

Full Planning Application

Proposed erection of 2no. 30kw horizontal axis wind turbines with a maximum height to blade tip of 24m and associated cable run

STONEY RAIKES BARN, ROBIN HOUSE LANE, BRIERCLIFFE

Background:

The application was originally for the erection of 2 x 32m (to tip) turbines, the application has now been amended to 2 x 24m (to tip) wind turbines.

Objections have been received.

Article 31 Statement

The application as submitted was considered to be contrary to local plan policy E31 in that the turbines were considered to be too high and would have had an adverse effect on the landscape because of wide visibility. The applicant was advised to reduce the height of the turbines, following this and amended details were submitted of smaller turbines.

Relevant Policies:

Burnley Local Plan Second Review

E31 - Wind Farms

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

GP2 - Development in the Rural Areas

E5 – Protected species

GP7 – New development and the control of pollution

National Planning Policy Framework

Site History:

2000/0399 – proposed conversion of barn into 2 dwellings – c/c

2002/0227 – proposed livery stables and agricultural buildings – c/c

2006/0835 – proposed cattery and kennels – c/c

2007/0332 – modification of conditions on app 2002/0227 – allowed in part on appeal

ENQ/2013/0066 – request for environmental impact assessment screening opinion for 2 x 30kw wind turbines – not EIA development

Consultation Responses:

Highway Authority – The proposals have no highway implications and I would therefore raise no objection to the proposal on highway grounds. However the access route to the proposed turbine locations requires crossing a public footpath (FP18) and the developer should exercise due care when crossing the footpath with plant and materials. [*a note should be added to any grant of permission*].

Ramblers – No comments have been received.

National Grid – No comments have been received.

Electricity North West – The proposal has no impact on our Electricity Distribution System infrastructure or other ENW assets.

Ministry of Defence – The MOD has no objection to the proposal.

NATS Safeguarding – The development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. According NATS has no safeguarding objection to the proposal.

Burnley Wildlife Conservation Forum - .Verbal comments – there are no significant habitat or species issues.

Natural England – The application site is located approx.2.6km west of the South Pennine Moors Site of Special Scientific Interest (SSSI). This SSSI is part of the South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Phase 2 Special Protection Area (SPA).

The proposal is not likely to have a significant effect on the SAC or the SPA. In respect of the SSSI Natural England are satisfied that the proposed development will not damage or destroy interest feature species.

The site is approx.3km from the Pennine Bridleway National Trail (this is far enough away as not to be affected).

There needs to be a 50m buffer from any potential bat features to the blade tips.

Environmental Health – Comments on the revised proposal will be reported on the green sheet.

Environment Agency – Have no detailed comments to make on the application, but recommend that LCC are consulted in relation to any waste arising from the development [*this can be attached as a note to any grant of permission*].

Briercliffe Parish Council – Object to the size of the turbines which are in a prominent position and will be highly visible from a long distance.

Pendle Borough Council – Object to the proposal. In the absence of photomontages demonstrating the extent of the visual impact of the turbines it is not possible to assess whether the character and appearance of the Conservation Area would be harmed by the proposed turbines [*this report considers that the reduction in height now makes the proposal acceptable and without undue impact on the surrounding area*].

LCC Archaeology – There are no known significant archaeological implications.

Neighbouring residents – 11 letters received objecting to the *original proposal* for 2 x 32m (to tip) wind turbines for the following reasons;

- The landscape around Robin House Lane has already suffered in recent years by the introduction of equine manages, floodlights surrounding them and businesses such as children's riding schools, kennels and catteries. Again in

recent times we have our landscapes altered and marred by wind turbines and this latest proposal affords nothing more than the views of the area towards Pendle Hill being scarred.

- Wildlife will be disturbed, including bats. The turbines are in a direct line between the nearby Walverden Reservoir Nature reserve and the Coldwell reservoirs which attract wading and ground nesting birds [*there is no indication arising from ecology representation that there would be any impact in this respect*].
- Concerns about noise.
- If every farm is allowed a turbine Briercliffe will be changed forever.
- There are already several wind turbines in Thursden Valley, when will enough be enough?
- How do we ensure that the turbines are removed in 25 year's time?
- The turbines are unsightly and will dominate the view.
- If approved would set a precedent for everybody to have turbines.
- They will be in the direct line of vision of the residents of Stirling Court.
- Concerned that their property will be devalued.
- The turbines are higher than others in the area.
- Why two turbines, one turbine would be sufficient.
- There are public footpaths in the area.
- There will be visual clutter caused by different sized turbines and blade rotation speeds.

