

# Planning and Highways Committee

Thursday, 27 April 2017

18:30

Meeting Room A, Blackburn Town Hall

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## AGENDA

### PART I: ITEMS FOR CONSIDERATION IN PUBLIC

Welcome and Apologies

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### PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

Date Published: Wednesday, 19 April 2017  
Harry Catherall, Chief Executive

**PLANNING AND HIGHWAYS COMMITTEE**  
**16<sup>TH</sup> FEBRUARY 2017**

**PRESENT** – Councillors Dave Smith (*in the Chair*), Ali, Brookfield, Casey, Groves, Hardman, Hussain I, Jan-Virmani (*sub for Hussain F*), Khonat, Khan Z, Murray, Nuttall, Oates, Riley, Slater Ja.

**OFFICERS** – Gavin Prescott (*Planning*), Asad Laher (*Legal*), Safina Alam (*Highways*), Kaye Mahoney (*Highways*), John Addison (*Democratic Services*) and Beverley Jones (*Democratic Services*).

**RESOLUTIONS**

**82     Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillor Hussain F.

**83     Minutes of the last Meeting held on 19<sup>th</sup> January 2017**

**RESOLVED** – That the minutes of the last meeting held on 19<sup>th</sup> January 2017 were confirmed and signed as a correct record.

**84     Declarations of Interest**

Councillor Phil Riley declared an interest in Item 4.3, Planning Application 10/16/1321.

**85     Planning Applications**

The Committee considered reports of the Director of Planning and Prosperity detailing the planning applications listed overleaf.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the officers answering points raised during discussion thereon.

**RESOLVED – (1)** That the following decisions be made on the applications set out overleaf:

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/16/1124	Mr Manir Ahmed 57 Richmond Rd Darwen BB3 3DE	45 Railway Road Darwen BB3 2RJ  Full Planning Application for change of use from former public house into Islamic Education Centre and Mosque with ancillary living accommodation. Erection of single storey rear extension, installation of velux windows and replacement existing upvc with timber sash windows (front elevation)	<i>Approved subject to: as outlined in the Report</i>
10/16/1170	Mr Iqbal Vali 18 Brookhouse Close, Blackburn BB1 6PD	Land between 7 & 18 Brookhouse Close Blackburn BB1 6PD  Full Planning Application for erection of one dwelling	<i>Application refused</i>
10/16/1321	Mr Kasim Ali 2-6 Pemberton St Blackburn BB1 9AB	204 Pemberton Street Blackburn BB1 9AB  Full Planning Application for change of use from a single residential dwelling to 2 single residential dwellings and retention of opening to the front door	<i>Approved subject to the following condition:  Within three months of the date of this planning permission, the 2 metre high garden wall in the rear yard area as shown in drawing no. 100/11/16/2 @A1 received on 1<sup>st</sup> December 2016, shall be constructed to the satisfaction of the local planning authority, and thereafter retained.</i>

**86**     **OBJECTION – Proposed TRO Batch 03 16**

The Committee was provided with a report to advise Members of the receipt of a letter of objection to one element of the Proposed TRO Batch 03 16 being:- Barley Bank Street, Darwen.

The Committee considered the report in detail and the reasons for the objection to the traffic regulation order.

**RESOLVED**

That the Committee recommends that the Executive Member support the officer recommendations that:-

- The objection is overruled.
- The Order is made as advertised.
- The objectors are informed of the decision.

**87**     **OBJECTION – Proposed Pay and Display Parking Atlas Road and Railway Road Car parks**

The Committee was provided with a report to advise Members of the receipt of a letter of objection to the proposal to commence charging on Atlas Road Car Park.

The Committee considered the report in detail and the reasons for the objection to the traffic regulation order.

**RESOLVED**

That the Committee recommends that the Executive Member support the officer recommendations that:-

- The objection is overruled.
- The Order is made as advertised.
- The objectors are informed of the decision.

**88**     **Exclusion of the Press and Public**

**RESOLVED** – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.



**89 Land Forming Former Alleyway to the Rear of 111 Moorgate Street Blackburn**

The Committee was presented with a report to obtain authorisation from Members to take enforcement action against all persons having an interest in land to the rear of 111 Moorgate Street Blackburn (as outlined on the attached Location Plan).

**RESOLVED** – That the Committee authorise the Director of HR and Legal, in consultation with the Director of Planning and Prosperity, to issue an enforcement notice, if ultimately necessary, to seek to reinstate the portion of land back to use as an alleyway for the use by properties 99 -111 Moorgate Street Blackburn.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

**DECLARATIONS OF INTEREST IN  
ITEMS ON THIS AGENDA**

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

## Material Consideration

**“Material Considerations”** are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<b><u>MATERIAL:</u></b>	<b><u>NOT MATERIAL:</u></b>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	

Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

**NB: Members should also be aware that each proposal is treated on its own merits!**

#### Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting



# BwD Council – Development Management

General Reporting

REPORT NAME: *Committee Agenda.*

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## REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT

### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.

Gavin Prescott, Planning Manager – Ext 5694.

**NEIGHBOUR NOTIFICATION:** The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 27/04/2017

Application No Applicant Application Type	Site Address	Ward
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10/16/0704

Viridis Wind Turbines  
Duke of York House  
Johnson New Road  
Waterside  
Darwen  
BB3 3NS

Hoddlesden Moss  
Hoddlesden  
Darwen

East Rural  
North Turton with Tockholes

Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works.

