

**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 1999 (S1999/293) ('the Regulation')**

**Starbold Windfarm  
Scoping Opinion  
Stratford on Avon District Council**

**Introduction/Background**

Section 10 Part IV of Regulations (S1999/293) allows scope for an applicant to ask a competent Local Planning Authority for its formal opinion of the information to be provided in an Environmental Statement to accompany an EIA application. TNEI Services Ltd, on behalf of Broadview Energy Developments Limited have requested a Scoping Opinion to facilitate their preparation of an Environmental Statement to be submitted with a planning application for the development of up to 6 wind turbines at the above site. The District Council received this request on 20 July 2009 and this Scoping Opinion is in response to that. No planning application has yet been submitted.

The regulations require the District Council to respond to the request for a Scoping Opinion within five weeks of the date that the request was received. The five week date was 24 August 2009. However, TNEI Services Ltd agreed on 18 August 2009 to an extension of the time period by which the District Council had to respond to until 7 September 2009

TNEI Services Ltd have agreed that the proposal will require an EIA within the provisions of Schedule 2 of the above Regulations, by reason of its scale and the significance of the impacts on the environment. The issue of whether or not the proposal constitutes an EIA application is therefore not being contested. In agreeing to provide the Scoping Opinion, the Council emphasises that this scoping opinion does not prevent them from requesting further information at a later stage as part of any future planning application. Any such request would be compatible with the provisions of the regulations.

**Approach adopted to inform the Scoping Opinion**

A review of the provisions of the Regulations, in particular Schedule 4 has been made to assess their relevance to this particular proposal. This was necessary to tailor the Scoping Opinion to this particular proposal.

Other desktop research about the environmental attributes of the site and its surrounding area as well as the existing character of the area has been undertaken.

A checklist of the coverage of the Scoping Opinion was provided and the relevant statutory consultees were consulted. Further relevant consultees were also consulted. Comments received are included as Appendix 1.

**Consultation**

In accordance with the Regulations, the following organisations have been consulted:

- Natural England
- Environment Agency
- Highways Agency
- English Heritage

The following non-statutory interests were also consulted:

- Warwickshire County Highways Authority
- Warwickshire Wildlife Trust
- Warwickshire County Council Ecology Department
- Warwickshire County Council Archaeology Department
- Flood Defence Officer, Stratford on Avon District Council
- Environmental Health Officer, Stratford on Avon District Council
- Forestry and Landscape Officer, Stratford on Avon District Council
- National Grid Gas Distribution
- National Grid UK Transmission
- Policy Officer Stratford on Avon District Council
- Ministry of Defence
- Civil Aviation Authority
- Campaign for the Protection of Rural England
- Severn Trent Water Limited
- Central Networks
- West Midlands Regional Assembly
- Government Office for the West Midlands
- Advantage West Midlands
- Ramblers Association
- Health and Safety Executive
- Cherwell District Council
- Daventry District Council
- Warwickshire County Council Planning Authority
- Sustrans
- Warwickshire County Council Access Team
- RSPB
- Bishops Itchington Parish Council and
- Burton Dassett Parish Council
- Fenny Compton Parish Council
- Gaydon Parish Council
- Watergill Parish Council
- Relevant Ward Members

### **The Scoping Opinion**

This is a formal opinion as to the information that TNEI Services Ltd and Broadview Energy Development Limited will need to include in the Environmental Statement to accompany a planning application for the proposal described above. The information required is set out in Table 1 below. The details in Table 1 draw on the details in the Technical Scope of Work submitted in the Scoping Report by TNEI Services Ltd. Additional information is also requested and this is explained, where appropriate, in Table 1. In providing this information TNEI Services Ltd and Broadview Energy Development Limited are reminded of the information required to be included in an Environmental Statement as stated in Schedule 4 of the Regulations. The Environmental Statement should comply with the relevant provisions of the Regulations.

