

Application Recommended for Approval
Cliviger with Worsthorne Ward

APP/2012/0318

Full Planning application

Construction of a private access track in connection with Repowering of Coal Clough Wind Farm

LAND BETWEEN RED LEES ROAD, OVERTOWN AND THE LONG CAUSEWAY
BURNLEY

Background:

The proposed private access track is to form a link in the turbine delivery vehicle (TDV) route identified in connection with the Coal Clough wind farm repowering project that is the subject of a separate planning application APP/2009/0758.

The link is necessary because a length of public highway through Mereclough is impassable by the TDVs.

Traffic generated by the proposed development is a material consideration in determining the application as is the impact of such traffic on the amenity of areas receiving that impact. This consideration extends to temporary construction traffic and the delivery of materials to the site. Consideration should, however, be proportional and reasonable, taking account of the amount and character of the traffic, and whether it is temporary or an operational feature of the development. In this instance, the operational traffic is that gaining access to Coal Clough wind farm for the limited period of its construction.

A Screening Opinion was issued in July 2012 that the proposal was not Environmental Impact Assessment development. The information submitted is sufficient to determine the application.

Summary of Reason for Recommendation:

The development is generally in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

Relevant Policies:

Burnley Local Plan Second Review

E19 - Development and archaeological remains

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

E28 - Protecting agricultural land and businesses

E3 - Wildlife links and corridors

E31 - Wind Farms

E4 - Protection of other features of ecological value

E5 - Species protection

E6 - Trees, hedgerows and woodlands

E7 - Water bodies and water courses

E8 - Development and flood risk

E9 - Groundwater resources

GP2 - Development in the Rural Areas

TM6 - Walking and horse riding in the countryside

Site History:

No relevant previous applications.

Consultation Responses:

Highway Authority – No objections on the basis that movement of construction traffic would be controlled under a Construction Traffic Management Plan.

Environment Agency – No objections. Support the methods outlined in supporting statement Section 5 (Ecology and Ornithology). This includes protection for Great Crested Newts. [*A condition is recommended requiring the method statement to be implemented*]

Landowner re alternative route – Correspondence from, and on behalf of, a local landowner offering the possibility of an alternative route for the access track. [*This is not a consideration for this application. The present application should be determined on its merits*]

Ramblers' Association – Accept that footpaths will require temporary closure and re-instatement as is proposed.

LCC Archaeology – Evidence of post-medieval and C19th industrial activity in the area of the proposed haul road. There has been C20th surface disturbance (open cast mining), but the pattern of field boundaries has survived and total destruction of archaeological features cannot be assumed. On that basis, need for a watching brief is advised. [*A condition is recommended for that purpose*]

Cliviger Parish Council – Comments and objections summarised as follows:

- Even after mitigation measures the landscape and environment would be substantially downgraded. The Cliviger Valley is a significant geological asset to Burnley; the access road would be a scar on the landscape from many viewpoints.
- Problems related to water run-off from the hillside.
- Difficulties associated with the movement of abnormal loads through the C19th village, including danger to building foundations.
- Wildlife including Great Crested Newts, ground nesting birds would be adversely affected.
- Noise and disturbance from construction works and vehicles.
- Disruption to public rights of way.

Friends of Overtown – Object to the application on the following grounds (summarised):

Detrimental to the character of the village and surrounding landscape which the screening does not disguise.

Adverse impact on wildlife including protected newts.

The curved line of the track would conflict with the straight, field boundary line of traditional tracks.

Heavy volume of traffic harmful to village.

Possible alternative route.
May harm agricultural use of the land.

Burnley Civic Trust – Objection as follows (summarised):

- Landscape disfigured by access road.
- Harm to wildlife.

