PARISH Scarcliffe

APPLICATION Erection of 6 wind turbines (hub height 80m, blade tip height 126.5m), 1 anemometer mast (80m high), control building and substation, associated hardstandings and tracks and underground cabling
LOCATION Land East South and West of Roseland Wood Scarcliffe Between Roseland Farm Shirebrook and Losk Lane Stony Houghton Derbyshire
APPLICANT Roseland Community Windfarm LLP
APPLICATION NO. 12/00159/FULEA **FILE NO.**
CASE OFFICER Mr T Ball
DATE RECEIVED 24th April 2012

SITE
The proposed wind farm site (within which the turbines are to be located) is located approximately 2.5 km south-east of Bolsover and Hillstown, west of Shirebrook and approximately 1.4km north-east of Glapwell.
It is bounded to the north by Roseland and Langwith Woods (beyond which is the village of Scarcliffe) and to the north-east and east by farmland, beyond and adjoining which, is the B6407, Common Lane and Shirebrook. The minor road from Shirebrook to Stony Houghton marks the southern boundary of the site with Stony Houghton to the south-east and the western boundary is formed by the B6417, Rotherham Road, with Palterton approximately 1.4km to the north-west.

The general wind farm site occupies approximately 143 hectares (ha) of agricultural land, which is dominated by medium to large scale arable fields bordered by hedgerows, farm tracks, highways and public footpaths.

The local topography is gently undulating, rising towards the west from approximately 120 m to 167 m Above Ordnance Datum (AOD).

The nearest residential dwellings are:
• Roseland Farm, located to the east and approximately 465 m from the nearest turbine (this property is owned by the landowner and is currently tenanted);
• Pumping Station House, located approximately 500 m to the south of the nearest turbine on Balkham Lane;
• Elm Tree Farm, Stony Houghton, located approximately 650 m to the south of the nearest turbine, and
• Houghton Bassett Farm, located to the south west and approximately 640 m from the nearest turbine.
The dwelling nearest to a turbine at Shirebrook is Harrisons Nursery located approximately 850m to the east.

A high voltage electricity line passes across the landscape on pylons to the south of the site.

The 'Creswell Archaeological Way' passes through the site, passing to the south of the general site area along Balkham Lane and Water Lane at Stony Houghton before turning northwards across Losk Lane towards Scarcliffe and into Roseland and Langwith Woods. Other definitive footpaths from Shirebrook in the east and Scarcliffe to the north connect with this route. [The Archaeological Way runs from Pleasley Mills through Roseland and Langwith

Woods, up to Whaley and Elmton, through Markland Grips and ends at Whitwell.]

Roseland and Langwith Woods are Derbyshire Wildlife Sites. Roseland Wood is an ancient woodland site that has largely been replanted with conifers and non-native broadleaved species, although remnants of the original semi-natural woodland survives. Langwith Wood supports mixed woodland stands of both broad-leaved and conifer plantation; maps suggest the site is ancient in origin but it is not included on the ancient woodland inventory.

There are many heritage assets in the vicinity of the site including Conservation Areas and Listed Buildings of various qualities. These are identified in more detail later in the report.

PROPOSAL

The following is taken from the Non-Technical Summary which forms part of the Environmental Statement (ES) accompanying this planning application and provides a good summary description of the proposal:

"The proposed scheme is to construct, operate and decommission a 12-15 MW capacity wind farm consisting of the following components:

- six wind turbines and associated infrastructure including crane hardstandings;
- a single anemometer mast;
- permanent access tracks to gain access to the site and between the turbines;
- an underground electricity line from the site to the local 33 kV electricity distribution network;
- a combined electrical control building, site office and store, and
- a temporary construction compound.

Construction would be planned to take place over a period of nine months."

"Each turbine will have an overall height to blade tip not exceeding 126.5 m and a hub height of up to 80 m. The turbines would have three blades and the towers would be constructed of tapering tubular steel. The colour of the turbines would be a semi-matt pale grey.

The turbines would generate electricity in wind speeds between approximately 3 and 25 m/s. At wind speeds greater than 25 m/s (56 mph) the turbines would shut down for safety and self-protection. Such high wind conditions typically occur for a maximum of approximately 1 % of the year. Modern wind turbines are expected to have an operational availability of over 97 % including shutdowns due to routine maintenance."

The turbines would be connected to the national grid *via* the on-site electrical control building. The connection with the electricity distribution network will be made to the east of the site at an existing substation located at Acreage Lane, Shirebrook.

Roseland Community Wind Farm (RCWF) will be decommissioned at the end of its 25 year life and the site reinstated to agricultural use. This will involve the removal of all above-ground structures and will take account of the environmental legislation and technology available at the time of decommissioning. The process is expected to take no more than nine months."

"Roseland Community Windfarm LLP (the applicant) is a joint venture between Roseland Community Energy Trust Community Interest Company (RCET CIC) and Roseland Community Investments (RCI). The LLP was established with the specific purpose of developing RCWF as a community-owned scheme that would deliver 100 % of the profits

from the operation of the wind farm back into the local community.

The corporate structure has been specifically adopted to ensure that the asset and all the profits are locked in for the benefit the local community for the full 25 years expected life of the project. This is the fundamental aim of the project and has been from its inception and will remain so for the life of the project."

"An estimate of the annual electrical output of RCWF can be calculated using an installed capacity between 12 and 15 MW (the amount will depend upon the final turbine selected), and an assumed capacity factor of 27.4 % based on England specific figure DECC Energy Trends September 2011 UK Annual Load Factors 1998-2010. The minimum range of tonnes of CO_2 that could be annually displaced by RCWF is 15,370 kWh, equivalent to 6,170 homes or 8.28 % of Bolsover population."

"The site is considered to be suitable for a wind farm based on the following criteria:

- Good wind resource.
- Suitable site topography.
- Site is outside any national or international designations (e.g. National Parks).
- Site does not support and Sites of Special Scientific Interest (SSSI) or other areas designated as of conservation importance
- Suitable road access to site.
- Ease of connection to the electricity network.
- Reasonable separation distances from residential properties.
- Existing agricultural land use is compatible with wind energy development.

The scheme design evolved through a process of careful evaluation of the physical, social and economic context of the site, as well as consideration of the views of the local community and key consultees. Various options for numbers and locations of turbines were considered and the final design emerged as the preferred option as it minimised effects to sensitive receptors including local residents and heritage assets including Bolsover Castle and Hardwick Hall."

The application is accompanied by various documentation as summarised below:

Design & Access Statement

This gives more detail of the proposal and explains the design evolution from a scheme with 8 turbines to the current proposal for 6 taking account of various site constraints and feedback from the consultation process.

The pre-application consultation process is summarised and consultation continues. Publicity through posters, leaflets, press releases and a web site have been promoted to local residents, elected representatives and other interested parties. Public exhibition and meetings held with a wide range of interested persons including opposition groups. The results have influenced the content of the ES and helped form the design principles for the wind farm. The pre-application consultation process has been undertaken with local communities with events being held at Glapwell Community Centre, Palterton Miners Welfare Club, Shirebrook Carter Lane Pub, Rowthorne Lane Social Club and Shirebrook Village Hall.

The on-site access tracks would be approximately 6m wide during the construction phase reduced to 4 -5 m following erection of the turbines where practicable. The tracks would be

formed of crushed and graded stone, positioned to minimise environmental disturbance and land take by following the alignment of existing tracks or alongside field boundaries to avoid disruption to farming.

A permanent anemometry mast is included in the proposal. This would be of lattice design with a maximum height of 80m. Wind direction and speed instruments are likely to be placed at 10m, 40m and 80m. This would be sited north-east of Stony Houghton between Losk Lane and Roseland Wood.

Electricity cables from the turbines would be collected at an on-site grid connection building which would incorporate the necessary switch gear and metering equipment required to connect the wind farm to an existing 33kV substation located in Shirebrook (Acreage Lane close to Sportsworld development). The grid connection would be made *via* underground cable. A grid connection and site office building would be located south-east of Roseland Wood, close to existing overhead lines that cross the site, west of Roseland Farm. This would include necessary facilities, storage room and a small car parking area for operations staff. It would measure 15.5m by 7.5m with a pitched roof 6m to ridge.

The construction of each turbine would involve the disturbance of an area 20m by 20m to construct a foundation of 15.5m square, and a crane hardstanding of 20m by 40m comprising compacted roadstone. These areas would be backfilled on completion to allow grass or crops to grow.

Upon decommissioning all major components and above ground structures would be removed from site. The turbine foundations and connecting infrastructure would all be removed to a depth of 1m and restoration would be achieved by covering with topsoil with return to agriculture.

During construction and decommissioning access would be required for abnormal loads. These would travel to the site via J29a of the M1 motorway, through Bolsover, and along Rotherham Road (B6417) to the site entrance created on Rotherham Road approximately 500m north of its junction with Losk Lane.

The siting of the turbines takes account of topple distances to highways and overhead lines. They avoid the various telecommunication links which pass through the site. An archaeological evaluation has been undertaken with some trial trenching, no features of sensitivity have been identified; a scheme of further investigation would be undertaken post planning. The Environmental Assessment considers these and other aspects in detail, as described below.

Planning Statement:

This is an assessment of the acceptability of the development against relevant national and local policies and any other material considerations. The following topics are covered:

The Applicant:

"The project was instigated by LEO the Local Enterprise Organisation established through a partnership between Bolsover, Ashfield and Mansfield District Councils to support business enterprise throughout the area of the three Local Authorities and funded through the LEGI (Local Enterprise Growth Initiative) programme. This project therefore emerged following detailed reports looking at a variety of potential projects to be sponsored by LEO and which would be capable of providing long term funds for LEO (as the LEGI funding is time limited

and expires in 2013) together with additional community funding and benefits to lend support to a variety of projects throughout the area long term."

"With regard to ownership of the project LEO initially established the Roseland Community Energy Trust (RCET) as a not for profit community organisation to take the project forward and this has now developed into a full Corporate structure to have the ability to raise finance and fund the project whilst also "locking in" the asset and having the ability to distribute all the profits back to the Local Community in the most tax efficient and secure way. "

"The corporate structure and RCWF LLP has been established specifically to develop this Wind Farm project and subject to obtaining all necessary consents including Planning Permission will carry out the development and distribute all the profits from the development back into the local community of Bolsover, Ashfield and Mansfield. The corporate structure currently includes representatives of the Community Voluntary Partnership, the Local Enterprise Organisation and Locality (formerly Development Trust Association) and the Bolsover Energy Partnership. The key objective in proposing to develop the scheme in this way is to create an income stream from the sale of the electricity generated by the project which will be distributed to the local community and support a range of benefits which could include employment, educational and enterprise benefits and future local investment (Bolsover only) in domestic renewable energy schemes for (primarily) local Bolsover people. These objectives are incorporated in the Articles of Association of the Companies now comprising the overall structure and over time additional Board members will be appointed from the Local Community through a series of workshops and consultations within the local community, with the ultimate aim that the Community Interest Company will be entirely owned and operated by the Local Community.

This project if successfully developed will therefore not only provide the usual benefits associated with wind energy projects of a reduction in carbon dioxide (CO2) emissions and a contribution to producing more diverse supplies of energy but will also provide real tangible financial and other benefits directly to the Local Community. These latter benefits by utilisation of all the profits from the scheme will deliver substantially more than would be provided if the scheme was being developed for commercial gain where typically only a small proportion of revenues generated go directly to support projects in the Local Community. In this context we consider the benefits to the Local Community of this particular project are significant."

<u>The Need for Renewable Energy:</u>
Tackling Climate Change, Security of Energy Supply, and the Renewable Energy Strategy (National Renewable Energy Action Plan for the UK and the UK Renewable Energy Roadmap July 2011) are considered. The gist is that the project will contribute to these various policy initiatives, referring to the climate change benefits of renewables and the advantages of security of supply. The development will contribute to the mitigation of climate change and reducing dependence on imported energy supplies, which will also benefit the economic outlook of the local community.

<u>Community Ownership and Benefits:</u>
"The purpose in carrying out the extensive community consultations that have been undertaken by RCWF LLP between June 2010 and February 2011 was to ensure that:

- local people were made aware of the proposals;
- were given an opportunity to present and record their views, and

- that RCWF take heed of comments made and incorporate changes to the scheme to reflect these comments wherever reasonably possible.

and in order to identify:

- how local people might want to be represented on a community owned wind farm project;
- how local community organisations might want to see profits from the wind farm distributed and
- how local community groups would want to see any funding process managed.

Whereas elsewhere, community ownership of similar projects has focussed on community shares issues or part ownership of individual turbines, what sets the RCWF project apart from other community owned wind farms is that all of the proposed turbines will be community owned and that all distributable profits will be reinvested in the local community and that the governance structures and investment opportunities will maximise opportunities for community control, influence and accountability."

Planning Policy Context:

This gives a detailed assessment of international, national and local policy considered applicable and supportive of the proposed development. This includes: Kyoto Protocol (2005); Climate Change Programme (2006); Energy White Paper (2007); Climate Change Act 2008; Localism Act 2011; National Planning Policy Framework (2012); Regional Spatial Strategy; Reviewing Renewable Energy and Energy Efficiency Targets for the East Midlands (AECOM Report 2009); Renewable Energy and Low Carbon Study for Bolsover District Council (RELCS Report 2009); The Setting of Hardwick Hall Landscape Evaluation (Mott MacDonald Report 2005 for the National Trust); Bolsover District Local Plan (2000); Bolsover Local Development Framework Revised Preferred Options for the Core Strategy (2010); The Historic Environment (Supplementary Planning document 2006 Bolsover District Council).

Conclusion:

"The proposals to develop the Roseland Community Wind Farm comply with national strategies, and local policies in moving to a low carbon economy and achieving the reduction in greenhouse emission targets currently adopted.

It also aligns with the Governments recently published NPPF, saved local policies in the Bolsover Local Plan and emerging policy in the draft Core Strategy document of the Local Development Framework.

We consider that the proposed Wind Farm would constitute sustainable development as set out in the NPPF and therefore there should be a presumption in favour of approval where any negative impacts can be considered acceptable when weighed against the substantial community benefits that will be generated in the operational phase."

Statement of Public Consultation, Community Involvement and Engagement:

This sets out in detail the public consultation undertaken with various stakeholders in the formulation of the proposals as summarised above (Design & Access Statement).

The report explains that Roseland Community Energy Trust "is a community interest company (CIC) established to develop and build the wind farm. This means it is a business which runs wholly for the benefit of the community, not for private profit. It is registered with and regulated by the CIC regulator".

"All profit generated by the wind farm will be distributed by two local charities:

I. Community and Voluntary Partners (CVP) - the umbrella body for Bolsover district's voluntary and community sector, and

II. LEO (Derbyshire and Nottinghamshire) - the Local Enterprise Organisation for Bolsover, Mansfield and Ashfield."

"The original concept was for a wind farm with 11 x 2.5 MW turbines. Following further technical assessment a scheme for 8 x 2.5 MW turbines was devised which was the basis upon which the public consultation and community engagement discussions took place. Discussions and correspondence relating to the H Banks development have been closely monitored to enable the Roseland Board to take account of statutory, heritage and other environmental considerations which might impact the Roseland development. These considerations, further technical factors and the views and feedback received prior, during and since the public exhibitions about the proposed location and proximity of the turbines lead directly to the removal of the 2 most westerly turbines and a reduction in the number of turbines being proposed - from 8 x 2.5 MW to the 6 x 2.5 MW."

"This development is entirely consistent with Section 143 of The Localism Act 2011, which requires the "*local planning authority to have regard to material considerations in dealing with applications*", Section (b) "*any local finance considerations, so far as material to the application*"."

"The wholly community owned Roseland development will be unique within the UK because of the partnership with a prestigious landowner committed to community benefit, Roseland□s organisation structures where long term community ownership is locked in through the RCET CIC, the scale of the wind farm – unparalleled for a local community renewable energy development and the Community Investment Plan. The wind farm will create opportunities for local people to invest in the scheme through a local Industrial and Provident Society. The development has already attracted interest from high profile investors and potential funders and will position the district of Bolsover as a national leader in community owned renewable energy development."

"RCET CIC is committed to ensuring maximum local investment from the £18 - £20m project investment. If approved, the development will create a small number of apprenticeship placements, work placements and temporary employment during the construction phase. Equally important will be the supply chain opportunities for local businesses during construction and in post construction maintenance services. As part of our procurement strategy RCET CIC will (subject to VFM) require contractors to enter into firm commitments to use local suppliers. Developing local experience and expertise through apprenticeships and maintenance is an important contribution to economic regeneration in Bolsover. RCET CIC will shortly commence a programme of interaction with local schools about renewable energy. The programme will include the opportunities for naming turbines, school visits to the site before during and after construction, and other projects suggested by the schools. In this way it is hoped to communicate and continue Bolsover's proud heritage and association with power/energy production and the communities associated with it."

"The public consultation process to date has comprised:

- Seven public exhibitions.
- Meetings and presentations to an opposition group.
- Visits to local residents.
- A website with online questionnaire.
- Newsletters distributed to local people.
- On-going meetings with planning officers.

- Presentation to the LSP Executive Board.
- Meetings with District and Parish Councillors.
- Meetings with Parish Council Liaison Group.
- A Meeting with the local Member of Parliament.
- Meetings and correspondence with interested parties.
- 5 Meetings with Bolsover Community and Voluntary groups and associations.
- Meetings and correspondence with individuals."

A series of workshops were also held to consider ownership of the wind farm and the distribution of profits. The workshops were attended by 35 residents representing 24 community based organisations. At the second round of workshops participants endorsed the following main elements of the structure of the operating body:

- "Community representation on the actual wind generating side of the project via appointed Board members with specific technical and/or business skills.
- Community control of profit distribution via CVP ownership and the funding panel to be established with elected representation.
- No direct Council place in the governance structure.
- Option for community shareholding built in through the IPS/Community Benefit Society.
- Accountability built in to the whole structure through the relationship between the different companies/Boards and via CVP.
- The Community Interest Company and the two Charities - CVP and LEO – providing assurance that the project cannot change direction away from community benefit."

At the third round of workshops profit distribution was agreed as follows:

- "There was general consensus around the 60 % to CVP and 40 % to LEO split.
- Three areas of investment were agreed - social and community activity, economic activity and environmental activity.
- Additional areas for potential investment were identified – heritage, health and the elderly.
- There was a strong view that funding should be for areas of need.
- Sustainability and impact were key issues for participants.
- Participants were keen to see a mix of funding including - small grants, medium, large, strategic and grants for individuals.
- A percentage of the 60 % should be top sliced and re-invested in order to provide funding beyond the 25 year period.
- A further percentage should be top sliced and built up to use for supporting larger strategic projects.
- There was a strong view that a guaranteed sum of money coming into the district every year could act as leverage with other funders."

"In relation to the decision making and application processes there was considerable consensus around the need for a funding panel, independent of political control/influence, to be established and made up of people who were representative of their communities but who were also independent and impartial, skilled and experienced."

"A specific recommendation was that the panel should be made up of a representative

from each Parish with an independent and impartial chair and that separate subgroups be established to administer different elements of funding."

The Statement of Public Consultation includes as an appendix a 'Community Consultation Report and Proposal for Community Funding' published in February 2011 which sets out the results of the community consultations undertaken by the Roseland Community Energy Trust CIC between June 2010 and February 2011 to identify how local people might want to be represented on a community owned windfarm project; how local community organisations might want to see profits from the windfarm distributed and now local community groups would want to see any funding process managed.

Environmental Statement

The Environmental Statement (ES) is broken down into several technical subject chapters to provide an assessment of the environmental impact of the proposal. It is accompanied by a Non Technical Summary (NTS).

Site Selection and Design

The following factors were considered in selecting the site:

- Annual mean wind speed of the site is 7m/sec at 45m above ground level; more than adequate for a commercially viable wind energy development.
- Site owned by Chatsworth Estates who had been approached by a number of potential wind farm development companies who had also identified the site as having good potential. However Chatsworth would only consider leasing their land where was the prospect of a significant proportion of the benefits from the scheme going back into the local community. The RCWF proposal aligned very closely with Chatsworth's desire to see the benefits materialise in the local community. Options and agreements have accordingly been concluded and signed.
- The site is not within any known or designated areas of sensitivity for ecology, ornithology, is not subject to any landscape designations, nor within the Green Belt. All turbines are in excess of 520m of non-involved residential properties, landscape, visual impact, noise and shadow flicker assessment have been carried out to assess impacts on residential properties.
- An access study indicates that a suitable access is possible taking account of the need for large loads being able to reach the site without major modifications to the road network.
- A suitable grid connection is available which can be achieved via an underground cable.

