

Application Number:	2015/0244	Application Type:	Full
Proposal:	Erection of 1 No. Wind Turbine with a maximum height of 68 metres to tip, and associated infrastructure, including turbine foundations, crane hardstanding area, access tracks (new and upgraded), electrical control buildings and underground cabling	Location:	Land To The North Of Mitchell's House Reservoirs, East Of The A56, Off Kings Highway, Haslingden
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	3 November 2015
Applicant:	United Utilities Renewable Energy Limited (Gregor Hogarth)	Determination Expiry Date:	13 November 2015 (time extension)
Agent:	Arcus Consultancy Services Limited (Andrew Mott)		

Contact Officer:	Lauren Ashworth	Telephone:	01706-238637
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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	Major development
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. **RECOMMENDATION**

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

2. **SITE**

The majority of the application site lies within the countryside area as shown on the proposals map. The majority of the site is within Rossendale Borough although around 200m of the access track and the access point onto the A56 lies within Hyndburn Borough Council.

The turbine is proposed to be located approximately 195m to the north of Mitchell's House Reservoir and the associated water treatment works building; the access road to both of which is off the A56.

The site is largely made up of upland grassland approximately 300m, above ordnance datum (AOD) at Mitchell's House Reservoir and rising to 325m AOD at the proposed turbine location. The site is located to the east of the A56 dual carriageway, 3km to the east of Accrington and 4km to the north of Haslingden. The nearest residential properties are Mitchell's House (530m to the south west of the turbine), and dwellings at Higher Hey (700m to the west of the turbine).

The site and the surrounding area contains a number of public footpaths and bridleways including, Kings Highway itself, and there are two footpaths which cross the access track just to the east of the A56. In addition, bridleway 11-1-BW116 is located approximately 35m to the north of the proposed position of the turbine.

In terms of heritage assets, the proposed turbine is approximately 1050 metres to the north of Hen Heads Farm, a Grade II listed 18th century farmstead. There is an existing small scale wind turbine (18 metres in height) located to the south east of Hen Heads Farm. A second has recently been granted on appeal (2014/0082) which is 47.1m to blade tip and is to be located on land to the north of Hen Heads Farm.

3. **PROPOSAL**

Planning permission is sought for the erection of 1 No. Wind Turbine with a maximum height of 68 metres to tip, and associated infrastructure, including turbine foundations, crane hardstanding area, access tracks (new and upgraded), electrical control buildings and underground cabling.

The application site crosses the administrative boundaries of Rossendale and Hyndburn and therefore identical applications have been submitted to both authorities although Hyndburn will make a determination as to the access track only as this is the only part of the scheme within their administrative boundary. The turbine, foundations, crane hardstanding, electrical control buildings, underground cabling and the majority of the access track lies within Rossendale. Approximately 220m of the existing track will need to be improved and a new section of track, approximately 645m in length, will need to be constructed off the existing track in order to access the turbine location.

The application is accompanied by plans and supporting / technical information.

It is proposed that the wind turbine would take up to 3 months to construct and to be in operation for up to 25 years. At the end of the period the applicant states that the turbine would be either decommissioned or an application submitted to extend its life.

4. SITE PLANNING HISTORY

None

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

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

Development Plan

Rossendale Core Strategy DPD (2011)

- AVP6 Area Vision for Haslingden & Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- 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 Application 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

Lancashire County Council Public Rights of Way

"Thank you for your consultation letter regarding the proposed development. I have not had the opportunity to visit the proposed development site. The proposed development places a large wind turbine very close to Public Bridleway No.2 Haslingden which forms part of the Pennine Bridleway Feeder route.

It is my view that the proposed turbine will deter riders from using the public bridleway and if a rider chose to use the route it is very possible that a horse is frightened or spooked by passing so close to a wind turbine. Such an incident would cause a serious problem for the rider but would also be a serious safety problem for other bridleway users such as pedestrians or cyclists.

The close proximity of the proposed turbine to the bridleway is unacceptable. Having a turbine so close to a promoted route such as the West Pennines Link is likely to cause problems for riders who have travelled to the area to complete the route and would have no prior knowledge of the turbine.

The Planning Statement 3.1.9.2 makes reference to a permissive alternative route across land in the ownership of the applicant. It is not acceptable to allow a structure to be placed adjacent to a public bridleway that may cause a hazard to lawful users of the public bridleway and offer a permissive route in exchange for the legal route.

The proposed development would reduce the amenity value of the public bridleway. The separation distance between the turbine and the bridleway falls massively short of the British Horse Society guidance.

I object to the proposed development on the grounds that it will deter lawful users of the public bridleway and make cause a danger to horse riders and other members of the public should a horse be spooked by the turbine that is too close to a public bridleway. The West Pennines Link is the only equestrian friendly route leading east out of Accrington and this would likely become a no-go route for riders if the proposed development is allowed to go ahead."