RECOMMENDATION: Refuses

10/16/0789, 10/17/0250, 10/17/0414, 10/17/0418

Ruttle Plant Holdings  
C/O Agent

Land at Pole Lane, Darwen

Marsh House

Reserved Matters Application for erection of 126 dwellings pursuant to Outline Planning Approval 10/12/0933.

Works to straighten and upgrade Spring Meadows Road so that it can be adopted.

Variation to Section 106 Planning Obligation for Planning Application 10/12/0933.

Removal of Condition No.8 of Outline Planning Approval 10/12/0933.

RECOMMENDATION: Permits

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**10/16/1301**

**Mrs Ann-Marie Thornley  
82 Higher Ridings  
Bromley Cross  
Bolton**

**The Paddock  
Entwistle Hall Lane  
Turton  
Bolton  
BL7 0LR**

**North Turton with Tockholes**

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**Single storey side (south west) extension, single storey side (north east) extension, gable insertion to rear and single storey front extension to existing building.**

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**RECOMMENDATION: Permits**

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**10/16/1320**

**Lammack Community  
Foundation  
C/O Agent**

**Flat 7 Whinney Lane  
Blackburn  
BB2 7BX**

**Beardwood with Lammack**

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**Change of use from flat to prayer facility (retrospective) including associated car park.**

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**RECOMMENDATION: Permits**

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**10/17/0135**

**Mrs K Zarif  
29 Columbia Way  
Blackburn  
BB2 7DT**

**29 Columbia Way  
Blackburn  
BB2 7DT**

**Beardwood with Lammack**

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**Two storey side extension.**

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**RECOMMENDATION: Permits**

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**REPORT OF THE DIRECTOR**

Plan No: 10/16/0704

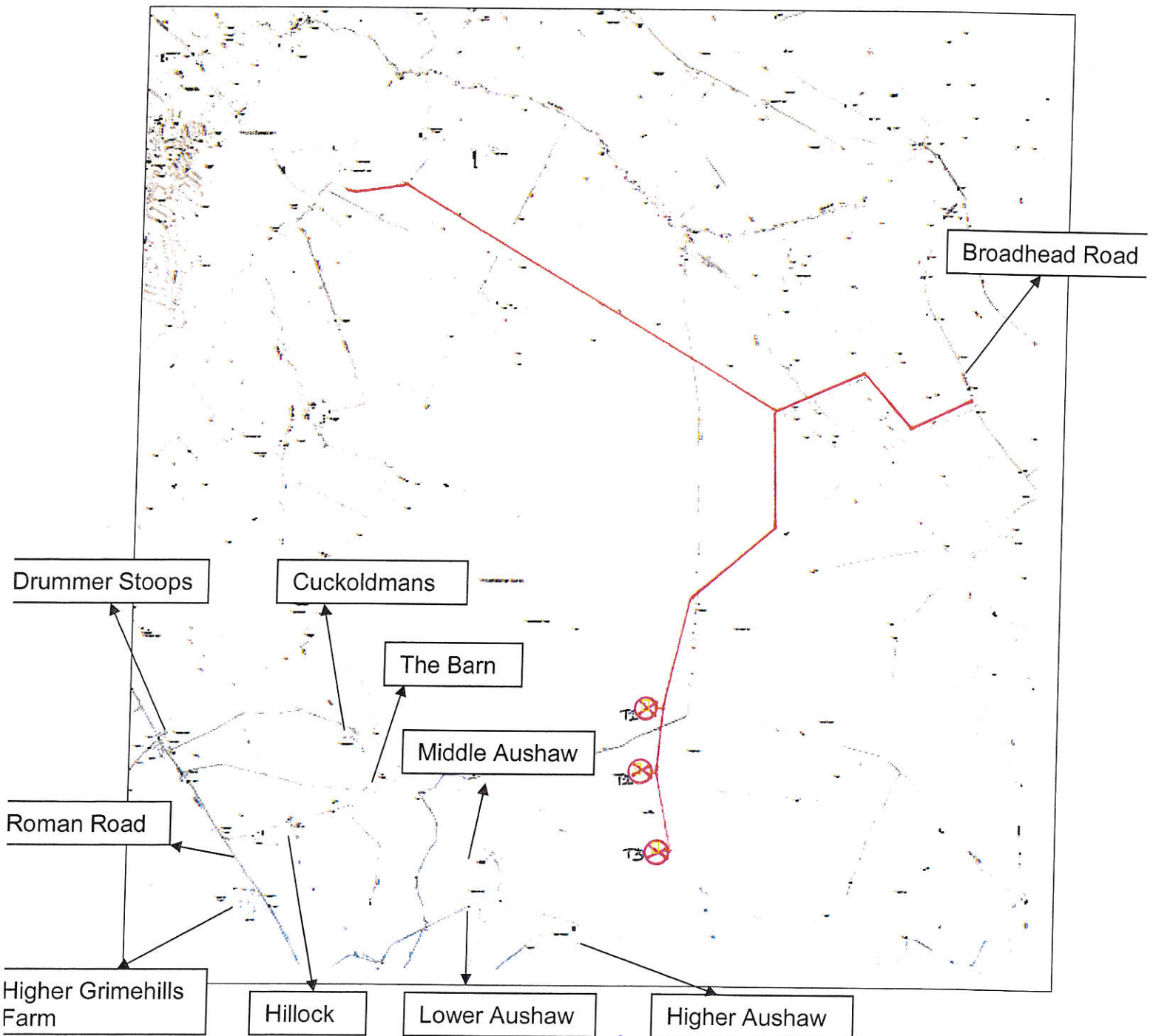
Proposed development: Full Planning Application for installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works.

