

Graeme Thorpe

From: Brereton, Steven [Steven.Brereton@lancashire.gov.uk]
Sent: 25 October 2012 14:12
To: Graeme Thorpe
Subject: RE: RE - 3/2012/0402/P & 3/2012/0539/P
Attachments: 09-10-12 Inspector's report of PI.pdf

Hi Graeme

Regarding the application for 3, 50kw wind turbines at Carr Hall Garden Centre, Whalley Road, Wilpshire (application nr 3/2012/0539) I make the following comments:

a) the proposed wind turbines would not due to their small scale (ref *Forest of Bowland AONB Renewable Energy Position Statement*), the mitigating effects of distance (5.0km+ between the AONB and the site) and the view filtering by trees and woodlands have a significant impact on the setting and character of the Forest of Bowland AONB. The turbines would be visible from elevated areas within the AONB but they would appear as a relatively minor feature in a broad view that was characterised by some significant man influenced features such as pylons, major roads, a railway line and the settlements of Whalley, Wilpshire and Billington.

b) although the remit of my role extends to only commenting on impacts of development on the setting and character of the AONB where application sites lie beyond the AONB boundary, I do feel that it is worth drawing attention to the following:

- the submitted photomontages are not acceptable and appear not to have been produced in accordance with current good practice guidance.
- no ZTV mapping – essential for a development of this size irrespective of its location – has been provided.
- reference is made in the Landscape and Visual Impact Assessment to the *Landscape Sensitivity to Wind Energy Development in Lancashire* study and it is claimed that this study states "this landscape is capable of accommodating small to medium scale wind energy developments". This is not the case. The landscape sensitivity study provides **strategic guidance** only on what scale of wind energy development **may** be appropriate for Lancashire's landscape character areas. The identification of a certain scale of wind energy development for a landscape character area does not mean that scale would be appropriate for all of the area and that landscape and visual impacts would be acceptable. The strategic landscape sensitivity study was never intended to (and ultimately could not anyway) be a substitute for site specific evaluation and assessment which should always be used to determine the actual capacity of a specific area to accommodate a certain scale of wind energy development.
- the application site is within Green Belt. To assist with determining the impacts of the proposals on Green Belt and whether they would be contrary to Green Belt policy, I attach a copy of the Report to the Secretary of State for Communities and Local Government, by S R G Baird BA(Hons) MRTPI on the appeals associated with applications for wind energy development at Crook Hill, Reaps Moss and Todmorden Moor. Paragraphs 11.3 – 11.14 (p178 – 180) in particular contain useful information on Green Belt issues.

30/10/2012

I hope you find these comments helpful. Please do not hesitate to contact me if you wish to discuss any matter further.

Regards

Steve

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From: Graeme Thorpe [mailto:Graeme.Thorpe@ribblevalley.gov.uk]
Sent: 16 October 2012 13:05
To: Brereton, Steven
Subject: RE - 3/2012/0402/P & 3/2012/0539/P
Importance: High

Hi Steve,

Just wondered if you had had chance to look at these yet ?

Thanks,

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11. Conclusions

- 11.1 The numbers in brackets refer to earlier paragraphs in this report or relevant documents.
- 11.2 The evidence ranged over several topics. These are Green Belt and where the development would be within the Green Belt whether it amounts to inappropriate development; the need for and benefits of the schemes; access; the effect on the landscape; recreation and public rights of way; the effect on neighbours; ecology, hydrology; noise; planning conditions and agreements. I set out my conclusions on each of these topics and their relationship to planning policy with regard to each of the wind farm proposals and my recommendations.

Inappropriate Development in the Green Belt

- 11.3 In the CH 12 scheme, 7 turbines, an anemometer mast, a substation, the access and access tracks and in the CH 8 scheme, 4 turbines, the anemometer mast, a substation, the access and access tracks would be located on the northern edge of the Rochdale Green Belt (CD E2-Proposals Map). In the RM scheme, one turbine, a short length of access track and an anemometer mast would be located in the Green Belt (CD E3-Proposals Map).
- 11.4 Paragraph 1.4 of PPG 2 says that the most important attribute of Green Belts is their openness and paragraph 1.5 sets out the 5 purposes of including land within the Green Belt. Within Green Belts there is a presumption against inappropriate development and such development should not be approved except in very special circumstances. In determining whether parts of the CH 12, CH 8 and RM schemes are inappropriate development it is common ground between the parties that the developments are engineering operations to be tested against the 2 criteria set out in paragraph 3.12 of PPG 2 (4.5, 5.24 & 6.60). The alternative approach is that as a structure or an erection, a wind turbine falls within the definition of a building as defined in S336 of the Town and Country Planning Act 1990 and should be considered against the criteria set out in paragraph 3.4 of PPG 2.
- 11.5 Whether or not the erection of a wind turbine should be classed as a building or as an engineering operation is, in my view, academic. The criteria against which both forms of development are to be tested are the same. These are the impact on openness and conflict with the purposes of including land within the Green Belt. As far as I can see the only difference between the tests as set out in paragraphs 3.4 and 3.12 are the use of the word "preserve" in paragraph 3.4 and the use of the word "maintain" in paragraph 3.12. However, in terms of the objectives of Green Belt policy they have, in my view, the same meaning.
- 11.6 As to whether the developments are inappropriate development, 3 appeal decisions are referred to. These are, the SM decision, which was an application to construct and operate a wind farm under S36 of the Electricity Act 1989 (CD J17); an appeal decision relating to the erection of 4 wind turbines at Aston (CD J20) and an appeal decision relating to the erection of 3 wind turbines at Mawdesley (LPA 16C Appendix 5). SM was granted consent by the SoS for Trade and Industry who also issued a S90 direction that planning permission for the development was deemed to be granted. The

Aston and Mawdesley decisions were issued by Planning Inspectors appointed by the SoS for Communities and Local Government.