In designing the site layout the following considerations were taken into account:

- "The proposed layout should minimise potential losses of existing landscape features and impacts on the fabric of the landscape.
- The position of the turbines should follow the general form and pattern of the landscape.
- Where possible the placing of turbines close to the escarpment to the west of the site should be avoided, as turbines in this area would be especially prominent.
- Care should be taken to achieve a coherent and balanced layout in views from all directions i.e. one which avoids overlapping of turbines and/or the fragmentation of the wind farm where the wind farm has gaps in the arrangement of turbines.
- Care should be taken wherever possible to avoid locating turbines in key views to or from designated heritage assets, and in particular to minimise interference in the inter-

visibility between the Grade I listed buildings of Hardwick Hall, Sutton Scarsdale and Bolsover Castle." (NTS)

"A series of revisions to the design of the wind farm have progressively refined the project and changed the layout in light of greater knowledge of the technical constraints to the scheme, the environmental effects of the proposals and in consideration of the feedback and comments on the proposals from the public consultations undertaken." (NTS)

Landscape and Visual Impact Assessment (LVIA)

This assessment is based on a study area derived from a 35km radius search area in accordance with best practice guidance for turbines over 100m in height. It follows the approach set out in the guidelines published by the Landscape Institute, and seeks to identify, predict and evaluate potential key impacts and the resulting overall significance on landscape resource and visual amenity arising from the proposal. "Landscape resource is defined here as: the combination and distribution of physical components that contribute to landscape context and character and how it is experienced. It is concerned with the 'contents' of the landscape. Visual amenity is defined here as: the assembly of components which provided a visual setting or backcloth. It is concerned with the views of the landscape."

The LVIA is accompanied by a set of visualisations with panoramic photographs from various viewpoints, wire line drawings showing the proposal and photomontages showing illustrative views of the proposals. In some instances other existing and proposed wind farms within the particular context to show cumulative impact are illustrated by wire line drawings or photomontages.

"The development site is located on the western site of the limestone ridge, close to the steep, west facing escarpment edge. It is therefore located on a prominent location in terms of the study area. A preliminary assessment of visibility to the study area and its associated vertical space (to accommodate 126.5 m high wind turbines) has identified the following for detailed visual assessment:

- other parts of the limestone ridge RCLT (*Regional Landscape Character Type*) 6d Limestone Farmlands;
- other landscape character areas;
- settlements throughout the study area, particularly within 12 km;
- dwellings within 2 km;
- sequential receptors a series of roads, railways and public rights of way crossing the limestone plateau;
- the settings of landscape designations within 6 km including Hardwick Hall, Bolsover Castle, Sutton Scarsdale, Listed Buildings, Conservation Areas within 7 km, local landscape designations and the Peak District National Park;
- recreational locations including Country Parks, historic attractions and informal recreational locations, and
- cumulative visual effects - particularly from locations with views to both RCWF and LLWF – from the west, elevated limestone plateau and from the M1."

"The primary mitigation measures which have been implemented are as follows:

- The western parts of the developable area have been avoided in order to reduce impacts on large numbers of receptors located to the west of the escarpment.

- The western parts of the development site have been avoided in order to reduce impacts on the most highly sensitive Hardwick Hall and associated areas, Bolsover Castle and the heritage designations at Sutton Scarsdale, Heath, Stainsby, Astwith and Hardstoft.
- The scheme would be largely seen against the sky and therefore the turbines would be painted with a matt grey surface finish and ground based elements would be finished in an appropriate colour such black, brown or dark green in order to recede within the sky and landscapes.
- Any temporary construction tracks would be reinstated and new access tracks would relate to the field patterns where possible and avoid visibility from settlements and dwellings.
- Disturbed areas would be reinstated using methods to encourage existing vegetation types to re-colonise where appropriate although much of the site would be returned to agriculture. Replanting would involve native species which are common to the local landscape.
- Loss of hedge rows would be minimised.
- The turbines would be grouped so they are viewed as a cohesive group with no 'out-liers'.
- Views to clashing blades from the most sensitive Viewpoints should be avoided where possible.
- A distance of 100 m would be retained between the turbines and the minor roads, woodland, any single trees and the high voltage electricity pylons where possible.
- A distance of 200 m would be retained from byways used by horses.
- A distance of at least 500 m would be retained from dwellings with views to turbines (other than those which are financially involved).
- Turbine positions would relate to the routes of the existing electricity pylons, the alignment of the escarpment to the west, patterns of field boundaries, and to the contours.
- Turbines should also relate to the layout, colour and model of the three proposed turbines on the neighbouring site at Losk Lane but not rely on these for a cohesive layout.
- The sub station building would be designed sensitively and located close to Roseland Wood in order to limit visual impact.

Physical effect on landscape
The study has found that there will be some localised significant impacts on the physical Landscape Resource, primarily on areas within 2 km of the development site. The landscape type (*limestone farmlands*) that would be affected is well represented in the wider area. (NTS)

Visual effects on landscape – impacts on viewpoints:
"The Viewpoint assessment shows that the proposed development could result in some adverse impacts on important receptors located throughout the study area and the effects would tend to be more significant during the operational period. Significant operational effects would be likely to occur at thirteen of the Viewpoint locations all located within 6.4 km of the development site. Effects of the temporary construction period would significantly affect only five locations at a distance of up to 5.5 km due to the limited number of receptors overlooking the ground level area of the development site and the static nature of the turbine blades.

Significant cumulative effects would occur at four of the Viewpoints assessed." (ES chptr 6)

Visual Impacts on receptor groups – residential properties:
"The assessment has concluded that significant effects would occur on the visual amenity of nine dwellings or groups of dwellings (one of these is financially involved in the development). They are all located within 0.9km of the nearest turbine to the south or south east. From these dwellings there would be clear views to at least one turbine in close proximity. It is likely that views to the anemometer mast would contribute to significant adverse effects at properties within Stony Houghton. These elements would be seen within outlooks which are currently of a generally undeveloped, agricultural landscape.

It is likely that views to S3 and S4 (from ground floor windows) and also S5 (from bedroom windows) from The Pumping Station House could be overbearingly oppressive at a distance of 0.5 km but this is an involved property.

Although no significant effects would occur on users located within Roseland Farm, significant effects would occur on users of the external paddocks and stables located on the west side of the farm where S4 would be clearly visible less than 0.4 km from users. This is also an involved property.

Significant effects would tend to occur more commonly during the operational period as none of the dwellings would have clear views to the ground level of the development site." (ES chptr 6)

Visual Impacts on receptor groups –Settlements and Conservation Areas:
"Moderate/substantial operational effects would occur at Stony Houghton (and Conservation Area) Shirebrook and Scarcliffe (and Conservation Area) assessed as complete settlements. From each of these settlements, views to turbines within close proximity would result in an increase perceived levels of large-scale development within their rural context.

Views of the turbines into and out of the historic cores of Stony Houghton and Scarcliffe would have a significant effect on the historic character of their Conservation Areas. This would be affected by Bolsover District Local Plan Policy CON 4, The Historic Environment: Supplementary Planning Document: Bolsover District Council 2006.

Other than from the western edge of Scarcliffe, ground based elements of the construction stage would not be visible from these settlements.

Significant effects would not occur on settlements located beyond 1.6 km from the nearest turbine." (ES chptr 6)

Visual Impacts on receptor groups – sequential receptors
*"*The sequential experience of moving receptors requires a separate assessment as it may result in the accumulation of a series of views of the wind farm. The compact nature of the wind farm is likely to result in all or most turbines being visible when any of the turbines are visible at all."

Although users of each of the routes assessed above would experience some views to the proposals, significant effects would tend to be limited by the pattern of the ZTVs *(Zone of theoretical Visibility)*, localised screening *(by embankments, cuttings, roadside hedges and trees)* and distance. Significant sequential effects would occur from the bridleways and footpaths located on the development site and within 3 km of the centre of the development

site. Here highly sensitive receptors would experience sequential views to the construction process and operational turbines at close proximity within a rural landscape." (ES chptr 6)

Visual Impacts on receptor groups – Recreational sites
Locations used recreationally that would experience significant effects are as follows:

- Hardwick Hall Country Park where views to the turbines beyond the grounds of the park would cause significant adverse effects.

Recreational receptors which have been assessed elsewhere and which would be significantly affected include visitors to:

- Hardwick Hall Grade I Listed Building which would be significantly affected by views to the turbines within the building's setting from its main approaches by visitors which would also affect its influence as a landmark.
- The Conservation Areas at Stony Houghton and Scarcliffe where significant effects would occur on the villages historic cores and rural settings during the operational phase.

Due to the developed nature of the study area as a whole, recreational users would not be significantly affected within the broader area." (ES chptr 6)

Visual Impacts on receptor groups – designated landscapes
"Significant effects would occur on users of the following designations:

- Hardwick Hall Registered Park and Conservation Area where there would be intermittent views to parts of the turbines from some areas located on the limestone plateau.
- Hardwick Hall Grade I Listed Building which would be significantly affected in terms of approach, setting and as a landmark.
- Grade II* 79317 Church of St. Leonard in Scarcliffe in terms of effects on setting and as a landmark.

The assessment of built settlement Conservation Areas found that significant effects would also occur on Stony Houghton and Scarcliffe Conservation Areas.

This would have effects on Bolsover Local Plan Bolsover District Council, 2007) policy Con 10, CON 13; Bolsover SPD (Bolsover District Council, 2006); and English Heritage guidance." (ES chptr 6)

Visual Impacts on receptor groups – Landscape Character
This assesses the visual effects on views experienced by visual receptors within different areas of landscape character.

"Significant visual effects would occur on the character areas …. Limestone Farmlands within the development site and surrounding area up to 2 km from the turbines. Beyond this it is considered that the large scale of the landscape character within the limestone plateau would have capacity for the turbines within views." (NTS)

Cumulative Impacts
"It is unlikely that the addition of Roseland to existing, permitted and proposed schemes would influence the key characteristics of RLCTs *(Regional Landscape Character Types)* due to the separation distance between Roseland and these schemes. There would be significant

cumulative landscape effects on the Limestone Farmlands RLCT and LLCA *(Local Llandscape Character Area)* concentrated within a 2 km distance of the site where wind farms would become a key characteristic of the landscape and dominate characteristic elements.

Losk Lane Wind Farm *(LLWF)*, should it be built, would have the greatest influence on the cumulative effects of the Roseland proposals due to its proximity and relative visibility from the west. By changing that part of the landscape to one characterised by wind turbines, the LLWF turbines would cumulatively limit the effects of the Roseland proposals in views west of the limestone escarpment and locations beyond 2 km to the south. From Stony Houghton, Scarcliffe and Shirebrook views to the Roseland scheme would significantly and cumulatively affect views.

Roseland would not tend to have significant cumulative visual effects with the other schemes considered within a 35 km radius. The principle effect of the scheme would reduce the gap between the Lindhurst and Stonish, and the Loscar and B&Q schemes although this would also occur should the LLWF scheme be built." (ES chptr 6)

Assessing other wind farms alone and together, the proposals at Roseland would tend to have limited cumulative landscape effects. The proposals could cause significant adverse effects on the characteristics of scale and openness, settlement and landscape pattern and foci of RLCT *(Regional Landscape Character Type)* 6d Limestone Farmlands within 2 km. It is unlikely that landscape effects would be significant beyond 2 km. Should the turbines at Losk Lane *(LLWF)* be constructed in addition to the turbine at Shirebrook Academy, the Roseland turbines would cause wind turbines to become a key characteristic of the RLCT within the study area.
Significant cumulative visual effects caused by RCWF with LLWF would tend to occur close to the development site and users of the minor road on the south side of the development site. Receptors would include residents at Stony Houghton; and users of sections of the Archaeological Way and other footpaths. In these locations the turbines at Roseland would dominate the view and cumulatively increase the effect of LLWF wind turbines. The proposals would have significant visual effects within a relatively small area. The proposals at Roseland would have significant effects with the approved turbine at Shirebrook Academy in the Shirebrook area. The proposals at Roseland would have significant cumulative effects with the three application turbines at the Losk Lane. Receptors affected would be Public Right of Way users and residents within 2 km to the south, east and north of RCWF.

Conclusion on landscape and visual impact:
"All onshore wind farms are likely to give rise to some significant effects on landscape character and visual amenity due to the height of turbines relative to existing structures within the British landscape. Significant effects caused by the proposals would occur within a limited part of the study area but would affect some highly sensitive receptors. This assessment has identified that the landscape and visual effects of the proposals are likely to be adverse largely due to the undeveloped nature of the development site. In line with best practice, this reflects an impartial and 'worst case' approach and does not take account of individual personal preferences, which in the case of wind farms, are often polarised." (ES chptr 6)

<u>Ornithology</u>
"The ornithological assessment is based on the findings of surveys undertaken in 2010 and 2011 and the responses of consultees. Survey included winter birds, winter goose drives, breeding birds, dawn/dusk and night visits and Vantage Point survey. The scope of surveys

was discussed with the Royal Society for the Protection of Birds (RSPB) and Natural England (NE) at the outset of the project.

The assessment has been carried out in general accord with the Institute of Ecology and Environmental Management 'Guidelines for Ecological Impact Assessment' (IEEM, 2006). The site consists of arable farmland of limited value for birds. In addition the scheme will minimise loss of hedgerows and hedgerow margins and appropriate planting of locally suitable species and strengthening of existing hedgerows within the site will be undertaken.

There is some potential for birds to collide with turbine blades while feeding or commuting through the site. In summary, this assessment indicates that, based on the frequency and duration of bird transits through the turbine risk volume of the proposed turbines, there is a relatively low chance of a collision for those species assessed. Only for Kestrel does the local mortality rate rise by more than 10 % but it is not considered that this will have a long-term impact on the local population. For the other species modelled, the collision risk is not considered to significantly increase the mortality rate.

Whilst the possibility that the operation of turbines may result in occasional collisions of individual birds from time to time cannot be discounted, the local importance of the site in terms of its bird assemblages, the small number of sensitive species recorded within the study area and the low proportion of time spent by such species within the zone of collision risk means that the risk of significant adverse impacts to any species or assemblage occurring is considered to be low.

In summary the majority of the potential effects of the RCWF proposal are predicted to be low or of no significance outside their area of immediate effect. The potential for adverse effects to protected species has been largely avoided through the development of the detailed design of the scheme. There is some potential risk that birds may occasionally collide with the turbines on the site, but this risk is not considered likely to have a significant impact on populations other than at the site level.

If appropriate habitat enhancements are implemented both on site and in the local area this has the potential to result in beneficial residual effects to nature conservation." (NTS)

<u>Ecology and Nature Conservation</u>

"Ecological Impact Assessment has been carried out by Ecus Ltd to ensure that the ecological interests of the habitats and species present in, and around, the site are appropriately considered as part of the design of the scheme. This process ensures that any potential for adverse effects is minimised and 'designed out' where possible. The assessment has been undertaken in accordance with the current industry standard 'Guidelines for Ecological Impact Assessment' (IEEM, 2006).

The key ecological features were identified and evaluated. This included survey of habitats and species within the site. Surveys were carried out for protected habitats and species including hedgerows, bats, badger and water vole. The main ecological features identified were protected species comprising bats and badgers. The assessment excluded birds, which were considered separately.

Consultation was undertaken with statutory nature conservation organisations and other wildlife interest groups and this, along with the field survey, helped to ensure that all habitats

and species that may be affected by the scheme have been fully considered.

Aspects of the design which were influenced by the ecological requirements of the site included ensuring that the scheme layout was located away from existing badger setts, where practicable, and linear features including hedgerows and woodland edge habitats, and developing the location and quantity of proposed wind turbines to ensure that the potential for any adverse effects was minimised.

One area of concern identified was the potential for the wind turbines to affect bats, a group of European protected species. Some evidence exists that bats can be killed through collision with turbine blades or barotrauma under certain circumstances. The careful location of the turbines has minimised the potential for adverse effects to bat populations. Whilst it is not possible to state that no bat will be harmed by the proposed wind turbines, the small number of turbines, combined with the careful location of turbines away from key areas of bat activity means that the risk of bat collisions occurring is likely to be low.

Bat activity will be monitored following construction of the scheme. If monitoring indicates that the wind turbines are likely to have a significant adverse effect on bats then appropriate measures will be developed in consultation with Natural England to ensure that no significant impacts occur." (NTS)

Other mitigation measures proposed in the assessment include identification of root protections zones around trees and hedgerows, particularly those adjacent to construction and access tracks; phased ground works to avoid the brown hare breeding season or inspection of the area by a competent ecologist; gap planting of existing hedgerows; and formulation of a Habitats Management Plan.

"In summary the majority of the potential effects of the proposed scheme are predicted to be neutral (i.e. no detectable effect) or of no significance outside their zone of immediate effect. The potential for adverse effects to protected species including bats and badgers has been largely avoided through the development of the detailed design of the scheme. Therefore no significant adverse residual impacts to nature conservation are anticipated to arise from the scheme as proposed." (NTS)

<u>Noise</u>

"Noise impact assessment has been undertaken by Noise Assess following current best practice including the ETSU-R-97 methodology as specified in the recently superseded Planning Policy Statement 22 (ODPM, 2009). The assessment also follows additional guidance in the Institute of Acoustics Bulletin Article 'Prediction and Assessment of Wind Turbine Noise'. Noise prediction was carried out using computer modelling in accordance with British Standards." (NTS)

Noise survey was undertaken at representative locations from around the wind farm site at:

1. Roseland Farm;
2. Meadowspot Farm, Mansfield Road, Scarcliffe;
3. Devonshire Farm, Stony Houghton;
4. 21 Park Avenue, Glapwell;
5. Glapwell Lanes Farm, Glapwell Lane;
6. 4 Wood Lane, Scarcliffe;
7. Scarcliffe Lanes Farm Upper Langwith;

8. Harrisons Nursery and Garden Centre Common Lane Shirebrook;
9. Pumping Station House, Balkham Lane, Shirebrook.

Locations 2 -5 were also monitored as part of the Losk Lane Wind Farm (Banks) Scheme. This was undertaken to facilitate assessment of any cumulative impacts of the scheme. Two surveys were undertaken although only locations 1,3,5,and 6 were used for the second survey.

The impact of predicted noise was assessed at 11 locations, including those at 1, 5, 6, 8, & 9 above plus receptors (dwellings) nearer the site than the noise survey locations to give a worst case scenario. These are:

- Southernmost property on Mansfield Road Scarcliffe (near Meadowspot Farm);
- Rose Tree Farm, Stony Houghton;
- 39 Park Avenue, Glapwell; and
- Gildwells Farm Upper Langwith; with in addition:
  - Nearest house on Hawthorne Avenue Shirebrook; and
  - House at the southern end of Station Road Scarcliffe.

"The noise assessment found that predicted operational noise levels from the proposed RCWF are below the noise level limits at all locations and all wind speeds both during the quiet daytime and the night-time periods. Therefore the effects of operational noise from the proposed RCWF are not considered to be significant." (NTS)

"The predicted cumulative noise levels from the proposed RCWF operating simultaneously with the proposed adjacent Losk Lane Wind Farm scheme are at, or below, the noise level limits at all locations and all wind speeds both during the quiet daytime and the night-time periods apart from an extremely small exceedance at one location at one wind speed in the quiet daytime period. The contribution of RCWF to this exceedance is around 0.5 dB, which is an insignificant increase in noise level given that 3 dB(A) is the minimum change that would be perceptible to the human ear in normal conditions.

The background noise survey results are not considered to be representative of the residential property at this location because measurements were taken in a field away from the residential property and shielded by agricultural buildings, and this has been acknowledged by the BDC Environmental Health Officer. The Background noise levels at the farm house are expected to be higher which is expected to negate this very small exceedance. Therefore the effects of cumulative operational noise are not considered to be significant.

