

Application Recommended for Approval
Briercliffe Ward

APP/2013/0266

Full Planning Application

Erection of single turbine development to 22.02m tip height and associated infrastructure

LEE GREEN FARM TODMORDEN ROAD BURNLEY

Background:

A previous application for a turbine (APP/2012/0070) in a location further north was withdrawn due to matters relating to turbine noise and the need for a coal mining report.

The current proposal involves the erection of a 22m (to tip) wind turbine, the position of the turbine has been amended in order to take it further away from wildlife habitats.

A letter of concern has been received.

Relevant Policies:

Burnley Local Plan Second Review

E10 - Alterations, extensions, change of use and development affecting listed buildings

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

E31 - Wind Farms

E5 - Species protection

GP2 - Development in the Rural Areas

NPPF

Article 31 Statement

The application as submitted was contrary to local plan policy E31 in that the wind turbine was positioned too close to important wildlife habitats. In order to meet the terms of the policy, the applicant was advised to move the position of the wind turbine to take it further away from wildlife habitats. The applicant agreed to do so and amended details were submitted.

Site History:

12/0070 – Erection of one 18.92m high wind turbine (22.52m to blade tip) - withdrawn

Consultation Responses:

Highway Authority –states that the application has no highway implications and that no objections are raised to the proposal on highway grounds.

Ramblers – No comments received.

National Grid – There is National Grid apparatus in the vicinity of the proposed turbine. The applicant therefore needs to liaise with the National Grid.

Electricity North West – They have considered the application and find it could have an impact on their infrastructure. The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. The applicant should contact Electricity NW.

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. Accordingly NATS has no safeguarding objection to the proposal.

Environmental Health – Have no objections to the proposal providing that the developer ensures that both daytime and night time fixed noise limits recommended within ETSU-R-97 at all nearby dwellings within the assessed proximity of the development are not exceeded.

Burnley Wildlife Conservation Forum – Concern had been raised in respect of the impact on nearby biological heritage sites. The turbine has now been re-sited further away from the biological heritage site and Lee Green Reservoir and the wildlife forum are happy with the revised location.

Natural England – This application is in close proximity to the South Pennine Moors Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

LCC Ecology – Based on a review of information submitted to date, along with a review of ecological records, maps, aerial photographs and images accessible to LCC, in my opinion it seems reasonably unlikely that a turbine in the proposed location would result in any significant impacts.

The amended turbine location appears to be within 50m of the boundary feature to the west. This boundary feature appears to be a stone wall/derelict stone wall and does not appear to connect between highly suitable bat habitats. It therefore seems unlikely bats would be regularly using this feature or that the turbine in the proposed location would result in adverse impacts on bats. Unless any other consultees have evidence to the contrary it would be disproportionate to require further assessments/surveys.

It seems reasonably unlikely that a turbine in the amended proposed location would result in adverse impacts on birds. If Burnley Borough Council is minded to approve the application it needs to be ensured that adverse impacts on nesting birds are avoided during the construction works. A planning condition is recommended to address this matter.

English Heritage – We do not believe that the wind turbine causes substantial harm to the setting of heritage assets within the zone of visual influence; however, it does cause less than substantial harm to the setting of the grade I listed Extwistle Hall, located 250m to the west of the development site. The rural setting of this 16th and 17th gentry hall-house is an important element of its significance; however the turbine is located below and therefore does not overshadow the listed hall. The harm to the heritage assets within the zone of visual influence should be weighed against the

public benefits of the scheme. Your authority should also assess the cumulative impacts of this and other proposed wind farms upon the historic assets in this area.

Neighbouring resident – Concerned about various impacts of the turbine as follows;

- Concerned about possible sound pollution the turbine may create.
- A wind turbine here would radically change the appearance of a local beauty spot that attracts walkers, naturalists and ornithologists.
- The turbine will have a significant impact on local fauna. The reservoir is a nesting site for a number of local and migratory species of birds.
- The vistas of a number of houses in the area will be dramatically affected by the erection of this turbine.
- The turbine will be sited close to Extwistle Hall, a grade 2 listed building, and this project will impact on this historic landmark.
- Question whether there are other alternative energy sources available such as solar power and ground heat source pumps.

Planning and Environmental Considerations:

The application relates to agricultural land that the applicant owns. The proposed wind turbine would have a hub height of 18m with an overall height to blade tip of 22m. The 12kw turbine would be light grey in colour to blend into the skyline.