- 11.7 In the SM report, the Inspector concluded that, "the landscape will retain a sense of openness permeating through the slim widely spaced turbines". In both the Aston and Mawdesley cases, although both Inspectors were referred to the SM decision, they concluded that the erection of turbines was inappropriate development. In the Aston decision, the Inspector concluded that the scheme would be inappropriate development given that works occupied land that was formerly not built upon. In the Mawdesley decision, acknowledging that the underlying landscape would remain visible, the Inspector concluded that the presence and size of the turbines would be an inevitable interruption to visibility. In both cases, the Inspectors found conflict with the purposes for including land within the Green Belt.
- 11.8 Although the SM Inspector's recommendation was accepted by the SoS for Trade and Industry, the conclusion he came to does not consider all the criteria set out in paragraph 3.12 of PPG 2 i.e. conflict with the purposes for including land in the Green Belt. On openness, whilst I follow the logic of the SM Inspector's approach, I do not agree with it. I consider the ability to see through gaps between turbines, even if widely spaced, is on its own too simplistic an approach that could be applied to virtually all forms of development proposed in Green Belts and inevitably leading to a conclusion that openness was not affected. This would seriously undermine the objectives of Green Belt policy.
- 11.9 At CH and RM, the concrete bases would be raised 0.7m above ground level; the turbine tower would have a diameter of some 4m and a height of some 60 m in the CH 8 scheme and 80m in the CH 12 and RM schemes with blades measuring 40m or 45m respectively (2.2, 2.3 & 2.11, 2.14 & 2.15). Individually or in a group, even if widely spaced, the towers would be a significant visual interruption, the impact of which would be exacerbated by the rotation of the blades. Over the course of the Inquiry, I was able to observe the operation of some of the SM turbines where, even though the blades rotated in the same direction, their movement was rarely synchronised. Thus, in views where several turbines could be seen together, the overlapping and rotating blades created a significant and sometimes disturbing visual discordance. At CH, this would occur particularly in views from the east, south-east, west and north-west. Therefore, the scale and mass of the turbines and in the case of the CH 12 and CH 8 schemes, the noticeable disharmony of movement and the ancillary development associated with the schemes, would materially affect the openness of the Green Belt.
- 11.10 Turning now to the purposes for including land within the Green Belt, the one at issue is "to assist in safeguarding the countryside from encroachment". Read on its own, CP's approach to this purpose i.e. that it relates to the inner edges of the Green Belt against the built-up boundaries, has, in my view, superficial merit (5.27). However, in determining what this purpose is seeking to achieve, I cannot ignore the other purposes listed at paragraph 1.5 of PPG 2.
- 11.11 The first 2 purposes refer to checking the unrestricted sprawl of large built-up areas and preventing neighbouring towns from merging into one another.

CP's argument would apply with equal force to either of these purposes and as such, unless the drafters of PPG 2 considered that each had a wider purpose, then any one of the first 3 purposes would be redundant through duplication. Therefore, although the CH and RM schemes are on the outer edges of their respective Green Belts, I consider the erection of wind turbines would be an encroachment into the countryside.

- 11.12 I conclude that the erection of turbines at CH and RM would not preserve/maintain the openness of the Green Belt and would conflict with the purposes of including land within it and would be inappropriate development.
- 11.13 Paragraph 3.2 of PPG 2 states that inappropriate development is, by definition, harmful to the Green Belt and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This paragraph continues by highlighting that in view of the presumption against such development substantial weight is to be attached to the harm to the Green Belt when coming to a decision on a development proposal. In addition, paragraph 3.15 of PPG 2 indicates that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt in terms of siting, materials or design. These are matters that I will return to later in my conclusions.

Conclusion on Inappropriate Development in the Green Belt

- 11.14 Those parts of the development at CH and RM within the Green Belt would be inappropriate development that should not be permitted except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Need for the Schemes

- 11.15 Government policy attaches significant importance to the need to tackle climate change and the role that the exploitation of renewable energy technologies can make in tackling climate change (4.1 & 4.2; CDs L1 to L7). The pressing need to act is reflected in Paragraph 3 of the Supplement to PPS 1, which makes it clear that climate change is the greatest long-term challenge facing the world today and Paragraph 6 of PPS 22, which concludes that there is an urgent need for action on climate change.
- 11.16 At the Inquiry and in written representations, views were expressed about the efficacy of wind turbines alongside all other energy efficiency and renewable energy options being promoted to tackle climate change. Whether other forms of action or energy production would be more efficient or effective is not a matter for this Inquiry; it is a matter of Government policy. To meet the challenging targets set for renewable energy generation and the reduction of CO₂ emissions, Government policy places significant reliance on the contribution of on-shore wind energy production.
- 11.17 The importance of wind power is reflected in the NW RSS renewable energy generation targets for 2010 (CD E4). Here, the installed capacity of all wind energy schemes makes up some 77% of the total regional target for energy generation from renewables. On-shore wind energy schemes make up some