British Horse Society

No comments received to date. If comments are received Members will be updated in the update report.

LCC Highways

"I would raise no objection to the proposal subject to the following conditions and amendment of the turbine position in relation to the bridleway:-

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*
- 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 network*
- h. Wheel washing facility*

Please note that the majority of the route lies on the strategic road network (M65, M66, A56) which is under the jurisdiction of Highways England (formally Highways Agency) and they should be consulted as part of the process.

There are no public rights of way running along the route (between the A56 and the site). Several public footpaths cross the route and bridleway 116 runs close to the proposed turbine approximately 35 metres to the north.

The turbine should be sited a minimum of its height plus 10% from the bridle way and ideally I would recommend that the turbine moved further from the bridleway to minimise the impact for horses.”

Highways Agency

No objection subject to conditions.

NATS

No objection

RBC Environmental Health

No objection

Hyndburn Borough Council

No comments received.

Environment Agency

No objection.

Met Office

The turbine will be 2063m from and detectable by the Met Office weather radar at Hambledon Hill. If the proposed turbine is constructed at this location there will be an unacceptable degradation to Met Office services as derived from radar data.

No objection is raised subject to the use of a planning condition.

Ministry of Defence

“I am writing to inform you that the MOD objects to the proposal. Our assessment has been carried out on the basis that there will be 1 turbine, 68 metres in height from ground level to blade tip and located at the grid reference below as stated in the planning application or provided by the developer:

The turbine will be 38.1 km from, detectable by, and will cause unacceptable interference to the ATC radar at Warton. Wind turbines have been shown to have detrimental effects on the performance of MOD ATC and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns which air traffic controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maintaining situational awareness of all aircraft movements within the airspace is crucial to

achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "false" aircraft displayed on the radar leads to increased workload for both controllers and aircrews, and may have a significant operational impact. Furthermore, real aircraft returns can be obscured by the turbine's radar returns, making the tracking of conflicting unknown aircraft (the controllers' own traffic) much more difficult."

The applicant's agent put forward a suggested planning condition to seek to overcome the MOD objection:

"No turbine shall be erected until the Developer has agreed a Radar Mitigation Scheme with the Ministry of Defence which has been submitted to and agreed in writing by the Local Planning Authority in order mitigate the impact of the development on the Primary Surveillance Radar at Warton Aerodrome. No turbine shall become operational until the approved Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approve Scheme.

For the purpose of this condition:

"Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Ministry of Defence which sets out the measures to be taken to mitigate at all times the impact of the development on the Primary Surveillance Radar at Warton Aerodrome."

Officers liaised with the MOD who on 21 October 2015 provided the following response:

"I refer to your email correspondence of 26 August 2015 requesting the MOD's position on the letter dated 19 August 2015 submitted by Arcus Consultancy Services in respect of the above application.

You will recall that the MOD responded to Rossendale Council on 19 August 2015 confirming that the MOD objected to the application as the proposed turbine will be 38.1 km from, detectable by, and will cause unacceptable interference to the Air Traffic Control (ATC) radar at Warton. This response was consistent with the objection letter submitted to Hyndburn Council on 10 August 2015.

In terms of the points raised in the Arcus letter the MOD would wish to confirm the following:

- 1) The MOD has provided pre-application advice to Arcus since September 2014, which has confirmed that the MOD may have concerns due to the impact on the ATC radar at Warton. This advice was repeated in two further pre-application consultations in November 2014.*
- 2) The MOD has not in the past been reluctant to agree to planning conditions regarding mitigation for the ATC radar at Warton. The MOD considers whether a planning condition is appropriate for a given wind farm proposal on the basis of a consistent assessment process that is applied consistently throughout the UK. The assessment process has been in place for several years and has stood up to scrutiny at planning appeals, including public inquiries.*

The MOD assesses each turbine application on its merits and on a case by case basis. When consulted on a turbine application, the MOD will conduct a technical assessment to determine if the proposed turbines will be detectable to MOD radar(s). If the proposed turbines will be detectable to radar(s), an operational assessment is conducted to determine if the impact of the proposed turbines on the radar(s) is manageable or not.

Where the impact is considered to be manageable, the MOD will not object to the planning application. Where the impact is considered to be unmanageable, the MOD will object.

When the MOD has objected to a wind farm planning application, it remains the responsibility of the applicant to propose acceptable site specific mitigation. On receipt of a site specific mitigation proposal, the MOD will subject it to a technical and operational assessment to determine if it is acceptable. Where it is found that a mitigation proposal is acceptable, the MOD would then discuss suspensive planning conditions. Where it is found that a mitigation proposal is not acceptable, the MOD will inform the relevant parties as such and will not enter in to discussions regarding planning conditions.