Site address: Hoddlesden Moss, Hoddlesden, Darwen

Applicant: Viridis Wind Turbines

Ward: East Rural, North Turton with Tockholes

Councillor Julie Slater	
Councillor Colin Rigby	
Councillor Jean Rigby	



## 1.0 SUMMARY OF RECOMMENDATION

### 1.1 REFUSE – based on four reasons:

1. The proposal would have an unacceptable impact on the ecological and biodiversity interests of the area, including the characteristics identified as of interest in relation to the West Pennine Moors Site of Special Scientific Interest. The proposal does not demonstrate why avoidance of these impacts is not possible; and the proposed habitat enhancement measures do not adequately mitigate, or compensate for, the impacts identified. The harm caused by these impacts is not clearly outweighed by any benefits of the development at the site; nor by any wider benefits of the development. As such, the proposal is contrary to Policies CS13 and CS15 of the Blackburn with Darwen Core Strategy, Policies 5, 9 and 37 of the Blackburn with Darwen Local Plan Part 2 and paragraphs 109 and 118 of the National Planning Policy Framework.
2. The proposed location of Turbine no.3 would have an unacceptable impact on the residential amenity of Higher Aushaw Farm, by reason of harmful visual dominance and an unacceptable level of noise, contrary to Policies 8 and 37 of the Blackburn with Darwen Local Plan Part 2 and paragraphs 17, 109 and 123 of the National Planning Policy Framework.
3. The proposal would have an adverse impact upon the landscape character of the West Pennine Moors and the Countryside Area, introducing industrial and artificial features in a natural landscape; which impacts upon the character of the landscape in this sensitive location. This impact is not outweighed by the benefits of the scheme. As such, the proposal is contrary to Policy CS18 of the Core Strategy, Policies 5, 37 and 41 of the Local Plan Part 2 and paragraphs 17 and 109 of the National Planning Policy Framework.
4. Following consultation, it cannot be demonstrated that the planning impacts identified by affected local communities have been fully addressed, and as such it is clear that the proposal does not have their backing. The proposal therefore conflicts with the position set out in the House of Commons Written Ministerial Statement (HCWS42) - Department for Communities and Local Government Written Statement made by the Secretary of State for Communities and Local Government on 18 Jun 2015. This conflict is not outweighed by the environmental benefits of the development, and as such the proposal is also contrary to Policy 37 of the Blackburn with Darwen Local Plan Part 2.



## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 The proposal would, if implemented, be expected to generate 9,268MWh/year of renewable energy, which in broad terms is equivalent to the energy requirements of 2,350 UK homes. The development would also involve the carrying out of works aimed at improving the condition of the peat environment on Hoddlesden Moss.
- 2.2 However, the construction of the turbines and associated infrastructure in this location would bring about significant harm to the peat environment on Hoddlesden Moss, including the characteristics identified as being of interest in relation to the West Pennine Moors Site of Special Scientific Interest. The application does not provide any explicit demonstration of how it has sought to avoid these impacts; the measures proposed in the application do not directly mitigate the impacts; and the proposed improvements to the peat moss (which might be considered as being aimed at compensating for the impacts identified) have either not been demonstrated to be necessary; or are able to be achieved as a result of the SSSI designation without needing to incur the impacts on the peat identified above.
- 2.3 There is also an unacceptable impact on a specific neighbouring property which in itself would warrant refusal of the application.
- 2.4 The proposal also has a material impact upon the landscape character of the West Pennine Moors and the Countryside Area, introducing industrial and artificial features in a natural landscape. This impact is not outweighed by the benefits of the scheme.
- 2.5 In addition the application is clearly not supported by the community local to the application site, and therefore conflicts with local policy and the Written Ministerial Statement.
- 2.6 There is therefore a significant conflict with national policy relating to the SSSI; with Local Plan policy relating to ecology, residential amenity, landscape character and community support for wind energy development; and national guidance and a Written Ministerial Statement concerning the same issue of community support.
- 2.7 The significant harm that is caused by these impacts is clearly not outweighed by the benefits of the development, either at the site or in overall terms.
- 2.8 The overall planning balance is therefore considered to be strongly negative, and Members are recommended to refuse the application.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

The site is open moorland on Soot Hill, notified as part of the West Pennine Moors SSSI. It is known as Hoddlesden Moss and sits to the south of Hoddlesden, west of Broadhead Road and east of Roman Road. It is identified as Countryside Area within the Local Plan Part 2. Public Rights of Way intersect the site and the closest residential property is located 330m away.

