

Application Number:	2014/0388	Application Type:	FULL
Proposal:	Erection of 12 wind turbine generators (maximum height to tip of 125m), construction of access tracks and crane pads, formation of borrow pits for the extraction of stone for on-site construction works, erection of 70m high meteorological mast, erection	Location:	Land To The East & West Of Rooley Moor Road Rochdale
Report of:	Enplan / Planning Manager	Status	For Publication
Report to:	Development Control Committee	Date:	21 July 2015
Applicant:	Coronation Power Ltd	Determination Expiry Date:	30 th June 2015
Agent	Jacobs, 28 Adelaide Street Belfast Ireland BT28GD		

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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

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. THE SITE

- 1.1. A detailed description of the application site can be found at Section 2 of the Planning Statement (PS).
- 1.2. The application site extends to 460.3ha and is located on Rooley Moor (to the south) and Brandwood Moor (to the north) which is located between Rochdale and Rossendale. The site predominantly comprises upland moorland, which is accessed from Rochdale via Rooley Moor Road. Much of Rooley Moor Road is a designated National Trail, is part of the Pennine Bridleway, and part of the Mary Towneley Loop (a designated bridle route of 47 miles (75 km)).
- 1.3. The part of Rooley Moor Road within the application site is in the Metropolitan Borough (MB) of Rochdale. This section is thought to have ancient origins and was first documented in 1729 and then improved by unemployed factory workers in the 'Cotton Famine' of 1862-1863. This is a non-designated heritage asset.
- 1.4. As well as Rooley Moor Road (designated as bridleway HEYBP126), a number of other designated public rights of way run through and adjacent to the site, linking Rooley and Brandwood Moor to the adjacent Scout Moor and surrounding areas (such as Rochdale, Whitworth, and north towards Rossendale, the Irwell Valley and beyond.
- 1.5. Much of the application site is common land allowing unrestricted public access and the grazing of animals. The land is comprised of open grass moorland and blanket bog with signs of disbanded and ancient quarries across the surrounding area. A number of small water ways also lead off the moors and feed into nearby reservoirs and more major waterways.
- 1.6. Given the elevated position of Rooley Moor, views of it are available throughout much of Rochdale and Rossendale, as well as from surrounding upland areas. Views of the application site are also available from the M62 and A627M motorways. The site is adjacent to Scout Moor, a similar upland moorland which has been developed with a wind farm of 26, 100m high wind turbines. This wind farm is visible from most, but not all of Rooley Moor and the surrounding area. An application to extend the Scout Moor Wind Farm by adding a further 16 turbines is currently under consideration by Rossendale Borough Council (application ref: 2015/0112).
- 1.7. There are no designated heritage sites within the application site, but there are a number of designated heritage assets near the site, including Whitworth Square Conservation Area, Prickshaw and Broadley Fold Conservation Area (in Rochdale), listed buildings, conservation areas, and a registered park and garden in Whitworth. Rooley Moor Road and the associated hamlet of Catley Lane Head (in Rochdale) are also non-designated heritage assets.
- 1.8. It should be noted that the area to which this report relates is the part of the application site that lies within Rossendale Borough.

2. SITE PLANNING HISTORY

2.1. The planning history for the site within Rossendale is as follows:

- **2012/0362** - Request for a Scoping Opinion relating to a proposed windfarm comprising 18 no 2.5mw wind turbines with a hub height of 90.0m with a blade tip height of up to 135.0m
- **2012/0319** - Consultation from Rochdale MBC relating to the siting of a 60m high anemometer mast for a period of 36 months

2.2. It should be noted that the subject proposal has been considered by Rochdale MBC under application reference **14/00877/FUL**. The application was refused on the 25th June 2015 for the following reasons:

- 1. The development comprises inappropriate development in the Green Belt, which would have a detrimental impact on the openness of the Green Belt and the purposes of including land within it. The benefits of the scheme, including the provision of renewable energy, are not considered to outweigh the harm to the Green Belt and all other harm which has been identified. The applicant has therefore failed to demonstrate that there are 'very special circumstances' which would outweigh the in principle harm to the Green Belt and the purposes of including land within it which would result from inappropriate development and the harm to openness from the development itself. The proposal is therefore contrary to Policies G/D/2 and D/4 of the adopted Rochdale Unitary Development Plan, Policy G4 of the emerging Rochdale Publication Core Strategy and the National Planning Policy Framework.*
- 2. Rooley Moor is specifically identified as 'unenclosed moorland' with a wild and tranquil landscape character. The proposed development of twelve turbines (ten in Rochdale) would have a detrimental impact on the landscape character of the area, from both short range and longer distance views and both individually and cumulatively when viewed with existing and proposed wind farm developments in the area. This would be contrary to Policies EM/14, G/NE/5 and NE/6 of the adopted Rochdale Unitary Development Plan, Policies SO3, SO4, G1, G3 and P2 of the emerging Rochdale Publication Core Strategy and the National Planning Policy Framework. [N.B. By way of information this reason for refusal would not apply to the eight turbine scheme submitted as SEI].*
- 3. The proposed development would have a harmful impact on the setting of various designated heritage assets, including listed buildings and conservation areas equating to 'less than substantial harm' in National Planning Policy Framework terms. The benefits of the scheme, including the provision of renewable energy, are not considered to outweigh the harm to designated heritage assets and the proposal is therefore contrary to Policies EM/14, G/BE/9, BE/15, BE/17, BE/19 and NE/6 of the adopted Rochdale Unitary Development Plan, Policies SO3, P2, G1 and G3 of the emerging Rochdale Publication Core Strategy and the National Planning Policy Framework.*
- 4. The proposed development would have an adverse impact on the fabric and character of Rooley Moor Road, a non-designated heritage asset of substantive local significance. On balance, the benefits of the scheme, including the provision of renewable energy would not outweigh the severe harm that would be caused to this non-designated heritage asset. This would be contrary*

to Policies EM/14, G/BE/9, BE/10, BE/11 and NE/6 of the adopted Rochdale Unitary Development Plan, Policies SO3, P2, G1 and G3 of the emerging Rochdale Publication Core Strategy and the National Planning Policy Framework.

- 5. The proposed development would have a harmful impact on the setting of non-designated heritage assets, Rooley Moor Road and Catley Lane Head. On balance, the benefits of the scheme, including the provision of renewable energy would not outweigh respectively the severe harm and harm that would be caused to these non-designated heritage assets. This would be contrary to Policies EM/14, G/BE/9, BE/10, BE/11 and NE/6, Policies SO3, P2, G1 and G3 of the emerging Rochdale Publication Core Strategy of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.*
- 6. The applicant has failed to demonstrate that adequate and successful peat restoration measures could be carried out in order to mitigate against the acknowledged loss of peat habitat that would result from the proposals. Based on the information before the Council the proposal would not safeguard peatland and would adversely affect areas of ecological value and lead to the loss of important habitats. The development is therefore contrary to Policies EM/14, NE/2, NE/3 and NE/6 of the adopted Rochdale Unitary Development Plan, Policies G1, G3 and G7 of the emerging Rochdale Publication Core Strategy and the National Planning Policy Framework.*
- 7. The proposed development would have a detrimental impact on the amenity of users of public rights of way in the vicinity of the development and in particular users of the Pennine Bridleway along Rooley Moor Road which is popular and well used by walkers, cyclists and horse riders. It would cause serious harm to the value of the area for quiet relaxation and recreation and as an area of tranquillity prized for its recreational value and enjoyment. This would be contrary to Policies RE/5, NE/6 and EM/14 of the adopted Rochdale Unitary Development Plan, Policies SO2, SO3, C6, G3, E5 and DM1 of the emerging Rochdale Publication Core Strategy and the National Planning Policy Framework.*
- 8. The proposed development, through its construction, maintenance and management, and in particular associated vehicle movements would lead to noise, disturbance and significant inconvenience to local residents, particularly at and around Catley Lane Head to the detriment of the amenity occupiers of these residential properties might reasonably be expected to enjoy. The development would therefore be contrary to Policies EM/14 and BE/2 of the adopted Rochdale Unitary Development Plan, Policies SO3, G3 and DM1 of the emerging Rochdale Publication Core Strategy and the National Planning Policy Framework.*

3. PROPOSED DEVELOPMENT

Original 12 turbine scheme (including 2 in Rossendale)

- 3.1. The application was submitted on 1st September 2014 and was validated on 12th September 2014. Further Environmental Information (FEI) was submitted on 18th December 2014. A proposed site layout is included at Appendix 1 (annotated version of ES Figure 1.2).
- 3.2. The proposed development comprises the erection of 12 three blade horizontal axis wind turbines with a tip height of up to 125m, each with an anticipated maximum rated capacity of 3.3MW. The scheme includes permanent foundations supporting the wind turbines; associated crane platforms (used during construction, operational repair and decommissioning); formation of access tracks; underground cabling within the site (normally running in trenches alongside the access tracks) a control building and substation compound including electrical metering stores and offices; a permanent 70m high meteorological mast and associated foundations and hardstanding; temporary construction compound; and borrow pits and associated landscaping. It is proposed that the wind farm would be operational for up to 25 years after which it would be decommissioned and the turbines removed from the site.
- 3.3. The applicant has confirmed that a separate planning application will be submitted for connection to the National Grid and that this is likely to be within Rochdale MBC.
- 3.4. It is proposed that the development will be accessed from the south via Rooley Moor Road (within Rochdale MBC) and all construction and delivery vehicles including abnormal load vehicles would utilise this access.
- 3.5. The exact locations of elements of the proposed scheme can be found in ES Table 4.1 and the proposals include a request for a 50m micro-siting allowance¹. Outline Habitat Management Proposals are also proposed and consist of peatland restoration and curlew management within and outside of the site.
- 3.6. Rossendale BC are considering only those works that fall within Rossendale Borough, this consists of two turbines (T11 and T12), access track and turning head and an area of peatland restoration.

