Rossendalealive BOROUGH COUNCIL

ITEM NO. B1

Application No:	**2007/125**	**Application Type:**	Full
Proposal:	Erection & operation of 3 wind turbines, with associated sub-station, met mast and access	**Location**:	Reaps Moss, Bacup
Report of:	Executive Director of Regulatory Services	**Status:**	For Publication
Report to:	Development Control Committee	**Date:**	28 November 2007
Applicant:	Coronation Power Ltd	**Determination Expiry Date:**	16 June 2007
Agent:	Dulas Ltd		

REASON FOR REPORTING	**Tick Box**
Outside Officer Scheme of Delegation	X
Member Call-In	☐
Name of Member:	
Reason for Call-In:	
3 or more objections received	**X**

Other (please state) ……Departure/Environmental Statement

HUMAN RIGHTS
The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8
The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1
The right of peaceful enjoyment of possessions and protection of property.

1. Introduction

This application seeks full planning permission for the development of a windfarm on a site between Tooter Hill and Hogshead Law Hill, to the east of Bacup.

As originally submitted the application was seeking full permission for a wind farm to comprise of : 4 wind turbines of 80m in height, each with 3 rotor blades of 45m in length, making for a maximum height to blade tip of 125m; together with a wind-monitoring mast of 80m in height, and associated electricity sub-station and access-tracks. The number of turbines has since been reduced to 3.

For purposes of construction and maintenance, access to the site of the windfarm is to be from the north, from the A681 at Clough Head, via a 400m long length of up-graded track, with a 1.75km length of new track also to be formed. As the length of existing track to be up-graded is within the administrative area of Calderdale MBC, and it is near this junction that the compound required for construction of the windfarm is to be sited, an application for the proposal has also been submitted to that Council. It has not yet been determined.

2. The Site

The application site lies just to the south of the A681, where it crosses the watershed between Todmorden and Bacup. It is situated more or less centrally on the moorland plateau that forms a continuous north-south ridge between the Calder and Roch valleys to the east and the Irwell and Spodden valleys to the west. In this area the ridge is on average 2-3km wide; further south it broadens to 5-6km at Crook Hill. Most of the land on this ridge lies above the 350m contour. The part of the ridge on which the turbines would stand is at an elevation of around 400m, between two small knolls of higher ground: Tooter Hill (433m) to the north and Hogshead Law Hill (445m) to the south.

The western side of the ridge has a relatively rounded form and comprises walled enclosures of unimproved grass moorland and moss, with smaller enclosures of improved grassland, particularly around Tooter Hill. The eastern side is mainly unenclosed grass moorland and on this side the ridge falls away more sharply towards Clough Foot and Gorpley Reservoir. There is no road access to the ridge except via the A681. However, just to the east of the proposed turbines is the Rossendale Way, whilst 100-200m to the east of the turbines is Limers Gate bridleway. Other public footpaths run across and in the vicinity of the site. Additionally part of the application site is common land, over which the Countryside Rights of Way Act 2000 conferred rights to roam.

Whilst there is a scattering of farms and houses on lower ground 600m-1km to the west and south of the proposed turbines, the area of countryside to the east of the turbines is free of such sporadic built-development. An overhead electricity transmission line runs on a north-south axis approximately 850m to the west of the proposed turbines, another crossing it to the other side of the A681. Coal Clough Windfarm lies around 5km north of Reaps Moss and comprises of 24 turbines of 49m in height to blade tip. The Scout Moor Windfarm, now under construction, will lie around 7km to the south-west of Reaps Moss and will comprise of 26 turbines of 100m in height to blade tip.

3. The Proposal

As originally submitted the application sought permission for 4 wind turbines, ancillary equipment and on-site infrastructure for a period of 25 years.

Having regard to EU law in respect of the procurement of goods, and for their own reasons, the Applicant advises that they do not wish the planning permission to bind them to using turbines from a specific manufacturer. Accordingly, their submission is founded on the construction of turbines of the greatest size they will wish to construct and the noise characteristics which the turbines of a number of suppliers will be able to meet. They acknowledge that any permission granted by the Council will need to be conditioned to ensure that the turbines provided do not exceed the specified size and noise parameters. Their wish for permission to be granted for 25 years is in recognition that turbines have a productive life-expectancy of this duration, after which time they would remove them and re-instate the site.

The red edge prescribing the extent of the application site has been drawn tightly around the land where works are to take place. However, the blue-edge prescribing the extent of the other land within the control of the Applicant (and thus capable of being made the subject of any planning conditions) embraces a couple of large fields immediately to the west of the intended turbine positions. In the report below reference to 'the site' relates to that land within the red and blue edges, and references to the ES and SER refer to the Applicant's Environmental Statement and Supplementary Environmental Report.

Turbines

Each of the wind turbines they propose would have a generating capacity of up to 3 Megawatts (MW), its 3-bladed rotor having a 90m diameter and mounted at a height of 80m on a cylindrical steel tower of 2.5m in diameter at the base, making for an overall height to the blade tip of 125m. They would be of a light-grey colour with a semi-matt, non-reflective finish. The Applicant wishes any permission to be the subject of a condition enabling the position of each of the turbines to be moved by up to 50m (as with the Scout Moor approval), this micro re-siting of turbines to enable ecological features or poor ground to be avoided.

The turbines will start to generate electricity when wind speeds at the hub reach 3-4metres per second (m/s), attaining their maximum output at around 12-15m/s, and will automatically shut down at 25m/s for safety reasons. The rotor will operate at an average speed of 17 revolutions per minute (rpm), within a range of between 9 and 19rpm dependent on wind speed.

It is intended that each turbine will have a hexagonal foundation of 16m in diameter, founded directly upon subsoil/rock approximately 2.5-3m below existing ground level. It is said that only if old sub-surface mine workings would otherwise be encountered near to the turbine positions, and 'micro re-siting' not resolve the matter, will a piled-foundation solution be required. A temporary crane/assembly hardstanding area, measuring approximately 25m x 60m, would be formed adjacent to each turbine position for the purpose of construction; upon completion of construction each of these hardstandings would be reduced to a third of this size.

Monitoring Mast

For the purpose of monitoring the wind and the performance of the turbines a permanent monitoring mast is proposed to the south-west of the most southerly of the turbines. It would be a freestanding galvanised-steel lattice-tower of 2.8m in diameter at the base and 80m in height.

Sub-Station

For the purpose of housing switch-gear, control equipment and welfare facilities for maintenance staff having need to occasionally visit the site a 1-storey building is proposed between Turbines No 1 and No 2. To measure 7m x 14m, with a gutter height of 3.5m and a ridge height of 5m, it is to be of stone/slate construction. It will have an associated hardstanding and, for security reasons, be surrounded by a 2.4m high palisade fence.

Access Tracks

That turbine most distant from the A681 having been deleted from the proposal since the application was originally submitted, the site access tracks the scheme now requires will have a total length of approximately 2.25m. The first 500m of this lies within Calderdale, where an existing track will be up-graded. At the junction with the main road there is need to form a wide bell-mouth to enable the longest of loads to turn. From a point 7.5m from the main road it is not intended that the access be tarmacadamed, but it is proposed to widen it from approximately 3m to 5m, providing it with a compacted stone surface capable of taking the volume/weight of construction traffic. For the duration of construction of the windfarm (intended to be no more than 5 months) there would be a site compound of approximately 40m x 40m situated to the east side of the access track, close to its junction with the main road.

The applicant advises that beyond the newly-formed bell-mouth the existing track is of good quality and will only require minor reconstruction and re-profiling to provide a road-width generally of 5m, with slight widenings at road bends, junctions and passing-places. Thus some ‘shaving’ of the existing road banks may be required. Approximately 400m from the main road a new access track will be formed, first kicking eastwards of Limers Gate, requiring a large culvert and significant earthworks to carry it over a gully, before turning back across the existing track. The crossing of the stream here takes the access out of the administrative area for which Calderdale MBC is responsible into Rossendale. The new track will then rise steeply up the hillside. To ensure a gradient of no more than 1 in 12 the Applicant advises that for approximately 300m the new track will need to run in cutting; it states that the maximum depth of cut will be 5m, releasing in the order of 5,000 cubic metres of stone for use in road and hardstanding construction elsewhere on the site. The gradient of the new track then eases and it will run alongside a field boundary that forms the eastern boundary of the application site and is flanked by the Rossendale Way. From this new track short spurs will lead to each of the turbines.

The Applicant intends that the new track, for the most part, be of conventional construction (entailing excavation and then compaction of imported stone or stone recovered from the formation of the cutting). Where this form of construction is used on the moor-top the resulting track will stand proud of the surrounding ground by a minimum of 150mm.However, for a length of approximately 700m the route of the new track will run over moor-top underlain by what is called by the Applicant “true peat” (ie. having soils to a depth of more than 0.5m), for half this length having soils to a depth in excess of 1m and up to 2.5m. The new track would run over the “true peat” area

extends from just to the north of Turbine 1 and just to the south of Turbine 2, as would the spur-tracks to these turbines and their associated hardstandings. The Applicant advises that where the depth of peat exceeds 1m (a length of track of 350m, plus spur-tracks and hardstandings to these 2 turbines) consideration may be given to use of 'floating road' construction or, alternatively, replacing peat with a coarse-stone sub-base wrapped in a geotextile filter fabric that can be overlain by the 0.35m deep track.

Once the turbines have been brought into use there will be a regular need for servicing. It is envisaged by the Applicant that there will be a need for maintenance staff to visit the site twice a month using a van. Upon completion of the construction phase it is proposed that material excavated to form the new track is used to dress its edges and encourage re-vegetation that reduces the track to 4m in width. It is said that the track cannot be fully re-instated upon completion of the construction phase because there may be a need to re-enter the site with a crane in the event that a turbine requires repair or replacement components and as they envisage there will be a requirement to refurbish, replace or remove the turbines at the end of their productive life.

Grid Connection

The electricity generated at the windfarm would need to be exported by cable to the local electricity network. There are two possible options for connecting the sub-station to the 33kV network. The first option would require a new line of approximately 3.5km to be routed through parts of Britannia and Bacup to the sub-station at Wesley Place, Bacup. The second option would require a new line of 4km to be routed predominantly across moorland or along the A681 to a sub-station in Todmorden.

The connection would be the subject of a separate application under the Electricity Act 1989 and be the responsibility of United Utilities.

4. Alternative Sites

The application is accompanied by an Environmental Statement, one of the requirements of which is that the Applicant provide details of alternative sites they identified for the proposed development and the reasons for their selection of the proposed site, taking into account the environmental effects.

The Applicant advises that by mapping of technical and environmental constraints across the North West and West Yorkshire regions those areas with few constraints were identified. Reaps Moss was one of 14 sites that were then subject to further investigation to establish whether they would be technically, economically and environmentally viable for windfarm development. As a result of this process permission is being sought for Reaps Moss, Todmorden Moor and Crook Hill; the report sets out the reasons for not taking forward the other sites.

5. Applicants Case for Selection of Reaps Moss

In short, the Applicant advises that:

- The site has high enough wind speeds to generate electricity economically. Typically wind energy developers seek sites with a minimum 6 metres per second wind speed. The Department of Trade and Industry wind speed database indicated the centre of the Reaps Moss site to have a wind resource of 8.5m/s at a 45m hub height. This windspeed, if modelled upwards to the proposed 80m hub height, clearly indicated the site to be economically viable for effective operation and performance of a windfarm. On-site measurement of the local wind speed by means of a temporary 60m high mast confirmed this to be the case.
- The site is not the subject of any International planning designations (eg a RAMSAR or World Heritage Site) or National planning designations (eg National Park, SSSI, Conservation Area).
- Although part of the site is Green Belt Inquiry decisions (such as that for Scout Moor) have permitted windfarm development in the Green Belt. The need for renewable energy development has become paramount in efforts to halt climate change. Such national policy objectives are construed as overriding the purposes behind protecting Green Belts and local landscape designations.
- There are two potential options for connection to the electricity distribution network.
- All equipment, plant and materials would be able to access the site - the long loads via junction 20 of the M62, M66, continuing on to the A681 through Rawtenstall and Bacup - with limited road modifications.

6. Applicants Case for Development of the Site in the Manner Proposed

Once the site selection process had identified Reaps Moss as a suitable location for wind energy development provisional designs and layouts of the windfarm were drawn up. In accordance with the regulations relating to Environmental Impact Assessments, a scheme for 6 turbines of the size now proposed was the subject of extensive consultation with Local Authorities and Statutory Consultees. A number of iterative changes to the site design and layout have since occurred to take account of the environmental and technical constraints.

Iterations of the layout were influenced (amongst other things) by :

Ecology/Hydrology - The need to avoid development in the central section of the site or close to points near the perimeter that would result in gully erosion. The central section of the site is predominantly covered by raised peat bog and there has been need to provide a 200m exclusion zone around a part of the site used for nesting by upland wading birds with protective status.
Mines - There are a number of mine entries (such as shafts and adits) within the site's boundaries, and it is underlain by workings in a number of seams of coal at shallow depth.
Neighbour Amenity - The need to ensure the development will not cause unacceptable detriment to nearby properties by reason of noise, shadow-flicker, etc.
Public Rights of Way/Common Land - The need to ensure the development will not cause unacceptable obstruction/detriment to their users.
Landscape & Visual Impact - The need to ensure the development will not have an unacceptable impact in this respect in itself and in combination with existing and consented wind farms and the other wind farms at Todmorden Moor and Crook Hill for which it is also seeking permission.
Radar/Telecommunication Systems - The need to avoid unacceptable interference.

Thus, the submitted scheme proposed erection of 4 turbines, which it considered to avoid and negate significant impacts, with mitigation proposed for minor residual impacts.

One impact of the proposal is loss of 0.6ha of common land. The Applicant is proposing to replace this elsewhere with an area of 4.7ha; they would need to apply to DEFRA for consent for this.

The Applicant proposes to establish a Local Community Trust, paying into this each year the windfarm is in operation a sum of money for expenditure on local regeneration and energy efficiency measures for local communities; the Applicant envisaged that for the 4 turbine (12MW) scheme originally applied for would yield £300,000 over the 25 year life of the windfarm.

7. Subsequent Amendments to the Proposal

The Applicant has sought to address matters that have arisen since the application was first submitted in the following ways:

- Slight amendment of the alignment of the access track at the point it crosses the boundary between Rossendale and Calderdale, for the purpose of avoiding a claimed encroachment upon a neighbours land.
- Deletion of Turbine No 4 (and a 250m of access track), for the purpose of overcoming an objection to the application from National Air Traffic Services.
- Submission of a Supplementary Environmental Report in order to clarify and respond to matters of concern raised by the Council, consultees and others.

8. Relevant Development Control History

Application 1999/220

Renewable Energy Systems Ltd sought permission for erection 9 wind turbines, to run in two rows, on a site between Tooter Hill and Hogshead Law Hill. Each of the turbines was to have a generating capacity of 1MW and stand on a tower of 45m in height, with three 27m long blades. A 40m high wind monitoring mast and a sub-station were also proposed. Access to this windfarm, for the purpose of construction and maintenance, was to be from the A681 and run along Limers Gate bridleway for part of its length.

In accordance with the Officer Recommendation, this application was Refused by Committee in February 2000 for 5 reasons, which may be summarised as follows:

1. Four of the proposed turbines and the sub-station would lie within Green Belt. The proposed windfarm would constitute inappropriate development within the Green Belt, would lead to a major depletion in openness, and make a dominant and discordant feature that would conflict with the role of this portion of Green Belt in providing a largely natural backdrop to the historic town of Bacup.

2. One of the objectives of Green Belt is to retain attractive landscapes, and enhance landscapes, near to where people live. Government guidance also states that the visual amenities of Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt. The proposed windfarm, due to its size, prominent ridgeline siting, manmade form and motion, would be a dominant and discordant feature within the attractive moorland landscape that provides the largely natural setting of Sharneyford, Bacup and Britannia. Accordingly, it would fail to achieve the objective of retaining or enhancing the landscape and would be injurious to the visual amenities of the Green Belt and the aforementioned settlements.

3. Policy 1 of the Structure Plan states that development must (amongst other things) be in scale and keeping with the features of the landscape character tract in which it lies, compatible with nature conservation and integrated with its surroundings. Policy 25 identifies the site as being within the Hills & Moors of the South & West Pennines landscape character tract, wherein the distinctive open moorland character of the landscape should be preserved. Furthermore, Policy 54(b) of the Structure Plan states that “the location of wind turbines will be assessed against the impact on the character of the landscape, in particular the visual impact of proposals on ridge top and summit locations”. Contrary to these policies, the size, siting, vertical form and motion of the proposed windfarm would cause it to breach the skyline in a highly conspicuous and intrusive manner and would constitute an adverse precedent for the future protection of Rossendale’s moorland skyline.