Neighbouring Residents – Letters from 223 neighbouring residents making objections and representations as follows (summarised):

- No local benefit from the proposal; loss of property values;
- Does not demonstrate good design
- Not temporary there for a generation
- Future use of road; possible development of land using access;
- Damage to roads and property from heavy vehicles
- Affect historic landscape; pre-industrial revolution activity; mining,
- Harm recreational use of area
- Affect health and well-being
- *Landscape and visual amenity* - Track would be wide and visible, its cuttings and embankments would look out of character; a scar/blot on landscape; it would not respect the character and importance of the sensitive landscape with which it would be out of scale; widely visible, including surrounding hills and the railway line; screening would not mitigate the harm. Would harm spectacular views which are an asset of the town Visual amenity industrialised
- *Vehicle movement* - Highway safety traffic disruption Conflict with village parking bus service Inconvenience; Pedestrians School route; sheltered housing. Old people, children need for full traffic management for on-highway operations (coupling vehicles, etc); mining area, possible subsidence from heavy vehicles. Overtown a natural bottleneck; Damage underground services Articulated lorries rarely seen Concern about noise, vibration, pollution, soil spillage, dust from construction vehicles.
- *Construction noise and disruption* - Adverse impact from the temporary works compound; concern about construction hours; disturbance and light pollution from late working; adverse impact of major works involved in track construction Vermin litter smell from construction compound
- *Wildlife and ecology* - Detrimental to wildlife in the rural land and its ponds; adverse impact on bats, great crested newts need to move between ponds, rare amphibians, badger, deer, frogs, fish, birds, owls, twite, kestrels, Canada geese and other birds. Trees Moorland ponds Loss of trees.
- *Water* - Pollution of watercourse Drainage problems; fragile drainage of area increase local flooding

Planning and Environmental Considerations:

The development site is east and south of Over Town, on the lower western slope of the South Pennine Moors, approximately 6.4km southeast of Burnley centre.

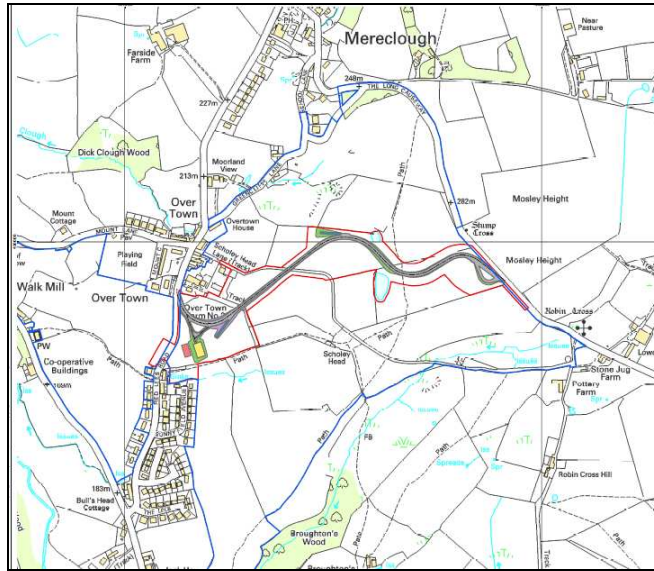
Details of the proposal

The development comprises:

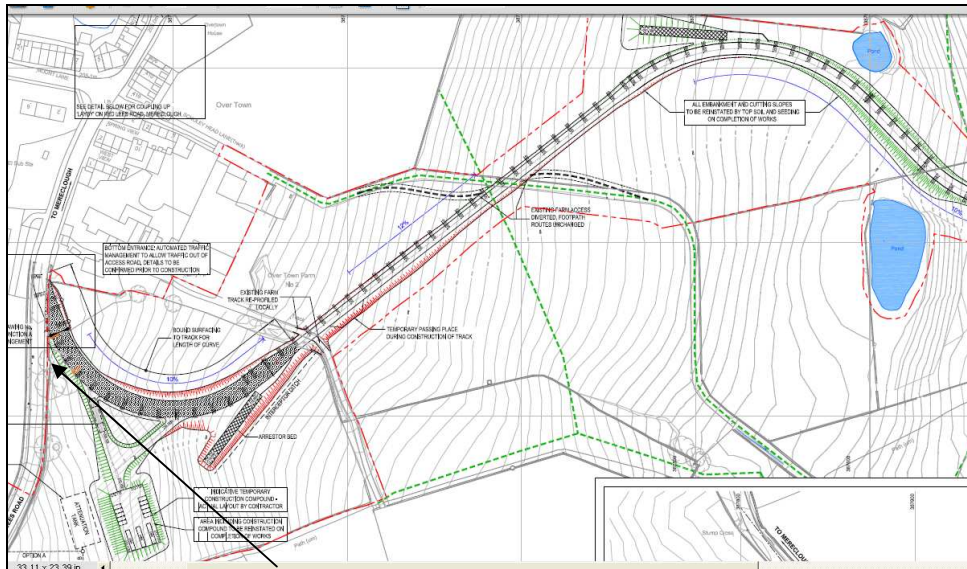
- An access track approximately 1km long linking Red Lees Road with Long Causeway.
- Two new junctions with public highways.
- The track would be private, accessible only to vehicles associated with the repowering development (construction, operational maintenance and decommissioning of the repowering development). It would be gated at both ends.
- It would carry turbine delivery vehicles (TDVs) and heavy goods vehicles (HGVs) only.
- It would have a minimum width of 5m, widening to 7m on bends when required.
- It would be widened at the junction with public highways - Red Lees Road (10m); Long Causeway (11m) – to facilitate manoeuvring, passing and coupling, as necessary.
- The surface would be crushed stone for most of the length, with tarmacadam at the junctions.
- It would include cuttings and embankments to enable passage over the undulating terrain; and two arrester beds, as a precautionary measure, to cope with mechanical failure.
- Mitigation measures, including: restored and new drystone walls, native planting, top-soiling and planting of new bankings.

