

Appeal Decision

Site visit made on 25 April 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 May 2017

Appeal Ref: APP/B2355/W/16/3166328

Gowther Fold Farm, Rochdale Road, Bacup OL13 9XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Orenda Energy Solutions against the decision of Rossendale Borough Council.
 - The application Ref: 2016/0357, dated 4 August 2016, was refused by notice dated 24 October 2016.
 - The development proposed is installation of 2 small scale 49kw Orenda wind turbines.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect of the development on the openness and purposes of the Green Belt;
 - (iii) the effect on the character and appearance of the area;
 - (iv) the effect on ecology;
 - (v) the implications for air safety;
 - (vi) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm to the Green Belt, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development;

Reasons

Inappropriate development

3. Paragraph 91 of the *National Planning Policy Framework* ('the Framework') states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In this case the proposal consists of two masts each topped with a wind turbine generator. As a structure, a wind turbine falls within the definition of a building as defined in s336 of the Town and Country Planning Act 1990. The proposal does not fall within any of the types of development identified as exceptions in paragraph 89
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of the Framework. Accordingly, it comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Effect on openness and purposes of the Green Belt

4. Paragraph 79 of the Framework states that openness is one of the essential characteristics of Green Belts. Although they would have a slim, tapering form, the height and blade sweep of the turbines in this elevated location would have an impact far beyond their immediate siting. As such, the proposal would erode openness to an appreciable extent. Furthermore, from a good number of viewpoints the turbines would be observed in conjunction with the much larger ones at the nearby Reaps Moss Wind Farm, which would compound the impression of wind turbine development in this exposed location. This cumulative effect and combined loss of openness would be harmful, and I consider that the loss of openness would be moderate in this case.
5. Paragraph 80 of the Framework describes the five purposes of including land in the Green Belt, including assisting in safeguarding the countryside from encroachment. Notwithstanding the presence of the adjacent wind farm, there would be some encroachment into the countryside here given the scale and nature of the proposal, involving engineered and moving structures in this predominantly rural landscape. Together with the impact on openness, these considerations attract moderate weight against the proposal.
6. In relation to the Green Belt there is therefore clear conflict with the Framework in respect of inappropriate development, loss of openness and encroachment. The Framework states that inappropriate development should not be approved except in very special circumstances, and these circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Character and appearance of the area

7. Policies 18 and 21 of the Core Strategy¹ seek to protect the rural environment and avoid harmful impacts of development on the Borough's natural environment including its landscape assets, which will be safeguarded and enhanced in accordance with the relevant and up-to-date landscape character assessment. Amongst other things, Policies 19 and 20 state that low and zero carbon generation proposals, including wind energy, will be given positive consideration provided they do not have an unacceptable harmful impact, alone or cumulatively, on landscape character and value. Policy 23 includes protection of important local and longer-distance views as one of its objectives.
8. I have also taken into account other relevant documents drawn to my attention. They include the *Landscape Capacity Study for Wind Energy Developments in the South Pennines* (2010), the *Landscape Guidance for Wind Turbines up to 60m in the South and West Pennines* (2013) and the *South Pennines Wind Energy Landscape Study* (2014) ('the SPWELS'), together with various renewable energy protocols, acts, studies and strategy documents.
9. The SPWELS indicates that the appeal site is located within Landscape Character Type A (LCT A): 'High Moorland Plateaux', a windswept and exposed upland landscape raised above dissecting valleys. Here, the key environmental features include a perception of remoteness, isolation and wildness provided by

¹ Core Strategy Development Plan Document: The Way Forward 2011-2026

the altitude and absence of trees plus expansive views; a distinctive landform of terraces, gritstone edges and frost weathered tors; and an absence of settlement, with only isolated dwellings and abandoned farmsteads. I recognised many of these characteristics during my site visit.