The MOD is aware of the UK Guidance on the tests required of a planning condition and therefore the MOD requires acceptable site specific mitigation before it can consider discussing suspensive planning conditions. The MOD does not think it is appropriate to agree to a planning condition without site specific mitigation.

3) The Arcus letter refers to conditions having been agreed by the MOD for the Rooley Moor Wind Farm and the Hyndburn Extension Wind Farm. For the avoidance of doubt, the MOD agreed to planning conditions for both these developments following the submission of a site specific mitigation proposal that was found to be acceptable by the MOD following a technical and operational assessment. In both cases the developer followed the MOD mitigation assessment process as set out above.

4) Despite being aware of the impact of the proposal on the ATC radar at Warton since September 2014, Arcus has not proposed a site specific mitigation proposal to the MOD for its consideration. In the absence of an acceptable mitigation proposal, the MOD does not consider that the suggested condition would address the MOD's concerns. Therefore, the MOD maintains its objection to this application and would encourage the applicant to submit a site specific mitigation proposal for its consideration."

Coal Authority

No objection subject to standing advice.

Natural England

No comments to make on the application.

RBC Conservation Officer

The following are the original comments received from the Conservation Officer:

"The proposed 68 metre turbine is approximately 1050 metres to the north of Hen Heads Farm, a Grade II listed 18th century farmstead of stone. The farm is typical of those found in Rossendale and its setting is an intrinsic part of its special character. Farmsteads contribute to the irreplaceable heritage of the borough and in this case, the setting is relatively unspoilt, retaining a strong moorlands character. Furthermore, despite the distance from the turbine and access track (approximately 570 metres), I consider that the turbine may impact on the farmstead's setting due to the sparse, open and uncluttered appearance of this area. The movement of the blades may also impact on setting.

The setting of heritage assets is defined in the NPPF as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may

make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

No visual impact assessment is provided with the submission that assesses potential harm to the setting of the listed farmhouse, and page 6 of the Design and Access Statement states “There are no archaeological features of note on the Site and there would be no effect on designated heritage assets”. This implies that the impact on the setting of Hen Heads Farm has not been assessed.

English Heritage [Historic England] guidance on Wind Energy (2005, now archived) states:

“Turbines towers are now typically in excess of 60 metres in height and may have a zone of visual influence more than ten kilometres in radius. Because wind turbines work best in locations where conditions are frequently windy, their visibility is often increased by being situated on high ground or in exposed positions in order to maximise energy yields. Similarly, in order to distance development from population centres, many existing developments have been sited in upland locations: places which are valued for their wild and remote character and often for their exceptionally well preserved historic remains”.

In considering the distance between the asset, the access track, turbine and its height, it is likely that any harm to setting will be less than substantial, and so paragraph 134 The NPPF will apply:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

However, without the aid of visual impact assessment of the proposal on the asset, it is difficult to come to a view on the acceptability of the harm in terms of impact on setting. Page 13 of the Cultural Heritage Desk-Based Assessment states:

*“Hen Heads Farmhouse (HB No: 1163574) is a Grade II Listed Building located 1 km to the south of the Development on the opposite side of Mitchell’s House Reservoirs. It is a two storey farmhouse constructed of watershot coursed sandstone with quoins, stone slate roof with one chimney on ridge and another on left gable. Segmental-headed wagon entrance to added barn with a square loading door above. There are later farm buildings surrounding it. The building is listed for its architectural importance as a good example of a local agricultural building. **This is best appreciated in close proximity to the building.** The turbine will appear in views from the asset to the north, and may be visible in views of the asset from the south. It is not considered that this change in view affects the ability to appreciate the architectural importance of the building, and although there is a change in the wider rural setting of the asset to the north, it is not considered to affect the significance of the building. It is therefore considered that the effect of the Development on this asset will be low.”*

I do not share the view that the asset is best appreciated in close proximity. As above, the significance of the asset lies in part in its well-preserved setting. The view that the impact on the asset is low is reached by suggesting the setting is of no importance. The application is contrary to paragraph 128 of the NPPF which states:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

In the absence of a through visual impact assessment, it is not possible to reach an affirmative view on the extent of harm, but I believe there may be some harm, which would be less than substantial.

In considering applications for planning permission that affect listed buildings, the local planning authority must have “special regard to the desirability of preserving the building or its setting” under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Recent case law has demonstrated that “special weight” afforded to this statutory requirement can sometimes override other material planning considerations such as public benefit, even when the harm to the setting of the listed building is less than substantial (Barnwell v East Northamptonshire DC).

Submission of the following would assist in coming to a view on the acceptability of the proposals in heritage impact terms:

- 1. Visual impact assessment of current and proposed view from Hen Heads Farm (from Footpath 5), facing north towards the development site;*
- 2. Visual impact assessment of current and proposed view towards Hen Heads Farm facing south from Bridleway 2;*
- 3. Visual impact assessment of current and proposed view facing south from the junction between Bridleway 2 and Footpath 2.”*

The following comments have been received in response to the additional information supplied by the applicant on 1 October 2015:

“For clarity, in my initial comments I state the listed building is 1050 metres from the proposed turbine and 500 metres from the proposed access track. This has been misinterpreted in the Cultural Heritage and Landscape Setting letter.

The view provided from the farmhouse (viewpoint 4 from footpath 5) as requested, shows the permitted Hen Heads turbine (some 19 metres smaller at 47.1 m) to the left of the view, where part of the blade only is visible in this location. This would have an impact on the listed building particularly when the blades are moving. However, the turbine is only partially visible from this location as shown in the wireframe provided. To the right of the view is the proposed turbine, which is in clear view of the farmhouse despite its distance some 1000 metres away. This is considered to have a much greater impact on the setting of the asset due to it being in full prominent view at all times.

As outlined in my initial comments, the setting of Hen Heads Farm is relatively unspoilt, retaining a strong moorlands character. In considering the argument put forward in the letter, that “The setting of the farmhouse has clearly been substantially altered since it was constructed, and clearly this will affect the ability to appreciate the significance of the asset”, then additional alteration will affect the ability to appreciate the asset further, and cause subsequent harm to the farmhouse’s setting, which would be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (giving due weight to impact on setting). Contrary to the argument put forward, that the setting is already

degraded, the assessment provided in the supplementary information in fact demonstrates that the moorlands character of the landscape that forms the setting of the asset is very well preserved.

The view held in the letter fails to address the importance of the moorland landscape to the farmstead and provides an incomplete assessment of impact:

“The Settings Assessment clearly identifies that the significance of the farmhouse arises from its historical agricultural use as a good example of a local agricultural building. Its setting relates closely to the complex of farm buildings within which the farmhouse is located, and the immediate fields which surround it. Broader views of the landscape from the farmhouse do not contribute to the understanding of its architectural significance for which it is listed, i.e. as a good example of a local agricultural building.”

There is no information provided to demonstrate that the building was listed because it is a good example of an agricultural building: this appears to be an argument put forward solely in the letter. Irrespective of whether the farmhouse was designed with views towards its setting in mind, it is widely recognised that isolated outlying farmsteads in Rossendale have an intrinsic link to setting, where the land was utilised for farming and industry. These farmsteads help to define the unique character of Rossendale’s rural upland areas.

Despite the distance from the turbine and access track, the proposals will cause harm to the setting of the listed building due to the importance of setting to the asset, the sparse and uncluttered appearance of this landscape, the introduction of an alien feature into the landscape and the moving parts of the structure, which will diminish the strong sense of remoteness and exposed open moorlands.

In considering the duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the setting contributes to the character and special interest of the listed building, due to the nature of the sparse, open moorland landscape, which would be harmed by the introduction of this turbine. The proposal is therefore contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“Local planning authorities...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”), and paragraph 131 of the NPPF:

“In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.”*

For the reasons outlined above, the proposal is also contrary to policies 16, 23 and 24 of the Rossendale Borough Council Core Strategy DPD.”

Greater Manchester Ecology Unit

“The application site itself is not designated for its nature conservation value, although it is relatively close to Mitchell's House Reservoir Clough Biological Heritage Site and Crutchmans's Quarry BHS. Part of the planned access track passes through and adjacent to a BHS, although it is not considered that this will cause substantive harm to the BHS because the track is already existing. The ecology survey that has been submitted in support of the application is to appropriate and proportionate standards. Although no dedicated bird breeding survey has been undertaken the habitat to be directly affected by the construction of the turbine is poor for breeding birds and a reasoned assessment of the possible impacts of the scheme on birds has been carried out. I would not consider that there is much to be gained by requiring a breeding bird survey to be undertaken at this stage.

The turbine is not in a high-risk location for bat roosts and the development is therefore considered unlikely to have any significant impact on bats. The planned development will not involve the excavation of peat, nor will it affect any important peatland habitats.

