1 INTRODUCTION

1.1 This is an appeal against Rossendale Borough Council’s decision (Reference 2014/0150) to refuse planning permission for a single 225kW wind turbine on land adjacent to Brex Farm, near Whitewell.

1.2 The appellant also wishes to appeal against a decision issued by the Council at the same time for the development of an identical turbine on an adjacent site at west of Brex Heights (reference 2014/0149) on land which forms part of Far Brex Farm. Both turbines were designed to be part of the same development but were submitted to the local planning authority as two separate applications so they could be considered individually on their own merits. The two turbines are located approximately 130m apart (from mast to mast) and will be read as a pair – i.e. a small cluster of turbines when viewed from various vantage points, particularly at middle and far distance. Both planning applications were assessed by the same case officer and presented jointly to Rossendale Development Control Committee for decision. For this reason we feel that it would be helpful if both appeals were dealt with concurrently by the same Planning Inspector. In view of this our Statement of Case has been written in such a way that it combines information relating to both applications and has been submitted jointly for both appeals. Only section 1 (Introduction) differs for each appeal statement.
Planning Applications for both Brex Farm & Far Brex Farm were presented to Rossendale Development Control sub-committee on 15\textsuperscript{th} August 2014 with an officer recommendation to approve them. However, members of the Committee decided to refuse both applications on the following grounds:

“Given the siting and size of the proposed turbine, that of a similar height proposed nearby and that existing nearby of less height, the proposed development will harm to an unacceptable extent the intrinsic character and appearance of the countryside, most particularly for local residents and recreational users of the local footpath network, contrary to Policies AVP2/3/18/19/20/24 of the Council’s adopted Core Strategy DPD (2011) and the Landscape Guidance for Wind Turbines up to 60m high in the South and West Pennines (2013) jointly commissioned by Rossendale and neighbouring authorities.”

We believe the Council’s reasons for refusal are unjustified and although this is a finely balanced case we agree with Officers that the benefits of both schemes clearly outweigh any harm and should be approved.

\textbf{2. SITE DESCRIPTION}

2.1 Both wind turbines are proposed to be erected in Open Countryside 1km west of a ribbon of built development that extends up Burnley Road between the settlements of Weir and Bacup, and 2km east of the urban boundary of Whitewell Bottoms. Both sites are accessed from Burnley Road East via Shawclough Road/Coal Pit Lane (the latter being a private road) and this access also serves several other scattered farmhouses, many of which have now been converted into dwellinghouses and thus are not tied to an agricultural use. Once beyond Brex Farm the private road turns into an unsurfaced track that climbs up onto the moorland fringe at Brex Heights.

2.2 The site of application 2014/0150 (Brex Farm) consists of semi-improved grassland and lies close to a disused quarry. The site of application 2014/0149 (Far Brex Farm) lies closer to the moorland fringe and consists of unimproved upland pasture.

2.3 The area is classed as landscape type ‘Enclosed Uplands’ and falls in the wider ‘Forest of Rossendale’ character area. The area consists of open moorland on high ground and unimproved and semi-improved pasture on the lower slopes. Fields have traditionally been enclosed by dry stone walls but many of
these have been removed to create larger fields and the ones that remain are in a state of disrepair. Some walls have been replaced by fences and there are occasional hedges, particularly on the lowest slopes. Several farmhouses and farmsteads are scattered across the lower slopes but only a few of these remain as working farms. Brex Farm is one of the largest remaining in this locality and currently manages some 500 acres. Far Brex Farm is a small hill farm but the owner has plans to acquire more land and grow the farm business. The uplands are rugged and open and devoid of trees. Evidence of small scale quarrying and coal mining is evident (e.g. outcropping and uneven and undulating ground) but this activity has now ceased. On the lower slopes the amount of tree cover increases with shelter planting around farm buildings and woodland concentrated in the valley bottoms.

2.4 To the west 2 power lines run close to the site. The large scale pylons can clearly be seen stepping up and across the hill side from Water to Weir. This is a particularly dominant feature in the landscape when viewed from the north from the B6238, A671 and from the Pennine Bridleway and area to the east of Clough Bottom Reservoir.

2.5 From Brex Heights (The application site) several wind farms are visible in the distance occupying the hill tops and higher slopes. To the north-east approximately 8 large utility turbines are visible at Shiny Ford, a further 4 large wind turbines are visible to the east at Whitworth Moor and other wind farms can be seen to the south at Scout Moor and to the south-west at Oswaldtwistle Moor. Four small-medium size turbines lie much closer to the site. (four 50kw Endurance turbines) and a number of micro wind turbines are dotted around the lower slopes.

