

<b>Application Number:</b>	2011/30	<b>Application Type:</b>	Full
<b>Proposal:</b>	Revised access arrangements to serve the approved 12-turbine Wind Farm from the A671 at Shawforth, along Landgate, through Middle Hill Quarry and over Rough Hill	<b>Location:</b>	Crook Hill, Rochdale/Calderdale
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	27 July 2011
<b>Applicant:</b>	Coronation Power Ltd	<b>Determination Expiry Date:</b>	8 June 2011
<b>Agent:</b>	Dulas Ltd		

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**REASON FOR REPORTING**

**Tick Box**

Outside Officer Scheme of Delegation

**Member Call-In**

Name of Member:

Reason for Call-In:

3 or more objections received

**YES**

Other (please state):

**Major**

**HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

**Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

	<b>RECOMMENDATION</b>
	<p>That permission be Refused for the following reason :</p> <p>The change in access route for the permitted wind farm at Crook Hill means that the access road now proposed will run through / adjacent to working quarries/quarry workings in need of restoration. However, the scheme for which permission is sought will result in a significant number of lorry movements through the Landgate/Market Street junction, three quarters of which relate to importation of stone and export of waste soil/stone. The Applicant has not adequately explored and amended the scheme to avoid unnecessary/ unsustainable traffic movements through the Landgate/Market Street junction by sourcing stone required for the access road/hardstandings and disposing of waste spoil/stone in the quarries en route to the land to be occupied by the turbines, thereby also mitigating harm to both the amenities of residents of properties in the vicinity of the junction and other road users &amp; pedestrians/riders/cyclists when in the vicinity of this junction. The proposal is therefore contrary to Planning Policy Guidance 1, which states “<i>Sustainable development is the core principle underpinning planning</i>”, Policies DP1-7 / RT4 / EM1 / EM17 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).</p>

## **1. BACKGROUND**

In November 2007 I reported to Committee an application from Coronation Power seeking Planning Permission for a 3-turbine Wind Farm at Reaps Moss, which is to the east of Bacup, the access to it to be from the A681 at Clough Head, within the administrative area of Calderdale MBC. In accordance with the Officer recommendation that application was refused.

At the same Committee meeting I reported upon two other schemes for Wind Farms for which Coronation Power was seeking planning permission - a scheme at Todmorden Moor (entirely within Calderdale) and at Crook Hill (straddling the boundary of Rochdale and Calderdale). The comments of this Council had been sought by Calderdale MBC and Rochdale MBC upon these applications. In accordance with the Officer recommendation, Committee decided that Calderdale MBC and Rochdale MBC should be informed that this Council objected to the Todmorden Moor and Crook Hill Wind Farm proposals due to their cumulative landscape/visual impact.

All three Wind Farm proposals were subsequently considered at a Public Inquiry held in February 2009. In accordance with the Inspectors Report, the Secretary of State for Communities & Local Government granted Planning Permission for Wind Farms at Reaps Moss and Crook Hill. Following a further Public Inquiry in July 2010, permission was granted in April 2011 for the de-registration and exchange of Common Land necessary to enable both these schemes to proceed. Work has not yet begun on implementation of either the Reaps Moss or Crook Hill scheme.

Rather than implement the Crook Hill scheme they have approval for Coronation Power has submitted applications for planning permission to Calderdale MBC, Rochdale MBC and this Council for an amended scheme. The most significant difference between the approved scheme and the amended scheme is in respect of the access arrangements.

## **2. THE APPROVED SCHEME**

The approved scheme provides for the installation of 12 turbines, an anemometer mast and ancillary infrastructure for a period of 25 years, with vehicular access to the site from Calderbrook

Road, Littleborough. Seven turbines, the anemometer mast, a sub-station building, access tracks, temporary construction compound and access point would be within the Rochdale administrative area and five turbines and access tracks would be within the Calderdale administrative area.

Each turbine would be 3-bladed, with a maximum height of 125m to blade-tip, with a generating capacity of up to 3 MW; the height to the centre of the nacelle would be some 80m, with a rotor diameter of 90m. During construction, each turbine would have a construction/crane hardstanding area adjacent to it of approximately 25m x 60m, which could be reduced upon completion of construction by two-thirds. A connection to the national grid was not part of the proposal and would be the subject of a separate application under S37 of the Electricity Act 1989. However, indicative routes to the grid link would require wooden poles varying in height between 10m and 15m.

The access track from Calderbrook Road would have a total length of some 1.95km. Once the wind farm is reached internal access tracks would total some 3.65km, providing access to the individual turbines and sub-station. The running width of the tracks would be 5m, with widening at bends, junctions and passing-places, comprising where necessary floating-road surfaces. Following construction, the tracks would be retained for maintenance purposes, but generally allowed to naturally re-seed back to 4m wide.

Access from Calderbrook Road would be immediately to the north-east of its junction with Higher Calderbrook Road and St James Church, over a triangle of land, and would then run between the Church grounds and Calderbrook House. The triangle would be cleared of its self seeded deciduous trees to form a track with a gradient of either 1 in 7 or 1 in 6.4, with retaining wall near/on the boundary with the neighbouring house. In order that the track beyond the triangle can continue at a gradient of 1 in 7 between the north-eastern corner of the Church and southern boundary of Calderbrook House a deep cutting would need to be formed. Planting along this boundary would need to be removed and the existing boundary wall retained above/behind a new retaining wall of approximately 32m in length and up to 4.6m in height. A similar shorter and lower retaining wall would be provided below the stone wall forming the boundary of the Church, a Listed Building. Once the construction of the wind farm was complete these concrete retaining walls could be faced in local stone and the triangle of land would be laid out and landscaped to provide parking for the Church/local residents. Once beyond this built-development the access track would take the form of a switch-back road to ascend to the level of the moor top.

Delivery of the turbine components would be via Junction 20 of the M62, the A627M, the A58 to its junction with Whitelees Road and then via Whitelees Road and Calderbrook Road to the site entrance.

### **3. PROPOSAL**

The current application does not seek to change the number, positions and design/height of the turbines for which permission exists. However, following further topographical surveys, the Applicant wishes to alter the alignment of tracks between the turbines, re-position the anemometer mast nearer to an access track and slightly amend the dimensions of the sub-station building; these works are all within the administrative areas of Rochdale MBC and Calderdale MBC and have been the subject of applications to them.

Additionally, the applicant seeks to have the facility (with agreement of the relevant Planning Authority) for micro-resiting of the turbines, other infrastructure and access tracks by up to 30m.

The Applicant also seeks permission for a more fundamental change - to access the wind farm by means of a vehicular access from Market Street (A671) in Shawforth, and not from Calderbrook Road in Littleborough.

The applicant states that this alternative has a number of advantages, namely:

- It removes the need to deliver abnormal loads and HGVs through Littleborough and construction and delivery vehicles will thereby be kept on A roads through to the site entrance at Shawforth.
- The need for a highly-engineered site entrance at Higher Calderbrook Road is removed.
- The need to create a new and complex access up Long Hill is removed.
- The new access route will utilise an existing site entrance and existing track (used for quarrying and access to some local properties) for part of its route up to Rough Hill quarry roads, thereby reducing the overall level of impact.
- Stone could be sourced from Middle Hill Quarry, thereby reducing the volume of lorry movements and Coronation Power would agree to a Condition to ensure restoration of the quarry following construction.