[*Whilst some comments are pertinent to the original proposal this report considers that the reduced height of the turbines generally addresses the concerns – other matters are dealt with below*].

Planning and Environmental Considerations:

The originally proposed wind turbines had an overall height to blade tip of 32m. The amended proposed turbines have a reduced height to blade tip of 24m. The turbines would be white in colour to blend into the skyline.

The site lies within four small irregular shaped fields that are gently sloping down to the northwest. The fields within which the site is located are pasture, bounded by hedgerows and wire fence on the southern and western sides, fence line on the northern side and stone walls on the eastern side. Vegetation is limited to low native hedgerows.

It is envisaged that the construction of access tracks will not be necessary, as existing access routes will be used. Any disruption of the site during the construction period will be minimised and reinstated to the previous state after the construction period is completed.

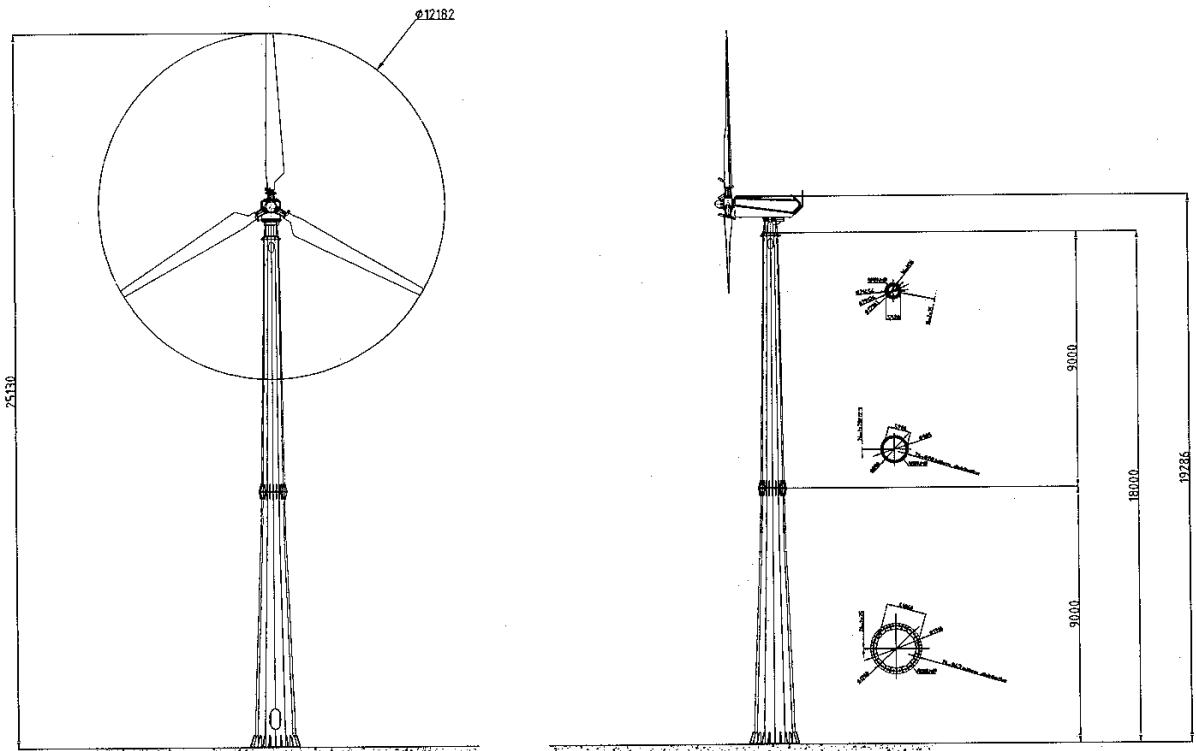
Policies and assessment

The **National Planning Policy Framework (NPPF)** sets the context that supporting the delivery of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development (part 10).

The NPPF promotes renewable energy development where appropriately located.

Chapter 10 (Meeting the challenge of climate change, flooding and coastal change), paragraph 97 states “ To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to generation from renewable or low carbon sources.” It goes on to say “They should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

Regard should be had to Chapter 11 (Conserving and Enhancing the Natural Environment). In particular paragraph 109 states “the planning system should contribute to an enhanced natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils”. Paragraph 113 states that local planning authorities should set criteria based policies against which proposals for any development on or affecting landscape areas will be judged. The ‘saved’ policies of the Burnley Local Plan Second Review currently provide this.



proposed wind turbine

Burnley Local Plan Second Review sets relevant criteria as follows:

E31 – WIND FARMS

The development of wind farms and related development will be approved, provided that:

- (a) there is no unacceptable impact on the character of the landscape or on the visual amenity of the area by reason of the siting, number, design, colour or layout of the wind turbines;

Comment The turbines, naturally because they are intended to seek high wind speeds, are in an exposed with a degree of prominence. The turbines are located on land at a height of between 210m and 220m.