During construction and decommissioning noise would be managed as far as is reasonably practicable through compliance with mitigation measures in the Construction Management System (CMS) to comply with relevant guidelines current at the time." (NTS)

Hydrology

This evaluates the potential effects of the RCWF on surface water (hydrology) and ground water (hydrogeology).

"The process of pouring concrete in the construction of foundations to the proposed wind turbines and control building has potential to contaminate groundwater within the Lower Magnesian Limestone Principal Aquifer with cement fines. The proposed wind turbines are to

be situated on high ground. The groundwater level within the study area is known to be generally *c*. 10 m to 15 m below ground level. The foundations are likely to be in the order of *c*. 2 m to 3 m deep, and therefore it is very unlikely that foundation concrete or cement would come into contact with groundwater. The sensitivity of the receptor is medium and the magnitude of the impact is negligible, resulting in negligible significance." (ES 10.5.13)

"Dewatering of excavations for foundation construction has potential to temporarily alter the groundwater flow directions by locally depressing the groundwater table. However, as discussed previously, the groundwater table is likely to be considerably deeper than the base of the foundation excavations, and significant dewatering, e.g. by well point pumping is unlikely to be required. The sensitivity of the receptor is medium and the magnitude of the impact is negligible, resulting in negligible significance." (ES 10.5.15)

"Perched groundwater or rainwater collected in the excavations may be present and may require removal by sump collection and pumping. Pumping of the water may lead to either intentional or accidental discharge of silt-laden water to surface water (i.e. River Poulter). The closest proposed wind turbine site to surface water (S6) is located approximately 660 m from the River Poulter, with permeable arable land surfaces between. It is therefore considered to be very unlikely that pumped water would be accidently discharged into the River Poulter, and that it would be more practicable to simply discharge the water to land. The sensitivity of the receptor is high and the magnitude of the impact is minor (as the most sensitive receptor is unlikely to be affected), resulting in moderate significance." (ES 10.5.16)

"The storage and use of hazardous materials (principally hydrocarbon fuels; petrol and diesel) has the potential to cause an impact on groundwater and surface water quality through leakage of storage tanks kept on the site and spillages during dispensing of fuel, followed by downward infiltration into the Lower Magnesian Limestone Principal Aquifer below the study area and/or by direct run-off into surface water receptors. There is a relatively thin layer of clay-rich residual soil overlying the limestone, and therefore should a significant leakage or spillage occur, contamination of the aquifer could result. Although the leakage or spillage would be a temporary hazard, the contamination would potentially reside within the aquifer for a long period. The sensitivity of the receptors is high and the magnitude of the impact is moderate, resulting in major significance." (ES 10.5.17)

"The major significance of the impact of hydrocarbon fuel pollution on groundwater and surface water receptors respectively can be mitigated by observing best-practice environmental practices as described within the EA's Pollution Prevention Guideline PPG29. This stipulates the standards that are required for the delivery, storage and dispensing of hydrocarbon fuels in above-ground storage tanks and mobile bunds, as well as the measures that should be followed should a spillage occur." (ES 10.7.3)

"All of the potential environmental impacts on hydrology and hydrogeology that have been identified are of negligible significance, or can be mitigated against so that their significance is negligible or minor." (ES 10.9.1)

"Therefore, overall significance of environmental impacts on hydrology and hydrogeology from the proposed scheme is considered to be minor." (ES 10.9.2)

<u>Traffic</u>

"Traffic assessment was undertaken by Turvey Consultancy Limited to assess the predicted

road traffic that would be generated during the construction, operation and decommissioning of RCWF. It includes consideration of movements of Abnormal Load Vehicles (ALV), Heavy Goods Vehicles (HGV) and lighter traffic, including construction workers vehicles. Access to the site for ALVs and construction traffic was also considered and the preferred access routes described. Assessment was undertaken following best practice guidelines (DfT & DfCLG, 2007)." (NTS)

"Abnormal Load Routeing
The dimensions of traffic used in the transport of the proposed wind turbines and blades will be of the extendable type and range from 23 m to 49 m long and be 3.85 m wide and 4.7 m tall with a laden weight of up to 40 tonnes.

The vehicles would be up to the maximum length entering the site, but have reduced dimensions on the unladen return journey.

The proposed route for abnormal load traffic is:

- Leave M1 Junction 29a and left along Markham Lane A6192 and turn right towards Bolsover.
- Continue along Markham Lane to roundabout at the junction with Buttermilk Lane (B6418) and Chesterfield Road (A632).
- Continue along A632.
- Straight ahead at A632/Mansfield Road junction.
- Turn right into Rotherham Road to the site.
- Reverse journey with retracted trailer. " (ES 11.5.13 – 11.5.15)

"This route, with the exception of the use of Rotherham Road, has been shown previously at an adjacent LLWF scheme (Banks Renewables Ltd 10/00463/FULEA) to require fewer remedial measures than alternatives." (ES 11.5.18)

"Heavy Vehicle Routeing
Heavy vehicles will be required to transport plant and equipment, construction materials, imported road stone and concrete and the export of spoil.

The key strategic linkage to the site will be the nearby M1 motorway and the route from the motorway to the site for HGV□s is as follows:

- Leave M1 junction 29 travelling east along the A617 Mansfield Road.
- A617 through Hubberts Hill to Glapwell.
- Bolsover Road (or Back Lane for LGV□s) to Losk Lane.
- Losk Lane to Rotherham Road.
- Rotherham Road to site access.
- Reverse journey. " (ES 11.5.25 -11.5.26)

Traffic Generation
"The site is expected to operate 25 years, with around two visits per month in addition to one maintenance visit every six months." (ES 11.5.33)

"During the construction phase forty-four light vehicle trips are forecast per day distributed along Rotherham Road and around 24 heavy vehicles on the Losk Lane – Glapwell Lane Route. In addition, there will be the abnormal load traffic on Rotherham Road (north). On the preferred route for large vehicles to the north, from M1 Junction 29a there would be 52

abnormal loads during the whole construction phase.

The forecast of traffic impact for the proposed scheme will be insignificant on all local roads with the general change in daily traffic of 1 % or less. On the northern lightly trafficked section of Glapwell Lane there is a predicted change of 6 %, however no residents or pedestrians are nearby. On the southern section of Glapwell Lane the traffic flows will be higher and therefore the percentage change will be less." (NTS)

"Impacts from increased HGV traffic will not be significant and will be mitigated by transport management plans." (NTS)

"The proposed scheme will generate insignificant volumes of traffic during the operational phase. A site Travel Plan would be produced." (NTS)

"There is some theoretical potential for cumulative effects to occur if the construction and or decommissioning periods for the Losk Lane Wind Farm scheme and RCWF were to run concurrently. The cumulative traffic impact would remain insignificant and be to increase vehicles on the local and strategic roads by between around 1 % and 3 %. The exception would be at Losk Lane (east) where traffic level changes would be expected to be some 10%. However, as there are no residences or footways on the Lane to influence amenity considerations, and in traffic capacity terms there are no engineering issues, the significance of the forecast change in traffic is diminished." (ES 11.7.1)

"Mitigation managed through active Travel Plans, traffic management and route management plans will deal with the short-term increase in traffic and therefore minimise any residual impact.

Heavy Goods Vehicles using the Strategic Highway Network will follow a different route to that proposed for abnormal load vehicles and this will ensure that during construction, changes in traffic remain insignificant on all roads.

Management of the construction process through good practice methods including facilities to clean and wash vehicles before they enter the local highway may also be required to mitigate against impacts on the local communities.

Public Rights of Way are not anticipated to be permanently affected.

On completion of the construction phase of works the site access will be reduced in size in consultation with the local Highway Authority to provide for normal access by service and maintenance vehicles." (ES 11.8.1 – 11.8.5)

Archaeology and Heritage

An archaeological and cultural heritage assessment has been undertaken, initially a desk based assessment followed up by a geophysical survey and trench evaluation. The assessment has included consideration of the potential for the introduction of turbines into the landscape to result in significant effects on the settings of above ground heritage assets. "There is some potential for impacts to currently unknown below ground archaeology during the construction phase. A second phase of archaeological evaluation would be undertaken at the location of each of the proposed wind turbines, site compounds and the tracks targeted in the areas not already investigated by the pre-application evaluation. This will be devised in

consultation with the Derbyshire Development Control Archaeologist. " (NTS)
The potential for impacts upon the setting of heritage assets to arise during the operational phase of the scheme relates primarily to the visibility of the proposed wind turbines. A 5km study area has been evaluated within which are located:

- Six Grade I Listed Buildings.
- Nine Grade II* Listed Buildings.
- Twelve Scheduled Ancient Monuments (SAMs).
- Sixteen Conservation Areas.
- Two Registered Park and Gardens
- 125 Grade II Listed Buildings.

These are all identified and assessed in the Environmental Statement.
"There will be some changes in views to all of the six Grade I listed buildings in the study area. For most of the buildings these changes will be of low magnitude and the effect will be slight or moderate. At Hardwick Hall the magnitude of change on the setting will be medium and the effect will be moderate/substantial. This is a significant adverse impact on the setting of this asset. The setting of the Conservation Area at Hardwick will also be significantly affected.
There will also be a moderate/substantial effect to the Grade II* listed Church of St Leonard [Scarcliffe]. No significant effects to other Grade II* listed buildings are predicted. Whilst the turbines will be visible from or in the context of these buildings the magnitude of change is low or moderate and the effect is not significant.
No significant impacts to SAMs are predicted to occur. For many of these monuments the setting is not as important a component of their designation as it is for other assets.
There will be significant impacts to the settings of the Conservation Areas of Stony Houghton and Scarcliffe. Whilst some visibility of turbines will occur within or towards some other Conservation Areas, the turbines are not considered likely to significantly affect the historic character or settings of these areas.
Whilst the operation of the RCWF and adjacent Losk Land Wind Farm scheme would represent an increased magnitude of change to heritage assets when compared to the RCWF scheme alone, the changes are not likely to be of sufficient magnitude to affect the overall significance of impacts. Sequential visibility to wind turbines on the limestone plateau from the M1 would have an adverse effect on the historic landmark buildings of Bolsover Castle and Hardwick Hall. The proposals at Roseland would contribute to this effect particularly given their proximity to the landmarks. Should the scheme at Losk Lane be built, the effect of the Roseland turbines would be limited however as the Losk Lane turbines would be more prominent being located closer to the escarpment edge. It is not likely that the operation of the two schemes would result in a magnitude of change likely to increase the significance of effects to the heritage assets overall." (NTS)

Shadow Flicker
"Guidance attached to PPS22 indicates that shadow flicker is most noted at dwellings within 10 rotor diameters of a turbine.
A shadow flicker assessment was undertaken based on a 930 m assessment zone. It is predicted that four receptor locations *[3 at Stony Houghton and 1 on Common Lane]* may be exposed to weak shadow flicker of low significance. Mitigation is unlikely to be required.
Three other receptors may require mitigation *[Roseland Farm, Pumping Station House and Houghton Bassett Farm]*. Two are occupied by involved parties; at the third, the event occurs

very early in the morning, when occupants may well be sleeping *[approximately 4.30am]*.
If disturbance of residential amenity from shadow flicker occurs, the technology exists to inhibit turbine operation during shadow flicker periods. This can completely remove shadow flicker from a receptor.
Any mitigation measures could be assured by a suitably worded planning condition, which could include the requirement for a 12 month monitoring period and site specific assessment of any reported effects.
The frequency of any shadow flicker from the proposed turbines is outside of the range which can affect epileptics. No adverse health effects from shadow flicker are predicted." (NTS – *italics added for clarity*)

Land Use and Agriculture
"The assessment included a desk study to establish the baseline conditions in respect of soils and agriculture in the vicinity of the scheme, a walkover survey and hand excavation of trial pits close to the foundations of wind turbines.
The assessment has found that temporary stripping of soil for short-term purposes, e.g. excavation of cable runs and construction compounds is likely to have little impact on soil quality and agricultural land use with the correct mitigation measures in place.
The stripping and removal from site of 2.8 ha (approximately 7,000 m3) of topsoil is unlikely to lead to a net loss of soil resource, as the soil would be suitable for transfer to another agricultural site, or within redevelopment and restoration/reclamation schemes. The loss of the agricultural soil resource has a small medium-term impact in relation to the overall study area and the wider surrounding agricultural land. When the wind farm has been decommissioned and the land restored with suitable imported soils, there shall be little or no long-term impact from the removal of soils from the site." (NTS)

Socio-Economic Effects
"The likely employment opportunities during the construction phase of RCWF include; the supply of materials, engineering contracts for quarries and concrete supplies, road haulage, plant hire, steel suppliers and electrical and construction companies. Wherever possible, local companies will be used…. As a policy RCWF LLP will look to place as many contracts locally as is feasible, practical and commercially sensible and will actively seek out local companies before placing any contracts outside the local area." (NTS)
"Benefits to education and tourism will also be provided as RCWF will provide an educational resource for local schools and colleges." (NTS)
"There is no evidence to suggest that the introduction of the proposed RCWF into the landscape will result in significant adverse effects to tourism or visitor numbers." (ES 15.5.3)
"This project if successfully developed will not only provide the usual benefits associated with wind energy projects of a reduction in CO2 emissions and a contribution to producing more diverse supplies of energy, but will also provide real tangible financial and other benefits directly to the Local Community. These latter benefits, by utilisation of all the profits from the scheme, will deliver significantly more than would be provided if the scheme was being developed for commercial gain, where typically only a small proportion of revenues generated go directly to support projects in the Local Community. In this context it is highlighted that the benefits to the Local Community of this particular project are significant." (NTS)

Existing Infrastructure, Telecommunications and Infrastructure
This section considers the effect of RCWF on existing Television (TV) and telecommunications, aviation and utilities. The assessment included consultation with telecommunications and aviation organisations and utilities with regards to existing infrastructure within and around the site of the proposed wind farm.

“The proposed wind farm is not within any controlled airspace or Aerodrome Traffic Zone (ATZ) and is not located within a military area of intense aerial activity or aerial tactics area. Three transmitters at Belmont, Emley Moor and Waltham may be affected by the proposal... Four communications links have been identified in the vicinity of the proposed development through consultations with Ofcom and the various link operators. No underground pipelines within the site boundary. Overhead electricity lines operated by National Grid and Eon Central Networks cross or are located close to the site.” (NTS)
“During the operational phase no significant effects on safeguarded aviation infrastructure were identified, but there are potential significant effects on TV reception signals at up to 7837 properties. No significant effect on telecommunication links, subject to the implementation of a micro-siting restriction on turbine location 1 is anticipated and no significant effect on overhead or underground utilities are considered likely.” (NTS)
“The proposed wind turbines will include aviation obstruction lights.” (NTS)
“Solutions for television reception interference may include measures such as change in aerial height; replacement of receiving aerials; retuning of TV receiver, or provision of satellite or cable services to affected households. Any solution would be agreed with the Planning Authority and RCET, ensuring that any remedial measures are carried at the developers’ expense.”

Air Quality
“In terms of air quality the movement of vehicles and plant on site would create exhaust emissions. In addition, construction activities could create a dust nuisance in dry, windy conditions. However given the short term nature of the construction period, the limited area to be developed within the context of the site and the distances to the nearest residential properties, impacts on local air quality are likely to be negligible. To minimise impacts during dry, windy conditions, water sprays will be used to dampen down and control dust.” (NTS)

“In terms of the operation of RCWF there will be CO2 offsetting to climate change. An estimate of the annual electrical output of RCWF can be calculated using an installed capacity between 12 and 15 MW (the amount will depend upon the final turbine selected), and an assumed capacity factor of 27.4 % based on UK specific figure DECC Energy Trends September 2011 UK Annual Load Factors 1998-2010. This will be equivalent to between 6170 and 7660 households that could be powered by RWCF equating to between 8 and 10 % of the Bolsover District supplied by RCWF. The amount of clean energy produced each year by RWCF would be equivalent to taking approximately 5300 cars off the road.” (NTS)

Health and Safety
“Operation: A Supervisory Control and Data Acquisition (SCADA) system monitors the wind scheme□s performance and should a fault occur a message is automatically sent to the wind scheme engineer’s mobile phone, to prevent emergency situations from occurring.
Driver Distraction: There is no documented evidence of existing wind farms located near roads being linked to driver distraction or effects on road safety. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings deliberately designed to attract attention.
Effects of the Weather: Due to the exposed nature of wind farm sites, wind turbines are designed to withstand extreme weather conditions.
Extreme Winds: Modern turbines are fitted with sensors which cause the blades to automatically shut down and stop spinning should there by very high wind speeds, which exceed safe operating limits. This prevents excessive wear on the gear box.
Lightning Strike: The proposed wind turbines would also be equipped with lightning protection equipment, which would effectively and safely conduct any lighting strike into the earth.

Icing: In certain meteorological conditions (such as still, cold weather), it is possible for ice to form on the rotor blades. If this occurs, two types of risk may result: ice fragments may be thrown from the rotors and ice may fall from the turbines while they shut down. " (ES 17.3.15 – 17.3.21)
"It is considered that suitable weather conditions for icing occur for less than 14 days per year (Wind Energy Production in Cold Climates) within this area of Derbyshire. Despite the low risk, the proposed wind turbines would be fitted with vibration sensors which detect any imbalance which might be caused by icing, in which case the affected turbines would be shut down." (ES 17.3.23 – 17.3.24).

The Non Technical Statement contains the following in its conclusions:

"The development will have some significant residual effects to landscape character and visual amenity and to the setting of some heritage assets, most notably Hardwick Hall. There will also be substantial benefits to the local community due to the community-owned nature of the scheme, which will see 100 % of profits distributed back into the local community.
The wind scheme will lead to a reduction in the production of greenhouse gases and will provide a renewable supply of energy equivalent to a valuable proportion of Bolsover's dwellings. It will also benefit the local economy."

AMENDMENTS
Copy of publicity for public meeting 31/07/12 and September news letter. 10.08.12

HISTORY
10/00247/FUL: Erection of a 70m high wind monitoring mast for a temporary period of 3 years on land North Of Losk Lane Stony Houghton. Approved until end 2013.
10/00248/FUL: Erection of a 70m high wind monitoring mast for a temporary period of 3 years on land west of Rotherham Road, Stony Houghton. Approved until end 2013
10/00588/SCOPE: Request for scoping opinion for Roseland Community Windfarm 31.03.11

Adjacent Site (Losk Lane Wind Farm Ltd):
10/00463/FULEA Erection and operation of 2.No Wind Turbines (Maximum rotor tip height of 125m; tower height between 75m-80m), Control Building and Associated Access Tracks; Refused 01.02.13 - harm to the setting and significance of a range of heritage assets, some of which are of the highest national importance; the overall adverse impact on the significance of heritage assets would be considerable; accepted that there are public benefits proposed in terms of low carbon and low emissions energy generation and the establishment of a more diverse supply of energy as well as other economic benefits and these benefits are significant material considerations which have been given due weight; however the reversible harms to conservation interests identified are not outweighed by the benefits of the proposal.

CONSULTATIONS
AIRFIELDS, AIR TRAFFIC AND AIR WAVES
Retford (Gamston) Airport: No objection. 08.05.12
NATS En Route plc (NERL): Based on preliminary technical findings does conflict with safeguarding criteria – object. Operational assessment to be carried out will notify of result in 8 -10 weeks. 09.05.12.
Result of operational assessment: There is likely to be an impact on Claxby radar, terrain screening will not adequately attenuate the signal and is likely to cause false primary plots to

be generated. A reduction in the radar's probability of detection of real aircraft is anticipated. Users of this radar have been consulted to ascertain if the anticipated impact is acceptable to their operations or not; they have responded with no objection. Conclusion is that the proposed development has been examined by NERL's technical and operational safeguarding teams and although the proposed development is likely to impact our electronic infrastructure NERL has no safeguarding objection to the proposal. 29.05.12.
Civil Aviation Authority: No responsibilities for safeguarding sites other than its own property. Clarifies procedural matters and refers to guidance. International civil aviation requirement for all structures over 300 ft (91.4m) to be charted on aeronautical charts. 17.05.12
Crime Prevention Design Advisor: Any approval should be conditional on the turbine hubs being lit with a red tungsten or fluorescent obstruction light. Any construction crane over 60m should be subject to advance notification to our helicopter unit at force HQ, or through the usual UK aviation authorities. 21.05.12
Defence Infrastructure Organisation (Ministry of Defence): No objection to the proposal. In the interests of air safety requests that the turbines are fitted with aviation lighting. Principal safeguarding concern is potential to create a physical obstruction to air traffic movements and cause interference with Air Traffic Control and Air Defence radar installations. If planning permission is granted must be informed of date of start and finish of construction, maximum height of construction equipment, and latitude and longitude of every turbine. 23.05.12
East Midlands Airport: No objection, does not conflict with safeguarding criteria requests condition requiring applicant to notify the local planning authority in consultation with the East Midlands Airport, within 1 month of the turbine commencing operation. 28.05.12
JRC (Joint Radio Company): JRC analyses such proposals on behalf of the UK Fuel and Power Industry to determine their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements, in this case radio link infrastructure operated by Western Power Distribution (Midlands) and National Grid Gas Networks. JRC does not foresee any potential problems based on known interference scenarios and submitted data; 6 turbines 127m to tip, with a permitted micro-siting allowance of 30m except turbine T1 where no movement is permitted in a specified sector. 31.05.12
Arqiva: Responsible for providing the BBC and ITV transmission network; for ensuring the integrity of Re-Broadcast Links and also protecting its microwave networks. No objection. 06.06.12

No responses from Doncaster Robin Hood Airport, Sheffield City Airport, Derbyshire Leicestershire & Rutland Air Ambulance.