10. The SPWELS categorises the proposed turbines as 'small'. Notwithstanding this, it notes that the landscape in LCT A is extremely sensitive and highly valued, although it has seen several medium and large wind farm developments in the past. It advises that there is a need to contain the landscape influence of wind energy development at existing locations to prevent the landscape becoming dominated by turbines. It also notes that this LCT is very widely visible and its open upland character is critical to the visual continuity of the Pennine backbone, with the ridgeline between Crook Hill and Heald Moor especially vulnerable to change due to its narrowness and location at the head of the Irwell and Calder valleys.
11. The SPWELS goes on to state that key considerations for future wind energy developments in this LCT include avoiding locations close to the prominent knolls that occur on some of the moorland summits, and if possible siting any 'small' turbines so that they are backclothed against higher ground and do not break the skyline when viewed from the farmland and valleys below. In relation to siting multiple developments, the SPWELS advises that proposals should not extend wind energy influence over a wider area than at present or visually 'connect' existing developments in the same or adjoining LCTs, and should avoid further disruption to the continuity of the Crook Hill to Heald Moor ridgeline. Whilst it acknowledges that some of the lower, gentler and less visually exposed plateau slopes may be able to accommodate small turbines, opportunities for new wind energy development in this LCT without serious detriment to its character and qualities are likely to be very limited.
12. In relation to turbine height the SPWELS assesses the sensitivity of those elements which make up the landscape. Of the elements I consider relevant to the appeal proposal it accords a moderate rating in terms of scale, landform, landcover, built environment and landscape quality. For skylines and settings, visibility and views, scenic quality and wilderness and tranquillity it applies a high rating. Sensitivity to 'small' turbines is rated as moderate-high.
13. The proposed turbines would each be about 23.4m to the hub and some 33.5m to the blade tip. They would be sited approximately 85m apart on the north-eastern boundary of a large field on a knoll near the summit of Hogshead Law Hill, part of the Southern Pennine ridge to the east of Bacup and on the Crook Hill to Heald Moor ridgeline. Cabling would be underground and no new access road is proposed to serve the site as part of the development.
14. National planning and energy policy recognises that by its very nature a wind turbine would be a significant landscape feature and its impact may be felt over a wide area. The appellant submits that the proposal would have a limited impact on landscape character. However, this is an elevated and highly prominent site on an open ridge with long distance views in all directions. The proposed wind turbines would be readily observed as man-made and conspicuous elements in this large scale and visually dramatic landscape. Moreover, the movement of the blades would tend to increase their prominence and draw attention to them, especially as it is likely that they would rotate faster than those at the nearby wind farm.

15. They would be seen at close quarters from the well-used Rossendale Way which runs along the ridge, and from an extensive network of other public rights of way in the vicinity of the site and in the wider area, both at lower and higher levels, which criss-cross the landscape. A number of these viewpoints are included in the appellant's Visual Montage 2 document. From the valley floor to the east and south-east of Bacup the turbines would be seen to breach the skyline as illustrated in Photos A and B of the appellant's photomontages, albeit in conjunction with the larger turbines at Reaps Moss Wind Farm. They would also be visible from elevated viewpoints on the opposite side of the valley, although their impact would diminish with distance.
16. The appellant submits that the turbines would sit comfortably alongside the larger ones at Reaps Moss. However, the SPWELS states that any 'small' or 'very small' turbines should be located well away from large turbines, so that the different turbine size classes are not seen together. In this case, the contrasting scales of the two installations would be considerable and visually confusing, and the proposal would not 'read' as an adjunct to the existing wind farm but rather as a discordant addition having no visual association with the existing turbines due to the variation in scale.
17. In cumulative terms over the wider area, the turbines would be introduced into a landscape which already accommodates a number of wind energy developments which are material factors in the consideration of the proposal. They include wind farms of varying size at Reaps Moss, Crook Hill, Todmorden Moor and Scout Moor as well as individual installations scattered randomly across the landscape both at high level and on lower valley sides. Some of these installations are observed simultaneously or in sequence when travelling through the area.
18. In this context, and particularly from elevated viewpoints, the proposal would compound the visual clutter that already detracts from the character of this expansive tract of countryside. There is little coherent visual connectivity between the various turbines, masts and other vertical features in the landscape, so that those using the network of footpaths in the area would perceive them as random and discordant features. This would especially be the case for those using the Rossendale Way close to the site. Whilst the area may have been de-sensitised by wind energy and other features such as pylons and telecommunication masts over time, this does not in itself justify making the situation materially worse by the addition of two more turbines of the scale proposed, and particularly so close to the Reaps Moss Wind Farm. The cumulative impact of the proposal therefore adds to my concerns.
19. For these reasons, I conclude that the appeal proposal would have a significant adverse effect on the character and appearance of the area contrary to Policy 18, 19, 20, 21, 23 and 24 of the Core Strategy and the Framework.

Ecology

20. In response to the Council's concerns regarding the adequacy of the appellant's original ecological appraisal a further one has been undertaken. It concludes that the site is not expected to be of significant ecological value or a potentially significant constraint to the development, although the habitat types present cannot be conclusively confirmed without field surveys. Surveys would also be necessary to establish whether there are Great Crested Newts within the vicinity of the site. It recognises that birds are the main potential ecological

constraint to the proposal, with the land within and adjacent to the development footprint and the surrounding area likely to be used by ground nesting species.