### **3.2 Proposed Development**

- 3.3 The application proposes full planning permission for the erection of three 900kw wind turbines, which would each have a total height of 76.5 metres

(46m to hub and 61m rotor diameter). They are to be located in a north south arrangement on Hoddlesden Moss, sited at the following locations:

	Wind Turbine 1	Wind Turbine 2	Wind Turbine 3
	OSX 372902	OSX 372873	OSX 372902
	OSY 420727	OSY 420534	OSY 420362
3.4 A	N 53° 40' 56"	N 53° 40' 50"	N 53° 40' 45"
n	W 02° 24' 42"	W 02° 24' 44"	W 02° 24' 42"

C  
illary works would also include the creation of an access road off Broadhead Road for construction and maintenance purposes, which will be 3.75m wide and approx. 1.6km long (to turbine 3). The wind turbines would each require a foundation and designated hardstanding area for construction purposes, being 15m diameter hard standing for turbine and 15m x 35m for the construction pad. Depth of the foundations is suspected to be around 2.5m, however, this could be more dependent upon topography and peat depths. A transformer station would also be required adjacent to the installation and a cable connection is proposed to run from the turbines northwards into Hoddlesden.

3.5 The turbines will be in situ for 25 years, and decommissioned following this time. The turbines would be removed, but the hardstanding and access track would remain permanently.

3.6 Anticipated energy generation is 9,268MWh/year, with an installed capacity of 2.7MW; equivalent to powering 2,350 UK homes.

3.7 As part of this proposal the applicant proposes a package of works to an area of Hoddlesden Moss comprising:

- Grip blocking and dam installation in the main gully/irrigation pipe removal/bunding – to improve water retention on the blanket bog.
- Geojute bank stabilisation of exposed peat
- Purple moor-grass *Molinia caerulea* mulching
- Sphagnum moss inoculations (measures to promote the growth of peat forming sphagnum mosses)
- Installation of fire breaks
- Removal of forested areas (off site)
- 1.3 ha of woodland replanting is proposed to be included as “compensation” (off site).

3.8 Amended and additional information for the scheme was received during the course of the application. The assessment is based upon the original and amended/additional information.

### 3.9 Development Plan

#### Core Strategy

CS13 – Environmental Strategy – The environmental effects of development will be weighed against its economic and social effects and the net environmental impact managed, in line with the environmental strategy. Where there is conflict alternative sites which would result in less harm should be considered. Mitigation and compensation will be sought where environmental impacts outweigh benefits. Development will only be permitted where it creates no unacceptable environmental impact.

CS15 – Protection and Enhancement of Ecological Assets – Ecological assets will be protected. Measures will be put in place to secure the protection and enhancement of biodiversity sites and habitats.

CS18 – The Borough's Landscapes – Key features of landscapes will be protected. Proactive management of the upland areas will be supported.

### Local Plan Part 2

*Policy 5 – Countryside Areas* – Planning permission will only be granted for development needed for the purposes of agriculture or forestry or economic uses appropriate in nature and scale to the rural area.

*Policy 7 – Sustainable and Viable Development* – When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the area.

*Policy 8 – Development and People* – Development will be permitted where it complies with a range of criteria, including contributing positively to the overall physical, social, environmental and economic character of the area in which the development is sited and it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

*Policy 9 – Development and the Environment* - Development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees, and the efficient use of land. [...] Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted [...]

*Policy 10 – Accessibility and Transport* - Development will be permitted provided it has been demonstrated that the road safety and the safe, efficient and convenient movement of all highway users (including bus passengers, refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced; and [...] the development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route [...]

*Policy 37 – Wind turbines* – Will be permitted where it complies with a range of criteria, including visual impact, neighbouring amenity including noise and shadow flicker, protected habitats and features of ecological interest unless the benefits outweigh harm, the degree of harm is minimised by design and residual harm is mitigated or compensated for, impact on local hydrology and interference with telecommunications paths

*Policy 41 – Landscape* – Development will be permitted where there is no unacceptable impact on landscape character.

### Green Infrastructure & Ecological Networks Supplementary Planning Document (SPD)

### 3.10 **Other key material planning considerations**

#### National Planning Policy Framework

*Paragraph 17 (Core Planning Principles)* encourages the use of renewable resources; *paragraphs 97 and 98* of the NPPF relates to increasing the supply of renewable and low carbon energy and state that LPAs should approve applications [unless material considerations indicate otherwise] if impacts are acceptable.

*Paragraph 118:* [...] proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest [...].

Notified as West Pennine Moors Site of Special Scientific Interest (SSSI) by Natural England in November 2016 [with immediate effect].

The site is allocated as a Biological Heritage Site.

Wind Turbine Development in Blackburn with Darwen – A guide for Developers - This document sets out the overall approach for such developments in the Borough and the material considerations that should be taken into account when assessing such proposals. It provides some interpretation of the previous Local Plan policies.

Lancashire Landscape Character Assessment - an objective description and classification of the Lancashire landscape. It forms the basis for the evaluation and guidance provided in the landscape strategy.

Landscape Sensitivity to Wind Energy Development in Lancashire – provides strategic guidance on the sensitivity of Lancashire's landscapes to wind energy developments. Addresses landscape parameters only and excludes consideration of other issues (e.g. impacts on ecology, hydrological regimes, soil resources, grid connections etc) which also merit careful consideration when seeking to locate wind energy developments.