4. Policy 54(e) of the Structure Plan states that “the location of wind turbines will be assessed against the cumulative effects of the proposed and existing or committed wind turbine development”. The Landscape Character Assessment commissioned by the Standing Conference of South Pennine Authorities identifies the application site and other landscapes in which windfarms either exist or are the subject of a planning application as High Moorland Plateaux. These landscapes are of a similar height and so high levels of intervisibility exist between them. The windfarm the subject of this application and the one

proposed for Great Hill, in combination with existing windfarms at Coal Clough and Ovenden, would redefine these largely unspoilt and horizontal open moorland landscapes as wind energy landscapes, to the detriment of their existing recreational value and visual amenity.

5. The northern portion of the application site is an area of blanket bog, which is a scarce and important habitat in its own right, and the submitted Environmental Statement indicates it to provide a habitat for locally and regionally significant populations of waders .The proposed development would be likely to disrupt the hydrology of the peat in the blanket bog, causing it to dry out/be lost, and with it a functioning habitat for significant populations of waders.

Application 2006/16
In March 2006 a temporary permission was granted enabling erection of a 60m high wind monitoring mast on Hogshead Law Hill for a period of no more than 13 months; it has now been removed from the site.

Proposed Wind Farm - Todmorden Moor
Calderdale MBC has received an application from Coronation Power seeking permission for the erection and operation of a windfarm on a site at Todmorden Moor. This windfarm would comprise of 5 three-bladed turbines having a maximum height to blade tip of 125m, with an 80m wind monitoring mast and sub-station. This application has not yet been determined; Calderdale MBC has extended an opportunity to comment on this application to this Council.

The site would be accessed from the west, from the A681 near Sharneyford, by way of Flower Scar Lane, a 1.7km length of this existing track to be up-graded, with 1.35km of new track of 5m in width provided. The turbines would be in two distinct clusters : to the west side of the lane (on Todmorden Moor) would be 3 turbines, the monitoring mast and sub-station; and to the east side of the lane (around Flower Scar Hill) would be 2 turbines. They would be erected on the slightly lower ground below the ridge crests. The site compound required for their construction would be located close to the junction of the A681 and Flower Scar Lane.

Proposed Wind Farm - Crook Hill
Calderdale MBC and Rochdale MBC have received applications from Coronation Power seeking permissions for the erection and operation of a windfarm on a site at Crook Hill. This windfarm would comprise of 12 three-bladed turbines having a maximum height to blade tip of 125m, with an 80m wind monitoring mast and sub-station. Five of the turbines would be in Calderdale and seven in Rochdale. These applications have not yet been determined; Calderdale MBC and Rochdale MBC have extended an opportunity to comment on these applications to this Council.

The site would be accessed from the south-east, from Calderbrook. The windfarm would require a total of 5.25km of 5m wide access track, all of which would be new. From the junction of Calderbrook Road and Higher Calderbrook Road approximately 1.6km of track would need to be laid to reach the site, the new track first sweeping around the hillside before rising steeply and in cutting through a ridge, called Cuckoo Hill, to reach the top of the summit ridge near Crook Hill. The main track would then follow the summit ridge to the west and north, with feeder tracks to individual turbines spread out around 2km of ridgeline in an informal double row. The turbines would be

sited on the edges of the summit ridge, slightly offset from the highest ground. The construction compound would be towards the eastern end of the proposed array of turbines, near the point where the track reaches the ridge.

9. POLICY CONTEXT

Listed below are the sources of Government guidance and Development Plan policies of relevance in the consideration of this application. I first elaborate on those of particular importance.

9.1 PPS22: Renewable Energy

PPS22 was issued in 2004 and sets out the Government's policies towards Renewable Energy, including windfarms. It states :

"Increased development of renewable energy sources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government's sustainable development strategy :

- *social progress which recognises the needs of everyone - by contributing to the nation's energy needs, ensuring all homes are adequately and affordably heated;*
- *Effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;*
- *Prudent use of natural resources – by reducing the nation's reliance on ever-diminishing supplies of fossil fuels; and*
- *Maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies…."*

It refers to the target to generate 10% of UK electricity from renewable energy sources by 2010 and to the Energy White Paper of 2003, which set out the Government's aspiration to double that figure to 20% by 2020. It goes on to advise that :

- "*Regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources…*
- *The Regional Spatial Strategy should include the target for renewable energy generation….Targets should be expressed as the minimum amount….The fact that a target is reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects.*
- *The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.*
- *Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures."*

In terms of locational considerations, PPS22 recognises that "*most renewable energy resources can only be developed where the resource exists and where economically feasible*". It sets greater store by the protection of sites of national and international importance for nature and heritage conservation than for local landscape and local nature conservation designations.

With respect to Green Belt, Paragraph 13 states :

"Policy on development in the green belt is set out in PPG2. When located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."

Paragraph 20-22 relate most particularly to wind farms :

20. *"Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and the number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future de-commissioning of turbines.*

21. *Planning authorities should also take into account the cumulative impact of wind generation projects…..*

22. *Renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources – for example, traffic). Local planning authorities should ensure that renewable energy developments have been located and designed in such a way as to minimise increases in ambient noise levels…..The 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development."*

9.2 PPG2 : Green Belt

The southern portion of the application site is within Green Belt. Accordingly, the following advice contained in PPG2 is of relevance :

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness….."

There are five purposes of including land in Green Belts :

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives :

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interests; and
- to retain land in agricultural, forestry and related uses.

"The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives…"

The constraints upon development in Green Belt the PPG provides are as follows :

"The general policies controlling development in countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances…

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development…

The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes :

- *agriculture and forestry;*
- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;*
- *limited extension, alteration or replacement of existing dwellings;*
- *limited infilling of existing villages and limited affordable housing for local community needs;*
- *limited infilling or redevelopment of major existing developed sites identified in adopted local plans.*

The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including in the Green Belt.

When any large scale development….occurs in the Green Belt….., it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts…..This approach applies to large scale developments irrespective of whether they are appropriate development…..

The visual amenities of the Green Belt should not be injured by proposals for

development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belt, might be visually detrimental by reason of their siting, materials or design…"

9.3 PPS7 : Sustainable Development in Rural Areas

It states that decisions on development proposals in rural areas should be based on sustainable development principles, ensuring an integrated approach to the consideration of :

- social inclusion, recognising the needs of everyone;
- effective protection and enhancement of the environment;
- prudent use of natural resources; and
- maintaining high and stable levels of economic growth and employment.

Amongst the key principles it then sets out are the following two:

> *"New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.*
>
> *All new development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness."*

9.4 PPS9 : Biodiversity & Geological Conservation

The Government's vision for conserving and enhancing biological diversity includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. Amongst its key principles is that :

> *"The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place…"*

This PPS goes on to state that :

> *"The most important sites for biodiversity are those identified through international conventions and European Directives…..Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection under the planning system…..Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets…..Through policies in plans, local authorities should also conserve other important natural habitat types that have been*

identified in the Countryside and Rights of Way Act 2000 section 74 list, as being of principal importance for the conservation of biodiversity in England and identify opportunities to enhance and add to them."

It also refers to the statutory protection afforded to individual wildlife species, including all wild birds, badgers, etc.

9.5 Regional Spatial Strategy (Published March 2003)

RPG13 provides a regional spatial strategy for the north west region within which local authority development plans and local transport plans can be prepared, and also informs other strategies and programmes. The broad development framework for the region it sets out, besides identifying the scale and distribution of housing/ employment/ infrastructure development, provides guidance upon the need to protect and enhance the regions landscapes and natural & man-made heritage.

Policy ER13 relates specifically to Renewable Energy and Energy Efficiency and states :

- *"The NWRA will develop targets for the supply of electricity from grid-connected renewable installations….*
- *Local authorities should support local initiatives and proposals for renewable energy installations that promote self-sufficiency in energy generation and use.*
- *Development plans should [amongst other things] identify areas of search with criteria-based policies for renewable energy development, which would aim to protect the Region's most valuable and sensitive environments, and areas of similar value in adjoining regions…"*

The emerging Regional Spatial Strategy for the North West will supersede Target 25.1 of the Joint Lancashire Structure Plan for on-shore renewable energy for Lancashire and is likely to be more ambitious.

9.6 Joint Lancashire Structure Plan (Adopted March 2005)

Policy 1 states that development will be located primarily in the principal urban areas, towns and service centres, while Policy 5 requires development outside them to be "*of a scale and nature appropriate to its location".*

Policy 6 maintains the general extent of Green Belts in Lancashire.

Policy 20 indicates that development must be "*appropriate to the landscape character type within which it is situated*" and contribute to its conservation, enhancement or restoration or the creation of appropriate new features. Proposals are to be assessed (amongst other things) in relation to "*local distinctiveness, the condition of the landscape, visual intrusion, layout and scale, public access and community value of the landscape, historic patterns and attributes of the landscape, and remoteness and tranquillity*".

Policy 21 states that :

"*Lancashire's natural and manmade heritage will be protected from loss or damage according to the hierarchy of designations of international, national,*

regional, county and local importance. The strongest levels of protection will be afforded to those heritage resources of international and national importance.

Sites, areas, features and species of heritage importance will be conserved and, in appropriate circumstances, enhanced and re-established taking account of:

a) their rarity, vulnerability, antiquity or complexity;
b) their contribution to the countryside network of sites and features, to the character of its location and setting and to national and county biodiversity and the likely implications of climate change on heritage assets;
c) positive opportunities afforded by development for the conservation, management or enhancement of heritage resources.

Where, in exceptional circumstances, unavoidable loss or damage to a site or feature or its setting is likely as a result of a proposed development, measures of mitigation and compensation will be required to ensure there is, as a minimum, no net loss of heritage value. Such measures may include the creation of appropriate new heritage resources, on or off-site."

Policy 25 relates specifically to Renewable Energy and is reproduced in full:

"Developments that generate energy from renewable sources including any ancillary infrastructure or buildings will be assessed against the following criteria, and will be supported where they demonstrate that these have been satisfactorily addressed :

a) The impact on the character of the surrounding landscape, biodiversity, and the natural and built heritage;
b) The extent to which any material harm that may be created by the proposal will be minimised to acceptable levels;
c) The contribution that will be made to targets for renewable energy and for reducing green house gas emissions;
d) The wider environmental, social, and economic benefits of proposed renewable energy schemes."

9.7 Rossendale District Local Plan (Adopted April 1995)

Whilst Policy DC1 does not conform with the more recently adopted Structure Plan the development criteria it says will be taken into account in considering planning applications remain (in varying degrees) relevant and read as follows:

a) location and nature of proposed development including its relationship to existing and other proposed land uses
b) size and intensity of proposed development
c) relationship to existing services and community facilities
d) relationship to road and public transport network
e) likely scale and type of traffic generation
f) likely level or air, water and other environmental pollution including noise nuisance and the possible creation of any risk or hazard to surrounding land uses
g) likely effect on existing trees and other natural features of the development site
h) arrangements for servicing and access to proposed development including access

for pedestrians, disabled people and emergency services
i) car parking provision
j) sunlighting, daylighting and privacy provided
k) density, layout and relationship between buildings
l) visual appearance and relation to surroundings
m) landscaping and open space provision
n) the needs of watercourses
o) the impact upon man-made or other features of local importance

Policy DS3 reads as follows :

"*Within the Green Belts planning permission will not be given except in very special circumstances for the erection of new buildings and for the change of use of other buildings other than for the purpose of agriculture, forestry, outdoor sport and recreation cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area.….*"

Policy DS5 reads as follows:

"Outside the Urban Boundary and Green Belts, shown on the Proposals Map, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings provided that they comply with policies DC.1 and C.6"

National Policy

PPS1 - Sustainable Development
PPG2 - Green Belt
PPS7 - Rural Areas
PPG8 - Telecommunications
PPS9 - Biodiversity & Geological Conservation
PPG13 - Transport
PPG14 - Unstable Land
PPG15 - Historic Environment
PPG16 - Archaeology
PPG17 - Open Space, Sport & Recreation
PPG21 - Tourism
PPS22 - Renewable Energy
PPS23 - Pollution Control
PPG24 - Noise
PPS25 - Flood Risk

Regional Policy

RPG13
DP2 - Enhancing the Quality of Life
DP3 - Quality in New Development
SD4 - Maintaining Urban Form & Setting, etc
SD8 - Development in the Wider Countryside
UR11 - Urban Fringe
UR12 - Regional Park Resources
ER1 - Management of the North West's Natural, Built & Historic Environment
ER2 - Landscape Character

ER3 - Built Heritage
ER5 - Biodiversity & Nature Conservation
ER13 - Renewable Energy & Energy Efficiency

Emerging RSS

Joint Lancashire Structure Plan

1 - General Policy
5 - Dev Outside of Principal Urban Areas, Etc
6 - Green Belts
20 - Lancashire's Landscapes
21 - Lancashire's Natural & Manmade Heritage
22 - Protection of Water Resources
24 - Flood Risk
25 - Renewable Energy

Rossendale District Local Plan

DS3 - Green Belt
DS5 - Dev Outside of the Urban Boundary & Green Belt
E6 - Ground Stability
HP1 - Conservation Areas
HP2 - Listed Buildings
DC1 - Development Criteria
DC4 - Materials

Other Material Considerations

PPS22 Companion Guide
LCC Landscape & Heritage SPD
LCC Bacup Historic Towns Assessment Report
Calderdale UDP
Rochdale UDP
Emerging RBC Core Strategy
RBC Biodiversity Duty – A Policy Statement

10. CONSULTATION RESPONSES

10.1 LCC(Planning)

The Director of Strategic Planning & Transport says that the Reaps Moss, Todmorden Moor and Crook Hill proposals have all been assessed having regard to the Applicants submissions and the Visual Impact Assessment of Coronation Power's 3 windfarm applications commissioned jointly by the Local Authorities. It has concluded that the Reaps Moss development would conform to strategic planning policy subject to the incorporation of the recommendations of its Landscape Advisor and its Ecological Advisor.

Whilst certain additional information and amendments to the scheme have been submitted by the Applicant, the principal recommendations of LCC's Landscape Advisor and its Ecological Advisor have not been satisfied. I set out below the view of LCC(Planning) in relation to all the issues the Reaps Moss application raises upon which it has commented.

In respect of the contribution that will be made by the Reaps Moss proposal to targets for renewable energy it advises that Target 25.1 of the Structure Plan sets a target of increasing the capacity for onshore renewable energy generation in Lancashire to a minimum of 116MW capacity by 2010, with an interim target of 95 MW by 2007. In March 2007 the total operating capacity in Lancashire amounted to 65MW, with 73.5MW having the benefit of planning consent (excluding small scale and micro generation schemes). If the grid connection for Reaps Moss is made at Wesley Place, Bacup the proposal would make an important contribution to meeting the Lancashire target for 2010, each of its turbines having a capacity of up to 3MW. Furthermore, on-shore renewable energy targets for Lancashire in the emerging Regional Spatial Strategy for the North West will supersede Target 25.1 and are likely to be more ambitious.

In respect of the contribution that will be made by the Reaps Moss proposal to reducing greenhouse gas emissions it estimates that each turbine will save per annum 29,833 Tonnes of CO2, 346 Tonnes of SO2 and 104Tonnes NO2. The proposal will therefore make a positive contribution to reducing green house gas emissions, more so if the Applicants scheme of mitigation promotes active blanket bog growth and, as a consequence, natural CO2 sequestration occurs.

In respect of Green Belt it notes that the southern part of the application site is Green Belt, but draws attention to the following conclusion of the Inspector at the Scout Moor Inquiry in respect of Green Belt : *"To the extent that the landscape will retain a sense of openness permeating through the slim widely spaced turbines and will retain its cultural and countryside character, I believe it to be appropriate development (as envisaged can be the case in PPS22)".*

In respect of landscape impact it advises that it agrees with the findings of the 'Landscape and Visual Impact Assessment of Wind Power Proposals at Todmorden Moor, Reaps Moss and Crook Hill' jointly-commissioned by the Local Authorities from Julie Martin Associates. However, it draws different conclusions from these findings on some issues.

In respect of the originally submitted scheme it concluded :

a) None of the 3 sites Coronation Power's applications relate to are within a nationally designated landscape such as a National Park or AONB.
b) A considerable amount of landscape character assessment work has been done in the South Pennine area, which has identified key environmental features of its various landscape character areas. For Moorland Plateaux the presence of a wild and tranquil character, the sense of openness and perceived naturalness are particularly important considerations when assessing the sensitivity of a landscape to a wind energy development.
c) Reaps Moss, Todmorden Moor and (to a lesser extent) Crook Hill are situated in man-influenced Moorland Plateaux landscapes, with a diminished wild and tranquil character. Unlike Todmorden Moor, no wind farms are currently visible from Reaps Moss. On the other hand, Reaps Moss has a number of features not typical of the Moorland Plateaux landscape character type in which it is situated - stone boundary walls, a limited sense of enclosure (provided by Tooter Hill and Hogshead Law Hill), and improved pasture - with views of transmission lines and valley-bottom urban development.
d) Thus a wind farm at Reaps Moss of the scale proposed would itself be acceptable in landscape and visual terms. However, the length of new access track proposed would have a significant landscape fabric and visual impact. There is a track which runs almost parallel to the route of the proposed new track. It is important that every effort be made to ensure that Reaps Moss wind farm is accessed from this existing track. Using this track would also provide an opportunity to relocate the wind turbines further east and away from the main areas of blanket bog.