ECOLOGY/NATURE CONSERVATION INTERESTS
Derbyshire Wildlife Trust: Detailed assessment of relevant sections of Environmental Statement. "The preparation of the Ecology Chapters of the Environmental Statement has been guided by a series of ecological surveys undertaken during the period 2010-2011 which, in summary, have included all relevant species surveys, including protected species, and habitat surveys.
We note and welcome the scope of the desk study which includes data consultation with relevant local nature conservation organisations for existing biological records. The desk study identified Langwith Wood and Roseland Wood local wildlife sites adjacent to the application area.
The Phase 1 Habitat Survey identified the site to comprise predominantly agricultural fields dominated by arable crops with narrow botanically-poor field margins, with several fields of semi-improved grassland. An extensive hedgerow network is present throughout the site which also contains scattered mature trees. A single pond was identified 25m from the access

track leading into the site from Common Lane. A Habitat Suitability Index (HSI) assessment of the pond for great crested newt indicated that the pond provided “poor” habitat for great crested newt but no dedicated amphibian survey of the pond was undertaken.
Dedicated surveys for bats, birds and badgers were undertaken to determine any specific impacts relating to these groups and to inform any mitigation measures, if required.
Bats: The activity surveys concluded that the woodland edge habitat and hedgerow network within the site comprised suitable habitat for foraging and commuting bats and a low to moderate level of common pipistrelle bat activity was recorded during the survey period.
Birds: A range of bird surveys were carried out between April 2010 and April 2011 including winter bird surveys between October 2010 and February 2011, Breeding Bird Surveys during May to August 2010 and March to April 2011, Dusk, Dawn and Night Visits and Vantage Point Surveys totalling 212 hours. All surveys were carried out in accordance with best practice methodologies although it is noted that days with strong winds, heavy rain, fog and low cloud were avoided. A total of 16 UK BAP priority species were recorded during the surveys along with 3 Annex 1 species, including Golden Plover, and 7 Schedule 1 species including Hobby.
Badger: A dedicated badger survey, informed by an appropriate data search, was carried out during November 2010, February 2011 and January 2012. The comprehensive survey identified four active badger setts within the application area, two of which were within 50 metres of the footprint of the works.”
The response continues with an assessment of the potential impact of the development on nature conservation:
The operating wind turbines have potential to result in mortality of target bird species including golden plover (an Annex 1 species), lapwing (a UK BAP priority species), kestrel and buzzard.
The permanent anemometer mast, depending upon design, also has potential to result in bird mortality from collision.
The works have potential to result in disturbance to Hobby, a Schedule 1 species known to breed in the area.
It is considered likely that the footprint of construction works has potential to displace 2-3 pairs of breeding skylark, a UK BAP priority species.
It is likely that the proposal will result in adverse impact upon two active badger setts. One sett is likely to be affected by the construction of the access track, which is within 3 metres from the nearest sett entrance, together with the laying of the underground cable and the construction of the grid connection site office. Another sett is likely to be affected by the construction of the access track and construction of the foundations for a turbine. The proposal has potential to result in disturbance of the badger populations associated with both setts.
Whilst no records for great crested newt exist for the area and a HSI assessment of the pond indicated the pond to provide poor habitat for great crested newt, in the absence of a specific amphibian survey of the pond, it is not possible to prove beyond doubt the presence of great crested newt. Although the pond will remain unaffected during the operational phase of the development, works carried out during construction has potential to impact upon terrestrial habitat that may be used by great crested newts, if present.
Some removal of sections of hedgerows will be required for the construction of access tracks.

DWT consider the level of mortality of Annex 1 and UK BAP priority species to be unacceptable and would not agree that the proposal does not significantly increase the mortality rate of these species.
DWT support the monitoring of bat activity for a period of two years, and support the production of an Ecological Mitigation and Management Plan as a condition of any permission prior to commencement of any works.

Construction works should avoid the bird breeding season.
DWT make the following recommendations:

- wish to compare the dates on which the vantage point surveys were undertaken to those on which pink footed geese were recorded from Carr Vale.
- require details to be provided with regard to the design of the anemometer mast which should include the use of bird deflectors to minimise the risk of bird mortality as a result of collision with guy wires. (*Note anemometer mast details are included with the application which does not show any guy wires*).
- measures to avoid disturbance to this Schedule 1 species (Hobby) will be required in order to avoid committing an offence under current UK legislation both during the construction and operational phases of the development. Details of such measures need to be provided prior to the determination of the application.
- the proposal would appear to have an adverse impact on two active badger setts; it will be necessary to agree any proposed mitigation measures for protected species prior to the determination of the application.
- it is necessary to establish the presence or absence of great crested newt in the pond located near to the access track off Common Lane prior to the determination of the application.
- all the hedgerows are UK BAP priority habitats and, as such, compensation will be required to ensure there is no net loss of priority habitat. Approximately 90m of hedgerow removal will be required for the development. We would therefore seek new planting of at least 180m of new native hedgerow as well as enhancement of the existing hedgerow network through sympathetic management and the planting up of any gaps.
- Requests calculations to show that all turbines are sited to accord with Natural England's guidance for bats to ensure 50m buffer to all potential bat foraging or commuting features into which no blade should intrude. 26.08.12

No responses received from Natural England, RSPB.

HISTORIC ENVIRONMENT
Development Control Archaeologist (DCC): Detailed comments, which considers the impacts of the proposal from two aspects, direct on-site impacts (below ground archaeology) and indirect visual impacts (off-site visual impacts on the significance and setting of heritage assets beyond the site boundary).
On below-ground archaeology, the application should not be granted consent in its current form, as it does not provide sufficient information to understand likely below-ground archaeological impacts on three out of six proposed turbines – T3, T5 and T6, two of which correspond to sites on the Derbyshire HER. The application does not therefore meet the information requirement of NPPF para 128 in relation to below-ground archaeology.
In considering off-site visual impacts the archaeologist considers the methodology applied by the applicants consultants and carries out a detailed assessment of the impact of the proposal on Hardwick Old and New Halls, Hardwick Park and Hardwick Conservation Area (concluding that there is 'substantial' harm rather than 'moderate/substantial' as contained in the Environmental Statement), on Bolsover Castle (concluding that the level of impact is 'moderate/substantial' rather than

'moderate'), Sutton Scarsdale Hall (concluding that the turbines in this designed view - between Bolsover Castle and Sutton Scarsdale Hall- would clearly detract from the dominance of the Castle, and this would harm a key aspect of the significance of the Hall), St Leonard's Scarcliffe ('substantial' harm rather than 'moderate/substantial') and various conservation areas (Stony Houghton, Palterton and Scarcliffe) where he considers the harm to be 'substantial' rather than the ES assessment of 'moderate/substantial' for Stony Houghton and Scarcliffe and 'moderate' for Palterton.

The archaeologist response should be read in full to fully understand the reasoning for his opinions. His summary and recommendation is as follows:

"The proposals will therefore involve environmentally significant harms to the significance of numerous heritage assets, in some cases amounting to 'substantial harm' *sensu* NPPF paras 132-133. These include asset groups of the highest national importance, and in the case of Hardwick, of international importance.

NPPF paras 132-133 establish that the applicant must present a 'wholly exceptional' case to justify substantial harm to the significance of Grade I and Grade II* Listed Buildings and Grade I Registered Parks, and an 'exceptional' case to justify substantial harm to Grade II Listed Buildings. The local planning authority should therefore refuse consent, "unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

Less than substantial harms to designated heritage assets must also be shown to be justified in terms of outweighing public benefits (NPPF para 134).

The local planning authority also has a statutory duty (not referenced in the application) under the Planning (Listed Buildings and Conservation Areas) Act 1990, to "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".

The outweighing arguments presented in the application relate to

1) The temporary (25 year) nature of the turbine development. This is an argument refuted by the Planning Inspector in the Matlock Moor wind farm case (APP/R1038/A/09/2107667): "100. to my mind, 25 years is an unreasonable length of time to wait for a respite from harms. It is about a third of a person's lifetime; the span of a generation. In my view, none of the harms that I have identified would be diminished by the long-term prospect of the turbines' removal. In any case, the removal of the turbines after 25 years cannot be guaranteed. In years to come, the wind farm might receive another planning permission which allows it to remain. I therefore give little weight to the reversibility of the scheme."

2) The environmental, social and economic benefits of the wind farm. Although these are undoubted, I do not feel that the applicant has demonstrated that the benefits of the scheme outweigh the cumulative impact of the substantial and less than substantial harms as outlined above, including harms to two of the country's most iconic heritage assets.

I therefore recommend that the application be refused, for the following reasons:

• The proposals would involve substantial and less than substantial harms to the significance of designated heritage assets, not shown to be outweighed by substantial public benefits (NPPF para 133)

• To grant consent for the proposals would be inconsistent with the local planning authority's statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, in relation to listed buildings, to "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". 15.06.12

English Heritage: Identifies substantial number of heritage assets of national importance and/or special interest affected to varying degrees by the proposal: 7 Scheduled Ancient Monuments, 6 grade I Listed Buildings, 5 grade II* Listed Buildings, 15 grade II Lsted Buildings, 14 conservation Areas, and 2 grade I Registered Historic Parks & Gardens. Collectively Bolsover Castle, Hardwick and Sutton Scarsdale Halls have historic and dynastic associations and constitute an important group of grand houses of the highest order.
The planning proposals affect the setting and therefore the significance of these nationally important heritage assets that are situated outside the site boundary. English Heritage is very concerned that the scheme would comprise an unduly prominent feature in the landscape setting of these heritage assets – particularly in views from and towards Hardwick Hall, Bolsover Castle and Sutton Scarsdale Hall, the Church of St Leonard, Scarcliffe, together with Stony Houghton, Scarcliffe, Palterton and Hardwick Conservation Areas.
We believe that, on the basis of available information, there will be harm or substantial harm to the significance of a large number of nationally important heritage assets, together with substantial harm to the grouping of Hardwick Hall, Bolsover Castle and Sutton Scarsdale Hall around the Vale of Scarsdale which is of national importance, The National Planning Policy Framework, requires that there should be clear and convincing justification on the basis that there are substantial public benefits deriving from the proposal, that the harm is necessary in order to achieve those public benefits and that harm is outweighed by those benefits. Furthermore, in our opinion the proposals do not comply with the Government's core planning principle for the historic environment regarding the delivery of sustainable development. Whilst we accept, of course, that climate mitigation is a public benefit, we do not believe that it has been demonstrated that these benefits could not be delivered in a less harmful or even unharmful way, or that the benefits outweigh the harm and substantial harm.
English Heritage therefore objects to the planning application and recommends that the application should be refused.
A detailed assessment of the impacts on the setting of the heritage assets is given in their response. English Heritage believes that there would be substantial harm to the significance of the Hardwick asset group, and harm to the significance of Bolsover Castle and Sutton Scarsdale Hall. There would be substantial harm to the significance of St Leonards' Church Scarcliffe, Stony Houghton Conservation Area, Scarcliffe Conservation Area, Palterton Conservation Area and Hardwick Conservation Area.
Mention is also made of impact on townscape and landscape, cumulative impact, business and tourism impacts and public benefits and harm. The full response should be read to fully understand the following recommendation:
"The Bolsover District of Derbyshire is unusually rich in the number of historic assets of the highest grades, and especially so in the historic significance of the visual relationships between them and their surrounding landscapes. The sensitivity of the views, which are valued and enjoyed by local communities together with the many visitors to the area, is also exceptionally high. Given the prominent siting, proximity and height of the proposed turbines, we believe that harm to heritage assets would result to such a significant and unacceptable magnitude as to outweigh the public benefits of the scheme. We therefore do not consider that the scheme constitutes sustainable development.

English Heritage believes that the necessary justification for the development has not been made in terms of public benefits which might be judged to outweigh the substantial harm and harm to the significance of important heritage assets (NPPF, paragraphs 133 and 134). Furthermore, we wish to emphasise:

- the statutory duty on Local Planning Authorities as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the preservation of listed buildings and their settings, and the statutory duty in 72(1) of the same Act that requires special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This duty is not referred to in the planning application
- Government's core planning principle of ensuring that heritage assets are conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this current and future generations (NPPF, paragraph 17)
- the requirement to place great weight on the conservation of designated heritage assets (NPPF, paragraph 132)

The application does not sustain or better reveal the significance of heritage assets (NPPF, paragraph 131), neither does it preserve nor enhance the character or appearance of Conservation Areas - Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
English Heritage therefore objects to the planning application and recommends that the application should be refused." 24.07.12

National Trust: Detailed response which refers to a recent High Court judgement quashing an appeal decision relating to a wind farm at Sudborough in Northamptonshire (March 2013)and to the refusal of permission for the Losk Lane Wind Farm (January 2013). The response describes the role of the National Trust, the Hardwick Estate, including its importance as a visitor attraction (218,000 visitors in 2012), and lists all the various formal historic asset designations mentioning that the wider estate also encompasses several villages which contain Trust owned Listed Buildings within conservation areas (Astwith, Hardstoft and Stainsby). The National Planning Policy Framework and 'saved' Local Plan policies all identify the importance of the setting of features of the historic environment recognising that if these are eroded then the value of the historic features that they surround is also dismissed. Statements of the Significance of Hardwick and of the Spirit of the Place are appended to the response. It is pointed out that the Trust also has considerable property interests and responsibilities in the wider area in particular the Peak District. The National Trusts approach and commitment to renewable energy is described. While committed to a range of renewable energy developments across its properties it accepts that the location and design of all energy generation and distribution schemes should take account of the full range of environmental considerations, including the protection of valued landscapes, biodiversity, the historic environment and peoples' well-being.
In referring to relevant planning law and policy the Trust considered that the Sudborough Wind Farm High Court Judgement reminds us of the need to give proper effect to the statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 and to properly interpret and apply the relevant planning policies on the effect of development on the setting of heritage assets, all as part of the balancing exercise, with adequate reasoning. It is necessary to give "special weight" or considerable importance to "the desirability of preserving the setting". The relevant NPPF policies are summarised, in particular policy 133 which advises that development that would result in substantial harm to the significance of a heritage asset should be refused unless such harm is necessary to achieve substantial benefits that outweigh that harm. The National Trust considers that this is

the relevant test in this case given the scale of harm that would be caused to the setting of heritage assets at Hardwick.

Reference is made to the National Trust's report the "Setting of Hardwick – Landscape Evaluation" (2005). It is self-evident that the Study has not taken a simplistic approach that anything visible from Hardwick as part of the setting, equally it has regard to natural and man-made features noting the adverse impact of Holmewood industrial estates but not including the whole of them within the setting area. It is apparent that the sheer scale of the proposal is such that, notwithstanding the limits on views as a result of the landform and planting the turbines will be visible, indeed in some views to a significant extent in terms of views from the Halls at Hardwick and from the Park and of views towards the Halls and parkland from the west. As a result it is considered appropriate to consider the impacts of the turbines on the collection of heritage assets at Hardwick. These impacts are confined to visual ones rather than other attributes of setting such as noise.

Relevant policies of the Bolsover District Local Plan are identified (CON4, CON10 and CON12. Reference is also made to English Heritage Advice "The Setting of Heritage Assets" (2011).

Impact of the turbines:

- New hall had a range of potential locations, majority of which are much less conspicuous and dominating than the site chosen. It is notable that the Hall was set back from the Old Hall in a location that provided 360 degree views.
- Rooftop walk an important component, hence the banqueting house set in the turret furthest from the stairs – the process of banqueting involved the delights of drunken vertigiousness both on the way to and back from the banqueting house; with the journey being taken up with enjoying the views and the delights of looking down from a great height.
- Bess had the best glass money could buy, it was made to see through. That glass has become a clearer in succeeding centuries does not mean that the desire to see out was less in the 16th century, just that it became easier as time went on. Bess had the best intervisibility that was possible at the time.
- The leads at first floor level over the colonnades over the east and west fronts were made to be used for following the hunt and taking the air with subliminal surveying of the estate being part of the political and cultural *raison* for siting the building where it is – the turbines would interrupt this important aspect of the cultural purpose of the heritage asset.
- Public access to the roofs is via special groups for reasons of public safety, the form of the roof has changed from a stepped profile, more conducive to walking, to the current sloping one.
- The east park has now been opened to the public with circular walks promoted from the new car park, such walks will have significant views of the turbines.

The submitted documentation shows that there would be substantial harmful visual intrusions into the setting of Hardwick. These include views from the New Hall and its associated parkland and views from the west looking to the New Hall where the proposed turbines would form a competing and distracting feature on the skyline above the escarpment upon which Hardwick sits. This would result in substantial harm to the significance of the heritage assets, impairing the enjoyment of the many visitors to Hardwick.

In noting the refusal of the 2 turbine Losk Lane turbines on the basis of harm to heritage assets, although the turbines at Roseland would in part be further away any modest improvement in their siting is more than outweighed by installing 3 times the number of turbines.

Overall the National Trusts assessment is that there would be substantial impacts upon the

setting of Hardwick, especially in terms of long views from Hardwick. The turbines would also be very noticeable in views from East Park where the closeness is such that they would be very dominating features. Furthermore there would be prominent impacts upon the long views of the ridge line on which Hardwick sits when viewed from the west, with the turbines being a clear, competing and discordant element in the skyline.
There would be substantial harm to the significance of the setting of Hardwick and its component heritage assets which are of national and indeed international importance.
14.03.13

Heritage Conservation Manager (BDC): Refers to Statutory duty, local plan and NPPF policies and various other guidance and policy documents including The Setting of Hardwick – a Landscape Evaluation, the Council's Historic Environment SPD (2006) and the recent High Court Judgement on the Sudborough Wind Farm.
Palterton Conservation Area: The main impact on the village will be the views of the turbines from the east of the village (1.8km to nearest turbine). There will also be views of the blades between and between intervening buildings. Whilst I do not feel that the turbines would have a dominating effect on the conservation area they will undoubtedly have an impact on the wider rural and agrarian landscape setting which is regarded as making a contribution to the setting of the conservation area. Consequently, the character and appearance of the conservation area would not be preserved by the development.
Stony Houghton Conservation Area: The turbines will be clearly visible from a number of vantage points within the conservation area (0.5 km from nearest turbine) and from the identified important viewpoint adjacent to Hall Farm (page 42 Conservation Area Appraisal and Management Plan). The development will also be visible in views approaching the conservation area from the west. The current views comprise an undulating rural backdrop (pylons excepted) and this, by virtue of its relatively unaltered state, contributes to the character and significance of the village conservation area. Wind turbines will effectively surround the village and have a detrimental impact on this landscape setting and cause significant harm to this designated asset. As a result, the development would not preserve or enhance the character or appearance of the conservation area.
Scarcliffe Conservation Area: It is recognised in the visual assessment that there are parts of the conservation area where the turbines will be clearly visible at close range and in other parts they will be visible on the horizon. Given the scale and proximity of the proposal (1km to the nearest turbine) will have a detrimental impact on the wider landscape setting which has been recognised as being an intrinsic part of the character of the area. As a result I do not feel that the development would preserve or enhance the character or appearance of the conservation area.
Church of St Leonard's Scarcliffe: A grade II* Listed building which stands on higher ground above the Main Street; due to the elevated position the tower is a dominant feature and local landmark in the surrounding landscape. The Conservation Area Appraisal and Management Plan (CAAMP) for Scarcliffe recognises the importance of the local topography including the intermittent mid and long distance views of the village and the crenellated stone tower of the Church, when approaching from the north, and B6417. The presence of the scale of the turbines and the blade movement in these mid – long distance views will detract from the dominance of the Church tower and as a result will have a detrimental impact on the setting of this GII* listed asset.
Stainsby Conservation Area: There is no Conservation Area Appraisal and Management Plan for the area but the importance of the surrounding landscape has been recognised in the Historic Environment SPD para 1.3 which states (for all the conservation areas in the central area of the District) "the land is gently undulating and the views into and between the conservation areas are therefore extremely important" . Views of the surrounding landscape

are limited from the centre of the village along Hawking Lane due to topography, built development and landscaping, views only open up on the eastern edge of the conservation area. There will a degree of impact on the setting of the designated asset but it is considered that the character and appearance of the conservation area will be preserved.