Alternative 8 turbine scheme (no turbines in Rossendale)

- 3.7. On 18th December 2014, the applicant submitted Supplementary Environmental Information (SEI) for an alternative proposal for 8 turbines. The applicant requested that should the 12 turbine scheme be considered unacceptable the 8 turbine proposal was an alternative. A proposed site layout is included at Appendix 2 (annotated version of SEI Figure 1.2).
- 3.8. This scheme consists of 8 three blade horizontal axis wind turbines with a tip height of up to 125m; formation of access tracks; substation and associated external compound; permanent meteorological mast; temporary construction compound; crane hardstandings; borrow pits and landscaping; associated

¹ Environmental Statement Section 4.

infrastructure (such as cabling, utility services and external transformers). As per the 12 turbine scheme, the wind farm is to be operational for up to 25 years after which it will be decommissioned.

- 3.9. This scheme removes turbines T3, T6, T11 and T12, and their associated infrastructure from the original 12 turbine scheme. These are all located on the east side of Rooley Moor Road. T11 and T12 are the turbines within Rossendale Borough.
- 3.10. The scheme also includes a request for a 50m micro-siting allowance and Outline Habitat Management Proposals are also put forward consisting of peatland restoration and an indicative area of grazing control.
- 3.11. No turbines or access tracks are proposed within Rossendale Borough under the alternative 8 turbine scheme. The application only proposes that an Indicative Area for Grazing Control Fencing and part of the Indicative Area for Peatland Restoration would fall within Rossendale.

4. LEGAL & POLICY CONTEXT

- 4.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise².

Local Planning Policy

- 4.2. The **Rossendale Local Plan Part 1: Core Strategy DPD (RLPP1)** was adopted on 8th November 2011, it provides the overall vision and development strategy for Rossendale up to 2026. It identifies the general areas where development will take place, and how much there will be, as well as how Rossendale's built heritage and natural landscape will be protected and enhanced. This document is supported by a number of policies³ saved from the Rossendale Local Plan (1995) (RLP). This document pre-dates the National Planning Policy Framework (NPPF), but was prepared in accordance with the draft NPPF and is considered to remain broadly consistent with the government's final version. Relevant policies of the RLPP1 include:

- Policy AVP1 – Area Vision and Policy for Whitworth, Facit and Shawforth
- Policy AVP2 – Strategy for Bacup, Stacksteads, Britannia and Weir
- Policy 1 - General Development Locations and Principles
- Policy 6 - Training & Skills
- Policy 7 - Social Infrastructure
- Policy 8 - Transport

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

³ List of saved policies can be found in *Continuation of Local Plan: Saved Policies through the Core Strategy DPD | Core Strategy DPD: The Way Forward (2011-2026) Submission Version* published in December 2010 (<http://goo.gl/EfmRYB>)

- Policy 9 - Accessibility
- Policy 10 - Provision for Employment
- Policy 14 - Tourism
- Policy 16 - Preserving & Enhancing the Built Environment
- Policy 17 - Rossendale's Green Infrastructure
- Policy 18 - Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 - Climate Change and Low and Zero Carbon sources of Energy
- Policy 20 - Wind Energy
- Policy 21 - Supporting the Rural Economy and its Communities
- Policy 22 - Planning Contributions
- Policy 23 - Promoting High Quality Designed Spaces
- Policy 24 - Planning Applications Requirements

- 4.3. The **Rossendale Local Plan Part 2 - Site Allocations and Development Management DPD** will form the second part of Rossendale's Development Plan and will designate land and buildings for future uses such as housing, parks, shops, schools and parking. It will also set out what new developments should look like, how they should be constructed as well as how they should fit in with their surroundings. Regulation 18 consultation of this document is due to commence in late July 2015. Accordingly, due to the stage it has reached the document can be given very limited weight.
- 4.4. The **Joint Lancashire Minerals & Waste Core Strategy (2009)** (JLMWCS) was adopted in 2009, and prepared in accordance with the 2004 Act, the weight to be attached to relevant policies therefore, depend upon their degree of compliance with the NPPF. Policy CS1 states that *"mineral resources with the potential for extraction now or in the future will be identified as Mineral Safeguarding Areas [MSA] and protected from permanent sterilisation by other development..."* and that *"Extraction of mineral resources prior to other forms of development will be encouraged."* The application site is designated as a MSA.
- 4.5. **Joint Lancashire Minerals & Waste Site Allocations and Development Management (2013)** (JLMWSDM) was prepared in accordance with the 2004 Act and adopted in 2013. The application site is designated as within a Mineral Safeguarding Area (MSA). Policy M2 states that within MSAs *"planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that"* six criteria have been met. To assist in the implementation of policy M2 a guidance note has been produced. This states that *"Policy M2 seeks to prevent the needless sterilisation of mineral resources by non-minerals development. Clearly there are many forms of development that, by their nature, will not lead to the sterilisation of mineral resources. Proposals which are excluded from*

these considerations are; Development already permitted by the General Development Order; Development where outline planning permission has already been granted; Development within the curtilage of existing developments; Temporary development, unless in close proximity to an active quarry or permitted reserve of minerals.”⁴

- 4.6. In 2010, Julie Martin Associates prepared a **Landscape Capacity Study for Wind Energy Development in South Pennines**. This document provides an “*objective method for analysing the local and cross-border landscape impacts of wind energy and will form the basis for the Council’s consideration of the landscape impacts of applications*”⁵. This forms part of the RLPP1 evidence base and is incorporated at paragraph 289 of the supporting text for of RLPP1 Policy 21. The **South Pennine Wind Energy Landscape Study** (October 2014) updates and extends the 2010 study and was adopted by Cabinet on 26th November 2014 for consideration of wind energy applications. The study was prepared jointly by Julie Martin Associates and LUC.
- 4.7. **Landscape Guidance for Wind Turbines up to 60m (January 2013)** was adopted by Cabinet as a material consideration in respect of planning decisions with immediate effect on the 14th February 2013. Whilst this guidance relates to turbines up to 60m there are elements of the guidance that are relevant for this application. It provides general advice for developers and local authority planning officers and members, on the landscape and visual issues, including good practice guidance in relation to location, siting, layout, design and cumulative impacts.
- 4.8. A **Renewable and Low Carbon Energy Study** was jointly prepared in September 2010 by Pendle Borough Council, Burnley Borough Council, Rossendale Borough Council, Calderdale Metropolitan Borough Council and Kirklees Metropolitan Council. This document forms part of the Development Plan evidence base.
- 4.9. In addition there are a number of **Conservation Area Appraisals** which cover the following conservation areas; Bacup, Chatterton Strongstry, Cloughfold, Fallbarn, Irwell Vale, Lovecloughfold, Rawtenstall Town Centre and Whitworth Square.

National Planning Policy

- 4.10. National planning policies for onshore wind development are found in three places:
- The National Planning Policy Framework (NPPF);
 - The online National Planning Practice Guidance (NPPG); and
 - The National Policy Statement for Renewable Energy Infrastructure.
- 4.11. The **National Planning Policy Framework** (March 2010) sets out the Government’s planning policies for England and how these should be applied. One of the core planning principles set out in paragraph 17 of

⁴ Section 2.1 of Guidance Note on Policy M2 – Safeguarding Minerals (Minerals Safeguarding Areas) available at http://www.lancashire.gov.uk/media/695350/Mineral-Safeguarding-Areas-Guidance-Note_201505.pdf

⁵ Paragraph 289 of the adopted Rossendale Core Strategy (Local Plan Part 1)

the NPPF supports *“the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources...”*.

- 4.12. Section 10 sets out the Government’s approach to *“Meeting the challenge of climate change, flooding and coastal change”* and includes policy relating to renewable energy development. Paragraph 98 states that Local Planning Authorities (LPA’s) when determining applications are to *“not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable...”*
- 4.13. The NPPF makes clear that renewable energy development is not normally considered appropriate development for green belt land, paragraph 91 states that *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”* It should be noted that only elements of the proposed development within Rochdale MB is on Green Belt land.
- 4.14. Footnote 17 of the NPPF states that *when “assessing the likely impacts of potential wind energy development... [and] ...in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts).”*
- 4.15. The **Overarching National Policy Statement for Energy (EN-1)** and **National Policy Statement for Renewable Energy Infrastructure (EN-3)** were published in July 2011.
- 4.16. EN-3 sets out the general principles that should be applied in the assessment of applications for onshore wind (Section 2.7 refers). Key considerations for site selection are explained in detail and include: predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues.
- 4.17. Complementing the NPPF is **National Planning Practice Guidance (NPPG)**, an online resource launched on 6 March 2014 that replaced many guidance documents⁶, including *Planning practice guidance for renewable and low carbon energy (July 2013)*. The section relating to renewable and low carbon energy makes clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It also aims to ensure sufficient weight is given to landscape and visual impacts. It provides guidance on how local planning authorities should assess impacts such as noise, safety, interference with electromagnetic transmission, ecology, heritage,

⁶ A list of the guidance documents replaced by the NPPG can be found online at http://www.planningportal.gov.uk/uploads/cancelled-guidance_06032014.pdf.

shadow flicker, energy output, and cumulative landscape and visual impacts. The NPPG has been recently updated to take account of the Written Statement made by Secretary of State for Communities and Local Government on 18th June 2015⁷.

Other national & regional energy policy & guidance

4.18. There are a number of national and international agreements relating to the provision of renewable energy and achieving carbon emission reductions. These include:

- Kyoto Protocol (1997)
- EU Renewables Directive 2001
- Energy White Paper (2003)
- Northwest Sustainable Energy Strategy (2006)
- Energy White Paper (2007)
- UK Climate Change Programme (2008)
- UK Renewable Energy Strategy (2009)
- UK Low Carbon Transition Plan (2009)
- Northwest Climate Change Action Plan (2010-2012)

4.19. In addition, House of Commons briefing papers provide an overview of the planning system, the most recent of which was published on 23rd June 2015 and entitled ***Planning for onshore wind farms, Standard Note: SN/SC/4370***⁸. Also of relevance is ***Wind Farms - Distance from housing, Standard Note: SN/SC/5521*** that was published on 18 November 2010.

4.20. In October 2014 the Government published two documents giving guidance on community benefits and engagement for onshore wind farm developers, namely *Community benefits from onshore wind developments - Best practice guidance for England* and *Community engagement for onshore wind developments: Best practice guidance for England*.

4.21. Other legislation also of relevance includes the Human Rights Act 1998, the European Convention on Human Rights, The Planning Listed Building and Conservation Areas Act 1990, and Statutory Instrument No.243 (2011) – The Promotion of Use of Energy from Renewable Sources Regulations. This application also draws upon elements of The Common Land Act 2006, however, the matters relating to common land are subject to a separate application for the de-registering parts of the common land.

4.22. In a Written Ministerial Statement issued on 18th June 2015 the Government announced considerations to be applied to proposed wind energy development so that “*local people have the final say on wind*

⁷ See <https://www.gov.uk/government/news/giving-local-people-the-final-say-over-onshore-wind-farms>

⁸ Available at <http://www.parliament.uk/briefing-papers/sn04370.pdf>

farm applications.” These considerations took effect from 18 June 2015 and are to be taken into account in planning decisions.

- 4.23. The Statement also set out transitional arrangements for how existing planning applications for onshore wind farms (not yet been decided) should be determined, stating that: *“Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”* Whether a proposal has the backing of the affected local community is, according to the written statement *“a planning judgement for the local planning authority.”*

5. CONSULTATION RESPONSES

Responses from statutory and non-statutory groups/organisations

- 5.1. 16 responses have been received from statutory and non-statutory organisations. These are summarised below in three categories: Objection, No Objection but comments made, and No Objection.

Objection

Campaign to Protect Rural England – Lancashire (CPRE)

- 5.2. Consider that the landscape impacts of the proposed turbines would be severe and that the cumulative and in-combination effects would be significant. CPRE consider that the development will not enhance and protect the countryside, geodiversity and biodiversity resources including habitats and species. CPRE also comment upon impacts on heritage assets and PROW.

Rosendale Harriers and Athletics Club

- 5.3. Concern about the impact on fell running across Rooley Moor – *“a place of beauty and peace and quiet”*. Also raise concern over the impact on local heritage such as Rooley Moor Road.

Royal Society for the Protection of Birds (RSPB)

- 5.4. RSPB letter dated 4th March 2015 objects to the proposed scheme due to habitat loss and hydrological disruption, insufficient mitigation of peatland (bog) habitats and that the proposed curlew management proposals are unenforceable. A second letter was received on 17th April 2015 withdrawing objections relating to the insufficient mitigation of peatland (bog) habitats and unenforceability of the Curlew Management Area. However, RSPB maintain their objection in relation to habitat loss and hydrological disruption.

Open Space Society

- 5.5. Object to the siting of wind turbines on open country close to public rights of way. The Open Space Society considers that the turbines will be a gross intrusion in the landscape and will interfere with people's enjoyment of the area.

British Horse Society (BHS)

- 5.6. BHS object to the proposal due to the impact on the Rooley Moor Road and the environment. A principal concern for BHS is the proximity of the turbines to the Mary Towneley Loop, some of which are less than the recommended distance from a public right of way. Local businesses rely on the equestrian tourism and BHS are concerned that the proposals will affect tourism. Further to this BHS raise concerns on the impact from the construction traffic on people who live in Lanehead.

No Objection but comments made

Calderdale Metropolitan Borough Council

- 5.7. Have raised serious concerns relating to the landscape and visual impacts (including cumulative impacts) and the impacts on the Pennine Bridleway National Trail.

Coal Authority

- 5.8. The application site lies within a Development High Risk Area. This means there are coal mining features and hazards which need to be considered and therefore a planning condition is requested requiring the site investigation measures as set out within the Mining Risk Assessment (ES Appendix 7.4).

English Heritage (now Historic England)

- 5.9. Do not wish to comment in detail as their remit concerns development affecting the setting of heritage assets of a listing grade I or II*. They do not consider the proposed development to be harmful within this remit. They advise that the LPA to contact the county archaeologist for consideration on impacts on undesignated archaeology.

Minerals and Waste Planning Unit

- 5.10. Weight should be given to Policy 2 of the Minerals Plan (Key Planning and Environmental Criteria) with particular reference given to criteria 7 with regard to traffic and access.

United Utilities (UU)

- 5.11. The scheme at Rooley Moor proposes development on areas of peat soil. UU request that further investigations are carried out prior to and throughout the lifetime of development. The risk of impact on water quality increases with peat depth and UU suggest that development should be sited on the shallowest peat and that the minimum amount of peat should be extracted. This applies to all turbines (particularly T14, T15, T16 and T18), cabling, vehicles tracks and associated infrastructure. UU have queried the location of the borrow pits and request further details regarding watercourse crossing plans.

UU noted that item 7.77 of the Hydrology, Hydrogeology and Geology chapter refers to Cowm Reservoir and UU have plans to return the reservoir to supply in the near future.

Rochdale Economic Affairs

5.12. No objection, comments on the community fund provision.

Rochdale Public Rights of Way

5.13. Serious concerns regarding the proximity to the Pennine Bridleway for access tracks and borrow pits (specifically borrow pit 1). The designated footpaths are not adequate and cannot be used by equestrians. There is insufficient information regarding how the rights of way routes will be connected.

NATS Safeguarding

5.14. On 19th September 2014 NATS lodged an objection which was reiterated in their letter dated 16th January 2015. On 27th February this objection was withdrawn following an agreement being entered into on 27th February 2015. NATS now have no objection to the scheme subject to the imposition of a suitable planning condition and the implementation of an agreed mitigation solution.

Environment Agency

5.15. No objection but request conditions to secure the approval and implementation of a Habitat Management Plan and Environmental Management Plan.

Natural England

5.16. No objection. Confirm they are satisfied with methodology and the approach to ecology surveys (including ornithology). Advises that there will be direct and indirect negative impacts on areas of Blanket Bog and that the LPA should be satisfied that there would be no significant negative impacts following proposed mitigation measures if the proposal were to be approved.

Whitworth Town Council

5.17. Recognises that certain undertakings have been put in place regarding the future management of the site and for the protection of Rooley Moor Road. The Town Council expresses concern that the town of Whitworth is becoming surrounded by wind farms. A further submission in February 2015 states that whilst the reduction to 8 turbines moves the development further away from Whitworth, concern remains regarding the likely permanent and irreversible damage to Rooley Moor Road.

Greater Manchester Ecology Unit

5.18. The measures for compensating for habitat losses (including habitat within Local Wildlife Sites) is considered to be insufficient and inadequate. Queries whether adequate surveys have been undertaken on bat roosts in old mine workings. Considers that the cumulative impacts of this scheme in association with the neighbouring Scout Moor Wind Farm Expansion proposal on ecology and ornithology should be assessed.

Rochdale Environmental Heath

5.19. No objection, in agreement with the findings provided by Hepworth Acoustics.

No Objection

Lancashire County Council – Highways

5.20. No objection as vehicular access will occur on roads within Rochdale MBC so there will be no detriment to roads within Rossendale.

Civil Aviation Authority

5.21. No comment.

National Grid

5.22. No comment.

BAE Systems

5.23. Support the response provided by the MOD.

MOD

5.24. Letter received 25th June 2015 raising no objection subject to conditions.

Environmental Heath

5.25. No objection, but request that conditions are included in the decision notice.

Peak and Northern Footpaths Society

5.26. No objection subject to conditions.

Sport England

5.27. No comment.

Manchester Airport

5.28. No objection.

Greater Manchester Archaeological Advisory Service (GMAAS)

5.29. No objection, GMAAS accepts the conclusions and recommendations of the heritage assessment.

Economic Affairs Manager

5.30. No objection.

Independent Specialist Advice

5.31. Rochdale MBC as lead authority commissioned a number of consultants to review relevant parts of the ES. These reports were passed to RBC so that they could be considered when assessing the part of that scheme within Rossendale Borough.

Cultural Heritage (Grover Lewis Associates)

- 5.32. The review of the original 12 turbine scheme concluded that serious, but less than substantial harm, would be caused to a number of designated heritage assets (Whitworth Square Conservation Area, Prickshaw and Broadley Fold Conservation Area, Church of St Bartholomew Road, Whitworth Cemetery Registered Park and Garden, and Rooley Moor Road) and that this should be weighed against the public benefits of the scheme. In making the planning balance regard must be had to the duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as interpreted by recent case law, namely that *“considerable importance and weight”* should be given to the desirability of preserving the character or appearance of the asset. The serious harm caused to the non-designated heritage asset of Rooley Moor Road must be taken into account in reaching a balanced judgement of the planning application proposals.
- 5.33. Upon receipt of the FEI, Grover Lewis Associates (GL) provided a response which states the FEI *“provides little additional information or clarification to assist in decision making. Rather, it takes the form and tone of a ‘rebuttal’ that simply seeks to forcefully reiterate and justify the stance taken in the ES.”* GL therefore maintains their previous concerns. In addition, GL sets out why the proposed physical works to Rooley Moor Road represent a potential threat to its historic fabric and setting. GL state that: *“temporary works represent a major intervention into a fragile historic resource and its immediate surroundings.”*
- 5.34. GL also provided advice in relation to the SEI for the alternative scheme in February 2015. GL conclude by stating that the *“SEI document is considered to under-estimate the impact in respect of a number of important heritage assets within close proximity to the proposed wind farm. Specifically, the document is considered to under-estimate the level of impact that the proposed wind farm would have on the significance of the Prickshaw and Broadley Fold Conservation Area, Whitworth Square Conservation Area, the Church of St Bartholomew Whitworth, and the Whitworth Cemetery Registered Park and Garden. The SEI document also downplays the adverse impact that the operation of the proposed eight-turbine wind farm would have on the setting of Rooley Moor Road.”*

Landscape & Visual (Land Use Consultants)

- 5.35. Land Use Consultants (LUC) provided comments in relation to the submitted scheme in October 2014. A number of concerns were raised and a request for additional information was made. This included photomontages from 3 viewpoints and a landscape mitigation plan. LUC concluded at that time that the proposed scheme would not be acceptable in landscape and visual terms.
- 5.36. Following the submission of the FEI LUC provided a further review in January 2015. This maintained that the *“problematic turbines”* were T3, T6, T11 and T12 which are to the east of Rooley Moor Road (T11 and T12 are the turbines proposed within Rossendale Borough). LUC went on to state that the removal of these turbines would improve the overall balance of the layout in views where significant effects have been identified.

