

<b>Application Number:</b>	2015/0059	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 2 wind turbines (48m high to blade-tip) and associated track	<b>Location:</b>	Sheephouse Farm, Greens Lane, Stacksteads, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21 July 2015
<b>Applicant:</b>	Mr A Lyth	<b>Determination Expiry Date:</b>	21 May 2015
<b>Agent:</b>	Earthmill Ltd		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	The application site is near to a site for which the turbines at Rooley Moor are proposed; that application appears elsewhere on the agenda.

## HUMAN RIGHTS

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

### Article 8

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

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

**That Permission be Refused for the reasons set out in Section 10.**

## 2. SITE

Sheephouse Farm is a working farm situated in the Countryside to the south of the settlement of Stacksteads. Its house is accessed from Newchurch Road (A681) via Farholme Lane/Acre Mill Road/Greens Lane.

Within an old quarry approximately 200m west of the house is the principal agricultural building, which can be accessed also via Blackwood Road. This building is of relatively recent construction (measuring 13m x 30m x 5m to ridge) and there is permission for a still larger agricultural building to be erected adjacent to it (2013/113).

An old haul road climbs from a point midway between the house and agricultural building to previously used quarry workings on the rising land to the south, stopping approx. 150m short of the sites on which turbines are proposed. At a height of 350m-360m AOD, the land here has the appearance of improved pasture, public footpaths running nearby. Starting not far to the south the land takes on the appearance of un-improved agricultural land and continues to rise up to moor-top at a height of 400+m AOD; it is Access Land.

The closest off-site properties are located 535m to the north-east (6 Greens Lane) and 585m to the west (Height Farm).

### **3. PROPOSAL**

Permission is sought to erect two 3-bladed wind turbines of 48.01m in height to blade-tip, each with an anticipated maximum rated capacity of 225kW.

The turbines would stand 180m apart, with an off-white non-reflective finish, their tapering tubular steel towers giving a hub-height of 30.5m and the rotors of 29.1m diameter. The scheme also includes :

- permanent foundations supporting the wind turbines
- associated crane platforms at the base of each turbine of 10mx10m & 10mx15m
- improvement of existing access tracks of 480m in length
- construction of 4m wide access tracks, with crushed stone aggregate, of 330m in length
- small external turbine transformer meter housing of 1mx1.8mx1.8m in height max
- underground cabling within the site (normally to run below/alongside access tracks)
- a temporary site compound & storage area for the period of construction

It is proposed that the wind turbines would be in operation for up to 25 years, the land around them continuing to be used for agricultural purposes; the construction phase is expected to take approximately 2 weeks and decommissioning at the end of the operational period is to include turbine, meter housing & cable removal, break-out of foundation slabs & access tracks and reinstatement of the land to its original state and use.

### **4. SITE PLANNING HISTORY**

None.

### **5. POLICY CONTEXT**

#### **National**

#### **National Planning Policy Framework**

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

#### **Development Plan**

#### **Rossendale Core Strategy DPD (2011)**

- AVP2 Area Vision for Bacup, Stacksteads, Britannia & Weir

Policy 1	General Development Locations and Principles
Policy 8	Transport
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

### **Other Material Planning Considerations**

- National Policy Statement for Energy (EN-1) (2011)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)
- National Planning Practice Guidance (NPPG) - recently updated to take account of the Written Statement of Greg Clark, SofS for Communities & Local Government, on 18/6/15
- Jointly-commissioned by LPAs from Julie Martin Associates :  
'Landscape Capacity Study for Wind Energy Development in S Pennines' (2010)  
'Landscape Guidance for Wind Turbines up to 60m' (2013)  
'South Pennine Wind Energy Landscape Study' (2014)

## **6. CONSULTATION RESPONSES**

### **Coal Authority**

No objection, subject to a condition.

As you are aware, the Coal Authority initially objected to the proposal as part of the application site was considered to be located within the Development High Risk Area and the required Coal Mining Risk Assessment Report, or equivalent, had not been submitted as part of the application.

The Coal Authority considers the content of the additional correspondence from the Agent to be adequate for the purposes of the planning system and the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to require prior to the commencement of development :

- \* The submission of a scheme of intrusive site investigations for the mine entry for approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works and/or mitigation measures for the mine entry for approval; and
- \* The implementation of those remedial works and/or mitigation measures.

### **Environment Agency**

No comment.

### **United Utilities**

United Utilities will have no objection to the proposal and request no conditions.