House of Commons: Written Statement (HCWS42) - Department for Communities and Local Government

Written Statement made by: Secretary of State for Communities and Local Government (Greg Clark) on 18 Jun 2015.

### 3.11 **Mechanics of the Planning Decision**

As with all planning applications, the overall basis for a decision on this proposal is set by Section 38(6) of the Town and Country Planning Act 1990



(as amended), such that the application should be determined in accordance with the Development Plan (the Core Strategy and Local Plan Part 2) unless material planning considerations indicate otherwise. If there is a conflict with the development plan, this conflict is weighed against any "positive" material considerations in the planning balance.

3.12 In this context, Members are advised of the need to specifically take into account the following points in forming a view on this application.

3.13 *The policy test at the 2nd bullet of paragraph 118 of the National Planning Policy Framework.*

Where an application would cause harm to a Site of Special Scientific Interest (SSSI), as this development would, the decision maker must consider whether this harm is clearly outweighed by the benefits of development at the site. The renewable energy benefits of this development are not benefits that arise at this site. In determining whether there is a conflict with NPPF para 118, Members should not therefore take into account the renewable energy benefits of the development. They are however entitled to consider, if they were first to conclude that there is a conflict with NPPF para 118, whether this conflict is outweighed by the wider benefits of the scheme including the renewable energy generated.

3.14 *The relevance of land ownership.*

The owner of Higher Aushaw Farm (on which Turbine 3 is proposed to be sited), who has also indicated that he owns the land on which Turbine 2 is proposed to be sited, has stated that he will not allow Turbines 2 and 3 to be installed on his land, or any other aspect of the proposed development undertaken. He has invited the Council to consider the application only on the basis of the benefits of Turbine 1. In relation to this issue, Members are advised on two points. Firstly, land ownership is not itself a material planning consideration. Members are therefore asked to set aside the statements made by the landowner in their assessment of the application, and to consider the benefits and impacts of the scheme applied for as a whole. Secondly, and notwithstanding this, Members are advised that in the event that they were minded to approve the application, there would be a number of "pre-commencement" conditions that could not be discharged without detailed on-site surveys being undertaken across the whole application site – which would require the land owner's consent to access the land in question. In practice this would mean that the development, if approved, would either be carried out as a whole, or not at all.

3.15 *The Written Ministerial Statement of July 2015.*

The Written Ministerial Statement (which has subsequently been transposed into the national Planning Practice Guidance - Paragraph: 033 Reference ID: 5-033-150618) indicates that onshore wind energy schemes are not to be approved unless either i) they are on land allocated for this purpose in a Local Plan (there is no such allocation in Blackburn with Darwen's Local Plan), or ii) the planning concerns raised by the local community have been addressed such that it can be taken that the scheme has local support (officers' assessment is that this requirement has not been met). Members are advised that this Statement and the Practice Guidance cannot constitute an outright moratorium on development that does not meet the criteria set out, and are instead material considerations that are capable of being weighed in the planning balance alongside all others. Members are also advised however,

that as an up to date expression of government policy, the Statement and the Practice Guidance should attract significant weight in the planning balance.

- 3.16 *Environmental Impact Assessment (EIA) Screening.*  
The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended (the “EIA Regulations”) require certain developments to be subjected to an Environmental Impact Assessment or EIA. These regulations apply the EU directive “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the Environmental Impact Assessment Directive) to the planning system in England.
- 3.17 The EIA Regulations set out a framework for “screening” projects in order to determine which ones require EIA. “Screening” is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made. In general terms the screening process looks at the likely environmental impact of a project by reference to the type and size of the project, and the sensitivity of the location in which it is proposed. The Council has a role in providing written “screening opinions” in relation to projects proposed in Blackburn with Darwen.
- 3.18 Members will be aware that an application for a development very similar to the current proposal was submitted to the Council in 2012. That application was screened in accordance with the EIA Regulations, and an opinion issued that EIA was not required.
- 3.19 When the current planning application was submitted in June 2016, there had been no significant change to the nature of the development, and no change to the status of the area it was proposed to be constructed on, and so the 2012 determination that EIA was not required remained applicable.
- 3.20 During the assessment of the application, however, the West Pennine Moors have been notified as a Site of Special Scientific Interest. This represents an increase in the sensitivity of the application site.
- 3.21 Members are advised that the proposal would have significant effects on what is now deemed a sensitive location, and would therefore, if submitted now, require an Environmental Impact Assessment. However, given that the application had been submitted and accepted as valid without an EIA at a point where the SSSI had not been notified, it is necessary to advise Members as to how to deal with the application on this point.
- 3.22 Natural England provided a comment on this issue in their updated consultation response following notification of the SSSI as follows: *“the local planning authority might refer to the indicative thresholds and conclude that EIA is not necessary on that basis. They might also conclude that whilst it is in a sensitive location and the effects are significant, that an EIA is not required because the aims of EIA have already been met through the planning process i.e. assessment of impacts and consultation.”*
- 3.23 Members are advised that it is not possible to “invalidate” the application on the basis that it would now require an EIA. They are also advised that by the point at which the SSSI was notified, the application had been subject to extensive assessment by the Council, consultation with statutory bodies and local communities, and discussion with the applicant. As such, the issues which an EIA would have addressed had already begun to be considered, in

an open forum, in a high level of detail. To have halted consideration of the planning application and required a formal EIA process would have i) led to confusion on the part of communities and consultees as to the process of determining the application, and ii) added little or nothing to the assessment or the outcome. In this unique combination of circumstances, Members are advised that the most reasonable way to address the issues is to proceed to determine the current planning application without requiring a separate EIA.