The application is accompanied by an Environmental Statement and various other documents, including a Method Statement for cutting back of the cliff-face at the Market Street/Landgate junction and Tables detailing the duration of the various elements of construction works and the traffic movements associated therewith.

#### **4. POLICY CONTEXT**

##### **National Policy**

PPS1	Sustainable Development & Climate Change Supplement
PPG2	Green Belt
PPS4	Economic Growth
PPS5	Historic Environment
PPS7	Rural Areas
PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPG14	Unstable Land
PPG17	Open Space, Sport & Recreation
PPG21	Tourism
PPS22	Renewable Energy & Companion Guide
PPS23	Pollution Control
PPG24	Noise
PPS25	Flood Risk

##### **Development Plan Policies**

###### **Regional Spatial Strategy for the NW (2008)**

DP1-9	Spatial Principles
RDF2	Rural Areas
RDF4	Green Belt
W1	Strengthening the Regional Economy
W6	Tourism & the Visitor Economy
RT2	Managing Travel Demand
RT4	Management of the Highway Network
RT9	Walking and Cycling
EM1	Environmental Assets
EM2	Remediating Contaminated Land
EM3	Green Infrastructure
EM5	Integrated Water Management
EM7	Minerals Extraction
EM17	Renewable Energy

## **Rossendale District Local Plan**

DS3	Green Belt
DS5	Dev Outside of the Urban Boundary & Green Belt
E5	Environmental Improvement Areas
E6	Ground Stability
HP2	Listed Buildings
DC1	Development Criteria
DC4	Materials

## **Other Material Considerations**

Calderdale UDP

Rochdale UDP

LCC Landscape Strategy for Lancashire (2000)

LCC/Rossendale BC/ Rochdale MBC/Calderdale MBC Landscape & Visual Impact Assessment of Previous 3 Coronation Power schemes (by Julie Martin Associates 2007)

Julie Martin Associates 'Landscape Capacity Study for Wind Energy Development in the South Pennines' (2010)

Maslen Environmental 'Renewable and Low Carbon Energy Study' (2010)

RBC Rossendale Tourism Study (BE Group 2010)

## **RBC Submitted Core Strategy (2010)**

Policies of the Core Strategy of particular relevance to this application are :

### **Policy AVP1 (Area Vision for Whitworth, Facit and Shawforth)**

Seeks to conserve and enhance the local area's key landscape, heritage assets, ecological resources and leisure offer (including the open moorland surrounding the area).

### **Policy 9 (Accessibility)**

Seeks to develop and enhance the Borough's Public Rights of Way network.

### **Policy 14 (Tourism)**

Seeks to develop the local tourism economy by capitalising on the Borough's unique sense of place, with particular emphasis on the eastern part of Rossendale. Supports the delivery of the Adrenaline Gateway as a project of sustainable tourism, and seeks to protect the countryside and features of local heritage interest.

### **Policy 16 (Preserving and Enhancing Rossendale' Built Environment)**

Seeks to conserve and enhance Rossendale's historic environment including historic landscapes and locally identified buildings, structures and sites.

### **Policy 17 (Rossendale's Green Infrastructure)**

Promotes the protection and enhancement of Rossendale's Green Infrastructure network, including improvement of the Pennine Bridleway and Rossendale Way in conjunction with the Adrenaline Gateway project.

### **Policy 18 (Biodiversity, Geodiversity and Landscape Conservation)**

Seeks to avoid any harmful impacts of development on all aspects of Rossendale's natural environment – including its biodiversity, geodiversity and landscape assets. Requires the conservation and enhancement of landscape character in accordance with the Julie Martin Associates (2010) study.

### **Policy 19 (Climate Change and Low and Zero Carbon Sources of Energy)**

Supports the principle of renewable energy generation, but requires the conservation of the Borough's peatlands (including the avoidance of damage caused by drainage of the peat).

### **Policy 20 (Wind Energy)**

Supports wind energy development subject to a set of environmental criteria. Requires that access roads for wind energy developments do not dissect areas of deep peat.

### **Policy 22 (Planning Contributions)**

States that the Council will seek contributions for countryside access, landscape character and design, Green Infrastructure, natural heritage and biodiversity.

## **5. CONSULTATION RESPONSES**

### **Natural England**

**Natural England initially objected to this application with regard to issues raised in relation to BAP Habitats, protected species (bats) and the Pennine Bridleway. However, as a result of receipt of additional information it has removed much of its objection - leaving it only with concerns that there is insufficient information regarding Hades Quarry (in Rochdale).**

Natural England considers that climate change represents the most serious long term threat to the natural environment. We therefore recognise the importance of mitigating climate change, and the need for developments of the type proposed. We have concerns, however, about such developments when they may impact upon biodiversity, landscape or recreation, as could be the case in this proposal.

#### **1. Landscape**

##### **Designated landscapes**

We do not consider that the proposal would have a significant effect on designated landscapes, though it would be visible from areas of the Peak District National Park within the ZTV, 15 km distant and could affect perceptions (see below). Whitworth Cemetery, on the EH Register of Parks and Gardens, is outside the ZTV. It is noted that there would be a moderate effect on some conservation areas.

##### **Landscape mitigation**

It is disappointing that there is not more active contribution to the enhancement of the local landscape offered as mitigation and offsetting for the potential impacts of the proposed development. This is considered particularly significant in view of the importance of the area for a wide range of recreational uses, reflected by the existence of two national trails, several local trails, a network of local paths, extensive open access areas and several popular visitor venues.

#### **2. Common land**

Natural England believes that the total area of common land and greens available to society should be maintained or increased, and the overall benefits they provide to society enhanced through sympathetic management.

The Environmental Statement Non-Technical Summary (page 25 section 2.10.3) indicates that the loss to the area of common land as a result of the construction and operation of the wind farm will be offset by a compensatory area. The Developer must seek the approval of Defra, separate from the planning application.

#### **3. Pennine Bridleway Construction traffic**

The alternative access via Shawclough in Rossendale is welcomed by Natural England in terms of the Pennine Bridleway as the National Trail would then be completely avoided by construction traffic.

### **Turbine locations**

As the given turbine height is 125m the recommended distance from a National Trail BW would be 4x this i.e. 500m. From the additional information provided the nearest turbines to the Pennine Bridlesway are over 800m away.

## **4. Protected Sites**

### **Conservation of Habitats and Species Regulations 2010**

It is the opinion of Natural England that the proposed development in its current form *is not* likely to have a significant effect on the South Pennine Moors SAC/South Pennine Moors SPA.

## **5. Protected species**

### **Bats**

Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2010. These statutory instruments protect both the species themselves and their associated habitats. It initially objected to the proposed development on the basis that there is reasonable likelihood of bats being present and adversely affected by the development and the focus of the recording undertaken by the applicant appeared to relate to the south of the site and not the proposed alternative access route. It has now concluded that the proposal is unlikely to have an adverse effect in respect of bats.

### **Breeding Birds**

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of breeding bird species especially protected by law, subject to a conditions vegetation avoids the bird breeding season (March to end of August), unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to works.

## **6. Biodiversity**

Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive and sustainable communities.