The application sets out the following details of the development:

Location



Layout



Track layout from Red Lees Road

and Long Causeway





Existing and simulated proposed image – Red Lees Road access

The main planning issues are impacts on landscape and visual amenity; loss of amenity and safety resulting from traffic movements; construction period; ecology and habitats; public access and recreation; and, surface water flooding.

Landscape and visual amenity

A Landscape and Visual Impact Assessment is submitted with the application (titled 'Supporting Statement appendix 04 under the planning reference on the Council's planning website). This assesses the likely changes from a number of viewpoints.

The track would be partly obscured from the public highways by the undulating nature of the land, cuttings, drystone walls (new and restored), and newly planted trees and hedges.

The sections close to its junction with public highway would be visible from those roads. The intention is to leave the development with walled and gated frontages. The images support the conclusion that a neat and unobtrusive appearance could be achieved, but with a degree of urban character added to the rural landscape. Whether the changes are acceptable is a matter of judgement and subjective opinion.

This report takes the view that this characterisation applies to the whole of the access track project – an urban element inserted into the rural scene in a carefully managed and mitigated way, but inevitably changing its appearance. The landscape changes over time – there is evidence in the present site of coal mining and open cast coal workings. The consideration of acceptability of the project should take account of its purpose to enable the wind farm repowering proposal to be carried out. The applicant

has investigated a range of possible routes and options for access to the Coal Clough wind farm and this is identified as the preferred solution.

Traffic impact

The related traffic would include:

- Traffic related to construction of the access track – this would involve a significant flow of HGVs to bring materials (particularly track foundation and surfacing materials) to the site.
- Traffic using the completed access track (HGVs and TDVs) during repowering of Coal Clough wind farm - during the 14 month construction period the estimated traffic is summarised as follows:
 - 80 abnormal load vehicles (TDVs);
 - 2,283 HGV;
- Traffic using the completed access track during the operational phase of the repowered wind farm - traffic generated during the operation and maintenance of the windfarm is expected to be minimal and would not have significant impact.

The construction traffic involved would be an unavoidable feature of the development but would be for a limited period, controlled under an enforceable Traffic Management Plan to minimise impacts. The short term operational impacts should be weighed against the accepted benefits of the Coal Clough repowering scheme.

Construction works

Making the access track would require provision of a construction compound (for safe storage of on-site plant, staff welfare, parking, and the like), wheel washing facilities and general handling space, in common with any civil engineering site.

Arrangements for work on site should be controlled under a Construction Works Management Plan seeking to minimise adverse impacts, including control of working hours.