3. KEY CONSIDERATIONS

3.1 Whether the erection of two medium wind turbines in addition to those wind farms already built or consented in the ‘Forest of Rossendale Character Area’ are considered by way of cumulative effects to lead to unacceptable harm to the character and appearance of the countryside.

3.2 Whether the development of two medium wind turbines in combination with one existing smaller turbine nearby will lead to unacceptable visual conflict by way of differences in colour, scale and design.

3.3 Whether the development will be visually over-bearing and have a serious adverse effect on the amenity of local residents and local footpath users.
4. **MAIN CASE**

4.1 Enclosed is a copy of Rossendale Borough Council’s own report (Appendix 1) which was produced by Officers to accompany both planning applications when put in front of members for a decision at Rossendale Development Control Committee on 15\textsuperscript{th} August 2014. The report recommends that both wind turbines be approved and it forms the basis of our case against the Council’s decision.

4.2 In the Officer’s report in their assessment (page 6-7) it describes the area within which the development is proposed as having the capacity to accommodate a medium size wind farm. This is contained in Landscape Capacity Study for Wind Energy Developments in the South Pennines (2010) referred to as the 2010 Julie Martin Study (copy attached) and commissioned jointly with 5 neighbouring authorities which specifically identifies land adjacent to the application site as an ideal location. Although the Julie Martin Study 2010 is not part of the existing statutory plan and not an adopted Supplementary Planning Document it does form part of the evidence base prepared by the Council as part of its new Local Development Framework, has been approved by the Council and is being used by them in the determination of applications.

4.3 A second report entitled Landscape Guidance for Wind Turbines up to 60m high in the South and West Pennines (2013) and referred to as the Julie Martin Study 2013) was commissioned jointly by Rossendale and 7 other neighbouring authorities to provide guidance on the location, design and siting of small wind turbines up to 60m in height. The study indicated that small commercial wind turbines (such as those proposed) are best suited to the lower moorland slopes above the enclosed uplands. It is therefore our view (and also the view of Officers) that in principle this is an acceptable location for wind turbines of this type.

4.4 In terms of visual impact the turbines will break the skyline when seen from certain views (particularly from properties in Water that have a direct line of sight) but generally speaking the turbine will not be visible from the ribbon development in the valley bottoms along East Burnley Road and in Bacup. This is evident from the ZTV which clearly shows that visibility will be restricted to a 5km radius around the development and there will be no far reaching views. It also shows that visibility will be confined to higher ground – i.e. outside the main centres of population. Furthermore, when viewed from the north along the A671 and the B6238 immediately north of Water the view is crossed by two lines of pylons which step simultaneously, one after
another, across the northern slopes of Small Shaw Height, dominating the view and creating a visual detractor.

4.5 In terms of cumulative visual effects other wind farms and clusters of turbines (of similar height and scale) are located quite some distance away and there is adequate separation so they are clearly seen as separate developments. In addition, other wind farms are rarely seen in combination with each other from the main centres of population in the valley bottoms or indeed on the middle and lower slopes. It is only when you ascend to the higher slopes that the blades become visible in combination with several others. Although there are cumulative effects here the addition of two small commercial turbines with only a small visual envelope (restricted to 5km or less) will only lead to a small increase in visual effects with overall cumulative visual impact being no more than moderate.

4.6 In terms of visual conflict we do not believe that the existing micro wind turbine close by (or others in the vicinity) greatly contribute to or exacerbate visual effects. The existing micro wind turbines are very small scale and although they are of a different design the two developments will be viewed as entirely separate entities. The proposed turbines will be viewed as a separate cluster on the moorland fringe. The existing micro turbines sits much lower in the landscape, closer to the settlement the nearest being about 450m to the west.

4.7 The nearest residential property (where there is no financial interest in the development) lies over 0.5km (515m) from either turbine. Given this separation distance, the change in levels and the angle of view neither turbine will be over-bearing or have an adverse effect on the amenity of local residents to such an extent that it is deemed to adversely affect living conditions and thus be unacceptable.

4.8 A network of footpaths cross the area and three in particular run either side of the development to the north, east and west but no footpath runs between the two turbines. The nearest path comes within 100m at the nearest point and although the turbines will be clearly visible they will not be over-bearing or threatening in anyway, and will not adversely affect their function or recreational use.

5. NOISE

5.1 A site specific noise report has been undertaken and this concludes that both turbines meet the requirements of ETSU-R-97. There was a slight error in the
original report submitted to the LPA (3.02). It concerned the identification of properties with a financial interest and has now been amended. It does not in any way affect the conclusion of the report.