### 3.24 **Assessment**

The key issues in relation to this application are:

- Principle;
- Ecology and biodiversity;
- Hydrology;
- Residential amenity, including visual impact, shadow flicker and noise;
- Landscape Impact;
- Community backing; and
- Highways.

3.25 The proposal will involve significant ground and infrastructure works to facilitate the construction and access to the turbines. The excavation required for the hardstanding of the turbine bases and construction pads amounts to some 2,100 square metres of area. The foundations must be built onto solid ground and as such, given a typical peat depth of at least 2.5 metres, this would involve the excavation of at least 5,250 cubic metres of land (predominantly peat). Furthermore, the access track from Broadhead Road to the site will be around 1.6 km long, being 3.75 metres wide, constructed using a "floating road" technique. In addition, a cable is to be inserted into the ground which will feed the energy into the National Grid – running from all turbines to the connection point in Hoddlesden.

### 3.26 Principle

Wind turbine development is generally supported by the Council's planning policy framework, indeed Policy CS13 of the Core Strategy and Policy 37 of the Local Plan Part 2 (along with NPPF paragraphs 17, 97-98) promote the development of renewable energy; providing that the environmental benefits of the renewable energy generation potentially realisable through the development outweigh any harm caused.

3.27 Members are advised that there is nothing in the area's Site of Special Scientific Interest designation that represents an outright "ban" on wind energy development; though the designation introduces clear policy tests that must be met or addressed.

3.28 The principle of the development is therefore acceptable – but Members are advised that given the policy framework this would almost always be the case; and that the determination of this application should be made based on the benefits and impacts of the specific scheme.

### 3.29 Ecology and biodiversity

The site has been notified as a Site of Special Scientific Interest (SSSI) by Natural England. As such, paragraph 118 of the NPPF is particularly relevant which states that:

*“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *[...] planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; [...]*”

3.30 The notified features of the West Pennine Moors SSSI are:

- i. Blanket bog
- ii. Upland heathland
- iii. Flushes
- iv. Moorland fringe grasslands
- v. Woodland
- vi. Breeding birds
- vii. Flowering plants.

3.31 Paragraph 118 of NPPF (bullet point 1) is clear that Local Planning Authorities should follow a hierarchy of consideration, i.e. if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

3.32 It is considered that, in consultation with Natural England and the Council’s ecological advice specialist that the proposals have not properly considered the hierarchy of considerations. This would include consideration of alternative locations (“avoid”), the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat.

3.33 “Avoid”

The application contains very limited information on why this site has been chosen, and none on how environmental factors have influenced the site selection process.

3.34 “Mitigate”

The application fails to define the impact of the development in the level of detail that would be expected in order to allow a fully detailed mitigation scheme to be designed. As a consequence the application does not propose a mitigation scheme that addresses in detail the specific impacts that will occur. Nevertheless, a number of impacts can clearly be identified, including the removal and translocation of peat, changes to patterns of drainage in the peat, and risks that are created to the stability of the body of the peat. The



measures proposed to the peatland are not specific enough in nature, and do not relate sufficiently directly to the identified impacts, to be properly considered mitigation. Natural England has commented that it would be “very challenging” to successfully mitigate the impacts of this scheme at this location.

3.35 “Compensate”

Paragraph 118 of NPPF (bullet point 2) details that proposed development on land within a SSSI likely to have an adverse effect should not normally be permitted. It specifies that where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.

3.36 Given the scale of engineering works involved, it is considered that this application will cause irreparable damage to the blanket bog habitat notified feature (both the peat profile and extent) in the excavation of peat for the wind turbine pads, hardstanding, the access tracks and route for the cable. Blanket bog is a limited and finite resource. The proposed development would therefore result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest feature of this SSSI.

3.37 Additionally, the development is likely to have significant impacts on the breeding bird assemblage, with the risk that the breeding birds feature would be disturbed and affected both during the construction works, if undertaken during the breeding and nesting season (although this element could be dealt with by a condition), and permanently during operation (which could not be dealt with by a condition). Furthermore, concerns have been raised by Natural England, Capita Ecology, the RSPB, Lancashire Wildlife Trust and others that the submission documents relating to breeding bird surveys and bat surveys were not carried out to the accepted methodology. This could have resulted in under-recording of birds/bats and subsequently not have provided a full picture of the use or importance of the site for bird species during the peak breeding season or the evidence of bats.

3.38 As such, the Council must consider if the works proposed can be considered as an exception whereby the benefits of the development, at the site, clearly outweigh the impacts that it is likely to have on the features of the site that make it of special scientific interest. The benefits of the development at the site are:

- Grip blocking and dam installation in the main gully/irrigation pipe removal/bunding – to improve water retention on the blanket bog. It is noted that these locations are unspecified.
- Geojute bank stabilisation of exposed peat
- Purple moor-grass *Molinia caerulea* mulching
- Sphagnum moss inoculations
- Installation of fire breaks

3.39 The renewable energy benefits of the development are not a benefit realised at the site; they are wider benefits that could be realised elsewhere and are not site specific to this development. The same is true of the scheme (which does not form part of the development covered by this application, but which the applicant has committed to undertake in the event that permission is

granted) to remove an area of non-native trees in another location on Hoddlesden Moss and to plant an area of trees on land near Broadhead Road.