Section 40 of the Natural Environment and Communities Act (NERC) 2006 and states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

### **BAP habitat including blanket bog**

The application site includes an area of peat moss (blanket bog). Blanket bog is a rare and fragile substrate that forms only under specific and uncommon environmental conditions. Blanket peat and mire vegetation is restricted to a relatively few locations globally. Britain and Ireland are considered to be the global „type location“ for the habitat, and Britain represents the prime global location for this habitat. This globally rare peatland habitat and a priority habitat on the UK Biodiversity Action Plan (UKBAP). It is also a priority habitat on the Lancashire Biodiversity Action Plan.

England also has special responsibility for protection of this habitat, which is a habitat listed under the Annex 1 of the Habitats Directive (Directive 92/43/EEC) requiring protection and as such is (UK) required to meet favourable conservation status standards for this internationally important habitat.

The Environmental Statement states that following mitigation and habitat management the main residual effect will be the net loss of an area of 2.35ha of degraded blanket bog habitat (and there may be minor changes to the vegetation adjacent to any infrastructure). Elsewhere within the Environmental Statement it is stated that the development will lead to the loss of approximately 7ha of vegetation in total.

Unfortunately the peat report has not been updated since 2008 and so does not relate specifically this proposal. However, the Inspector at the previous Public Inquiry for the Crook Hill Wind Farm ensured permission was granted subject to conditions requiring a Habitat Replacement Plan and Habitat Management Plan be agreed upon and implemented. It recommends the same, together with a Construction Management Plan. It indicates that it would wish to have an input in the production of these Plans, and recommends that an agreement is in place with commoners before work starts on the site.

### **Access tracks**

The tracks may allow easier access across the moorland, which could have some benefits for recreation, but which could significantly increase the fire risk in dry conditions. Its concerns upon this matter have now addressed.

### **Hades Quarry**

There is very little information provided within the Environmental Statement regarding the current ecological / geological / historical / archaeological value of the quarry.

Landscaping the quarry into grassland has little additional biodiversity value. These quarries are part of the historic landscape in this area, and the habitats which develop on them can be of additional value, such as the water bodies. Natural England would suggest that an alternative approach is taken here and that as well as being conserved for its historic interest it should be enhanced for biodiversity and opportunities sought to conserve any features of geological importance. This could include fencing to exclude stock to enable heath regeneration on the quarry features and the maintenance of the water bodies. Fencing would need to be present for more than 3 years to be truly effective and will need to be maintained. We are aware that there is a history of fences being damaged in this area, it is therefore importance that maintenance is considered as part of the application.

## **7. Opportunities for enhancement and long term management**

There is a wider opportunity within this development for long term management of the site in order to restore degraded habitat to potentially active blanket bog, reinstate hydrological integrity and introduce a more appropriate grazing regime to improve vegetation structure and composition. There is further opportunity for extensive research into relatively under-studied subjects including long term impacts on blanket peat habitats, and determination of unforeseen implications through changes in the hydrological regime. Effectiveness of the mitigation strategy and management scheme can be monitored and concluded to inform other future projects and plausibly, smooth the progress of wind farm development.

The planning authority should seek to secure a significant remediation and management package, if possible prior to granting permission for this application. This agreement should cover the life of the wind farm and for a period of 10 years following decommissioning. The management plan should be implemented in parallel with the construction programme, and subsequently reviewed every five years, informed by monitoring of the condition and vegetation cover of the peat body and the vegetation.

We recommend that this or a separate scheme includes landscape restoration and enhancement in accordance with the general recommendations of the SCOSPA South Pennines Landscape

Guidance for the landscape type, and in response to further assessment of the location and the main haul access route. This should take account of the need to protect and manage the landscape and heritage features of the site, mitigate views for residents, enhance the visitor experience including views from the Pennine Way and Pennine Bridleway, manage access routes to the area and recreational use of the moorland, and reduce the potential additional risks to the natural environment which could result from increased accessibility.

### **Environment Agency**

**No objection in principle** to the proposed revised access but wish to make the following comments:

The application is a revision of a previous planning permission which was not located within Rossendale Borough Council. The above revision now includes an access road from Shawforth which follows an existing track to Middle Hill Quarry. Due to the utilisation of an existing track, the impacts to the aquatic environment for the proposed access track are considered to be lower than the creation of a new track.

The existing planning permissions for the wind farm include conditions for a construction management plan, habitat protection plan and habitat reinstatement plan. To ensure satisfactory protection and enhancement of the aquatic environment for the whole development, the new access track should be incorporated into these plans so that any effects are appropriately mitigated.

The proposed junction widening at Market St, Shawforth is adjacent to the River Spodden which, is a designated “main river”. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of this main river.

The watercourse culverting required for the access road serving the turbines would require formal consent under the Land Drainage Act 1991. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991.

With regard to the typical culverting proposal shown on fig. 5.6, it is advised that the pipe be sized to have sufficient capacity for flood flows without the need for a high level overflow.

### **United Utilities**

**United Utilities strongly object to the construction of the revised access arrangements from Shawforth for Crook Hill Wind Farm. The change in access extends the impact of the development from affecting two feeds to all four main feeds into Watergrove Reservoir. The original access route from Calderbrook Road is preferred due to the reduced impact on the water catchment.**

The proposed development is on the drinking water catchment surrounding Watergrove reservoir. The catchment to Watergrove is a mix of soil types and topography, with deep peat (>0.5m) (overlying mineral substrate) making up a substantial portion of the catchment. This objection is based on the resultant short and long-term negative impact on water quality when peat is disturbed. Oxidation of peat, caused by disturbance and subsequent changes in water flows, movement, desiccation, results in increased colour and turbidity production which can continue at elevated levels for many years.

The Company is currently leading the water industry by actively restoring peat moorlands across the region including the Watergrove catchment area. This is part of a 10 year, £20 million programme of improvements, known as SCaMP (Sustainable Catchment Management Programme). This programme is improving habitats for wildlife and improving water quality by stabilising peat soils which have been damaged as the result of historic land management practices.

Watergrove reservoir receives water from the surrounding catchment and supplies Watergrove WTW (Water Treatment Works) in Wardle, Rochdale. The WTW can supply up to 16 million litres per day to customers in Wardle, Littleborough, Healey, Whitworth and parts of east Rochdale. A key function of the treatment process is removal of colour and turbidity. An increase in the colour and turbidity content of the water supplied to the WTW would place pressure on the treatment process leading to increased operational risk and shut down of the works in periods of very poor raw water quality. An unplanned shut down of the works will lead to a loss of supply to customers.

The entire Watergrove catchment supports a yield of approximately 10.5 Million litres per day which is made up of the Hades (14%), Stid (13%) and Blue Potts (17%) indirect catchments with the remaining being made up from the direct catchment. The development of the turbines will primarily affect the direct Watergrove catchment and Blue Potts intakes. The construction of the access road from Shawforth extends the impact of the development to also directly affect the Stid and Hades indirect catchments. Deterioration in water quality at these intakes would necessitate redirection of flows away from Watergrove reservoir in order to protect quality. Damage to any of these intake structures would also have a similar effect. These yields make up 27% of the Watergrove supply and are linked to the UU regional supply system. This system is carefully balanced to maximise security of supply to our customers while minimising the impact on bills. A reduction in yield would contribute to a deficit in the water resources management plan and a decrease in the amount of water available during dry or drought periods.

The proposed access track crosses and re-crosses the catchment infrastructure that is used to collect and channel water into Watergrove Reservoir. The route crosses Trough Edge Drain, over the stream just above the Landgate intake and then over Hades Tunnel. In another 100m it crosses back onto indirect drinking water catchment feeding Stid Pipeline, through Middle Quarry and then onto the Watergrove direct catchment toward the turbines.

The creation of an access route from Shawforth poses the following risks to water supply:

- The access track represents a risk to the catchment infrastructure detailed above through track construction and creates a long term risk as a fast-track for pollutants to enter the reservoir. Significant earthworks would be required within 10 metres of major water intakes.
- Watergrove reservoir is identified in the North West River Basin Management Plan as requiring further monitoring related to the risk of failure for taste and odour in drinking water under Article 7 of the Water Framework Directive. Taste and odour in drinking water can be caused by blooms of micro-organisms in raw water supplies as a result of increased nutrients, nitrates and specifically phosphate in the reservoir. It is highly likely that the track will increase the ability of nutrients to enter the watercourses and hence the reservoir by creating a direct flow path.
- There is an existing well known issue with illegal “off-roading” motor cycles within the development area. This activity damages the fragile soil structure and leads to excessive erosion. UUW is very concerned that the building of access roads will greatly exacerbate

this problem as it has done with the construction of Scout Moor Wind Farm. The access also has the potential to facilitate increased grazing and agricultural activity.

- There are several redundant mining sites and landslip areas which have been identified within the development. These landslips could be increased by the construction of the track or more particularly by the transport of the extremely heavy turbines to the site. Four coal seams have been identified as having been mined directly beneath the access route. This presents a risk of subsidence/landslip and hence pollution of the raw water.
- Middle Hill Quarry is identified as the temporary construction compound. This is on the direct drinking water catchment and represents a significant and unnecessary risk to water quality due to storage of fuel and oils. The intention to quarry stone from the site also further adds to the water quality risk due to impact of increased turbidity and siltation from quarrying activities.

After assessing the impact of the wind farm construction and access, UJW object to the planning proposal for access from Shawforth 11/D54145 and would request that Crook Hill Wind Farm is accessed from Calderbrook Road. UJW also strongly recommend that the attached UJW guidance for reducing impact on raw water quality of wind farm development on peat moorland is followed on areas of water catchment and made mandatory through appropriate planning conditions.

### **Calderdale MBC (Rights of Way)**

The site of the proposed development stands on an area of common land extending across the county boundaries into the boroughs of Rochdale, Rossendale and Calderdale. All of this common land is open to the public both on foot and on horseback under the provisions of the Law of Property Act 1925. However, the nature of the terrain is such that horse-riders are likely to gain access mainly by use of the bridleway network which also extends across the county boundaries. While Calderdale Council has no responsibility for the management of common land and public rights of way in Rochdale and Lancashire, these links mean that the impact of the works in Rochdale and Rossendale will also be felt in Calderdale so I would wish to make the following comments.

Comparing this application with the applications already approved for this site, no significant change in impact on the rights of way network is obvious within the wind farm site. However, the access road in the existing permissions cuts directly across the Pennine Bridleway, a National Trail, and this revision would avoid that conflict. Instead, the access road would cut across and briefly run along the route of the Rossendale Way and the Limers Gate, between Hades Hill and Middle Hill Quarries. Although these routes are not National Trails, they are both bridleways with direct links to the Calderdale network and they form part of the regional trails network with, in the case of the Limers Gate, some historic interest and a link to the Pennine Bridleway further south at Lobden. The Limers Gate would then pass very close by the construction compound before crossing the access road again to continue southwards.

Similarly, where the new access road descends from Rough Hill towards turbines 1 and 2, it cuts directly across bridleway Wardle 221/224, which continues into Calderdale as bridleway Todmorden 131.

While the removal of the direct impact on the Pennine Bridleway is welcome, it is not clear from the typical sections shown in drawings 5.4.1, 5.4.2 and 5.5 what impact the new access will have on these bridleways. Where the new access road joins or crosses these bridleways, it should do so:

- at a level and an angle which does not obscure horseriders' view of traffic on the access road
- with a profile which does not cause horses to descend from a bridleway to the road too quickly or cause difficulty in climbing out of the road and
- without placing open drainage channels across the bridleways.

Where the Limers Gate passes behind the construction compound, the developer should consider whether a temporary diversion order would be appropriate so that construction activity within the compound does not spook passing horses. If this is not possible, construction staff will need to be made aware of and be sympathetic to bridleway traffic.

I note that drawing 5.3.3 shows a temporary security gate and kiosk; I presume this is intended to prevent unauthorised vehicle access onto the common which would otherwise be very much facilitated by the new access road. However it is described as temporary. What are the proposed arrangements on completion of construction? I also note that it is possible to bypass this kiosk by following the track to Crey Farm, shortly after which the two tracks will merge and give easy access to the common. While it would be better not to erect barriers on public rights of way unless absolutely necessary, I would wish to reserve the right to require the developer to fund the installation and maintenance of an additional gate above Crey, if it should prove necessary.

If this application is approved, the developer will also require consent to carry out work on registered common land. I understand that an application is to be made in the next few weeks for an additional deregistration of common land and I would wish to see arrangements in place which will secure public access during the life of the wind farm, minimise any reduction in the stock of common land during that life and ensure that all of the site is restored to common land in good condition when the farm is decommissioned.

If planning permission is granted for this proposal, I would therefore request that you give consideration to:

- (i) imposing conditions applied to the existing approvals by the Secretary of State, ie conditions 5 (construction traffic management), 7 (crossings with public rights of way) and 14 (fencing) with
- (ii) an additional condition requiring the developer to install and manage a lockable gate on the new access road to prevent unauthorised vehicle access, if required to do so by the local planning authority. The gate shall be sited and constructed in accordance with a detailed scheme that shall first be approved in writing by the local planning authority and shall be retained, and its use managed, in that position for the duration of the operation of the wind farm until or unless a suitable future arrangement for its control is agreed with the local planning authority, and
- (iii) making permission subject to the completion of a section 106 agreement with Rossendale, Rochdale and Calderdale Councils to secure the eventual reinstatement both of the site and of the common rights over it.

**LCC (Archaeology)**

The Cultural Heritage Assessment within the Environmental Statement identifies three sites of archaeological interest (479 – the former site of a late 19th century terrace, 492 – Land Colliery & 506 – a former trackway), as being affected by the proposed access road. All three sites are described as surviving in a poor condition and considered to be of local significance only.

Paragraph 10.10.2 of the Written Statement goes on to recommend that an archaeological watching brief should be undertaken during any groundbreaking works in the vicinity of the three

sites, in order to preserve by record any features of archaeological interest that might be encountered.

It agrees with the assessment of the archaeological significance of the sites, and the suggested mitigation work. Consequently, should the Local Planning Authority be minded to grant planning permission it recommends the following condition:

No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

### **Coal Authority**

The Coal Authority's records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. These include underground coal mining at shallow depths and a number of mine entries within the vicinity of the proposed access route.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site, and has used this information to inform the Environmental Statement (ES) which accompanies this planning application. The ES correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority welcomes the statement at paragraph 5.3.3.1 of the ES Written Statement, which confirms that site investigations will take place to gain an understanding of past mining activities near to and under the proposed access roads, and that stabilisation works will be undertaken if this proves necessary.

The Coal Authority note, however, that any potential impacts on the mine water drainage regime would need to be considered if remedial works are required for stability purposes. The Coal Authority would, in the first instance, be against grouting or any other works which might detrimentally affect the mine water drainage regime in the locality from being undertaken. However, The Coal Authority would be prepared to consider proposals from the developer that may satisfy the requirements for stability whilst maintaining the drainage of the mine workings. The planned investigation works should therefore provide adequate information to address this issue.

The LPA should consider imposing a Planning Condition, should planning permission be granted for the proposed development, to require the site investigation works outlined within section 5.3.3.1 of the ES Written Statement to be undertaken prior to commencement of development. A condition should also be considered to ensure that, in the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings for stability purposes, these works are also agreed and implemented prior to the commencement of development.

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground

stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications

### **RBC (Environmental Health)**

Concerns were expressed to Rochdale MBC and Calderdale MBC about the originally submitted scheme for the Crook Hill wind farm in respect of its implications for dwellings/farms taking their water supplies from springs and boreholes. These were considered at the Public Inquiry held in February 2009 and the Inspector concluded that this matter could be appropriately managed and mitigated by way of a Condition. The access road and construction compound siting proposed by the current application has prompted objections from occupiers of dwellings/farms who did not previously object. However, there concerns about pollution/loss of supply are similar and, as such, are considered capable of being addressed through use of a Condition.

The principal concerns relate to:

- a) the intention to cutback the cliff-face at the Market Street/Landgate junction; &
- b) the traffic movements associated with the construction of the wind farm as a whole.

Its comments in respect of these matters are incorporated into the Assessment Section below.

### **LCC (Highways)**

No objection in principle to the proposal.

The local highway network is considered capable of accommodating the volume of additional lorry movements construction of the wind farm will generate. It would wish a Traffic Management Plan to be agreed upon in advance of construction to : regulate the number/hours of lorry movements per day; ensure site deliveries occur between 09.30 and 15.00 during the week, and lorries don't wait on the highway, to avoid conflict with school and other peak period traffic; ensure the bridges/culverts at the junction of Market Street and Land Gate are capable of taking the heavy loads; & any temporary measures/harm to the highway is made-good at the Developers expense. Prior to movement of the long-loads associated with turbine components there will be need for certain works within the highway requiring its consent. The timing and routing of the abnormal loads will need to be agreed with the LCC abnormal loads officer and the Police

With respect to cutting back of the cliff face at Landgate to facilitate the turning of long loads in to the site, it would ask that any permission be subject to a condition requiring the methodology for cutting-back of the cliff face to be submitted to and approved by the Highway Authority. The submitted methodology is deficient as there are some phases of the work when there are no fences to protect highway users from the material being excavated. There is concern also over how the lorries removing the material from this area will turnaround safely and the measures to be taken to safeguard pedestrians. Should this element of work require any lane closures on Market Street it is likely to limit this to between 9.30am and 3pm, and an LCC structural engineer will need to be satisfied that the new cliff face is stable.

The level area of land created by cutting back of the cliff may need to be kept free of permanent structures in order that it can be used again in the replacement of turbine components. However, this area should be provided with removable bollards or fences/street-furniture to suitably narrow the junction at other times. Nor should surface water run-off from the new access road discharge onto the public highway.

### **Lancashire Fire Service**

**No objection**

## **Whitworth Town Council**

### **Objects to the proposal on the following grounds:**

1. Loss of residential amenity:
  - a. The potential impact on local residents close to the proximity of the access road at Landgate, and those residents on the route from the motorway, in terms of potential damage to properties (many properties on the route have relatively shallow foundations / are close to the road);
  - b. The impact on local residents adjacent to, or within close proximity to, the entrance at Landgate, and the rural dwellings close to the proposed access road, of having an access road constructed and vehicular movements along the access road, in terms of noise, dust, and safety especially for elderly and younger residents (Edgemoor Close housing scheme and St John with St Michael Primary School are both near the road entrance);
  - c. Parking restrictions along the proposed route to Landgate from Rawtenstall: during the windfarm works at Scout Moor in Edenfield, blanket parking restrictions (8am – 4pm, 6 days a week) were put in place along the route for months at a time, causing major inconvenience for residents and possible loss of earnings for businesses. Additionally, it took many months to get the road markings removed once the site was complete, and the street furniture reinstated.
  - d. The application does not appear to state the working hours during which the vehicular movements will take place and work on the construction of the road and turbines will take place.
  
2. Impact on the local environment:
  - a. The Environmental Statement suggests that an ecological survey has been carried out for this application. However, it appears to suggest that the survey relates to the wind turbine sites, rather than the new access road. A full ecological survey is needed to determine the impact of the new road on the varied flora and fauna.
  - b. A full and detailed archaeological survey should be completed of the road access route; this area is criss-crossed with bridleways, old pack horse trails (especially the Watergrove Long Causeway) and relics of the area's coal mining and quarrying history.
  - c. Access to spring water supply: numerous properties (indications are around 100) in Whitworth and Shawforth are served by a spring water supply which comes out of the hillside in this vicinity, and the proposed road currently looks likely to interfere with this supply/make contamination highly likely.
  - d. This area is believed to house one of only 3 wild fell pony populations in the whole of the UK. Local intelligence suggests that the ponies cross the hills – right at the point where the new access road would be – to foal annually. Interference with this habit could have a terminal impact on this group of ponies.
  - e. Impact of the effects of tarmac and other interferences upon the water course (the application states clearly that the proposal is within 20m of a watercourse) and with the potential to contaminate a pond
  - f. Impact on nesting birds: Stone Chat, Wheat Ear, Lapwing, Meadow Pit, Skylark all nest in the area around where the proposed road will be built. Even if the developers

avoid their nesting times to build the road, there is every chance that the rituals of the birds will be interfered with and these colonies will be disturbed.

- g. Lancashire County Council spent £1m (one million pounds) around 2004 landscaping the Landgate and Moss quarries sites and fencing off areas for vegetation re-growth and tree planting, as well as making the sites accessible to Trumper vehicles. These sites reside adjacent to the new access road route; damage may be caused to the vegetation and the views from the site would be irrevocably affected.

3. It considers the proposal may be contrary to the Human Rights Act (article 8, and article 1 of protocol 1) and questions the adequacy of consultation undertaken in respect of the application

4. Safety concerns:

- a. A number of residents have raised concerns about the strength of the main road (Market Street) at the junction of Landgate, which is actually a bridge – apparently it has been strengthened in the past to a 48-ton weight limit, however there are fears that this may not withstand the weight of the vehicles for this development. Furthermore, any damage to this bridge would invariably cause damage to local properties, especially the old Red Lion at 232 Market Street, as the bridge runs under a part of this property.
- b. There have been flooding issues around Edgemoor Close in the past and there are concerns that any change to or interference with the water table could have dire consequences for these properties in the future.
- c. Contamination to the spring water supply of numerous properties (see 2c, above).
- d. The cliff face / hillside which is proposed to be removed at the entrance to Landgate has been shown to be unstable in the past – only in January of this year there was a small landslip onto the main road.
- e. There are a small number of dwellings located not far from the cliff edge at the entrance to Landgate (Top O the Moss being one of them). Any removal of the cliff face at this point, especially if it is particularly unstable (as point d suggests), could have a detrimental effect on these properties.
- f. The landscape in this area is dotted with evidence of the old coal mines and quarrying activity. The weight of some of these vehicles is significant, and there are concerns that some of the land may not be able to withstand vehicular movements of this kind of tonnage.

