

Application Number:	2013/0267	Application Type:	Full
Proposal:	Variation of Conditions of Planning Permission 2011/0030 for Crook Hill Wind Farm, entailing movement to site of long-loads up Market Street (A671) from the south and deletion from the scheme of the cutback of cliff-face at the Market St/Landgate junction	Location:	Crook Hill, Calderdale/Rochdale
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	3 September 2013
Applicant:	Coronation Power Ltd	Determination Expiry Date:	13 November 2013
Agent:	Wind Prospect		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Major / Environmental Assessment

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 Committee approve the variation of Conditions 27 and 31 as set out in Section 9.

2. BACKGROUND

Following a Public Inquiry held in February 2009, and in accordance with the Inspectors Report, the Secretary of State for Communities & Local Government granted Planning Permission for a Wind Farm at Crook Hill; the permitted scheme proposed the erection of 12 turbines of up to 125m in height on a site straddling the boundary between Calderdale and Rochdale. Access to the site for the purpose of construction and future maintenance was to be from Calderbrook Road, Littleborough.

Rather than implement the approved scheme, in 2011 Coronation Power submitted applications for planning permission to Calderdale MBC, Rochdale MBC and this Council for an amended scheme. The most significant difference between the approved scheme and the amended scheme was in respect of the access arrangements.

In short, the applicant wished the approved 12-turbine Wind Farm to be accessed from the A671 at Shawforth, along Landgate, through Middle Hill Quarry and over Rough Hill. The Environmental Assessment accompanying Application 2011/30 indicated that the long-loads carrying the largest turbine components were to be delivered to the site having travelled down Market Street from the north (following movement along the A671 from Rawtenstall), necessitating cutback of the cliff-face at the Market Street/Landgate junction. The access road would then extend through Landgate Quarry up to the moor-top, the site construction compound to be formed on the floor of an old quarry working near the borough boundary with Rochdale.

A drawing accompanying the application showed that to enable turbine components of up to 45m in length to be moved through the junction from the north it was proposed to cutback the cliff facing towards Landgate by up to 12m for a distance of approximately 45m (measured from Market Street). The submitted drawings indicated the new cliff-face would rise to a height of up to 11m, with a couple of steps in it. It was envisaged that with a working day of 10 hours this job could be completed in 5 days, entailing dragging-out with a rock-bucket (rather than use of explosives, hydraulic hammers or milling machines) and the 3,000cubic metres of rock removed was capable of being use in forming the new access roads needed by the wind farm.

The applicant stated that this alternative had a number of advantages, namely :

- It removes the need to deliver abnormal loads and HGVs through Littleborough and construction and delivery vehicles will thereby be kept on A roads through to the site entrance at Shawforth.
- The need for a highly-engineered site entrance at Higher Calderbrook Road is removed.
- The need to create a new and complex access up Long Hill is removed.
- The new access route will utilise an existing site entrance and existing track (used for quarrying and access to some local properties) for part of its route up to Rough Hill quarry roads, thereby reducing the overall level of impact.
- Stone could be sourced from Middle Hill Quarry, thereby reducing the volume of lorry movements and Coronation Power would agree to a Condition to ensure restoration of the quarry following construction.

At its meeting on 4 October 2011 Committee considered Application 2011/30. In accordance with the Officer Recommendation - and notwithstanding objections to the proposal from Whitworth Town Council, local residents and others - permission was granted.

3. PROPOSAL

After further work by their Transport Consultant, Coronation Power now wishes the longest-loads to be brought to the site up the A671 from the south (through Rochdale from the M60/M62), which will avoid the need for the cliff-face at the Market Street/Landgate junction having to be cutback.

Between Landgate and the existing cliff-face is a wide grass verge, behind a low retaining-wall, with half a dozen trees (some dead/in poor condition). To allow the lorries carrying the longest loads to turn in to Landgate would still require part of this area to be hard-surfaced, resulting in loss of some trees - upon completion of construction works it may be possible for this area to again be top-soiled and seeded with grass.

4. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a Prosperous Rural Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 1 Whitworth, Facit & Shawforth
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 16 Preserving & Enhancing the Built Environment
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 20 Wind Energy
- Policy 21 Supporting the Rural Economy and Its Communities
- Policy 22 Planning Contributions
- Policy 24 Planning Application Requirements

5. CONSULTATION RESPONSES

Whitworth Town Council

The Council firstly makes it clear that it continues to be opposed to Landgate being used to access the Crook Hill wind farm, but feels that the application to access Landgate from the south of the town rather than the north is an improvement.

It further resolved that, as the current proposal has the potential to more seriously affect property number 291 Market Street, the applicant should be required to provide the same structural report as other properties in the area are believed to be receiving to record its condition before and after construction of the wind farm.

At its meeting Councillor Neal asked that it be placed on record that he opposes the use of Landgate for access to Crook Hill and that he totally opposes these vehicles coming through Whitworth to do so.

There were also comments and queries from the public relating to the wider Crook Hill / Landgate access proposals, including :

1. Concerns about potential damage to the very old properties on the main road (A671), many of which are very close to the actual road with no front gardens or walls.
2. Generally the feeling from the public was that this was a better proposal than coming from the north.
3. A couple of residents raised concerns about silt which appears to be entering the River Spodden from LCC-owned land close to Landgate and has apparently contributed to some flooding of properties on the A671 close to the junction with Landgate. Concerns are that if the road to Crook Hill via Landgate goes ahead there will be an increase in silt deposits into the River Spodden.

LCC Highways

It has verbally advised that it considers this proposal preferable to the previously-permitted access arrangement. Written comments are awaited confirming its position to be as follows :

No objection, subject to the applicant still being bound by Condition 5 (requiring submission & approval of a Construction Traffic Management Method Statement) and other Conditions of Planning Permission 2011/30 intended to address highway safety issues.

Rochdale MBC

No comment.

It has already received and approved an application seeking to discharge its Condition requiring submission & approval of a Construction Traffic Management Method Statement on the basis of long-loads being delivered to the site from the M60/M62 through its area.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 2/8/13, site notices were posted on 2/8/13 and 32 letters were sent to neighbours on 31/7/13.

Local Residents

Three letters/emails from local residents have been received, one expressing a preference for the amended access arrangement to that previously approved and two that express objection.

One of the objections is from the resident of 291 Market Street, a house located on the opposite side of Market Street to the Landgate junction : they state that as a result of this amendment lorries will come within 2ft of their house and, accordingly, the same recording of structural condition before and after construction of the wind farm should be provided as for other properties in the vicinity. They also seek an assurance that the prohibition of parking/unloading/waiting when works commence will not inhibit access to their property.

The other objector considers that to access the Crook Hill Wind Farm from Shawforth at all does not take into consideration the community, farmers or landscape and runs the risk of flooding due to re-direction of moorland waters and damage to properties due to the additional loads on local roads.

Local Councillor

Cllr Neal advises that at the meeting of Whitworth Town Council on Thursday 15th August a number of residents expressed real concerns with regards to this new revised planning application route and, on his own behalf and that of local residents, he wishes to express those concerns.

7. ASSESSMENT

To amend the scheme in the manner proposed does not require submission and approval of a further application for Planning Permission, but does require Condition 31 (listing the approved drawings) to be varied. The other conditions of Planning Permission 2011/0030 would remain unchanged.

I concur with the view of LCC Highways that it is preferable for long-loads associated with the construction of Crook Hill Wind Farm to be delivered to the site from the south, and Rochdale has not objected to this or advised that it is impracticable.

Likewise, I consider it desirable that cutback of the cliff-face is avoided having regard to the implications it would have for local residents and users of the A671, though the works to do so would be of limited duration.