**Table 1**

Issue	Opinion – inclusions in the EIA
Landscape and Visual Effects	<p>In addition to the details in the paragraphs under section 4.2.1.1 and appendices A and B of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• The following may be key Visual receptors in this area and any impact upon them would need to be considered in depth</li> </ul> <p><u>Scheduled Ancient Monument</u></p> <ul style="list-style-type: none"> <li>-Roman villa and Medieval Settlement immediately north of Ewefields Farm, UID 35106</li> <li>-Medieval Site and Medieval Settlement remains at Church end, 600m east of Ewefields Farm, UID 35105</li> <li>-Medieval Settlement Remains at Chesterton Green, UID 35106</li> <li>-Medieval Settlement Remains at Hodnell Manor, UID 35107</li> <li>-Gredenton Hill Camp, UID WA15</li> <li>Roman Villa north of Ireland Farm, UID WA179</li> </ul> <p><u>Listed Buildings</u></p> <ul style="list-style-type: none"> <li>-Church of All Saints, Chadshunt, II*, UID 307031</li> <li>-Church of St. Giles, Chesterton, II* UID 307048</li> <li>-Gateway approximately 25m north of tower of Church of St. Giles, Chesterton, II*, UID 307049</li> </ul> <ul style="list-style-type: none"> <li>• These Scheduled Ancient Monuments and Listed Buildings have been identified by English Heritage within a 5km radius from the proposed windfarm. I would advise you to contact Amanda Smith of English Heritage on 0121 625 6844 to obtain further information beyond the 5km radius.</li> <li>• In addition to this there are numerous Grade II listed buildings within the near and wider vicinity and any impact upon these buildings will also have to be taken into account.</li> <li>• Further views should take into account significant sites such as the Burton Dassett Country Park.</li> <li>• Recommend that an assessment be undertaken to determine whether the proposed development would have a substantial or significant effect on the outlook from nearby residential properties.</li> <li>• Reference should be made to the District Council's Adopted Supplementary Planning guidance entitled 'District Design Guide'.</li> <li>• Reference should also be made to relevant Parish Plans and Parish Design Guides (theses can be advised by District Planning Authority)</li> </ul>

	(These comments are also replicated in the section entitled 'Archaeological and Cultural Heritage Effects')
Ecology Ornithology and Nature Conservation Effects	<p>In addition to the details in the paragraphs under section 4.2.1.2 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• Any important concentrations of regularly occurring migratory bird species. The Avon Washlands is a recognised migratory route for birds. The West Midland Bird club may have useful local information and can be contacted on 01283 791 171 as well as Warwickshire Biological records.</li> <li>• Winter and summer breeding bird surveys should be supported by additional bird records for the locality. This assessment should give particular consideration to the Lapwing, Barn Owl and Corn Bunting recorded on site, as these species are listed as priority species within the Local (Warwickshire, Coventry and Solihull) Biodiversity Action Plan (Corn bunting is also listed under the UK Biodiversity Action Plan).</li> <li>• A reptile survey of the site should be carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified expert. Appropriate mitigation measures should be recommended where needed and incorporated into the development design.</li> <li>• As well as statutory sites, the Environmental Assessment should assess any impacts on Local Wildlife and Local Geological Sites, Priority and LBAP habitats and species.</li> <li>• The list of important habitats located within 3km of the site as noted at paragraph 9.1 of the Scoping report should also include the county designated Knightcote Bottoms Farm Local Wildlife Site (LWS/SINC) directly adjacent to the development boundary.</li> <li>• An additional 9 potential Local Wildlife Sites (pLWS/pSINC) are present within 2km of the site boundary which excludes Knightcote Bottoms Farm and Itchington Holt pLWS and ancient woodland. Whilst the development may not have a significant direct effect on these sites, the increase of machinery and materials to the locality may have indirect adverse impacts on their integrity. The impacts to biodiversity value of these sites should be considered within the Environmental Statement.</li> <li>• Paragraph 4.2.1.2 of the Scoping Report needs to acknowledge the presence of Knightcote Bottoms Farm LWS as a potential ecological receptor. The potential impacts to the site should be assessed with the Environmental Statement and necessary mitigation suggested where appropriate.</li> <li>• Bat surveys to be undertaken should have sufficient focus on the linear features of the site</li> </ul>

