

Application Recommended for Approval
Hapton with Park Ward

APP/2016/0263

Full Planning Application

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LAND SOUTH OF NEW BARN BILLINGTON ROAD HAPTON BURNLEY

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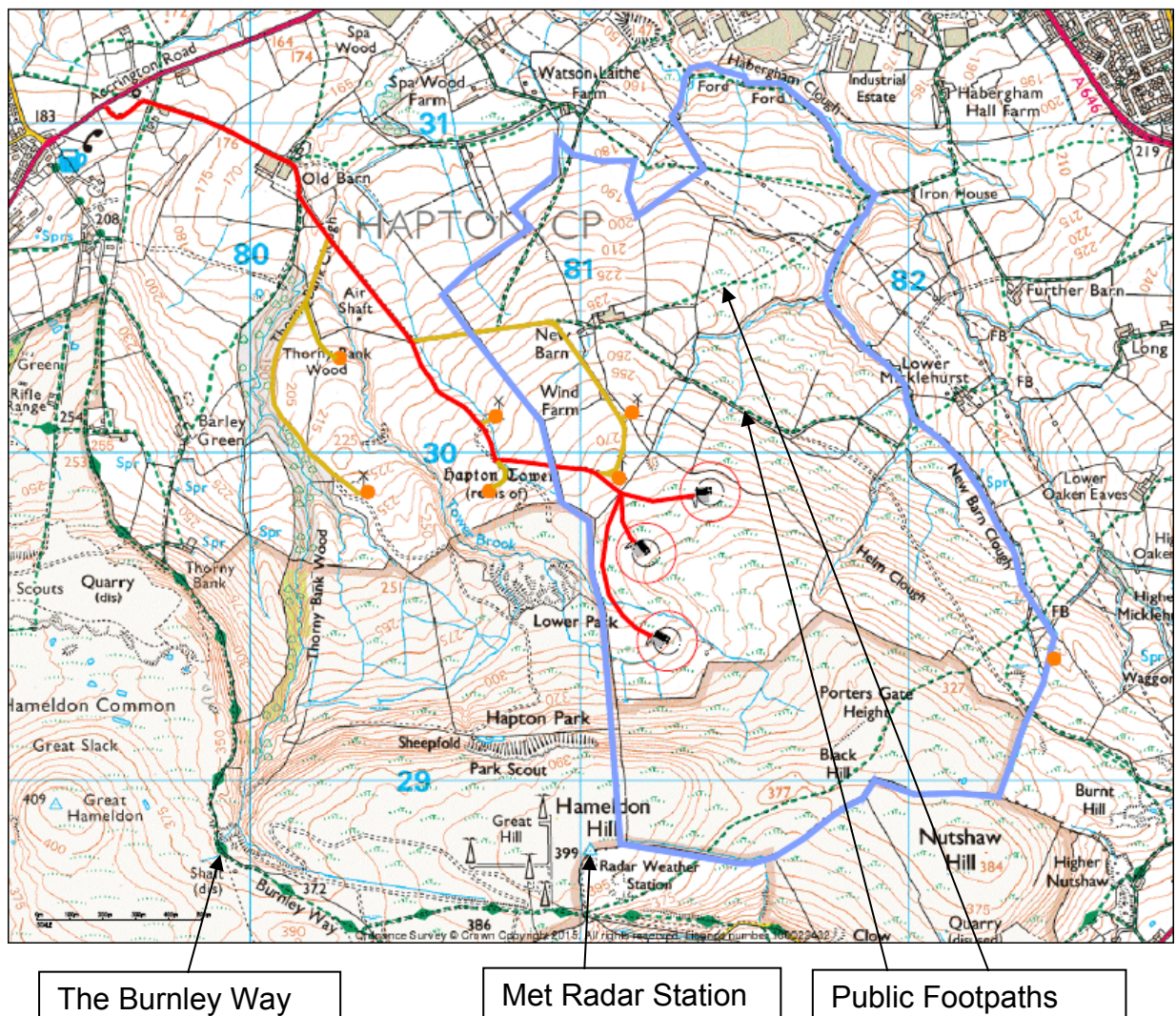
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Background:

The proposal is to erect a group of three wind turbines on the north and north east facing slopes of Hameldon Hill to the south side of an existing group of six wind turbines.



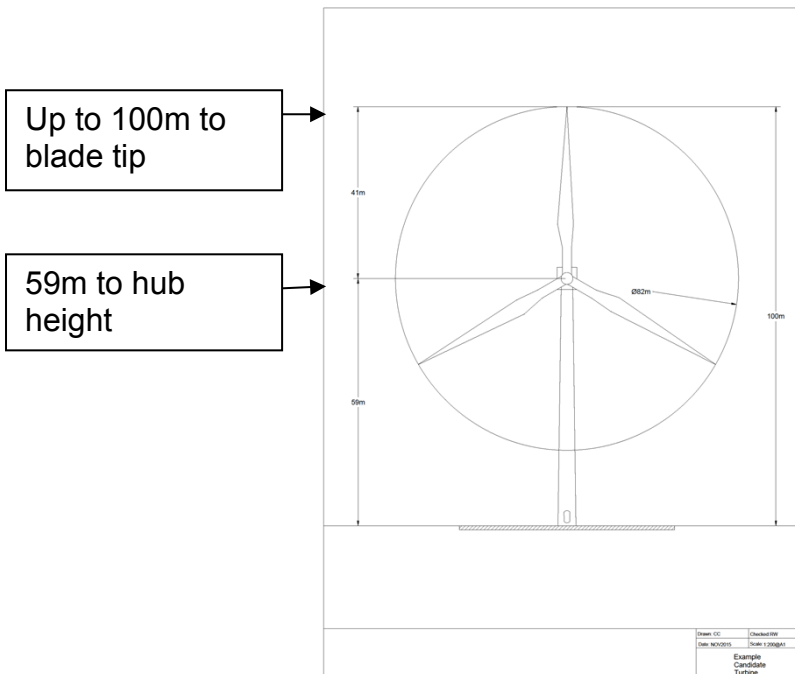
The proposal also involves extending the stoned access tracks from the most southerly point of the existing turbines up to the bases of each individual proposed turbine. The siting of the turbines indicated below would be between 285 and 295m AOD although the proposal requires the micro-siting of the turbines within 50m of these positions to be agreed once all site conditions and constraints have been tested at fine detail.

The proposed wind turbines would have a similar appearance to the existing wind turbines and measure approximately 59m at hub height and up to a maximum of 100m at the blade tip. The above map below indicates the location of the proposed turbines (within red ring) and an extension to the existing access tracks to the south east side of the existing turbines indicated by an orange dot. There is also a single turbine indicated to the west side of the New Waggoners Inn which is approximately 1,150m from the nearest of the proposed turbines. A network of public footpaths is shown by a green dotted line on the above map. Public Footpaths Nos. 14, 18 and 22 Hapton, meet at New Barn north of the proposed turbines and Footpath No. 22 which flows the contours of the land between New Barn and Lower Micklehurst comes within 250m of the nearest proposed turbine. The Burnley Way crosses higher land to the south and west of the site.

The precise turbine model is not known but would appear similar to the drawing below and the existing turbines.

Proposed turbine 100m high

An existing nearby turbine approx. 100m high



Whilst the proposal seeks approval for a height up to 100m, the applicant accepts that the final height of each turbine would be dependent on micro-siting and the need to take into account the Met radar station and other aviation radar equipment and may therefore be less than this maximum height. All cabling would be under the ground.

The wind turbines have an operational life of 25 years after which they would be decommissioned and the land restored. The proposed three turbines would generate in total a maximum of 7.05 MW. It is estimated that this would generate annually enough electricity to supply the equivalent of approximately 4,616 households. This could displace the equivalent of up to approximately 6,690 tonnes of CO2 emission per year from conventional forms of electricity generation.

An Environmental Statement has been submitted with the application which assesses the proposal against the following matters:- Landscape and visual amenity; noise; ecology, ornithology and nature conservation; archaeology and cultural heritage, traffic and transportation; ground conditions and hydrogeology; surface water quality, flood risk and drainage; utilities infrastructure and telecommunications; and, shadow flicker.

Community consultation was carried out by the applicant prior to making the application. This involved a mail shot with a newsletter and questionnaire to residents within a 3Km radius (7483 properties), a newspaper advertisement, communication with local councillors and parish councils, a project web site and a public exhibition open day. There was a limited response: - 2 from the open-day, 4 via post and two on-line via the project web site. All responses were in favour of wind power, most were strongly supportive or supportive of the existing wind turbines at Hameldon Hill and were also in favour of an extension to the wind farm.

The applicant states that a Community Benefit Fund would be set up by the applicant and would endure for the operational life of the wind turbines which would provide the means for the development to support community initiatives and improvements to the local area. The applicant states that this would be based on £5000 per MW per annum. Given that this fund is offered voluntarily and is not required to make the development acceptable, the fund would be administered by or on behalf of the applicant and would not form a requirement of any planning permission.

Relevant Policies:

Burnley Local Plan Second Review

GP2 – Development in rural areas

GP8 – Energy conservation and efficiency

E3 – Wildlife links and corridors

E4 – Protection of other features of ecological value

E5 – Species protection

E19 – Development and archaeological remains

E27 – Landscape character and local distinctiveness in rural areas and green belt

E31 – Wind farms

Other Material Considerations

Burnley's Local Plan – Proposed Submission Document (March 2017):

SP4 – Development Strategy

SP5 – Development quality and sustainability

NE1 – Biodiversity and ecological networks

NE3 – Landscape character

NE5 – Environmental protection

CC2 – Suitable areas for wind energy development

CC3 – Wind energy development

The National Planning Policy Framework
National Planning Practice Guidance
National Policy Statement for Energy (EN-1) July 2011
Written Ministerial Statement on Local Planning June 2015
Climate Change Act 2008
UK Renewable Energy Strategy 2009
Lancashire Climate Change Strategy 2009-2020
A Landscape Strategy for Lancashire (2000)
A Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise (Institute of Acoustics, May 2013)

Site History:

APP/2002/0516 - Proposal for the erection of 3 wind turbines; ancillary equipment including access ways; switchgear building and underground cables. Refused March 2003. Appeal allowed February 2004.

APP/2009/0756 - Construction of a wind farm extension comprising 3no. turbines, turbines 1 and 2 up to 110 metres in height to tip and turbine 3 up to 100m to tip, together with ancillary equipment including substation, site access, temporary construction compound and areas of hardstanding for an operational period of 25 years. Approved May 2011.

Consultation Responses:

LCC Highways

No objection on highways grounds. The proposal will use the existing access that was utilised for the construction of a similar windfarm in 2013. Some mitigation works will be required at the junction of the A56/A679 to accommodate the swept path of vehicles [these are temporary works and should be included in a revised Traffic Management Plan). A Construction Method Statement is also recommended which would provide details of parking, loading, storage of plant/machinery, security fencing, wheel washing, working hours and routes for construction traffic.

Lancashire Archaeological Advisory Service

No objection. The Environmental Statement submitted with the application identifies two non-designated heritage assets of Prehistoric or Medieval date in the wider study area. A field clearance cairn or possibly burial cairn is recorded about 17m to the south of the southern boundary and Earthwork remains of an embanked rectilinear enclosure of uncertain date (possibly a Later Pre-historic/Romano-British settlement or a Medieval enclosure associated with Hapton Deer Park) lie about 30m west of the site's western boundary. The proximity of these known heritage assets suggests that there is potential for Prehistoric/Medieval remains within the site boundary. It is therefore recommended that a condition is imposed to require a programme of archaeological work, archaeological supervision and recording.

Civil Aviation Authority

Comment on regulatory requirements in respect of consultation and notification to local aerodromes, Air Support units and other relevant bodies in the interests of aviation safety.

Ministry of Defence

Following an objection made early in the application process, based on unacceptable interference to Air Traffic Control (ATC) used at Warton airfield and the subsequent submission of a Radar Mitigation Scheme (final scheme submitted in April 2017), the MOD has removed its objection subject to a condition which requires the following:-

- The submission and approval by the LPA of a Radar Mitigation Scheme to address the impact of the development upon air safety;
- Consultation with the MOD on the above scheme before its approval;
- That the turbines do not become operational unless and until all measures required by the approved Radar Mitigation Scheme have been implemented
- That the development is operated fully in accordance with the Approved Radar Mitigation Scheme.

Met Office

Initially had concerns that the proposed turbines would be in line of sight and within 1Km of the Met Office radar at Hameldon Hill. Raise no objections subject to a lower height of 92.5m as agreed with the applicant and a condition to require the micro-siting details of the turbines to be agreed.

NATS Safeguarding

Initially objected to the proposal and following negotiations over mitigation measures, NATS would have no objection subject to conditions to require a Primary Radar Mitigation Scheme and its implementation to avoid the impact of the development on specific Primary Radar at Manchester Airport and associated air traffic management operations.

Natural England

Do not consider that the application poses any likely or significant risk to features of the natural environment within their scope for commenting and do not wish to comment on the details of this proposal.

Greater Manchester Ecology Unit

The proposed development would not have any harmful impacts on sites designated for their important ecological interest or on Thornybank Clough Biological Heritage Site which is within 1km of the site. The development is unlikely to affect great crested newts, water voles or otters. Small numbers of relatively common bat species use the site for foraging but the proposal would not pose any significant threat to local bat populations. Risk of direct strike from blades is low and habitat losses would be minor and can be compensated. Risk of harm to any roosting sites is low. Badgers may be temporarily affected during the construction period and precautions would need to be taken following an updated badger survey to ensure that the precautions are appropriate. The specially protected bird species Peregrine and Barn Owls also make use of the site, although nesting sites for these species would not be affected and the risk of turbine blade strike is low and also the losses of foraging habitat is unlikely to be significant given the large scale of alternative available habitat nearby.

Direct losses to the upland habitats should be considered in the light of the loss of the potential to improve the habitat. There are no details of habitat compensation and landscape restoration. Given that wind farms can cause indirect disturbance to species and displace them, particularly birds, it is recommended that habitat restoration areas should be larger than the direct loss of habitats caused. Following assurances from the applicant that the land is not affected by rights of Common and that sheep grazing around restored areas could be controlled, GMEU confirm that

landscape and habitat restoration would be able to be adequately dealt with by a suitable landscape condition. In respect of peat which is an important substrate and present on the uplands, GMEU accepts that efforts have been made to site the turbines and access infrastructure away from any known locations with deep peat substrates and that there are methods of building in areas of peat to mitigate harm to, and loss of, peat resources which should be included in a Construction Environment Management Plan (CEMP).

In summary, no objections are made and conditions are recommended relating to the following:- Updated badger surveys prior to construction; avoidance of March to August (bird nesting period) for construction; submission of a CEMP to include measures relating to peat, precautionary measures, supervision by specialist ecologists at times during construction and use of protective fences; and, a Landscape and Ecological restoration Management Plan (LEMP).

Burnley Civic Trust

Object to any further turbines, especially of the size that is proposed. If granted, request that there is no encroachment onto the remains of the old Hapton Tower.

Electricity North West

The proposal has no impact on the Electricity Distribution System infrastructure or assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

Environment Agency

No objection.

Environmental Health Officer

No objection subject to conditions/informatives relating to hours of construction, a protocol for the assessment of shadow flicker complaints, compliance with the noise assessment, to investigate noise complaints and undertake remedial measures where requested by the Council, and to ensure that the turbines are not illuminated.

Hapton Parish Council

Object on the basis that Hapton already has a number of wind turbines and any more will affect the visual amenities for the village.

Publicity

An objection has been made by Councillor Greenwood and Councillor Cunningham on the following grounds:-

- There are enough wind turbines in this area
- Further turbines would have a detrimental effect on visual amenity
- There have been complaints that the existing wind turbines affect residents by flicker and noise [to clarify, there has been one complaint that has been dealt with by the energy company related to the wind turbines in question].

Letters of objection have been received from 8 households at individual farmsteads at Barley Top, Barley Green Farm, Waggoners Farm, Further Barn Farm, Further Barn and Lower Micklehurst Barn. A summary of their objections is provided below:-

- Question the level of public consultation prior to the application being made, stating that leaflets weren't received.
- Impact on the landscape, vandalism of the countryside

- Effect on views
- Applicant's photomontages are taken from obscure locations and are misleading – the viewpoints of nearby residents or a view taken from north of the existing 6 turbines
- The South Pennines Landscape Study stated that Hameldon Hill should not support more than 6no. turbines
- Turbines will be visible from the main access route into Burnley from Rawtenstall
- Noise disturbance. Under certain frequent conditions, an intermittent buzzing noise becomes an intolerable booming noise within the home. Investigation is required into Micklehurst Wind Farm before further turbines are approved. Existing turbines can be heard [from Lower Micklehurst Farm and Barn]
- Impact on quality of life and health resulting from stress, sleep disturbance and occasional headache
- Shadow flicker effect from rotating blades of existing turbines affects main living area and would be made worse and from driving along the access road to properties
- Impact on Grade II listed building at Lower Micklehurst Farm and on remains of Hapton Tower
- Impact on Peregrin Falcons and upland breeding birds

Innogy Renewables UK Ltd

A commercial objection has also been received from the owner of the two adjoining windfarms, stating that due to their proximity, the proposed turbines are likely to have a negative impact on the forecast energy generation of their turbines over their remaining lifespan [the scale of any impact is likely to be negligible and the applicant is dealing with this privately through formal agreements].