5.37. LUC also assessed the SEI submission for the 8 turbine scheme. LUC noted that the two main issues have been resolved, removing the “outlier” turbines when viewed from the surrounding area and that the Pennine Bridleway would no longer pass through the wind farm but alongside it.

Noise (Hepworth Acoustics)

5.38. An initial response to the application proposals was provided in October 2014. It was noted that the submitted noise study had been appropriately carried out. Based on the findings of the noise study, it concluded that the operational impact from the wind turbines would be acceptable. It was agreed that during the construction phase, the predicted noise impact of the on-site construction activities in Rochdale Borough will be no more than of ‘minor’ significance and that mitigation measures would need to be adopted to minimise impact as far as practicable. It was considered that further assessment was necessary for dwellings in Rochdale Borough. A number of matters in the report required clarification and this information was requested.

5.39. In May 2015 a further response was provided relating to noise emitted from off-site construction traffic. The report concluded that the noise assessment in the ES and subsequent FEI was insufficient to determine the impact of construction traffic on dwellings at Catley Head in Rochdale Borough.

Hydrology, Geology, Hydrogeology, Ecology & Ornithology (JBA Consulting)

5.40. A response to the ES was provided by JBA Consulting on 20th October 2014. In this report, it was noted that the main chapter within the ES dealing with peat and hydrological matters was generally lacking in detail, was inconsistent in its use of assessment criteria terminology to evaluate impacts, failed to draw sufficiently on information presented in the supporting technical appendices and was more generic rather than site specific in some key aspects. The report recommended further consideration of potential risks of peat slide and mitigation, impact on private water supplies and the environmental impact of historic mining. The overall approach to the ecological impacts was considered reasonable. However, it was considered to be deficit in respect of ornithological matters, including collision risk, cumulative impact with Scout Moor Wind Farm and impact on a number of species.

5.41. Following receipt of the FEI, a further review was published on 27th January 2015. JBA found that comments in relation to ornithology had been broadly covered, however further work was still required. JBA disagreed with the summary of predicted impacts (Table 3.3) with regard to disturbance of contaminated mine water, disruption of public supply and Private Water Supplies (PWS) supplies, and peat slide risk assessment. Further information was requested in relation to proposed mitigation on site.

5.42. JBA provided another report regarding the SEI on 27th January 2015. JBA considered that the hydrology chapter addressed most of the comments made regarding the 12 turbine submission and the 8 turbine scheme. It concluded that the overall likelihood of significant impact from the development on the water environment following the proposed mitigation is “probably minor”.

Matters raised by the public

- 5.43. 572 responses have been received from members of the public. 532 were in support (circa 40% emanated from Rossendale Borough) of the proposal whilst 40 objected (circa 58% emanated from Rossendale Borough). No petitions were received and it is noted that all but one of the letters in support of the scheme were template letters.
- 5.44. The matters raised in these representations are summarised below in two categories, namely Support, and Object.

Support

- 5.45. Comments made in the support are set out below:

Turbine function

- These 12 turbines could provide enough electricity for the equivalent of around 20,000 homes per year.

Landscape and visual amenity

- The location is an appropriate site for a wind farm. Whilst the 12 turbines may be visible, this would not significantly spoil the enjoyment of the landscape.
- Makes the view more interesting.
- They will be on moors.

Residential amenity including noise

- Wind turbines are not noisy.

Socio-economic

- More wind power means cheaper electricity in the long run.
- The wind farm would provide at least £2 million for local education and environment projects and offer the local community the prospect of shared ownership in the wind farm.
- There's no evidence that they put off tourists.
- Could provide jobs to local people for installation and maintenance.

Climate Change

- It would save emissions of around 41,000 tonnes of CO₂ per year.
- Wind power does not produce emissions of acid rain gases, carbon dioxide or particulate matter unlike conventional power generation.
- Wind power reduces the need for new expensive nuclear power stations that leave a toxic legacy of radioactive waste that remains dangerous for thousands of years.

- Climate Change is the greatest threat facing our planet and we need urgent action on the issue. We need renewable technology solutions, such as this proposed wind farm, to tackle Climate Change.

Energy Security

- The scheme promotes energy security, establishes a lower net price than fossil fuels or nuclear, safeguards the biodiversity of land beneath the turbines.
- We need a diverse energy policy and provision.

Non-material considerations

- I see no reason for not using wind turbines, there are too many reasons that favour their use.
- Would much prefer wind power to nuclear power.
- All for renewable energy.
- Please can we have a local electricity discount scheme (LEDS).

Objections

5.46. The objections raised a number of issues covering the following topics:

Planning Policy

- RLPP1 AVP1 strategy for Whitworth states that the area’s key landscape, heritage and ecological assets will be conserved and enhanced.
- RLPP1 Policy 9 states that the footpath, cycleway and bridleway network including the Rossendale Way will be enhanced. It also states that the Mary Towneley Loop has already demonstrated potential for active tourism as well as providing physical and mental health for local residents. To approve this application will be contrary to this policy.
- RLPP1 Policy 14 shows that the Council supports tourism through developing and upgrading footpaths in particular the Rossendale Way and Mary Towneley Loop. This application proposes the opposite, to actually damage not only the track itself but the pleasure derived from travelling along it through the installation of turbines.
- RLPP1 Policy 18 states that the Council will “conserve and enhance statutory and local sites of biodiversity, geological and geomorphological importance and interest”. The development site is a site of biological importance for Rossendale so should be protected and enhanced, not built on.
- RLPP1 Policy 19 states that renewable energy will be supported provided that it doesn’t adversely impact on the land resources nor have a significant impact on the character and value of the area (either alone or cumulatively).

- RLPP1 Policy 20 states that wind energy proposals will be given positive consideration providing they do not have an unacceptable harmful impact alone or cumulatively on landscape character, on areas of ecological value or on the historic environment.
- RLPP1 Policy 21 states that sustainable tourism developments such as horse related activities will be supported.
- These turbines are large scale industrial installations and make a complete mockery of the ‘no skyline’ policy. Wind farm companies have got round this by increasing the scale and output of the development so that the decision is made by a Secretary of State rather than the local authorities.
- The Government’s chief climate adviser recently stated that Britain has already approved enough wind turbines to meet renewable energy targets and the public will soon be able to decide on other ways to create renewable energy. This proposed development would therefore be non-essential commercial development in an inappropriate location.
- In their report 26 November 2012, English Heritage did not recommend Rooley Moor Road for scheduling, but confirmed it was of local interest. Rooley Moor Road was included in a top ten list of ‘areas of known archaeological potential’ in the Rossendale District Local Plan (adopted 12th April 1995) – section HP6. *[N.B this was replaced by the RLPP1 and not saved]*

Turbine function

- Wind farms are an intermittent and unreliable energy source. They do not generate electricity when there is no wind or too much wind.
- Some research suggests they produce more CO₂ because of the requirement of continuous backup from conventional power sources, the additional CO₂ produced in construction and through the removal of vast areas of peat, which is a natural CO₂ sink.
- Wind turbines are dangerous, noisy and do not deliver the economic returns promised because of low capacity factors.
- The electricity generated is very expensive and unreliable. Without massive subsidies to the landowners and developers construction would not be viable.
- Wind turbines are a very inefficient source of energy and, notwithstanding the manufacturing and installation costs, we currently spend £50 million pounds a year in subsidies to the energy companies to keep the turbines we already have in the UK turned off. Building more is just a false economy.
- The application suggests that the proposed wind farm could produce carbon savings of 41,000 tonnes per year but this assumes running at full capacity. It will take 1.9 years for the development to become carbon neutral. This does not take into account the dismantling phase of the development or replacement of the turbines.

Highways/Access

- Dangerous construction traffic will endanger lives through noise and diesel pollution and through increased likelihood of road traffic accidents.
- Site access will be via Roch Valley Way, Spotland Road and Ings Lane from junction 20 on the M62, passing schools, nurseries and negotiating the narrow track at Lane Head where there is barely room for a large truck to pass. The additional diesel pollution created from the additional 26,000 HGV truck movements, should be enough reason to reject this application on its own.
- The development will involve the destruction of a significant portion of the historic Rooley Moor Road and the construction of two parallel service roads either side. They have no plans to remove the service roads that will be visible forever from many miles away.
- The proposed transportation route for the turbines uses Rooley Moor Road, this is a National Trail Bridleway, and as such is not open to traffic. The heavy vehicles will cause untold damage to this historic pack horse route. This is a heritage feature that should be preserved for future generations.
- During all phases of this proposed development there will be severe disruption to the traffic and transport systems to residents and businesses in the area of Ings Lane and Rooley Moor Road leading to Rooley Moor, where access to the sites is planned. The road network is already stretched to capacity in and around Rochdale and not just at peak times. The inevitable delays and ensuing chaos will only add to the inconvenience and disruption to all users.
- Safety issues whilst the construction of the access roads and installation of turbines is on-going. There are going to be a massive amount of traffic created, which will have to pass by schools, through a housing estate and then through the villages.
- Trucks expected to deliver continuously 11 hours a day with oversized vehicles also driving through the night along narrow residential roads.

