APPEAL STATEMENT

For the installation of 1no. wind turbine to a total height of 48m

Land to the North of Hen Heads Farm
Kings Highway

PLANNING APPLICATION REFERENCE: 2014/0082
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1. INTRODUCTION

1.1. The proposed development comprises the erection of 1 no. wind turbine standing at 48m to blade tip. The turbine is of modest scale and does not require a permanent access track, control building or over ground cabling. The precise siting of the proposed turbine has been selected to balance considerations such as residential amenity, impact on hedgerows and trees, optimum exploitation of the wind resource, interference with telecommunications, ease of grid connection and ease of access.

2. ACCEPTABILITY OF THE PROPOSAL

2.1. Having assessed the Case Officer’s report and the decision notice issued by the Council with regard to the planning application, it is clear that the proposal is considered acceptable and in accordance with planning policy with respect to the following issues:

- Noise
- Shadow flicker
- Electromagnetic interference
- Proximity to power lines
- Proximity to airports and flight paths including MOD sites
- Ecological Issues
- Cultural Heritage including impacts on heritage assets and archaeological sites
- Highway safety
- Community Consultation

This statement will focus on those issues raised as being unacceptable to the Council.

3. MAIN ISSUES

The main issue on which refusal is based is the individual and cumulative visual impact of the proposed turbine. The Council consider this impact to outweigh the benefits of the proposal.

4. PLANNING POLICY

4.1. The National Planning Policy Framework (NPPF) contains the following relevant planning policy which supports the proposed development:

On turbines it states:

*When determining planning applications, local planning authorities should:*

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;*

- *approve the application if its impacts are (or can be made) acceptable.*

On the Rural Economy NPPF states:

- *Planning policies should support economic growth in rural areas in order to create jobs and...*
prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- promote the development and diversification of agricultural and other land based rural businesses

4.2. The relevant local planning policies are set out in the Council’s Adopted Core Strategy DPD.

4.3. Policy 1. This policy sets out a number of overarching development principles which the Council will take into account when considering individual planning applications. One of these principles is to ‘Maximise energy efficiency and demonstrate effective use of low carbon technologies’. Policy 1 also requires that development would not adversely affect landscape character assets and would not result in a significant impact on local views and viewpoints. The proposal will lead only to a marginal change in existing landscape character and visual amenity. The proposal is therefore consistent with Policy 1.

4.4. Policy 19 Climate Change and Low and Zero Carbon sources of Energy. Section 1 of Policy 19 is of specific relevance to the proposed development. It sets out the Borough’s target of 25% of all energy needs to be met via renewable and low carbon power of ‘all types’ by 2026. It also states that ‘all types’ of renewable and low carbon technology will be given ‘positive consideration’ where they can demonstrate that:

- They do not have a significant visual, noise, odour or other impact on local residents and sensitive users.
- They do not adversely impact key land resources, areas of ecological, geological or geomorphological value, cultural heritage or biodiversity assets.
- They do not have a significant impact (either alone or cumulatively) on the character and value of the natural or urban landscape.
- Their contribution to carbon emissions reduction and other community benefits outweigh other considerations.

4.5. It is considered that the proposed development is compliant with all of the requirements of Policy 19 and that has been demonstrated within the documentation submitted as part of the original planning application and presented again at Appeal.

4.6. Policy 20 Wind Energy. Policy 20 deals directly with wind energy development in the Borough. The policy states:

- Wind energy proposals and provision, including ancillary equipment and access roads, will be given positive consideration subject to the following criteria:
  - They do not have an unacceptable harmful impact, alone or cumulatively, on landscape character and value, including urban areas and the wider South Pennine landscape based on the most up to date studies and assessments
  - They do not have an unacceptably harmful visual, noise or “shadow flicker” impact on local residents and sensitive users
  - They do not adversely impact areas of ecological value or fragment the migration routes of protected bird species
  - The integrity of areas of deep peat is not adversely affected, including by dissection for access roads, and water quality and colour is protected
  - Adverse impacts on the historic environment have been minimised, and the residual impacts, in particular the harm to the significance of heritage assets, are outweighed by the climate change benefits of the specific proposed development.
  - The electromagnetic impacts on aviation navigation systems and “line of sight” communications are adequately addressed
  - Community benefits, including contributions to energy efficiency measures, would
4.7. The LPA consider that the proposal is consistent with this policy with regard to noise, shadow flicker, ecology, historic environment/heritage assets, aviation and communications. With regard to landscape character impacts, it is considered that this area was adequately addressed in the planning application and it has been demonstrated that the proposal is consistent with Policy 20 in this regard.