Planning and Environmental Considerations:

Principle of proposal

The proposed site is within the rural area where Policy GP2 limits development to that which relates to agriculture/forestry, the re-use of buildings, infilling, needs within rural settlements or other uses appropriate to a rural area. The policy requires that all new development to be in scale and keeping with the surrounding landscape and to have no impact on biological or ecological features of value and be consistent with other Local Plan policies. The proposed site would form an extension to an existing wind farm located in the rural area and it is therefore accepted that a further similar development would not be inappropriate in principle within a rural area, subject to national and local energy related policies and the impacts of the proposal on landscape, ecological and other interests of acknowledged importance.

UK policy on energy supplies is related to a commitment to reduce carbon emissions. The 2008 Climate Change Act carries a commitment to reduce greenhouse gas emissions by at least 80% (from 1990 levels) by 2050 with the aim of becoming a low carbon economy. Paragraph 98 of the National Planning Policy Framework (NPPF) states that 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; and

- approve the application [unless material considerations indicate otherwise] if its impacts are or can be made acceptable.

The Overarching National Policy Statement for Energy (EN-1) states that the UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020.

In respect of wind energy development, a ministerial statement was issued in June 2015 which set out new considerations to be applied to allow local people to have their final say on wind farm applications.

The WMS, issued on the 18 June 2015, is a short statement which is reproduced in full below:-

“I am today setting out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications, fulfilling the commitment made in the Conservative election manifesto.

Subject to the transitional provision set out below, these considerations will take effect from 18 June and should be taken into account in planning decisions. I am also making a limited number of consequential changes to planning guidance.

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”

The final paragraph refers to a situation where a planning application had already been submitted for wind energy development before 18 June 2015 and in those cases sets out transitional provisions. In this case, the current planning application was submitted in June 2016. It would follow from this that the transitional provisions would not therefore be applicable and where there is an absence of a development plan that identifies suitable sites for wind energy development, the WMS would indicate that planning permission should not be granted. The objectives of the WMS are to empower local communities and engage with them in decision-making and the bringing forward of development plans. In determining new applications, proposals

must be identified in a development plan and have the backing of the local community. It states that local backing can be demonstrated if the planning impacts identified by local communities have been fully addressed.

Although the WMS should be given substantial weight, planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The prime consideration is therefore the development plan and then the material considerations which include the WMS and its objectives in empowering local communities, the National Planning Policy Framework (NPPF), the 2008 Climate Change Act, the National Policy Statement for Energy, the identified impacts of the development (and the extent to which they are capable of being adequately addressed) and the emerging Burnley Local Plan. The NPPF states that at its heart is a presumption in favour of sustainable development. The extent to which the proposal amounts to sustainable development is therefore a key consideration.

Local energy policy

Policy E31 of the adopted Local Plan is a generic policy stating that the development of wind farms and related development will be approved provided that it would not unacceptably affect landscape character or visual amenity; the setting of historic assets; nature conservation; the amenities of local residents; recreational facilities; and would minimise both electromagnetic disturbance and the need for new overhead electricity cables. The policy also states that development that would have a negative impact in relation to existing wind turbines or extant approvals will not be permitted. The explanatory text to the policy states that “The open, exposed upland areas of Burnley with high annual mean wind speeds have potential for [further] wind development” although does not identify any sites for such development.

Policies CC2 and CC3 of the submission version of the Burnley’s Local Plan carry some but limited weight; the policies are in this case helpful because they provide a more detailed approach to assessing proposals for wind energy. The emerging local plan was partly informed by Landscape Guidance for wind turbines up to 60m high in the South and West Pennines (January 2013) and the South Pennines Wind Energy Landscape Study (October 2014) which assessed the sensitivity of the landscape to development by defining a range of Landscape Character Types. The emerging local plan identifies land within the designated Site of Special Scientific Interest (SSSI) along the eastern flank of the borough as unsuitable for wind energy development; for the remainder of the area, development must avoid locating smaller turbines close to medium or large turbines, should aim for a consistent height and design within a given area, should take account of cross-boundary cumulative impacts and should choose sites away from views to existing turbines in adjoining Landscape Character Areas (LCA’s).

The application site falls within the Enclosed Uplands of the open hillside moorland landscape where there is already a grouping of six turbines. Policy CC2 states that within the Enclosed Uplands that ‘Locally, where the landscape is somewhat larger in scale (more expansive, with large enclosures or open moorland and sparser settlements) there may be some limited scope for larger turbines or turbine clusters. It also states however that developments should avoid ‘connecting’ existing wind energy developments in the same or adjoining Landscape Character Areas (LCA) or

dominating the LCA to the extent that its overall character changes. Policy CC3 permits wind energy development that falls within the provisions of Policy CC2 and, in summary, would not lead to an unacceptable impact on landscape character, on shadow/reflective flicker, on radar systems, on television and broadband reception; would contain measures to avoid any negative effect on ecology, geology or hydrology, including deep peat areas; would avoid and mitigate impacts on local amenity; would avoid the loss of or loss of productive use of the best and most versatile agricultural land; and would have grid connections underground and minimise impact of sub-station/control buildings. The proposed site may therefore, in principle, be considered to be suitable for wind energy developments where all the requirements of Policies CC2 and CC3 are met.