Public rights of way and recreation

- It will break the Mary Towneley Loop which is bridleway of national significance and tourist attraction.
- Horse riders, walkers and cyclists will be deterred during the construction period because of the danger, noise and pollution from the 25,830 two-way vehicle movements required.
- The proposed alternative bridleway offered to keep horses away from the construction traffic on Rooley Moor Road is not fit for purpose.
- The turbine positions are too close to the promoted routes of the Rossendale Way, the Mary Towneley Loop of the Pennine Bridleway and Rooley Moor Road. They will ruin the moorland ambience of these routes and reduce the desire of countryside users to visit the area.

Common Land

- The proposals intend to place turbines on common access land and provide alternative access land as a replacement. According to the maps provided this will not be on a like for like basis.

Farming/wildlife

- It will damage our natural landscape and heritage forever, as well as destroying local farming.
- Along with the extension to Scout Moor wind farm, local farmers will no longer be able to graze their animals on the common land that would be deregulated in order to allow the development. This would leave the landscape barren and destroy a way of life that has been going on for centuries.
- Impacting wildlife, by further restricting the available safe air space for birds, which is an impact already seen on Scout Moor. There is also the threat to endangered species like newts.
- They are visually objectionable and are dangerous to wildlife.
- We have concerns about the loss also in that area of badgers, fox and many other wildlife mammals, as well as the ongoing impact of the current development on the rich variety of bird species for which the area is known.
- Agriculture – the combined effect of the cumulative development will cause a cessation to the traditional hill farming activities on Scout Moor and Rooley Moors.

Equestrian and amenity

- Equestrians will be very badly impacted on a long term basis as 8 of the turbines will be too close to the bridleway according to the British Horse Society.
- Horses are by nature flight animals, which means that they will instinctively run away from any potential threat to them, this could be dangerous for rider or horse.
- Shadow-flicker is potentially distracting for motorists. Horses can be 'spooked' by it.
- The inadequate separation distances of the turbines from the bridleway create further threats.
- The proposal is for T2, T3, T5, T6, T7, T8, T11 and T12 to be erected between 174m and 237m from the bridleway. As the turbines will be 125m tall, the distance should be at least 375m.

Landscape and visual amenity

- Destroying the incredible views above Rochdale together with the existing Scout Moor wind farm and its proposed extension. Combined, it would look like the biggest onshore wind farm in the UK.
- The visual harm will be unacceptable.
- The total projected number of turbines for Rooley Moor and Scout Moor is 64, ranging from 100 to 135m high.

- They would spoil the natural beauty of the valley.
- The proposed development will require approximately 15.8 miles of roads and arterial links, each two metres deep and several metres wide. The impact on the moorland of the materials necessary, and the plant required to get them to the proposed site(s), will permanently damage the visual amenity of all homes in Rochdale and Rossendale.
- These turbines will be clearly visible from much of Bacup and Whitworth, and will destroy much of the unspoilt countryside in Rossendale. They will be visible from many miles away, and so will destroy long range open views.
- Turbines of three different sizes from 100m to 125m is unacceptable within what will be seen as a single development.
- There will be an unacceptable visual effect from near, middle, distant and very distant locations in every direction.
- The turbines are both ugly individually, unsightly generally and a blot on the landscape.

Conservation/heritage issues

- The construction will ruin an historic conservation area [Prickshaw & Broadley Fold Conservation Area] with irreplaceable archaeological heritage. There is now good evidence to show that much of the area has not been properly surveyed in the past and therefore neither the applicant nor the Council appreciate the amount of damage that will be done.
- Following construction the nature and character of the bridleway will be have been completely ruined, not least by upgrading the cobbles to modern road standards.
- The Cotton Famine Road [i.e. Rooley Moor Road] will be destroyed. It is part of Rochdale's heritage and should be preserved as such.
- They will have a devastating effect on part of our local history including Rooley Moor Road and Waughs Well.
- Rooley Moor is within the South Pennines Heritage Area.
- There would also be significant impact on local conservation areas including Prickshaw and Broadley Fold, the moors and peat bogs.

Environmental issues

- Coronation Power also have transport mitigation plans to dig two large borrow pits the size of three football pitches by mechanical gouging to remove 100,000 cubic metres of material, half of which may be useful for construction. The pits would be sited only 9 metres from a national trail and would be filled afterwards with waste from the site.
- A large area of Blanket Bog will be destroyed by this development. Blanket Bog absorbs carbon dioxide. When the negative environmental effects caused by the manufacture, transportation

and installation of the turbines coupled with the destruction of the Blanket Bog are all added up, this will never be offset by the energy created by the turbines during their 25 year life span.

- Due to the amount of concrete and other materials used it cannot be environmentally friendly.
- The proposed new bridleway goes over a water course that supplied Spring Mill Reservoir.
- The site is part of a site of biological importance. The impacts of the road construction, alternative paths, path widening, installation of turbines and other associated features will have a hugely negative impact on the ecology of the site.
- Although the moorland has been had industrial uses in the past, it still contains a significant amount of peat. This plan of constraints only shows the proposed new tracks to the turbines, not the alternative routes for horse riders, widened paths and tracks, working areas and compounds on the moorland. The impact on peat and the ecology of this site could be greater than anticipated.
- The natural environment would be irreparably damaged during installation and operation and the aesthetic beauty of the area would be forever ruined.

Residential amenity including noise

- Significant noise will impact local residents. The effect of a continuous low frequency hum has been found to affect human health for residents living near other wind farms.
- Disruption and pollution of water supplied for local residents who get their water from the moor.
- Wind turbine planning consent is covered by the ETSU-R-97 noise standard. You may be aware that it has received a lot of criticism from experienced acoustic engineers and has been shown to be significantly deficient in a number of respects.

Socio-economic

- As well as the temporary loss of this incredible amenity for leisure and tourism, there will be a loss of funding to charities that use this loop to support their fund raising activities.
- They have no interest in creating local jobs nor do they have any concerns for our local landscape and heritage.
- During the latest recession, local traders have suffered badly. Plans were revealed in the Free Press for a redevelopment of Rawtenstall centre to attract more trade and tourism. These plans will come to nothing if private enterprises such as Peel Holdings/United Utilities and Coronation Power are allowed to further desecrate the once-beautiful valley of Rossendale, threaded as it is with bridle tracks and walkers' trails for locals and tourists to use.
- The income of local equestrian tourist facilities associated with the Mary Towneley Loop will be put at risk.
- The jobs of people who care for horses at the local livery yards will be put at risk.

Health

- Research by Steve Cooper, funded by Pacific Hydro (an Australian wind generating company) has proved that wind farms can lead to adverse health impacts for nearby residents.

Non-material issues

- A wind farm with 20+ turbines within 2km reduces prices by some 12% on average, and the implied effect of the visual dis-amenity is around 15%.
- Capital diminution – the devaluation of nearby residential properties will depreciate the region's capital value of private housing stock by £68.3 million for every 1% fall in property values. Some will fall by as much as 20%.
- Wind farms are white elephants which do not provide reliable energy and their costs in terms of subsidies benefit few whilst hitting the poorest in society and drawing away funding from local council services and the NHS.
- There will be an increase in fly tipping with the increased access from the new service roads (over 8km in total). This is already a major problem and cost to the Council and therefore local taxpayers.
- We cannot afford to ruin our countryside and waste our money on such schemes which are designed merely to satisfy ill thought out political ends.
- Claimed benefits for the local area and communities have proved to be false for previous constructions there are no economic advantages for the local area.
- Security and policing the vast network of new roads will be essential to combat fly-tipping and other illegal activities that exist on the moors.
- The economic value of onshore wind farms is now being questioned publically and politically.
- They are both expensive and grossly inefficient and in this area, would be disproportionately high in number per head of population.

6. ASSESSMENT OF DEVELOPMENT PROPOSALS

Alternative 8 turbine scheme (no turbines in Rossendale)

- 6.1. As set out above, the alternative 8 turbine scheme was proposed within the SEI dated December 2014. The only elements of this scheme within Rossendale Borough is an Indicative Area for Grazing Control Fencing and part of the Indicative Area for Peatland Restoration.
- 6.2. The restoration measures proposed are set out within the Outline Habitat Management Plan included in SEI Appendix 8.8, these include the revegetation of bare peat and re-grading steep exposed peatland edges, the reduction of purple moor grass in specific areas by mechanical mowing and targeted grazing

by cows; and further ongoing management. The peatland restoration proposed would involve planting and the de minimis moving of peat/earth.

- 6.3. It is considered that the works outlined above would not constitute development⁹ and as a result there is no decision for Rossendale Borough Council to make in relation to the alternative 8 turbine scheme.

Original 12 turbine scheme (2 turbines in Rossendale)

All subsequent analysis below relates to the original 12 turbine scheme, of which 2 turbines and associated infrastructure are located in Rossendale. Whilst Rossendale BC can only make a decision on that part of the scheme within their Borough, this report considers the effects of the whole as it is unrealistic to consider the Rossendale part of the proposed scheme in isolation.

Renewable Energy Benefits

- 6.4. The International Panel on Climate Change (IPCC) stated in 2014 that *“warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen.”*¹⁰
- 6.5. The UK is legally bound to cut greenhouse gas emissions by at least 34% by 2020 and 80% by 2050, compared to 1990 levels¹¹. EN-1 states that *“moving to a secure, low carbon energy system is challenging, but achievable. It requires major investment in new technologies to renovate our buildings, the electrification of much of our heating, industry and transport, prioritisation of sustainable bioenergy and cleaner power generation. And it requires major changes in the way energy is used by individuals, by industry, and by the public sector.”*¹²
- 6.6. The UK Renewable Energy Roadmap (Update November 2013) states that *“The UK has made very good progress against the 15% target introduced in the 2009 EU Renewable Energy Directive. In 2012, 4.1% of UK energy consumption came from renewable sources, up from 3.8% in 2011.”*¹³
- 6.7. However, the demand for electricity is likely to increase as energy users (such as industry, heating and transport) switch from being powered by fossil fuels to using “green” electricity. The result of this being that total electricity consumption could double by 2050 to be robust to all weather conditions. In addition, if a high level of dependence on intermittent electricity generation (principally renewable technologies such as wind and solar), then the capacity of electricity generation could need to triple¹⁴.

