harmful visual impacts. These are not considered to be so harmful as to outweigh the benefits.

### Visual Impacts on Residential Amenity

It should be noted that views from private property are not a material consideration in determining planning applications unless the proposed change is sufficiently unpleasant, intrusive, dominating or overbearing as to cause unacceptable harm to residential amenity. Hence a turbine can be prominent in the view from a domestic window without necessarily causing unacceptable visual impacts. Policy GEN2 of the Local Plan requires regard to be had to the potential harm and disturbance from development impacts including visual appearance and to whether these impacts are outweighed by social or economic benefits to the community or by wider environmental benefits.

Factors to consider include the size of the turbine, proximity to dwellings, the orientation of dwellings to the turbine, and whether there are any intervening buildings, landscape or vegetation that would restrict views of it.

The main impacts would be on the occupants of the closest dwellings. There is a direct line of sight between dwellings facing the site from the northern end of New Lane Hilcote, as well as The Hideaway at Pasture Lane (no objections received specifying these addresses). Views from Cokefield Terrace are more oblique and partly filtered through trees (one objection received from Cokefield Terrace).

Given that this application is for a 64m high wind turbine the number of public objections (four) is very low. This indicates that the level of public concern is also low. Although there will be impacts on visual amenity at these dwellings it is considered that the impacts would not be at the level of constituting a significant material planning consideration.

In summary it is considered that there will not be an unacceptable level of harm to residential amenity as a result of the appearance of the turbine and the proposal complies with policy GEN2 in this regard.

### Noise

The Applicant has submitted a noise assessment which is summarised above in the Proposal section of this report.

The applicants appear to have followed the general guidance in ETSU-R-97 (still the appropriate guidance), and have indicated that the noise levels are likely to be low and that the turbines considered as part of the assessment are all capable of meeting the ETSU –R-97 guidelines.

The Environmental Health Officer has confirmed that he is satisfied with the conclusions of the Noise Impact Assessment submitted with the application and has no comments in relation to noise issues. Noise impacts of the proposal are therefore expected to fall within acceptable limits.

Ashfield DC has requested a condition about amplitude modulation. However these are issues which are given little weight in the relevant guidance and in Inspectors decisions on appeals. Also given the relative distance to residential properties in Ashfield District it is not justified.

#### Shadow Flicker

Flicker effects have been recognised as occurring only within 10 rotor diameters of a turbine and only 130 degrees either side of north. All residential properties (except Twinyards Farm itself) fall outside this impact zone. The submitted flicker assessment predicts only minor effects on commercial properties within the adjacent industrial estate in Ashfield. The Applicant states that it is likely that office blinds would be used to block out the low sun in any case and therefore this would also block any potential shadow flicker. In addition, the intervening vegetation would restrict the impact of shadow flicker on any office properties. This is accepted and a condition regarding complaint investigation is considered to be unnecessary. A note re nuisance is advisable.

#### Ecology Impacts

An ecology survey and report has been undertaken and considered by the Derbyshire Wildlife Trust. Regard has been given to impacts on bats and birds and other protected species. Subject to some compensatory land management to enhancement measures for skylark and precautionary measures set out in the ecology report, no significant ecological impacts are anticipated as a result of the proposed turbine.

Hedgerow removal to allow delivery would be minimal.

#### Safety

The proposed turbine is more than fall over distance to any public right of way or highway and more than 3 times rotor diameter to the power lines. These stand-off distances are adequate in compliance with safety guidelines.

Potential to interfere with radio systems operated by utility companies has also been checked and subject to accurate geographic installation on site there is no longer consultee objection on these grounds.

A condition will be required to ensure that the ground conditions and risks from historic shallow coal mining with the area are properly investigated before construction. In the event

that re-siting is required the applicant would need to reapply for planning permission since the application site does not account for re-siting or micro-siting.

#### Access and Highway Safety

The access and traffic management plan submitted with the application has demonstrated that the proposed delivery route can accommodate the vehicles associated with the construction of the turbine.

Subject to conditions dealing with abnormal load routing and arrangements and restoration of any highway damage there are no objections to the proposal on highway safety grounds from consultees. The proposal is considered to comply with the Council's policies in this regard.

The route and access styles for the public footpath affected will also need to be restored following construction.

The concerns raised by a resident of Cokefield Terrance about the narrow access route are noted. It will be necessary for the Applicant, in consultation with the highway authority and local residents to ensure that Pasture Lane is cleared of on-street parking at specific delivery times. However the delivery convoy should only result in disruption for a few days. This is not considered to be so harmful to amenity as to justify refusal.

#### Aviation

There are no objections from consultees in terms of air-safeguarding /radar impacts and no materially harmful impacts are expected.

#### Impact on Property Values

Not normally a material planning consideration.