Impact on landscape

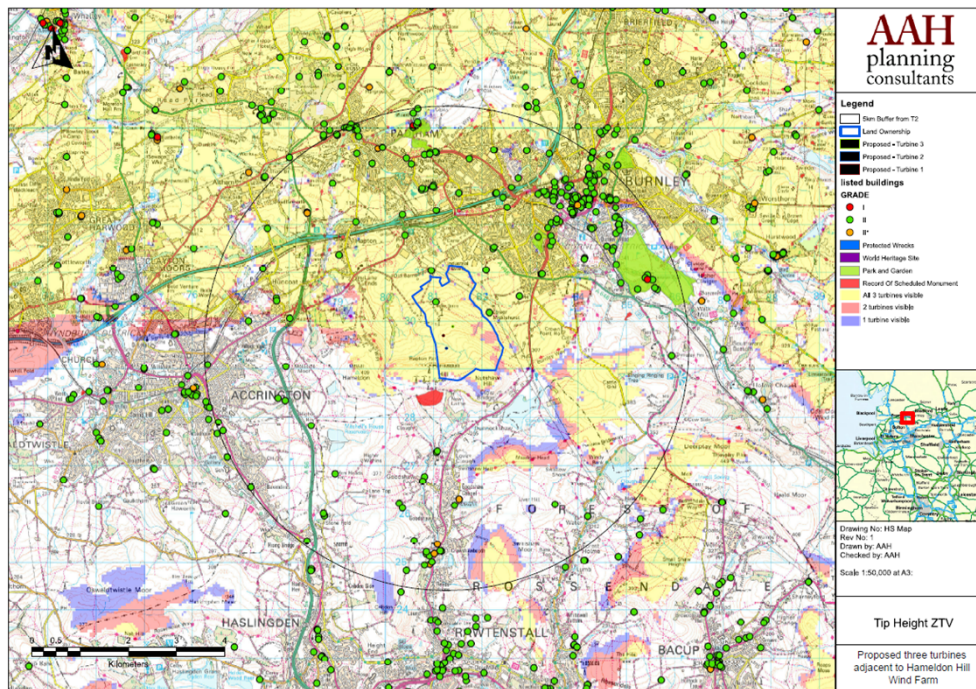
In addition to the requirements of Local Plan Policy E31 and emerging local plan policies CC2 and CC3 to consider the impact of the proposal on the local landscape, Policy E27 of the Local Plan seeks to protect, enhance and restore the Borough's distinctive landscape character. It states that this will be achieved by, amongst other things, protecting and enhancing historic field patterns, including walls and hedgerows, maintaining views and avoiding skyline development and by protecting and creating habitats.

The impact of the proposal on landscape and visual amenity has been assessed as part of the Environment Statement by way of a Landscape and Visual Impact Assessment submitted with the application. The proposed site is within the Landscape Character Type C (referred to in the emerging Policy CC2), referred to as Enclosed Uplands which has few physical features, largely without trees and a relatively blank canvas of moor grass in large fields divided by drystone walls. The Enclosed Uplands fall between the more intensively farmed lower pastures and the open upland plateau. Given the elevated position of the Enclosed Uplands the site is viewed at short and long distances. The vertical features of the existing turbines are visible within close locality of the site from traffic routes (the A679 Accrington Road) and the A682 (Manchester Road) and Rossendale Road (A646). Striking views of the proposed turbines would be seen from the elevated position of Crown Point Road travelling in a north westerly direction.

Visibility of proposed turbines

The above map below shows in yellow all the areas where all three of the proposed turbines would be visible. This shows that the proposed turbines would be visible across Burnley and Padiham and from further afield from the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and Pendle Hill. From some viewpoints the proposed turbines would be seen against the backdrop of the hillslope whilst from others, similar to the existing wind farm, the blades would be seen breaking the existing skyline.

The applicant's LVIA states that the cumulative landscape effects on the Enclosed Uplands would be major-moderate within around 0.5Km of the proposed site and reducing with distance to minor overall. This is partly due to the existing presence of similar vertical features on the hillside from the existing turbines, radar weather station and electricity power lines. The proposal would in this instance be seen as an extension to the existing 6no. turbines which have become a recognisable feature on the landscape.



The emerging policy CC2 accepts that at this location there is some scope for larger turbines but that turbines should not be permitted where they would dominate the landscape character. From individual farmsteads that are scattered on the moors and from the nearby public footpaths, the proposed turbines would be prominent but in terms of their impact on landscape character, seen from public roads within 5km and 10km from the site, the impact is likely to be minor. This may not be the case for a greater number of turbines. The proposed turbines in addition to the existing group of six turbines would still appear as a small cluster of turbines with the individual turbine to the west side of the New Waggoner's Inn appearing as an isolated feature.

Development that would result in more than a small cluster would be likely to lead to a dominating impact which in such a prominent location would affect the landscape character. It is not considered that the proposed siting (including any allowance for micro-siting) would lead to the visual joining up with the single turbine which, if occurred, would have the effect of creating a larger expanse of wind turbines across the moorland landscape. Cumulative impacts from other wind farms such as at Cliviger have also been considered but would not lead to a coalescence of views or lead to any additional landscape impacts.