6. **BENEFITS**

6.1 The development will result in economic and environmental benefits which are in the public interest and will directly benefit the rural economy. Both turbines will generate renewable energy for the national grid and by doing so help contribute to the reduction of greenhouse gases. Both of these benefits should be awarded substantial weight in the balancing exercise. In addition, the turbines will help diversify and support two rural businesses, helping to generate an additional revenue stream and by doing so allow both farms to improve and grow their businesses. By doing this it will not only help each farm to increase their stock, it will also help them to repair traditional agricultural buildings, purchase new equipment, and provide the financial security to help sustain both businesses in the long term. The additional income will also help the each farm maintain its land-holding (i.e. repair of dry stone walls, fences and footpaths etc.) and help both to maintain and retain the character of this managed landscape.

6.2 The development of two wind turbines will also help support the growing renewable energy sector in the UK by indirectly creating jobs (through the manufacture, construction and maintenance of turbines) and attracting further research and investment from overseas. The development of manufacturing facilities for Endurance in Kidderminster and for Siemens in Hull are good examples of this.

6.3 The benefits of each proposal are outlined in our application documents in section 3 of our Planning, Design & Access Statement; our ‘Community Benefit Proposal’ and in our ‘Additional Benefits’ document submitted with each proposal. Benefits can be summarised as follows: -

**Brex Farm**

6.4 Brex Farm is a large hill farm (500 acres) and produces sheep and suckler cows and followers. Currently the farm has 1000 yews, 1000 lambs and 210 cattle in total. Most of the farms energy is provided by oil and gas. This is delivered to site 6 times per year. In addition to this the farm currently uses approximately 35,000 kWh of electricity per year. Through a power purchase agreement they will be able to convert the farm from fossil fuels to electric and reduce its carbon footprint. This will also reduce the number of deliveries to site. Environmental standards are now becoming increasingly important and wholesaler buyers and supermarkets now demand that their suppliers...
demonstrate ‘green credentials’ in order to retain contracts and therefore investment in renewable energy and a reduction in carbon emissions is essential if Brex Farm is to remain competitive.

6.5 Specific Outputs include:
- 614 MWh per year of electricity generated (equivalent to 156 homes)
- 367 tonnes of CO2 (11,036 tonnes over its 30 year life)
- 1 full time labourer employed as a direct consequence of the development.

Far Brex Farm

6.6 Far Brex Farm is a small hill farm producing sheep (approximately 100 yews). As with many small hill farms they operate on very low margins and can only survive if they diversify or they are supported financially in other ways. Most of the other farms in the area have fallen out of agricultural and have been converted into residential. Far Brex Farm and Brex farm are a few of the last remaining. They play an important role in maintaining the historic character of the area and without them the appearance of the landscape would change irrevocably.

6.7 In the case of Far Brex Farm the owner currently works full time to support his family and subsidise his farm. His aim is to return to farming full time and expand the farm so it is a viable entity in its own right. The proposed turbine will generate the necessary revenue to develop and expend the farm and allow the owner to work full–time on the farm. This will free up a full- time job at his current place of work and in time create a vacancy for a part-time farmworker when the business expands. Most importantly it will ensure that hill farming continues in this locality for future generations.

6.8 Specific outputs include:
- 614 MWh per year of electricity generated (equivalent to 156 homes)
- 367 tonnes of CO2 (11,036 over its 30 year life)
- 1 part time farmworker as a direct consequence of the development
- 1 full time job opportunity made available at owners existing employer

7. Conclusion

7.1 We agree with Officers as in section 9, page 8 of their report that:

“The proposed turbine is acceptable in principle. It is considered that, subject to the conditions, the wider environmental benefits associated with increased production of energy from the turbines will outweigh the limited harm it will
cause to the landscape and visual amenity, and the scheme is considered acceptable in terms of neighbour amenity, highway safety and ecology. The proposal has been considered with particular regard the National Planning Policy Framework (March 2013) and Policies AVP2/3 / 1 / 18 / 19 / 20 / 24 of the Council’s adopted Core Strategy DPD (2011)“.

7.2 We accept the conditions proposed by the Council in their Officers report and we respectfully ask that our proposal be approved and that our appeals for both sites are upheld.

APPENDICES

1 Officer’s Report to Rossendale Development Control Committee
2 Planning Decision Notices (Brex Farm 2014/0150 & Far Brex Farm 2014/1049) – see essential supporting documents 03
3 Amended Noise Report - NIA-5118-14-4783-v3 Brex Farm.pdf