⁹ Definition of development is set out at Section 55 of the Town and Country Planning Act 1990 – *“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”*

¹⁰ International Planet on Climate Change - Climate Change 2014 Synthesis Report

¹¹ Climate Change Act 2008 available at http://www.decc.gov.uk/en/content/cms/legislation/cc_act_08/cc_act_08.aspx

¹² Paragraph 2.2.1 of Overarching National Policy Statement for Energy (EN-1)

¹³ Executive Summary of UK Renewable Energy Roadmap Update 2013

¹⁴ Paragraph 2.2.14 of Overarching National Policy Statement for Energy (EN-1)

6.8. In this context there is policy support at the national level for renewable energy proposals. The NPPF states that *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”*¹⁵.

6.9. The NPPF goes on to state at paragraph 98 that:

“When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- approve the application if its impacts are (or can be made) acceptable....”*

6.10. The need for this form of development is therefore clear. Whether the scheme is considered as a whole, or the two turbines within Rossendale, the proposal will make a contribution to cutting greenhouse gas emissions and this must be given significant weight.

Contribution to energy production

6.11. This scheme consists of 12 turbines generating up to 3.3MW each. This would provide a total scheme generating capacity of 39.6MW. The two turbines within Rossendale would have a capacity of up to 6.6MW.

6.12. Operational onshore wind farms in the UK currently have a capacity of 8245MW, a further 1713MW are under construction and 5492MW has permission/consent¹⁶. This scheme would therefore if allowed represent an increase of 0.26% , or 0.04% if considering only T11 and T12, of total onshore wind turbines operational, under construction, or consented in the UK. The scheme will therefore make a small contribution to the amount of energy generated from onshore wind within the UK. The contribution would of course appear much smaller when compared to the total UK generating capacity.

Green Belt

6.13. None of the proposed development within Borough of Rossendale is on Green Belt land.

Landscape & Visual

6.14. The applicant considers that the cumulative effects of the proposed scheme would not be significant¹⁷ and that the presence of the proposed turbines would have only localised influence upon the surrounding landscape and views available¹⁸. The applicant considered however that the landscape and

¹⁵ Paragraph 93 of the National Planning Policy Framework

¹⁶ Figures from the UK Wind Energy Database (UKWED) on 30/06/2015 - <http://www.renewableuk.com/>

¹⁷ ES para 6.253

¹⁸ ES para 6.254

visual “effects would not result in the recognised capacity of the landscape to accommodate wind turbines being exceeded”¹⁹.

- 6.15. The 2014 South Pennines Wind Energy Landscape Study provides an update to the 2010 Lancashire Capacity Study for Wind Energy Developments in the South Pennines. Both of these studies consider the capacity of the area in which the application sits although the 2014 study only addresses the land within Rossendale. The 2010 study in its capacity assessment sets out the areas constraints and opportunities as below;

Constraints

Much of the moor is underlain by deep peat deposits. The cloughs to the south contain ancient woodlands while part of the northern slopes is a geological SSSI. The surrounding valleys contain a number of historic parks and gardens and Conservation Areas (the latter often representative of the area’s important industrial heritage); these may be sensitive to impacts on their landscape settings. Important recreation and amenity interests include extensive access land and the Pennine Bridleway National Trail and Rossendale Way long distance path, both of which cross the moor.

Opportunities

Notwithstanding these sensitivities and constraints, the gently domed, expansive form of Scout Moor (high moorland plateaux, type A) may have capacity to accommodate further development up to the size of an additional large wind farm if integrated visually with the existing wind farm. The area’s open moorland, distinctive skylines and relative wildness have already been significantly affected by the existing wind farm. In addition, the northern and western part of the moorland plateau and fringe are not of the highest landscape quality, being affected by a series of disused hard rock quarries on higher ground. There may be scope in this area for further wind energy development without major additional impacts.

- 6.16. The 2010 study concluded that the area may have landscape capacity for two large wind farms (11-20 turbines) or one very large wind farm (more than 21 turbines) with large turbines (including the existing Scout Moor development).
- 6.17. The 2014 provides guidance for wind energy development in landscape character type A, within which the application sits, at pages 28-30. This report describes the area as “*extremely sensitive and highly valued although it has seen several medium and large wind farm developments in the past (see below). Looking forward, there is a need to contain the landscape influence of wind energy development at existing locations, to prevent the landscape becoming dominated by wind turbines...*” The report goes on to provides specific landscape considerations for this LCT, these are set out below:
- *Minimise any further loss of accessible areas of relatively wild, unspoilt landscape to help contain impacts on this key landscape quality.*

¹⁹ ES para 6.254

- *When repowering or extending existing wind farm sites, ensure a compact turbine layout so as to minimise impacts on landscape character and on the visual amenity of nearby settled landscapes.*
- *When extending existing wind farms, choose turbines of consistent height and design to existing turbines so as to avoid visual discordance.*
- *Set large turbines well back from steep moorland edges, generally by at least 400m, to minimise visibility and avoid undue intrusion on skylines as perceived from valley settlements below.*
- *Choose turbine locations well away from the distinctive features such as gritstone tors and monuments that characterise this LCT; also avoid locations close to the prominent knolls that occur on some of the moorland summits, for example on Scout Moor.*
- *If possible, site any new 'very small' or 'small' turbines so that they are backclothed against higher ground and do not break the skyline when viewed from the farmland and valleys below.*
- *Avoid locating turbines where they will interrupt popular panoramic views from the escarpment edge and from National Trails or other long distance paths.*
- *Minimise any impacts on deep peat deposits (e.g. by siting turbines on quarried or brownfield land where present) and on other natural, cultural heritage and recreation interests as described above.*
- *Minimise the need for new infrastructure by utilising existing wind farm access points, on-site tracks, grid connections and other services where possible. Ensure that any new grid connections are underground.*
- *Avoid the use of structures that have an industrial character, such as lattice towers or masts; and limit any unnecessary disruption to the simple, open character of the moorland, for example due to access track cut and fill, fencing, other enclosures, or external turbine transformers.*
- *Put in place measures to minimise the impacts of recreational motor vehicles, which can cause erosion and loss of tranquillity.*
- *In the longer term, manage wind farm sites to restore and improve the condition of moorland landscapes and habitats.*

6.18. LUC have provided a comprehensive review of the ES and have concluded that the scheme would not be acceptable in landscape and visual terms for the following reasons;

- significant effects arising from this proposal which, although inevitable for development of this nature at short distances, could be mitigated further;
- T3, T6, T11 and T12 are consistently problematic in views. T11 and T12 (in Rossendale) often appear as outliers to the proposed development. T3 and T6 (in Rochdale) often appear to be notably more prominent in views from the east and southeast, and can sometimes be seen in front of the horizon of the moorland plateau. So despite the development being seen as an

extension to Scout Moor Wind Farm these would integrate less well with that existing development;

- With turbines being located on both sides of the Pennine Bridleway (along Rooley Moor Road) recreational users would walking through a wind farm, changing the character and experience of this route, which currently passes to one side of the operational Scout Moor Wind Farm;
- The total cumulative effect with the Scout Moor extension (currently at being considered by RBC) would be the alteration of the landscape character from 'a landscape with wind farms' to a 'wind farm landscape' for the Scout Moor High Moorland Plateaux area.

6.19. Policy 20 of the Rossendale Core Strategy states that wind energy proposals should be given positive consideration so long as they do not have an unacceptably harmful visual impact on local residents and sensitive users. The landscape and visual impacts comprise significant harm which are considered to be contrary to RLPP1 Policy 20 and the NPPF (para 98).

Cultural Heritage

6.20. There are no designated heritage assets (listed buildings, conservation areas, scheduled ancient monuments or registered parks and gardens) within the application site, however, there are several non-designated heritage assets, including Rooley Moor Road.

6.21. Section 11 of the ES concludes that there would be, at a maximum, *moderate* effects of the proposal on the significance of heritage assets in the area, therefore no mitigation would be required. When looked at in more detail the ES carries out detailed assessments of 17 assets and these assessments conclude that:

- There would be an effect of *moderate significance* to the Prickshaw and Broadley Fold Conservation Area (PBFCA).
- There would be an effect of *minor significance* to the Church of Bartholomew, Whitworth (grade II*), the Church of St John the Evangelist, Facit, Whitworth (grade II), the Church of St Saviour, Bacup (grade II), and Rockciffe House, Bacup (grade II).
- There would be an effect of *negligible significance* to the grade II Registered Park and Garden of Whitworth Cemetery, and the non-designated park and garden at Bacup Cemetery.

6.22. These findings have been challenged in representations from the local community (in particular the effect on the PBFCA).