LCC(Planning) has informed the other relevant Councils that it considers the wind farm proposal for Crook Hill will have landscape character and visual impacts of such major significance it has objection to it. Consequently, it also has objection to all 3 applications being permitted for cumulative impact reasons. However, it does not express the same objection to a combination of wind farms at Reaps Moss and Todmorden Moor.

In respect of archaeology it considers the Applicants proposed mitigation measures to be a satisfactory means of dealing with both the extant features of interest, as well as any currently unknown features or finds which may be encountered. It recommends that the proposed archaeological mitigation works are secured by conditions.

In respect of ecology it advised in response to the initial submission as follows:

a) Sustainable Development - Peat is composed of a very high proportion of carbon, being the partially decomposed remains of plants that have produced carbohydrate from atmospheric carbon dioxide. As Reaps Moss is partly drained it is not clear from the submission whether it is currently a net sink or source of carbon dioxide, but as it is a substantial peatland it has the potential to sequester atmospheric carbon. Having regard to the points about habitat enhancement set out in PPS9 it is important to be able to form a view as to which way the proposed windfarm would change the balance.
b) Bog Structure & Conservation Importance - The blanket bog at Reaps Moss is a good example of a mire type protected under selection criterion Bo5 of the Biological Heritage Sites Guidelines for Site Selection. Furthermore PPS9 says

Local Authorities should conserve important habitat types that have been identified in the Countryside & Rights of Way Act 2000 Section 74 list, as being of principle importance for the conservation of biodiversity in England and identify opportunities to enhance and add to them; this list includes blanket mire. It concludes that although Reaps Moss is not currently designated as a Biological Heritage Site, it arguably satisfies the criterion of Bo5 for selection as such and certainly falls within strong protection and enhancement guidelines provided in PPS9. It is not possible to concur with the suggestion in the submitted Environmental Statement that the peat body is divisible into two areas that could be expressed as intact or degraded. Reaps Moss is an integral peat body. The peat deposit here should be described as a saddle mire; as the name suggests the peat is draped across the two sides of the hill, with the peat thinner towards the topographical equivalent of the horses neck and rear (ie north and south) and with thicker edges that drape down either side of the hill (ie east and west). Thus, although the proposed turbine locations are close to the eastern edge of the peat deposit Turbines 1 and 2 are located on relatively intact and deep peat and only Turbine 3 on edge peat that might be considered degraded. There remains a major concern that the incision of the peat resulting from turbine base construction and the access road will initiate erosion channels and these will progress upslope over time into the central plateau of the peat deposit.

c) Habitat - The submitted Environmental Statement provides a crude mapping and analysis of the vegetation. The presence of Sphagnum mosses is an important indicator of quality, yet an inspection of the site revealed that most of the Sphagnum species occurred on what the Environmental Statement describes as the degraded peat. The emerging picture is one in which blanket mire is extremely vulnerable to a number of factors, and negative changes in just one of them can cause it to deteriorate and erode. The test the Habitat Directive applies to blanket mire is that it should be ‘active’ (ie there is a net accumulation of dead plant remains as peat). It is an important benchmark in understanding the possible impact of the proposed windfarm, and what the mitigation measures should be aiming to achieve.

d) Hydrology - Vegetation, soil cohesion and hydrology are inextricably linked in deep peat. Cutting through the vegetation and/or channelling waterflow creates a soft un-cohesive surface on which water energy can act, causing upslope erosion and releasing large quantities of peat to watercourses. While the Applicants intention to site turbines on degraded peat is sensible, the Environmental Statement wrongly identifies where the degraded peat lies and it may not be possible to isolate the possible erosive consequences of construction of Turbines 1 and 2 and from the associated access track.

e) Badgers - The Environmental Statement acknowledges that badgers cross the application site. It should therefore include a statement on how disturbance of them will be avoided.

f) Conclusions

Having had an opportunity to consider the SER:

i There is a fundamental matter over this development that has still not been adequately addressed by the Applicant. This relates to ‘avoidance’ of biodiversity resources. PPS9 states that ‘*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the*

development cannot reasonably be located on any alternative sites that would result in less or no harm'. The Reaps Moss application involves an area of blanket bog and is surrounded by land with little or no peat. In this respect it would seem that the proposed wind farm could be adequately catered for on adjacent land off the peat. No adequate justification has been provided that would indicate why the blanket mire has been targeted. Rather, it appears that the application has gone straight into attempting mitigation of impacts.

ii The additional information contained within the SER does not fully address its concerns about the adequacy of the ecological/hydrological baseline information relating to the peat deposit at Reaps Moss.

iii Given the information supplied, it is not convinced that the development would not cause significant damage to the blanket mire, in particular, by reason of turbine construction, the access road, cabling and the greater rates of surface-water run-off from the hard-surfaced areas formed.

iv Only in a situation where avoidance is not possible should mitigation be considered. In this instance the scheme of mitigation/habitat management plan being proposed is considered deficient in a number of important respects, most particularly by reason of : ceasing at the time of de-commissioning, rather than extending for 10 years beyond this date; excludes the north-west quarter of the peat deposit; & is founded on the premise that the water-table will be retained at a depth of 1+m when the aim should be to raise the water table to within 0.15m of the surface in order to encourage peat formation.

In respect of the contribution that will be made by the Reaps Moss proposal to wider environmental, social and economic benefits it comments most particularly on the Applicants offer of a financial contribution to be made each year the windfarm is operating to a local community trust fund. It considers that the Applicants suggestion that this be based upon a rate of not less than £1,000 per MW of electricity generated per year appears reasonable having regard to the DTI commissioned 'Community Benefits from Wind Power:A Study of UK Practice & Comparison With Leading European Countries'(2005).

10.2 Rochdale Metropolitan Borough Council (Planning)

Its Development Control Manager advises that he would normally prepare a report for Committee in order to obtain its views upon wind farm proposals in neighbouring authorities. However, the Committee to which he reports would not expect to consider the Reaps Moss and Todmorden Moor proposals separately from, and in advance of, consideration of the Crook Hill application it has itself received from Coronation Power.

Accordingly, the comments below are those of Officers and have not been approved by Committee :

"The proposal has been submitted by Coronation Power as a part of a suite of three proposals which are further located at Todmorden Moor and Crook Hill. These three proposals all lie within the Southern Pennines Countryside Character Area which extends across the main South Pennine ridge between West Yorkshire, Lancashire and Greater Manchester. This landscape is not statutorily designated for its landscape or recreational value but forms a body of highly accessible upland with a series of strategic and local recreational routes including national trails and links to them and open access areas close to large

urban populations in the adjoining conurbations. Such recreational resources provide a valuable sense of remoteness or tranquillity for recreational users and afford long distance, principally open views over large sections of the South Pennines and for urban populations a relatively undeveloped skyline in many areas. The upland has a significant cultural and landscape heritage recognised in plans and strategies such as the Heritage Strategy for the South Pennines produced by the Standing Conference of South Pennine Authorities (now Pennine Prospects). The upland also frames and helps to define the character of the principal settlements in the valleys.

Existing significant wind power developments are located nearby to the proposals submitted by Coronation Power. These include operational wind farms at Coal Clough Farm, Burnley and Ovenden Moor, near Halifax. In addition, a major consented proposal at Scout Moor near Rochdale is under construction and due to become operational in 2008. The Council is concerned to ensure that accommodating wind power developments in the landscape is carried out in such a way as to conserve and enhance landscape character and to mitigate significant environmental effects. In seeking to achieve this, the Council has taken account of the sensitivity of the landscape and its character to such development and the capacity of the landscape to accommodate development without becoming dominated by the impact of wind turbines and associated infrastructure.

The Council supports renewable, clean energy sources and is mindful of the requirement of PPS 22 to support renewable energy proposals in locations where environmental impacts can be addressed satisfactorily. However, having carefully considered the proposal at Reaps Moss and its accompanying Environmental Statement, the Council considers that the proposal would have unacceptable cumulative visual and landscape character impacts when assessed in conjunction with existing operational and consented schemes. This is further exacerbated by the additional proposals for Todmorden Moor and Crook Hill submitted by Coronation Power. The Council considers that the development and its accompanying environmental statement has failed to satisfactorily address key issues relating to the areas landscape sensitivity to wind power development and the likely cumulative visual impacts."

10.3 Calderdale Metropolitan Borough Council (Planning)

The comments below are those of Officers and have not been approved by Committee:

"The proposed development at Reaps Moss is one of three proposals for wind farms by Coronation Power. Calderdale Council is currently considering an application wholly within our administrative boundary at Todmorden Moor; an application for a section of the proposed access route to Reaps Moss wind farm; and an application for five turbines at Crook Hill, adjacent to our boundary with Rochdale MBC. As you will be aware Rochdale MBC is also considering an application for seven turbines at Crook Hill.

Whilst wind farms can be justified in order to provide for renewable energy production, they may have an unacceptable impact on areas of high landscape value by virtue of their nature, the size, number and massing of turbines or

location. Calderdale's approach is therefore to achieve a balance between increasing renewable energy, and avoiding unacceptable damage to the environment and its key assets. A particular concern is the potential for a proliferation of wind projects and their cumulative impact in Calderdale and the surrounding local authority areas.

Having carefully considered the application, Calderdale Council has concluded that the individual and cumilative impact of the proposed development would be unacceptable and therefore contrary to government planning policy set out in PPS22 (Renewable energy).

Cumulative Impact ***:*** *All the wind farms would fall within the High Moorland Plateaux landscape character type according to the South Pennines Landscape Character Assessment. This type is highlighted as having very little scope for any form of development. In addition, intervisibility between existing large scale developments is flagged up as threatening the special character of the landscape with its open skies, long views and sense of wildness and remoteness.*

The wind farms would effectively occupy most of the ridge line from Thieveley Pike to Crook Hill. Arranged in a line around 6.5 km long, they would tend to dominate it visually. Seen from the north-west and south-east they would overlap and appear as a cluster, hence reducing their impact, but from key viewpoints to the east (including extensive sections of the Pennine Bridleway and Pennine Way) they would be seen as separate sites, together occupying a wide field of view, and this would increase their impact.

Individual Impact : The access track to the proposed Reaps Moss wind farm would have a significant adverse impact on the landscape fabric of the hillside above the A681. The wind farm itself would significantly affect the special open character, visual amenity and recreational experience of this central section of the moorland ridge. Recreational users potentially would be deterred from using strategic ridge top rights of way; and there would be cumulative impacts on character and views from the Pennine edge and on the Southern Pennines Heritage Area."

10.4 Calderdale Metropolitan Borough Council (Highways)

No objection in principle. Whatever works are undertaken to accommodate the proposed construction vehicles (of up to 145T gross vehicle weight) on the existing length of track which falls within the Calderdale administrative area will significantly alter its character. However, there should be no reason why this length of track could not be up-graded and still provide a suitable surface for equestrian use.

10.5 Lancashire County Council (Highways)

No objection as the access-point is to join the adopted highway within Calderdale. However, as construction of the windfarm will require delivery of parts and equipment (including long-loads) using the road network through Rossendale this arrangement would need to be carefully programmed with all affected organisations, including itself.

10.6 Lancashire County Council (Rights of Way Officer)

The Definite Map of Public Rights of Way shows a number of paths in Lancashire to be within the site and near to it. In Lancashire there are also public rights of way that are not recorded on the Definitive Map, including a section of the Rossendale Way which runs less than 20m from two of the proposed turbines and is a well-used route. Public rights of way must not be obstructed during construction or by the completed development without the necessary legal procedures for diversion/closure having first been completed.

Limers Gate bridleway, across the border in Calderdale, also passes close the proposed turbines. The Limers Gate route is of county importance, providing a through-route for the Mary Towneley Loop variation of the Pennine Bridleway and linking also with the Cliviger Riding Circuit. It is noted that turbines will be considerably closer to this bridleway than Countryside Agency (now Natural England) guidance, nor meets the 200m guideline of the British Horse Society.

10.7 Calderdale Metropolitan Borough Council (Rights of Way Officer)

It is noted that there is a shortfall in the separation-distance between the Limers Gate bridleway and the proposed turbines in respect of the British Horse Society's (BHS) recommendations of 200 metres minimum distance. In fact, only one of the three turbines proposed exceeds the 200m minimum distance, and none comes near to BHS's preferred stand-off of 3 times the turbine height (375 metres.

The closeness of the proposed turbines to Limers Gate bridleway is a cause for concern. Horses are skittish and unpredictable and the safety of riders is paramount, especially in such a remote area. The Applicant's Environmental Statement gives anecdotal evidence of the effect of turbines on horse behaviour but this relates to stud farms and stabling facilities near turbine sites, where horses would become used to the circumstances. It does not relate to the behaviour of ridden horses coming across the situation for the first time.

The BHS recommended a minimum distance of 200m for 40m or 50m high turbines and 200m has historically been deemed appropriate as a minimum. However, given that the size of the proposed turbines is more than double the height of those previously considered by the BHS, then the distance they are erected away from the bridleway should be increased to a distance equivalent to at least three times their height. There is objection on safety grounds to the siting of the turbines as now proposed.

10.8 Whitworth Town Council

Object to this proposal for the same reasons as when this application was first heard ie. loss of amenity, noise pollution, increased traffic and loss and erosion of moorland.

10.9 Todmorden Town Council

It has recommended that Calderdale MBC refuse the application it is dealing with for up-grade of the access track to service the Reaps Moss wind farm for the following reasons :

- the application is not up-grading but construction of a new 5m wide road
- the industrial nature of the development
- the site would be degraded as a habitat for birds, small mammals and insects
- amenity value would be affected - Rossendale Way runs parallel to the route

- concern re disturbance of old mine workings

It recommends that this Council refuse Application 2007/125 for the following reasons :

- Changes in energy market question viability of such a development
- Part of the proposed development on Green Belt land
- Concerns re erection of turbines of this size - 3MW is typical for offshore use
- Adverse visual intrusion on the landscape by virtue of the sheer size and scale of turbines
- Loss of tourism and visitors could undermine fragile rural economy
- Area riddled with uncharted and unstable old mine workings and subsidence problems
- Proposed construction methods present a high risk to the hydrology of the area and could damage the blanket bog habitat
- Habitat loss would affect birds, small mammals and insects
- Consequent breach of Statute in relation to safeguarding badgers living in the interconnected mine workings in the area
- No mention in ornithology assessment/report of migratory birds
- Development contrary to Environmental Stewardship Scheme aims
- Concern on the effect to breeding livestock grazing nearby
- Loss and/or pollution of water supply to local residents
- Concerns on noise radiation for local residents

10.10 <u>The Coal Authority</u>

Records held by the Coal Authority show that the area under the proposed windfarm has been the subject of extensive underground coal mining in two seams. The plans indicate a number of shafts and adits located along the outcrops of seams and features on the OS plans also indicate possible old shafts and ground collapses associated with mining.

The shallowest recorded coal workings are in the Upper Mountain seam, with a mined thickness of 18 inches (0.46m). No indication of extraction of fireclay beneath the coal seam has been found, but it is likely that some additional extraction would have taken place in some parts of the mine-workings for travelling roads. The depth of cover over the mine-workings will vary with position, a shaft close to the position proposed for Turbine No 2 has a recorded depth of 24m. From the information shown on its records it estimates that the depth of cover at the 3 turbine positions will be 20m. Due to the shallow depth of the mine-workings and outcropping coal seams it is likely that the ground water regime is linked to the mine-workings.

Accordingly, it advises that :

1. The Developer needs to be satisfied that the depth of cover and competency of the intervening strata is suitable for the loads that will be imposed by the proposed wind turbines. If piled foundations are proposed as an alternative to poured concrete the Developer will have to satisfy the Coal Authority that this work would not cause any instability in the shallow workings.

2. Whilst the Developer has suggested a tolerance of 50m be allowed for the final positioning of the proposed turbines Turbine No 2 is proposed so close to the recorded position of a mine shaft any movement of it closer to this shaft should be avoided.

3. To allow a more accurate assessment of the hydrology of the area the proposed ground investigation boreholes should provide better information on the water levels within the mine workings.

4. Any Developer wishing to investigate/treat the position of a shaft or shallow mine workings needs to obtain the consent of the Coal Authority.

10.11 Natural England

Natural England is charged with ensuring that the natural environment is conserved, enhanced and managed for the benefit of present and future generations. Its responsibilities specifically encompass nature conservation, biodiversity, landscape, recreation and access interests in rural, urban, coastal and marine areas.