5. Long-term effects of access road (legacy):

- a. The hills surrounding Whitworth and Shawforth have always proved an attraction to ‘scrambler’ bikers / mini-motos etc. There are concerns that this road will give these bikers even more opportunity to access the hillside, as has proved to be the case in Edenfield at Scout Moor.
- b. There are concerns that there will be an increase in fly-tipping in the area.
- c. There are concerns that a permanent access road will provide developers with an added opportunity to extend the wind farm in future (rumoured to be an upcoming issue in Edenfield).

- d. There is some confusion over the long term ownership of / responsibility for the road; although the wind farm itself has a limited 25-year shelf life, the road is likely to be in place for much longer. Therefore, who will maintain the road / who will it belong to / who will be responsible for it?
  - e. How will the road be secured so that no improper access, as detailed above, is an issue?
6. Other areas of concern:
- a. The road is a destruction of the moorland which will be there in perpetuity.
  - b. There will be no benefit to Whitworth, Rossendale or Lancashire whatsoever from this proposal, and yet there will be costs to our local economy – shops, businesses, residents, highways and policing costs.

The Council is realistic and appreciates that this access road may well come to fruition. To this end, my Council further resolved the following:

1. Should any section 106 monies be forthcoming, my Council requests that:
  - a. It should be used in local area (i.e. Shawforth, and other areas of the main thoroughfare affected);
  - b. The local community should be consulted alongside the Town Council on any spend of this money;
  - c. There should be firm, workable, signed agreements in place with contractors / developers before work begins to agree 106 monies, where they will be spent, how much etc;
  - d. That, ideally, the monies should be paid in advance by the developers to save complications after the development is complete.
2. Street furniture / markings – there must be firm agreements and budgets and timeframes set to ensure that the developers are held to account in terms of reinstating street furniture and road markings, and that they be put right as soon as the development is complete.
3. That the planning permission require, at the natural end of the windfarm's life in 25 years, the access road be removed and the land returned as closely as possible to its current state.

Finally, it suggests an alternative access route - as the Manchester – Leeds railway line runs close to the initially approved route would it make more sense to bring the loads in by rail (a small siding could be made to accommodate the loads), and then helicoptered on to the site? A shorter, less costly and less intrusive access road could then be implemented for service vehicles for the wind turbines.

### **Lancashire Badger Group**

The application form indicates that there are no protected species on the site. However, its own data base indicates there to be a number of setts in the vicinity of the site, although it is unsure any of them will be affected by the proposed access road.

It provided evidence to the Public Inquiry of badger use of old drift mines on/in the vicinity of Reaps Moss and the same coal seams run around the hillside towards Shawforth and Whitworth. From this information it concludes that the area for construction of the access road may have active badger setts and used for foraging. The area should be fully surveyed by a badger specialist prior to the grant of planning permission and, active setts are found on the site or it is

used for foraging full mitigation must be considered and a licence from Natural England may be required.

### **Friends of the South Pennines**

**Object** for the following reasons:

- Increase the loading/volume of HGVs on roads in Rossendale, with impacts for health & safety and disturbance for residential amenity. Affect for overhead telephone lines of residents of Landgate.
- Removal of a 12m section of cliff-face at the the Landgate junction would be highly intrusive and harmful to the appearance of this area and has the potential to result in rock fall, subsidence and erosion in future years.
- The area is Green Belt.
- The significant and permanent engineering works to provide the access road from Market Street fail to preserve or protect the little remaining open moorland for residents of Rochdale and Rossendale, and the Planning Inspector considered the route proposed from Calderbrook Road a fit and appropriate vehicle access/egress to the consented site.
- The Applicant refers to quarrying/restoration of Middle Hill Quarry but it understands the permission for further quarrying expired in 2010 and there is no public support for its resumption, particularly in view of the public costs recently incurred in restoring Landgate to a safe and attractive site for residents and tourists.
- Exacerbate flood issues near the Market Street/Landgate junction.
- Potential to impact on the water catchment of Watergrove Reservoir and pollute/change flow to private water supplies of dwellings/farms.
- Visual impact will be severe and most detrimental to the moorland ridge between Shawforth and Crook Hill.
- Loss of land of recreational amenity, and impact on footpaths and the bridleway that runs along Limers Gate.
- Adverse impact on the sites peat deposits, a globally-protected habitat. The area is also a breeding, resting and hunting ground for rare birds and mammals.

### **Campaign to Protect Rural England (Rossendale Branch)**

**Object** for the following reasons:

- For a significant part of its length the access track would be on Green Belt and Common Land and would be a very intrusive and permanent feature in the landscape.
- Threat to local water supplies as the access track will run over a main feeder channel to Watergrove Reservoir.
- Serious adverse impact on public footpaths and the bridleway running along the ancient route known as Limersgate.
- The significant engineering works necessary to make this route feasible, with its consequent detrimental effects for the local population is too big a price to pay.

### **St John & St Michael CE Primary School**

Whilst in favour of the wind farm, and the benefit of this type of sustainable energy, the school **objects to the revised access proposals** on the basis of the health and safety implications of increased traffic/type of traffic during construction and the impact of this on :

- Safe travel to /from school for pupils
- Affect on the curriculum of the school

In amplification, it says that the School Travel Plan Team have worked to encourage pupils to walk and cycle to/from school. Those parents needing to drive children to school park on Landgate or

on Market Street and have their children walk the rest of the way to alleviate traffic on Moss Side Street. The proposed route along Landgate is used weekly by the school for cross country running and occasionally for orienteering activities/walks to Wardle Reservoir. Additionally, as the river runs adjacent to its playing field it seeks assurance that the proposal will not adversely affect its drainage.

### **South Pennine Packhorse Trails Trust**

**Object.** Over the past 25 years the Trust has done a great deal to establish the status of upland rights of way in the vicinity of Watergrove Reservoir and obtained grant aid to carry out their improvement. The South Pennines bridleway network is a major recreational asset, and possibly unique in the UK, a relic of our industrial history that fulfills present-day need. Horseriding is an important activity and ‘horsiculture’ makes a significant contribution to the local economy, as well as benefitting walkers and mountain bikers. Experience of the windfarm at Cliviger has shown that for many riders it has become a no-go area. The main routes affected by the current application are Limersgate, Ramsden Long Causeway and Rough Hill, with many other routes interconnecting with them to provide a variety of circuits and link to the Mary Towneley Loop, part of the Pennine Bridleway National Trail. The proposed access track will require significant engineering works, resulting in a major intrusion in the landscape and severing several major bridleways. This access track will be longer than that previously proposed, with harm for the ecology of peat moorland and the turbines will not have an adequate separation distance from equestrian rights of way.

### **Rochdale Countryside Holiday Association Ramblers Club**

**Object.** It considers both the modifications and new access route should be rejected. The proposed route would be highly visible on what is beautiful classic moorland and first class walking country. To pass over steep gradients in places and run over Rough Hill, it is bound to be seen from near and far, spoiling what are now great views within an area around Watergrove Reservoir that is a major recreational resource with several long-distance walking routes, the Pennine Bridleway and other well-used paths.