There are therefore localised significant visual impacts from the development due to their size and scale within an open setting; however, the overall visual impacts from middle to long distance views would be mitigated by a number of things, including the scale of the development involving three turbines and their siting which enables them to appear as a reasonable extension to the existing wind farm. The visual impacts from the short stretches of access tracks and sub-station/control boxes would be minimal. On this basis, the visual impact of the proposal on the landscape would in overall terms be of only moderate to low significance. This level of significance would weigh in favour of the proposal.

Impact on residential amenities

Local Plan Policy E31 and the emerging Policy CC3 permit wind energy development where there would be no unacceptable effect on the amenity of local residents. The

nearest properties to the proposed wind turbines would be New Barn (500m) and Lower Micklehurst (700m).

Noise

The individual properties to the west side of the proposed locations are closer to the existing turbines than the proposed turbines. Some of the objections from neighbouring properties relate to noise from the turning of the turbines, creating an audible drone. A noise assessment forms part of the submitted Environment Statement. The closest receptors which are most noise-sensitive have been assessed (12 properties) and noise limits applied which are 10dB lower than the existing wind turbine noise limits and 5dB lower in the case of New Barn Farm. The reduction in noise levels is less at New Barn (5dB) as this property is stated to be the primary beneficiary of the proposed development in which case the relevant guidance (Good Practice Guide for the assessment and rating of wind turbine noise – Institute of Acoustics states) accepts that there are circumstances where a higher noise limit can be justified. The predicted noise levels from operational noise are 16.3dB lower than the existing limits at New Barn and 14dB lower than the existing limits at Lower Micklehurst Barn. In all cases, the predicted noise levels are lower than the existing noise limits and the lower derived noise limits at all local wind speeds, including night-time periods. As a result of these findings, the evaluation of the operational noise from the proposed turbines is likely to be negligible at all receptors.

Noise from the construction phase and decommissioning following 25 years of operation would be temporary and would follow good practice in BS 5228 and limited to agreed working hours.

The Council's Environmental Health accepts the predictions and noise limits contained within the assessment and recommends that conditions are imposed to ensure that the limits on noise are applied in accordance with the noise assessment; that working hours are confined to 07:00-19:00 Monday to Friday and 07:00-13:00 on Saturdays; and, that the applicant undertakes to investigate and remediate where necessary any related noise complaint that is referred to them from the Council. Subject to these provisions, the proposal would not have a significant impact on noise conditions for neighbouring properties.

Shadow Flicker

Policy CC3 of the emerging local plan supports wind energy development where it would not, amongst other things, have unacceptable shadow/reflective flicker impacts on local residents and sensitive users of the site. Two of the neighbour objections that have been received have referred to problems with shadow flicker from the existing turbines, one of which states that this affects their main living area and a second which refers to experiencing shadow flicker when driving. Shadow flicker is described as the effect caused when the rotating blades of the turbines fall between a receptor and the sun. Research has shown that shadow flicker effects can occur within 10 times the rotor diameter from the siting of a turbine. It does not normally occur in outside areas where shadows are seen to be moving over wider areas. It is possible for this effect to be experienced within a room with a window facing the turbine and the likelihood and duration of this effect will depend on the orientation of the window in a property, distance from the turbine, the height and rotor diameter, time of year/day and weather conditions.

The potential for shadow flicker has been modelled and only two properties have the potential to be affected: New Barn Farm and Lower Micklehurst Farm. The latter

would fall within the Very Low Magnitude of effect whilst New Barn Farm would fall within a Major magnitude of effect. The National Planning Practice Guidance acknowledges that modern turbines can be controlled to avoid shadow flicker impacts. Mitigation measures may include micro-siting considerations, turning off the rotation of blades when the potential for shadow flicker is at its greatest and suitable landscaping and use of blinds. In this case, the most suitable means of mitigation would be a scheme to ensure that should the correct conditions for shadow flicker occur that the turbine rotation is shut down. This provision would reduce the magnitude of effect on any property to be only a low magnitude which would not significantly affect residential amenities. The Council's Environmental Health Officer recommends a condition to require a written scheme for assessing and dealing with any complaints that may arise due to shadow flicker.

Impact on ecology

Policies E2, E3 and E5 seek to protect locally important wildlife sites, corridors and protected species whilst Policy E31 and emerging Policy CC3 require proposals for wind energy to avoid and where appropriate mitigate any impacts on nature conservation. The site is not within any nature conservation designations and although the Thornybank Clough Biological Heritage Site is within 1km of the site, the proposal would not be harmful to its special interest. The Environment Statement submitted with the application provides details of information that has been collected and surveys that have been carried out to assess any impacts of the proposal on protected species, including birds, bats, great crested newts, badgers, water voles, otters and barn owls. The Upland habitat is relatively bare and without trees and vegetation found on the lower slopes. The site is still however important for foraging and overall, taking the benefits of peat substrates across the area into account, it delivers a range of ecosystem services including biodiversity, enhanced water storage capacity, reduced fire risk and enhanced recreational value.

The Council's ecology consultant (Greater Manchester Ecology Unit - GMEU) accepts that the proposal would not significantly affect protected species or wildlife and the risk of direct strike with turbine blades is low. Peregrine Falcons and Barn Owls do make use of the site but nesting sites for these species would not be affected. The amount of ground disturbance would be limited to short stretches of narrow tracks and a base for the turbine and sub-station/control box. For construction needs, there would be a larger area disturbed on a temporary basis. GMEU recommend that it would be essential for adequate habitat compensation and landscape restoration to ensure a net gain for biodiversity. The applicant has confirmed that there are no common grazing rights on the land and as such the restored land can be adequately fenced off on a temporary basis to allow for plant re-establishment. It is also accepted that the applicant has sited the proposed turbines and infrastructure to, as far as possible, avoid any known locations of deep peat substrates.