4.8. Policy 24: Planning Application Requirements. This policy provides requirements which planning applications should adhere to. Some of these are not relevant to this proposal. However, others are relevant to the issues raised by the reasons for refusal. It is considered that the proposed development does not contradict the relevant requirements of this policy, in particular the requirement relating to compatibility with surroundings, visual impact and local context. As such, the proposal should be deemed to be compliant with Policy 24.

4.9. The National Planning Policy Framework (NPPF) contains the following relevant planning policy:

On turbines it states:

*When determining planning applications, local planning authorities should:*

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

- approve the application if its impacts are (or can be made) acceptable.

On the Rural Economy NPPF states:

*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- promote the development and diversification of agricultural and other land based rural businesses

5. **BENEFITS OF THE PROPOSAL**

5.1. The Council argues that the benefits of the proposed development are outweighed by the degree of harm arising from the individual and cumulative visual impact. However, it is our view that the proposed wind energy development at Hen Heads Farm fulfils the sustainable development objectives at the heart of the NPPF and provides economic, social and environmental benefits that more than outweigh the modest level of visual intrusion created.

5.2. The main benefits can be summarised as follows:

- generate approximately 699 MWh annually
- supply affordable green energy to Hen Heads Farm from renewable sources and generate additional income to support the farm in the long term
- help reduce carbon emissions saving 418 tonnes of carbon every year
- help meet the Government’s Renewable Energy Target for 2021
• support and diversify the rural economy
• Support the growing UK renewable energy industry
• Raise awareness of renewable energy
• Help combat the effects of Climate Change

5.3. Whilst renewable energy schemes meet NPPF objectives in addressing climate change and minimising vulnerability by ensuring security of energy supply, such schemes can also deliver economic benefits that will fulfil the sustainable development objectives of the NPPF.

5.4. The delivery of distributed schemes such as the proposed development have a potentially powerful role to play in supporting green growth within local economies, as well as making a significant contribution to the UK’s economy, indeed the Feed In Tariff (FiT) was introduced by the government as a mechanism to drive this potential. DC21 Ltd contracts out a significant amount of work in relation to our wind energy developments and this supports a number of small businesses including plant hire and transport providers, the building contractors who undertake all groundworks and the wind turbine installers who are directly involved in the erection and maintenance of DC21 Ltd’s wind turbines.

5.5. Our activities also provide direct economic benefits to those farmer’s and rural enterprises that work with us. This particular development will help the owners of Hen Heads Farm to reduce their overall operating costs, leaving more money to invest in the small holding and to maintain the far estate. Rural landowners provide an important stewardship role helping to protect and manage the environment and this may be at risk if farms are not allowed to adapt and diversify. This includes investment in new technology such as wind turbines. The development of a wind turbine at Hen Heads Farm will generate new income that will facilitate continuing improvements and ongoing maintenance of the farm, helping to improve and maintain traditional farm buildings and generally enhance the appearance of the farm. In this regard the proposed wind turbine and others like it are fulfilling the NPPF objective of supporting a prosperous rural economy.

5.6. The economic benefits of the proposal do not stop at the beneficiaries listed above but extend to their investors, employees, their families and communities and also to the wider workforce by creating potential for further jobs and training opportunities. The social benefits flowing from job creation and economic security are self-evident.

5.7. In conclusion then, the proposed development will deliver a range of environmental, social and economic benefits that extend widely and are of such magnitude that they outweigh the less than substantial harm caused to landscape character as a result of the proposed wind turbine. The content of the Case Officer’s report suggests that these wider benefits have not been considered and instead it has been judged that as there is no apparent site specific reason for the proposed development it should be refused. This line of thinking does not appear to accord with the NPPF which states that LPA’s should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy”.

6. THE APPELLANTS CASE

6.1. The reason for refusal revolves around the individual and cumulative visual impact of the proposal. The Case Officer’s report highlights the specific concerns upon which the decision to refuse is founded (a) scaling, specifically visual discordancy arising from small turbines located alongside larger turbines, (b) incongruity, the proposed turbine would appear out of context in its setting. In the application submissions these issues were covered in the submitted LVIA the findings of which were: -
Scaling

“The proposal is well separated from the nearest utility scale wind farms. The nearest wind farm, Hameldon Hill to the north-east, is entirely screened from the proposal by intervening topography. Hyndburn Wind Farm is over 4km west of the proposed turbine and this distance helps to limit combined visibility of the two sites. Combined views that would obviously set the smaller proposed turbine directly in front or behind these larger turbines are very limited and so impacts arising around scaling, the discordancy of blade rotation speeds and overall height would not be significant.