The most likely potential impact of the turbine will be on birds; limited habitat will be directly lost but there may be some risk of disturbance, displacement, turbine-blade collision and subsequent mortality. Regarding these risks I would note -

- o That there is some evidence that bird species that are most likely to use the site for breeding (skylark and lapwing) can habituate to wind turbines.*
- o That optimum habitat for birds considered to be most at risk from turbines (e.g. curlew, golden plover) is more than 300m from the turbine location and there is a very large area of more suitable habitat in the area that could accommodate any birds that may be displaced.*
- o Mitchells House Reservoirs are not designated for their bird interest and the nearby BHSs have not been designated for their particular bird interest.*
- o The site is not in an identified high-risk location for bird migration*
- o This is a single turbine located some distance from other turbines in the locality*

I would conclude that the risk posed by the turbine to birds is low. I therefore have no overall objections to the application on nature conservation grounds.

I would recommend that, if approved, the turbine should be erected outside of the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.”

United Utilities

“With reference to the above planning application, United Utilities has no objection, based on the findings of the submitted Hydrology Baseline Assessment (produced in June 2015 by Arcus) which states there was no deep peat found. The report states probing was undertaken within the field where the turbine will be constructed based on a 100m grid spacing. We require more detailed testing as a means to ensure the protection of our reservoir and water quality.

Therefore we would suggest the following planning condition be attached to any Decision Notice that the Council may deem to grant:

Prior to the commencement of development, a construction environmental management plan (CEMP) must be submitted for the written approval of the local planning authority.

In areas of the site where development is proposed, detailed peat probing (at a grid spacing to be agreed in advance) must be undertaken. For the avoidance of doubt, development includes any construction which may disturb the soil.

REASON:

The presence of deep peat should be monitored to protect the impounding reservoirs/watercourses in the surrounding area.”

LCC Archaeology

“Despite providing what purports to be a Heritage Assessment, the applicants do not appear to have consulted the Historic Environment Record (HER) and obtained information on nondesignated heritage in the area of the scheme, as required by NPPF section 128.

Examination of the HER shows that the proposed turbine is located in the vicinity of a number of former farmstead and quarry sites, north of the extant reservoirs, but the turbine itself does not appear to physically impact any of these (see attached HER map). The proposed track to the turbine (and presumably the cable route) does, however, run directly through a former farmstead site at the foot of the reservoir embankments. This farmstead, Mitchell's House, was extant in 1848 and still present on 1963 aerial photography but was subsequently demolished and new buildings erected a little to the west - see attached 1893 mapping extract.

It is not known if any buried remains of the buildings on this site still survive or if they were all cleared away at the time of demolition, but it would be safest to suppose that some will be present. It would be preferable if this site was not further damaged by the construction of a track and cable run across it, but the site is not known to be so important as to merit preservation at the expense of the development. As a consequence if the site of the farmstead cannot be avoided by the track (unless the applicants can show that no remains of the farmstead survive here) it is recommended that an archaeological watching brief be held on this part of the track construction and cable trenching.

The following wording for a planning condition is suggested:

Condition: No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of Archaeological / historical importance associated with the site. Please note that the above advice has been provided without the benefit of a site visit.”

Burnley Borough Council

No comments received.

Arqiva

No comments received.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 5no. neighbour letters have been issued and a number of site notices were displayed. The application was also advertised in the Rossendale Free Press.

One letter of objection has been received which raises the following points:

- Concerns regarding the impact of the proposed turbine on private water supply.
- The proposed turbine is very close to a regularly used bridleway. The bridleway was improved in recent years with the benefit of lottery funding and the route is now popular with horse riders.
- I am concerned about the environmental impact on water sources and wildlife.

8. ASSESSMENT

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

- 1) Principle
- 2) Character and appearance
- 3) Heritage assets
- 4) Effect on public footpaths and bridleways
- 5) Access and parking
- 6) Air traffic, safety and defence
- 7) Neighbour Amenity
- 8) Ecology
- 9) The planning balance

Principle

There is support in national policy and the adopted Core Strategy 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:

“*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.*

Current national planning practice guidance (PPG) makes it clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It also notes that the cumulative impact of turbines requires particular attention. It also aims to ensure sufficient weight is given to landscape and visual impacts and provides guidance on how local planning authorities should assess the environmental impacts.

The NPPG has recently been updated to take account of the Written Statement made by Secretary of State for Communities and Local Government on 18th June 2015. The Written Statement explains that where a valid planning application has already been submitted, and the development plan does not identify suitable sites (as is the case) the following transitional provision applies: in such instances LPAs can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by local communities and therefore has their backing.

Accordingly there is in-principle policy support at the national and local level for renewable energy proposals.

Character and appearance

Landscape character and visual effects

At 68 metres in height the proposed turbine is within the “medium” scale which ranges from 60 metres – 89 metres. At 68m to blade tip, the turbine will be a significant and prominent feature in the landscape.