Stainsby Manorial Complex, Scheduled Ancient Monument: Clear views are afforded to the proposed wind turbines from the crest of the hill adjacent to the Scheduled Ancient Monument. The turbines will appear in the distance (4.8 km) running back from the escarpment. Whilst there will be an impact on views from the ancient monument I do not think that this will harm the appreciation and historic significance of the asset.

Upper Langwith Conservation Area: Due the topography of the village, there is a clear view of the historic core of the village, including the Church of the Holy Cross, listed GII* from the north along Scarcliffe Lane. The nearest turbine will be 1.8km in this direction. It is currently unclear, from the information submitted, the extent of visual impact on views looking south from Scarcliffe Lane towards the development.

Hardwick and Rowthorne Conservation Area: This conservation area covers a large area and includes a number of villages composed of farm based settlements developed as part of the Hardwick estate. There are a number of listed buildings in Rowthorne which is a typical medieval settlement. There will be distant views of the proposed development from the settlements of Rowthorne and Ault Hucknall and clear uninterrupted views on the road between these settlements. The prominence of the turbines in views from the conservation area will have an impact on the setting of the designated asset.

St John the Baptist Church Ault Hucknall: A grade I Listed Building with an ancient churchyard and cemetery which stand above the fields leading to Griff Wood. The turbines will be visible from the rear of the Church. There are distant views of the turbines with the church in the foreground taken from public footpaths within Hardwick Park and views from Hodmire Lane. I am of the opinion that there will be a degree of harm caused to the historic significance of this GI listed building by virtue of scale of the turbines and the blade movement.

Hardwick Old and New Halls and Registered Park and Garden: The submissions by The National Trust, Derbyshire County Council and English Heritage all make the case that the ridgetop siting for the Halls was intentional and the aspect and strong visual prominence of the location was considered to be a distinct advantage. This in turn suggests that the ridgetop setting plays an integral role in the historic significance and that any changes to the surroundings will impinge on that significance. The submitted Environmental Statement recognises the impact of the development on views from the upper levels of the New Hall – "The introduction of six, prominent moving man-made elements within 5 km of the highly sensitive historic building would cause a significant adverse effect on users of the upper storeys of Hardwick Hall when looking out of windows or from the roof, the wind farm would become the focus of the view".

It is clear from the assessment above that the development will have an impact on from the Hall and roof which in turn will have an impact on the setting of the asset.

It is accepted that there will be views of the development from various vantage points within the historic park and garden. The creation of a new visitor approach and car-park has increased public access to the east park. Visitors are encouraged to access public walks from the car-park where the turbines would be visible at various vantage points, albeit against a back drop of mature vegetation and planting.

I consider that the most significant impact on the historic assets at Hardwick will be on the long distance views of the Hall and historic Park when viewed from the west. There is concern that the height, blade movement and visual dominance of the turbines will compete with the dominance of this iconic asset.

Bolsover Castle: Whilst the scheme will not have an impact on designed views from the

terrace range and the entrance to the Little Castle the view of the turbine blades from the 1st floor Elysium Chamber and the second floor bed chamber will have an impact on the visitor appreciation of the historic asset. Unlike the designed views from the roof terrace at Hardwick New Hall the view from roof of Bolsover Castle does not appear to be part of the design ethos. However it is still accessible and as such should be given consideration. There are clear views of the turbines from the roof which would be dominant features in the pre-dominantly rural landscape.

Views to Bolsover Castle from west and north-west: The turbines are set back further from the ridge than the Losk Lane proposal but the increase in number arranged in a line running away from the ridge introduces a modern intrusion which when viewed from a distance becomes the more dominant feature on the ridge top. In my opinion the proposed scheme does cause harm to historic significance of the Castle by introducing a competing element on the ridgetop position and in views from the Little Castle.

Sutton Scarsdale Hall: In views from the asset the turbines would appear as a dominant feature on the horizon, competing with the historic assets at Bolsover and Hardwick. This will result in harm to the setting of this individual asset but the level of harm is considered to be less than substantial.

Vale of Scarsdale – relationship between Hardwick Hall, Bolsover Caste and Sutton Scarsdale Hall: Supports the importance of the relationship (intervisibility) between the three assets and the contribution this makes to significance. Currently, the intervisibility between Hardwick and Sutton Scarsdale and vice versa is less defined due to the existence of a mature tree belt. However, historically the views between these buildings is likely to have been more pronounced. I conclude that there will be harm caused to the grouping of these three iconic assets set in the Vale of Scarsdale but that the varying degrees of harm will amount to less than substantial.

Glapwell Lane Farm: The detached farmhouse (listed GII) dating from mid 18C with later additions and alterations sits in a visually prominent location in the landscape, adjacent to the main road. The farm stands alone as an isolated farmstead in the landscape and this backdrop forms the setting to the listed building. It is noted that the architectural and historic interest and significance of the building has been undermined by the 20thC alterations carried out and the setting of the building has been compromised by the close proximity of the pylons. The nearest turbine will be 1.3km away. The turbines will not be visible in any of the main views from the listed building and the views from the main yard will be screened by existing modern farm buildings. There will be distant views of the turbines and the farm in tandem which will cause a degree of harm to the setting but this is considered to be less than substantial.

Conclusion:

I conclude that there is harm to a number of heritage assets :-

i) Bolsover Castle
ii) Hardwick Hall and registered park and garden
iii) Sutton Scarsdale Hall
iv) Church of St Leonards, Scarcliffe
v) Church of St. John the Baptist, Ault Hucknall
vi) Glapwell Lane Farm
vii) Palterton, Stony Houghton, Scarcliffe, Hardwick and Rowthorne Conservation Area and possibly Upper Langwith

The harm arises from the scale and visual dominance of turbines on the ridge and in the context of the human scale of other heritage assets affected. It is a matter of judgement as to whether this collective harm is outweighed by the public benefits of the scheme. 10.04.13

No response received from Garden History Society.

LANDSCAPE AND VISUAL IMPACT

Robert Doughty Consultancy has been appointed to comment on the submitted Landscape and Visual Impact Assessment. They have carried out a review of the submitted assessment with site visits.

"To summarise, the applicant's approach to undertaking the Landscape and Visual Impact Assessment on the whole appears to be thorough, with current good practice and a wide range of relevant background information, such as landscape character assessment, being referenced."

"In the main, I am in agreement regarding the methodology used in the assessment, which is applied in a consistent and well supported manner. However, with reference to the assessment of cumulative visual effect, a statement from the applicant clarifying the reasoning behind the selection of the cumulative assessment viewpoints should be sought."

"On the whole, I am in agreement with the findings of the LVIA, and the findings are well evidenced by the assessment. A useful 'Statement of Significance' which summarises the findings of the assessment is set out by the applicant in section 6.8 of the LVIA."

"However, in order to fully evidence the findings of the assessment and to demonstrate the concluding judgements are sound, the applicant should either clarify their position as to why it has not been necessary to carry out a sequential assessment of cumulative effects relating to travel routes within the area, or if necessary, carry out an assessment."

"There are no cumulative photomontages included within the visualisations for this development. The inclusion of cumulative photomontages would be extremely useful for the determining authority, to help illustrate the likely visual impacts of the windfarm in its landscape setting in addition to the adjacent Losk Lane Wind Farm cumulative scheme."

December 2012. [The applicant has subsequently responded to the issues raised including a sequential assessment of cumulative effects and cumulative photomontages – see below Additional Information received].

ENVIRONMENTAL AND OTHER INTERESTS

Coal Authority: There is a recorded fissure adjacent to the site boundary, the specific part of the site where the wind turbines are proposed actually falls outside the defined coal mining referral area. Coal mining risk assessment is unnecessary, therefore do not object. No recorded shallow mine workings within the specific development area but there is potential for unrecorded coal mining features, recommends note for decision notice. 18.05.12

Regeneration (BDC): No comments in respect of installation and operation. Proposed inclusion of community benefits through future profit from the generation of power is strongly supported; potential community benefits could well raise the opportunity for a wide number of community and economic output related projects which could benefit the wider economy of the area. 22.05.12

Local Highway Authority (Derbyshire County Council): Routing of abnormal vehicles to the site will need to be agreed in advance with DCC. However consider that the amount of work required to access the site from J29A (including the temporary removal of traffic signals, will be excessive, a preferred route would be to utilise the A617 from junction 29 to Pleasley then via Common Lane to a potential access off this road. Also recommend that same route is used by al other HGV's accessing the site. Glapwell lane is a lower classified road and the right turn manoeuvre into/out of Losk Lane requires both lanes of the carriageway.

Access shown is excessively wide but appreciate that this is required for construction traffic; recommend that once wind farm up and running the access width is reduced. Whichever access will need to demonstrate visibility splays of 47m or 82m on Common Lane or 154m on

Rotherham Road. In view of comments seeks confirmation of access position prior to recommending conditions. 31.05.12

Ramblers Association (Bolsover Group): Has studied the siting of the 6 turbines, they are not in close proximity to rights of way; will not be raising any objections in this instance. Hope that every effort is made to protect this area of particularly attractive countryside. 01.06.12

Environmental Health (Noise): Discussions have taken place between Environmental Health and the noise consultants employed by the applicant. Agreements have been reached in relation to the assessment of baseline conditions, monitoring sites, and interpretation of the requirements of ETSU-R-97. In assessing impact it is necessary to relate to existing noise levels apart from where the criteria drops below specified levels ('lower fixed limit'). The RCWF will comply with the lower limit set in the ETSU guidance. The applicants have undertaken a robust background noise survey, the aim of which is to provide an indication of the noise environment at each noise sensitive property in the vicinity of the wind farm. This has been done in consultation with Environmental Health. Effective noise control is best achieved through careful selection of wind turbines. Once installed an effective maintenance regime will help ensure that noise emission levels do not increase significantly.

Typical wind noise varies cyclically due to amplitude modulation of the aerodynamic noise (AM) or "swish". The risk of excess AM may be small and the number of persons affected restricted. Its impacts can however be substantial. Noise Reduction Management Systems may be practicable to manage noise and the effects of AM under particular meteorological conditions, which could include measures to cease or limit operation of individual turbines under specific wind conditions.

Cumulative effects of RCWF and the Losk Lane Wind Farm have been considered, there may be a possible exceedence at Glapwell Lanes Farm at a wind speed of 7m/s. This cumulative operational noise is 0.2dB (which is negligible) above the noise limit and is probably a result of noise from the proposed LLWF scheme rather than RCWF. As both proposed sites are yet to be developed and the type of turbine to be finally determined, it is necessary to consider some control over possible accumulative effects.

Suggests detailed conditions to cover the above issues and a set of guidance notes. 13.02.13

Environmental Health (Shadow Flicker): Only properties within 130 degrees of north relative to the turbines can be affected by shadow flicker. It is generally considered that at distances greater than 10 times the rotor diameter from the turbine that the potential for shadow flicker is low. Shadow flicker should not exceed 30 hours per year or 30 mins. per day.

Turbines can also cause flashes of reflected light which can be visible for some distance. This can be ameliorated by careful choice of blade colour and surface finish.

The applicant acknowledges that 7 properties fall into the shadow zone area, 4 of which fall below the criteria stated (Guidance used in Northern Ireland). The potential impact for these receptor is therefore low. The other 3 receptors just exceed the criteria; potential impact is considered to be low/medium and mitigation should be required. One of these receptors will only be impacted during the very early morning (05.30am). However the applicants acknowledge that there is a potential impact and agrees that some on-site monitoring would be appropriate. If shadow flicker is found to be a problem then mitigation is likely to be to inhibit turbine operation during the relevant periods of the day.

Suggests conditions to cover these issues (including blade finish). 13.02.13

LOCAL AUTHORITIES

Old Bolsover Town Council: Objection : too close to properties; environmental issues *(Note: nothing specific specified. TB)* 08.05.12

Pleasley Parish Council: No objections. 15.05.12

Ault Hucknall Parish Council: Support this proposal. 10.05.12
Scarcliffe Parish Council: Concerns: substantial loss of visual amenity; disturbance of tranquil nature of the rural area; visual distraction for drivers on Rotherham Road, which could impact on road safety; detrimental effect on wildlife in the area; loss of arable farm land; road infrastructure around the area not capable of sustaining heavy traffic; close proximity to farms in area. To summarise Scarcliffe Parish Council is strongly against the proposed installation of wind turbines as it believes it will have a detrimental effect on the area, not only will it detract from the Conservation Area and rural views but effect the daily lives of the residents. 15.05.12
Glapwell Parish Council: Wish to register an objection to this development in line with other applications for wind farms near the village. It is the view of this Council that the disadvantages of this development with 6 turbines far outweigh the economic or environmental advantages that are not proven. We have received representations from a number of residents who will be directly affected by the development. They have raised a number of issues about the location and sustainability of the proposed wind farm in their response to the consultation. Members of the Council agreed to give their support to these residents and wish to register their opposition to the proposed development. 06.06.12
Chesterfield Borough Council: No representations to make. 16.05.12
Bassetlaw District Council: No observations to make. 24.05.12
Ashfield District Council: No objection. Complies with the Council's planning policy as stated in the Ashfield Local Plan review (2002). 10.07.12

No responses from Shirebrook Town Council, Mansfield District Council, North East Derbyshire District Council.

ADDITIONAL INFORMATION RECEIVED
This section details the additional information received from the applicant 15th May 2013 in response to various issues raised by consultees and the Case Officer.

General:
Various corrections and additional detail, including correction to Local Plan policies. Electrical control building to be natural local stone with a natural slate or pantile roof. Clarification of 'topple' distances to other features (highways, footpaths and overhead lines). The preferred access is that as shown on the submitted plans, off Rotherham Road. The preferred route for construction traffic (other than abnormal loads) is from J29 – A617 – Glapwell Lane and Losk Lane. The preferred route for abnormal loads is J29A – Markham Lane – A632 Bolsover – Rotherham Road. The alternative routes to the east "were discounted because of the amenity issues related to nearby properties, the influence of ponds and ecologically sensitive areas, poor horizontal and vertical road alignments and the need to remove significant infrastructure and re-instate". Impact to local school traffic and routes is minimised.

De-Commissioning:
In the event of failure of the Roseland Community Windfarm LLP decommissioning would be funded as follows:

> "There is a requirement in the Lease between Roseland Community Wind Farm LLP and Chatsworth that Roseland will be obligated to take out a Bond to cover the cost of restoration of the site (i.e. removal of turbines and all associated cabling and equipment) at the end of the term (25 years) in the event of a failure of Roseland Community Wind Farm LLP. This requirement in favour of Chatsworth is detailed in the

Lease Agreement and requires the Bond to be in place at the commencement of the works (i.e. on site construction of the wind farm). If Roseland do not provide such a Bond or are unable to prior to starting on site then they will not have any rights to commence construction on the site and the Lease will terminate."

Ecology/Nature Conservation:

Applicant agrees with the recommendations of Derbyshire Wildlife Trust in relation to monitoring bat activity for 2 years; production of an ecological mitigation and management plan as a condition prior to commencement of works and avoidance of the bird breeding season or checks by an experienced ecologist.

With respect to badger setts, potential mitigation measures provided which as badgers are highly mobile will depend on their status at the time of construction.

DWT suggested an assessment for great crested newt in the vicinity of a pond , however the pond is 870m from the nearest footprint of works in an area previously considered for an access route which has now been discounted. Given that the pond provides 'poor' habitat for Great Crested Newts, and the distance from the pond to works, separated by arable fields of sub-optimal habitat, no further assessment is considered necessary.

Acknowledge that the hedgerows are UK BAP priority habitats and will provide 180m of new native hedge planting and enhancement of the existing hedgerow network through sympathetic management and planting up of gaps in compensation for the 90m of hedgerow to be removed.

An additional document addresses the potential impact on bird populations as raised by DWT in their original consultation response. This reassesses the cumulative mortality rate for Golden Plover and Lapwing though collision with the wind masts at the two windfarms (8 turbines in total). For Golden Plover there would be a 2% increase in local natural mortality rate, for lapwing a 1.86% increase in local mortality rate. This represents a low magnitude impact at the local scale, and of negligible significance at a national scale.

The movements of pink footed geese has also be reassessed. Comparing data collected at the site with that available from Carr Vale it is apparent that geese seen from Carr Vale are not necessarily taking a route that crosses the proposed wind scheme site and the birds seen moving north of the site are not necessarily passing over Carr Vale.

Potential impacts on the Hobby have also been reconsidered. Hobbys nested 300m from the nearest construction footprint in 2010 but not in 2011. It is generally accepted that activities within 300m of a raptors nest may create disturbance. If hobby returns to Roseland Wood in future that construction works should be avoided within 300m during the breeding season, suggests an appropriate condition to ascertain the status of the hobby prior to construction if its not possible to avoid their breeding season. If hobby within 300m then a working method statement and phasing plan should be developed to that works do not disturb the Hobbys. Looking at the flight records of the Hobby from the past survey work it appears that this site is not critical habitat for these birds.

Landscape and Visual Impact:

This supplies supplementary information to clarify issues raised by the Council's consultant with additional visualisations requested by the Council.

The submitted addendum to the LVIA contains a cumulative sequential assessment on the main routes through the study area in addition to the main approaches to Hardwick Hall. It contains a review of 5 viewpoints in the context of cumulative effects (from Scarcliffe Church, Glapwell Lanes Farm, Glapwell, Hardwick Hall roof and Pleasley Hill) and an assessment of 4 additional viewpoints in the context of cumulative effects (from Stony Houghton, Ault Hucknall Church, Rotherham Road north of Scarcliffe and from Hardstoft).

With respect to the sequential visual assessment this concludes:

> "Sequential views from main routes within the study are currently characterised by wind turbines within the northern and southern parts while the central area is not, apart from more local views to the relatively small wind turbine at Shirebrook. The Roseland turbines would increase the sequential presence of wind turbines in the centre of the study area.
>
> When considered in the context of the appealed two turbine scheme at Losk Lane, the Roseland turbines would tend to have a limited additional sequential cumulative effect, particularly when seen from the west and east. The exception would be from local roads within 6km located on the limestone plateau and the B6417 where the Roseland turbines would be seen from the south over much of those routes in what would appear as a line of turbines comprising both the Losk Lane and the Roseland turbines and extending across significant parts of the users' view splays. This would cause significant cumulative sequential effects."

Historic Environment:

"Both the County and English Heritage make reference to the English Heritage guidance document *The Setting of Heritage Assets* (2011). However in both objections, it would appear the full process of determining the impact of RCWF on the setting of a heritage asset and ultimately the potential impact on the importance of the heritage asset has not been established and comments that "*substantial harm*" would occur to heritage assets are not clearly defined. This assessment considers that "*substantial harm*" *sensu* NPPF only results when the setting of a heritage asset is subject to an impact to such a degree that the appreciation and perception of the significance of the heritage asset itself is subsequently reduced by the effect of the scheme. The process adopted by the ES is in accordance with the English Heritage guidance (*ibid*)."

Additional clarification to the original heritage assessment is provided in relation to the impacts on various Conservation Areas and Listed Buildings.