21. Amongst other things, it recommends that construction and installation activities during the main breeding bird season of March-July inclusive should be avoided in order to minimise potential disturbance of nesting birds in the immediate vicinity and avoid damage and destruction of nests and chicks on the ground. It also recommends that any ground work during August should be preceded by a check for active nests by a suitably qualified ecologist, with appropriate measures implemented in the event that any are found. A watching brief by the ecologist is also recommended during the construction period.
22. The Council has not commented on the revised appraisal. However, the document appears to address the majority of their concerns and comprises a more detailed assessment of the implications of the proposal for biodiversity and ecology than the original appraisal.
23. On this basis, and subject to appropriate planning conditions if the appeal were to succeed, I am satisfied that the proposal would not materially harm the ecology of the site and its surroundings. As such, there would be no conflict with those parts of Policies 18, 19 and 24 of the Core Strategy which seek to avoid harmful impacts of development on the Borough's wildlife, biodiversity assets, priority habitats, species and areas of ecological value.

Air safety

24. NATS En Route objects to the proposal on the basis that the proposal conflicts with its safeguarding criteria, advising that the development is likely to cause false primary plots to be generated. A reduction in the radar's probability of detection for aircraft is also anticipated in relation to Manchester Airport's radar system, which is also deemed unacceptable to operations at Prestwick Centre ATC.
25. The appellant's impact assessment² notes that NATS En Route did not object to the four existing operational wind farms in the area, which were granted consent without any requirement for mitigation of their impacts on radar. It submits that the impact of the turbines on air traffic services by NATS controllers will be minimal because the turbines will be significantly less detectable than those of the adjacent wind farms, and any radar returns they might generate are likely to be visually indistinguishable by controllers from returns already generated by the Reaps Moss turbines. The document concludes that the impact of the proposed turbines on the provision of air traffic radar services by NATS En Route is not significant and should not require technical mitigation.
26. The Council has not commented on the assessment or sought the further observations of NATS En Route. If I were minded to allow the appeal then I would have sought further information regarding the matter, but as I have found the proposed development to be unacceptable for other reasons I regard this course of action as unnecessary. Accordingly, I have not concluded on this issue.

² *Assessment of Impact on NATS En Route Radars* (April 2017)

Other considerations

27. The Framework advises that where renewable energy projects comprise inappropriate development, developers will need to demonstrate very special circumstances if projects are to succeed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
28. The appellant advises that each turbine would generate an estimated 200,000kWh annually and collectively they would reduce carbon emissions by some 113 tonnes per annum. Although these are relatively modest amounts, the Framework makes it clear that even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions and assist in ensuring future energy security. I attach significant weight to the benefits that the appeal proposal would bring about in these respects.
29. I also acknowledge that small-scale projects such as this can bring about economic benefits in terms of agricultural diversification and would provide employment during the construction phase and afterwards in maintenance. Paragraph 28 of the Framework provides support for the rural economy and advises that the development and diversification of agricultural land-based businesses should be promoted. Although the proposal would not provide the farm with energy, it would provide an additional income to this rural enterprise. I attach moderate weight to this benefit.

Other Matters

30. The Secretary of State for Communities and Local Government issued a Written Ministerial Statement (WMS) on 18 June 2015 setting out considerations to be applied to proposed wind energy development. Amongst other things, it states that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. In this case, the Council has not identified the area within which the appeal site is located as being suitable for wind energy development in a Local or Neighbourhood Plan. Indeed, the Core Strategy does not identify any such areas and I am advised and the Council's emerging Local Plan is at an early stage in its preparation. The proposal is therefore in conflict with the WMS.
31. I acknowledge that the proposed turbine would be removed after 20 years and the site reinstated to its former condition. However, 20 years is a significant period for the landscape to be affected by the development, and accordingly I am not persuaded that the scheme can reasonably be regarded as a short-term development.
32. I have no technical evidence before me to show that the proposal would increase noise in the area to the extent that local residents' living conditions would be materially harmed, or that the development would compromise the water supply to nearby properties. Any damage to access roads or livestock loss arising from the development is a matter between the relevant landowners.

33. Whilst it is submitted that the turbine is merely for financial gain, the generation of renewable energy has benefits for the local and wider community and I therefore attach very limited weight to this argument. The efficiency and sustainability of wind turbines is also questioned. However, these concerns relate to Government policy and the national commitment to provision of renewable energy, including the contribution that wind turbines can make to these objectives. They do not have a material bearing on the site-specific merits of this case.

The Planning Balance

34. In accordance with paragraph 88 of the Framework I attach substantial weight to the harm to the Green Belt by reason of inappropriate development and significant weight to the impact on the character and appearance of the area. I attach moderate weight to the loss of openness and conflict with the purposes of including land in the Green Belt.
35. On the other hand there are significant factors that favour the development, including the provision of renewable energy and the associated reduction in CO₂ emissions, which are consistent with the Government's commitment to tackling climate change and may contribute to the very special circumstances necessary to justify development in the Green Belt.
36. However, the benefits that would flow from the proposal do not clearly outweigh the totality of the harm, nor could they do so by the imposition of the planning conditions suggested by the Council. Accordingly, the very special circumstances necessary to justify the development do not exist in this case.

Conclusion

37. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector