

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:	19 July 2016
Applicant:	United Utilities Renewable Energy Limited (Gregor Hogarth)	Determination Expiry Date:	Time extension until 29 July 2016
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**

Refuse full planning permission for the reasons set out in Section 9.

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).

To the south of the site are the two Mitchell's House Reservoirs and the associated water treatment works infrastructure. Further notable features in the landscape are the line of high voltage electricity pylons to the east of the site and Hameldon Hill wind farm and telecommunications masts to the north east of the site.

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 wind turbine with a maximum height of 68 metres to tip (41m to hub), 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. Hyndburn Borough Council has now granted planning permission for the access track (the only part of the scheme within their administrative boundary) LPA ref 11/15/0260. 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 substantial 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 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 power around 195 homes.

It is proposed that the wind turbine would take up to 3 months to construct and will 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.

The application is accompanied by the following:

- Statement of Community Involvement
- Planning Statement
- Landscape and Visual Appraisal
- Ecology Appraisal
- Cultural Heritage Assessment
- Noise Assessment
- Water and Construction Environment Management Plan
- Flood Risk Assessment
- Historic Mining Report
- Abnormal Loads Assessment Report
- NATS Report

The planning application was on the November 2015 Development Control Committee Agenda with an officer's report recommending refusal for three reasons (objection from the Ministry of Defence (MOD), landscape and visual impacts and the proximity to public footpaths and bridleways). The applicant requested that Members defer the application to allow further discussions primarily with the MOD. On 14 March 2016 the agent supplied the following to seek to address the issues:

- Update on negotiations with the MOD.
- Details of site visit undertaken with the British Horse Society and Pennine National Trails on 22 January 2016.
- Effects on the amenities of the users of the Pennine Bridleway Feeder Route ("the Feeder Route")
- Visual impacts and impacts on the setting of the grade II listed Hen Heads Farm.

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

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, SoS 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

Objection due to proximity of turbine to the public bridleway.

British Horse Society

No objection subject to planning conditions.

LCC Highways

No objection to the proposal subject to conditions and amendment of the turbine position in relation to the bridleway.

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

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

Ministry of Defence

No objection subject to a planning condition.

Coal Authority

No objection subject to standing advice.

Natural England

No comments to make on the application.

RBC Conservation Officer

Initial comments from the Conservation Officer required the submission of a thorough visual impact assessment, without which it is not possible to reach an affirmative view on the extent of harm.

Following the submission of further visual information the Conservation Officer objected on the grounds that the turbine will cause harm to the setting of the listed building.

Following the submission of further supporting information in March 2016 in relation to harm to the listed building, the Conservation Officer has confirmed the objection remains.

Greater Manchester Ecology Unit

No objection subject to planning condition.

United Utilities

No objection subject to planning condition.

LCC Archaeology

No objection subject to planning condition.

Burnley Borough Council

No comments received.

Argiva

No comments received.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 5 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.
- Concern 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 at a National level and within the Adopted Core Strategy for renewable energy proposals.

The Framework 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 Framework 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 National Planning Practice Guidance (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 for a turbine which ranges from 60 metres – 89 metres. At 68m to blade tip, the turbine will be a significant and prominent feature in the landscape, as will the extensive new track measuring 645 metres.

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 including the line of electricity pylons to the west and the A56 bypass.

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 although it is noted that the turbine height is at the lower end of the “medium” scale turbine heights.

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 and extensive access track, 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 which is visually associated with settlements or farms, and sited away from sensitive settings. Indeed the Planning Inspector in respect of the nearby appeal concluded that the 47.1m 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 the 47.1m turbine, which was allowed at appeal in January 2015 on land to the north of Hen Heads Farm, and is understood to be under construction. 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, of a greater height and dimensions than the other two turbines, 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 21 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. The scheme is considered unacceptable in terms of visual amenity.

Heritage Assets

The Council's Conservation Officer has been consulted on the proposal and has raised an objection. The proposed 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) concerns were raised that the turbine would impact on the farmstead's setting due to the sparse, open and uncluttered appearance of this area and the movement of the blades may also impact on setting.

The Framework includes the following definition in respect of the setting of Listed Buildings: *"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 comments:

- 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 supporting information 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. 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.

In conclusion the Conservation Officer considers that, 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.

The applicant has supplied further supporting information which offers a contradictory view of level harm to Hen Heads Farmhouse, initially stating that *“Even if there was deemed to be a level of ‘harm’ to the significance of the farmhouse, this would be modest and would clearly be outweighed by the public benefits of the proposal.”* The Conservation Officer has responded as follows:

- The additional information states the proposal would not cause harm to the significance of Hen Heads Farmhouse. This suggests an incomplete assessment of impact on significance and lack of regard to the considerations the LPA must have in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- It is acknowledged that more recent planning decisions relating to wind turbines and harm to heritage assets refer to the balance of harm and public benefit in relation to paragraph 134 of the Framework (less than substantial harm). However, it is considered that whilst the harm is less than substantial, the impact on the heritage asset’s significance, which is derived in part by its setting, is unacceptable.
- The supporting information relies on the other features within the landscape as contributing to the derogation of setting, but this ignores the LPA’s duty set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (i.e. Local planning authorities shall have special regard to the desirability of preserving the building or its setting) . The Act does not state that the desirability of preserving the building or its setting can be discounted if some harm has already occurred to setting.

The Conservation Officer has undertaken a full assessment of the contribution of setting on the significance of the asset in coming to the above conclusions and commented that the view within submission documentation appears to have been made without accurate assessment of the asset’s significance and the contribution made to its significance by setting. The Officers assessment identifies that the setting contributes to the asset’s significance. This Officer’s opinion in this regard was in part formed through the submission of wireframes, which demonstrated that the distance between the farm and the turbine was not at such a distance to warrant a conclusion of no harm caused.

Taking into account the opinion of the Conservation Officer it is considered that there will be harm caused in respect of this heritage asset and as such the proposal is therefore contrary to paragraph 128 of the Framework, and Policies 16, 23 and 24 of the Rossendale Borough Council Core Strategy.

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. The applicant’s Design and Access Statement explains why the turbine is proposed to be located where it is. The applicant considers this to be the optimum location following consideration of a wide range of technical and environmental constraints, principally in respect of protecting the residential amenity of a property to the south east of the site with regards to noise, visual amenity and shadow flicker. Other considerations have been existing infrastructure, wind resource,

landscape and visual impact, access, grid connection, as well as maintaining the safe use of the bridleway.

However, 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 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. Objections were received on similar grounds from the British Horse Society and Pennine Bridleway (Pennine National Trails Partnership).

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 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.

As a result of the objections received the applicant arranged a site meeting with Heather Procter (Pennine National Trails Partnership Manager) and Chris Peat (British Horse Society Regional Bridleways Officer) on the 22nd January 2016. It is understood that there was a general consensus that the development would be able to proceed in a way that would not detract from the use and a general enjoyment of the Feeder Route for all users, by way of a the applicant providing an additional permissive bridleway, i.e. an alternative route on the applicant's land. Following the meeting the applicant's agent advised Steve Williams (Senior PROW Officer, Lancashire County Council) of the outcome of the meeting and discussions. The principle of an additional permissive bridleway and the familiarisation sessions for local horse riders, were both endorsed by the British Horse Society and the Pennine National Trails Partnership Manager, and were agreed to be delivered through planning conditions that require details to be agreed and implemented prior to the wind turbine becoming operational.

Subsequent to the on-site meeting both the Pennine Trails Partnership Manager and the British Horse Society Regional Bridleways Officer have withdrawn their objections to the development, subject to condition. This was done by email correspondence dated the 29th January 2016. The proposed condition requires an alternative permissive bridleway to be provided to allow users of the West Pennine Link bridleway to pass at least 204 metres away from the wind turbine, or as far as is reasonable possible whilst providing a suitable route for horse riders. Signage will be installed at either end of the permissive route to clearly inform users of their options. The permissive route will be clearly marked on the

ground with way marker posts or a suitable alternative.

However, notwithstanding the work the applicant has undertaken to address this issue, officers are concerned whether a planning condition is the appropriate mechanism by which to secure an alternative bridleway. Clarification has been sought from LCC's PROW Officer however to date no response has been received. Until a response is received on this point the original objection from the PROW Officer remains. Members will be updated accordingly in the Update Report.

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 on the grounds that the proposed development would have an adverse impact upon the Air Traffic Control (ATC) radar at Warton Aerodrome.

The applicant has been in discussions with the MOD since the submission of this objection letter with a view to reaching agreement on appropriate mitigation to address the unacceptable impacts of this development. The updated MOD position is set out below:

The applicant submitted a technical proposal to mitigate the unacceptable effects of the proposed development on the ATC radar at Warton Aerodrome. On 11 May 2016 the MOD confirmed in writing that the proposal has now been accepted by the MOD and the objection is lifted, subject to the following planning condition:

"No development shall commence on site unless and until a Radar Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority to address the impact of the development upon air safety.

Before approving the Scheme, the Authority shall consult the Ministry of Defence (MOD) as to the Scheme's suitability and shall take into consideration the MOD's views as to whether the Scheme adequately addresses the MOD's concerns regarding the impact of the development upon air safety.

In this condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome ("the Radar") and the air traffic operations of the MOD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be

implemented to mitigate the impact of the development on the Radar.

The turbine shall not become operational unless and until all measures required by the approved Radar Mitigation Scheme have been implemented and the Local Planning Authority has confirmed this in writing.

The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.”

Based on the information provided it has now been demonstrated that the impacts of the turbines on the ATC radar can be made acceptable via a Radar Mitigation Scheme and therefore the proposed development suitably complies with the Framework (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 and Hydrology

The Council’s Ecological Advisor 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.

United Utilities has been consulted in relation to the submitted Hydrology Baseline Assessment (produced in June 2015 by Arcus) which states no deep peat was found. The report states probing was undertaken within the field where the turbine will be constructed. United Utilities require more detailed testing as a means to ensure the protection of the reservoir and water quality and therefore recommend a planning condition that requires a construction environmental management plan (CEMP) prior to commencement of development. They note that in areas of the site where development is proposed, detailed peat probing must be undertaken.

Subject to the use of planning conditions, the proposal has been found to be acceptable with regards to ecological matters and in relation to peat.

The planning balance

The Framework 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.

Benefits of the proposed turbine

1. 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 Framework 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.
2. The applicant states that United Utilities (the applicant) provides seven million customers with drinking water and wastewater treatment and, as well as enabling the Applicant to reduce their carbon emissions, renewable energy generation at their sites including the proposed turbine, will provide some protection to the supply and fluctuation of energy prices in the future. This will ultimately benefit both customers and businesses, in terms of bills, and is what they consider sets the development aside from a more typical commercial wind energy development.
3. The applicant considers that the offer of an alternative permissive bridleway is a benefit of the proposed turbine. Officers do not consider that this is a benefit as the alternative route is as a direct result of the unacceptable proximity of the proposed turbine to the existing bridleway and it has not been clarified whether a planning condition is an appropriate mechanism by which to secure it.
4. 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.

Significant adverse impacts

Notwithstanding the benefits described above, in this instance the following impacts have been identified as resulting from the proposed wind turbine and associated works:

1. The impact of the turbine and extensive access track on the landscape character of the area and visual amenity, including harm to the setting of a nearby heritage asset, contrary to the Framework, NPPG and Rossendale's Adopted Core Strategy Policies 1 / 16 / 18 / 19 / 20 / 23 and 24.
2. 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 Framework, NPPG, and Rossendale's Adopted Core Strategy Policies AVP6 / 1 / 17 / 19 / 20 and 24.

A balancing exercise is required to be undertaken by the Local Planning Authority to consider the benefits versus the harm on a case by case basis. Current national planning practice guidance makes it clear that the need for renewable energy does not automatically override environmental protections. It also aims to ensure sufficient weight is given to landscape and visual impacts. Substantial weight is afforded to the provision of renewable energy to United Utilities water treatment works, and to power individual homes. However, the identified harm to the landscape as a result of the scale of the turbine, cumulative impact with other existing turbines, and extent of the access track, in addition to the

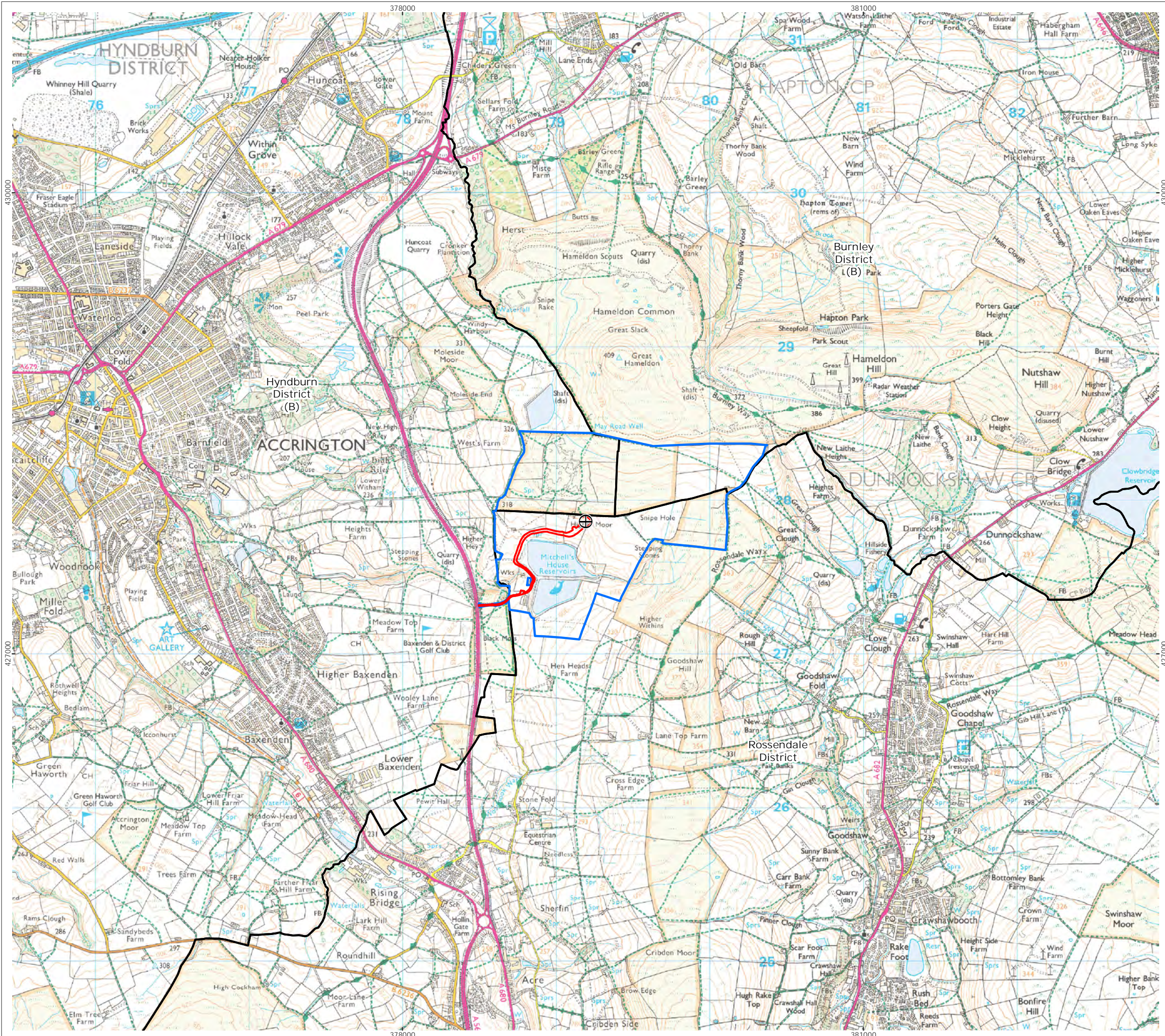
identified harm to the enjoyment of the countryside due to the turbine's proximity to public rights of way and bridleways, together is considered to outweigh benefits. The balance is against the development, and the impacts would not be acceptable, nor could they be made acceptable. For this reason the proposal is recommended for refusal.




9. RECOMMENDATION

Refuse

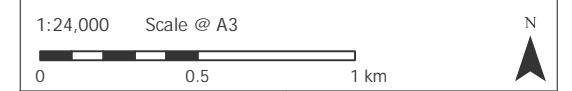
10. REASONS

1. Given the size and siting of the proposed turbine and associated access track, 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 (2011).
2. 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 horse riders. 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 Adopted Rossendale Core Strategy (2011).