Stony Houghton Conservation Area:

"As a result of the existing altered setting of the Conservation Area to the north [*views to the north are characterised by the existing pylons which dominate the horizon and distract from the visual quality of the area*] and as the majority of specified key views [*specified in the Stony Houghton Conservation Area Appraisal and Management Plan*] are orientated away from the proposed scheme and will therefore be unaffected, it is considered that whilst RCWF will result in harm to the setting of Stony Houghton Conservation Area, the level of harm will be less than substantial."

Scarcliffe Conservation Area:

The impacts relate to the setting of the Conservation Area in relation to views towards and over the Conservation Area from the north rather than the appearance of the Conservation Area itself. The upper parts of the turbines would be viewed directly behind the village from the B6417 and footpaths to the north.

St Leonard's Church within Scarcliffe Conservation Area:

"Due to the location of the church and village in a topographic fold of the landscape, the church tower is not prominent as a silhouette on the skyline, but is set against the adjacent farmland and woodland rather than the skyline. The church is not visually dominant within the landscape in mid to long views."

"The significance to the perception and appreciation of the Grade II* church due to changes within its wider setting would result in harm but not substantial harm to the significance of the

heritage asset."

Palterton Conservation Area:
"The topography of the village is significant to its character and is defined by its location on the escarpment and views westwards over the Doe Lea Valley. The immediate setting of the Conservation Area is defined by the thin strip fields that abut the Conservation Area to the west of Mansfield Road and more modern sporadic development around the area especially along Back Lane and Main Street."
"As the key characteristics of the Conservation Area are not being affected by the proposals it is considered the character and appearance of the area would not be impacted and would not result in substantial harm or a significant effect on the heritage asset."

Upper Langwith:
Due to topography there are limited views from within the conservation area to the scheme. The River is the central feature of the settlement. The scheme will not impact upon these elements of the appearance and character of the conservation area.

Sutton Scarsdale Hall:
"The significance of Sutton Scarsdale is derived from the inter-visibility with Bolsover Castle. However there is an approximate 50-degree angle of separation between the vista towards Bolsover Castle and the potential view towards the scheme from the eastern elevation of Sutton Scarsdale. As such there is a considerable separation of view and the scheme is not within this designed view." There will be limited visibility to the northern three turbines behind the ridge due to intervening screening by buildings and vegetation. "The perceived height of RCWF turbines will be substantially lower compared to the Losk Lane two turbine scheme such that they will appear approximately 2/3 of the height of the Losk Lane turbines". "The perceived lower tip height of RCWF when viewed from Sutton Scarsdale results in a reduced impact to this asset."
"In view of the degree of separation from Bolsover Castle, the limited visibility in the length of the array and the perceived lower tip height, RCWF will not dominate the view towards Bolsover Castle. Whilst the scheme will be visible on the ridge it will not interfere with the direct view towards Bolsover Castle or the appreciation of the interrelationship between the two heritage assets. RCWF would not cause a level of harm to the setting of Sutton Scarsdale Hall that would comprise the historical significance of the heritage asset."

Bolsover Castle:
"The significance of the castle is defined by its scale and massing stretching along the ridgeline within Bolsover town. The castle sits low on the ridgeline, but with a prominent façade, and is set within a backdrop of mature trees. It is set not in open countryside but within the modern development of Bolsover which now provides the focus of its setting."
Whilst Bolsover Castle is generally prominent along the ridgeline its prominence relates primarily to the scale and massing of its façade on a horizontal axis. It does not form a prominent vertical element within the landscape and its upper stories are typically aligned with the ridgeline in the majority of views.
"RCWF will not be particularly prominent along the ridgeline when viewed towards Bolsover Castle as the turbines will be partially screened by existing landform, built structures and vegetation from the majority of locations …. Whilst some visibility of the scheme will occur the turbines will typically be well separated from Bolsover Castle and given the limited scale and massing of the visible turbine array the scheme is not expected to compete with Bolsover Castle for prominence within the landscape. Existing views from the northwest are characterised by pylons and these will continue to characterise the views from this area

following the introduction of the scheme."
"Given the distance, degree of separation and intervening screening between the scheme and the Castle the introduction of RCWF into the landscape is not considered to represent a greater than moderate change to the overall setting of Bolsover Castle and its associated asset group. The scheme would result in limited harm to the setting of the castle and this would not result in the loss of significance to the heritage asset that will remain prominent due to its scale and massing and urban setting in the landscape."

Hardwick Hall Heritage Assets:
There is expected to be limited visibility of the scheme looking towards the proposed development from the New Hall with visibility of the scheme being expected to be limited to the upper storeys and roof of the north and east facing facades." "The nearest turbine is over 4 km away from the Hall and is located beyond the associated historic parkland. Although the scheme can be observed from the rooftop there is a clear sense of distance and separation between the heritage asset and the scheme so that the degree of harm to the setting of the heritage asset is reduced and the historical inter-relationship between the hall and park is not affected. There is no clear indication that views towards the proposed scheme from the roof top were of particular significance as a component of the setting of the heritage asset and the introduction of the turbines into this view given the degree of separation is not considered to reduce the historical significance of the New Hall as a heritage asset. It is not considered that the impact of the scheme on views from the New Hall will result in substantial harm to the Hardwick asset group."
The scheme will be visible from certain areas of the Registered Park, particularly to the north. Around half of the parkland will have no visibility and where views are predicted these will be partially screened or filtered by intervening vegetation. At the eastern edge of the park the nearest turbine will be over 3.2km away.
"Whilst RCWF will result in limited harm to the Registered Parkland, in view of the limited visibility of the scheme within the parkland, the separation of the scheme from the Parkland and the absence of the scheme from a majority of key designed views and walks it is not considered that the wind farm will dominate the visitor experience within the parkland or reduce or detract from the significance of the parkland as a heritage asset. The key significance of the parkland is its historical relationship to the Halls and its contribution to the setting to the buildings. The scheme will not affect this key relationship and is not considered to result in substantial harm to this asset."
"The Hall is set within a landscape of mature trees that reduces its prominence on the skyline in much of the wider landscape. There would be a good degree of separation between the turbines and the Hall when viewed from most locations, including in views and approaches from the west and north."
"The wider setting of the Hardwick heritage assets, beyond the associated parkland, have been compromised by modern development, which includes the construction of the motorway and moving traffic, modern settlement, pylons and mining. The wider landscape around Hardwick has continued to evolve and change throughout the centuries and does not represent an unaltered historical landscape. It is possible to distinguish between the historical parkland and the wider landscape, and this relationship would not be impacted by the scheme."
"Whilst it is recognised that RCWF would result in some adverse impacts to the Hardwick asset grouping, the degree of separation of the scheme from the assets and the limited visibility and screening predicted means that the scheme would not impact upon the historical associations and inter-relationship between the individual heritage assets of the Hardwick Group, which contribute to the overall significance of the group. The change to the wider setting of the Hardwick asset group will not reduce the historical significance of these heritage

assets and would not result in substantial harm to the Hardwick asset group. Any harm to the setting would need to be weighed against the wider public benefit of the scheme."

St John the Baptist Church Ault Hucknall:
"The setting of the church is defined by its relative isolation and adjacent farmstead located to the east of the church. The nearest turbine is over 3.2 km from the heritage asset and would not impact upon the key characteristics of its setting."
"The tips of the rotor will not be higher than the church tower and therefore will not dominate the skyline in views towards the church or overshadow the tower when viewed from the Public Right of Way" exiting Hardwick Park in this location.

Glapwell Lanes Farm:
The cumulative magnitude of effect of the Losk Lane and the RCWF scheme is considered to be moderate/substantial …. However, the significant effects relate primarily to the closer Losk Lane scheme and the addition of RCWF does not significantly increase the setting impacts to this asset over and above those associated with the Losk Lane scheme in isolation. Whilst the operation of the Losk Lane wind scheme may result in significant impacts to Glapwell Lane Farm, the introduction of RCWF scheme would not substantially increase these effects.

Below Ground Archaeology:
Four of the six turbine locations have been subject to geophysical survey and three turbines locations have been investigated via evaluation trenches. "Following the holding objection by the Development Control Archaeologist, a Written Scheme of Investigation has been prepared and approved by the Development Control Archaeologist for the investigation of two further turbine locations and access track based upon the assumption of higher archaeological potential."
"Given the current lack of archaeological discoveries and acknowledgement by the Development Control Archaeologist that the potential cropmarks near to (but not under) the location of Turbine 6 may be geological in origin rather than representing archaeological features it is suggested this additional archaeological work can be secured as a planning condition to any granted consent in advance of any groundworks within the scheme."

27th June 2013: a leaflet setting out the community benefits of the proposal has been submitted. This is being circulated in the area and a copy will be provided with this report.

CONSULTATION RESPONSES RELATED TO THE ADDITIONAL INFORMATION

Development Control Archaeologist (DCC):
The applicant has provided some new evidence in the form of additional viewpoints and visualisations, and also what amounts to 'rebuttal evidence' on a number of issues raised in earlier consultation responses. Makes additional comments in the light of new information, and also to highlight some key points arising from the recent High Court judgement in relation to the wind farm proposals at Sudborough, Northants, the recent written ministerial statement on local planning and offshore wind made by the Secretary of State for Communities and Local Government, and the (draft) Bolsover Local Plan Strategy proposed submission.

With respect to below ground archaeology acknowledges that the applicant has submitted a

Written Scheme of Investigation for additional evaluation but has not carried out this work. Therefore maintains holding objection in relation to below-ground archaeology, because of this non-compliance with NPPF para 128 through insufficient archaeological evaluation.

Visual impacts:
Considers the applicants approach falls into error in much the same way as the inspector in the Sudborough case – in placing sole emphasis on the ability of the public to understand the asset, and therefore results in the same failure to properly assess the overall magnitude of harm. By way of contrast, my comments on visual impacts (letter of 15th June 2012), clearly place assessments of harm within a contextual study of the contributions of setting to significance, and I therefore stand by the conclusions reached. It is my view that 'substantial harm' may be held to arise when there is significant disruption to those aspects of an asset's setting that make a strong contribution to its significance – that form part of the asset's *raison d'etre.*

The additional viewpoints reinforce the conclusions that the turbines would be prominent ridgeline features of a visually obtrusive scale which detract significantly from the ridgeline dominance of Hardwick Hall.

With respect to Scarcliffe church the additional viewpoint suggests that the church tower is not a hugely prominent landscape feature in middle to longer distance views, this aspect does not therefore contribute to its significance. However still feel that the views of the turbines from the church itself, above the historic built form of the village, which forms part of the church's setting, provides significant disruption and constitutes 'substantial harm'.

"Although the additional information is useful, therefore, I do not feel that it alters the overall conclusions of my earlier comments, that a large number of environmentally significant harms – substantial and less than substantial – will accrue to designated heritage assets from the proposed wind turbines. Whether substantial or not, such harms must be weighed cumulatively against the public benefit of the scheme – as acknowledged by the applicant in their additional submission."

"The Hardwick group of assets (Scheduled Monument, Grade I Park, Grade I Listed Building) is of particular importance in this weighing exercise as an internationally important heritage asset group probably outstripping even the Lyveden assets in significance ('perhaps the finest 16th century house in Europe' according to the applicant's heritage submission). The Sudborough judgement suggests that this high level of significance and sensitivity merits special weight when applying the statutory duty at Section 66(1) of the 1990 Act against other factors which have not been given this special statutory status (such as the benefits of renewable energy). The recent Written Ministerial Statement suggests that 'great care' must be taken to ensure the conservation of heritage assets in a manner appropriate to their significance. The draft Bolsover local plan policies cited above stress the landscape importance of the Magnesian limestone ridge and the landscape and heritage importance of maintaining the visual dominance of the historic houses there.

Weighing against the 'renewable energy' benefits of the scheme we therefore have:

1) A considerable number of environmentally significant harms to designated heritage assets (including harms assessed as 'substantial' by myself, English Heritage (the statutory consultee on designated assets), and the National Trust, to an internationally important asset group at Hardwick);
2) the considerable weight to be placed on the local authority's statutory duty at Section

66(1) of the 1990 Act as stressed by the Sudborough judgement;
3) the desirability of safeguarding the historic and landscape value of the Magnesian Ridge (draft local plan policies)
4) the government's clear recent emphasis on the 'great care' necessary to conserve the setting of heritage assets, and moreover, that 'the need for renewable energy does not automatically override environmental protections' .

Given the weight of these heritage considerations I therefore stand by my original recommendation (letter of 15th June 2012), that the application be refused consent." 24.06.13

English Heritage:
Concurs with the detailed comments of the Derbyshire County Council Development Control archaeologist, in particular with relation to the recent legal and policy clarifications by the High Court and DCLG respectively. English Heritage advice and recommendations stand as set out in our previous letter. For the avoidance of doubt recommendation remains the same i.e. objects and recommends refusal. 24.06.13

Heritage Conservation Manager (BDC): I have considered the additional information dated 8 May 2013, including the visualisation addendum. Whilst the information provides further clarification on issues raised in the consultee responses, I do not wish to make any additional comments and confirm that my previous comments still stand. 03.07.13

Local Highway Authority (DCC):
With regard to visibility, construction materials, surface water drainage, gradient and safety of other road users, no details have been forthcoming and I would question whether the 2.4m x 160m visibility sightlines required for an access onto a section of road subject to a 50mph speed limit can be achieved over controlled land. A survey to a scale of 1:500 should be submitted showing the proposed layout with the required sightlines. 28.06.13

No responses from the National Trust or Derbyshire Wildlife Trust at the time of writing the report.

PUBLICITY
Advertised in press (Chad). 12 site notices posted. 355 neighbours notified.
36 letters of objection; 7 letters of support/no objection. Further letters of objection and representation have been received since the report was first drafted (taking the total to 85). In addition a supportive petition and further letter of support have also been received. Further information and assessment will be presented in due course. The following analysis relates to the initial 36 letters of objection and 7 letters of support.

Main topics covered and number of times topic raised by a respondent (including some specific issues raised):

- Visual intrusion; raised by 17 objectors (blot on the landscape, interrupts unrestricted views over fields, towers over small villages).
- Impact on wildlife; 13 objectors.
- Noise; 12 objectors (close to housing, impact on wildlife, Stony Houghton acts like an amphitheatre with higher ground all round which magnifies extraneous sound)
- Adverse impact on listed buildings, conservation areas; 12 objectors (most make

reference to Hardwick Hall and Bolsover Castle; some refer to St Leonards Church Scarcliffe).

- Turbines are not cost effective nor cost efficient; 9 objectors (production of turbines itself results in carbon emissions).
- Unsuitable highway network; 6 objectors.
- Impact on horses using Balkham Lane a well used bridleway and other routes around Roseland – good area for off-road horse riding, noise and movement will force riders onto roads as too close to bridleway routes; 6 objectors.
- Heath impacts and mental stress from daily presence and noise disturbance; 7 objectors.
- Loss of countryside character and its beauty; 5 objectors.
- No benefits to the local community; 5 objectors.
- Noise, pollution and damage from construction works; 5 objectors.
- Loss of value to nearby houses; 4 objectors.
- Impact on Scarcliffe church tower when viewed from Bolsover and Langwith approaches, also view out of church/conservation area (already spoilt by anemometer); 4 objectors.
- Loss of productive agricultural land, 4 objectors.
- Impact on locality, adverse impact on tourism which is vital to the economy of the area; 4 objectors.
- Cost of decommissioning should be assured (e.g. through a bond); 4 objectors.
- Distraction to drivers; 3 objectors.
- More suitable locations elsewhere away from villages; 2 objectors.
- Impact on Shirebrook; 2 objectors (too close too big; will put off house buyers to new housing areas; change to landscape but with no jobs just when improving post-mining image).
- Impact on Stony Houghton Conservation Area, turbines would dominate rural environment destroying its setting; 1 objector.
- Impact on Scarcliffe generally, woods are renowned for beauty and history, history of Lady Constantia in relation to the village and the church attracts people to the area. 1 objector.
- No need as East Midlands target met; 1 objector.
- Shadow Flicker, 1 objector.
- Poll in Palterton gave an almost unanimous rejection of a windfarm is such close proximity to community; 1 objector.
- Impact of heavy traffic on Nightingale house Scarcliffe; 1 objector.
- Impact of flashing aviation lights on passing traffic and local residences; 1 objector.
- Unpredictable damage to natural ground drainage, Stony Houghton particularly vulnerable; 1 objector.
- Impact on ancient hedgerows and SSSI at Pleasley Park Wood (within 2km); 1 objector.
- Location and appearance of electrical control building not clear; 1 objector.
- Access off Common Lane would be very dangerous, fast traffic, dips which are blind, accident spot and flooding; 1 objector.

Human Rights Issues raised by 2 objectors:

- Human Rights applies to UK; inequality as Scotland has guidance for 2km distance to housing, Wales 500m, England none although 350m suggested for noise; to ensure equality should use 2km distance.
- Destroys communities and affects health and well being of people living there – respect for private and family life breached.

Procedural comments:

- Formal request that both applications (Losk lane and Roseland) be considered together so that full cumulative effect is considered, also that meeting is held in an evening or Saturday morning; 3 objectors.
- Request blimp at all 6 locations; 3 objectors.

6 letters of support/no objection:

- Will help tackle climate change; 4 supporters.
- Generates funding for local groups/other local benefits; 4 supporters.
- Energy efficiency and financial sustainability; 1 supporter.
- Will offer £75,000pa for the benefit of the community, almost £20m over life of project helping enterprise support projects, apprenticeships, educational projects and some to local community groups. Environmental impact will benefit the area, national limitations on carbon emissions. Will not detract from natural beauty; 1 supporter

Letter of support from Derbyshire and Nottinghamshire Chamber of Commerce:
Not aware of any objections by local businesses, concept of proposal has a synergy with enterprise support and spin-off aspects such as the active participation of apprentices. Any likelihood of funds being reinvested into a former mining area at a time of acute economic pressure is a welcome development. DNCC firmly committed towards carbon reduction of the business community. Endorses the proposal.

POLICY
National Policy:
The Government is committed to achieving 15% of its total energy supplies from renewable sources by 2020. The Government's *UK Renewable Energy Strategy* raised the expectation to 30% and this has been reiterated in subsequent documents like the Overarching *National Policy Statement for Energy (EN-1)* (July 2011). The *UK Renewable Energy Roadmap* (July 2011) explains that at 2010 3.3% of the country's total energy demand had been provided from renewable sources. *The Carbon Plan* (December 2011) acknowledges that there is a need for a dramatic increase in the amount of renewable electricity generation.

National Planning Policy Framework (NPPF)
On 27 March 2012 the *National Planning Policy Framework* (NPPF) was issued. Annex 3 gives a list of documents replaced by the NPPF that includes Planning Policy Guidance and Statements. Nevertheless, as advised in the Government response to the Communities and Local Government Select Committee Report: National Planning Policy Framework dated March 2012 until such time as the guidance review is complete, the existing supporting guidance where relevant can still be used. Therefore the *Companion Guide to Planning Policy Statement 22 Planning for Renewable Energy* (CG PPS22) is relevant.

In relation to meeting the challenge of climate change, the NPPF states 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.

The NPPF provides that the planning system should contribute to, and enhance the natural and local environment. There should be a positive strategy for the conservation and enjoyment of the historic environment. In doing so, there should be recognition that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Latest Government statement (06.06.13)
The Secretary of State has recently announced in a statement to Parliament that secondary legislation will be amended to make pre-application consultation with local communities compulsory for significant onshore wind applications. In addition to ensure the correct environmental balance is achieved to reflect concerns that insufficient weight is being given to considerations like landscape, heritage and local amenity, new planning practice guidance will be issued to assist local councils and planning inspectors in their consideration of applications. The Secretary of State stated that this guidance will clearly set out:

- " the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities
- decisions should take into account the cumulative impact of wind turbines and properly reflect the increasing impact on (a) the landscape and (b) local amenity as the number of turbines in the area increases
- local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape (i.e. recognise that the impact on predominantly flat landscapes can be as great or greater than as on hilly or mountainous ones)
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting."

The Statement is being brought to the attention of planning inspectors and local government to assist forthcoming decision making. However it is not considered great weight can be given to this Statement as the guidance has not been published.