### **LCC Highways**

No objection subject to the following conditions :-

- No development shall be begun until a Construction Traffic Management Method Statement has been submitted to and approved by the LPA. The Construction Traffic Management Method Statement shall include details relating to :-
  - a. Construction vehicle routing, including swept path analysis from and including the junction of Newchurch Road and Farholme Lane along the route to the top of Greens Lane.
  - b. The management of junctions with and crossings of the public highway
  - c. The timing of delivery vehicle movements including turbine component delivery vehicles
  - d. Details of banksmen/escorts of abnormal loads
  - e. Temporary warning signage
  - f. Proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture, where required along the route
  - g. Traffic management of the existing highway networkThe development shall be carried out in accordance with the agreed CTMMS at all times unless otherwise agreed in writing with the local planning authority.
- Prior to commencement of the works and following completion of the works, condition surveys should be completed for Greens Lane including photographs and submitted to the LPA. Any damage to the highway must be reinstated at the cost of the applicant within an agreed timescale.
- During the period of construction a wheel washing facility should be provided to clean the wheels of the vehicles to ensure that no mud is deposited onto the highway.

### **LCC Archaeology**

No objection. There are no significant archaeological implications.

### **Lancashire Wildlife Trust**

Objection for the following three reasons :

1. An ecological report has not been presented with the application such that the Council can make an informed decision in respect of the impact of the development on any sites of importance for nature conservation, Habitats and/or Species of Principal Importance in England (as defined by Section 41 of the Natural Environment and Rural Communities Act 2006) and the need for mitigation and/or compensation for any adverse impact(s).
2. The application is not compliant with the requirement 165 of the National Planning Policy Framework (NPPF), i.e. Planning decisions "should include an assessment of existing and potential components of ecological networks". Lancashire Environment Record Network (LeRN) and the Wildlife Trust have been commissioned by the Lancashire Local Nature Partnership (funded by Natural England) to produce ecological network habitat maps for the county. The planning application does not take account of potential impacts on the network, discuss the conservation of the components and/or identify opportunities for restoration and enhancement of the ecological network(s) and their functionality.
3. The application does not deliver a net gain in nature as required by the NPPF in requirements 9 and 109). The application is likely to result in a net loss in biodiversity in

terms of any site status, area of semi-natural habitat and numbers of naturally occurring native species, including ground-nesting birds that can be displaced and/or killed by wind turbines.

In response to LWT comments that insufficient ecological information had been submitted for the application to be determined favourably the Agent submitted a further Ecological Appraisal & Breeding Bird Surveys Report.

### **Rossendale Ramblers**

Object.

Our objection is the usual one of visual intrusion, noise and flicker, but the main reason is the proximity of these large turbines to a number of rights of way.

This area is criss-crossed by a number of footpaths, and according to my rough measurements, these turbines would be within 50-150m of several of these, with consequent considerable disruption to the enjoyment of the public on these paths.

## **7. NOTIFICATION RESPONSES**

The application has been publicised by way of a press notice, site notices posted on 14/4/15 and neighbours were notified by letter on 30/3/15.

The following comments have been received :

### **Support :**

81 Booth Road  
92 Booth Road  
2 Pleasant View  
8 Springhill Avenue  
39 Unsworth Street  
73 Cutler Lane  
Cutlers Green Farm  
Heights Farm, Rooley Moor Road  
Alf Kyme Van Breakers Ltd, Rakehead  
Oliver Young Properties, 106 Edgeside Lane  
166 Albion Towers, Cross Lane Salford

Beyond commenting on the wider benefit of generating energy by renewable/sustainable means, many responses comment that this proposal is not a Wind Farm but a smaller scheme being promoted by a local landowner/resident with a regard for wildlife and up-keep of the rural environment, the advantages outweighing any adverse visual impact.

### **Objection :**

Folly Clough Farm, off Booth Road

The proposal will have a significant and demonstrable adverse effect on the wider landscape - which is of large sweeping moorland and pasture - adversely affecting views into and from the Urban Area.

## **8. ASSESSMENT**

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity

- 4) Ecology
- 5) Access/Parking

**Principle**

There is support in National policy and Core Strategy policy 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”*.

At paragraph 98 the NPPF states 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....”*.

Likewise, Policy 20 of the Rossendale Core Strategy states :

*“Wind energy proposals and provision, including ancillary equipment and access roads, will be given positive consideration subject to the following criteria:*

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

*Developers will be expected to provide evidence to support their proposals including Landscape, Visual and Environmental Assessments and to demonstrate that any impacts can be satisfactorily mitigated where negative impacts cannot be removed solely through site selection.*

This proposal will make a useful - though not substantial - contribution to cutting greenhouse gas emissions and this must be given significant weight. It is nevertheless appropriate to consider whether the contribution that the scheme would make to reducing carbon emissions and its other economic/employment-generation benefits out way any harms.