- 3.40 The applicant has submitted documents which suggest that the site is not an active blanket bog. It is acknowledged that the site may not currently be an active peat forming bog; however, it has sufficient peat depth and bog indicator species that with appropriate management it could be brought back into a more favourable condition and potentially as an active peat forming bog in time. In this regard, Natural England has advised that large-scale enhancement on the area is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers. It creates opportunities, including funding, for improvement schemes to be delivered without the need to allow development (with its attendant impacts) as a means of securing them.
- 3.41 The site is considered to be an irreplaceable habitat that takes tens of thousands of years to be created naturally. No avoidance methods have been detailed, the mitigation proposed is not sufficient and there are no benefits at the site that outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, or the significant harm to an Annex 1 Priority Habitat of European Importance identified under the Habitats Directive and a Habitat of Principal Importance as identified under the NERC Act 2006.
- 3.42 No broader impacts on the national network of Sites of Special Scientific Interest have been identified as arising from this development.
- 3.43 To conclude, it is considered that the proposal fails to comply with paragraph 118 of NPPF, along with Policies CS13 and CS15 of the Core Strategy and Policies 9 and 37 of Local Plan Part 2.
- 3.44 Hydrology  
The proposal has the potential to impact upon hydrology, with specific reference to public and private waters supplies. Paragraph 162 of NPPF details that Local Planning Authorities should work with other authorities and providers to assess the quality and capacity of [...] water supply [...]
- 3.45 The proposal received objection from United Utilities on the first consultation, however, this objection has now been withdrawn and been replaced with 8no. proposed conditions relating to both public and private water supply.
- 3.46 It is observed that these conditions may require a substantial investment from the applicant to comply with, but are technically capable of controlling this matter satisfactorily.
- 3.47 Residential Amenity  
The location of turbine no. 3 (the southernmost turbine) is located approximately 330 metres away from the residential property, Higher Aushaw Farm. The application was initially formulated on the basis that the landowner wished the development to proceed, and therefore would have been willing to

accept a relationship between the development and his house which would ordinarily have been contrary to policy. (This situation is similar to a domestic extension, where an extension that for example fails the "45-degree rule", in relation to a window on the house being extended, would still be considered acceptable). However during the consideration of the application, notification was received that the ownership of Higher Aushaw Farm had changed and the new owner strongly objected to the proposal. As such, an assessment upon the amenity of this dwelling must be fully appraised, along with the impact of the development upon other nearby neighbours.

- 3.48 The Wind Turbine Developer's Guide advocates that where a turbine is between 71-85 metres in height, the minimum separation distance between the turbine and the residential property should be 490 metres. Whilst the document is not adopted planning guidance, it does provide helpful assistance in assessing impact, and is consistent with standards applied by other local planning authorities.
- 3.49 It is considered that the location of turbine 3 and its resultant height and massing would have a harmful and detrimental impact upon the residential amenity of Higher Aushaw Farm. The siting is 160m less than the minimum separation distance detailed in the wind turbine developers guide and this impact would result in visual dominance to the extent that the scheme would have an unacceptable adverse impact on the amenity of neighbouring occupiers.
- 3.50 Furthermore, the impact of noise upon the neighbouring property has identified that there would be an unacceptable adverse impact at wind speeds less than 6m/s. A noise condition could theoretically be devised which prevents the operation of the turbine at wind speeds below 6 m/s and imposes noise limits at higher wind speeds, along with mechanisms for assessing whether these limits have been breached. However, such a condition would i) impose a significant resource demand on the operator, ii) require significant resource from the Council to assess alleged breaches and iii) leave a significant degree of uncertainty for neighbours as to whether a breach had occurred at a given point in time. It is therefore considered by officers that such a condition, relating to only one turbine, may be unreasonable and fail to comply with paragraph 206 of the NPPF, which details the requirements for planning conditions.
- 3.51 It has been considered, and advised by Public Protection, that shadow flicker can be managed through a condition that will require shut down of the turbines where shadow flicker could occur. As such, the impact of the development in terms of shadow flicker would be adequately mitigated by an appropriately worded condition.
- 3.52 Whilst there has been some concern expressed regarding the size of the proposed wind turbines and the fact that it would somewhat interrupt the outlook upon other neighbouring properties, it would not be so harmful in this regard to create an overbearing impact that would harm their amenity to a degree that would warrant refusal on these grounds.
- 3.53 To conclude, the proposal would have an unacceptable impact upon the residential amenity of Higher Aushaw Farm, contrary to Policies 8 and 37 of the Local Plan Part 2.
- 3.54 Landscape Impact

The Lancashire Landscape Character Assessment identified this area as "Moorland Hills" and the subsequent study by Lovejoy (2005) on landscape sensitivity to wind energy development highlighted that the area had a medium-high sensitivity to wind energy development. This evidence gives the basis for determining the degree of protection to be afforded under Policy CS18: the "quality, importance and uniqueness" of the landscape in question can be equated to its sensitivity to turbine development, in addition to policies 5, 9, 37 and 41 of the Local Plan Part 2.