-  Proposed Turbine Location
-  Land Under Control of The Applicant
-  Planning Application Boundary

Turbine Coordinates	Easting	Northing
	379192	427864

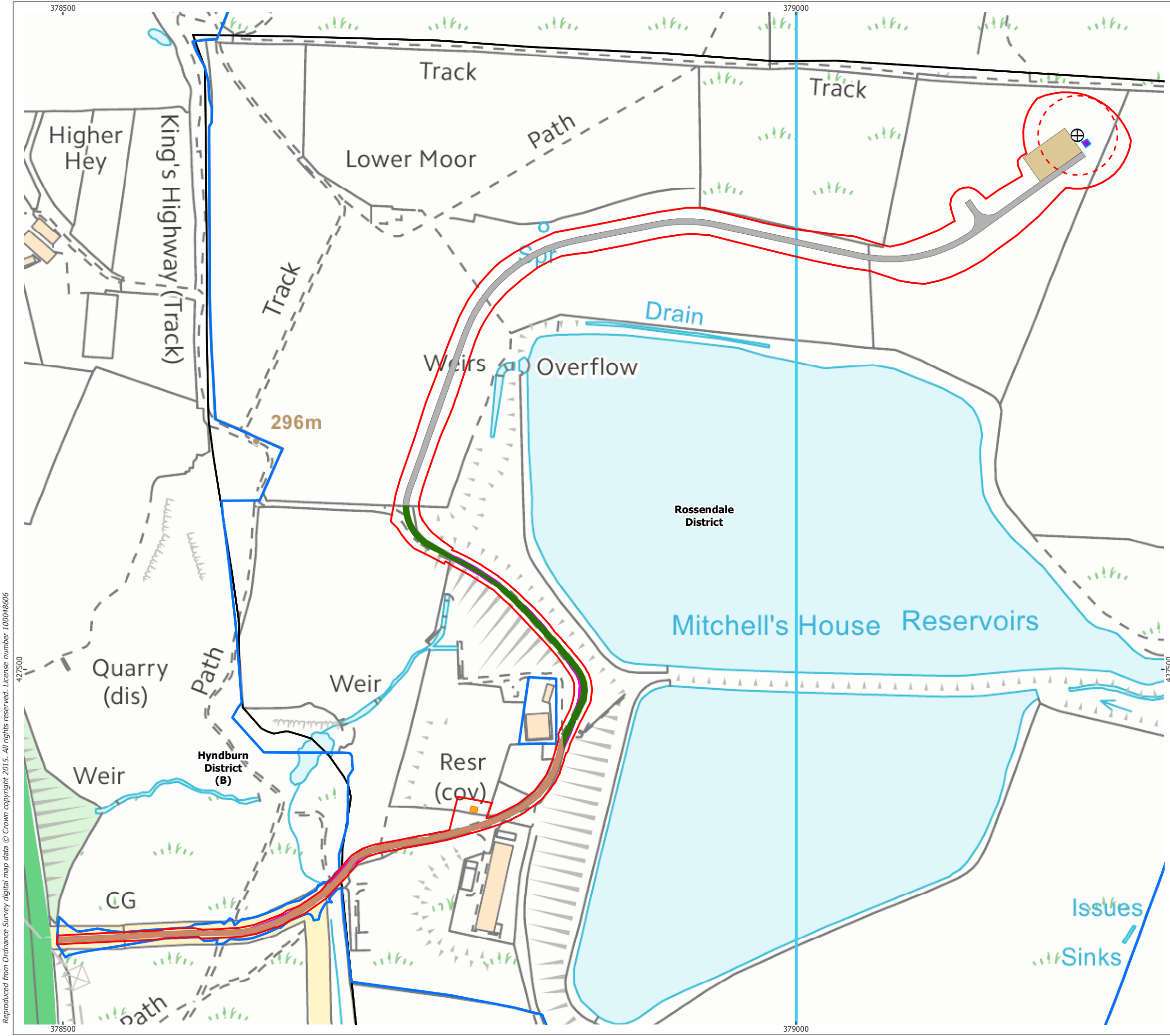











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Reviewed: SC	Date: 03/06/2015
Approved: AM	

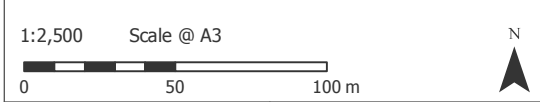
Site Location
Drawing 001

Mitchell's House Wind Turbine
Planning Application

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-  Proposed Turbine Location
-  Land Under Control of The Applicant
-  Planning Application Boundary
-  27 m Turbine Oversail
-  New Track
-  Existing Track
-  Existing Track to be upgraded
-  Area of Improvement
-  Crane Hardstanding
-  Transformer
-  Electrical Switchgear Kiosk

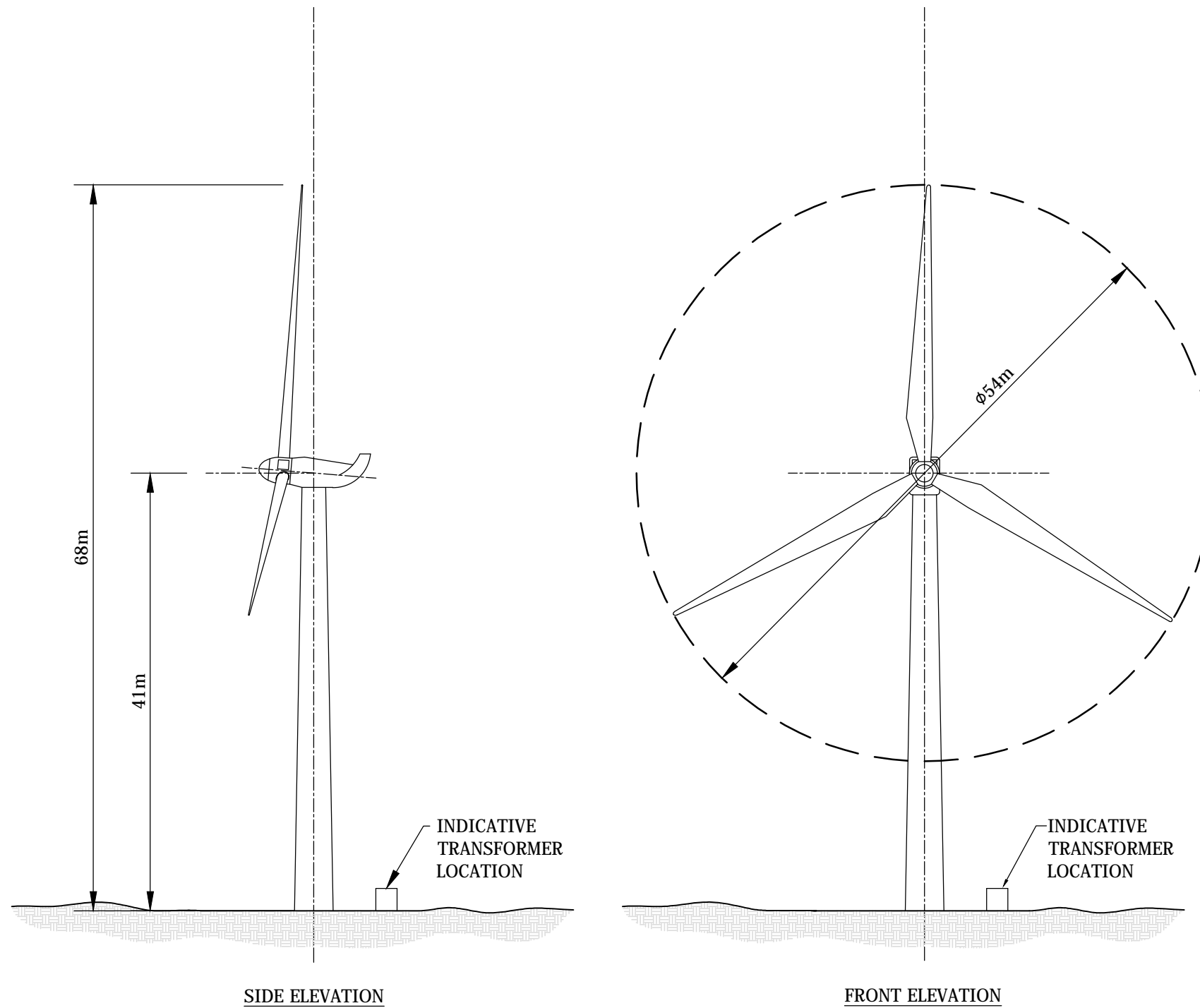


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Block Plan
Drawing 002

Mitchell's House Wind Turbine
Planning Application

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1:500 Scale @ A3

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Approved: AM	Date: 02/06/2015

Typical Turbine Elevation
Drawing 003

Mitchells House Wind Turbine
Planning Application