Landscape:

It considers the Julie Martin Associates' report commissioned by affected local authorities to review the assessment of the three wind power developments proposed by Coronation Power Ltd to make a useful contribution to the debate about potential impacts on landscape character and the visual landscape.

The Julie Martin Associates report questioned the method by which the sensitivity of the different landscape types was identified in the Applicant's Environmental Statement(ES). In response the Applicant's Supplementary Environmental Report(SER) refers to the Derek Lovejoy report on Landscape Sensitivity to Wind Energy Developments. The Lovejoy report was intended to provide strategic guidance, with further site-specific assessment needed for each proposed development. Furthermore, it considered scale in terms of size of clusters of turbines of 1.3MW (no height specified). Natural England is concerned that the issue of appropriate scale has not been given more consideration in the Applicant's ES/SER. The Reaps Moss turbines would be larger, with a height of 125 m and output of between 2 and 3 MW, though the cluster is small. Reaps Moss is a relatively small area of moorland, on a ridge close to settlements, and therefore the visual dominance of the turbines is likely to be greater than in a more extensive landscape. The cultural associations and perceptions of the area by local residents do not seem to have been taken into account.

The degree of visual clutter in the South Pennines is a matter of general concern, and while it is acknowledged that the presence of existing clutter – pylons, masts, poles etc - is seen as reducing the sensitivity of an area to further development, the overall aim should of course be to reduce the number and impact of obtrusive vertical features in the landscape. While the method of connection to the national grid would be the subject of a future application, it is recommended that any opportunities are taken to rationalise or remove existing overhead lines or other clutter in the general area.

The construction of the substation, with unsympathetic palisade security fencing, and 2.5km of access track, of which 2km would be new, will have their own visual impact. If they were the subject of an application which did not include wind turbines, the application might well be refused in this location. The ES and SER do not include any visual impact assessment of the proposed access track, or discuss any alternative routes.

No reference is made in the SER to the recent Countryside Quality Counts assessment for the area which identified concerns over the direction of landscape change, or the potential for positive measures to strengthen local landscape character in accordance with the SCOSPA – South Pennine Landscape Guidelines or other recommendations.

The further work on impact on conservation areas and historic parks and gardens contained within the SER is welcomed.

Access and Recreation:

It notes that the proposed wind farm directly affects Open Land designated under the Countryside & Rights of Way Act 2000 (also Registered Common Land) and the access track directly affects public rights of way including the Rossendale Way. It states that, whilst there are no national trails close to the site, there is concern that the experience of recreational users of the area will be significantly affected, and also that parts of the nearby historic Limers Gate path/bridleway will be damaged by construction. The bridleway would be closer than the recommended distance which is 4 x the height of the turbines.

Ecology:

The overlapping designations of South Pennine Moors Site of Special Scientific Interest, Special Protection Area (SPA) and Special Area of Conservation (SAC) are located over 4 km to the east of this proposed development site, and it is not considered that there would be a significant impact upon their ecology.

The application site includes an area of peat moss (blanket bog). Blanket bog is a rare and fragile substrate that forms only under specific and uncommon environmental conditions. Blanket peat and mire vegetation is restricted to a relatively few locations globally. Britain and Ireland are considered to be the global 'type location' for the habitat, and Britain represents the prime global location for this habitat. This globally rare peatland habitat and a priority habitat on the UK Biodiversity Action Plan (UKBAP). It is also a priority habitat on the Lancashire Biodiversity Action Plan.

England also has special responsibility for protection of this habitat, which is a habitat listed under the Annex 1 of the Habitats Directive (Directive 92/43/EEC) requiring protection and as such is (UK) required to meet favourable conservation status standards for this internationally important habitat.

The application site area is not designated as European site, Site of Special Scientific Interest nor Biological Heritage Site. We understand that the Ecologist at Lancashire County Council was previously not aware of this site. However, having seen the site and survey information, he is of the opinion that this is of at least Biological Heritage Site Quality, and therefore should be treated as such in the determination of any planning application affecting the site.

It is not clear how the constraining area of blanket bog put forward within Figure 4 (on-site environmental and technical constraints) has been identified. This does not appear to coincide with either the area of inferred peat >1.0m depth (identified on figure 40), or the area of blanket mire habitat (identified on figure 27). Part of the 'floating road' and turbines 1 and 2 are within an area of peat of over 1 metre in depth. The remainder of the road and turbine 3 are still within an area of blanket peat.

The ES concluded that there would be approximately 1.6 ha of direct loss of habitat as a result of the 4 turbine bases and construction tracks then proposed. There will be an additional temporary loss of a further 0.76ha of habitat at the construction compound (assuming that the proposed restoration is successful). It is not clear from the ES how much additional indirect loss of habitat there will be through, for example, erosion/changes in habitat quality adjacent to this infrastructure, changes in hydrology

and disturbance. There is also no information provided about the impacts on the habitat through the laying of cables.

The emphasis of the Environmental Statement (page 116) is on the loss of degraded peat habitat. However, degraded habitat should not be viewed as 'expendable'. Where blanket mires have become degraded and the surface topography and vegetation have been altered and now support other vegetation types such as acid grassland and dry heath communities, there is a presumption to restore these peatland sites to a hydrologically functioning peatland system with enhanced biodiversity and carbon storage functions. Furthermore, the peat cross sections (figure 41) indicate that the zone of dried out peat is outside the planning application site boundary.

We are yet to be convinced about the effectiveness of the floating tracks proposed, and have not seen any evidence to support their function. It is our view that the floating tracks do not appear to allow unimpeded flow of water through the peat below the track. Most water movement through peat is through the top few cm - surely this cannot occur with several tons of stone on top regardless of a membrane? It is possible that the tracks will increase drainage as water may tend to flow along their base, particularly if the peat becomes deformed and compressed. It is not convinced the Applicants suggestion that the visual intrusion of the tracks be reduced by putting peat turves along their edge, to promote bog vegetation growth, would work; it considers the turves likely to die and wash off.

A further concern is the potential of the blanket bog CO2 storage to be reduced through drying out and oxidation of the peat, or even for the bog to become a net source of CO2.

The tracks may allow easier access across the moorland, which could have some benefits for recreation, but which could significantly increase the fire risk in dry conditions.

Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. In PPS9, the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function (para 14). Para 6 states that : '*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm.*' In terms of protecting biodiversity resources PPS9 clearly sets out the need for a sequential approach to be carried-out to determine the acceptability of sites for development.

It is not clear if, or how, alternative planning solutions have been considered as part of this proposal. It would appear that there are alternatives (in the siting of the access road and turbines), which would avoid the loss of blanket peat habitat in this area. It is our view that the plans should be revised to consider the avoidance of these most sensitive, irreplaceable habitats. It has not been demonstrated that everything that can been done has been done to avoid damage to the peat habitat.

In respect of Ecology it concludes that:

a) The application will result in the loss of blanket bog habitat, which is of national / international importance. This cannot be replaced or mitigated for. It appears that this loss could be avoided, and options for avoidance could and should be given further consideration. Hence we strongly advise that the Council seeks alternative locations for the turbines and associated infrastructure, away from blanket peat.

b) We are aware of the benefits of pursuing sustainable forms of energy and would wish to work with energy companies to promote the development of sustainable energy. However, this should not be at the cost of the permanent loss of such an important and sensitive habitat.

c) It is recommended that any subsequent approval includes a management agreement for the life of the wind farm and for a period of 10 years following decommissioning. The management plan should be agreed by the local authority before work starts on site, implemented in parallel with the construction programme, and subsequently reviewed every five years, informed by monitoring of the condition and vegetation cover of the peat body and the vegetation. It should also include a programme of works to enhance landscape and historic environment features in poor condition within or on the boundary of the site.

10.12 Environment Agency

Wind farm developments in sensitive upland landscapes such as this can lead to the erosion of fragile peatland due to hydrological and physical disturbance of the peat. It is essential that high quality peat bog, which is a globally rare peatland habitat and a priority habitat, be protected and preferably enhanced as part of the development.

Contrary to the hydrological impact assessment within Environmental Statement submitted by the Applicant, it considers that the changes in surface-water run-off regimes following construction of 2km of access track could detrimentally effect the sensitive peatland/mossland habitats. A Construction Method Statement should identify where the more sensitive 'floating track' construction should be favoured over the more intrusive typical track design. As it is essential the new development does not increase surface water run-off with high particulate matter entering watercourses it would also wish to see the adoption of recognised sustainable drainage/sediment management techniques. Furthermore, there is a lack of detail regarding how, when and where proposed habitat enhancement and impact mitigation measures are going to be undertaken.

Accordingly, it has no objection in principle to the proposed development, but recommends the following conditions to ensure such a large development within a fragile upland ecosystem will actively protect and enhance the existing environment and the wildlife that depends on it :

- No commencement of development until a Construction Method Statement has been submitted and approved.

- No commencement of development until a Conservation Management Plan has been submitted and approved detailing how, when and where proposed habitat enhancement and impact mitigation measures will be undertaken.
- No commencement of development until a scheme for future ecological and hydrological monitoring has been submitted and approved.

10.13 United Utilities

United Utilities has no objection in principle. However, it would wish construction of the windfarm to proceed in full accordance with its Water Catchment Area Asset Standards.

10.14 Yorkshire Water

It advises that it does not consider the proposed development likely to have an adverse impact on Gorpley Reservoir. However, the Developer should ensure that there can be no spillage of oil from the proposed gear-boxes associated with the turbines that could then get into the watercourses/hydrological pathways feeding their reservoir.

10.15 Civil Aviation Authority

No objection in principle. It does not itself see need for the turbines to possess aviation obstruction lighting, but the Council must extend an opportunity to comment on the proposal to the MoD and NATS. It also advises that if the development proceeds the Developer will need to follow procedural requirements that ensure all structures over 300ft high are charted on aviation maps.

10.16 Ministry of Defence (MOD)

No objection; any change to the siting/height of turbines should be the subject of re-consultation as this may affect its assessment. If the development proceeds it wishes to be informed in order that its flying charts can be up-dated and military aircraft avoid the area.

10.17 National Air Traffic Services (NATS)

NATS advises that it is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To discharge this responsibility it maintains a network of radars, communication systems and navigational aids.

It has undertaken an assessment to establish whether the proposed wind farm will compromise the integrity of this infrastructure and has concluded there will be no impact upon its navigational aids or air-ground voice communication systems. However, the Reaps Moss site falls within the operational range of 5 of its radar systems.

In respect of the originally submitted proposal for 4 turbines it advised that "*the radar safeguarding assessment reveals that the wind turbine development is located within an area where there is insufficient terrain shielding from the Primary Radar Service at St Annes. Due to the large dimensions of the turbines and the distance from the radar it is anticipated that the backscatter power from the wind turbines will be of adequate value to be detected by the radar and consequently generate false plots. A reduction in the radar's probability of detection, for real targets, is also expected.*"

Accordingly, it objected to the application due to the safety risk for air traffic the proposal for 4 turbines would cause. Following discussions between the Applicants and NATS one of the turbines has been deleted from the proposal. NATS has now confirmed in writing that it has no objection to permission being granted for erection of 3 turbines of the size proposed for the site.

10.18 Manchester Airport
It has no objection to the application for reasons of Aerodrome Safeguarding.

10.19 Joint Radio Company Ltd
It is satisfied that the proposed development will not interfere with telemetry and telecontrol radio systems operated by utility companies in support of their regulatory operational requirements.

10.20 National Grid Wireless
NGW has responsibility for providing the BBC's transmission network. Its analysis shows the proposed wind farm could interfere with a re-broadcast link from Winter Hill to Todmorden. As a consequence it has objected to the application, but has indicated it would withdraw its objection if the Developer were to enter into a legally binding agreement to meet the costs of investigating any problems that may otherwise arise and, if necessary, rectifying them by provision of an alternative signal source.

11. REPRESENTATIONS FROM ORGANISATIONS

11.1 RSPB
Prior to submission of the application, when Coronation Power was contemplating erection of 6 turbines on the site, it said the proposal gave it cause for concern, most particularly in relation to disturbance of curlews.

However, it has now had the opportunity to visit Reaps Moss and concluded that there are no ornithological reasons on which RSPB could sustain an objection to the scheme now proposed.

The actual site consisted of overgrown Purple Moor Grass, which was too long and dense to support breeding wading birds. The direct physical footprint was therefore unlikely to affect birds. Displacement is not an issue as Curlews, Snipe and Lapwing were not breeding on the actual site (although all breed nearby). Nor is there concern that collision would affect birds at the population level in this location, particularly as the number of turbines has been reduced from 6 to 3.

11.2 Lancashire Wildlife Trust
In response to the originally submitted application, it objected for the following reasons :

1. The protection and enhancement guidelines of PPS9 apply to Reaps Moss as blanket bog/mire is listed amongst the habitat types in Section 74 list of the Countryside & Rights of Way Act 2000 as being of principle importance for the conservation of biodiversity in England.

2. The Trust does not agree with the submitted Environmental Statement that Reaps Moss should be divided into intact and degraded areas, but should be regarded as one integral body of peat, irrespective of its condition and depth. Its mitigation measures should apply to the entire area of the peat deposit, and an agreed area beyond, and cover a 5-10 year period after decommissioning.

3. The application proposes to locate turbines and the access road on peat, but the Environmental Statement does not explain why they cannot be located outside the extent of bog vegetation/body of peat.

4. The peat deposit should be examined and assessed in order to determine whether it is presently a carbon sink or source, and potential change to this status the proposal will have.

5. The submitted Environmental Statement has not accurately surveyed or adequately described the blanket bog/mire in terms of its vegetation, invertebrates and hydrological dependency. Had the results of the habitat survey been tested against the selection criteria, then it would have been determined Reaps Moss met the bog guideline for an Important Wildlife Site and Bo5 of the Biological Heritage Sites guidelines.

6. The Environmental Statement having identified badgers as crossing the site it should explain how disturbance of them will be avoided.

Having had an opportunity to review the Supplementary Environmental Report submitted by the Applicant it remains of the view that it cannot be concluded that the construction of the turbines and access road will not cause erosion of areas of peat. In amplification it says :

- The Trust is still concerned about the impact of constructing large turbines in areas of peat bog that could exceed 2 metres in depth (page 19 of the SER).

- The Trust maintains its stance that the surveys carried out have several deficiencies.

- The Trust does not understand why the turbines could not be located either outside the 1m deep peat zone or out of the peat zone full stop.

11.3 Lancashire Badger Group

It objected to the application as originally submitted, having 2 main areas of concern :

1. The mammal survey undertaken by the Applicant identified signs of badger activity on the site but did not identify any badger setts. Given the large area of the site, and the method of survey used, it feels there is a high possibility that setts on the site could have been missed. Although it has not itself undertaken surveys in the area in recent years, its own database records setts as being close to the site. There is anecdotal evidence from its members and local people that suggests high badger activity in the area and in high badger density areas the animals do not forage far from their setts. Consequently, the discovery of badger foraging signs within the site by the Applicant could well be an indicator that new setts have been created. Accordingly, it recommends that

a specific badger sett survey be carried out and, if necessary, its findings used to formulate mitigation measures.

2. It is clear from the mining report submitted by the Applicant that it is almost impossible to accurately identify where the location of all the mine shafts, adits and quarry workings are within the area of the site. Its own records show the existence of badgers in several different mine workings not far from the site, including one it understands to run directly under the site. That the Applicant did not find conventional setts within the site may suggest the signs of foraging found on the site could be from badgers using adits or holes into the mine network. As these mines are likely to extend under the site there is a definite possibility that badgers could be present at any point along their length. In law the definition of a badger sett is “a place or location that shows the recognised signs of current occupation by a badger”. It could be taken therefore that the whole of the mine working becomes a ‘sett’ if there are signs of a badger using it and an offence would be committed if a mine working should collapse causing injury or disturbance of badgers. Given the ambiguity about mine workings it feels there is little scope for mitigation of potential disturbance to badgers.

In response to the Applicant’s Supplementary Environmental Statement it says :
- it remains of the view that inadequate badger survey work has been undertaken by the Applicant.
- it has itself carried out a basic ground survey and found strong evidence of badger activity within the site and a recently-used outlying sett entrance hole in the area proposed for the access road.

11.4 Campaign to Protect Rural England (CPRE)

It is generally in favour of using renewable forms of energy generation, but objects to this application on tranquillity retention grounds.

CPRE is presently campaigning to protect the tranquillity of the English countryside and, if one looks at the Lancashire County Tranquility Map it has produced, it is evident that man made disturbance since 1993 has been spreading very quickly.

The high position of these turbines will make them visible from high viewpoints within a 25km radius and more. They may be small within the scale of the landscape, but measured against tranquillity criteria, the presence of these turbines will diminish the tranquillity of the Lancashire, West Yorkshire and North Derbyshire countryside. The average observer will either object to the intrusion or be ambivalent to it.

The effects of this application, in this regard, need to be considered together with the effects from other windfarms (implemented and proposed) in the immediate area of Rossendale, Calderdale and Rochdale. Within the 40km study area contained in the Applicant’s Reaps Moss Environmental Statement there are already 64 turbines, 29 under construction and (including this application) 28 awaiting planning decisions. If these are all implemented there will be a cumulative effect from the 121 turbines in the study area.

11.5 South Pennines Association(SPA)

The SPA is the voluntary arm of the Pennine Prospects and represents various amenity groups across the South Pennines. It strongly objects to this proposal for the following reasons :

1. The visual impact of the proposal is of great concern. This area of moorland has long been admired for its wild wilderness qualities. The horizontal flow of our landscapes is an essential ingredient of the Pennine character. Whilst it is appreciated that this area is not wholly 'natural', the proposed turbines are massive and will create an industrial intrusion. Twice the height of the highest pylons across the Pennines, they will be completely out of scale with the moorlands and will completely ruin the character by demeaning such features as field size, stone walling and surrounding moorland hills.
2. The area is needed for quiet recreation. The Pennine Hills serve the population of large conurbations, taking pressure off more formal areas of recreation such as National Parks. The proposed development would seriously impact upon the quality of the national trail, the Pennine Way and various locally designated trails which are sited within short distances of the site. The local trails have been designated by the populations of local towns and reflect the importance of this area as a recreational resource.
3. Large sums of public and private money, and local community effort, have been spent to maintain/develop these areas as an attractive recreational resource - a long-term benefit for quality of life and economic well-being of surrounding towns - and the proposal would create an extremely obtrusive manmade development which impinges upon the recreational experience and destroys a lot of the good work done to date.
4. Peat bog is a globally scarce resource and serves as a carbon 'sink'. Turbine and track construction will destroy bog and in the long-term to drain, thereby releasing the carbon dioxide it holds and contributing to global warming. The development will affect the fragile moorland vegetation and, by diminishing the ability of the bog to act as a sponge during heavy rain, will increase run-off and with it further erosion of adjoining soils and flooding in lower valley areas.

11.6 <u>Friends of the South Pennines</u>

It indicates that it is not against renewable energy but expresses the following concerns about the siting of a wind farm at Reaps Moss :

Noise/Health Concerns - Recent studies of noise and flicker generated by turbines show that they can cause significant health problems (including stress, anxiety, & depression) and, as a consequence, ought not to be sited within a mile of dwellings, more in the case of 3MW turbines, as proposed here.

Peatland/Wildlife - Although the Reaps Moss proposal does not directly affect any statutory site (ie SSSI), it supports blanket bog, which is a globally rare peatland habitat and a priority for conservation/restoration in the UK Biodiversity Action Plan and the Lancashire BAP. Whilst wind farm electricity is almost free of CO2 emissions at the point of generation, the harm done to peatland can cause the release of considerable CO2. Attention is also drawn to an incidence of a bog slide at a wind farm site elsewhere. Furthermore, if this project went ahead the wildlife in the area would be seriously diminished.

Mining/Hydrology - The Applicants mining assessment makes reference to the significant hazards posed by past coal workings to turbines with the siting proposed

and recommends also that the access track would more suitably be located further to the west. The development may adversely affect the quality/quantity of water flowing to springs/boreholes from which some residents/businesses draw water. Furthermore, peat erosion will increase the risk of flooding in Clough Foot, Bacup and Todmorden.

Green Belt/Landscape Impact - One of the purposes of Green Belt is to preserve the setting and special character of historic towns. Bacup is a historical mill town, a designated Conservation Area and lies within 1 mile of the application site. By reason of their siting on the ridgeline, size and motion, the proposed turbines would form a dominant and discordant backdrop to this historical town. These turbines will be much bigger than those at neighbouring wind farms, be out of scale with the immediate landscape and clearly visible for miles around - a blot on the striking, unspoilt moorland landscape of Rossendale and Calderdale. The cumulative impact of Reaps Moss, existing wind farms in the South Pennines and others under construction will re-define the open moorland landscape into one of major industrial development.

Recreation/Tourism - A number of footpaths either run adjacent, across or abut the site, including the famous Rossendale Way and the ancient packhorse route of Limers Gate. People are attracted to the moors to enjoy their remoteness and quiet tranquillity. The proposed wind farm will detract from the recreational value of the moors, and people's long-term perception of them, to such an extent tourism will suffer.

11.7 Groundwork Rossendale

The submitted Environmental Statement underplays the cultural heritage value of the series of boundary stones adjacent to a wall forming the eastern boundary of the application site. However, it considers the protection they are to be afforded during construction to be appropriate. It considers a proper record should be taken of an ancient ditch that crosses the site, the boundary stones and wall before construction can start.

It notes that the Environmental Statement proposes as a mitigation option the re-direction of Limers Gate bridleway to a nearby public footpath for 267m, in order to increase the distance the bridleway stands Turbine No2. As Limers Gate is an ancient highway it may not be appropriate to relocate it.

11.8 The Bronte Society

This Society exists to promote the lives and works of the Brontes and to protect and preserve their heritage.

This windfarm, were it to go ahead, would clearly be visible from the footpath to the waterfall on Haworth Moor, also from Top Withens, the ruined farm that is popularly associated with Emily Bronte's novel, Wuthering Heights. After years of these moors being a place of peace, with little or no industry and very few human habitations, and having become one of the few landscapes in West Yorkshire that present a wilderness quality, on these grounds alone it objects to this application. The wilderness, largely free from the trappings of civilisation, "the enemy of the heath" as Thomas Hardy said, is what millions of visitors come to walk on the moors and experience.

Wuthering Heights has an underlying respect for nature and for wildlife, which reflects the deep passion and understanding of its author for the moors and the flora and

fauna they support. Wind turbines bring tremendous upheaval to the delicate ecology of moorland and are therefore detrimental to the land and the wildlife whose natural habitat it is. Reaps Moss is a particularly sensitive location as it is formed by blanket bog. Therefore, in addition to the visual pollution these structures impose, it feels it appropriate to object also to the damage to the moor at Reaps Moss and its resident species.

Although there are already more than a thousand wind turbines operating in the UK, they produce less than 1% of our electricity supply. Imagine how many would need to be erected in the countryside to make a serious contribution to our energy requirements. There is an overwhelming amount of scientific evidence that refutes the supposition that greenhouse gases are responsible for global warming, but there are economic reasons and business interests at stake that induce governments around the world to perpetuate this myth and encourage the installation of windfarms that are to the detriment of land and wildlife and human society, contrary to the ethos of Wuthering Heights.

11.9 Todmorden Moor Restoration Trust

It objects to the application for the following reasons:

1. The intervisibility of current and proposed wind farms - the combined impact of the turbines at Cliviger, Scout Moor, Reaps Moss and Todmorden Moor would be appalling.
2. Even without any turbines being built on Todmorden Moor 410ft high turbines on Reaps Moss would substantially change the character of this area, having a completely negative impact on the amenity of Reaps Moss and the Rossendale Way.
3. Reaps Moss is riddled with old coal workings dating back to long before it was compulsory to supply abandonment plans to any office of the Government.
4. The application for both the Reaps Moss and Todmorden Moor wind farms underplay the volume of traffic they will put onto the A681. This has serious implications for both the highway network and for the residents of houses fronting this road. Attention is drawn to an appeal decision in 2004 in which the Inspector concluded that a proposal for mineral extraction would have resulted in 48-66 lorry movements per day along the A681, for 2 years, would cause unacceptable noise and disturbance for residents.

11.10 Littleborough Civic Trust

It objects to the application for the following reasons :

1. The area of the South Pennines is greatly treasured by many walkers, cyclists and horse riders. It acts as the green lungs' of the industrialised areas of Manchester and West Yorkshire. Its value is in its wildness, its naturalness and its relatively untouched character. It does not wish to see the South Pennines straddled by the industrial monstrosities now proposed for Reaps Moss and at Todmorden Moor and Crook Hill.
2. Recovering from the damages done by the Industrial Revolution, the South Pennines now offers another reason for people to live in and visit the area. The economic benefits of this will not continue or burgeon if blighted by huge structures striding like triffids across the skyline.
3. The visual impact will be great and will undoubtedly spoil the area for most people. The three proposed sites will form a crescent of whirling fans from Crook Hill to Coal Clough, all visibly 'in your face' as you walk along the

Pennine Way. Those proposed for Reaps Moss will overshadow the valley down to Bacup from Sharneyford.

4. The damage done to peat beds, mosses, birds, insects and small mammals will be insidious but will be huge.

11.11 Peak & Northern Footpaths Society

Object on the grounds that the proposed windfarm would be a gross intrusion into this free open space at present enjoyed by many walkers in search of healthy exercise in relatively undisturbed surroundings. Reaps Moss carries three major long-distance paths (the Calderdale Way, the Rossendale Way & Limersgate) and other public footpaths. The intrusion upon the natural landscape of the proposed service road, the four enormous turbines, with their huge concrete bases, should be resisted.

11.12 British Horse Society (BHS)

Make strong objection on behalf of all horse riders as it is proposed that the bridleway known as Limersgate be used as the construction access road and for access for future maintenance. Off-road routes are essential to riders' safety. The up-grading of this footpath to a bridleway was won at public inquiry in 2000 after a long fight. It forms an important part of the off-road riding network, there being no other bridleway for riders wishing to get from Sharneyford in a southerly direction towards the common at Watergrove which provides a vast safe riding area. Furthermore, if this bridleway is to be used by heavy construction traffic it will be hard-surfaced, which is not appropriate for horse use as sustained-work upon it will lead to concussion-related lamenesses in horses; if permission allows its use by construction traffic it would wish to see re-instatement of a suitable surface for bridleway use upon completion of the construction phase.

11.13 Cliviger Riding Club

This Club was established in the early 1970's by like-minded riders wishing to explore the landscape of the local hills and valleys of Calderdale/Burnley/Rochdale/ Rossendale and its membership continues to grow. It objects to the application for the following reasons:

1. This proposal will be seriously detrimental to its members, who rely on free and safe access over the bridleway network within the vicinity of this site, especially as the Applicant intends to use a statutory bridleway to access the site. The proposal will not only decimate the local bridleway network during construction, but will result in towers that overshadow the statutory rights of way.
2. As a consequence there will be a detrimental affect on horse ownership, a sport which makes a considerable economic contribution to the local rural economy.
3. The proliferation of windfarms in the Rochdale/Calderdale/Lancashire border area now proposed will fundamentally change the character of the South Pennine uplands - creating an industrial landscape from a historic landscape - and adversely affect the wider image of the area.
4. The loss of blanket bog, wildlife habitat and the isolation of the area.
5. The lack of social, economic or health benefits rendered by the proposal when considered against the needs of the local community.

11.14 Kirklees Bridleway Group

It objects to the proposal for the following reasons:

1. As the windfarm is to be accessed by Limers Gate, a very ancient packhorse road and now a bridleway. Its use by heavy vehicles would conflict with and endanger horse-riders.
2. The erection of these turbines would seriously degrade the wonderful landscape in this very narrow and therefore very important part of the Pennines, which is of immense value to people in the towns on both sides of the Pennines for peace and quiet and open-air enjoyment.
3. The flora and fauna in this upland area, some of it rare, would be devastated by the upheaval of construction and running of such an industrial development.

12. REPRESENTATIONS FROM INDIVIDUALS

The application has been publicised by way of newspaper notices, site notices and letters sent directly to the occupiers of nearby properties, both shortly after receipt of the application and again following receipt of amendment to the scheme and a Supplementary Environmental Statement.

1,325 letters/emails expressing support for the proposal have been received and 840 letters/emails expressing objection.

Those expressing support have advanced the following reasons for doing so:

- Climate change/global warming are a great threat to our planet/threaten to wipe out a third of the earths species.
- Wind power is sustainable - fossil fuels/uranium will eventually run out - and will make us less dependent on imported fuels.
- Wind power is clean - it does not produce acid rain/carbon dioxide/etc.
- Wind power reduces the need for new expensive nuclear power stations and their toxic legacy of radioactive waste.
- Several European countries already generate around 20% of their electricity from wind power, yet the UK has a far better wind resource.
- The public support wind power.
- The new Government white paper calls for more wind power.
- The UK wind power industry will create thousands of jobs.
- This windfarm could provide electricity for around 7,000 homes/offset 27,000 Tonnes of carbon dioxide emissions each year.

Those expressing objection have advanced the following reasons for doing so:

- Green Belt - inappropriate development; adversely affecting openness; affecting the setting of the historic town of Bacup and its Conservation Area.

- Landscape Impact - the turbines are giant industrial structures, so close to the Rossendale Way and other rights of way, they destroy the qualities of the area as a place of remote/unspoilt wilderness for quiet enjoyment; desecrating the unspoilt beauty of the moors as out of scale/visible for miles on the ridgeline/skyline; with other wind farms, creating a long crescent of turbines within an area of high landscape value and which are visible from the Pennine Way, Bronte moors and elsewhere.

- Recreation/Tourism - affect on right to roam on moors; by diminishing the recreational value of the moors the number of visitors will fall, harming the fragile rural economy, equestrian businesses in particular.

- Safety - turbines so close to rights of way danger for walkers/cyclists from ice falling from rotor blades, horses being spooked by noise/motion of blades, traffic-conflict, etc.

- Neighbour Amenity - noise and shadow-flicker from motion of rotors will adversely affect sleep, health, property values; loss/pollution of water they draw from springs/ boreholes as a result of interference with the shallow mine workings running beneath the site/materials used to construct and maintain the wind farm in operation; detriment to outlook; loss of TV reception; inability to keep livestock/horse in adjacent fields; presence of turbines/access road will encourage trespass on adjacent fields, motorbikes and fly-tippers encroachment of the access track on to their land.

- Ecology - blanket bog is a rare and important habitat; the proposed development will cause harm to such a fragile eco-system, its vegetation, mammals (including bats & badgers), birds, etc, some of which are the subject of special protection.

- Traffic - suitability of roads for the type/volume of vehicles.

- Benefits/Disbenefits - the renewable energy target for the borough has already been met by the Scout Moor wind farm; the proposed turbines will not generate the amount of electricity claimed, tending to produce no more than a third their rated capacity; that this wind farm will do more harm than good, the damage it will do to the peat bog will release so much of the carbon dioxide presently locked-up.

13. ASSESSMENT

In dealing with this application the main issues to consider are:

1. Renewable Energy Generation : The Wider Environmental, Social & Economic Benefits
2. Green Belt
3. Landscape and Visual Impact
4. Ecology & Hydrology
5. Badgers
6. Noise
7. Traffic & Public Safety
8. Potable Water Supplies
9. Shadow Flicker
10. Electromagnetic Interference

1. Renewable Energy Generation : The Wider Environmental, Social & Economic Benefits

Through the Energy White Paper 2003 the Government set challenging targets for increasing generation of electricity from renewable sources. PPS22 and Policy 25 of the Structure Plan seek to promote the development of renewable energy where environmental impacts can be satisfactorily addressed. The emerging Regional Spatial Strategy is expected to set more ambitious targets than does the Structure Plan, although it was only adopted in March 2005.

In an effort to encourage the development of electricity generation from renewable sources PPS22 makes it clear that in the determination of applications consideration needs to be given to the wider environmental, social and economic benefits of a project.

The Applicant advises that the 3 turbines proposed at Reaps Moss will have a total generating capacity of 9MW (equivalent to the needs of approximately 5,500 homes) and save emission of approximately 24,400Tonnes of carbon each year.

I concur with the view of LCC(Planning) that this proposal would make a useful contribution towards meeting targets for renewable energy generation and, by comparison with conventional means of electricity generation, reduced ‘greenhouse’ gas emissions.

If the proposal were to deliver an enhancement of the blanket bog at Reaps Moss it would have the additional benefit of naturally sequestering carbon dioxide. Whether or not this will be the case is considered in the Ecology section below.

2. Green Belt

The southern portion of the application site lies within Green Belt, wherein development is to be strictly controlled.

As first submitted the application proposed within the Green Belt the construction of two turbines, the wind monitoring mast and approximately 0.4km of access track. One of these turbines has since been deleted from the proposal, together with a 250m length of the access track.

The Applicant does not consider that the Green Belt designation of this land provides grounds for refusal of the application. It says national policy on climate change and renewables has strengthened considerably in recent years and the need for renewable energy generation development has become paramount in efforts to halt climate change. Such national policy objectives are construed as overriding the purposes behind protecting Green Belts and local landscape designations. It cites the Scout Moor wind farm Inquiry decision in support of its stance.