**Visual Amenity**

In broad terms, it can be said that much of the population & built development in the Borough lies within the settlements of Rawtenstall & Bacup, and along the valley floor

connecting them. To the south the land rises up to high moorland plateau; Scout Moor Wind Farm comprises of 26 turbines of 100m in height, setback from the edge of the moorland plateau to the south of Rawtenstall. Whilst there are a small number of individual turbines on the land that rises up to high moorland plateau to the south of Rawtenstall & Bacup, and along the valley floor connecting them, they are of such small size and so few in number they do not have more than local visual impact or adverse cumulative impact.

This application proposes the erection of 2 turbines of 48m in height to blade-tip. The 'Landscape Guidance for Wind Turbines up to 60m' (2013), produced by Julie Martin Associates for this and neighbouring Councils, categorises such turbines as 'Small Commercial Turbines', the like of which are not presently to be seen on the land that rises up to high moorland plateau to the south of Rawtenstall & Bacup, and along the valley floor connecting them.

The distance between the application site and existing Scout Moor Wind Farm is such that there would not be appreciable cumulative impact. However, at the present time proposals are being considered for expansion of Scout Moor Wind Farm with the addition of 16 more turbines (Application No 2015/0122) and for creation of Rooley Moor Wind Farm (Application 2014/0388 appears elsewhere on this Agenda). If either or both of these schemes proceed potential cumulative impacts arise which need to be assessed, most particularly the turbines proposed as part of Rooley Moor Wind Farm which will occupy higher land immediately to the south.

The application was accompanied by a Visual & Landscape Impact Assessment, including wireframes and photomontages, showing the proposed turbines from a number of near-to viewpoints to their north side (midway between the turbines & Newchurch Road). At my request further wireframes and photomontages have been submitted to show the proposed turbines from viewpoints further afield, thereby placing them in a wider landscape context.

From the near-to viewpoints it is evident that the 2 turbines being proposed at Sheephouse Farm will be at a ground level that results in their rotors being visible, but not the full height of their columns nor the existing Scout Moor turbines. From viewpoints further north - near to Newchurch Road and even more so from near Booth Road - the full height of the proposed turbines will be evident - from the former appearing more obviously to be on land rising up to the moorland plateau and from the latter as on the edge of the plateau.

Notwithstanding that the proposed turbines are to be of appreciably less height than those at Scout Moor they are to be appreciably nearer to the built-up areas extending down The Valley (thereby adding to their relative scale) and will set an undesirable precedent for turbines of 'Small Commercial' or greater size on the edge of the moorland plateau of spilling down the slope between Rawtenstall and Bacup.

Furthermore, if the Rooley Moor Wind Farm scheme were to proceed the 2 turbines being proposed at Sheephouse Farm would appear from some viewpoints as outliers to it and to far extend the area it covers notwithstanding the difference in turbine heights), making for a less coherent wind farm contained within the moorland plateau. In short, in the interests of 'good design' it is desirable to maintain on the moorland plateau one coherent wind farm and avoid turbines of a size and siting that makes for a somewhat complicated cumulative picture with turbines appearing to 'spill over' the moorland edge into the more settled valley.

### **Neighbour Amenity**

I am satisfied that the proposed development will not unduly detract from the amenities neighbours by reason of outlook/overbearing.

The Agent advises, and has submitted documentation to demonstrate, that the proposed turbines will operate within the 'acceptable noise' criteria set out in the Government Guidance document ETSU R-97 and will not cause shadow-flicker as there are no dwellings within 10 rotor diameters of the turbines. The Council's Environmental Health Section has not raised objection to the proposal.

### **Ecology**

In response to LWT comments that insufficient ecological information had been submitted for the application to be determined favourably the Agent submitted a further Ecological Appraisal & Breeding Bird Surveys Report.

It advises :

- There are no statutory designated nature conservation sites within 2 km of the site; Lee Quarry is a Geological SSSI; not Biological. There are a number of BHS in the vicinity of the site. Based on the available information, the proposed development is not predicted to adversely affect any protected sites. No direct effects are predicted on Cowpe Moss and Brandwood Moor BHS or other BHS in the vicinity.
- The grassland within the development footprint at T2 is species-poor and considered to be of negligible ecological value. The semi-improved acid grassland at T1 is of greater value and is considered to be of value at the site level. The ecological value of this semi-improved acid grassland could potentially be significantly enhanced through a significant reduction in grazing levels.
- Natural England guidance recommends that a buffer zone distance in excess of 50m should be achieved between the edge of the proposed turbine blade tips and any habitat features likely to be used by bats. At this site the buffer distance from the turbines to the nearest bat habitat feature is significantly in excess of 50m.
- The nearest proposed turbine is ~45m north of Cowpe Moss and Brandwood Moor BHS which is noted for its ornithological importance. The construction and operation of wind turbines on a site can directly cause displacement, disturbance and collision impacts for particular bird groups e.g. raptors, waterfowl and waders.
- The breeding bird surveys show that curlew, lapwing, snipe and wheatear are amongst the species breeding within 600m of the proposed turbines. These four species are of conservation value in terms of Pennine areas, although it is noted that no statutorily protected nature conservation sites such as Biological SSIs or SPAs (Site of Special Scientific Interest; Special Protection Area) are present within 2 km of the site.
- Adopting a precautionary approach, the proposed development could potentially result in the loss or displacement of approximately 50% of all birds breeding within 600m of the proposed turbine (probability: unlikely that loss/displacement would affect this many pairs). This would equate to 1 (of 1) pairs of curlew; 3 (of 5) pairs of lapwing; 1 (of 1) pair of snipe and 1 (of 2) pairs of wheatear. Such effects could be significant at the site level but are not likely to be significant at the local level.
- In terms of open-ground nesting species, the field in which the turbines, access route and grid connection are proposed to be positioned could support open-ground nesting species such as meadow pipit, skylark and lapwing. Providing precautionary