	<p>such as hedgerows. The Environmental statement should also make reference to a number of hedgerow trees with bat roosting potential. This bat roost potential should be investigated further with a tree roost survey being undertaken at an appropriate time of year. The Environmental Assessment can then in turn assess the entire value of the site's roosting, foraging and commuting opportunity for bats.</p> <ul style="list-style-type: none"> <li>• Presence of Great Crested Newts highlights need to assess the development not only on the water bodies but also on any suitable surrounding terrestrial habitat for this species. This could include hedgerows and the relative connectivity of the site to the adjacent LWS.</li> <li>• Additional records should be sought to clarify is badgers have been recorded within the locality. The Environmental Statement should consider the potential impact to badgers during the construction stage.</li> <li>• The Scoping Report makes no reference to the Local Biological Records Centre which should be approached for relevant species and habitat records and can be contacted on 01926 418060.</li> <li>• The District Planning Authority has yet to receive a response from the RSPB to our scoping consultation. I have sent reminders to the RSPB and will forward any response to you at a later date.</li> </ul>
<p>Archaeology and Cultural Heritage Effects</p>	<p>In addition to the details in the paragraphs under section 4.2.1.3 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• In addition to the archaeological resources specifically mentioned in the scoping report the Warwickshire County Records Offices should be consulted to view their records and can be contacted on 01926 738 959.</li> <li>• The Historic Landscape Character (HLC) of the site itself and the surrounding area should be taken into account. Further information on the HLC can be obtained from the Warwickshire Historic Environment Record.</li> <li>• The archaeological assessment should also consider the potential archaeological impact of the required site construction compound and temporary work areas.</li> <li>• Dependent on the result of the initial phase of desk-based assessment further archaeological evaluation work may be necessary prior to the determination of the application in order to inform the development of an appropriate archaeological mitigation strategy. This may include: a programme of geophysical survey, a programme of field walking and a programme of trial trenching.</li> <li>• These measures should be undertaken by a</li> </ul>

	<p>suitably qualified archaeologist</p> <ul style="list-style-type: none"> <li>The following may be key Visual receptors in this area and any impact upon them would need to be considered in depth</li> </ul> <p><u>Scheduled Ancient Monument</u></p> <ul style="list-style-type: none"> <li>-Roman villa and Medieval Settlement immediately north of Ewefields Farm, UID 35106</li> <li>-Medieval Site and Medieval Settlement remains at Church end, 600m east of Ewefields Farm, UID 35105</li> <li>-Medieval Settlement Remains at Chesterton Green, UID 35106</li> <li>-Medieval Settlement Remains at Hodnell Manor, UID 35107</li> <li>-Gredenton Hill Camp, UID WA15</li> <li>Roman Villa north of Ireland Farm, UID WA179</li> </ul> <p><u>Listed Buildings</u></p> <ul style="list-style-type: none"> <li>-Church of All Saints, Chadshunt, II*, UID 307031</li> <li>-Church of St. Giles, Chesterton, II* UID 307048</li> <li>-Gateway approximately 25m north of tower of Church of St. Giles, Chesterton, II*, UID 307049</li> </ul> <ul style="list-style-type: none"> <li>These Scheduled Ancient Monuments and Listed Buildings have been identified by English Heritage within a 5km radius from the proposed windfarm. I would advise you to contact Amanda Smith of English Heritage on 0121 625 6844 to obtain further information beyond the 5km radius.</li> <li>In addition to this there are numerous Grade II listed buildings within the near and wider vicinity and any impact upon these buildings will also have to be taken into account.</li> <li>Further views should take into account significant sites such as the Burton Dassett Country Park.</li> <li>Recommend that an assessment be undertaken to determine whether the proposed development would have a substantial or significant effect on the outlook from nearby residential properties.</li> <li>Reference should be made to the District council's Adopted Supplementary Planning guidance entitled 'District Design Guide'.</li> <li>Reference should also be made to relevant Parish Plans and Parish Design Guides (theses can be advised by District Planning Authority)</li> <li></li> </ul>
Noise Effects	<p>In addition to the details in the paragraphs under section 4.2.1.4 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>The use of methodology set down in ETSU-R-97 is unlikely to be sufficient to quantify the potential</li> </ul>