The South Pennines Wind Energy Landscape Study (2014) notes that a particular feature of the landscape character type within which the site falls (Enclosed Uplands) is the dense network of public footpaths which provide recreational access to the countryside for the nearby urban populations, especially in the southern part of this area. The Pennine Bridleway is specifically referenced as running north-south across the enclosed uplands. In addition, the landscape is noted as being widely visible and the Rossendale Way and

Pennine Bridleway offer panoramic views. The area is noted as being a landscape in decline however there is a sense of relative wildness and tranquillity particularly on the areas of moorland and other high ground, such as the application site. Perceptions are diminished by views towards the urban areas and the presence of human artefacts.

For turbines of the scale proposed, this landscape character type is of moderate to high sensitivity due to its enclosed landscape pattern and role as an elevated backdrop to views from valley settlements. Having reviewed the submitted Landscape and Visual Appraisal and considered the impact of the proposed turbine on the landscape, officers are particularly concerned that the turbine will be in an exposed position visually, and being in a location containing various important recreational routes, the area is sensitive and will be damaged by the intrusion of the proposed structure, which will dominate the landscape due to its scale.

The South Pennines Wind Energy Landscape Study does note that the landscape may be able to accommodate small scale wind energy development that is visually associated with settlements or farms, and sited away from sensitive settings. Indeed the Inspector concluded that the 40m turbine at Hen Heads Farm was appropriate on that basis. However, in this case the turbine at some 68 metres is not small scale, it has an extensive access track proposed, and is to be sited away from any settlements or farm buildings, in an exposed location surrounded by various recreational routes. These factors have led to the conclusion that the proposal will have an unacceptable visual impact which cannot be accommodated within the landscape without causing unacceptable harm.

Cumulative effects

The cumulative impact of the proposal turbine is a concern, most particularly due to the presence of an existing 18m turbine to the south east of Hen Heads Farm, and a 40m turbine was consented on appeal in January this year on land to the north of Hen Heads Farm. Should the proposed turbine be permitted, there would be three turbines within close proximity ranging from 18-68m, and of varying rotation speeds. Having regard to the exposed nature of application site, and the importance of the surrounding recreational routes, the introduction of this additional turbine would have harmful effect on the character and appearance of the countryside. Officers do not consider that the turbine will appear as part of a pair of turbines in the landscape (with Hen Heads Farm) as the consented turbine is some 40 metres shorter. This will exacerbate the harm not reduce it. As noted in the submitted Landscape and Visual Appraisal, the cumulative effects are likely to be substantial for users of the recreational routes within 1km of the site, most particularly as users of the Rossendale Way will see an additional turbine, of a much larger scale, at close range views.

Summary

With regard to this guidance, it is considered that the visual impact (both cumulatively and individually) of the turbine and the significant length of access track would be unacceptable, including a particular impact on the recreational interests of users of the important routes, and would have a damaging effect on the landscape. It is not considered that such harm is overridden in this case by the wider need for renewable or low-carbon energy generation.

The scheme is considered unacceptable in terms of visual amenity.

Heritage Assets

The Council's Conservation Officer has been consulted on the proposal and the responses received are set out in full in Section 6. The proposed 68 metre turbine is approximately 1050 metres to the north of Hen Heads Farm which is a Grade II listed 18th century farmstead. It is noted that the farm is typical of those found in Rossendale and its setting is an intrinsic part of its special character. Farmsteads contribute to the irreplaceable heritage of the borough and in this case, the setting is relatively unspoilt, retaining a strong moorlands character. Furthermore, despite the distance from the turbine and access track (approximately 570 metres), I consider that the turbine may impact on the farmstead's setting due to the sparse, open and uncluttered appearance of this area. The movement of the blades may also impact on setting.

It is important to set out the definition of "setting" from the NPPF: *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*

The Conservation Officer requested additional information from the applicant's agent in order to assess the impact of the proposed turbine on the setting of the listed building. The agent has supplied an additional settings assessment (including additional viewpoints) which concludes that the special interest of the building is not considered to be changed or harmed by the development, and the property will still be experienced in an appropriate farm and rural setting.

The Conservation Officer has reviewed the additional information and has made the following conclusions:

- Contrary to the argument put forward, that the setting is already degraded, the assessment provided in the supplementary information in fact demonstrates that the moorlands character of the landscape that forms the setting of the asset is very well preserved.
- The view held in the letter fails to address the importance of the moorland landscape to the farmstead and provides an incomplete assessment of impact.
- There is no information provided to demonstrate that the building was listed because it is a good example of an agricultural building: this appears to be an argument put forward solely in the letter. Irrespective of whether the farmhouse was designed with views towards its setting in mind, it is widely recognised that isolated outlying farmsteads in Rossendale have an intrinsic link to setting, where the land was utilised for farming and industry. These farmsteads help to define the unique character of Rossendale's rural upland areas.
- Despite the distance from the turbine and access track, the proposals will cause harm to the setting of the listed building due to the importance of setting to the asset, the sparse and uncluttered appearance of this landscape, the introduction of an alien feature into the landscape and the moving parts of the structure, which will diminish the strong sense of remoteness and exposed open moorlands.