Development Plan Policy:
Bolsover District Local Plan (BDLP)
Relevant saved policies are:-
GEN1 (Minimum Requirements for Development)
GEN2 (Impact of Development on the Environment)
TRA12 (Protection of Existing Footpaths and Bridleways)
CON4 (Development Adjoining Conservation Areas)
CON10 (Development Affecting the Setting of Listed Buildings)
CON13 (Archaeological Sites and Ancient Monuments)
ENV2 (Protection of Agricultural Land)
ENV 3 (Development in the Countryside)
ENV5 (Nature Conservation Interests Throughout the District)
ENV6 (Designated and Registered Nature Conservation Sites)

Other:

Emerging Local Plan - Bolsover Local Plan Strategy

The submission version has been published (i.e. the version of the Local Plan Strategy which the Council intends to submit to the Secretary of State). The 6 week period for comment finished on 14th June 2013.

Policies GEN2, TRA12, CON 4, CON10, CON13, ENV5 and ENV6 of the Bolsover District Local Plan are being retained for the time being, to be reviewed during preparation of the Allocations and Policies Document (see Appendix B: 'Policies in the Bolsover District Local Plan which would be replaced by Local Plan Strategy Policies if they were to be adopted').

Policy GEN1 is superseded by various policies LP 1, 3, 12 & 13 which have a common thread to protect and enhance the character and quality of local landscapes and the wider countryside.

Policy ENV2 is superseded by LP17 which similarly protects the best and most versatile agricultural land.

Policy ENV3 is superseded by LP13 which allows development in exceptional cases where the landscape appearance and character is safeguarded and enhanced, built development is well integrated with existing development, and supports the rural economy as referred to in policy LP30.

Policy LP30 makes provision for renewable energy generation of a scale and design appropriate to its location provided it relates to employment generating development and will help to support a sustainable rural economy and contribute to rural environmental or social regeneration.

Policy LP18 (Sustainable Construction, Renewable Energy and Energy Conservation) provides the policy for identifying suitable locations for large scale wind power development in the District. The supporting text indicates that large scale means any number of turbines producing in excess of 3MW and a map gives an indication of less constrained areas of the district which may be suitable for such development. The background for this policy includes the *Renewable Energy and Low Carbon Study (2009)* which is discussed below.

The Local Plan Strategy has little weight at the present time, it is apparent that representations have been received relating to renewable energy generation in particular to wind turbines, and the protection of the limestone ridge (escarpment) from development to protect its special landscape character.

However the policies of the local plan strategy and the principles of those identified as to be retained from the adopted local plan can be considered to be consistent with the principles of the NPPF.

Renewable Energy and Low Carbon Study (2009) forms part of the evidence base for the new Local Plan. 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 is informing 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 planning applications. However it does show constrained areas and less constrained areas for wind

turbine developments, which broadly identifies the area around Roseland Wood as a less constrained area for large scale wind power.

Planning for climate change – guidance for Local Authorities – April 2012 Planning & Climate Change Coalition (Town & Country Planning Association, Friends of the Earth and over 35 cross-sector organisations including the RTPI, CPRE, National Trust, Wildlife Trusts Landscape Institute etc) which sets out principles and good practice for development management approaches to renewable and low carbon energy generation projects.

The East Midlands Regional Plan (EMRP) was published in March 2009 and was revoked by Order on 12th April 2013 and therefore carries no weight.

Duty with respect to Heritage Assets:
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications which affect a listed building or its setting, the local planning authority "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 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications with respect to any buildings or other land in a conservation area "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

ASSESSMENT
Principal of development of Renewable Energy Proposal.
It is clear from the current national policy (as summarised above) that renewable energy generation is encouraged. As stated in 'Planning for Climate Change' which provides guidance for local authorities, planning decisions should not prevent, delay, or inhibit proposals for renewable energy and associated infrastructure having regard to the objectives and advice in the guide. This includes giving significant weight to the wider environmental, social and economic benefits of renewable energy projects recognising that such projects provide a valuable contribution to the local area and contribute to security of supply and to cutting greenhouse gas emissions. Planning permission should not be rejected because the level of output is small. In accordance with the NPPF the overall need for renewable or low carbon energy does not need to be demonstrated. Applications should be approved unless material considerations indicate otherwise. In principle then national policy seeks to encourage wind turbine developments.

With regard to the policies of the local plan the site is not within a greenbelt and the maximum loss of agricultural land which could result from the proposal is minimal, comprising the surface area of each turbine tower foundation (in the region of 240 sq m each) and the area of the crane pad to be installed for the erection of the turbine (800 sq m each turbine) which would be partially and temporarily reinstated by covering with previously excavated top soil and allowed to regenerate naturally (i.e. not restored to productive agricultural use); 6240 sq m in total most of which will be backfilled and available for crops. Policy ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) of the Bolsover District Local Plan (as supported by policy LP17 of the Bolsover Local Plan Strategy) will only allow development which involves the loss of grade 2 agricultural land if

there is a strong need to develop on the particular site which overrides the national need to protect such land. Need is dealt with by the NPPF which states that applicants no longer need to demonstrate the need for renewable energy and that applications for renewable energy should be looked upon favourably. Agricultural use can continue up to the area of the turbine foundation.

The total area of land covered by the proposal would only be a small proportion of the application site. The majority of the site will therefore remain in agricultural use. It should be noted that the national need to protect agricultural land must be balanced against the national need to increase the amount of energy generated from renewable resources. Furthermore it should be recognised that most renewable energy resources can only be developed where the resource exists (in this case higher wind speeds) and where economically feasible. Therefore having regard to the nature of the proposal and to Government advice it is considered that the relatively small loss of agricultural land normally protected under policy ENV 2 is heavily outweighed by the benefits offered in terms of renewable energy generation.

The site is within the countryside where policy ENV3 (Development in the Countryside) 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 (i.e. a windy site) the principal of the proposal is acceptable in the terms of this policy (ENV3) subject to its impact on the rural landscape which is considered below along with other material considerations.

The proposed windfarm is therefore considered to be acceptable in principle being in accordance with national policy and guidance as expressed through the NPPF (unless material considerations indicate otherwise), and generally in compliance with policy ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) and the aims of policy ENV3 of the Bolsover District Local Plan. However there are several material considerations which need further consideration including the Secretary of State's recent statement which seeks to readdress the balance between the need for renewable energy, environmental protections and the planning concerns of local communities.

Landscape and Visual Impact

The proposal will undoubtedly have an impact on the character and visual amenity of the area. Such large structures in this location will be seen from great distances; from the East where power stations on the River Trent can be seen on clear days and from the west on the eastern edges of the Peak District. Existing wind farms at Rainworth, Loscar Farm and Penny Hill (M1/M18 junction) are also visible in the right conditions.

The turbines are set back from the escarpment edge, the nearest being approximately 1500m from the edge with the rest further east. They are at ground levels lower than the scarp edge ranging from around 130m AOD to around 160m AOD, the scarp ridge being around 180m AOD. Various localised landscape features (blocks of woodland, buildings, trees, hedgerows, and local topography) combined with the distance from the ridge edge help to reduce the prominence of the turbines. They do however still remain as significant visual features, their height emphasised by the kinetic properties from their moving blades.

At closer distances the impact of the turbines changes with the same local landscape features, sometimes they are dominant and at other viewpoints, hidden.

Prominent features in the vicinity of the wind farm site include Roseland Wood which covers the hill top between Scarcliffe and the site, the overhead power line on pylons which crosses in a generally east – west direction passing over the scarp edge into the Doe Lea valley, the single wind turbine at Shirebrook Academy (36.5m hub height, 46.1m to blade tip height), Palterton village on the scarp edge, with further to the north Bolsover Castle and to the south Hardwick Hall. In this setting the turbines will be seen as modern (renewable energy) structures in a predominantly rural landscape. From wider (and more distant) viewpoints they will be seen in the context of other distant wind farms.

The Councils consultant on the landscape and visual impact of the proposal is on the whole in agreement with the findings of the submitted assessment. She indicates that the Statement of Significance in the submitted LVIA is a useful summary of the findings of the assessment. This is therefore quoted in full below. [For information RLCT6d is Regional Landscape Character Type 6d which is Limestone Farmlands and LLCA is Local Landscape Character Area which also relates to Limestone Farmlands.]

> **"**6.8 Statement of Significance
> 6.8.1 For the purpose of this assessment, construction and decommissioning effects are considered temporary and operational effects permanent. All effects of the proposals have been found to be adverse.
>
> 6.8.2 The incidences of significant effects on landscape resource would occur at a local scale in terms of the 27 km radius study area as a whole. The proposals would cause significant adverse and permanent effects on RLCT6d and LLCA Limestone Farmlands in terms of the physical criteria of "Landscape scale and openness" and "Landscape Pattern and Foci" within 2 km of the development site. The character area is well represented within the study area however.
>
> 6.8.3 The incidences of significant effects on visual amenity would be wider spread, occurring at distances of up to 6.4 km from the nearest turbine. The six turbines and anemometer mast would constitute the elements of the proposals causing the greatest visual effects.
>
> 6.8.4 Significant operational effects would be likely to occur at thirteen of the Viewpoint locations all located within 6.4 km of the development site. Effects of the temporary construction period would significantly affect fewer locations (five) at a distance of up to 5.5 km due to the limited number of receptors overlooking the ground level area of the development site and the static nature of the turbine blades.
>
> 6.8.5 Significant temporary and permanent effects would occur on view from nine dwellings located within 2 km of the development site. Although substantial and permanent, views to the turbines would not be overbearing or oppressive from uninvolved properties.
>
> 6.8.6 Significant operational effects would occur at settlements located within 1.6 km of the nearest turbine at Stony Houghton, Scarcliffe and their Conservation Areas, and at Shirebrook. From each of these settlements, views to the operational turbines within

close proximity would result in an increase perceived levels of development within their rural context. The dominant presence of the turbines in views into and out of the historic cores of Stony Houghton and Scarcliffe would have a significant effect on the historic character of their Conservation Areas. Other than from the western edge of Scarcliffe, ground based elements of the construction stage would not be visible from these settlements. Other settlements would not be significantly affected.

6.8.7 Views to construction and operational elements of the proposals in close proximity would cause significant temporary and permanent sequential effects on users of the public footpaths and bridleways within 3 km of the centre of the development site. In these locations, the presence of the turbines would change the experience of users, industrialising what is presently a rural agricultural landscape. Within the development site itself, effects may be oppressive to some users, although the turbines would comply with British Horse Society stand off guidance.

6.8.8 Recreational users of the nationally popular visitor location of Hardwick Hall would be significantly affected. Views to the turbines on the main approaches to the Grade I Listed Building New Hardwick Hall; and from the parkland landscape, which is designated Country Park, Conservation Area and Registered Park and Garden, would have a significant effect on the experience of visitors. In terms of landscape character and visitor experience, views to the turbines within the context of Hardwick Hall, the Grade II* Listed Church of St. Leonards at Scarcliffe, and the Conservation Areas at Stony Houghton and Scarcliffe would also have significant effects.

6.8.9 Significant temporary and permanent visual effects would occur on the character areas RLCT 6d Limestone Farmlands and LLCA Limestone Farmlands within the development site and surrounding area up to 2 km from the turbines Beyond this it is considered that the large scale of the landscape character within the limestone plateau would have capacity for the turbines within views.

6.8.10 Assessing other wind farms alone and together, the proposals at Roseland would tend to have limited cumulative landscape effects. The proposals could cause significant adverse effects on the characteristics of scale and openness, settlement and landscape pattern and foci of RLCT 6d Limestone Farmlands within 2 km. It is unlikely that landscape effects would be significant beyond 2 km due to the robust nature of the key characteristics of the character area. Should the turbines at Losk Lane be constructed in addition to the turbine at Shirebrook Academy, the Roseland turbines would cause wind turbines to become a key characteristic of the RLCT within the study area.

6.8.11 Significant cumulative visual effects caused by RCWF with LLWF would tend to occur close to the development site and users of the minor road on the south side of the development site. Receptors would include residents at Stony Houghton; and users of sections of the Archaeological Way and other footpaths. In these locations the turbines at Roseland would dominate the view and cumulatively increase the effect of LLWF wind turbines. The proposals would have significant visual effects within a relatively small area. The proposals at Roseland would have significant effects with the approved turbine at Shirebrook Academy in the Shirebrook area. The proposals at Roseland would have significant cumulative effects with the three application turbines at LLWF. Receptors affected would be public right of way users and residents within 2 km to the south, east and north of Roseland Wind Farm.

6.8.12 The significant effects listed above would have implications on Bolsover District Local Plan Policy CON 4, Con 10, CON 13; Bolsover LDF Core strategy policy CS 13; Bolsover SPD; Bolsover District Council The Historic Environment: Supplementary Planning Document and English Heritage guidance.

6.8.13 All onshore wind farms are likely to give rise to some significant effects on landscape character and visual amenity due to the height of turbines relative to existing structures within the British landscape. Significant effects caused by the proposals would occur within a limited part of the study area but would affect some highly sensitive receptors. This assessment has identified that the landscape and visual effects of the proposals are likely to be adverse largely due to the undeveloped nature of the development site. In line with best practice, this reflects an impartial and "worst case approach and does not take account of individual personal preferences, which in the case of wind farms, are often polarised."

The statement finishes with a table which summarises the impacts on landscape resource and visual amenity within the study area which have been found to be significant.

However it is agreed that the concluding statement at paragraph 6.8.13 above is reasonable.

Impact on Residential Amenity:

The Landscape and Visual Impact study considered above includes an assessment of impact on views from 9 dwellings located within 2 km of the development site. It concludes that, although substantial and permanent, views to the turbines would not be overbearing or oppressive from uninvolved properties. 30 properties or groups of properties were identified within 2km of the nearest turbine. It is considered that beyond this limit significant adverse effects are unlikely to occur.

The planning system exists to regulate the use and development of land in the public interest and there is public interest in avoiding the effects of climate change. The outlook from private property is a private interest not a public one. However, where the visual impact of a proposal is such as to cause unreasonable living conditions/amenity for the occupants of individual homes, and might be widely regarded as making the property an unattractive place in which to live, that is a legitimate matter of public interest.

Visual effects are one element of residential amenity and must be judged having regard to, in particular, the layout of the dwelling, the aspect and use of its garden and entrances to, and exits from the property. Therefore not all properties would have harm to their residential amenity to the same extent as a result of a turbine or turbines being visible. However there is a wider aspect of visual amenity to consider from using the highways and footpaths in the area to gain access to and from their properties.

The 9 properties/groups of properties identified as experiencing significant effects in relation to visual impact because they have either

- Direct, open views from main ground floor windows or
- Oblique open or direct semi-screened views from main ground floor windows;

are:

Devonshire Farm Stony Houghton; Meadow View, Hall Farm Stony Houghton; Spring Cottage, Stony Houghton; Elm Tree Farm Stony Houghton; Harrisons Garden Centre

Common Lane Shirebrook; and The Pumping Station House Balkham Lane Shirebrook all of which are considered to have direct views of one or more turbines.

Hall Farm, Stony Houghton; The Old Stables, Hall Farm, Stony Houghton; 1 – 4 Rock Cottages, Green Lane Stony Houghton; all of which are considered to have oblique open or direct semi-screened views of one or more turbines.

They are all located within 0.9km of the nearest turbine to the south or south east. From these dwellings there would be clear views to at least one turbine in close proximity. It is likely that views to the anemometer mast would contribute to significant adverse effects at properties within Stony Houghton. These elements would be seen within outlooks which are currently of a generally undeveloped, agricultural landscape.

For reasons of topography and proximity The Pumping Station House is probably the most affected dwelling although views of turbines 5 and 6 are screened through deciduous and coniferous tree canopies. There are likely to be clear views of the blades of turbine 4 and oblique views of turbine 3 all from the ground floor, in particular from the conservatory. Views from the upper floor main bedroom will be of turbines 5 and 6 but again with screening by the trees.

Roseland Farmhouse is the closest dwelling to any turbines, however its main outlook is north-south with the turbines to the north-west and west. There are also intervening farm buildings. The main visual impacts would be to users of the external paddocks and stables on this western side of the farm complex. Some of the turbines are on land farmed by the tenant farmer of Roseland Farm which is owned by Chatsworth Estates.

The landscape and visual assessment also included the views from settlements and the developed parts of conservation areas. Although there are considerable levels of development within a 27 km radius area, the visual assessment has found that significant effects are unlikely to occur beyond 7 km of the development due to the level of development within the broader view.

A detailed assessment of the impact of the wind farm on the following settlements was carried out:
Stony Houghton; Shirebrook; Scarcliffe; New Houghton and Pleasley; Glapwell; Palterton; Upper Langwith; Nether Langwith; Bolsover; Bramley Vale and Doe Lea; Mansfield, Heath, Whaley; Sutton Scarsdale; Stainsby; Holmewood; Market Warsop and Church Warsop; Astwith; Long Duckmanton; and various other settlements located beyond 6km from a turbine.

“Moderate/substantial operational effects would occur at Stony Houghton (and Conservation Area), Shirebrook and Scarcliffe (and Conservation Area) assessed as complete settlements. From each of these settlements, views to turbines within close proximity would result in an increase perceived levels of large-scale development within their rural context.”

“Views of the turbines into and out of the historic cores of Stony Houghton and Scarcliffe would have a significant effect on the historic character of their Conservation Areas.”

“Significant effects would not occur on settlements located beyond 1.6 km from the nearest turbine.”

Paragraphs 6.8.5 and 6.8.6 of the Statement of Significance quoted above provide a reasonable conclusion to the impacts of the development as it relates to the visual dominance of the proposal on residential amenity at the nearest dwellings and the nearest settlements. The direct affects on residential amenity in relation to potential noise nuisance and shadow Flicker are considered below. There will be significant impacts on such visual amenity.

Noise:
Subject to appropriate conditions to monitor and require mitigation it is considered that noise should not be an issue as noise levels are predicted to be within acceptable limits as established in the Noise Impact Assessment and agreed with the Councils Environmental Health Officer.

Shadow Flicker:
Subject to appropriate conditions to monitor and require mitigation it is considered that shadow flicker should not be an issue and can be controlled through an appropriate condition if a problem becomes apparent.

Air traffic and Air waves:
Issues raised in relation to TV reception can be controlled by an appropriate condition to require mitigation/remediation of any problems.

Ecology:
The response from Derbyshire Wildlife Trust (DWT) assesses the potential impact of the development upon nature conservation and ecological issues. The applicant has responded to issues raised and a further response is awaited from DWT. However it appears that there are no impacts on nature conservation interests which would justify refusal of the application subject to appropriate mitigation, and appropriate and reasonable compensatory measures to avoid or minimise disturbance to issues of importance. Conditions can control such requirements.

Highway Safety:
The highway authority is giving further consideration to the routing of delivery vehicles and abnormal loads between the M1 and the site following the receipt of the additional information. It is unlikely that any access problems will be insurmountable and solutions achievable through appropriate conditions or highway agreements.

Decommissioning:
The applicant has indicated the decommissioning of the wind farm is covered in the lease agreement with land owner which includes provision of a bond. It would be reasonable to include a condition which requires, prior to decommissioning (or on the cessation of electricity generation by any turbine for more than 12 months) a method statement for decommissioning to include details of restoration of the land.

Tourism
It is considered that, for those people who do have a negative attitude towards turbines, the proposal is likely to have some effect on the enjoyment of tourists when visiting these destinations. However in the case of Bolsover Castle this would be mostly limited to the

experience travelling to and from it by road where most views of the turbines would be achieved.
The turbines are unlikely to be prominent when seen from the Castle by tourists and so would have negligible effect on their enjoyment once they have arrived.
In addition to the journey to and from Hardwick Halls/Park there would be some limited views of the turbines from parts of the north and eastern areas of the park (tourists are not usually allowed on the roof of the New Hall where there would be views of the turbines and the upper windows have closed curtains preventing direct views). But due to the distance from the application site, tree coverage and landform, and the fact that most tourists are primarily focused on the Halls and formal gardens and are mostly concentrated in the parkland close to the Halls and on the lower western side of the park it is considered that the harm to the visitor experience once at Hardwick is unlikely to be significant.
Overall it is considered unlikely that the proposal would result in a material reduction in the number of visitors to these attractions or to the District. Indeed the applicant has suggested that the community wind farm would have the potential to become a tourist attraction (and educational facility).