Ecology

The application contains the following assessments and proposals (summarised):

- No designated sites of nature conservation would be directly affected by the development and there would be no likely significant effects on any European designated sites. Some grassland, of limited ecological value, would be lost.
- Great Crested Newts that may be harmed during construction would be safeguarded by mitigation measures.
- Mitigation is proposed to safeguard reptiles which may be harmed during works to dry stone walls.
- Measures are proposed to minimise risk of disturbance to breeding birds.
- No evidence of badgers, but appropriate measures would be taken as is required by wildlife law.
- No likely impact on bats. Because of the possibility of bat roosts in dry stone walls, work would proceed in a precautionary manner, using hand work.

An Ecology Method Statement is included in the application and its implementation should be required by condition.

Public access and recreation

Representations on this matter relate to public rights of way (PRoW) across the land.

Several footpaths cross the site and they are important in recreation and giving ready access through the area.

The application proposes that PRoW would be temporarily diverted during construction work in the interests of health and safety.

Following construction the routes would be reinstated to a standard fit for their purpose, similar to their current form.

Temporary closure and diversion of PRoW is not uncommon in development of land and is covered by legislation enforced by public rights of way officers.

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Surface water flooding

Concern about this matter has been expressed by a number of neighbouring residents who clearly comment from experience of this aspect of rural/village life. Reference is made to existing conditions and the need to avoid worsening conditions.

The development involving earth movement and increase in hardstanding areas has the potential to increase the volume and rate of localised surface water run-off.

The application addresses this matter (including precautions against pollution incidents) as follows (summarised):

- A drainage/interceptor ditch/waterbar arrangement across and alongside the track which would have appropriate cross-falls;
- Continuity of drainage retained by pipes under the track;
- Principle of sustainable drainage implemented to minimise risk to on-site ponds and groundwater;
- A Pollution Prevention Plan would be implemented throughout the development.

The advice from the Environment Agency is that the proposals are acceptable subject to conditions requiring implementation of the mitigation measures.

Conclusion and Summary

The development would enable the repowering of Coal Clough wind farm to generate renewable energy for the next generation.

Short term intensity of impact is likely during the construction and operational period, but these would be mitigated and managed under terms required by planning conditions including limited working and vehicle movement.

The long term impact would be mainly to the appearance of the landscape which would undoubtedly change, but perception of the change as unacceptably adverse should take account of the detailed measures of mitigation including new and restored drystone walls and tree planting.

A condition is recommended to require restoration of the land when its use in connection with the wind farm ceases.

Recommendation:

That planning permission be granted subject to the following conditions:

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 application details and the drawings listed above.
3. No development shall be begun until a Construction Traffic Management Method Statement has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. The Construction Traffic Management Method Statement shall include details relating to:-
 - Construction vehicle routing
 - the management of junctions with and crossings of the public highway
 - The timing of delivery /construction vehicle movements including turbine delivery vehicles
 - Details of banksmen/escorts for abnormal loads
 - Temporary warning signs
 - Proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture, where required along the route
 - Traffic management on the existing highway network.
 - Car parking arrangements for construction personnel both at the wind turbine site and also for the access track off Red Lees Road
 - Wheel Wash facilities at all locations where construction traffic enter the public highway from site.

The Construction Traffic Management Method Statement shall be implemented as approved.

4. No development shall start until the applicant has secured the implementation of a programme of archaeological work. This should be carried out in accordance with a written scheme of investigation having the prior written approval of the Local Planning Authority.
5. The development shall only be carried out in accordance with methods, requirements, timings (as the case may be) identified and described in a statement or plan to be submitted to and approved in writing by the Local Planning Authority before the development starts, namely, as follows:
 - Construction Works (including construction hours) Management Plan
 - Ecology Method Statement
 - Pollution Prevention Plan
6. Within one year of the start of de-commissioning of the repowered Coal Clough wind farm granted under planning permission APP/2009/0758, the site shall be

treated in accordance with a site restoration plan having the prior written approval of the Local Planning Authority.

Reasons:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. In the interests of highway safety..
4. To ensure that adequate records are made, as the site is of archaeological importance, in accordance with policy E19 of the Burnley Local Plan, Second Review.
5. In the interests of the amenities of nearby residents and occupiers, and to safeguard the environment, ecology, species and habitats on and adjacent to the site.
6. To ensure the land continues in beneficial use at when no longer needed for access to the wind farm.