6.23. Grover Lewis (GL) challenge the applicant's findings in relation to the Whitworth Square Conservation Area. The ES attributes much of the significance of the conservation to its buildings, which it considers to be the main reason for the areas designation, whereas GL emphasises the important contribution that the moorland landscape setting makes to the significance of the conservation area, as highlighted in Rossendale BC's published Conservation Area Appraisal. This will lead to a seriously adverse impact on

the significance of the conservation area. GL find that the effect on setting would be "...*'major adverse'*, leading in turn to an effect of *'major significance'*. The seriously adverse impact of the proposed wind farm on the setting and significance of the conservation area may well represent *'substantial harm'* in the terms of the NPPF. In any event it would represent the very upper end of *'less than substantial harm'*, and must be considered to constitute very serious damage to the character and appearance of the conservation area, and to its significance as a heritage asset."²⁰

- 6.24. Similar findings have been found by both the applicant and GL in respect of PBFCA. GL consider the applicant has given too little weight to the contribution that setting makes to significance when considering impact. GL considers that very serious damage would be caused to the setting of PBFCA, and to its significance as a designated heritage asset. Where the applicant finds *moderate adverse impact to an asset of medium sensitivity* resulting in an effect of *moderate significance*, GL consider there would "be *'major adverse impact'*, leading in turn to an effect of *'major significance'* but confirm in their opinion this would fall short of *'substantial harm'* in NPPF terms.
- 6.25. The grade II listed Church of St Bartholomew sits within the Whitworth Square Conservation Area discussed previously. Again GL consider that the ES underplays the contribution that setting makes to the significance of this designated heritage asset. GL highlight that the church draws significance, not only for its intrinsic architectural and historical interest, but also from its prominent setting on the edge of a village settlement with wide-ranging moorland views. GL considers that the proposed turbines would have a dominating presence in views of the church from elevated land to the east. In closer proximity views, where the church tower would breach the skyline, and the proposed turbines would compete for prominence with it. The effect of movement of this very large group of turbines would add greatly to their visual impact on the setting of St Bartholomew's Church. This would cause very serious damage to the significance of the church as a designated heritage asset. GL considers that there would be *'major adverse'* effects, leading to an effect of *'major significance'*. This would result in *'substantial harm'* or the upper end of *'less than substantial harm'* in NPPF terms.
- 6.26. Findings relating to Whitworth Cemetery Registered Park and Garden are akin to the above, where the contribution setting is considered to have been underplayed. GL highlight the importance of far-reaching views from the cemetery. Whilst the ES acknowledges that the wider setting contributes to the significance of the cemetery *'as it overlooks the town it serves'*, there is no recognition of the importance of views out for visitors to the cemetery, the value of the unspoiled moorland backdrop, and the sense of peaceful contemplation afforded by the cemetery's setting. Contrary to the effect of *'negligible significance'* in the ES, GL consider that the proposed turbines would have a *'moderate adverse'* impact on the setting leading to an effect of *'moderate significance'*, whereas the ES . GL considered the impact to be *'less than substantial'* in NPPF terms.
- 6.27. Rooley Moor Road is a non-designated heritage asset and is also referred to as the Cotton Famine Road in representations. This road also forms the route of the National Trail through the proposed

²⁰ Para 4.9 of Grover Lewis Associates; Advice on built heritage impact (October 2014)

development. An application was made to have the road scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended for its national importance however at that time the decision was that it did not fulfil the criteria for scheduling. That said the decision notice did acknowledge that the route is “*certainly of local interest*”. In their review GL found that the development would result in “... ‘*major adverse*’ impact on the significance of this non-designated asset, leading to an affect of ‘*moderate significance*’...” GL raised concerns in their report about the impact on the road itself through use as the access track, in response a desk based assessment was prepared titled *Rooley Moor Road Treatment Report*. GL provided comments on this highlighting the uncertainty that remains and that “*unless carried out with extreme care, with close archaeological supervision, the temporary works are likely to result in permanent damage to the fabric and setting of the trackway, and thereby harm its significance.*” It is clear that Rooley Moor Road is an important feature in this historic landscape and that the proposed development will negatively impact both its fabric and setting. Further to this the applicant has failed to show that access along the route is feasible without harming the fabric of the road.

- 6.28. Section 66(1) of the Planning Listed Building and Conservation Areas Act 1990 sets out a requirement to have 'special regard' for the desirability of preserving a listed building and its setting. The National Planning Policy Framework includes requirements for an applicant to describe the significance of any heritage assets affected, in order that the potential impact of development proposals on their significance can be understood (paragraph 128), and for decision-takers to identify and assess the particular significance of any heritage asset that may be affected by the proposal (paragraph 129). It sets out that in consideration of the impact of a proposed development on the significance of a designated heritage asset, great weight needs to be given to the asset's conservation (paragraph 132), and that harm caused by a development proposal to the significance of a designated heritage asset should be weighed against the public benefits of the proposal (paragraphs 133,134).
- 6.29. Having regard to the Planning Listed Building and Conservation Areas Act 1990 and Policy 16 of the RLPP1 it is clear that there will be a number of negative and harmful effects on heritage assets contrary to the development plan and the 1990 Act.

The Natural Environment

Hydrology, Geology and Hydrogeology (including Private Drinking Water Supplies)

- 6.30. The applicants address hydrology, geology and hydrogeology in Chapter 7 of the ES and Chapter 3 of the FEI.
- 6.31. Paragraph 109 of the NPPF states that “*the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing*

development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

- 6.32. Paragraph 121 goes on to state that decisions should also ensure that *“the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.”*
- 6.33. RLPP1 Policy 18 seeks *“to avoid any harmful impacts of development on all aspects of Rossendale’s natural environment”* and sets 8 criteria which it expects development to comply with in order to achieve this.
- 6.34. The Coal Authority have highlighted that the area has been heavily worked and is a Development High Risk Area. Whilst they consider the risk can be mitigated by condition it does raise concerns from a number of organisations and individuals that development in one place could affect other areas that would not be picked up by desk based studies.
- 6.35. JBA Consulting reviewed Chapter 7 of the ES and raised a number of concerns which were addressed to a degree by the FEI. However JBA maintain concerns regarding the impact on groundwater due to the disturbance of contaminated water, possible disruption of public supply and private drinking water supplies and the possibility of peat slide. Further to this the success of the Outline Habitat Management Plan will clearly depend upon grazing ceasing whilst vegetation is becoming established.
- 6.36. The Council has no evidence to suggest that grazing would cease and so cannot be sure that the outline habitat management plan would/could be implemented.
- 6.37. Impacts on peat can potentially affect hydrology and peat itself is an important consideration, with blanket bog (which covers much of the site) identified as an Annex 1 priority habitat under the EC Habitats Directive. Within the application it is acknowledged that peat around the application site will be disturbed by the development. Consideration of the impacts from this has been provided by JBA (on behalf of the Rochdale MBC), Natural England and GMEU, all of whom have raised concerns with the loss of peat and proposed mitigation.

Ecology & Ornithology

- 6.38. Paragraph 118 of the NPPF states:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest is likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in*

combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites:*
 - *potential Special Protection Areas and possible Special Areas of Conservation;*
 - *listed or proposed Ramsar sites; and*
 - *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

6.39. JBA confirmed that the mitigation proposed, including the Habitat Management Plan, is appropriate. This includes a number of measures to prevent the disturbance of a variety of species. During operation of the wind farm further mitigation is proposed, including habitat restoration, with measures such as spreading heather brush, seed and/or geo-jute matting and plug planting to help re-vegetate areas of bare peat. Temporary fencing will also be used to prevent grazing in the initial stages of restoration and bog restoration is also proposed however as discussed earlier whether this will be achievable is questionable. A further habitat mitigation site is proposed in excess of 1km east of the site (in Rossendale Borough) and while this has specifically been referenced as being an area for Curlew it would also provide habitat mitigation for other species in the development area.

6.40. Various species have been shown to be present in/around the development area. Any undue impacts on these species can however be adequately managed through appropriate conditions, including the requirement for a Habitat Management Plan. As such the application would adequately protect the ecology around the development area.

6.41. Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) states that a 'competent authority' (i.e. the Local Planning Authority) must make an 'appropriate assessment' of the implications of a plan or project which is likely to have a significant effect on a European protected site. Greater Manchester Ecology Unit have carried out that 'appropriate assessment' on behalf of the

Rochdale Borough Council and have concluded that the only European site that could potentially be affected is the South Pennine Moors Special Area of Conservation (SAC) / Special Protection Area (SPA) as pathways to other European protected sites do not exist. They have concluded that it would not have any significant impacts on the special nature conservation value of the SAC / SPA.

Noise & Vibration

- 6.42. Noise guidance for wind farms is contained within ETSU-R-97 but it should be noted that this is relevant only in relation to dwellings. However, since the ES was prepared, new national 'Guidelines for environmental noise impact assessment' have been published by the Institute of Environmental Management & Assessment. These guidelines are applicable throughout the UK and provide examples of good practice with regards to environmental noise impact assessment.
- 6.43. It is evident that whilst the reports by Hepworth Acoustics consider that the Council "*should be seeking the best standards to be applied in order to protect the amenity of local residents*". The proposed scheme would comply with ETSU-R-97 at residential locations despite concern being raised relating to construction traffic near houses.
- 6.44. Hepworth Acoustics go on to state that "*The IEMA guidelines state that it is up to the assessor to 'form a view' regarding the extent of the noise impact that the proposed development is likely to cause, and any change in attitude or behaviour, however, no further specific guidance is provided for non-residential amenity areas.*"
- 6.45. After consideration of the potential effects of noise on non-residential areas, most notably the recreational resource, the noise created along the length of the National Trail through the site would be audible and noticeable but this would not be sufficient to warrant refusal.

Public Rights of Way and Shadow Flicker

- 6.46. The site has numerous public rights of way (PROW) crossing it including footpaths, bridleways and routes of a higher status (regionally or nationally promoted) such as the Mary Townley Loop, Pennine Bridleway and the Rossendale Way.
- 6.47. ES Figure 14.4 illustrates existing PROW in relation to the scheme. It would result in numerous PROW being intersected by the access tracks to the proposed wind farm. What it fails to show is that the southern end of Rooley Moor Road would form the access track. It is noted that within Rossendale only one footpath (FP554) would be intersected by an access track.
- 6.48. The Pennine Bridleway and Mary Townley Loop are both categorised as National Trails. Natural England provide the management of National Trails and in their document '*The New Deal, Management of National Trails in England from April 2013*' they state that there are three factors that set these routes apart from other long distance promoted trails and these are:
- They have national quality standards;

- They are created using statutory powers set out in an Act of Parliament, and
- Their upkeep is partly paid for by central government through grants made by Natural England.

6.49. Natural England has also a set of management principles for National Trails and these are:

- Experience – enable as many people as possible to enjoy a wide variety of walking and riding experiences along National Trails and through the English landscape.
- Enhancement – make constant improvement to the Trail and its associated routes. Contribute to the enhancement of the landscape, nature and historic features within the trail corridor.
- Engagement – build and sustain a community of interest in caring for the Trail and the landscape through which it passes.
- Economy – creates opportunities for local businesses to benefit from the use of Trails.