The turbine will be connected via underground cabling to an existing meter located within the farm buildings at Lee Green. The development requires no access track and would be erected by a hydraulic ram.

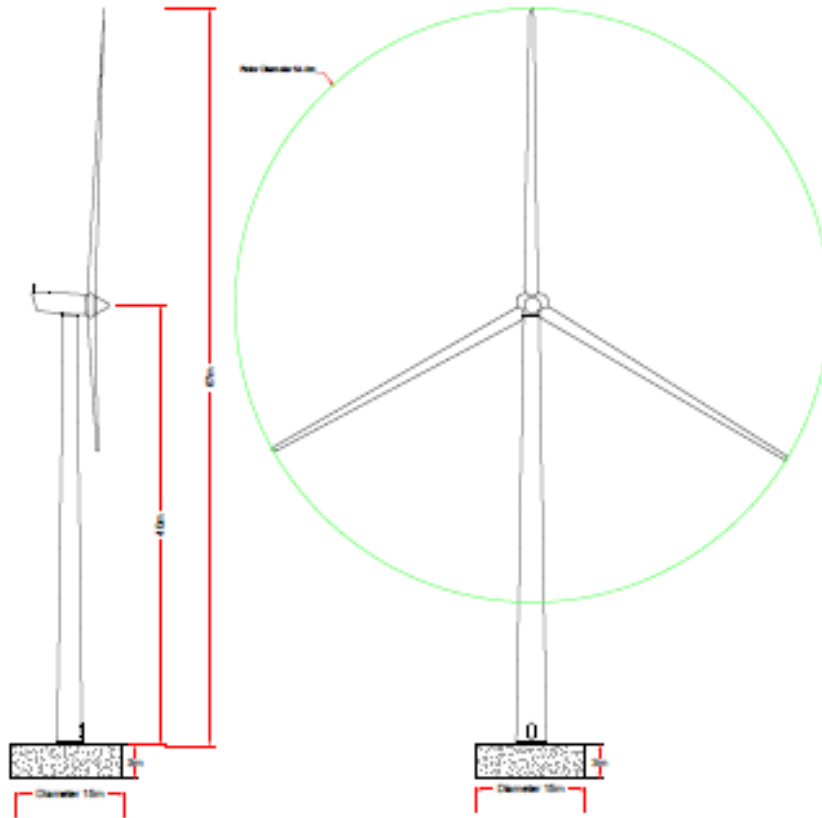
Policies and assessment

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 22m (to tip) 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:

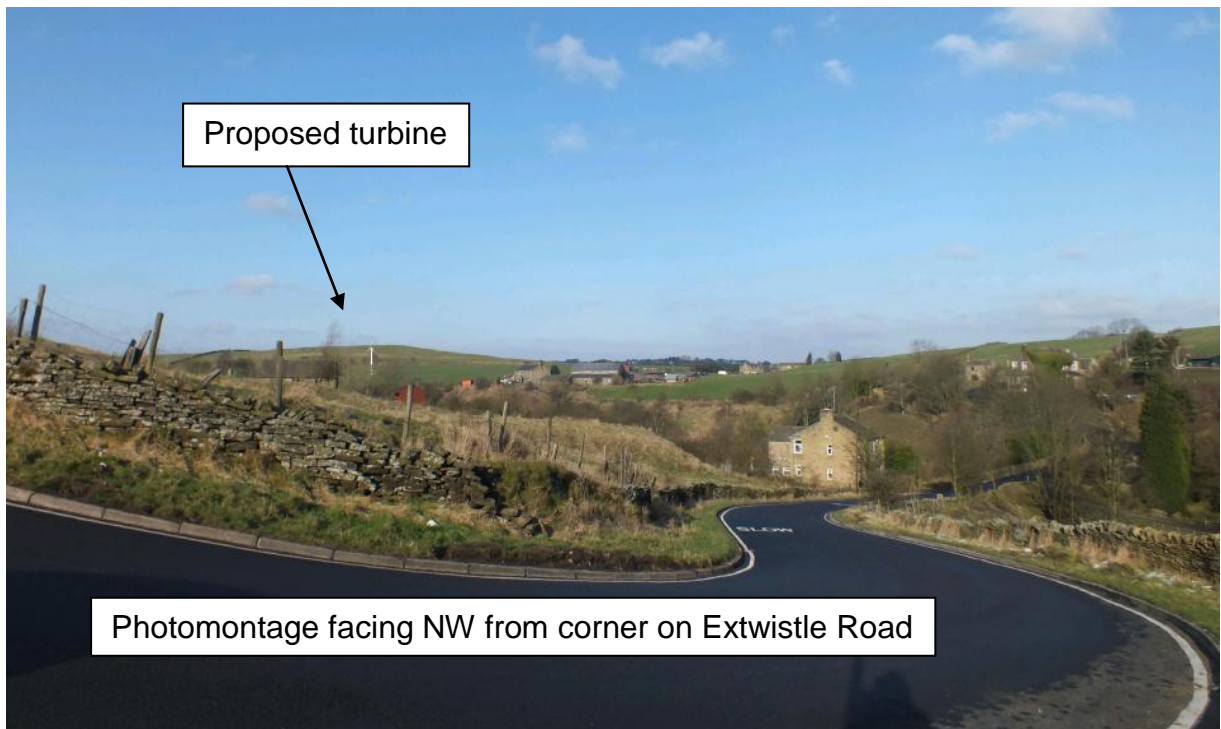
- (a) there is no unacceptable impact on the character of the landscape or on the visual amenity of the area by reason of the siting, number, design, colour or layout of the wind turbines;