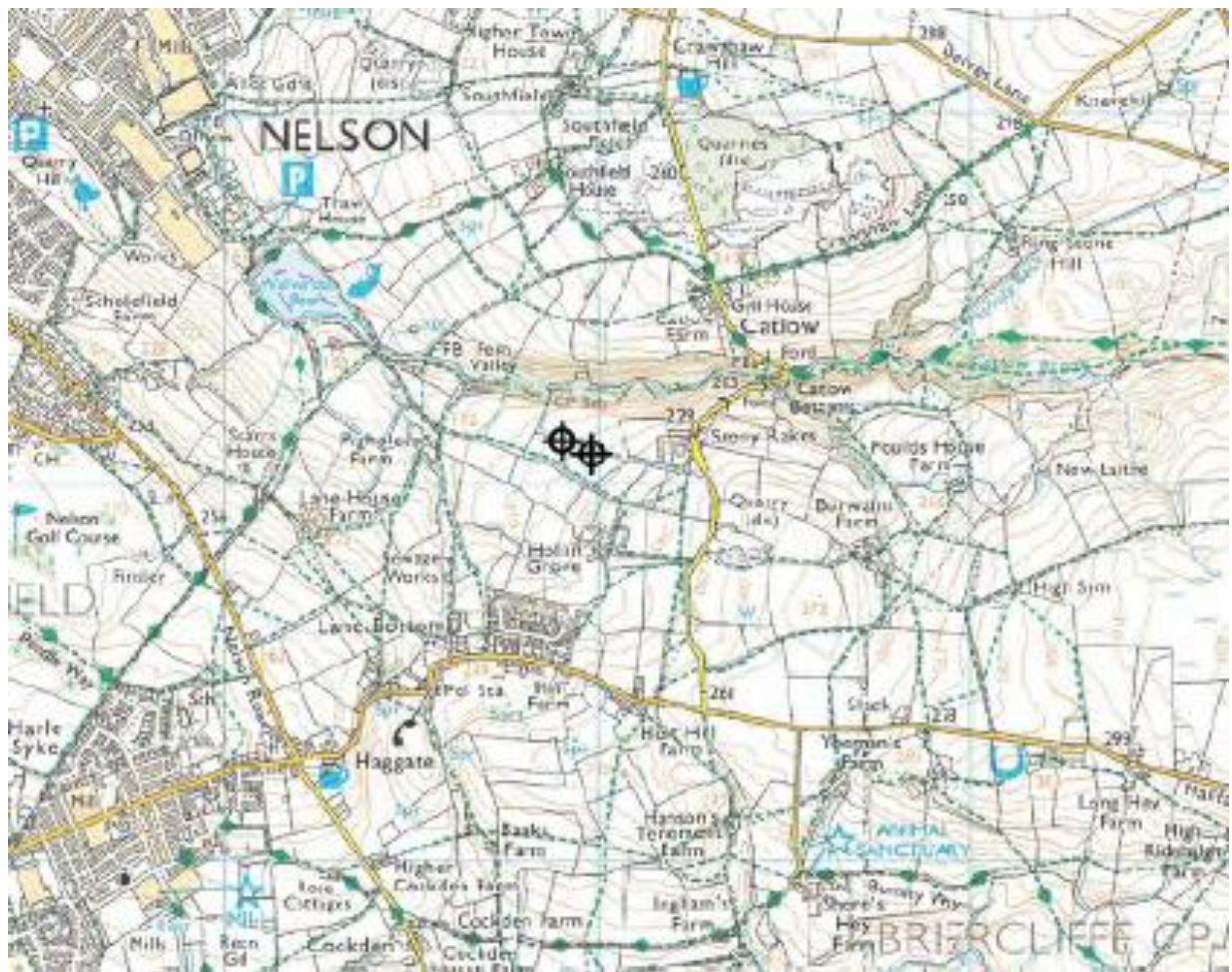
Following negotiations on this application as it was considered that the proposal was not acceptable (32m to tip); in particular due to the height of the turbines and the consequent wide range of visibility, the applicant has agreed to reduce the height of the turbines to 24m to tip. It is considered that this would make them more compatible with the topography and landscape.

It is inevitable that a development of this type at this site would have some impacts, adding to existing features, however, overall, this report considers that the introduction of 2 x 24m turbines in this location would not have a significant enough adverse effect in terms of visual amenity to warrant a refusal.

(b) there is no unacceptable effect on the setting of buildings and sites of architectural and historic interest and sites of archaeological importance;

Comment: The nearest Statutory Listed Buildings to the location of the turbines are Lower Moor Foot Bottom (approx. 517m to the west) and Burwains Farm (approx. 777m to the east). These are considered to be far enough away that they will not be significantly affected by the turbines.

There are no known significant archaeological implications.



location of proposed turbines

(c) there is no unacceptable effect on sites of nature conservation value or biodiversity action plan priority habitats or species;

Comment: An ecological evaluation and extended phase 1 habitat survey was submitted as part of the application details.

The proposed wind turbine is not likely to have impact on any habitats of conservation significance.

No evidence of bat roosts were noted at the site. As the proposed turbine is more than 50m (the buffer distance advised by Natural England) from the nearest hedgerow or building/structure that provides a potential bat habitat, no further surveys or mitigation is considered to be necessary.

No evidence of badgers was found at the site.

To ensure compliance with legislation, works in areas likely to support nesting birds should be carried out outside the main bird breeding season (March to August inclusive). This can be dealt with by way of a condition if the proposal is approved.

(d) there is no unacceptable effect on the amenity of local residents

Visual amenity

A wind turbine can appear intrusive in the landscape; and because of its movement, at times, insistently so. On that basis the visual impact on residential amenity should be considered;

The nearest residential properties, (apart from the applicants property), are in a small group at Hollin Grove. The properties have windows directly facing the turbines; however, given the intervening distance of 270m, any adverse impact on visual amenity would not be so significant as to warrant a refusal. The turbines would be visible from other properties further away, however it is again considered that they would not have a significant enough impact on visual amenity to warrant a refusal.

Noise

The application includes details of the noise output of the proposed turbine which indicates, given the separating distance, that harm to amenity from noise would be unlikely. A condition should be imposed requiring the turbine to be operated with reference to the ETSY-P-97 (Assessment and Rating of Noise from Wind Turbines) – the recommended wind energy code of practice.

Shadow Flicker

The zone of influence within which properties could potentially be affected by shadow flicker covers a distance of 10 rotor diameters from the turbine.

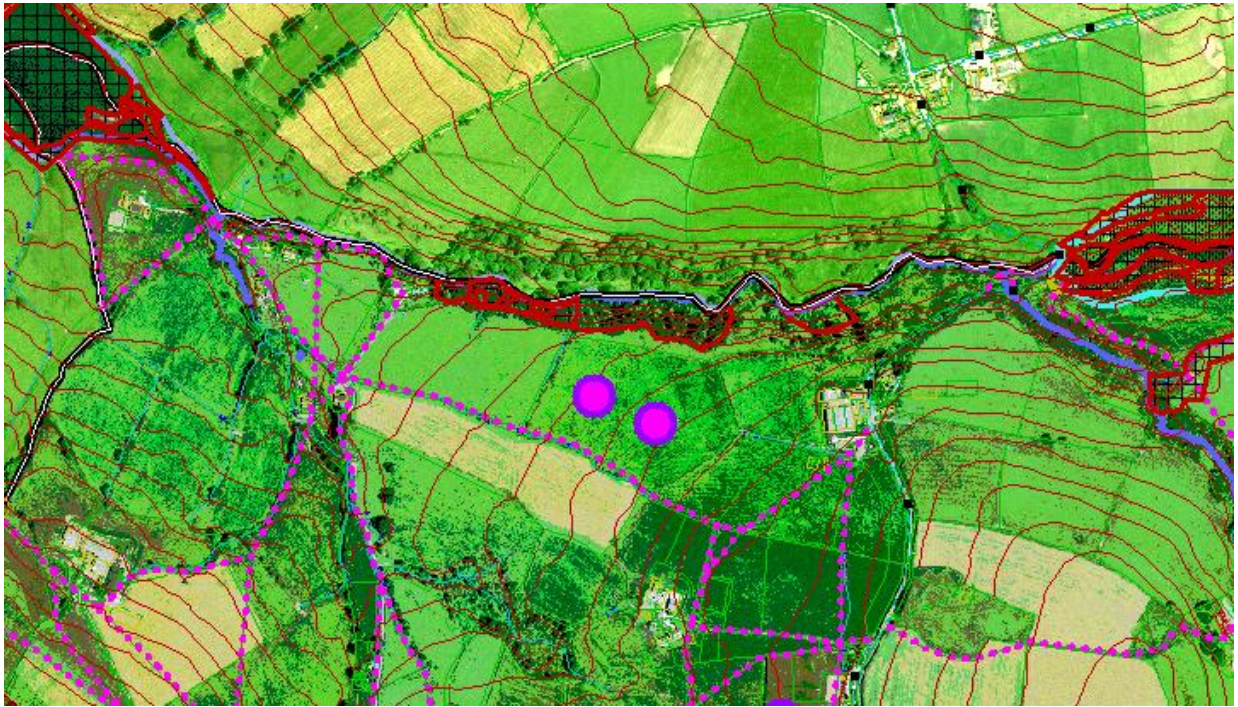
Given the distance and orientation of other dwellings from the turbine site it is unlikely that they would be affected by shadow flicker.

(e) the proposal is close to the electricity distribution network and the length of any overhead electricity connection cables is minimised;

Comment: The wind turbines are to be connected into the local electricity network via underground cabling.

(f) it does not adversely affect any recreational facilities and routes;

Comment: There is a network of footpaths in the area; the nearest footpath is in excess of 50m. away from the turbines. Although the turbines are sited far enough away from the footpaths they would inevitably have some minor visual and auditory impact on the users of the footpaths but not a significant enough impact to warrant a refusal.



public footpaths in the area (dashed lines)

(g) any electromagnetic disturbance on existing transmitting or receiving systems is minimised;

Comment: The consultation response from Defence Estates confirms that there would be no adverse effects on military aircraft operation, including radar and low flying operations. Existing telecommunications operators have statutory protection ensuring that disturbance in their operation is avoided.

(h) applications are accompanied by a scheme for removal of any associated structures, and reinstatement of the site to its former use in the event of the site becoming non-operational.

Comment: This matter could be dealt with by imposition of a suitable planning condition.

Development that would have a negative cumulative impact in relation to existing wind turbines or extant approvals for these will not be permitted.

Comment: Account needs to be taken of turbines that are in place, permitted, or in planning. Whilst the major Coal Clough and Hameldon Hill wind farm are visible from the vicinity of the site, the separating distance is several miles and any adverse cumulative visual impact (with them) would be negligible.

In the vicinity of the proposed turbine, turbines have been approved at Herd House and Hanson's Tenement, another has been approved at Burwains Farm, one at Robin House Cottages, another is pending at Shuttleworth Pasture and one refused at Fould's House. All these other turbines are approx. 20m to blade tip and the undulating nature of the topography, and the incidence of trees, hedges and woodland, would result in there being little cumulative visibility of turbines from within the locality. Whilst at some stage in the near future turbines in addition to those approved are likely to be beyond the tipping point of acceptability it is considered that these are acceptable in terms of cumulative impact.

Whilst the turbines are likely to be seen together with other existing turbines (and approved turbines), the loss of visual amenity due to this would not on its own be considered to be a reason for refusal.

Recommendation:

That planning permission be granted subject to the following conditions:

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the drawings listed above.
3. The external finished colour of the wind turbine shall be non-reflective and shall be white in colour (as illustrated in the application) unless details of another colour are submitted to and approved in writing by the Local Planning Authority.
4. Any cables for grid connection or other purpose relating to the turbines shall be placed underground.
5. The wind turbines shall be removed and the landscape restored to its original state if or when the wind turbines becomes non-operational, or at the expiration of a period of 25 years from the date of first operation, whichever is the earliest date.
6. Daytime and night time fixed noise limits recommended within ETSU-R-97 at all nearby dwellings within the assessed proximity of the development shall not be exceeded.
7. Vegetation clearance works, site preparation, vehicle movements associated with the development, development work or other works that may affect nesting birds shall be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections, submitted to and approved in writing by the local planning authority.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that the development remains in accordance with the development plan.

3. To minimise any intrusive appearance in the landscape, in the interests of visual amenity, in accordance with policy E31 of the Burnley Local Plan Second Review.
4. To safeguard the character and local distinctiveness of the landscape in the interests of visual amenity, in accordance with Policy E31 of the Burnley Local Plan Second Review.
5. To ensure the long-term protection of the character of the rural landscape, in accordance with Policy E31 of the Burnley Local Plan Second Review.
6. In the interests of the amenities of any nearby occupiers, in accordance with Policy E31 of the Burnley Local Plan Second Review.
7. In order to protect birds from disruption during the nesting period and in accordance with policy E5 of the Burnley Local Plan Second Review.