	<p>noise impact of the proposal. The reason for this is that a ETSU-R-97 assessment may not reflect wind shear effects under all weather conditions and may therefore under-predict the noise output of wind turbines especially its Amplitude Modulated Element.</p> <ul style="list-style-type: none"> <li>• It is recommended that International Standard ISO9613 modelling should be used to predict noise emission levels The model should be adjusted for stable atmospheric conditions and that the output of the model should be plotted down to a level of 25dB(A). In addition it is expected that wind speed at hub height (and maybe tip height), rather than the standard 10 metres above ground, will need to be measured. Simultaneous background noise measurements outdoors as well and indoors will need to be needed.</li> <li>• A distance of more than a minimum of 500m specified in paragraph 2.3.2 may be required to protect surrounding properties from noise.</li> <li>• Noise data from existing installations of the same turbines would be expected to be submitted if any are in use.</li> </ul>
Shadow Flicker Effects	<ul style="list-style-type: none"> <li>• All the details in the paragraphs under section 4.2.2.1 of TNEI Services Ltd Scoping report should be undertaken.</li> </ul>
Traffic and Transport Effects	<p>In addition to the details in paragraphs under section 4.2.2.2 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• The applicant should have regards to the Highway Agency's document 'Guidance on the Siting of Wind Turbines' that can be viewed on <a href="http://www.highways.gov.uk/business/238.aspx">http://www.highways.gov.uk/business/238.aspx</a>. This gives working guidance for criteria for appraising proposal for the construction of wind farms near the Highway agency Network.</li> <li>• The impact on other roads in the locality in terms of safety etc.</li> <li>• The Environmental Statement should include details of the construction phase of the development process. In particular, a description of the following will be required: <ul style="list-style-type: none"> <li>-a programme for construction;</li> <li>-phasing of the various components of the scheme;</li> <li>-infrastructure requirements associated with each phase of the development.</li> </ul> </li> <li>• A construction management plan showing types of vehicles; routes to the site; junctions to be used and a time line will need to be submitted.</li> <li>• Potential impacts of the construction phase should be set out clearly and any mitigation measures identified should be described.</li> </ul>

Radio-communication and Television Effects	<p>In addition to the details in the paragraphs under section 4.2.2.3 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• Should consult the Joint Radio Company who are a joint venture of National Grid plc and Energy Networks Associated Limited representing gas and electricity transmission and distribution companies. These can be contacted at <a href="mailto:windfarms@jrc.co.uk">windfarms@jrc.co.uk</a> and <a href="http://www.jrc.co.uk">www.jrc.co.uk</a>.</li> <li>• An assessment of the potential for the proposed development to interfere with electromagnetic transmissions should be included in the Environmental Statement and any proposed mitigation measures clearly detailed.</li> </ul>
Aviation	<p>In addition to the details in the paragraphs under section 4.2.2.4 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• The proposed wind turbines would be located such that it would have the potential to impact upon operations associated with Coventry Airport.</li> <li>• Aerodrome safeguarding responsibility rests in all cases with the aerodrome operator/licensee and therefore the viewpoint of Coventry Airport's licensee should be established through developer/aerodrome consultation. The Environmental Statement would be expected to detail the findings of such consultation detailing the mitigation of any related concerns.</li> <li>• The Environmental Statement would also need to address, where applicable, the following: <ul style="list-style-type: none"> <li>-There might be the need to install aviation obstruction lighting to some or all of the associated wind turbines should the development proposals be progressed</li> <li>-The rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study</li> <li>-All Structures over 300m details will need to be provided to the Civil Aviation Authority and Defence Geographic Centre.</li> <li>-There is a Civil Aviation perceived requirement for a co-ordinated regional wind turbine development plan, aimed at meeting renewable energy priorities, whilst addressing aviation concerns and minimising proliferation issues.</li> <li>-Establish the views of local emergency services air support units.</li> </ul> </li> <li>• The District Planning Authority has yet to receive a response from the Ministry of Defence to our</li> </ul>

	<p>scoping consultation. I have sent reminders to the MOD and will forward any response to you at a later date.</p> <ul style="list-style-type: none"> <li>• The District Planning Authority has yet to receive a response from the Ministry of Defence to our scoping consultation. I have sent reminders to the Ministry of Defence and will forward any response to you at a later date.</li> </ul>
Geology, Hydrology and Hydrological Effects	<p>In addition to the details in the paragraphs under section 4.2.2.5 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• A description of the general nature of the site, e.g. soils, sub-strata, existing levels; and the nature of intended physical works to the ground, e.g. modification of levels, redistribution and removal of material.</li> <li>• A Flood Risk Assessment should be completed as required by PPS25, including covering all aspects of drainage, SUD's schemes and assessing the impact of climate change</li> <li>• It should also be demonstrated that any facility for the maintenance of the turbines should be designed and located so as to prevent any risk of pollution.</li> </ul>
Wider Environmental, Social and Economic Effects	<p>In addition to the details in the paragraphs under section 4.2.3 of TNEI Services Ltd Scoping report, the following should also be included:</p> <ul style="list-style-type: none"> <li>• The Environmental Statement should detail all other sites that have been assessed to accommodate the proposed development and detail the reason why these sites were not considered to be suitable.</li> <li>• The Environmental Statement should examine how the development of the Starbold Windfarm proposals will impact and/or contribute to delivery of the West Midland Economic Strategy – Connecting to Success and the low carbon economy and how any potentially adverse impacts can be successfully mitigated.</li> <li>• Whether alternative methods of sustainable development have been investigated other than wind turbines should also be included in the Environmental Statement.</li> </ul>
Health	<ul style="list-style-type: none"> <li>• The perceived impact on the health of members of the public from Wind Farms should be fully assessed as part of the Environmental Statement.</li> </ul>
Footpaths/bridleways	<ul style="list-style-type: none"> <li>• There are no public footpaths crossing the area outlined and the Centenary Way is a field away at the closest point (not quite the 0.5km specified in the scoping report). This section is a bridleway, and as such the nearest turbines should be 375m (three times tip height) away from the public right</li> </ul>