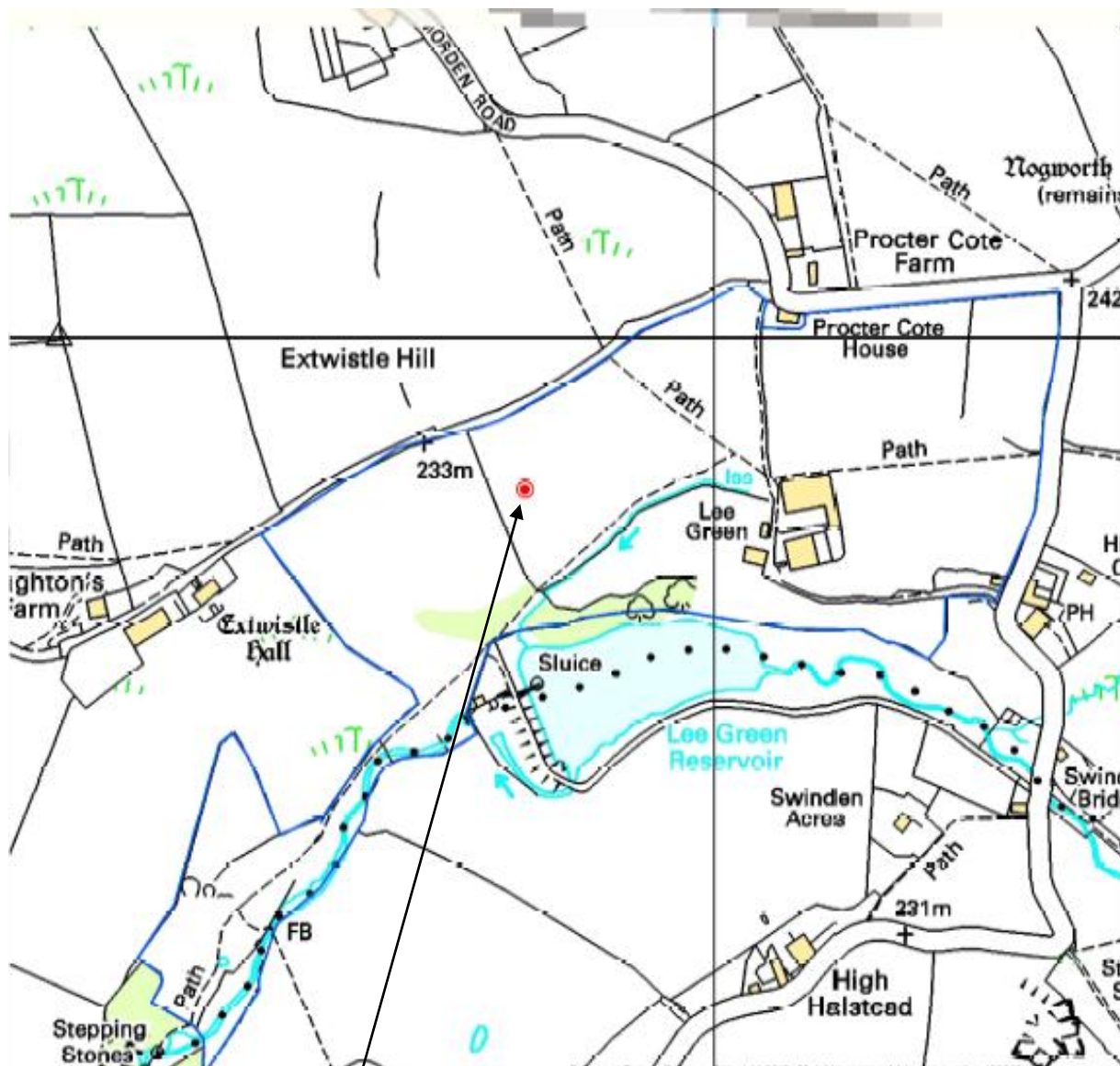
Comment The turbine, naturally because it is intended to seek high wind speeds, is in an exposed and therefore prominent location. The turbine is located on agricultural land on sloping ground at a height of 225m approx.

In most cases the view of the turbine will be against the hillside, which will significantly reduce any impacts on views. Policy E31 “Wind Farms” requires that the “... development of wind farms and related development will be approved, provided that: 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 ...”. The proposed development site is located in an area that has already seen a number of wind turbine developments – 2 small turbines (12.5m to tip) are operational on Shay Lane; other sites are further away at Robin House Lane and Halifax Road area of Briercliffe. Due to the nature of the proposed site it is unlikely that the development would have any detrimental impact on the landscape character or visual amenity, including cumulative impacts.

It is inevitable that a development of this type at this site would have some impacts, however, overall, this report considers that the introduction of a 22m turbine in this

location would not have a significant enough adverse effect in terms of visual amenity to warrant a refusal.





location of proposed turbine

(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 applicant has carried out an assessment to assess the potential impact of the proposed turbine on the historic environment. The nearest listed building is Extwistle Hall which is grade II*, the next nearest is High Halstead which is grade II. These buildings will have views of the turbines when looking east and north from the buildings respectively. The report states that they are unlikely to impose an unacceptable visual impact upon either feature, and that the turbine is not perceived to impose a dominant influence upon the local environment.

English Heritage do not believe that the wind turbine causes substantial harm to the setting of heritage assets within the zone of visual influence; however, any harm to the setting of Extwistle Hall needs consideration. They say that the rural setting of this 16th and 17th century gentry hall-house is an important element of its significance, however the turbine is located on lower ground with a separating distance of approx.245m and therefore does not overshadow the listed hall. Any harm to heritage assets within the zone of visual influence should be weighed against the public benefits of the scheme.

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

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

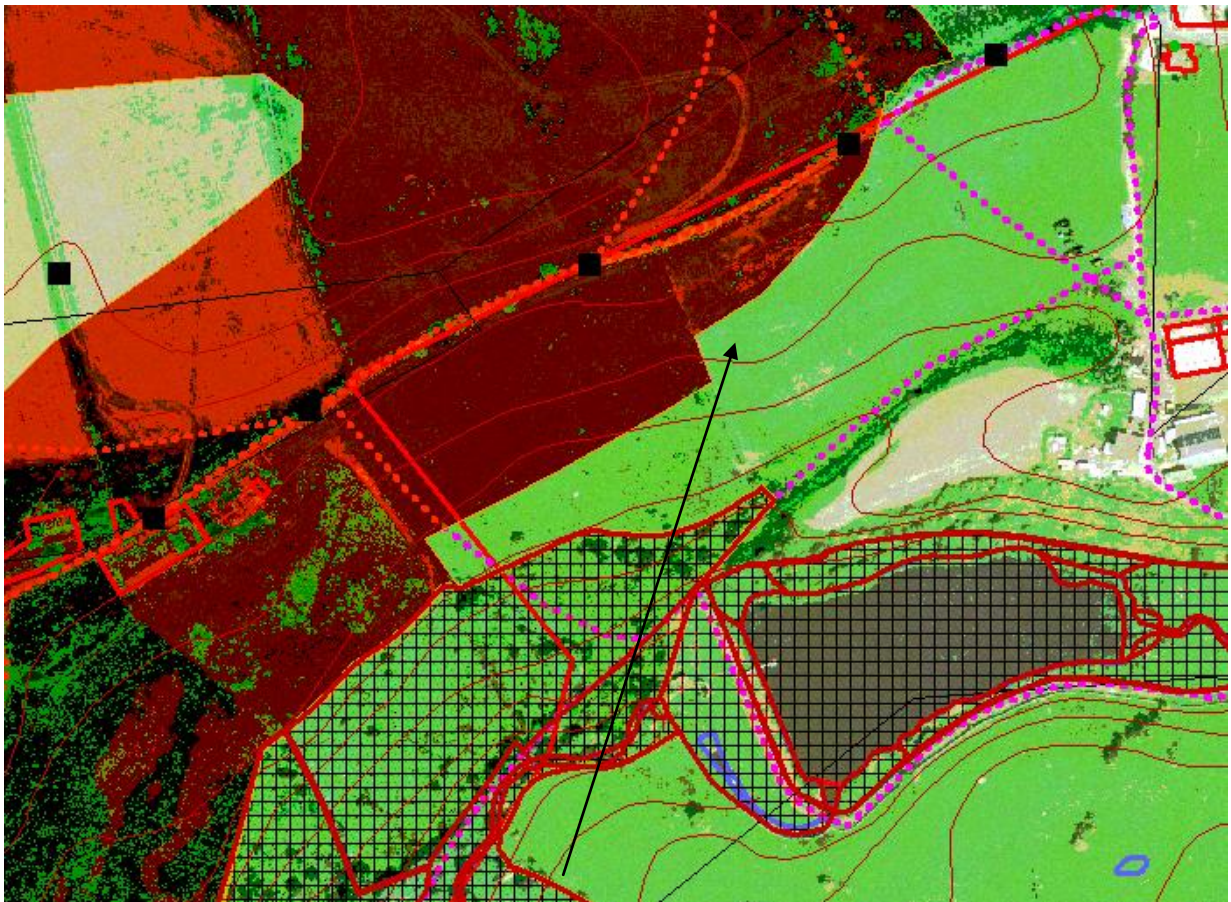
Bats

Although the amended turbine location appears to be within 50m of the boundary feature to the west, it seems reasonably unlikely bats would be regularly using this feature or that the turbine in the proposed location would result in adverse impacts on bats.

Birds

Based on information provided, along with a review by LCC of ecological records, maps, aerial photographs and images, it seems reasonably unlikely that a turbine in the amended location would result in adverse impacts on birds.

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.



approx. location of the proposed turbine

(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 (not including the application property) residential property (Proctor Cote House) is approx. 245m away from the proposed turbine. The turbine would be visible

from this location and other properties further away, however it would not have a significant impact on visual amenity.

Noise

Studies have been carried out in respect of noise. Results confirmed that the projected noise levels at the four nearest receptors would all fall below the specified upper limit of 35dB A(daytime) and 43dB A(night time), including the dwelling of the client. Therefore, given the separating distance between the turbine and the nearest dwellings, harm to amenity from noise would be unlikely. A condition could be imposed requiring the turbine to be operated with reference to the ETSU-R-97 (Assessment and Rating of Noise from Wind Turbines) – the recommended wind energy code of practice.

Shadow Flicker

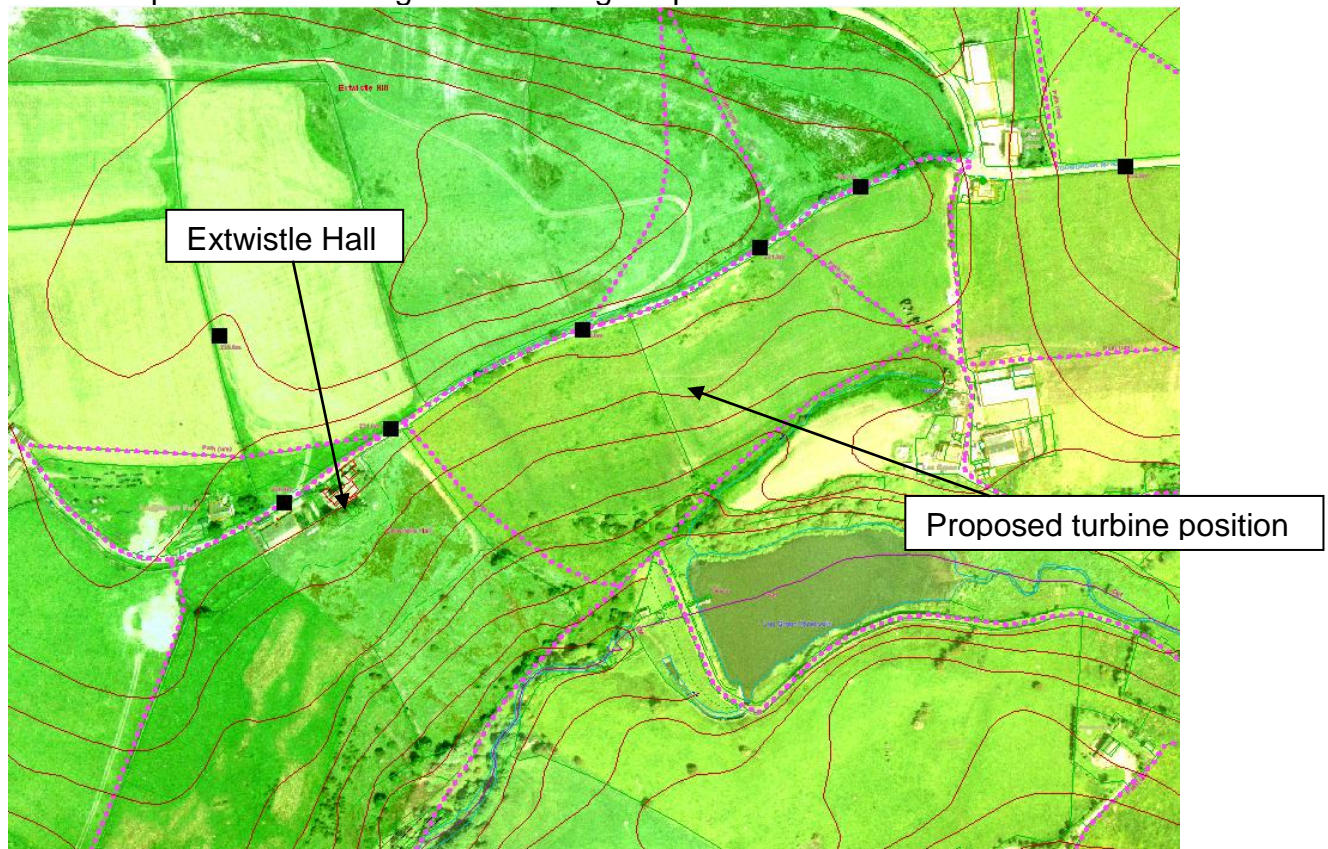
The zone of influence within which properties could potentially be affected by shadow flicker covers a distance of 10 rotor diameters from the turbine (in this case 72m). No properties fall within the zone of influence. Given the distance and orientation of other dwellings from the turbine site it is 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 turbine will be connected via underground cabling to an existing meter located within the farm buildings at Lee Green steading.

(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 approx. 55m. away from the turbine. Although the turbine is sited far enough away from the footpaths it 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. The major Coal Clough wind farm is visible from the vicinity of the proposed turbine site, however, the separating distance is several miles and any adverse cumulative visual impact would be negligible.

Other turbines have been granted in the area, Shay Lane, Hansons Tenement, Herd House (already erected), and Robin House Lane and Burwains Farm (which have not yet been erected). Some of these are likely to be seen from certain viewpoints (for e.g. Shay Lane and Herd House turbines can be seen from the vicinity of the proposed turbine) in conjunction with the proposed turbine; however the cumulative impact with these turbines would be restricted by the undulating topography and would not be significant enough to warrant a refusal.

Whilst the turbine is 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 a light grey 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. This permission shall expire after 25 years following the date that electricity generated from the turbine is first connected to the grid. The Local Planning Authority shall be notified of such date in writing not later than one month from the making of

such connection. After this 25 year period, the structure hereby authorised shall be removed from the site and the land reinstated to its former condition. unless a further permission for this development has been granted by the Local Planning Authority. Specific details of the restoration of the landscape shall be submitted to, and approved in writing, by the Local Planning Authority prior to the decommissioning of the turbine.

6. The noise emissions from the wind turbine shall not exceed a sound pressure level LAeq,T of 35 dB (A) at the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including 10 m/s at rotor centre height. Any measurement shall be made at a minimum height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.

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.