As such, the application would protect and where possible enhance the biodiversity of the site and its surroundings and any minor impacts on the immediate habitat can be satisfactorily mitigated by suitable conditions to require a scheme of landscape and habitat restoration. Other conditions are also recommended to require updated badger surveys prior to construction; to avoid work during the bird nesting period; to require the use of precautionary measures; to protect peat substrates; and, to ensure supervision by a specialist ecologist at times during construction and use of protective fences. With these provisions, the proposal would comply with the Local Plan Policies

E2, E3 and E5 and to the nature conservation requirements of Policy E31 and Policy CC3 of the emerging local plan.

Impact on radar systems

Policy CC3 of the emerging local plan states that wind energy development will be permitted where, amongst other things, it would not have an unacceptable impact on the operation of radar systems required for commercial or military aircraft or the Met Office safeguarded meteorological site at Hameldon Hill. Initial objections to the application were received from the Ministry of Defence (MOD), National Air Traffic Safeguarding (NATS) and the Met Office due to the potential impact that the turbines would have on their radar equipment. In each case, the applicant has sought to deal with the technical difficulties related to radar equipment by way of assessing the extent of the potential blankage through radar mitigation schemes. Following long negotiations with the MOD over radar at Warton, the applicant has provided sufficient information and analysis to enable the respective consultees to advise that they have no objections subject to radar mitigation schemes. The MOD request that a condition be imposed to require the submission and approval of a detailed radar mitigation scheme. A condition is also recommended to ensure that the exact co-ordinates within the proposed 50m micro-siting of the turbines are agreed with the Council. With these provisions the proposed development would not pose a risk to either civilian, military or meteorological systems.

Impact on heritage assets.

Policy E31 and emerging Policy CC3 permit wind energy development where there would not be an unacceptable impact on the setting of heritage assets and sites of archaeological importance. The setting of New Barn Farm and Lower Micklehurst Farm which fall within 500m and 700m respectively of the nearest siting of a proposed turbine would not be significantly affected by the proposal. No part of the development would encroach upon the remnants of Hapton Tower. The LCC Archaeology Advisory Service state that there are a number of non-designated pre-historic or medieval burial and earthwork sites which are within 17m and 30m of the application site boundary. It is therefore recommended that a scheme of archaeological work, supervision and recording is carried out to ensure that if any remains are discovered that these can be satisfactorily recorded. With this provision, the proposal would have an acceptable impact on heritage assets.

Impact on highway safety

Emerging Policy CC3 permits wind energy development where supporting infrastructure, including access tracks through the site, associated cables and operational equipment would not have a significant adverse impact on the site and its surroundings, including any public rights of way. Each turbine would require an extension to the existing stoned track that serves the existing wind farm of 228m, 105m and 451m (from north to south). The tracks would be private and not affect existing routes or public footpaths on Hameldon Hill. Use of the tracks to access the site following construction would be minimal. LCC Highways has no objections on highway grounds and recommends conditions relating to a Traffic and Construction Management Plan. With these provisions there would be no significant impact of the proposal on matters of highway safety.

Conclusions

Policy 31 of the adopted Local Plan is the main relevant development plan policy. Policy 31 does not identify any specific sites for wind energy development but lists the considerations that will be applied to determine whether a proposal is acceptable. Those considerations have been applied and the report concludes in respect of each of these that the impacts would be acceptable. The Local Plan policy is consistent with the guidance on increasing the use and supply of renewable and low carbon energy and should not therefore be regarded as out of date. The development plan would therefore indicate that the proposal should be approved unless there are material considerations which would outweigh this.

The Written Ministerial Statement (WMS) is a material planning consideration which should be afforded weight. The WMS provides the most recent and up to date guidance from the Government as explained in this report. Its purpose is to allow local communities to have their say. The transitional provisions do not apply for applications submitted after the 18 June 2015 which would suggest that planning permission should not be granted for new wind turbines until suitable sites are identified in a local plan. The objectives of the WMS in engaging communities and considering the issues relating to community backing have been considered.

It is for the Local Planning Authority to determine the extent to which any opposition to the proposed wind turbines would deter it from coming to the conclusion that the proposal does not have the backing of the local community. In this case, eight letters of objection have been received from neighbouring properties and an objection has also been received from Hapton Parish Council. The concerns of the neighbours and the Parish Council relating to visual impact, noise, shadow flicker and nature conservation have been discussed in this report and its findings are that the additional three wind turbines would have only a moderate visual impact and would not unacceptably affect residential amenities. A moderate visual impact would not in this instance have a dominating effect given that the cluster of turbines which would increase from 6no. to 9no. would still be viewed as a limited and modest single group. Other impacts resulting from the development, such as on radar systems, highway safety and heritage assets have also been considered and would not lead to any significant impacts.

The emerging local plan is also a material planning consideration. The proposed submission version can be given some but limited weight and states that there may be some limited scope for larger turbines or turbine clusters in the Enclosed Uplands. No objections have been received to this policy (Policy CC2) which give it more credence. The proposed development has been assessed in the agenda report against Policy CC2 and concludes that the proposal would not conflict with this emerging policy and local plan. The agenda report has also considered the applicant's response to community consultation prior to the making of the application and the response to the public consultations that have been carried out as part of this application. The report concludes that each of these individual impacts have been addressed through the assessment of noise, shadow flicker, landscape and visual impact (LVIA), ecology and heritage contained within the Environmental Statement submitted with the application.