### **Rossendale & District Commoners Association**

The proposed route will cross Registered Common Land at Hades Middle Hill Rough Hill and Landgate. Section 194 of the Law of Property Act 1925 provides that construction on Common Land is unlawful unless first consents to by Central Government and its loss must be compensated for with exchange land which is “not less in area and equally advantageous” to the commoners for exercise of their rights.

## **6. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order the application has been publicised by way of a newspaper notice on 18/3/11, site notices posted on 28/3/11 and letters sent to 340 neighbours on 3/3/11.

129 letters/emails of objection have been received from residential properties, which are summarised as follows:

- Unnecessary intrusion on wild upland moorland as there is permission for an access road from Calderbrook Road. The access road now proposed is longer than that previously permitted.
- Proliferation of wind farms and derisory greenhouse-gas savings in relation to their harms.
- Harm / loss of Green Belt and Common Land.

- Major destructive effect on virgin moorland, adversely affecting visual amenity of area and disturbing public footpaths and ancient bridleways including Long Causeway and Limers Gate.
- Will open up moorland to motorbikes and fly-tipping unless access is restricted.
- Movement of long/abnormal loads from Rawtenstall to Shawforth is impossible or will be unduly disruptive and damaging to roads/sewers and property foundations/cellars.
- Amount of lorries will add to congestion/inconvenience other road users and create additional dangers for local residents children at the nearby primary school.
- Cliff-face cutback will permanently spoil the street-scene and undermine the houses/drive at Top o' th' Moss.
- Will cause collapse of Landgate into River Spodden / exacerbate existing flooding problems near the Landgate/Market Street junction.
- Detriment to quality of life and health & safety of neighbours and recreational users of the area in terms of noise, dust, vibration & smells arising from the cliff-face cutback and construction traffic movements.
- The proposed access road will be adversely affect overhead electricity and telephone lines to properties/local enterprises.
- The area is riddled with mine workings and the access road will cause landslides mine collapses that adversely affect private water supplies/the Watergrove Reservoir catchment area/ecology.
- Harm to blanket peat (through displacement and drying-out) and to wildlife (including birds, badgers, foxes, deer & wild fell-ponies).
- Will ruin the tourist/cyclist attraction of the LCC-restored Landgate Quarry.
- The South Pennines bridleway network is a major recreational asset in this area and horse-riding is a particularly important recreational activity, which also plays an important role in the local economy. The proposal will adversely affect the quality of that recreational experience as well as affecting the safety of horses and their riders.
- The proposal might adversely affect archaeological remains in this vicinity.
- Permission does not exist for sourcing stone from existing/adjacent quarries to the proposed access road, and is not the appropriate type of stone.
- The proposal to allow the 'micro-siting' of the turbines by up to 30 metres would only cause more harm to peat deposits and other ecological interests. This would not be in the spirit of the planning consent granted by the Inspector at the appeal.
- Benefits of reducing carbon emissions and security of electricity supply will be outweighed in this instance by the harmful impact on the environment and local community.

## **7. ASSESSMENT**

Permission exists for the installation of 12 turbines, an anemometer mast and ancillary infrastructure for a period of 25 years, on a site at Crook Hill that straddles the boundary between Rochdale and Calderdale, to be accessed from Calderbrook Road in Littleborough.

The amended scheme has been submitted to Rochdale MBC, Calderdale MBC and this Council. On 23 June 2011 Rochdale MBC considered the application and determined that planning permission should be granted, despite the 117 objections it had received, including objections from Natural England, United Utilities and Whitworth Town Council. On 19 July Calderdale MBC is due to consider the application it has received and the Officer recommendation is for planning permission should be granted.

The current scheme does not seek to change the number, positions or design/height of the turbines for which permission exists. Nor will the re-alignment of tracks between the turbines, re-positioning of the anemometer mast nearer to an access track, slight amendment in the

dimensions for the sub-station building or facility for their micro-resiting mean the wind farm would impact to a materially greater extent upon Rossendale and its residents than if the approved scheme were to be implemented.

For this Council the current scheme differs from the approved scheme most fundamentally in that access to the wind farm would be from Market Street (A671) in Shawforth and not from Calderbrook Road in Littleborough. In determining the application before you it is necessary to consider both the implications of providing the proposed access from Market Street and in not providing the access from Calderbrook Road.

To that end the assessment below deals with the following matters in turn:

- A. Cliff-face cutback at the Market Street/Landgate junction
- B. New access road
- C. Construction compound
- D. Traffic Movements (& associated stone importation/spoil disposal)
- E. United Utilities Objection
- F. Other Issues
- G. Permitted access from Calderbrook Road

#### **A. Cliff-face cutback at the Market Street/Landgate junction**

Landgate is an adopted highway that joins Market Street (A671). To its north side are residential properties that face the main road, properties on Edgemoor Close and a handful of other residential properties within 200m of the junction. There are also residential properties on the opposite side of the main road. There are 2 bus stops close to the junction. To the south side of the junction is a grass verge, with half a dozen trees (some dead/in poor condition), beyond which a cliff-face rises up steeply by approximately 6m, continuing to rise less steeply up to a belt of trees bounding the driveway leading up to residential properties at Top o' the Moss.

Whilst the carriageway of Landgate is relatively wide, it does not possess a footway to each side to adoptable standard and it should also be noted that the carriageway bridges over the River Spodden.

Turbine components of up to 45m in length will need to be moved through the junction. To make this possible the Applicant proposes to cutback the cliff facing towards Landgate by up to 12m for a distance of approximately 45m (measured from Market Street). The submitted drawings indicate the new cliff-face would rise to a height of up to 11m, with a couple of steps in it. The applicant advises that approximately 3,000cubic metres of rock is to be removed (capable of use in forming the access road) and is sufficiently fractured to enable its removal by dragging-out with a rock-bucket (and not require use of hydraulic hammers or milling machines). It envisages that with a working day of 10 hours this job could be completed in 5 days.

LCC (Highways) has indicated the measures it would require to be in place if the cliff-face cutback is to be undertaken, including the need for closure of a lane on Market Street and restriction of this to between 9.30 am and 3pm, in order to avoid conflict with school and other peak period traffic. The Council's Environmental Health Officer has indicated that, whilst this operation will undoubtedly give rise to some noise, dust and disturbance for nearby neighbours and others wishing to pass along Landgate, it will be of limited duration and the submitted Method Statement sets out a method of stone removal and utilization of acoustic screens and dust-suppression with water-sprayers designed to minimise the harm. If permission is to be granted it too considers the hours for cutting back of the cliff should be limited to between 9.30 am and 3pm. With a rate of working of 60 cubic metres an hour (as envisaged by the Applicant) this operation would last 9 days. The resulting cliff-face, though somewhat higher than at present, will not appear a significantly more prominent and intrusive feature in the street-scene than at present. The new

cliff-face will not be significantly steeper than at present and will stop 15+m short of the drive up to the houses at Top o' th' Moss and approximately 45m away from the houses themselves. There is no reason to believe the stability of these houses, or their drive, will be adversely affected.