Condition 27 of Planning Permission 2011/30 reads as follows :

“Development shall not be begun until a Structural Stability Property Recording & Protection Plan has been submitted to and approved in writing by the local planning authority. This shall include details in respect of the dwellings at 232 Market Street, Top o' th' Moss and Thack Cottages relating to :

- (a) the establishment of baseline data to adequately characterise the structural condition of the said properties prior to commencement of the development;*
- (b) the measures to be taken for the recording and protection of the structural stability of the said properties during and for a period of not less than 2 years subsequent to substantial completion of the development;*
- (c) the facility to notify the developer of a concern about a possible deterioration in structural stability of a property arising from the development;*
- (d) the procedure to be followed to ascertain whether there has been any deterioration in the structural condition of a property arising from the development and to deal with the immediate effects of such a finding [to prevent further deterioration as a result of on-going works].*
- (e) the reports to be lodged with the local planning authority characterising the structural condition of the said properties prior to commencement of the development, after notification & investigation of a concern about a possible deterioration in structural stability of a property arising from the development and 2 years subsequent to substantial completion of the development.*

The Structural Stability Property Recording & Protection Plan, as approved, shall thereafter be implemented and maintained at the developers/operators own expense.

Reason for Condition :

In order to satisfy and safeguard the structural stability concerns of residents/owners

of properties in the vicinity of the Landgate/Market Street junction and intended cliff-face cutback works, in accordance with PPS3/PPG14/PPS22, Policy EM17 of the Regional Spatial Strategy (2008) and Policies DC1/E6 of the Rossendale District Local Plan (1995).

As the cliff-face is not to be cutback I do not consider there to be the same concern about Top o' th' Moss. However, I can appreciate why the resident of 291 Market Street has more of a concern about their own property such is its proximity to Market Street and the swept-bath of long-loads delivering to the site from the south.

Accordingly, I consider it appropriate that Condition 31 is varied as requested by the Applicant, thereby avoiding the cutback of the cliff-face/facilitating access to the site for long-loads from the south, but do so on the basis of the dwelling at 291 Market Street being added to the list of properties to which Condition 27 applies.

8. SUMMARY REASON FOR APPROVAL

The proposed variation to Conditions of Planning Permission 2011/0030 will not have any more materially harmful effect than the access arrangements already approved.

9. RECOMMENDATION

That Condition 31 be varied to read as follows :

The development shall be carried out in accordance with the following drawings, unless otherwise required by the conditions above or first agreed in writing by the Local Planning Authority :

Site Location	PAF-CHHQ-1
Site Layout	PAF-CHHQ-2
Planning Application Map - Key Plan	Version 4
Planning Application Map - Plan A	Version 4
A671/Landgate Junction Proposed Highways Modifications	WPENGd4657 Rev B
Site Entrance Junction Improvement	PAF-CHHQ-5
Typical Road Cross Sections 1 of 2	PAF-CHHQ-6
Typical Road Cross Sections 2 of 2	PAF-CHHQ-7
Typical Cable Trench & Drainage Details	PAF-CHHQ-8
Typical Culvert Details	PAF-CHHQ-9
Typical Service Crossing Detail	PAF-CHHQ-10
Typical Cattle Grid	PAF-CHHQ-11
Typical Construction Compound	PAF-CHHQ-18
Indicative Grid Connection Options	Fig 5-1
Landgate Quarry Restoration	406-03-001

Reason : For the avoidance of doubt and to ensure the development proceeds in accordance with the permission sought.

Furthermore, that the opening of Condition 27 shall be varied to read : *“Development shall not be begun until a Structural Stability Property Recording & Protection Plan has been submitted to and approved in writing by the local planning authority. This shall include details in respect of the dwellings at 291 & 232 Market Street, Top o' th' Moss and Thack Cottages...”*. Its Reason should also be varied to exclude reference to *“...and intended cliff-face cutback works...”*.