For the reasons outlined above, there would be some harm to the setting of the listed building, albeit less than substantial with reference to NPPF paragraph 134, which is required to be weighed against any public benefits of the proposal.

Effect on public footpaths and bridleways

The 68m high wind turbine is proposed to be located in close proximity to a number of public footpaths and 35m to the south of a public bridleway. An objection has been made by the County Council's Public Rights of Way Officer on the grounds that the separation distance between the turbine and the bridleway falls vastly short of the British Horse Society (BHS) guidance, which advises that a minimum of three times the blade tip height should be provided between a turbine and a bridleway. In this proposal there is a shortfall of 169 metres. Whilst not a mandatory standard, it is recognised in appeal decisions that the BHS provides useful guidance, but it is not always the case that proposals of this nature are unacceptable on the basis of proximity to a bridleway.

In this case the bridleway forms part of the Pennine Bridleway Feeder route. At just 35 metres away from a 68 metre turbine, the effect of this would be that it will deter lawful users of the public bridleway and may cause a danger to horse riders and other members of the public should a horse be spooked by the turbine. The West Pennines Link is the only equestrian friendly route leading east out of Accrington and this would likely become a no-go route for riders if the proposed development is allowed to go ahead. This is a concern raised by a local objector.

The South Pennines Wind Energy Landscape Study (2014) notes that a particular feature of the landscape character type within which the site falls (Enclosed Uplands) is the dense network of public footpaths which provide recreational access to the countryside for the nearby urban populations, especially in the southern part of this area. The Pennine Bridleway is specifically referenced as running north-south across the enclosed uplands. Having regard to this, Officers consider that the effect of the proposed development would be materially harmful to the amenity of users of the public rights of way in the vicinity of the development and it would cause serious harm to the value of the countryside area for quiet relaxation and recreation. Core Strategy Policies AVP6, 1 and 17 emphasise the importance of improving of the public rights of way network, including the Pennine Bridleway, in order to maximise sustainable and active tourism. The proposal would directly conflict with these policies.

The identified harm is a material consideration weighing against the proposal.

Access and parking

The Highway Engineer raises no objection to the proposed wind turbine subject to 1) a Construction Method Statement / management Plan to be submitted via a planning condition; and 2) the relocation of the turbine away from the bridleway to the north. The Engineer notes that the turbine should be sited a minimum of its height plus 10% from the bridleway and ideally moved further than this from the bridleway to minimise the impact for horses. The turbine location has not been changed and therefore the objection concurs with that received from the Public Rights of Way Officer at Lancashire County Council.

Air traffic, safety and defence

The MOD issued an initial objection on 19 August 2015 and the full response is found within Section 6 of this report. The objection is on the grounds that...*"the turbine will be 38.1 km from, detectable by, and will cause unacceptable interference to the ATC radar at Warton. Wind turbines have been shown to have detrimental effects on the performance of MOD ATC and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns which air traffic controllers*

must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers.”

In response to the objection the applicant’s agent requested the MOD consider removing the objection subject to a planning condition prohibiting the installation of the turbine until such time that a Radar Mitigation Scheme is agreed. Officers have liaised with the MOD with regards to this matter, and their updated response was received on 21 October 2015. In that response, which is attached in full at Section 6, the MOD confirms that they have considered whether a planning condition is appropriate for this proposal. They note that when they have objected to a wind farm planning application, it is the responsibility of the applicant to propose acceptable site specific mitigation. The MOD would then subject it to a technical and operational assessment to determine if it is acceptable. Where it is found that a mitigation proposal is acceptable, the MOD would then discuss suspensive planning conditions. Where it is found that a mitigation proposal is not acceptable, the MOD will inform the relevant parties as such and will not enter in to discussions regarding planning conditions.

In this case the agent has not proposed a site specific mitigation proposal to the MOD for its consideration, and in the absence of this the MOD does not consider that the suggested condition would address their concerns. Therefore, the MOD maintains its objection to this application and would encourage the applicant to submit a site specific mitigation proposal for its consideration.

Based on this objection, the proposed development would have a direct impact on the operational effectiveness of Air Traffic Control (ATC) radar at Warton, leading to the desensitisation of radar. The overall impact of this development would be detrimental to a safe and efficient operation of the air traffic service. Based on the information provided it has not been demonstrated that the impacts of the turbines on the ATC radar can be made acceptable and therefore the proposed development fails to comply with NPPF (paragraph 98), Planning Practice Guidance and Core Strategy Policy 20.

Neighbour Amenity

The nearest residential properties are Mitchell’s House (530m to the south west of the turbine), and dwellings at Higher Hey (700m to the west of the turbine). In relation to residential amenity caused by effects such as noise and shadow flicker, the Council’s Environmental Health Officer has considered the submission and found there to be no adverse effects residential amenity and therefore no objection is raised. For this reason officers are satisfied that the proposed development will not unduly detract from the amenities of neighbours.

Ecology

The Council has consulted Greater Manchester Ecology Unit on the ecology survey submitted with the application. The Ecologist concludes that the risk posed by the turbine to birds is low and therefore no overall objections to the application are raised on nature conservation grounds. It is recommended that if approved, the turbine should be erected outside of the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

The planning balance

The NPPF states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and significant weight must be given to the renewable energy benefits of this scheme. However, the in-principle support for renewable energy is subject to the benefit not being outweighed by the harm generated by the proposed development.

The turbine is expected to generate 1,147MWhrs/yr, of which 335 will be used to meet the energy needs of Mitchell's House Water Treatment Works. The remainder will be exported to the grid, and this is expected to be enough to power around 195 homes. Whilst this would make only modest inroads into national energy needs, the NPPF states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development and therefore substantial weight must be given to this benefit. In addition, the Planning Statement explains that during the construction of the development, local sourcing will be preferred where possible. This adds limited weight in favour of the proposal.

Notwithstanding the benefits described above, in this instance it is considered that these would be outweighed by the significant adverse impacts arising from the proposal, in particular:

- The proposal would have a direct impact on the operational effectiveness of Air Traffic Control (ATC) radar at Warton, leading to the desensitisation of radar. This would be detrimental to a safe and efficient operation of the air traffic service, contrary to the NPPF, PPG and Core Strategy Policy 20.
- The impact on the landscape character of the area and visual amenity, including harm to the setting of a nearby heritage asset, contrary to the NPPF, PPG and Core Strategy Policies 1 / 16 / 18 / 19 / 20 / 23 and 24.
- Being in such close proximity to a network of public footpaths and bridleways, and considering the scale of the turbine proposed, the effect would be materially harmful to the amenity of users of the public rights of way in the vicinity of the development. It would cause serious harm to the value of the countryside area for quiet relaxation and recreation which contravenes the NPPF, PPG, and Policies AVP6 / 1 / 17 / 19 / 20 and 24 of the Core Strategy.

Accordingly it is concluded that the benefits are outweighed by the considerable harm arising from the turbine, the balance is against the development, and the impacts would not be acceptable, nor could they be made acceptable. For this reason the proposal is recommended for refusal.

9. RECOMMENDATION

Refuse

10. REASONS

1. The proposed development would have a direct impact on the operational effectiveness of Air Traffic Control (ATC) radar at Warton, leading to the desensitisation of radar. The overall impact of this development would be detrimental to a safe and efficient operation of the air traffic service. The applicant has not proposed a site specific mitigation proposal to

the MOD for its consideration. In the absence of an acceptable mitigation proposal, the MOD does not consider that a condition would address the MOD's concerns. Therefore it is not possible to make the impacts of the turbines on the ATC radar acceptable and so the proposed development fails to comply with the National Planning Policy Framework (paragraph 98), Planning Practice Guidance for Renewable and Low Carbon Energy and the adopted Rossendale Core Strategy DPD (2011) Policy 20.

2. Given the size and siting of the proposed turbine, it is considered that the visual impact of the turbine would be unduly detrimental when viewed both individually and cumulatively in the wider landscape. In addition, as a result of its size and its moving parts, the proposed turbine will be harmful to the setting of Hen Heads Farm (grade II listed). The setting contributes to the character and special interest of the listed building, due to the nature of the sparse open moorland landscape which would be harmed by the proposed turbine. The scheme is therefore considered to be contrary to the National Planning Policy Framework, and Policies 1 / 16 / 18 / 19 / 20 / 23 and 24 of the adopted Rossendale Core Strategy DPD (2011).
3. The proposed wind turbine is located in close proximity to public footpaths and only 35 metres from a public bridleway forming part of the Pennine Bridleway Feeder route. The effect of the proposed development would be materially harmful to the amenity of users of the public rights of way in the vicinity of the development and in particular users of the Pennine Bridleway Feeder route which is popular and well used by walkers and horseriders. It would cause serious harm to the value of the countryside area for quiet relaxation and recreation which contravenes the National Planning Policy Framework, Planning Practice Guidance, and Policies AVP6 / 1 / 17 / 19 / 20 and 24 of the Council's Core Strategy DPD (2011).