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| Application Number: | 2011/583 | Application Type: | Full |
| Proposal: | Erection of two wind turbines (34m high to blade tip) | Location: | Bottomley Bank Farm, Bottomley Lane, Crawshawbooth |
| Report of: | Planning Unit Manager | Status: | For Publication |
| Report to: | Development Control Committee | Date: | 16 October 2012 |
| Applicant: | Mr R Biggs | Determination Expiry Date: | 12 October 2012 |
| Agent: | Ancona Energy | | |

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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 11 of the Report.

2. SITE

Bottomley Bank Farm is located within an area of Countryside to the east of the settlement of Crawshawbooth. The Farm is in a relatively isolated location accessed from unadopted roads rising upwards from Crawshawbooth centre and extends over approximately 150 acres.

The application site is approximately 800m to the east of the buildings at Bottomley Bank Farm. It is at a higher level than the buildings, on a gently sloping plateau with open views across the

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valley. Scout Moor Wind Farm can be seen in the distance to the south east with various other structures on the skyline to the east, north and north-west. The land to the west, on the opposite side of the valley, is currently predominantly clear of features on the skyline though there are a number of permissions that exist. Hyndburn Wind Farm is also under construction and is visible in the distance.

The nearest neighbouring residential property is Crown Farm, located approximately 580 metres to the north. Crown Farm has approval for two wind turbines to a height of 34m immediately to the north of the application site in an adjoining field, permitted under Application 2011/187, but yet to be constructed.

There are a number of public footpaths in the area, most notably No. 56 which is located to the east and running around to the south of the site.

3. RELEVANT PLANNING HISTORY

2011/ 0187 2 No 50KW Wind Turbines 34m high to Blade Tip)
Crown Farm, Bottomley Bank Lane, Crawshawbooth
Approved

4. THE PROPOSAL

Permission is sought to erect two 50kw wind turbines, each with a 25m high column and 3- bladed rotor of 9.6m radius. The turbines would be coloured white, with an overall height of 34.2 metres. Thus, the turbines would be the same as those permitted under application 2011/0187 at Crown Farm, yet to be constructed.

The turbines are proposed to sustain the existing farm, with any surplus energy to be exported to the National Grid.

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

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 ‘*Enclosed Uplands*’. The study also places the site within the ‘*Forest of Rossendale*’ capacity area. The overall sensitivity assessment for the ‘*Enclosed Uplands*’ landscape character type is ‘*Moderate-Low (p54) and the study recognises that “the least sensitive areas are the central parts of each of the upland blocks” – where there tend to be fewer constraints in terms of skylines, visibility, landscape quality, deep peat and other biodiversity interests*’.

The capacity assessment for the ‘Forest of Rossendale’ states that “This landscape is currently part of a ‘landscape with occasional wind farms’ (reflecting the close proximity of surrounding wind farms).” Care must be taken when approving wind energy applications in this area that threshold is not crossed from a strategy of accommodation within the landscape (of wind turbines) to one of landscape change – i.e. the creation of a fundamentally new landscape character.

The application would be read against the two existing permitted turbines at Crown Farm (2011/0187). Combined they would read as a small wind arm rather than individual turbines. The proximity also reduces the additional cumulative impact.

One important issue identified in the JMA Study is that the Forest of Rossendale landscape, which extends across to Weir in east, has the capacity to accommodate one medium wind farm (i.e. 6-10 turbines) of turbines of medium to large height. The current proposal would create a wind farm but of smaller scale than envisaged in the JMA study. The JMA Study goes on to say (page 88) that further development in addition to a wind farm should be limited to single very small turbines (under 25m) at most. There are already a number of larger individual “small” and “medium” turbines with consents in the area. It is therefore evident that this area is now close to capacity.

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) and cumulatively would be classed as a “Small wind farm” (up to 5 turbines). Careful consideration should be given to the visual effects of the proposal on the skyline and landscape character when viewed from the surrounding network of Public Rights of Way, properties and the more densely settled areas around Crawshawbooth, Goodshaw and Loveclough. Locations for development should ideally be in the central domed parts of the uplands, such as Swinshaw Moor. The proposed development is relatively close to the edge of the uplands and therefore more visible. The Zone of Visual Influence submitted with the application indicates that the proposal will be visible from much of Crawshawbooth and Goodshaw. When assessing this application, the cumulative visual impact of the turbines against the existing wind turbines on Scout Moor, the permitted turbines on Oswaldtwistle Moor and any other nearby turbines should be considered, and a decision taken as to the acceptability in terms of visual amenity of adding more turbines to the landscape in this area (in line with the recommendation of the JMA Study).

LCC (Highways)

No objection. If approved, requests conditions requiring :

- The wheels of the vehicles must be cleaned before leaving the site, to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
- A Traffic Management Plan is submitted to Lancashire County Council for approval to determine the frequency, size and route of vehicles in connection with the development. The road network in Crawshawbooth will be difficult to negotiate with large vehicles and should be carefully considered.

Public Footpath 71 runs to the east of the most easterly turbine and is of a sufficient distance from the turbines.

LCC Ecology

The following matter will need to be addressed before the application is determined:

- There does not appear to have been an assessment of possible impacts on birds, including ground nesting birds, owls and raptors. Further information to address this matter therefore needs to be provided before the application is determined.

If the above matter can be adequately addressed and Rossendale Borough Council is minded to approve the above application, a planning condition is recommended to address the following matter:

- Vegetation clearance works, site preparation, vehicle movements associated with the development, development work or other works that may affect nesting birds (including ground nesting birds) will not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys

or inspections.

The need for additional condition(s) may become apparent following the bird assessment discussed above.

Rossendale Ramblers

No objection

National Air Traffic Services (NATS)

No objection

Calderdale MBC

No objection

7. REPRESENTATIONS

To accord with the General Development Procedure Order two site notices were posted on 30/08/12 and 103 neighbours were notified by letter on 17/08/12. A press notice was published on 07/09/12.

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

- As a result of their size they will dominate views from many points. They will appear enormous, discordant, artificial structures in a predominantly rural, agricultural landscape, harmful to the setting of Crawshawbooth
- They are too close to private dwellings and may harm living conditions
- The area is popular with walkers, horse riders, cyclists and other visitors and tourists. The turbines will destroy the attractive characteristics of the area.
- Effects on the rights of way
- Serious adverse effect on Short Clough Reservoir which attracts many aquatic species and birds. The impact on local wildlife will be severe
- The proposed delivery route is farcical and street closures would be necessary well before delivery. The streets are completely unsuitable for HGV service vehicles.
- The impacts of this proposed development on the landscape, residents and wildlife heavily outweigh any benefits.
- Concerns regarding health risks and impact on property value

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 turbines I am mindful of the extant permission for two turbines on the adjacent site. In accordance with the Julie Martin Study, cumulatively the four turbines would create a 'small wind farm' in that area. Given existing permitted turbines the capacity of the landscape to absorb new turbines is limited. It is therefore necessary to consider if

the two additional turbines would have a cumulative significant harmful effect on the landscape character over and above the extant permission.

The turbines would be prominent from a wide area, and could be read with the Scout Moor Wind farm to the south east, and Hyndburn Wind Farm to the west as well as other structures and buildings within the landscape. As with the extant approval to the north, views of the turbine will be possible from the local public footpath network in the area as well as over longer distances.

There are no features in the immediate setting that would reduce their prominence or help the turbines 'blend in'. That said, however, the overall sensitivity assessment for the 'Enclosed Uplands' landscape character type is 'Moderate-Low (p54) and the Julie Martin Study recognises that "the least sensitive areas are the central parts of each of the upland blocks" – where there tend to be fewer constraints in terms of skylines, visibility, landscape quality, deep peat and other biodiversity interests". The scheme is however relatively close to the skyline.

The proposed turbines would be the same type, height, design and colour as the approved turbines to the north which is necessary to ensure consistency and to decrease their prominence. The applicant has considered the siting of the turbines in relation to those approved and considers that they would be viewed as one grouping of turbines within the landscape. I concur with this view and such a scheme is preferable to more individual turbines scattered across the landscape.

It is accepted that the turbines would be viewed from long distances, and that the grouping of the four turbines would be classed as a small windfarm. This reduces the capacity of the landscape to accommodate larger Wind Farms, both in terms of number and height, in the future. However, I am of the opinion that the additional two turbines would not significantly alter the impact on the landscape arising from erection of the 2 turbines permitted at Crown Farm, whilst adding significantly to energy generation.

Accordingly, on balance the scheme is considered acceptable in terms of visual amenity.

Ecology/Hydrology

LCC Ecology expresses concern regarding the impact on birds in the area. The applicant is has stated he will be looking into this matter in order to resolve this issue. However, previously it was concluded that the scheme at Crown Farm would not have an unduly detrimental effect on ecology in the area. Being of the same landscape type, and so near the Crown Farm turbine sites, it is considered that the same conclusion will be arrived at in respect of this site.

Neighbour Amenity

The proposed turbines will stand sufficiently far from residential properties to avoid shadow-flicker or undue detriment to the visual amenities of neighbours. RBC Environmental Health has raised no objection to the scheme. It is appropriate to condition that the turbines operate at all times in accordance with ETSU guidance (themselves and in tandem with the Crown Farm turbines).

Highway Safety

Subject to the conditions recommended by LCC Highways the scheme is considered acceptable in terms of highway safety.

Conclusion

The turbines, both individually and cumulatively, will be prominent from both short and long distance views. Capacity for additional turbines in this area is increasingly constrained. Overall, it is considered that there would not be a significant cumulative impact, taking into account existing turbines and approved turbines that would cause significant harm to the landscape character. It is considered that the benefits of providing a renewable energy source in the area outweigh any

perceived harm. On balance, I consider that the proposal should be approved subject to a number of conditions.

10. 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.

11. 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 17 August 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 turbines shall have a maximum height above ground level of 34.2m to blade-tip and, notwithstanding the details submitted, the head, blades and mast shall be coloured a non-reflective light grey and the blades shall turn in the same direction as those permitted at Crown Farm.
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

6. Vegetation clearance works, site preparation, vehicle movements associated with the development, development work or other works that may affect nesting birds (including ground nesting birds) shall not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further survey or inspections.

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. 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), themselves and with the Crown Farm turbines. 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.

8. 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).