Paragraph 13 of PPS22 states : "*Policy on development in the green belt is set out in PPG2. When located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may affect impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

Turning then to PPG2, Paragraph 1.4 says *"…the most important attribute of Green Belts is their openness".* Later paragraphs set out a presumption against inappropriate development and make it clear that development - be it new building, operation or material change of use - will be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. Among the 5 purposes of including land in Green Belt are to assist safeguarding the countryside from encroachment and to preserve the setting and special character of historic towns. Paragraph 3.13 states that *"when any large scale development…occurs in the Green Belt… it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belt*". The objectives for use of land in Green Belt include *"to provide opportunities for access to the open countryside…to provide opportunities for outdoor sport and outdoor recreation…to retain attractive landscapes, and enhance landscapes… to secure nature conservation interests*". Paragraph 3.15 states that "*the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt".*

By reason of Paragraph 3.15 it is necessary to look not simply at the part of the proposed development within the Green Belt, but the whole of the development, in terms of whether it will harm the visual amenities of the Green Belt.

The Applicant may say that wind farms contain an intrinsic quality of openness by reason of their visually open and spaced out turbines. However, such a description does not acknowledge that the swept path of the proposed rotor blades would extend to a diameter of 90m. This fact, and the very motion of the blades, would in aggregate give the impression of a much more 'joined up' form of development than the spaced out siting of the towers alone would suggest. The motion of the blades would also tend to draw the eye so that it is the wind farm which would be the focus of attention and not what lies behind. Furthermore, the proposed turbines would appear as skyline development from many vantage points. The skyline in question is largely unbroken and the proposed turbines, due to their siting and size, would become the dominant element to break it. By reason of the rights of way/rights to roam in the immediate vicinity of the turbines, substation and new access track I am unable to conclude that

the proposed wind farm would preserve the openness of the Green Belt. This being the case it would not constitute appropriate development.

I consider that the proposed wind farm would conflict with the purposes of including land within Green Belt in that one of the purposes is “to preserve the setting and character of historic towns”. Whilst later housing is not entirely in-keeping with the towns historic core, as a settlement it has remained largely within its original valley setting. Bacup is a town which owes its origins largely to the industrial revolution. The Town Centre of Bacup has been designated a Conservation Area. The integrity of its historic core is such it was one of only 33 historic towns in Lancashire for which LCC produced a Historic Towns Assessment Report (2005), part of a national programme co-ordinated by English Heritage. The moors beyond, including the ridgeline formed by Tooter Hill/Reaps Moss/Hogshead Law Hill, form the backdrop to this town. The Green Belt designation of Hogshead Law Hill, in conjunction with other planning policies, play a part in preserving the setting and special character of this town.

I am concerned that the proposed wind farm would not assist in achieving the objective of retaining attractive landscapes and enhancing landscapes, and would injure the visual amenities of the Green Belt. The reasons for my concern are explained more fully under the Landscape and Visual Impact.

Having concluded that the proposed wind farm would not constitute appropriate development in the Green Belt, there is then a need to assess whether or not the very special circumstances exist that would clearly outweigh the presumption against the proposal. This issue is addressed in the conclusion.

3. Landscape and Visual Impact

PPS1 indicates that planning should promote sustainable development by, amongst other things, protecting & enhancing the natural & historic environment and the quality & character of the countryside. This theme is developed further in PPS7, which notes amongst its key principles that the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes and so it may be enjoyed by all. It goes on to say all development in rural areas should be well-designed and inclusive, in-keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Government guidance relating specifically to wind energy is to be found in PPS22, the first key principle of which is that renewable energy developments should be capable of being accommodated throughout England in locations where, amongst other things, environmental impacts can be addressed satisfactorily. Planning authorities are advised that the landscape and visual effects of particular renewable energy developments will vary on a case by case basis according to the type of development, its location and the landscape setting.

As a result of the Landscape & Visual Impact Assessment it has undertaken the Applicant advises that :

a) The proposed wind farm will have minimal direct effects on any physical features that define the character and quality of the landscape; there would be a negligible loss of vegetation or re-contouring of the land, and no demolition of existing structures. Therefore, potential impacts would be on the wider perception of the landscape.

b) The proposal would introduce large scale structures in/adjacent to Green Belt identified in the Rossendale District Local Plan, and adjacent to a Special Landscape Area defined in the Calderdale UDP. However, the landscape here is of a sufficiently large scale and simple form to accommodate large engineered structures without them being out of scale. The turbines, whilst highly visible, would occupy a small proportion of panoramic views.
c) Close to the siting of the proposed turbines is land that has been heavily influenced by mineral extraction and agricultural enclosures on the upland slopes, which reduce the sense of remoteness and wilderness. The turbines would be seen as a continuing sign of the evolution of the landscape through man's influence.
d) The South Pennine Moors is a popular recreational and tourist area, crossed by numerous public rights of way and strategic recreational routes that provide access onto the moorland tops from the enclosed valleys. This includes the Pennine Way and Pennine Bridleway which are national trails. These well-used footpaths/recreational routes are the main sensitive visual receptors in the area.
e) Routes in the broader area generally follow the undulating landform and users will have a range of visual experiences, from enclosed views due to landform to wider panoramic views, the visual impact diminishing with distance from the turbines.
f) The significance of effect on users of the right of way network would generally range from Minor to Moderate due to the panoramic nature of views or limited extent of turbines visible. However, along the most local routes, such as the Rossendale Way, there would be Major effects due to the focussed nature of views as the observer travels along the ridge towards the site.
g) The most significant cumulative effects the Reaps Moss wind farm would give rise to would occur from viewpoints to the north-east and the south-west, where the turbines would be seen in combination and succession with the proposed Todmorden Moor and Crook Hill turbines, stretching along the skyline. In views from the south-east and north-west cumulative effects would be reduced due to the alignment of the developments and reduced proportion of skyline influenced. There would be only Minor cumulative effects with existing and consented sites due to the separation distances.
h) Views towards the Reaps Moss site from Bacup Town Centre Conservation Area are largely screened by intervening buildings. Similarly, the majority of potential residential receptors are located within deeply incised valleys and their views towards the site would be screened by intervening buildings or the topography. Properties on the edges of Higher Change, Rockcliffe and Greave would experience effects ranging between Moderate and Substantial, as too would be the case for isolated properties on the lower slopes of the moorland tops in close proximity to the turbines.
i) The proposed turbines would become a feature of the landscape and be prominent in views from certain locations for the lifetime of the wind farm. However, it is not considered that they would go beyond a capacity threshold and fundamentally alter the exposed upland character of the area alone or in combination with its other proposed wind farms and consented or constructed wind farms.

j) It is unlikely that a proposal to site any wind farm in the UK would not result in some significant landscape and visual effects in the general locality of the site. However, significant effects are not necessarily unacceptably adverse. Wind turbines are a relatively recent addition to our environment. There is no consensus of opinion on the threshold above which significant changes in the view would have an unacceptable effect on visual amenity.

Julie Martin Associates Assessment of Landscape and Visual Impact

To ensure that the landscape and visual impact of Coronation Power's three wind farm proposals were assessed in a common manner by the planning authorities Julie Martin Associates (JMA) was commissioned by Calderdale MBC, Rochdale MBC, Lancashire County Council and this Council to carry review and assess the appropriateness or otherwise of the submitted schemes in respect of these matters.

Appended to this report is a Table produced by JMA which provides a summary of the principal landscape and visual impacts it considers each of the three proposals to give rise to. It was produced when 4 turbines were proposed at Reaps Moss. **JMA's report concludes that the landscape and visual impact of each individual proposal gives grounds for refusal, as too does the cumulative impact.**

In amplification, JMA has provided the following overview :

The 3 wind farm proposals received from Coronation Power relate to the central section of the South Pennines Countryside Character Area identified by the Countryside Commission report of 1998. They are on a north-south ridge of moorland plateau to the east of the main South Pennine ridge-line, beyond the Calder and Roch valleys. At local authority level two landscape character assessments (SCOSPA report of 1999; LCC report of 2000) have been undertaken and provide very similar and consistent landscape classifications for the area of the three development sites.

The key environmental features of Moorland Plateaux include a perception of remoteness, isolation and wildness, these attributes provided by altitude, absence of trees and settlements, expansive views, etc. The SCOSPA report also highlights the value of the South Pennines for recreation due to its high quality countryside, its wide range of leisure & recreational opportunities that are regularly used by local people, and its accessibility for residents of the densely populated urban areas of W Yorkshire, Greater Manchester and Lancashire.

As well as having vast tracts of land which is open to public access as urban common and more recently through the rights-to-roam provisions of the Countryside & Rights of Way Act 2000, the area has an extensive network of rights of way and permissive routes. Of specific national importance are the Pennine Way and Pennine Bridleway National Trails, both of which run north-south through the countryside to the east of the three development sites, following "the backbone of England" and offering magnificent long distance views to the west. In addition the Mary Towneley Loop of the Pennine Bridleway runs south and west of the three sites. Of regional or strategic importance are a number of medium-distance published routes, including the Burnley Way, the Todmorden Centenary Way, the Rossendale Way, the Irwell Sculpture Trail and the Rochdale Way. The effects of the proposed wind farms on the landscape and recreational experience along these routes are of relevance.

Advice on landscape change and on landscape and visual sensitivity to development can be found in a number of documents produced by and on behalf of the planning authorities. According to the South Pennine Landscape Guidelines (for SCOSPA) the overall strategy for the landscape character type in which all three development sites fall is to "*Conserve the open moorland character and its special sense of remoteness, isolation and wildness*". These Guidelines go on to say "*There is very little scope for any form of development on the moorland areas. The perceived remoteness of the moors is vulnerable to any increase in the visual impact of human activity. Intervisibility between existing large scale developments already threatens the special character of the landscape with its open skies, long views, horizontal emphasis and sense of wildness and remoteness*".

In Lancashire the County Council prepared and, in 2006, adopted the Landscape & Heritage SPG. The key strategy it sets out for the Moorland Plateaux landscape character type is to *"Conserve the distinctive remote character of the open moor"*. Its Recommendations are to *"Severely restrict all forms of built development and mineral extraction*" and to observe the guideline that *"Vertical structures should be located where topography constrains important views of the site, and should avoid the interruption of prominent ridge and summit skylines".* This guidance is supplemented by specific work on landscape sensitivity to wind energy development (Lovejoy report, 2005), which says of the South Pennine Moors landscape character area that:

- *"The large scale and inherent simplicity of this landscape suggest a low sensitivity to wind energy development. Locally there are contemporary infrastructure additions which further reduce the sensitivity.*
- *These factors are balanced by the limited extent of these character areas, the evident sense of remoteness/wilderness, and the contrast with the adjacent urban edges and their strong cultural associations. The edges of these areas provide important components of wider views and provide components of the settings of adjacent areas. There may be limited areas within the local character area which may be less visually sensitive and not subject to such elevated levels of constraint.*
- *There is considerable variation in sensitivity within this landscape character area ranging from high to moderate.*
- *Where site specific sensitivities do not preclude development, scale will be determined by* the extent of the appropriate location and the scale of the landscape."

It is clear from the sensitivity assessment of the Lovejoy report that even the edges of the South Pennine Moors, adjacent to urban areas, may be highly sensitive to wind farm development. Indeed, the assessment suggests these edges may be considered especially sensitive because of the contrast that they provide and because they may be important components of wider views and of the settings of adjacent urban areas.

<u>Turning then to the Reaps Moss site and proposal in particular, JMA say :</u>
The nearest nationally designated landscapes are at Pendle Hill (17km to the NW), which is within the Forest of Bowland AONB, and Wessenden Moor (18km to the SE), which is in the Peak District National Park. The site is within the South Pennines Heritage Area, which is of at least regional landscape importance. Other specific landscape interests in or near the site that may be affected are the Special Landscape Area identified in the Calderdale UDP, Conservation Areas at Bacup and

Todmorden/Lumbutts/Makinholes (in Calderdale), and the historic landscape at Stubbylee Park.

The whole site lies within the South Pennines Heritage Area and as such is of at least regional importance for recreation and amenity. It is Access Land under the Countryside & Rights of Way Act 2000 and hence forms a resource for quiet recreation. There are a number of public rights of way within or very close to the site, notably : Limers Gate, a footpath/bridleway which runs along part of the site access (in Calderdale) and passes within 200m of the turbines, connecting to the much more extensive bridleway network around Crook Hill; and the Rossendale Way, of regional importance, which runs along the access track and eastern boundary of the site (virtually next to the turbines), connecting northwards to the Burnley Way and southwards to the Rochdale Way.

In Bacup most of the town would theoretically have views of the turbines, while in the settlement of Whitworth approximately half might have views, partly contained by landform and buildings. In the wider area, there would be widespread visibility to the north and south, while to the east and west visibility would be more contained but would nonetheless affect extensive areas within 10km.The proposed sub-station is not expected to be widely visible as it would be located in a slight dip on the plateau top. Similarly, most of the new access track would not be widely seen, except for that part near the junction with Limers Gate, where there will be extensive earthworks that will be visible from the A681 and the Todmorden Centenary Way to the north.

EFFECTS ON LANDSCAPE FABRIC :The proposed construction compound would temporarily disturb an area of common land visible from the main road and which is next to an informal parking area used by walkers. However, greater impact upon the landscape fabric will result from the need for culverting/bridging over a gully at the point the new track diverges from Limers Gate and the scarring of the hillside by having to form here a cutting in which to run the new track; considered to be of Moderate to Major significance.

LCC(Planning) and Natural England concur with MJA upon the harm these works will cause to the landscape fabric and I have no reason to differ.

EFFECTS ON LANDSCAPE CHARACTER : The key characteristics of the Moorland Plateaux landscape character type are fairly strongly represented within the site, which comprises rolling high plateau land with an open, exposed and (in parts) wild character and a mosaic of upland habitats including grass moor and moss. However, its assessment of landscape sensitivity suggests that the site may have some ability to accommodate wind energy development as : the degree of enclosure by stone walls and presence of some improved pasture are less typical of the landscape character type; the plateau top in this area, due to its rounded character, offers less extensive and dramatic views than found elsewhere; whilst the landscape quality of the site is relatively good, in the surrounding area there are some notable landscape quality issues (transmission lines both along the A681 & down the slope to the west of the site, industrial development & quarrying influences along the A681, and some areas of intrusive new housing development on the slopes on the outskirts of Bacup). However, these factors are outweighed by a number of other considerations :

- Proximity to Tooter Hill, with its relatively small-scale field enclosures, would tend to accentuate the scale of the turbines.
- The site forms a vital part of the open skyline and setting to Bacup.
- There is a growing sense of wildness and tranquillity experienced as one moves southwards away from the A681.
- There are important recreational interests in the form of the Rossendale Way and Limers Gate, which provide vital connections with other parts of the rights of way network.
- Importantly, and unlike Todmorden Moor, Reaps Moss is little affected by existing wind farms.
- The location of this site at the centre of the north-south moorland ridge, which is relatively narrow at this point, means that any wind farm development here could adversely affect the landscape character and integrity of most of the ridge.
- In the latter two senses the landscape here is particularly vulnerable to change as a result of wind farm development.

Consequently MJA has concluded that the impact on landscape character would be of Major significance.

LCC(Planning) has similarly weighed these factors and has concluded, on balance, that a wind farm at Reaps Moss of the scale proposed would be acceptable in landscape and visual terms; the reasons it has arrived at this view are set out under 10.1 above. **Natural England expresses concern that the issue of appropriate scale has not been given more consideration in the Applicant's ES/SER. It points out that the Lovejoy report of 2005, providing strategic guidance on landscape sensitivity to wind energy development in Lancashire, considered scale in terms of size of clusters of turbines of 1.3MW (no height specified). The Reaps Moss turbines would be larger, with a height of 125m and output of between 2 and 3 MW. Reaps Moss is a relatively small area of moorland, on a ridge close to settlements, and therefore the visual dominance of the turbines is likely to be greater than in a more extensive landscape. The cultural associations and perceptions of the area by local residents do not seem to have been taken into account. The degree of visual clutter in the South Pennines is a matter of general concern. While it is acknowledged that the presence of existing clutter – pylons, masts, poles etc - is seen as reducing the sensitivity of an area to further development, the overall aim should of course be to reduce the number and impact of obtrusive vertical features in the landscape. Calderdale MBC and Rochdale MBC have objected to the Reaps Moss application, giving greater credence to the conclusions of MJA than LCC(Planning) on this matter. Accordingly, statutory consultees hold differing views on this matter. I am inclined towards the view expressed by MJA rather than that of LCC(Planning).**

EFFECTS ON AREAS OF LANDSCAPE VALUE : The effect of the proposal on the Forest of Bowland and the Peak District National Park is likely to be Slight to Moderate given their distance away. Impacts on the South Pennines Heritage Area and Special Landscape Area are expected to be of Moderate to Major significance, reflecting the potential impact of the wind farm on the character and integrity of most of the ridge. Impact on the setting of Conservation Areas in Calderdale would be of no more than Moderate significance. For Bacup Conservation Area the impact on its setting were assessed as being Moderate to Major, whilst impact for Stubbylee historic park and garden will be limited due to the presence vegetational screening.

That the Applicant has since deleted one of the intended turbines, and the SER refers to further work which has been undertaken in respect of impact on conservation areas and historic parks and gardens, has served to reduce my concerns about impact upon heritage assets within Rossendale.

EFFECTS ON AMENITY : The Applicant has not sought to quantify the number of residents who will have sight of the wind farm from their homes/immediate environs. However, unless broken by the presence of trees or buildings, it is clear that almost all of the settlement of Bacup would potentially have view of the turbines, which would tower over the built-up area and appear to be very large in size because foreground features lend a strong sense of scale. The visual amenity impacts on the settlement of Bacup would be of Major significance given the proximity and numbers of viewers affected. In Whitworth similar impacts would be experienced within around half of the settlement, but because of the slightly greater viewing distance and oblique angle of view, impacts here would be less significant. In Todmorden, only properties at the eastern end of the town would have views, from more than 5km. Hence, outside Bacup, impacts on residential receptors within settlements are expected to be Moderate to Slight.

A key impact of the Reaps Moss wind farm would be on the landscape experience and views of those using Limers Gate footpath and bridleway and the Rossendale Way. For a distance of 1km users of the former would run within around 200m of the turbines, and in the case of the latter directly under them. The Countryside Agency's recommended separation distance of three times turbine height to any bridleway would not be met. Perceptions of openness, tranquility and relative wildness would be lost and would become dominated by the sight and sound of the turbines, which would strongly influence the experience of route users over a much greater distance. Along this section of the ridge there are no alternative rights of way. The effect therefore would be to strongly deter riders and walkers from using this ridge-top route at all. The impacts would be Major.

From the Pennine edge to the east, on the Pennine Way and Pennine Bridleway, the turbines would form a new skyline feature, at a distance of 5km-10km. These impacts would be of at least Moderate significance, reflecting the high sensitivity of these viewpoints and the absence of existing wind farms at close range in most of these views (although Scout Moor will be visible in the background in the future). From the north the turbines would be seen in conjunction with Coal Clough wind farm and impacts generally would be Moderate to Slight. In views along the moorland ridge from the north-west and south-east the turbines would have a Moderate or Major impact because these are important recreational routes currently offering a relatively wild, remote and unspoilt landscape experience. More distant views from the west and south-west, from 5km-10km, would give rise to Slight to Moderate impacts due to the relatively long viewing distances.

Hence the amenity impacts of the Reaps Moss proposal would be Major at Bacup and near the site, where Limers Gate and the Rossendale Way would be severely affected. Elsewhere on the moorland ridge they would be Moderate to Major, with at least Moderate impacts also occurring along the Pennine edge to the east. Furthermore, there is no obvious scope for modifying the proposal that would address these matters because the key impacts arise from the location of the turbines in the central section of the moorland ridge and are very close to important recreational routes.

I consider the impact of the Reaps Moss wind farm on the landscape experience and views of those walking or riding along Limers Gate footpath and bridleway, and on the Rossendale Way, provides compelling reasons for refusal of this application.

In response to JMA's assessment of the effect on the amenity of residents within the settlement of Bacup as being of Major significance (given the proximity and numbers of viewers affected) the Applicant says that there is a need to distinguish between significant effect & unacceptable harm and between private & public interests : the planning system exists to regulate the use of land in the public interest, not to protect the private interest of one person against the activities of another. They cite a recent Appeal decision in respect of 120m high turbines proposed for a site in Devon, where the Inspector held that : i) residential receptors could not claim an inalienable entitlement to have a view protected; ii) that a turbine or turbines are visible is not sufficient to demonstrate harm, in land use terms unacceptable harm in the public interest occurs when the effects of a scheme due to its scale/proximity/visual intrusion are so great that an otherwise satisfactory dwelling is rendered an unsatisfactory place in which to live; & iii) with a separation distance of over 700m from the nearest houses the visual presence of turbines alone could not be said to cause unacceptable harm on the living conditions of residential properties. The Applicants own landscape assessor takes the view that unacceptable (rather than significant) visual impacts could be experienced within about 400m of turbines of the size proposed (ie over three times turbine height), and not necessarily then , depending upon the orientation of buildings, intervening features and number/extent of turbines visible. In the case of Reaps Moss, no dwellings within the Urban Boundary lie within 1km of the turbines. With the deletion of Turbine 4, only 3 of the dwellings lie within 700m of any turbine (South Grain Farm at 642m, Henbury Hill at 600m & Green Brow at 696m), and the closer proximity of these dwellings will not result in unacceptable harm on the living conditions of these dwellings such is their orientation, and the limited number and vertical extent of the turbines visible.

The argument the Applicant advances about the need to distinguish between significant effect and unacceptable harm is one I accept. It seems to me that the proposal will impact upon the outlook of a great many properties, but consideration must be given to the extent of harm that this will cause. In this respect the proposal is not without harm. However, on its own, I do not consider the visual impact of the proposal upon residents to cause overwhelming harm, but is something to be added to the overall impact of the proposal in terms of the landscape experience and views. The same can be said of the impact the proposal will have upon the Bacup Town Centre Conservation Area and the special character of Bacup as a historic town.

CUMULATIVE EFFECTS : In this respect the key relationships of Reaps Moss with existing and consented wind farms would be with Coal Clough (5km to the north) and Scout Moor (8km to the south-west). In some of the most important and sensitive views from the Pennine edge to the east the sites would be seen spread out on the horizon within a single field of view of around 60degrees. They would not appear close enough to each other to read as a single cluster. Reaps Moss, as the central site of the three, would effectively link Coal Clough and Scout Moor visually, thereby significantly increasing the influence of wind farms on the Moorland Plateaux landscape, affecting the sense of wildness and remoteness that is the defining characteristic of this part of the Pennines. Views of this nature would affect most of the Pennine Way as it follows the main Pennine edge between Warland Reservoir and

Stoodley Pike. The impacts would be of Moderate to Major significance, reflecting the regional or national landscape and recreational importance of the Southern Pennine Heritage Area, and the national importance of the Pennine Way, with its open, panoramic views, tempered by the relatively small size of the wind farm proposed at Reaps Moss. Cumulative impacts with existing and consented sites from other directions would in most cases be less pronounced.

If all three of Coronation Power's wind farm proposal were to proceed they would effectively occupy most of the ridge line from Thieveley Pike to Crook Hill. Arranged in a line around 6.5km long, they would tend to dominate it visually. Seen from the north-west and south-east they would overlap and appear as a cluster, hence reducing their impact, but from key viewpoints to the east (including extensive sections of the Pennine Way and Pennine Bridleway) they would be seen as separate sites, together occupying a wide field of view, and this would increase their impact.

There are three main existing or consented wind farms in the surrounding area : at Coal Clough, around 3km north of the ridge; at Scout Moor, around 7km to the west; and at Ovenden Moor, around 15km to the north-east of the ridge. Of these Coal Clough, which lies on a valley side, falls within the Moorland Fringe; the other two, like all three of the application sites of the Coronation Power's proposals, lie within Moorland Plateaux. There are considerable separation distances between these three existing and consented sites and, hence, relatively few viewpoints from which all will be seen together, making for relatively low cumulative impact.

If one or more of the application sites were to be consented the effect would be to connect the existing/consented sites visually, creating a much larger area of countryside over which wind farms would have a significant influence, not one but several being visible at one time. Todmorden Moor, due to its proximity to Coal Clough, would have least impact in this regard. Reaps Moss would go further, mainly tending to strengthen the visual link between Coal Clough and Scout Moor. Crook Hill, however, would not only link Scout Moor to the main Pennine Edge near Blackstone, but would form a link eastwards to Ovenden Moor, also visible from many parts of the Pennine edge.

Consequently, at a strategic level, MJA considers the development of the application sites likely to have Major cumulative impacts, both on landscape character (particularly that of the Moorland Plateaux landscape character type) and on the extent of wind farm visibility and intervisibility. This would be the case even if only the two less damaging sites - Todmorden Moor and Reaps Moss - were developed.

LCC(Planning) has concluded that, as the wind farm proposed at Crook Hill is unacceptable in landscape and visual terms alone, it would not be acceptable in combination with the proposals for Reaps Moss and Todmorden Moor. However, in terms of their landscape and visual impacts, it considers the wind farm proposals for the latter two sites would be acceptable in combination. This is due largely to the small scale of the cluster of turbines proposed at both Reaps Moss and Todmorden Moor, the likely strong relationship between them and with Coal Clough wind farm, the limited visual linkage with more distant existing/consented wind farms, and (subject to changes it seeks to access arrangements/other mitigation measures) acceptable landscape and visual impacts.

As indicated above, Natural England has expressed concern that the issue of appropriate scale has not been given more consideration in the Applicant's ES/SER in relation to the Reaps Moss proposal. The Lovejoy report of 2005, providing strategic guidance on landscape sensitivity to wind energy development in Lancashire, considered scale in terms of size of clusters of turbines of 1.3MW (no height specified). The Reaps Moss turbines would be larger, with a height of 125 m and output of between 2 and 3 MW. Reaps Moss is a relatively small area of moorland, on a ridge close to settlements, and therefore the visual dominance of the turbines is likely to be greater than in a more extensive landscape. With regard to South Pennines it says the degree of visual clutter is a matter of general concern. Calderdale MBC and Rochdale MBC have objected to the Reaps Moss application on the grounds of cumulative impact.

I have concluded that for reasons of cumulative impact the proposal for the wind farm at Reaps Moss should be refused.

4. <u>Ecology & Hydrology</u>

The Applicant advises that an ecological/hydrological assessment of the Reaps Moss site and its immediate surroundings has been conducted using established and accepted methodologies, in order to identify any areas of ecological interest and importance, with a view to avoiding adverse impact and, in respect of any residual impacts, mitigating and compensating for them. The results of the initial scoping and consultation exercise focussed its attention upon blanket bog habitat and breeding wading birds.

In respect of birds, the RSPB is satisfied that the proposal will not result in unacceptable harm. I have no reason to doubt its conclusions on this matter. During consideration of the application I have received comments causing me to have concern about how the proposal will impact upon badgers; this matter is dealt with separately in the following Section of the report.

With respect to blanket bog, the submitted ES acknowledges the importance such a habitat has through national legislation/policy, but it points out that :

a) The Reaps Moss site is not itself designated as being of national or local importance for its ecological interest.
b) Its survey work has lead it to the conclusion that the peat deposit is in places de-graded by drying-out/heavy grazing, and is incised through water-erosion, supporting a sparse breeding-bird population.
c) If that part which is presently un-grazed remains so in the long-term there is a danger it will develop scrub and dry-out, thereby losing its current interest.
d) The area to be occupied by the turbines, access road and other infrastructure associated with the proposal has been kept to the minimum area and they are sited to avoid the most sensitive areas ie. where peat does not exist or is not 'true peat' (thin or de-graded).
e) Construction materials and methods used will minimise harm to the local ecology/hydrology, hence the wish for micro-resiting of turbines, intention to use in places 'floating-road' construction, etc.

f) It proposes measures for habitat improvement to attract more breeding birds; keep the area as damp as possible by restricting drainage, controlling the invasive juncos rush and restoring bog vegetation.

PPS9 states that '*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm.*' In instances where there cannot be avoidance, it goes on to deal with mitigation and compensation, stating '*If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused*'.

Furthermore, it requires local authorities to conserve important natural habitat types (identified as *Habitat types of principle importance in England: section 74 CRoW Act 2000).* The list of these habitats includes Blanket Bog.

In terms of protecting biodiversity resources PPS9 clearly sets out that there is need for a sequential approach to be taken to determine the acceptability of sites for development. I concur with the views expressed by Natural England, LCC(Planning), the Lancashire Wildlife Trust and others that the Applicant has not adequately addressed the fundamental matter of 'avoidance' of the peat deposit. Turbines 1 and 2, and the length of track and hardstandings in their vicinity, are on what the Applicant's ES shows as relatively intact and deep peat. In adequate justification has been provided to as to why the proposed wind farm cannot be provided on nearby land and, thereby, stand off the peat. Instead the Applicant seeks to justify direct loss of more than 1 hectare of habitat on the basis that most of this area is degraded.

Likewise, these statutory consultees raise concerns about : the adequacy of the baseline information the Applicant has provided about the ecology/hydrology of this rare and fragile peatland habitat; its notion that degraded peat is (to a degree) expendable; and the extent of indirect loss of habitat that may ensue from the development through, for example, hydrological changes/habitat quality changes immediately adjacent to works. I also concur with their view that the scheme of mitigation/management plan proposed by the Applicant is deficient in a number of important respects, namely : it neither has as an aim the re-instatement of raising the water-table to within 0.15m of the surface in order to promote peat-formation; fails to treat the peat deposit as a single entity, a significant portion of it outside the application site(though within the study area defined by the Applicant's ecologist); and fails to continue for a 10 year period beyond de-commissioning.

Peat is composed of a very high proportion of carbon. It is, then, of concern that the Applicant's submission does not establish whether or not the peat bog deposit at Reaps Moss is presently functioning in a way that sequesters atmospheric carbon or releasing it, nor whether this proposal add to or diminish its effectiveness in doing so.

Accordingly, I consider there to be compelling ecological/hydrological grounds for refusal of the application.

5. BADGERS

Badgers are a protected species under the Protection of Badgers Act 1992 and development which will disturb badgers or damage/destroy/obstruct access to a sett is subject to a system of licencing, for which Natural England is responsible. PPS9 explains the role planning has to play. To ensure Planning Authorities take proper account of this protected species, and habitat conservation, Natural England's Guide to Best Practice in relation to badgers makes it clear that before planning permission can be granted the Developer should be prepared to provide the following information:
- the numbers and status of badger setts and foraging areas that are affected by the proposal;
- the impact that the proposal is likely to have on badgers and what can be done in the way of mitigation;
- judgement on whether the impact is necessary or acceptable; and
- a recommendation on whether a licence will be required.

Whilst the Applicants ecologist found evidence of badger foraging/commuting routes on/in the immediate vicinity of the site they did not find evidence of badger setts.

The Lancashire Badger Group has cast serious doubt upon the adequacy of the Applicants submission in terms of the survey work undertaken and the implications for badgers of the proposal. Its concerns are set out more fully under the section of this report relating to Representations from Organisations. I considered its comments and concerns such that they were conveyed to the Applicant. However, it remains the case that the Council has not been provided with the additional information to enable it to properly assess the impact of the proposal on badgers. Accordingly, I do not consider a favourable decision cannot be made in respect of this application.

6. Noise

Paragraph 44 of the Companion Guide to PPS22 states :
"Well specified and well designed wind farms should be located so that increases in ambient noise levels around noise sensitive developments are kept to acceptable levels with relation to existing background noise. This would normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any existing noise sensitive development so that noise from the turbines would not normally be significant. Noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise."

In operation wind turbines can generate two types of noise :
a) Mechanical Noise – from the gearbox, generator and other parts of the drive train; &
b) Aerodynamic Noise – generated by the action of the rotating blades as they pass through the air.

With respect to Mechanical Noise Para 42 of the Companion Guide to PPS22 states :
"Careful design at the development stage of a wind turbine can eradicate this source of noise such that most modern wind turbines do not exhibit tonal noise within the measured/audible noise emissions". With respect to Aerodynamic Noise it states *:*
"The level of noise from the source is determined by the speed of the blades as they pass through the air. This in turn is determined by the rotor diameter and the rate of

rotation. Tip design for blades have improved resulting in reductions in high frequency noise emissions from this source".

PPS22 states that the 1997 report by ETSU for the Department of Trade & Industry should be used to assess and rate noise from wind energy development. It sets out a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. The methodology it sets out entails the following steps :

1. Determine the layout of the wind turbines
2. Determine the noise emission of the turbines
3. Determine the locations of nearest or most sensitive neighbours
4. Determine indicative background noise levels for these neighbours
5. Determine the total noise levels at these neighbours (ie wind farm noise plus background noise)
6. Compare the total noise levels with the background noise levels and assess in the light of ….relevant noise limits.

The Applicants have assessed the noise implications of their proposal in accordance with this methodology. Their assessment was produced on the basis that 4 turbines would be constructed on the site. That Turbine 4 has now been deleted from the proposal means there will be a slight decrease in noise from the site and the distance between turbines and a number of the surrounding occupied buildings has been increased. Details are given of the noise characteristics of a specific wind turbine. Measurements of the existing noise environment have been taken at four dwellings surrounding the proposed development, enabling predictions of the level of turbine noise incident at other surrounding properties in the vicinity. The predicted wind turbine noise and measured background noise levels thereby arrived at by the Applicant for the nearby/most sensitive neighbours indicate the Daytime Amenity Period to be acceptable. For the Nighttime Period internal noise levels within buildings will be below recognised sleep disturbance levels.

RBC's Environmental Health Officer, having had the opportunity to review the Applicants Noise Assessment, sought additional information upon : the accuracy of the equipment used to measure background noise levels at properties; other properties for which he considered noise predictions should be made; modelling of cumulative noise impacts if permission were to be granted also for the Applicants other two wind farm proposals.

On the basis of the additional information received, RBC's Environmental Health Officer advises that the cumulative noise impact of the wind turbines at Reaps Moss, Todmorden and Crook Hill indicates slight exceedances of the ETSU guidance at Hendbury Hill Farm 0.6dB, Hey Head 0.2dB and Lower Reaps Farm 0.1dB. These increases in decibel levels would be hardly noticeable to the listener and to give an example BS 4142 method for rating industrial noise affecting mixed residential and industrial areas states that a difference of +10dB or more indicates complaints are likely and +5dB or more is of marginal significance. Indeed, the distances from the residential properties are such that he is not concerned with the permission allowing the positions of turbines to be varied by up to 50m (as requested by the Applicant).

RBC's Environmental Health Officer therefore raises no objection to the application in relation to noise generated by the operation of the turbines. In relation to the construction phase he advises that further information will need to be submitted to the

LPA if the turbine foundations bases are to be formed other than by the construction method detailed in the Supplementary Environmental Report.

7. Traffic and Public Safety

Neither LCC(Highways) or Calderdale MBC(Highways) has objected to the proposal.

Each turbine will require delivery to the site of components in 9 long-loads. The site access has good sightlines at its junction with the A681 and is capable of being widened sufficiently to enable its use by long-loads. Prior to movement of the long-loads LCC(Highways) would have to carry out certain works within the highway and a Traffic Order and consent from the Police would need to be obtained. Formation of each turbine would require delivery to site of 55 concrete loads on a single day (over a 12 hour period). On other days over the 5-month construction period lorry movements to the site are expected to average 10 (Monday to Saturday).

Whilst the Highway Authorities do not consider the proposal will result in unacceptable problems in terms of highway capacity or safety, the Environmental Health Officer consider it would be desirable to manage the hours of lorry movements generated by construction of the wind farm, to minimise noise and disturbance to residents of properties fronting/in the vicinity of the A681.

During the construction phase traffic movements/activity on/near the intended access route would need to be managed with great care to minimise conflict with existing users of Limers Gate and other rights of way. Calderdale MBC(Highways) is satisfied that the part of Limers Gate to be up-graded for use to access the wind farm will continue to have a surface-finish suitable for use by walkers/horses. The turbines will have a non-reflective finish and will not be an undue distraction to drivers. Recognising that Turbine 2 would be less than the minimum 200m separation-distance from Limers Gate recommended by the British Horse Society, the Applicant suggests this bridleway be moved onto the route of a nearby footpath for a length of approximately 270m. Horse-riders are unlikely to be unduly endangered by the proposal as a result of being surprised/spooked by rotation/noise from the rotor-blades. Likewise, the dangers associated with turbine failure, or ice-throw from the blades, is considered to be negligible as the turbines automatically shut-down if sensors register an imbalance in movement of the rotors. However, for reasons of public safety, I consider it undesirable that rotor-blades will come so close to oversailling the Rossendale Way for fear of ice-drop from them.

8. Potable Water Supplies

Implications of the proposal in terms of its impact upon ecology by reason of affects upon hydrology are explored above. However, concern has been expressed by neighbours about how the proposal may affect the quantity/quality of water a dozen or so dwellings and a farm draw from springs/boreholes. Their concern is that the construction works (particularly the foundation bases for the turbines) will result in collapse of the shallow mineworkings/pollution of groundwaters from which they draw water. The Applicant advises that the majority of these properties are located outside the three sub-catchments crossed by the site and they would be surprised if the groundwater supplies to these properties are directly from the mineworkings.

It cannot be established that the quantity or quality of water available to these properties is dependent upon the rainfall on/hydrology of this site, or that this is will be

affected by the proposed development. However, the concerns expressed in respect of this matter cannot be dismissed. The Coal Authority has indicated that, due to the shallow depth of the mine-workings and outcropping coal seams, it is likely that the ground water regime is linked to the mine-workings. Whilst anyone who has their private water supply affected adversely would themselves have legal recourse, the Environmental Health Officer and I consider that any permission (by way of conditions &/or legal agreement) should require the Developer to monitor the water supplies of potentially affected properties before/during/for a period after completion of the proposed works and bound to mitigate any adverse affect to quantity/quality of supply for residents which is thereby identified.

9. Shadow Flicker

Under certain combinations of geographical position and time of day, the sun may pass behind the rotor of a wind turbine and cast a shadow over neighbouring properties. Shadow-flicker will happen only within a building and only when the sun is low in the sky, the blades are rotating, and the sun/turbine/property window are in line. As a general rule of thumb residential properties must also be within ten rotor diameters (ie 900m) of the turbine and must lie within 130degrees either side of north, relative to the turbine. On this basis the Applicant advises that in a 'worst case' scenario there are a handful of properties that could be affected by shadow-flicker, to be of no more than 34 minutes on any one day and 38.5 hours in any one year. However, through sensors mounted on each turbine, it is possible to ensure that the turbines are shutdown when they would otherwise cause shadow flicker.

RBC's Environmental Health Officer recommend that any permission include a condition stating that a wind farm control system operate which shuts down turbines at those times actual shadowing of properties would occur.

10. Electromagnetic Interference

By the deletion of Turbine 4 from the proposal the Applicant has addressed the concerns which originally prompted the National Air Safeguarding Service to object. It remains the case that National Grid Wireless, with responsibility for providing the BBC's transmission network, considers the proposed wind farm could interfere with a re-broadcast link from Winter Hill to Todmorden. Whilst lodging an objection to the application, it has indicated this matter could be satisfactorily addressed through the Developer entering into a legally binding agreement to meet the costs of investigating any problems that may otherwise arise and, if necessary, rectifying them by provision of an alternative signal source. The Applicant has indicated there willingness to accept a Condition be imposed on any Permission to this effect.

14. CONCLUSION

In the interests of sustainability - and, most particularly, reduction of emissions contributing to climate change - the Government is keen to encourage the use of renewable energy resources. In accordance with the general thrust of Government policy, PPS22 advises that "regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources". However, the PPS goes on to state that "development proposals should demonstrate any environmental, economic & social benefits as well as how any environmental & social impacts have been minimised through careful consideration of location, scale, design and other measures". Also that "when located in the green belt, elements of many renewable

energy projects will comprise inappropriate development ….. and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm".

In this instance it must be said that the Reaps Moss proposal will make a useful contribution towards the generation of energy from a renewable resource. Some minor local economic benefits would also accrue, mainly during the construction phase, through employment of local labour / placement of orders with local firms. The Applicant has also expressed an intention to pay into a Local Community Trust in the order of £225, 000 over a 25 year period, for expenditure locally on regeneration and energy efficiency measures, and would wish the wind farm to be an educational resource for local schools.

Negative considerations of importance which tell against the proposal relate, firstly, to a matrix of distinct but related matters revolving around Green Belt/Landscape Character & Visual Amenity and, secondly, Ecology/Hydrology.

The positive and negative considerations have to be weighed. Due to the breach of Green Belt policy that would arise the former considerations need to clearly outweigh the latter (so as to provide the very special circumstances to outweigh the presumption against inappropriate development in the Green Belt and any other harm). In my view this would not be the case. Indeed, I do not consider this would be the case on the less onerous test of simply having to outweigh negative considerations such is the strength of the Green Belt/Landscape Character & Visual Amenity and Ecology/Hydrology grounds for refusal of the wind farm proposal for Reaps Moss.

Committee's comments on the wind farm proposals presently being considered by neighbouring Local Authorities for Todmorden Moor and Crook Hill are also sought. The developments proposed in these applications are described under Section 8 of this report. Julie Martin Associates comments on the Landscape Character & Visual Amenity impacts of these proposals are set out in the appended table and also in the Section of this report relating to Cumulative Effects.

I consider it appropriate to recommend that this Council object to the Todmorden Moor and Crook Hill proposals due to their cumulative impact. The Todmorden Moor wind farm would be accessed from the A681 at a point near to the Borough boundary and add to traffic making use of Rossendale's roads. However, the traffic implications of this proposal are not considered such as to warrant refusal of this application, although the greatest of care would need to be taken to manage lorry movements in the interests of public safety and to minimise noise and disturbance to residents of properties fronting/in the vicinity of the A681.

15. RECOMMENDATIONS

1. That permission for the Reaps Moss Wind Farm be REFUSED for the following reasons :

1. Green Belt

The adopted Joint Lancashire Structure Plan and adopted Rossendale District Local Plan show the southern portion of the application site as lying within an area of Green Belt, it being proposed here the erection of a wind turbine, wind monitoring mast and associated access road and hardstanding. The carrying out of such operations, and the making of the material change in the use of land this entails, are inappropriate development as they do not maintain openness and do conflict with the purposes of including the land in Green Belt, and inappropriate development is by definition harmful to the Green Belt. Openness will be adversely affected by the proposed wind turbine and wind monitoring mast, which will appear on the skyline as viewed from a wide area, the broad sweep of rotor-blades in motion tending to draw the eye, whilst rights of way/rights to roam will also enable the associated access track and hardstanding at close quarters. The proposal would conflict most particularly with that purpose for including land within Green Belt which is to preserve the setting and special character of historic towns.

Nor will this large-scale development contribute to the achievement of the objectives for the use of land in Green Belt. Indeed, it will contribute negatively to several of the objectives set out in PPG2: to provide opportunities for access to the open countryside and for outdoor sport & outdoor recreation; and to retain attractive landscape, & enhance landscapes, and to secure nature conservation interests. Furthermore, the proposal conflicts with that provision of PPG2 which states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt.

Accordingly, the proposal is contrary to PPG2, Policy 6 of the Joint Lancashire Structure Plan and Policy DS3 of the Rossendale District Local Plan, and the very special circumstances have not been advanced to outweigh the presumption against inappropriate development in Green Belt and other harm the proposal will cause.

2. Landscape & Visual Impact

Policy 5 of the adopted Joint Lancashire Structure Plan states that development will, amongst other things, "*be of a scale and nature appropriate to its location*", whilst Policy 20 states that "*development must be appropriate to the landscape character type within which it is situated and contribute to its conservation, enhancement or restoration or the creation of appropriate new features*". The application site lies within the South Pennine Moors Moorland Plateaux, wherein the LCC Landscape & Heritage SPD seeks to conserve the distinctive remote character of open moor by "*severely restrict all forms of built development*" and ensure *"vertical structures are located where topography constrains views of the site, and should avoid the interruption of prominent ridge and summit skylines".* Likewise, amongst the criteria for assessment of renewable energy proposals set out in Policy 25 is that of *"the impact on the character of the surrounding landscape, biodiversity, and the natural and built heritage", the text accompanying this policy stating that such proposals should be assessed against guidance contained in the Landscape & Heritage SPD.*

The application site lies on the ridge-top between the two summits of Tooter Hill to the north and Hogshead Hill to the south. Its elevated position and open moorland character mean that from lower lying vantage points, including the settlement of Bacup, it forms part of a largely unbroken skyline, other moors which encircle the Rossendale Valley contributing to this skyline. The size, siting, vertical form and motion of the proposed development would cause it to breach the skyline in an unduly conspicuous and intrusive manner, to the detriment of the visual amenities of the locality. Any mitigation provided by the adjacent summits would be limited as the proposed turbines are of such a size they would exceed them in height and would appear out of scale within their immediate landscape setting.

The access track to serve the proposed wind farm would have unacceptable landscape fabric and visual impacts on the hillside, most particularly near the point it departs from Limers Gate. The proposal as a whole would unacceptably affect the special open character, visual amenity and recreational experience of this central section of the moorland ridge, recreational users potentially endangered and deterred from using important ridge-top near to the site. There would be unacceptable cumulative impacts on character and views from the Pennine edge (including National Trails) and on the Southern Pennines Heritage Area. The application site forms part of the High Moorland Plateaux identified in the Landscape Character Assessment commissioned by SCOSPA. These landscapes are at a broadly similar height. Consequently there are vantage points both within these landscapes and within intermediatory landscapes from which more than the proposed wind farm would be visible. The wind farm proposed for Reaps Moss and those existing/consented at Coal Clough and Scout Moor would have unacceptable cumulative impact, which would be exacerbated by construction of the wind farms the Applicant is also proposing at Todmorden Moor and Crook Hill. Due to their size, siting, vertical emphasis, man-made form and motion, these large-scale developments would, in combination, serve to unacceptably redefine largely unspoilt and strongly horizontal open moorland landscapes as wind energy landscapes, to the detriment of their existing recreational value and visual amenity.

Accordingly, the proposal is contrary to PPS7 & PPS22 and Policy 5, 20, 21 & 25 of the adopted Joint Lancashire Structure Plan, Policy DS5 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan, and the corresponding policies of RPG13 and the Calderdale UDP.

3. <u>Ecology/Hydrology</u>

Amongst the key principles of PPS9 is "*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place…".*

The application site includes an area of peat moss (blanket bog). Blanket bog is a rare and fragile substrate that forms only under specific and uncommon environmental conditions. Blanket peat and mire vegetation is restricted to a relatively few locations globally and is a priority habitat on the UK Biodiversity Action Plan (UKBAP). England has special responsibility for protection of this habitat, which is a habitat listed under

the Annex 1 of the Habitats Directive (Directive 92/43/EEC). It is also a priority habitat on the Lancashire Biodiversity Action Plan. Furthermore, PPS9 says Local Authorities should conserve important habitat types that have been identified in the Countryside & Rights of Way Act 2000 Section 74 list, as being of principle importance for the conservation of biodiversity in England and identify opportunities to enhance and add to them; this list includes blanket mire. Although Reaps Moss is not currently designated as such, the blanket bog here is a good example of a mire type protected under selection criterion Bo5 of the Lancashire County Council Biological Heritage Sites Guidelines for Site Selection and certainly falls within strong protection and enhancement guidelines provided in PPS9.

In terms of protecting biodiversity resources PPS9 clearly sets out the need for a sequential approach to be carried-out to determine the acceptability of sites for development : only in a situation where avoidance is not possible should mitigation be considered.

Having regard to the advice of Natural England, LCC(Ecology) and others, it is concluded that the application will result in the loss of blanket bog habitat, which is of national / international importance. This cannot be replaced or mitigated for. Nor is it clear if, or how, alternative planning solutions have been considered as part of this proposal; it would appear that there are alternatives through limited re-siting of the turbines and associated infrastructure which would avoid the loss of blanket peat habitat.

The submission is considered deficient in terms of its surveys of the composition, hydrology and ecology of the area of the peat deposit. There is concern also about how areas of degraded habitat are viewed as ‘expendable’, whether the various works of construction to be undertaken minimise the harm to the peat deposit and the likelihood of hydrological disturbance, and the adequacy of the scheme of mitigation/management. In respect of the latter matter, where blanket mires have become degraded there is a presumption to restore these peatland sites to a hydrologically functioning peatland system with enhanced biodiversity and carbon storage functions.

The Applicants ability to provide an adequate scheme of mitigation/management in this instance is questioned, amongst other reasons, as a significant portion of the peat deposit lies outside the red-edged and blue-edged land of the application and the submitted Supplementary Environmental Report states that the Applicant does not have the legal agreement of the landowners for management plan to extend for a 10-year period beyond de-commissioning. As a consequence of the above a further concern is the potential of the blanket bog CO2 storage to be reduced through drying out and oxidation of the peat, or even for the bog to become a net source of CO2.

Accordingly, the proposal is considered to be contrary to PPS9 & PPS22 and Policy 21 & 25 of the adopted Joint Lancashire Structure Plan, the criteria of Policy DC1 of the adopted Rossendale District Local Plan and the corresponding policies of RPG13 and the Calderdale UDP.

4. Badgers

Badgers are a protected species under the Protection of Badgers Act 1992. Having regard to PPS22, Policy 21 of the adopted Joint Lancashire Structure Plan and

Natural England's Guide to Best Practice in relation to badgers, and to the comments received from the Lancashire Badger Group, the Council has serious doubts about the adequacy of the Applicants submission in terms of the survey work undertaken and the implications for badgers of the proposal. Accordingly, it does not consider a favourable decision can be made in respect of this application.

5. S.106 Planning Obligation

The applicant has failed to satisfactorily complete a Section 106 Planning Obligation making provision for the payment into a Local Community Trust of monies for expenditure locally on regeneration and energy efficiency measures, in relation to the scheme of mitigation/habitat management and to address the concerns of National Grid Wireless with respect to a BBC re-broadcast link from Winter Hill to Todmorden.

2. That Calderdale MBC and Rochdale MBC be advised that this Council OBJECTS to permission being granted for the Todmorden Moor and Crook Hill Wind Farm proposals due to their cumulative impact.

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