	<ul style="list-style-type: none"> <li>of way.</li> <li>You are advised to look at the following leaflet from the British Horse Society with regards to the impact of wind farms on bridleways. This can be viewed at <a href="http://www.bhs.org.uk/DocFrame/DocView.asp?id=2659">http://www.bhs.org.uk/DocFrame/DocView.asp?id=2659</a></li> </ul>
Utilities	<ul style="list-style-type: none"> <li>The impact on local gas and electricity distribution networks should be assessed. This can be assessed at the "Work Safely in the Vicinity" site at <a href="http://www.nationalgrid.com/uk/LandandDevelopment/DDC/gastranmission/map/.htm">http://www.nationalgrid.com/uk/LandandDevelopment/DDC/gastranmission/map/.htm</a></li> </ul>
Soils and Agricultural Land Value	<ul style="list-style-type: none"> <li>Recommend that you consider the impact on agriculture on the proposed site and, if considered necessary, carry out an assessment of agricultural land quality. This should consist of an evaluation of existing soil resources and an assessment of Agricultural Land Classification across the site.</li> <li>Include recommendations with regards to any soil stripping, storage and replacement of soils across the site to ensure the potential risk of damage to soil resources is minimised.</li> </ul>
Land use	<ul style="list-style-type: none"> <li>The current land use of the site and its surrounding areas should be described and illustrated. This should include roads, public rights of way, watercourses, agricultural land, ecological and other designations etc. The extent of land lost as a result of the proposal or indirect impacts such as land becoming unusable for its current purpose should be described. This section could draw from or cross reference to the other issues identified in the Scoping Opinion.</li> </ul>
Cumulative effects	<ul style="list-style-type: none"> <li>The Environmental Impact Assessment process is designed to include an impact assessment of the effects that are likely to result from the development proposal in combination with other projects and activities that are being, have been or will be carried out in the vicinity of the development site. The cumulative impacts should be identified, described and evaluated.</li> </ul>
Description of the proposed development of the site	<ul style="list-style-type: none"> <li>Description of the existing use of the site,</li> <li>Description of the proposed development and the policy framework within which it is proposed</li> </ul>

### **Presentation of the Environmental Statement**

Generally speaking, the Environmental Statement should be concise and clear in its presentation. It should report on all the impact assessments detailed in this Scoping Opinion. Details of the processes and methodologies used for the collection of baseline data, predictions and assessment of impacts should be clearly set out. How the Environmental Statement has shaped the design and the implementation plan of the development proposals should be stated.

It should include a list of references used and a glossary of technical terminology used. A list of consultees consulted should be provided with a summary of their representations.

Key mitigation measures should be highlighted and their effectiveness explained.

A non-technical summary of the ES should be provided including any relevant plans and diagrams.

It is recommended that relevant individuals, organisations and groups affected by the proposal be notified of the existence of the Environmental Statement.

In addition to the Environmental Statement, Planning Statement and Design and Access Statement a Statement of Community Involvement will also have to be submitted. I acknowledge that the Scoping Report makes reference to the undertaking of public consultation exercises. The Statement of community Involvement should be separate to the Environmental Statement and an assessment should be made of the comments received. You should also demonstrate how you have sought to revise the proposals to overcome any critical comments which you may receive.

4 September 2009

**Appendix 1: Responses received by 7 September 2009 to Scoping Report produced by TNEI Services Ltd on behalf of Broadview Energy Limited**