Below Ground Archaeology:
The Development Control Archaeologist (DCC) considers that the Written Scheme of Investigation to determine if any below ground remains are present on the site of 2 of the turbines should be carried out before the planning application is determined. Trial trenching and a geophysical survey have been carried out for the other turbines. Such works on the remaining turbine sites have not been carried out to avoid disturbance to the farmer and his crops. The applicant suggests a condition requiring these investigations before any groundworks associated with the development commences. The Archaeologist considers that the applicant has failed to establish the significance of archaeological assets on the site as required by the NPPF policy 128. This policy requires applicants to describe the significance of any heritage assets affected with the level of detail proportionate to the assets importance and no more than is sufficient to understand the potential impact on their significance.
The applicant has undertaken archaeological investigations in relation to the site of 4 of the turbines and is prepared to commit to similar investigations to the site of the remaining 2 turbines. The results so far have found no archaeological remains even though there is potential in the area. These results indicate that the archaeological potential of the site is low and that if any remains are present they are unlikely to be of such magnitude to prevent the development. It seems therefore reasonable and proportionate to require further investigation by condition prior to any other groundworks on the development taking place.

Impact on the setting of heritage assets:
The applicants consultant on heritage matters has carried out a detailed assessment of the impact of the development, the conclusions differ from those of English Heritage, the National Trust and the Councils Conservation Manager. A further consideration is the refusal of planning permission for the Losk Lane Wind Farm for 2 similar wind turbines further west and therefore closer to the escarpment edge and, accordingly, with increased visibility and prominence.

The submitted heritage assessment is summarised earlier in the report under the proposal description (Archaeology and Heritage section). This concludes that for most of the heritage

assets there will not be significant impacts from the proposal. The exceptions are Hardwick Hall and Park and related historic buildings, where the magnitude of change on the setting is considered to be medium and the effect therefore moderate/substantial. This is a significant adverse impact on the setting of this asset. Similarly the setting of Hardwick Conservation Area will be significantly affected. There will be a moderate/substantial effect on the setting of Scarcliffe church (grade II*). There will be significant impacts on the settings of Stony Houghton and Scarcliffe Conservation Areas.

Reference should also be made to the additional information submitted by the applicant which responds to the issues raised by the heritage consultees. Generally following further discussion of impacts on various heritage assets (Listed Buildings and Conservation Areas) this recognises that there will be impacts but that these do not change the historical significance of the assets to the extent that there is substantial harm.

A detailed summary of the responses from the heritage consultees and subsequent comments following consideration of the additional information provided by the applicant appear earlier in this report. English Heritage and the Development Control Archaeologist consider that there will be a large number of environmentally significant harms (substantial and less than substantial) to designated heritage assets. Such harms must be weighed against the public benefits of the scheme. More specifically English Heritage believes there will be substantial harm to the significance of the Hardwick asset group and harm to Bolsover Castle and Sutton Scarsdale Hall; there will be substantial harm to the significance of St Leonard's Scarcliffe, Stony Houghton Conservation Area, Scarcliffe Conservation area Palterton Conservation Area and Hardwick Conservation Area.

The Councils Heritage Conservation Manager in a detailed assessment (see consultee comments earlier in the report) concludes that there will be harm to a number of heritage assets: Bolsover Castle; Hardwick Hall, Park and Garden; Sutton Scarsdale Hall; St Leonard's Church Scarcliffe; St John the Baptist's Church Ault Hucknall; Glapwell Lane Farm; and the Conservation Areas of Palterton, Stony Houghton, Scarcliffe, Hardwick & Rowthorne and Upper Langwith. The harm arises from the scale and visual dominance of the turbines on the ridge in the context of the human scale of the heritage assets affected.

There is no statutory definition of 'substantial harm'.

The NPPF defines 'setting of a heritage asset' as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." There appears to be an acceptance in this definition that as changes occur to the surroundings of a heritage asset that its setting will also change.

Additional guidance on definition of setting is provided in current English Heritage Guidance: The Setting of Heritage Assets 2011(section 2.2) "…setting embraces all the surroundings (land, sea, structures, features and skyline) from which a heritage asset can be experienced or that can be experienced from or with the asset.
Setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area…."

NPPF policy 132 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

The fact that modern high structures such as turbines might be visible from, or in the same view as a listed building or would be seen from, towards or across a conservation area does not necessarily make them unacceptable. The issue is whether such structures cause harm to heritage assets and whether such harm is substantial. Such structures will be seen as modern intrusions into the rural landscape within which are various heritage assets, most notably Hardwick Hall and Bolsover Castle, together with other 'modern' (when compared to the original setting of these heritage assets) additions to the landscape (e.g. motorway, industrial buildings, residential development, pylons, radio masts, etc). Do wind turbines because of their size and location (higher land to achieve appropriate wind resource) dominate or change the landscape to such an extent that the historic setting of the heritage assets cannot be appreciated?

The location of the Roseland Wind Farm has less impact than the Losk Lane Wind Farm being set further back from the ridge line with turbines arranged almost in a line receding westwards, but does involve 6 turbines. They will nevertheless be prominent features which break the sky line.

Bolsover Castle in distant views and for example when seen from Sutton Scarsdale Hall, is seen against a hillside and only becomes prominent (by breaking the skyline) in more local, closer views (views which are less likely to include the wind farm).

With Hardwick Hall the views of the 'towers' usually break the skyline in which case even though distant the windfarm is likely to be the dominant feature in views, particularly from the west and south west, (because of the moving blades) before identifying Hardwick Hall. The wind farm would also be seen in various views from Hardwick Hall (mainly from the roof as the glazing of the Hall does not allow clear views when exposed) and from an assortment of vantage points within the Park (many views would be filtered by trees and other landscape features). English Heritage, the Development Control Archaeologist and the National Trust consider this represents part of the argument that there is substantial harm to the setting of Hardwick Hall and its group of heritage assets. Clearly the proposed wind farm does have an adverse impact on Hardwick Hall, the issue is whether this is 'substantial' or not.

In accordance with the NPPF, if there is 'substantial' harm to the significance of heritage assets, as identified by English Heritage, 'wholly exceptional circumstances' are needed to justify such substantial harm to those assets, taking onto account the councils legislative duties. Where there is harm to other heritage assets, 'exceptional circumstances' are required to justify such harm. The issue of (wholly) exceptional circumstances is discussed later. English Heritage (the Governments national advisor on heritage matters) clearly considers that there will be substantial harm to the significance several historic assets as described in a preceding paragraph. This view is supported by the National Trust and the

Development Control Archaeologist.

Following the recent High Court judgement in relation to a wind farm proposal at Sudborough Northamptonshire, which impacted on Lyveden New Bield (a Scheduled Monument, grade 1 Listed Building and Grade 1 Registered Garden) it was established that considerable weight and importance should be given to the Councils statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their settings when weighing this factor with other material considerations which do not have such special statutory status. The similar duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas will also need to be given appropriate weight in the determination of the application and is discussed separately below.

Local Plan Policy CON10 (Development affecting the setting of Listed Buildings) is listed as a policy to be retained for the present time (until the preparation of the Allocations and Policies Document) in the Bolsover Local Plan Strategy (the emerging local plan). This policy seeks to preserve or enhance the setting of a listed building.

Impact on the character and setting of Conservation Areas
The Council's Heritage Conservation Manager has in her response to the application considered the impacts on various heritage assets concluding that the character and appearance of Palterton, Stony Houghton and Scarcliffe Conservation Areas would not be preserved nor enhanced, that there would be an impact on Hardwick and Rowthorne Conservation Area. The proposal will have a detrimental impact on the setting of St Leonards Church Scarcliffe (grade II*), there will be a degree of harm to St John The Baptist, Ault Hucknall (grade 1). There will be significant impacts on the historic assets of Hardwick, harm to the historic significance of Bolsover Castle, less than substantial harm to the setting of Sutton Scarsdale Hall, and less than substantial harm to the grouping of these 3 iconic assets in the Vale of Scarsdale. There will be less than substantial harm to the setting of Glapwell Lanes Farm (grade II). English Heritage and the Development Control Archaeologist have similar if stronger conclusions.

Local Plan Policy CON4 (Development adjoining Conservation Areas) is listed as a policy to be retained for the present time (until the preparation of the Allocations and Policies Document) in the Bolsover Local Plan Strategy (the emerging local plan). This policy seeks to preserve or enhance the special character and setting of conservation areas.

Conclusion on impact on heritage assets
It is therefore considered that there would be harm to the setting of listed buildings and harm to the special character and appearance of various conservation areas; (the degree of harm depending on interpretation, distance, and relative importance of the heritage asset), which would be contrary to the policies of the development plan (CON4 & CON10 of the Bolsover District Local Plan). This consideration takes into account the duty to special regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Scheme benefits
The proposal accords with the Governments policy and commitment to obtaining a substantial proportion of energy through renewable sources. (see the beginning of the assessment).

Roseland Community Energy Trust Community Interest Company (CIC), set up Roseland Community Wind Farm LLP (RCWF) to develop, operate and distribute the profits of the windfarm. RCWF has the ability to lease the land, raise commercial finance, etc. The corporate structure of RCWF ensures that the asset and all the profits are locked in for the benefit of the local community. All profits are passed to the CIC which is owned jointly by Community Voluntary Partners (CVP) and Local Enterprise Organisation for Derbyshire and Nottinghamshire. (LEO Charity).
For information a Community Interest Company is a special type of limited company which exists to benefit the community rather than private shareholders. This includes a 'community interest statement ' which explains the company's business plan and includes an 'asset lock' which is a legal promise that the company's assets will only be used for its social objectives. A CIC is approved and regulated by the Community Interest Company Regulator
CVP will get 60% where a Community Investment Panel, involving representatives from all parishes in Bolsover District, will determine how the money should be spent.
LEO will distribute the remaining 40% through the local LEO D&N charity to teach enterprise in secondary schools, support new and existing local enterprise, and develop new social enterprise in the Bolsover, Ashfield and Mansfield area
Before submission of the application and during its consideration consultation by the applicant with the local community has been carried out and various suggestions for community support made, including: small grants scheme (for example to support youth activities, sports, dance, art, lunch clubs, trips, environmental improvements, history and heritage activity); initiatives to tackle poverty and social exclusion (for example budgeting and debt reduction, supporting food banks, community gardening schemes, improving transport, tackling fuel poverty through home insulation and small scale renewable installations); helping local people to create new businesses, support apprenticeship; raising aspirations, skills and creating opportunities for young people. (Information provided by the applicant – see separate leaflet).
Members of the community will be able to invest in the project.
The leases of the land requires any other tenant to be a community charity or community organisation as a covenant requires profits to be distributed to the local community.

The scheme will bring to the area various economic and social benefits which it would otherwise be unlikely to be able to achieve, and which would not be available through a private developer and operating company to the extent proposed. This would be one of the biggest community owned wind farms in the country.

As a result of the nature of the developer and operational company, i.e. a Community Interest Company, and the nature of the proposal, which offers substantial social and economic benefits to the area by returning all the profits back to the community, this is considered an (wholly) exceptional situation. In these circumstances, if planning permission is granted, it would be appropriate to ensure that this remains the case by including a condition, or an appropriate S106 Planning Obligation, which ties the permission to such terms (e.g. shall be operated for the benefit of a charitable or community interest organisation whose profits are distributed to the local community).

<u>Other representation/objection issues.</u>
Issues raised by the public not specifically discussed above are generally addressed in the technical responses and where appropriate can be addressed by suitable conditions.

Human Rights:
Two objectors have raised the issue of human rights (see Publicity section above). The competing interests of the individual, other individuals and the community as a whole have to be considered including the right of a landowner to make beneficial use of land. However it has generally been established in case law that that a normal planning balancing exercise would be enough to satisfy Convention requirements.

Conclusion:
In considering the various issues raised above the balance of judgement lies between the benefits of renewable energy generation, the impacts on landscape and visual amenity, the impact on the setting of heritage assets and the community benefits of the scheme. Other issues addressed in the report above generally do not raise issues of such significance that they cannot be controlled or mitigated through the use of appropriate conditions. Regard has also been given to the Planning Committee decision on the Losk Lane Wind Farm to refuse permission on the grounds of impact on the setting and significance of heritage assets.

In balancing the main issues account needs to be taken of the national need for renewable energy generation; the Councils duties towards Listed Buildings, Conservation Areas and their settings; the National Planning Policy Framework (and related guidance) particularly with respect to encouraging renewable and low carbon energy, while protecting heritage assets; the policies and status of the development plan (Bolsover District Local Plan and Bolsover Local Plan Strategy); and the community benefits from the scheme. The recent statement of the Secretary of State has some bearing on the relative weight to be given to these competing elements, although as the guidance to assist this process has not been published little weight can be given to this statement.

All onshore wind farms are likely to give rise to some significant effects on landscape character and visual amenity due to the height of turbines relative to existing structures within the British landscape. Significant effects caused by the proposals would occur within a limited part of the study area but would affect some highly sensitive receptors. The landscape and visual effects of the proposals are likely to be adverse largely due to the undeveloped nature of the development site.

Wind turbines are necessary modern interventions into the landscape to meet the national requirement for renewable and low carbon energy. The proposal is not within nor does it impact on any designated or protected landscapes. The turbines are set back from the escarpment edge helping reduce their prominence in the wider landscape.

With respect to impacts on residential amenity, significant effects would occur on views from nine dwellings located within 2 km of the development site. Although substantial and permanent, it is considered that views to the turbines would not be overbearing or oppressive. Significant impacts would occur at settlements located within 1.6 km of the nearest turbine, at Stony Houghton, Scarcliffe, and at Shirebrook. From each of these settlements, views to the operational turbines within close proximity would result in an increase perceived levels of development within their rural context. The dominant presence of the turbines in views into and out of the historic cores of Stony Houghton and Scarcliffe would have a significant effect on the historic character of their Conservation Areas. Other than from the western edge of Scarcliffe, ground based elements of the construction stage would not be visible from these settlements. Other settlements would not be significantly affected.

The visual impacts of the proposal are not considered such as to cause unreasonable living conditions/amenity for the occupants of individual homes in the vicinity of the windfarm. The direct affects on residential amenity in relation to potential noise nuisance and shadow flicker are considered acceptable subject to appropriate controlling and monitoring conditions.

The proposal will affect the setting and significance of a number of heritage assets.

English Heritage, the National Trust and the Development Control Archaeologist consider that, in their view, 'substantial harm' would arise to the Hardwick group of assets. English Heritage and the Archaeologist also consider that 'substantial harm' results to the nearest conservation areas and St Leonards Church Scarcliffe. However the Council's Heritage Conservation Manager considers that the windfarm will cause harm to a number to various heritage assets i.e. the degree of harm does not reach the threshold of 'substantial harm'. If the Committee agree with the Councils Officers then 'exceptional circumstances' are required to justify approval of the proposal, alternatively if the Committee give greater weight to English Heritage, the Development Control Archaeologist and the National Trust views that there is substantial harm, then 'wholly exceptional circumstances' are required to justify approval of the proposal.

Taking into account local knowledge and experience of the assets (in particular the Hardwick group), distances and the local landscape in addition to the views of the heritage officers, it is considered on balance the impacts do not meet the 'substantial harm' threshold. Although there are changes to the setting of heritage assets, these changes should not result in a level of harm that would reduce the appreciation and perception of the historical significance of these assets.

The main issue to consider in this case is whether the benefits of the proposal, including in terms of low carbon and low emissions energy generation and the establishment of a more diverse supply of energy for the UK, as well as economic activity, and the benefits to the community outweighs the adverse impacts of the proposal.

The proposal is exceptional as it is being developed by a company which will return all the profits back to the community. The Community Interest Company which receives all the profits distributes them to its partners (LEO charity and CVP) who own the CIC. There are substantial benefits to the community, economically, socially as well as energy efficiency schemes.

The recommendation is a fine balance between the following elements:

- The level of harm to heritage assets of the higher orders;
- The level of harm to conservation areas and lower order heritage assets;
- The desirability of preserving listed buildings and their settings;
- The attention given to the preservation or enhancement of conservation areas;
- Whether there are (wholly) exceptional circumstances which outweigh the harm to heritage assets;
- The visual impact to the landscape;
- The impact to residential amenity of nearby residents;
- Other material considerations (including the wider benefits of the renewable energy

and the local benefits from community ownership)

If it is accepted that there are exceptional circumstances to justify the harm to heritage assets the proposal is in accordance with the National Planning Policy Framework.

There is conflict with the policies of the development plan in particular policies CON4 CON10, and ENV3 of the Bolsover District Local Plan because of the impact on heritage assets and the landscape although there are other material considerations (i.e. the wider benefits of the renewable energy and the local benefits from community ownership and the support for renewable energy generation within the NPPF). Impacts on the amenity of residents are not considered to be so significant (subject to appropriate conditions to control and mitigate identified impacts) as to outweigh the benefits. The harms caused by wind turbines are not permanent, they are transient and reversible although they do last for 25 years which is a long time for any adverse impacts on residents.

On the whole officers consider that on balance the benefits do outweigh the adverse impacts.

RECOMMENDATION

APPROVE
Subject to conditions
which are given in précis form,
to be formulated in full by the Assistant Director of Planning

Conditions:

1 The development hereby permitted shall be commenced within 3 years of the date of this permission.

2 The generation of electricity from the development shall cease no later than 25 years after the first commercial generation of electricity from any turbines to the electricity grid, after which time the site shall be restored in accordance with the approved Decommissioning and Site Restoration Scheme approved under condition [5] below.

3 The wind farm shall, shall be operated for the benefit of a charitable or community interest organisation whose profits are distributed to the local community. Any successor to Roseland Community Wind Farm LLP shall be approved in writing by the Local Planning Authority to ensure the benefits of the development are retained by the local community.

4 The wind farm operator shall within one month of the first commercial generation of electricity from any of the turbines to the electricity grid, notify the local planning authority in writing of that date. (REASON So that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety. The cumulative impact of wind turbine generation developments, which are in relatively close proximity, could compromise the safe control of aircraft in this area.) [East Midlands Airport]

5 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 turbines, the turbine bases 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.

6 If any 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.

7 Details of final turbine design to be approved. The overall height (AGL) of the wind turbines shall not exceed 125 metres to the tip of the blades when in the vertical position.

8 Prior to the commencement of development of the substation building representative samples of the external materials to be used in the building, which shall include stone walls and slate roof, shall have been submitted to and approved in writing by the Local Planning Authority.

9 Approval of a construction and environmental management plan.

10 A highway condition survey and scheme of highway restoration post development to be approved.

11 Provision of access and turning facilities.

12 Within 1 month of the completion of the construction phase of development the accesses shall be reduced in size in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Any gates shall be set back at least 5m from the highway boundary.

13 Protection and safety of use of public rights of way

14 Approved Written Scheme of Investigation for archaeological remains to be implemented.

15 Prior to the commencement of development the wind farm developer / operator should notify the Local Planning Authority of a nominated representative to act as a point of contact for local residents and liaison with the Local Planning Authority in relation to any complaints made about noise and any other matters arising during construction, operation and decommissioning of the wind farm.

16 Shadow flicker management conditions as recommended by Environmental Health.

17 Scheme to safeguard TV reception to be approved and implemented.

18 Noise conditions as recommended by Environmental Health

19 Monitoring of bat activity for a period of two years

20 Ecological Mitigation and Management Plan prior to commencement of any works, to include hedgerow planting and replanting to the field boundaries. Construction works should avoid the bird breeding season

21 All interconnecting cabling between the turbines and the sub-station within the site shall be installed underground apart from where it joins to the appropriate apparatus.

22 Aviation obstruction lighting shall be provided within one month of the erection of the turbines in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Advisory Notes to Applicant:

To be added where necessary by the Assistant Director Planning

Notes:

The Coal Authority gives the following advice:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal

Authority.
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The CAA advise:

There is an international civil aviation requirement for all structures over 300 ft (91.4m) to be charted on aeronautical charts.

Derbyshire Police advise:

Any construction crane over 60m should be subject to advance notification to our helicopter unit at force HQ, or through the usual UK aviation authorities.
The turbine hubs shall be lit with a red tungsten or fluorescent obstruction light.

Defence Infrastructure Organisation (Ministry of Defence) requires:

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

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

All turbines should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point – in the interests of air safety. (MoD requirement)