#### Precedent

A representation has been received which argues that to allow this proposal is to agree to the proliferation of more turbines throughout the area. However each planning application should be considered on its own merits, and the argument that granting planning permission might lead to another application is not sufficient grounds for refusal. Cumulative impacts need to be taken into account.

However by way of comparison with other wind turbine proposals the turbine currently proposed is comparable in terms of scale and separation from dwellings to the turbines both recently allowed on appeal at Damsbrook Farm, Oxcroft and also Worksop Road, Barlborough. In both of those cases Officers considered that the adverse impacts of the turbines was greater than those resulting from the current proposal.

#### **Other Matters**

Crime and Disorder: No significant impacts

Equalities: No significant impacts

Access for Disabled: No significant impacts

SSSI Impacts: No significant impacts

Human Rights: Dealt with in the general planning balance of issues.



## Conclusions

The proposal is acceptable in principle and the adverse impacts arising from the proposal in this instance are not so great as to outweigh the benefits in terms of generation of low carbon energy. The level of public concern raised is relatively low.

## RECOMMENDATION

**APPROVE subject to the following conditions given in précis form, to be formulated in full by the Assistant Director of Planning.**

### Conditions

1. Start within 3 years.
2. The generation of electricity from the development shall cease no later than 25 years after the first commercial generation of electricity from the turbine after which time the site shall be restored in accordance with the approved Decommissioning and Site Restoration Scheme approved under condition [4 ] below.
3. The wind farm operator shall, within one month of the first commercial generation of electricity from the turbines to the electricity grid, notify the local planning authority in writing of that date.
4. No later than 3 years before the expiry of the planning permission hereby granted, a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the methods and measures and timetable to secure the removal of the turbine, the turbine base to one metre below ground level and all other elements of the development and related restoration site measures. The scheme shall be implemented as approved.
5. If the wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine, the wind turbine base to one metre below ground level, and its associated ancillary equipment shall be removed.
6. Construction works shall be carried out in accordance with the recommendations (section 6 page 22) of the submitted Ecological Walk-over Survey. In the event that that construction works are planned to take place outside the months of December to February a working method statement for the protection of Great Crested Newts shall first have been submitted to and approved in writing by the Local Planning Authority and construction works shall only be undertaken in accordance with the approved method statement.
7. Before any development is commenced on the application site a scheme, including a means to ensure its delivery (such as a completed unilateral undertaking under S106 of the TCP Act), to ensure the provision of skylark mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority. Unless an alternative has been approved in writing by the Local Planning Authority, the mitigation shall include the sowing of spring cereal on the field shown hatched on drawing

A1/BOWMAN/001 for the lifetime of the turbine or in the event that spring cereal cannot be sown, details providing for the creation of skylark plots within that field shall have been submitted to the Local Planning Authority for approval in writing. The approved mitigation shall have been implemented within one year of the commencement of development.

8. No wind turbine components from the development hereby permitted that require an abnormal load movement on the strategic road network shall take place, until a comprehensive transport strategy has been agreed in writing with the Local Planning Authority in consultation with the Highways Agency.
9. The external materials of the substations shall be coloured dark green or an alternative which has been approved in writing by the Local Planning Authority.
10. Intrusive site investigation works shall be undertaken prior to development starting in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or mine entries to ensure the safety and stability of the proposed development, the remediation scheme shall have been submitted to and been approved by the LPA in consultation with the CA and the approved scheme shall be undertaken as approved.

#### Notes to Applicant including:-

In addition to the abnormal loads movement strategy to be approved under condition 8 above for the strategic road network, no wind turbine components from the development hereby permitted that require abnormal load movement on the local highway system should take place prior to the completion of an agreement with the Local Highway Authority (Derbyshire County Council). This should include provision of a report setting out the recording of current highway condition and repair of any damage to the highway caused by abnormal loads and including the route to be taken for abnormal load and measures to assist the manoeuvres of abnormal loads. Any modifications within the highway will need to be the subject of an agreement under S278 of the Highways Act. Detailed proposals and timing for abnormal loads need to be agreed with DCC and at least 6 weeks notice of highway works must be given.

Notification of commencement to MOD, EM Airport,

Permission is granted for the specific location shown in the submitted application site plan (26.08.14) and the turbine position must be established on site by means of survey grade equipment employing earth station correction to enhance accuracy. It cannot be assumed that any deviation from the approved position would be acceptable.

The installation of the turbine should be scheduled to commence to avoid the bird breeding season which extends from March to late August inclusive unless a pre-commencement check of the site by a suitably experienced ecologist has confirmed the absence of any ground nesting birds.

Protection/temporary stopping up of public right of way.

Planning permission does not dispense with the need to comply with legislation to prevent nuisance from noise or shadow flicker.

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