Scaling concerns between micro, small and small commercial turbines are less of a concern and although there will be combined cumulative views of the proposal with other micro and small scale turbines, the number of existing, approved and proposed turbines is still small and these turbines are dispersed across the 5km study area sufficiently to avoid any obvious discordancy arising from scaling or differing blade rotation speed.”

Incongruity

“Existing vertical development clearly visible from this viewpoint includes high voltage lattice electricity transmission towers, low voltage monopole transmission masts. The proposed turbine would be approximately the same height as the high voltage electricity transmission towers and would not appear unduly dominant or unusual by virtue of its height.”

“Site observations show that the landform surrounding the proposed development is of simple, undulating and undramatic form and this accords with the relevant LCC, LCA description. There is a sense of openness but not of remoteness or tranquillity due to the proximity of the A56 and the visibility of settlements including Haslingden, Baxenden and Accrington.”

The overall conclusions of the LVIA were:-

This report has concurrently considered the cumulative impact of the proposal alongside other existing, approved and proposed wind turbines across the study area. The majority of identified wind turbine development is of small scale and well separated from the proposed development and there is no perception of clustering or stacking up of turbines within the landscape or upon skylines. The proposal is sufficiently well separated from other wind turbines and in particular from the Hyndburn Wind Farm to minimise any discordancy which can arise from turbines of different height, appearance and blade rotation appearing too closely together in views.

The assessment of visual impacts and cumulative visual impacts on selected viewpoints and sensitive receptors has found that the proposal would result in moderate to moderate/minor adverse impacts on certain near distance receptors and moderate to minor/negligible adverse impacts on certain middle and far distance receptors.

6.2 In conclusion, the proposed turbine would have a minor adverse impact on landscape character and a negligible to moderate adverse impact on visual amenity receptors across the study area. Due to the small scale and good separation of the proposal and existing micro and small scale wind energy development, cumulative impacts arising from the introduction of the proposal would not be significant and the landscape would still be interpreted as one with wind turbines as opposed to a wind turbine landscape.

6.3 This LVIA was supported by photomontage material and by a reasoned and logical assessment of the
landscape character. We are not aware that the LPA has carried out its own technical assessment of the proposals and as such it is our opinion that the LPA has too readily ignored the conclusions in the submitted LVIA.

6.4 There are a number of existing vertical structures including high voltage transmission masts, telecommunications masts and turbines within the locality. The proposed wind turbine would be of a similar height to the transmission masts that pass the proposal site. It would not dominate these existing vertical structures but would be of similar overall height. Being a single turbine development neither would the proposal give rise to significant cluttering issues as stated within the Case Officer’s report. Furthermore, the landscape strongly influenced by human habitation and development, it is not a purely rural or tranquil location in which a wind turbine might be considered incongruous. The large, urban settlements of Accrington and Haslingden are visible in views from and to the proposal site, and these settlements are connected by a network of busy roads including the A56 which passes close to the proposal site. In many near and middle distance views the proposed turbine would be visible alongside the development at Mitchell’s House reservoir and against this the proposal would not appear unacceptably dominant or incongruous.

6.5 Overall, the proposal would cause a degree of harm to the landscape as any man-made imposition of the nature and scale proposed must. However, that harm would be tempered and there would be no harmful cumulative impact. Furthermore, the production of energy from a renewable source is a benefit that attracts significant weight in favour (NPPF paragraph 98), and the support the proposal would offer to a rural enterprise adds to that.

6.6 In our opinion, the important benefits that would flow from the proposal at issue in this case clearly outweigh the harm by reason of impact on the landscape.

7. **CONCLUSIONS**

7.1 In refusing this application the LPA has too readily ignored the LVIA submitted with the application.

7.2 Views across the landscape reflect significant levels of vertical development, urban development and movement from busy transport links. The proposal does not significantly alter this essential character. The NPPF policies support renewable energy and are a strong positive material consideration. It is therefore concluded that this appeal should be allowed.