### **B. New Access Road**

Beyond the cutback cliff-face the proposed access will follow the alignment and level of Landgate, needing only widening and strengthening until reaching a crossroads. At this point rather than follow the poorly-surfaced track leading up to Crey Farm (and adjacent to the part of Landgate quarry restored by LCC) a completely new track of 5m in width is to be formed that sweeps to the north side of a stream and pond (though an area that appears to have been used for refuse disposal) before cutting south to run along the line of the poorly-surfaced track up to old quarry workings at Middle Hill Quarry that lie just within Rossendale, though with suitable widenings for passing-places and near turns, smoothings of gradients, and crossing of various watercourses and a United Utilities feeder-main. The Construction Compound is to be formed within an un-restored/partially revegetated quarry working near the borough boundary. From here the access road will extend for a further 200m over the moor top before extending over the boundary into Rochdale and, having past Hades Quarry, run a further kilometre to reach the first turbine.

Whilst the new length of access road in particular would alter the current appearance of the area, one needs to be mindful that this area continues to bear the scars of mans past activities. Not until the access road has crossed into the administrative area of Rochdale would one not feel they were in an area being quarried/previously quarried. If permission is to be granted there will be need for conditions to ensure that the visual intrusion of the new access road is minimised, also that the utmost care is taken to avoid adverse affect on the existing drainage regime/harm to ecological interest of the site and its surroundings.

### **C. Construction Compound**

The Construction Compound will measure 50m x 100m in area, bounded by palisade security fencing. It is to be formed within an un-restored/partially revegetated quarry working near the borough boundary, where it will be visible from the nearby Rossendale Way and Limers Gate long-distant bridleway for the 9-10month period of construction works on the moor top. The visual intrusion of this temporary compound cannot be greatly mitigated by way of Conditions. Conditions will be required to minimise the likelihood of pollution and ensure that there are safe and satisfactory routes for walkers/riders/mountain-bikers during the construction phase and the opportunities the scheme presents for re-instatement/restoration following removal of the compound are maximised.

### **D. Traffic Movements (& associated stone importation/spoil disposal)**

The application indicates that the construction of the proposed wind farm and its associated access road would take 12 months and, over this time, would generate approximately 5,900 lorry loads. This figure includes 145 abnormal loads (most involving long turbine components), approaching 900 deliveries with ready-made concrete for pouring of the turbine foundations (to be undertaken on 12 non-consecutive days) and other miscellaneous deliveries the need for which could not be avoided. However, I was greatly concerned that the submitted documentation indicated that about 3,900 of the deliveries to the site were to be of stone and about 530 were to remove spoil and unusable stone.

Thus, three-quarters of the lorry movements associated with the construction of the wind farm were associated with importation of stone and export of waste soil/stone. Whilst not every lorry arriving at the site to deliver a load would have left empty if they did so this would avoid approaching 9,000 lorry movements through the Landgate/Market Street junction, desirable in the interests of neighbour amenity and avoiding unnecessary/ unsustainable traffic movements.

At the Public Inquiry which considered the Crook Hill scheme with access from Calderbrook Road the intention was to similarly import stone for construction of access roads/hardstandings and export spoil/unusable stone. Since the Inspector was presented with no alternative to these lorry movements Permission was granted having regard to them.

Having regard to the fact that the access road between Market Street and the turbines is to run through/adjacent to working quarries/quarry workings in need of restoration and 3,000cubic metres of stone was to be removed by cutting back of the cliff-face at the Landgate/Market Street junction I asked that the Applicant explore whether three-quarters of the intended lorry movements through the Landgate/Market Street junction could avoided by sourcing stone and disposing of waste material in the quarries en route.

The Applicants responded to the effect that stone removed in cutting back of the cliff-face at the Landgate/Market Street junction could indeed be used for construction of roads/hardstandings elsewhere within their site, they considered Middle Hill Quarry to then have “the potential to provide enough stone” and that there would then be the opportunity to use 120 lorry loads of waste material in quarry restoration. Thus, the degree to which the application before you has been amended to minimise the movement of lorries through the Landgate/Market Street junction, with consequent benefits in terms of amenities of nearby residents/sustainability, are at present limited. I am aware that the Applicant has recently submitted an application to Rochdale MBC relating to that part of Middle Hill Quarry within their administrative area with an extant Planning Permission for quarrying until July 2019 to vary conditions relating to the volume and rate at which stone may be extracted. I consider the outcome in respect of this variation of condition application important to the decision to be made by you in respect of Application 2011/30. However, the Applicant has indicated that they will appeal against the non-determination of this application if is not now decided upon.

Planning Policy Guidance 1 states “*Sustainable development is the core principle underpinning planning*”. On the basis of the proposal now before you I do not consider the scheme to provide for the prudent use of natural resources, minimise travel movements or adequately mitigate harm to residents of residential properties in the vicinity of the Landgate / Market Street junction and other road users & pedestrians/riders/cyclists when in the vicinity of this junction.

A number of the objectors express concern about the ability for abnormal loads to be brought from the M66/A56 to Landgate on the A681 through Rawtenstall and Bacup, then along New Line to Shawforth. LCC Highways has raised no objection in principle to this routing of the long loads; indeed the permission granted for the Reaps Moss wind farm will involve movement of abnormal loads down the valley from Rawtenstall to Bacup via this route.

### **E. United Utilities Objection**

It objected to the originally submitted scheme for the Crook Hill wind farm, when it was to be accessed from Calderbrook Road, on the grounds that it was likely to adversely affect the catchment of Watergrove Reservoir. The Inspector who conducted the Public Inquiry in February 2009 concluded that the development “*would only affect a very small part of the Watergrove Catchment Area.....subject to the imposition of suitable conditions, strict management by the developer/contractor and rigorous monitoring the scheme at Crook Hill would not unacceptably exacerbate [the] situation*”.

United Utilities favours the Crook Hill wind farm being accessed from Calderbrook Road as access from from Shawforth is more likely to result in result in discolouration/turbidity of water entering Watergrove Reservoir, adding to pressure on the treatment works used before drinking water can be supplied to customers in Wardle, Littleborough, Healey, Whitworth and parts of east Rochdale..

Rochdale MBC has already considered United Utilities case and concluded that refusal of the current proposal based upon it could not be sustained on appeal - it would remain the case that the development would affect only a small part of the Watergrove Catchment Area.

#### **F. Other Issues**

Objectors have raised issues in relation to the harm which the turbines will cause to the wider landscape/moor top and appropriateness of locating the development within Green Belt. These issues were considered at the Public Inquiry in February 2009 and did not provide grounds for refusal of permission. Likewise, the proposed access, though slightly longer than that previously permitted better avoids areas of deep peat/ecological interest.

#### **G. Permitted access from Calderbrook Road**

The Inspector who conducted the Public Inquiry in February 2009 concluded that the access then being proposed from Calderbrook Road was acceptable although it presented “*a challenging and significant engineering operation*” (such was the change in levels over a short distance between this road and the moor top), the proposed retaining walls would cause harm to the setting of St James Church ( a Listed Building) and the switch-back road with wide sweeping-bends would appear “*a harsh and prominent addition to the hillside*”.

That the access road proposed from Shawforth up to the wind farm site avoids such harm to the setting of a Listed Building and an essentially undisturbed hillside ought not to be ignored.

### **8. CONCLUSION**

Officers Recommend that the scheme for which permission is presently sought be Refused as the change in access route for the permitted wind farm at Crook Hill means it will run through / adjacent to working quarries/quarry workings in need of restoration, but the Applicant has not adequately explored and amended the scheme to avoid unnecessary/ unsustainable traffic movements through the Landgate/Market Street and thereby mitigated harm to both the amenities of local residents and other road users & pedestrians/riders/cyclists when in the vicinity of this junction.