

Application Number:	2012/178	Application Type:	Full
Proposal:	Erection of a 50Kw Wind Turbine (34.2m high to blade tip)	Location:	Height Side Farm, Todmorden Road, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	28 August 2012
Applicant:	DC21	Determination Expiry Date:	27 August 2012
Agent:			

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
Other (please state):	

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. RECOMMENDATION

That the application be approved subject to conditions set out in Section 12 of the Report.

2. SITE

This application relates to land within a Countryside Area in Sharneyford to the north-east of the settlement of Bacup.

Height Side Farmhouse forms part of an extensive complex of buildings located on the rising ground on the NW side of Todmorden Road (A681), the main road fronted by sporadic development, the nearest of which is approximately 230 metres distant from the proposal site.

The site is on the far side of the field 70m north of the complex of buildings and an equal distance from Todmorden Old Road. There is a public footpath (FP362) which leads up the hillside from Todmorden Road through Heightside Farm and continues westwards crossing Todmorden Old Road.

Permission exists for wind farms at Todmorden Moor and Reaps Moss about a mile east of the site, consisting of five and three 125m turbines respectively.

3. RELEVANT PLANNING HISTORY

2010/379 Erection of 24.5m high wind turbine (lattice tower with two blades)
Approved

4. THE PROPOSAL

Rather than implement the permitted scheme the applicant seeks permission instead to erect a 50kw wind turbine with a 24.6m high column and 3- bladed rotor having a radius of 9.6m. The turbine would be coloured white, with an overall height of 34.2 metres.

The agent has stated that the amount of electricity produced by the proposed turbine would be 5 times greater than with the turbine already permitted.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 3 Supporting a Prosperous Rural Economy

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Development Plan

Regional Spatial Strategy for the North-West of England (2008)

DP1-9 Spatial Principles

RDF1 Spatial Priorities

EM1 Environmental Assets

EM17 Renewable Energy

RBC Core Strategy DPD (November 2011)

Policy 1 General Development Locations and Principles

Policy 18 Biodiversity, Geodiversity and Landscape Conservation

Policy 19 Climate Change and Low and Zero Carbon Sources of Energy

Policy 20 Wind Energy

Policy 24 Planning Application Requirements

Other Considerations

PPS22 Companion Guide : Planning for Renewable Energy (2004)

LCC : Landscape Strategy for Lancashire ((2006)

Julie Martin Associates : Landscape Capacity Study for Wind Energy Developments in the South Pennines (2010)

6. CONSULTATION RESPONSES

RBC (Environmental Health)

No objections

RBC (Forward Planning)

NPPF paragraph 14 sets out the presumption in favour of sustainable development. Paragraphs 97 and 98 encourage a positive approach to renewable energy, recognising that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The need for renewable energy cannot be questioned and proposals should be approved if they are or can be made acceptable.

Policy DP7 of the **RSS** requires “*understanding and respecting the character and distinctiveness of places and landscapes*” and “*maintaining and enhancing the tranquillity of open countryside and rural areas*”. **RSS** policy EM17 adds that the “*anticipated effects on local amenity resulting from development, construction and operation of schemes*” should be given consideration and “*Measures taken to mitigate these impacts should be employed where possible and necessary to make them acceptable*”.

RSS policy DP9 makes “*reductions in the Region’s carbon dioxide emissions from all sources, including energy generation...*” an urgent regional priority, and **RSS** policy EM15 adds that all public authorities should emphasise their commitment to “*reducing the annual consumption of energy and the potential for sustainable energy generation*”.

RSS policy EM17 requires that “*Local planning authorities should give significant weight to the wider environmental, community and economic benefits of proposals for renewable energy schemes...*”. The supporting text of **RSS** policy EM17 adds that “*Microgeneration has the potential to play a significant role in moving towards the Government’s objective of sustainable, reliable and affordable energy for all...*” Although small, the proposed turbines will contribute to regional targets specified in policy EM17 of the **RSS** for electricity provided from renewable sources, and targets in Policy 19 of the Council’s **Core Strategy**.

Core Strategy Policy 1 states that development should take place within the defined Urban Boundary unless it has to be located in the countryside. The policy also states that the Council will seek to enhance the quality and sustainability of places and individual developments by considering how proposals demonstrate the maximisation of energy efficiency and the effective use of low carbon technologies. The degree to which proposals complement and enhance the surrounding area(s) is also included as a criterion for assessment.

Policy 18 of the **Core Strategy** seeks to avoid any harmful impacts of development on all aspects of Rossendale’s natural environment. The policy states that current and future biodiversity and geodiversity assets will be given full and appropriate protection, and enhanced where possible. With particular relevance to this application, the policy requires any proposal to “*Safeguard and enhance landscape character, in accordance with the most up-to-date landscape character assessment*”. Where negative effects on landscape character are unavoidable, suitable measures will be required to mitigate any negative impacts. The Council will require that full compensatory provision is made where mitigation is not possible.

Policy 19 of the **Core Strategy** states that all types of renewable and low carbon energy generation proposals will be given positive consideration provided that they can demonstrate that:

- a) They do not have a significant visual, noise, odour or other impact on local residents and sensitive users.
- b) They do not adversely impact key land resources, areas of ecological, geological or geomorphological value, cultural heritage or biodiversity assets.
- c) They do not have a significant impact (either alone or cumulatively) on the character and value of the natural or urban landscape.
- d) Their contribution to carbon emissions reduction and other community benefits outweigh other considerations.

Policy 20 of the **Core Strategy** (“Wind Energy”) provides guidance and criteria for assessing planning applications of this nature. The policy places emphasis on ensuring that landscape character is not adversely affected (in line with the 2010 Julie Martin Associates study) by wind energy developments. A thorough assessment should be carried out of the implications of the proposed scheme on local landscape character, longer distance views and any potential cumulative effects with other wind energy developments. Policy 20 supports wind energy proposals and provision, subject to the following criteria:

- They do not have an unacceptable harmful impact, alone or cumulatively, on landscape character and value, including urban areas and the wider South Pennine landscape based on the most up to date studies and assessments
- They do not have an unacceptably harmful visual, noise or ‘shadow flicker’ impact on local residents and sensitive users
- They do not adversely impact areas of ecological value or fragment the migration routes of protected bird species
- The integrity of areas of deep peat is not adversely affected, including by dissection for access roads, and water quality and colour is protected
- Adverse impacts on the historic environment have been minimised, and the residual impacts, in particular the harm to the significance of heritage assets, are outweighed by the climate change benefits of the specific proposed development
- The electromagnetic impacts on aviation navigation systems and ‘line of sight’ communications are adequately addressed
- Community benefits, including contributions to energy efficiency measures, would outweigh any residual harm

Landscape Capacity Study for Wind Energy Developments in the South Pennines

The most appropriate landscape character area type listed within the **Julie Martin Associates (JMA) Study (2010)** (which forms part of the Evidence base for the Core Strategy) is ‘*Moorland Fringes / Upland Pastures*’. The study also places the site within the ‘*South Pennine Moors*’ capacity area. The overall sensitivity assessment for the ‘*Enclosed Uplands*’ landscape character type is ‘*High (locally Moderate-High)*’ (p62) owing to its “*close relationship with the adjoining open moorland plateaux, as well as its small scale, complex land cover, wide visibility, high scenic quality, natural and cultural heritage features, and nationally or regionally important recreational interests*” (p62). The study points out that the areas of highest sensitivity generally occur where the moorland fringes are associated with the main South Pennine ridge – which is the case with the application in question.

The assessment for the ‘*South Pennine Moors*’ capacity area states that “*There are limited cumulative impacts over much of this area at present. The exception to this is the western edge of the area, where sites at Coal Clough, Reaps Moss and Crook Hill are located only 5km apart along a north-south line and also lie close to Scout Moor and the Forest of Rossendale, where*

there may be opportunities for new wind farm development in future. Here four or five wind farms may be visible from any one viewpoint. This is one of the reasons why... the Crook Hill to Heald Moor ridge is at or very close to its capacity for wind energy development." The study goes on to state that following further wind energy development, this area may cross a threshold towards becoming a 'wind farm landscape' (p92).

At a proposed total height of approximately 34.2m, the proposed turbine falls into the classification "Small" (25m – 60m to blade tip) as categorised in the **JMA Study** (p18). It states that the visual impact should be assessed taking into account any nearby trees, properties, structures and overhead power lines and the proposal should be sited appropriately to reduce its impact. Any potential 'shadow flicker' effects on nearby properties should be taken into account and avoided by appropriate siting or operating procedures. When assessing an application, the cumulative visual impact of the turbine against all other operational or consented wind turbines should be considered.

LCC (Highways)

No objection. If approved, requests conditions requiring :

- wheel washing facilities are provided during construction;
- traffic movements are restricted to between 9.30am to 15.00pm Monday to Friday;
- a traffic management plan is submitted and approved by LCC in relation to the frequency, size and route of vehicles in connection with the construction of the development.

It advises that shadow flicker is not considered likely to create safety concerns on the adjacent highways of Todmorden Road and Todmorden Old Road given the 30mph speed limit and there being no severe bends or a higher than expected collision record.

Todmorden Old Road is however an established equestrian route and there are concerns that the proximity of the turbine to the road could disturb horses.

Coal Authority

The site is not within a Coal Mining Development Referral Area and there is thus no specific requirement to consider coal mining risk. The Coal Authority has no objections and do not consider that a Mining Risk Assessment is required for this site.

LCC Ecology

The main likely impact of the proposal would be on birds, particularly wading birds such as curlew. While evidence points to collision impacts being lower for turbines of this scale than for large turbines the scale of affects increase with size. The proposed 34m turbine would therefore have a proportionately greater effect than the permitted 25m scheme.

Curlew are a species of Principal Importance (section 41 of NERC Act 2006) and seem to be particularly sensitive to wind turbines. They can be displaced partially or totally from an area where a wind turbine is located. When there are a number of turbines within an area there can be displacement which is of wider significance.

It is recommended that a thorough desk top study is undertaken together with an assessment of the suitability of habitats to support nesting birds and/or a survey of breeding birds. If impacts appear likely mitigation or compensation measures should be identified including management of alternative areas of suitable habitat.

Manchester Airport

No objection.

National Air Traffic Services (NATS)

While the turbine would have an impact on radar systems this would be minor and there are no objections

7. REPRESENTATIONS

To accord with the General Development Procedure Order three site notices were posted on 16/05/12 and 65 neighbours were notified by letter on 11/05/12. Following receipt of additional information from the applicant, the same neighbours were re-consulted.

Five objections have been received. The reasons for objection are:

- Impact on views of countryside / Will not blend into countryside
- Todmorden Old Road will not cope with Heavy traffic involved in construction
- Distraction to road users
- Detrimental to tourism / visitor economy
- Concerns about impact on telecommunications

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Visual Amenity 3) Neighbour Amenity and 4) Highway Safety

Principle

Government guidance, RSS and Core Strategy policies are supportive of proposals for energy generation from renewable sources. However, policy recognises the need to balance the need for development with the need to protect the landscape, ecology and neighbour amenity. These issues are considered below.

Visual Amenity

When considering the impact of the proposed turbine I am mindful of the consent for a 24.5m turbine which this proposal is designed to replace. As with the extant approval, views of the turbine will be possible from nearby dwellings, highways and public footpaths including the Rossendale Way, as well as over longer distances from locations such as Maden Recreation Ground in Bacup and within the town itself. The applicant was requested to provide additional photomontages and wireframe diagrams in order to enable a more comprehensive assessment to be made of this turbine and that at nearby Parrocks Farm (2012/179), including views against Todmorden Moor/Reaps Moss Wind Farms.

The proposed turbine is of greater size/different form to that previously permitted. It will be 9.7m to blade tip higher than the turbine approved and will have a pole rather than a lattice tower. It will also be a three bladed rather than a twin bladed design. This is better visually than the original scheme as it will read better against the other larger three blade turbines permitted at Todmorden Moor and Reaps Moss. There will also be a slightly slower rotational speed; the speed with which a turbine blade turns is an important factor in how the eye reads visual impact, especially when a smaller turbine is seen in the context of a large turbine.

Cumulative impact is a major issue to be considered. From a number of viewing points the turbine will be seen in the foreground of the much larger 125 metre machines permitted at Todmorden Moor, and Reaps Moss, as well as the sister turbine at Parrocks Farm. There is negligible visibility (only one blade tip visible) to the proposed small wind farm at Scar End Farm in Weir, which is currently subject to appeal.

The Julie Martin Study (2010) identifies the Crook Hill/Heald Moor ridge area as particularly sensitive in landscape terms due to the number of applications in the area and the danger of creating a “Wind Farm landscape”. The proposed turbine would be seen from many angles in conjunction with the larger Reaps Moss/Todmorden Moor turbines. However, its size/siting is such that it would not cause such significant harm to the Crook Hill/Heald Moor ridge area in itself or cumulatively as to warrant a refusal.

The turbine would have an impact on recreational users of the more immediate area, including equestrians using Todmorden Old Road. However, there is no statutory separation distance between a wind turbine and a public footpath or bridleway. The current proposal will not result in the turbine being unduly near to any public right of way. The affect on tourism of such proposals is difficult to gauge as the general public’s views on wind farms are quite polarised though research in other parts of the UK indicates that negative impacts are less than was initially feared.

Overall, the decision on visual impact is a finely balanced one. The proposal will be read against the significant impacts on the landscape anticipated from the permitted wind farms at Todmorden Moor and Reaps Moss, as well as existing high voltage overhead electricity lines and pylons. Permission already exists for 25m high 2- bladed turbine on this site. It is not considered that the proposed turbine, though to be approximately 10m higher, will create a “wind farm landscape”. Accordingly, it is not considered that the additional adverse affects are sufficient to justify refusal.

Ecology/Hydrology

The applicant has provided a desk based ecology report with the application. No significant bat impact is expected. It indicates that no significant impacts are anticipated but proposes that construction should not occur within the breeding season for birds, including curlew and skylark.

LCC Ecology expresses concern about both breeding and foraging activities of wading bird species such as the curlew and suggests that appropriate land management measures such as replacement habitat could be provided.

Neighbour Amenities

The proposed turbine will stand sufficiently far from residential properties to avoid shadow-flicker or undue detriment to the visual amenities of neighbours. There is likely to be some noise impact but modelling provided by the applicant indicates that this will be a little below the recommended ETSU maximum guidelines of 35db (A) for receptor properties. RBC Environmental Health has raised no objection to the scheme. It is appropriate to condition that the turbine operate at all times in accordance with ETSU guidance.

The applicant commissioned a survey on telecommunications which indicates that there is expected to be no detrimental impact on telecommunication reception.

10. CONCLUSION

I have a number of concerns about the proposal, primarily related to the cumulative visual impact, affect on wading birds, impact on equestrians and possible noise issues. In favour of the scheme is the fact that it will produce significantly more electricity than the previously-permitted scheme. On balance, I consider that the proposal should be approved subject to a number of conditions.

11. SUMMARY REASON FOR APPROVAL

Subject to the conditions, it is considered that the proposed development will not detract to an unacceptable extent from the essentially open and rural character of the countryside, the ecological interest of the area, the amenities of neighbours or highway safety. The proposal has

been considered with particular regard for, Section 10 / 11 of the NPPF, Policies DP1-9 / RDF2 / EM1 of the Regional Spatial Strategy and Policies 1 / 18 / 19 / 20 / 24 of the adopted Core Strategy DPD.

12. RECOMMENDATION

That permission be granted subject to the following conditions :

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. The development shall be carried out in accordance with the approved plans and supporting information (date stamped 02 May 2012), unless otherwise required by the conditions below
Reason : To ensure the development complies with the approved plans and for the avoidance of doubt and in the interests of neighbour amenity in accordance with Policy 24 of the adopted Core Strategy DPD.
3. The turbine shall have a maximum height above ground level of 34.2m to blade-tip height and, notwithstanding the details submitted, the head, blades and mast shall be coloured a non-reflective light grey.
Reason : In the interests of protecting the essentially open and rural character of the Countryside, in accordance with Policy RDF2 / EM1 of the Regional Spatial Strategy, and Policy 1 / 18 / 24 of the adopted Core Strategy DPD.
4. The Local Planning Authority shall be notified of the date at which the turbine first generates electricity within 28 days of this event. The turbine shall be removed from the site and the land reinstated to its former condition no later than twenty-five years from the date of first electricity generation or 9 months without electricity generation, whichever date is the earlier.
Reason : In the interests of protecting the essentially open and rural character of the Countryside, in accordance with Policy RDF2 / EM1 of the Regional Spatial Strategy, and Policy 1 / 18 / 24 of the adopted Core Strategy DPD.
5. No development shall be begun until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:
 - a. Construction vehicle routing
 - b. The timing of construction vehicle movements which are to be to between 9.30 and 15.00 Monday to Friday
 - c. Wheel-washing facilities & construction compound
 - d. Temporary signageReason : To protect traffic safety and the amenity of local residents, in accordance with Policy 1 / 18 / 24 of the adopted Core Strategy DPD.
6. No development shall commence without submission to and approval in writing of a Habitat Enhancement Plan by the Local Planning Authority for species identified as potentially vulnerable, particularly Curlew. No construction shall occur within the bird breeding season (1st March -31st August inclusive).
Reason : In the interests of ecology/biodiversity, in accordance with Policy EM1 of the Regional Spatial Strategy and Policy 1 / 18 / 24 of the adopted Core Strategy DPD.

7. A Construction Method Statement shall be produced and approved in writing by the Local Planning Authority prior to construction commencing.
Reason: To ensure that construction safety and pollution prevention measures are in place prior to construction, in accordance with Policy 1 / 24 of the adopted Core Strategy DPD.
8. The turbine hereby permitted shall at all times operate in accordance with 'The Assessment & Rating of Noise from Wind Farms' (ETSU Report for DTI 1997). If requested by the local planning authority, the operator of the wind turbine shall, at their own expense, employ an independent consultant approved by the local planning authority to measure and assess the level of noise emissions at locations to be specified by the local planning authority. This report, including remedial action proposed, shall be submitted to the Local Planning Authority within 8 weeks of the initial request. If the levels of noise are greater than 35dB (A) $L_{90, 10 \text{ minutes}}$ (0700-2300) or 43dB (A) $L_{90, 10 \text{ minutes}}$ (2300-0700) or the prevailing background plus 5dB (A) immediate action shall be taken as may be necessary including ceasing use of the turbines, so as to meet the maximum levels set out in this condition.
Reason : To protect the amenity of local residents, in accordance with Policy 1 / 24 of the adopted Core Strategy DPD.
9. If requested by the Local Planning Authority (and within 24 months of first commissioning) the operator of the wind turbine shall, at their own expense, commission a survey of television reception by a qualified independent engineer to identify any impairment of domestic television reception. Should any impairment be attributable to the turbine remedial measures shall be identified and approved in writing by the Local Authority within 2 months of the initial request and implemented within a further 2 months.
Reason : To protect the amenity of local residents, in accordance with Policy 1 / 24 of the adopted Core Strategy DPD.
10. Any works of demolition/remediation/construction associated with the development shall not take place except between the hours of 8:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays, and no works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority.
Reason : To safeguard the amenities of neighbours, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).