The identified impacts are capable of being controlled and managed by conditions. The landscape impact diminishes over distance and would be seen at longer distance views as a moderate extension to the existing cluster. The objections and impacts of

the proposal have been satisfactorily addressed. The scale and nature of the objections would not lead to the overall conclusion that the development does not have the backing of the local community. It should also be noted that the Community Consultation that was carried out by the applicant prior to the making of the application resulted in only a limited response but the majority of responses were supportive of the development. This would satisfy the WMS objective of obtaining the backing of the local community. The objectives of the WMS are unlikely therefore be compromised by approving the development

The benefits arising from the proposed development are also material considerations. The proposed turbines are estimated to generate enough electricity annually to supply the equivalent of approximately 4,616 households. This could displace the equivalent of up to approximately 6,690 tonnes of CO2 emission per year from conventional forms of electricity generation. These benefits of the proposal and its contribution to meeting government targets to increase energy supplies from renewable resources and to tackle climate change through reducing carbon emissions weigh in favour of the proposal.

The prime consideration is the development plan. It has been shown in this report that the proposal would be in compliance with the development plan. Other material considerations have been taken into account. These include the emerging local plan which identifies the site as having some limited scope for larger turbines or turbine clusters. As this proposal would form part of a cluster and retain an overall modest size, this policy would support the proposal. The WMS has been taken into account; the statement indicates that the transitional provisions for assessing wind turbine applications after the 18 June 2015 do not apply in which case planning permission should not be granted. This would therefore weigh against the development. However, the report has explained how the objectives of the WMS in engaging local communities and applying the test of 'local backing' would not be compromised by allowing this development. The benefits of increasing the supply of renewable energy and reducing carbon emissions set out in government targets is also a material consideration. Taking all these factors into account, the lack of strict compliance with the WMS would not be so harmful as to outweigh both the development plan and the other material considerations which have been shown to weigh in favour of the proposal. The proposal is therefore recommended for approval.

Recommendation: Approve with conditions

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1513601c (1:2500 Proposed site plan), HS Map Rev No. 1 Example of Standard Crane Platform, HS Map Rev No. 1 Example of access/jib roads, Example Candidate Turbine (Drawn CC, Nov 2015 at 1:200) and 12097005 (Proposed wind turbine substation elevations and plan), received on 18 May 2016; and, 1513602a (1:5000 Proposed site plan), received on 27 July 2016.
3. Prior to the commencement of development, a revised Traffic Management Plan to include additional mitigation works to facilitate access for construction

purposes (to accommodate the swept path of delivery vehicles) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved Traffic Management Plan.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - viii) Contact details for the site manager.
5. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 07:00 and 19:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays.
6. 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 in accordance with a written scheme of investigation which shall be first submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall include a formal watching brief and the evaluation and recording of any encountered remains and be carried out by an appropriately qualified professional. A record of any findings shall be submitted to the Local Planning Authority and to an appropriate historic archive within a period of three months following the completion of the recording and evaluation.
7. The Local Planning Authority shall as soon as practicable be notified in writing of the date when electricity from the development is first supplied to the grid.
8. The approved wind turbines shall cease to operate on or before 25 years following the date that electricity was first supplied by the development to the grid.
9. No later than the end of the 24th year of the supply of electricity from the development, a scheme for the decommissioning, removal of the wind turbines, sub-stations, control boxes and associated infrastructure including any hard surfacing and access tracks, and the restoration of the land, together with timescales for the carrying out of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed in accordance with the approved timescales.

10. Prior to the erection of any of the approved wind turbines, details of their type, appearance and colour finish shall be submitted to and approved in writing by the Local Planning Authority. No part of the turbine structure shall display any logo or lettering unless otherwise previously approved in writing by the Local Planning Authority.
11. The approved turbines shall all rotate in the same direction which shall match that of the direction of the existing 6no. adjacent turbines at Hameldon Hill.
12. Any wind turbine that ceases to generate electricity for the grid for a continuous period of 12 months shall, unless otherwise approved in writing by the Local Planning Authority, be removed in its entirety from the site. This shall include removal of any above ground structure and underground structure (to a depth of one metre) relating solely to that respective turbine. The site of the respective turbine and structure shall be restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the expiration of the 12 month period. The scheme shall be implemented as approved within 12 months of the date of such approval.
13. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints relating to shadow flicker from the approved development that are made to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.
14. Prior to any part of the development becoming operational, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the handling, assessment, mitigation and monitoring of any complaints that are made in relation to noise from the approved development to Burnley Borough Council during the operational life of the approved development. The approved scheme shall be implemented in full and shall be complied with at all times.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure adequate access arrangements are put in place for large construction vehicles, in the interests of highway safety, in accordance with the National Planning Policy Framework. The revised Traffic Management Plan is required to be submitted prior to the commencement of development to ensure that the Plan can be implemented from the start of the construction phase of the development.
4. To ensure that the safety and amenities of other businesses and employees in the vicinity of the construction works are satisfactorily protected, in accordance

with Policy E31 of the Burnley Local Plan, Second Review (2006). The Construction Method Statement is required prior to the commencement of development to ensure that provision can be made for its implementation at the appropriate stage of the development process.

5. To protect the amenities of nearby residents, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
6. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy E19 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.
7. To confirm the start date of the operational life of the proposed turbines to allow a period of 25 years to be correctly calculated.
8. To ensure the wind turbines are brought out of use following their operational life, in accordance with the details of the application and to allow for appropriate decommissioning, in the interests of visual and local amenities, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
9. To ensure the effective removal of redundant apparatus and the restoration of the affected land, in the interests of the visual amenities of the landscape and the ecology and biodiversity of the site, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
10. To ensure these details are satisfactory and minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
11. To minimise the visual impact of the development, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
12. To ensure that the turbines and their associated equipment are removed at the end of their operational life, in the interests of visual amenity, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
13. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).
14. To safeguard the amenities of neighbouring properties, in accordance with Policy E31 of the Burnley Local Plan, Second Review (2006).