6.50. The importance of this route is evident. RLPP1 Policy 14: Tourism seeks to promote tourism throughout the borough, one way that this will be achieved is through the development, extension and upgrading of footpaths, cycleways and bridleways.

6.51. RLPP1 Policy AVP 1: Strategy for Whitworth, Facit and Shawforth states that *“Proposals supporting recreation pursuits will be encouraged including access, connections and improvements to long distance routes, such as the Pennine Bridleway, Whitworth cycleway and other routes linking the settlements to recreational opportunities (e.g. to the mountain bike trails at Lee Quarry)”*.

6.52. RLLPP1 Policy 17: Rossendale’s Green Infrastructure expects *“new developments to contribute to the provision of recreational green space, and to incorporate improvements to the quality of, and access to, existing Green Infrastructure in accordance with local circumstances”*. In addition it seeks to *“support the improvement of and access to the Public Rights of Way network (in particular the Pennine Bridleway, Rossendale Way, Irwell Sculpture Trail, Shoe Trail and National Cycle Routes) and other linear corridors in line with Policy 9 and maximise the potential of Green Infrastructure to support sustainable and active tourism, in conjunction with the Adrenaline Gateway project.”*

6.53. In England there are no national minimum separation distances set between wind turbines and housing and there are no proposals from Government to introduce them²¹, this is because distance alone does not necessarily determine whether the impact of a proposal is acceptable or not. However the British Horse Society (BHS) has adopted a policy that states a *“minimum separation distance of... three times blade tip height (whichever is greater) will be required between a turbine and any route used by horses or a business with horses.”* The BHS standard of three times tip height is now widely used. Whilst no response was received by Rossendale Borough Council it is noted that the BHS sent an objection to Rochdale regarding the scheme stating that the turbines were too close to the National Trail. All but three of the turbines (T2, T3, T5, T6, T7, T8, T11 and T12 (T11 and T12 in Rossendale) would be within three times the blade tip height (375m), T5 would be the closest at 174m and T6 at 186m.

²¹ See section 3.5 of Commons Briefing Paper no.04370, published 23 June 2015 (<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN04370#fullreport>)

- 6.54. The effect on the users of PROW due to the proximity of turbines is a debated matter however it has been accepted that they do have impacts on the amenity of users of the PROW. In addition the shadow flicker that occurs can be disruptive to all users and has been known to upset horses.
- 6.55. The positioning of the turbines would also impact users of the National Trail (Rooley Moor Road). LUC notes that *“Recreational users of the Rooley Moor Road would... experience the effect of walking through a wind farm, which would change the character and experience of this route, which currently passes to one side of the operational Scout Moor Wind Farm.”* Circa 2.1km of the route would be adjacent to proposed turbines and of this circa 570m would pass between turbines. LUC went on to consider that there would be significant effects on users of the PROW whilst users moved between the turbines, this was described as *“significant localised sequential effects”* in their report.
- 6.56. The identified impacts above all have the potential to discourage use of this important recreational resource (including cyclists, walkers and horse riders). It should be noted that it may discourage some horse riders due to the unknown (or sometimes known) impacts the turbines would have on their animals.
- 6.57. The NPPF at paragraph 73 establishes that *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”*. It goes on to say at paragraph 75 that *“planning policies should protect and enhance public rights of way and access.”* Paragraph 123 states that planning decisions should protect areas of tranquillity which have remained relatively undisturbed by noise and are prized by their recreational and amenity value for this reason.
- 6.58. The application site sits on an area of moorland that is surrounded by numerous settlements, including Irwell Valley to the north, Bacup to the north, Waterfoot to the northwest, Rochdale to the south, Bury to the southwest and Manchester beyond to the south-southwest. This area is a valuable recreational resource that the proposed development has the potential to substantially de-value.

Highways & Transportation

- 6.59. There are no objections to the scheme from either Highway Authority from both Rossendale or Rochdale. It is noted however that these responses relate to the physical ability to access the site on a technical level.

Socio Economic

- 6.60. RLPP1 Policy 21 supports the protection and enhancement of the rural economy. A number of the representations submitted have raised the harmful impact that the proposed development would have upon the local rural economy and in particular those businesses involved with horses who use the extensive open areas and PROW on which the application proposals are located. Some of these businesses are linked to the tourist sector which include ‘equine B&B’ as well as visitors to the area who use the National Trail and other public footpaths and recreational facilities. The extent to which these

activities will be affected is difficult to measure but it is considered that there is likely to be some overall harmful impact upon local businesses.

- 6.61. The proposed development will create local job opportunities at the construction phase in particular (as set out in ES Chapter 13). Local business including B&Bs and shops will benefit from this albeit for a temporary period. These economic benefits are set against the harmful impacts noted above and overall it is considered that the actual economic impacts would be broadly neutral.
- 6.62. At para 13.8.1 of the ES it is stated that the applicant is exploring whether a Community Fund (CF) could be established. This would be a voluntary fund that could provide financial support for local groups/projects, energy efficiency schemes, and environmental educational programmes. Whilst RLPP1 Policy 20 states that wind energy proposals will be given positive consideration if it provides “*community benefits*” the CF is not a firm proposal and therefore is to be given little weight within the overall assessment. Furthermore it is noted that the applicant states at para 18.81 that community funds are “*not included in any regulation regarding wind farms*”. This is correct and confirms the widely held view that such community funds are not a material consideration in the determination of wind farm applications.

Aviation

- 6.63. Until recently there were a number of outstanding objections to the scheme due to impacts on aviation and radar. However these have recently been withdrawn subject to an agreed condition being imposed should permission be granted.
- 6.64. There are no outstanding aviation issues.

Telecommunications

- 6.65. The NPPF states at paragraph 44 that decision makers “*should ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.*”
- 6.66. Whilst it is recognised that any large structure has the potential to interfere with telecommunications (including radio, television, and mobile phone signals) technological advances have removed much of the potential impacts on signals. The turbine layout has been designed to avoid impacts on telecommunication signals and relevant bodies were consulted prior to the application be submitted.
- 6.67. It is noted that it is impossible to rule out television interference as a result of the erection of the wind farm.
- 6.68. The applicant has therefore committed to mitigate any deterioration identified provided any complaints about impacts are made within a period of one year from the first operation of the wind farm; this one year cut off is reasonable as it is unlikely that the wind farm would be the cause of any deterioration in

reception. It should be noted that failure by an individual to report the loss of signal within this one year period would mean they would not benefit from any mitigation. Mitigation could include:

- Re-orientation of existing aerials to an alternative transmitter;
- Supply of directional aerials to mildly affected properties; or
- Provision of cable or satellite television (which is not be affected by the turbines).

6.69. The mitigation of any telecommunication impacts would be secured by condition should permission be granted. There are therefore no negative impacts that cannot be mitigated.

7. OVERALL CONCLUSION AND RECOMMENDATION

- 7.1. As discussed above, the alternative 8 turbine scheme contains no development requiring planning permission on land within Rossendale Borough and as such no recommendation is made in this report. It should be noted however that RBC may issue a certificate of lawfulness under Section 192 of the Town and Country Planning Act 1990 if an application for this is made.
- 7.2. The original 12 turbine scheme (including 2 turbines in Rossendale) has been fully assessed above and the overall planning balance for this is set out below.
- 7.3. The NPPF, PPG, and the RLPP1 are supportive of renewable energy development including proposals for onshore wind. Nevertheless, this support is subject to the benefit not being outweighed by the harm generated by the proposed development.
- 7.4. The public benefits comprises the provision of renewable energy and the contribution it would make to meet the government's targets for the supply of energy from renewable sources. There would also be financial benefits to the local economy particularly during the construction phase of the development. These benefits are all encouraged in the RLPP1.
- 7.5. It is considered that there would be significant adverse impacts arising from the proposals in particular the impact on the landscape character of the area, visual amenity including from a number of public rights of way (including National Trails), heritage assets, peatlands, and amenity of public rights of way. These impacts would be contrary to RLPP1 Policies AVP1, 15, 16, 17, 18, 19, 20, 21 and the NPPF.
- 7.6. Following careful consideration of the application submissions against the adopted development plan, national policy and guidance, and relevant legislation, it is considered that the benefits do not outweigh the harmful impacts of the scheme. In addition these harms could not be made acceptable through mitigation secured via planning conditions or obligations.
- 7.7. The recent Ministerial Statement has been taken into account when preparing this report and it should be noted that its content did not affect the proposed recommendation.

7.8. In conclusion it is therefore considered that the proposed development is unacceptably harmful and the recommendation is to **REFUSE** the application for 12 turbines for the following reasons:

- 1) The proposed development would have an unacceptable impact on the landscape character of the area, from both short range and longer distance views and both individually and cumulatively when viewed with existing and proposed wind farm developments in the area. The proposal is therefore contrary to the RLPP1 AVP1; RLLP AVP2; RLPP1 Policy 18, RLPP1 Policy 19, RLPP1 Policy 20 and the NPPF.
- 2) The proposed development would have a harmful impact on the setting of various designated and non-designated heritage assets, including listed buildings, conservation areas, and Rooley Moor Road. The benefits of the scheme, including the provision of renewable energy, are not considered to outweigh the harm to designated heritage assets. The proposal is therefore contrary to the RLPP1 Policy 16, RLPP1 Policy 19, and the NPPF.
- 3) The applicant has failed to demonstrate that adequate and successful peat restoration measures could be carried out in order to mitigate against the acknowledged loss of peat habitat that would result from the proposals. The proposal is therefore contrary to the RLPP1 Policy 18, RLPP1 Policy 19, RLPP1 Policy 20 and the NPPF.
- 4) The proposed development would have a detrimental impact on the amenity of users of public rights of way, in particular users of the Pennine Bridleway along Rooley Moor Road. The proposal is therefore contrary to the RLLP1 Policy AVP1; RLPP1 Policy 15, RLPP1 Policy 17, RLPP1 Policy 21 and the NPPF.