mitigation measures as detailed below are implemented it is considered that legal compliance can be achieved with regard to nesting birds.

- Based on the available information, it is concluded that the proposed development is not likely to result in significant effects on Cowpe Moss and Brandwood Moor BHS or any other BHS in the vicinity.
- Recommendations :
  - a) In order to minimise the potential for disturbance of breeding birds, all construction and installation activities should take place outside the peak breeding season for upland nesting species, i.e. early-April to mid-July inclusive. If possible, all construction and installation activities should avoid the entire period of March to August inclusive as birds may nest before and after the peak nesting period. If this is not possible, a pre-construction nesting bird check should be undertaken by a suitably qualified ecologist, covering all affected open ground areas. If active nests are present they should be retained in situ undisturbed until the nests are no longer active.
  - b) No further great crested newt surveys or mitigation are required as there are no records of great crested newts within 2 km of the site and no ponds within 250m of the proposed development. Nor are significant impacts on other protected/notable species such as hedgehog or brown hare predicted.

I am satisfied that conditions could adequately avoid/mitigate ecological harm that might otherwise arise from the proposal.

### **Access/Parking**

The Highway Authority has not objected to the proposal, subject to conditions requiring submission and approval of a Construction Traffic Management Method Statement and various other matters (detailed in Section 6 above).

I concur with its view that the local highway network can adequately accommodate traffic generated by the proposal.

### **CONCLUSION**

The National and Core Strategy policy are supportive of renewable energy development including proposals for onshore wind. However, this support is subject to the benefit not being outweighed by the harm generated by the proposed development.

This proposal will provide public benefits - contributing to energy generation from renewable sources and some employment during the construction phase/financial benefits to the local economy - but in this instance it is considered that these would be outweighed by the significant adverse impacts arising from the proposal, in particular the impact on the landscape character of the area and visual amenity, including from a number of public rights of way in the vicinity.

## **10. RECOMMENDATION**

That Permission be Refused.

## **Reasons for Refusal**

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.

Much of the population & built development in the Borough lies within the settlements of Rawtenstall and Bacup, and along the valley floor connecting them. To the south the land rises up to high moorland plateau; Scout Moor Wind Farm comprises of 26 turbines of 100m in height, setback from the edge of the moorland plateau to the south of Rawtenstall. Whilst there are small number of individual turbines on the land that rises up to high moorland plateau to the south of Rawtenstall & Bacup they are of such small size and so few in number they do not have more than local visual impact or have adverse cumulative impact.

At the present time proposals are being considered for expansion of Scout Moor Wind Farm with the addition of 16 more turbines (Application No 2015/0112) and for creation of Rooley Moor Wind Farm (Application 2014/0388, the latter proposing up to 12 125m high turbines on higher land immediately to the south of the application site.

If the Rooley Moor Wind Farm scheme were to proceed the 2 turbines being proposed at Sheephouse Farm would appear from some viewpoints as outliers to it and to far extend the area it covers (notwithstanding the difference in turbine heights), making for a less coherent wind farm contained within the moorland plateau.

In the event that the Rooley Moor Wind Farm scheme does not proceed the 2 turbines being proposed at Sheephouse Farm nevertheless are not of 'good design', it being desirable to maintain within the moorland plateau one coherent wind farm and avoid turbines of a size and siting that makes for a somewhat complicated cumulative picture with turbines appearing to 'spill over' the moorland edge into the more settled valley. The proposed turbines will appear from some viewpoints within The Valley to be on land rising up to the moorland plateau and from others as on the edge of the plateau, and will set an undesirable precedent for other turbines of this or greater size on land rising up to the moorland plateau extending to the south of Rawtenstall and Bacup.

The benefits of the scheme, including the provision of renewable energy, are not considered to outweigh the above harms. The proposal is therefore contrary to the National Planning Policy Framework and Policies 17, 18 & 20 of the Council's adopted Core Strategy DPD (2011).