- 3.55 It is of little doubt that in spite of the submission of extensive documentation regarding landscape impact, that the proposed development of 3 turbines on this highly prominent and visible site would result in an intrusive development in the West Pennine Moors; and due to the open landscape character of the area would be highly visible from several locations across the Borough. Indeed, this harmful impact constituted a clear reason for refusal of a previous development of a single wind turbine under planning reference 10/12/0318, and the three wind turbines in the same location (planning ref 10/14/1117) as set out in 5.0.
- 3.56 It is still considered that the current proposal would create an adverse visual impact forming an industrial and artificial feature in a natural landscape with few man-made features to break up views, undermining the character of the landscape in this sensitive location.
- 3.57 These identified landscape impacts are capable of being weighed in the planning balance against any identified benefits of the development. However, officers' assessment is that the degree of harm to landscape character is not outweighed by the benefits; and therefore the development is contrary to Policy CS18 of the Core Strategy and policies 5, 37 and 41 of the Local Plan Part 2.
- 3.58 Community Backing  
Policy 37 of the Local Plan Part 2 details that "wind turbine development will be permitted, where [...] 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." This is based on The Written Ministerial Statement HCWS42 published in June 2015 and subsequently incorporated in the national Planning Practice Guidance.
- 3.59 In terms of neighbouring letters of objection and support, a significant proportion of objection letters have been received from the surrounding local community, i.e. people living in Hoddlesden and the dwellings surrounding the site. Officers have produced a map of the location of objection and support letters received from within the borough, to detail this in a graphic format. A summary of objections received is set out in 6.1, along with the map.
- 3.60 The applicant has submitted an addendum report to detail the community engagement that has been carried out in Hoddlesden, along with submitting details of the community benefits scheme, which would provide monies to local facilities.
- 3.61 In consideration of the objections received, and taking into account the applicant's submission details, it is recommended that the planning impacts identified by the affected local communities have not been fully addressed. This relate to, amongst others, the adverse landscape and visual impact and the adverse impact upon ecology, biodiversity and the West Pennine Moors



SSSI. Therefore, it is considered that the proposal does not have the backing of the local community and would fail to comply with Policy 37 of the Local Plan Part 2 and the Written Ministerial Statement HCWS42.

3.62 Highways

Policy 10 of the Local Plan Part 2 requires that the proposal will demonstrate that the road safety and the safe, efficient and convenient movement of all highway users are not prejudiced.

3.63 Supporting information received has concluded that the proposal would not have a harmful impact upon highway safety. Highways have advised that there are a number of issues that still require further consideration, however, these could be sufficiently conditioned and are not sufficiently insurmountable to warrant a recommendation for refusal.

3.64 Other matters

Objection from the National Air Traffic Control has been received. Correspondence with NATS detailed that *"the applicant was offered mitigation in 2014 but at this time was unwilling to commit, as an agreed mitigation can block potential mitigation for neighbouring developments the Hoddlesden offer was withdrawn after 30 days. No neighbouring developments have emerged in the interim that would preclude us re-offering mitigation for Hoddlesden however our internal governance requires us to re-approve the mitigation with the various users of the radar which we will endeavour to do as quickly as practical."* This issue is not considered to warrant refusal of the application.

3.65 Comments from Lancashire Fire & Rescue Service have advised that sites incorporating wind turbines installations are subject to a robust risk assessment that should consider the means to mitigate the structure becoming involved in fire should a wildfire occur in their proximity. There is also a requirement should the structure itself become primarily involved in fire that adequate mitigation is taken to prevent that fire spreading to open land and causing a wildfire in that vicinity.

3.66 It is considered that a condition requiring a prevention strategy would be necessary, should the application be approved. This would also include proportional consideration to access for emergency services.

3.67 Conclusion

The overall planning balance advocated for this application comprises the following:

- There is a clear and direct conflict with the second bullet of para 118 of the National Planning Policy Framework, and therefore also with Policy 37 of the Local Plan Part 2.
- There is a significant impact on a neighbouring property (Higher Aushaw Farm) to an extent that would in itself warrant refusal.
- There is an adverse impact upon landscape character.
- There is a conflict with the Written Ministerial Statement and therefore with Policy 37 of Local Plan Part 2 in relation to community support for the proposal.
- The benefits of the development at the site, as required by NPPF para 118; do not clearly outweigh the impacts, and could be achieved through funding opportunities attached to the SSSI designation without

needing to allow the development – and should therefore be afforded less weight in the planning balance.

- The wider benefits of the development are noted but are not considered to outweigh the impacts.

The planning balance in terms of the benefits against impacts is therefore considered to fall very clearly in favour of a refusal of the application, which does not constitute sustainable development.

#### **4.0 RECOMMENDATION**

##### **4.1 REFUSE:**

##### **4.2 Reasons:**

1. The proposal would have an unacceptable impact on the ecological and biodiversity interests of the area, including the characteristics identified as of interest in relation to the West Pennine Moors Site of Special Scientific Interest. The proposal does not demonstrate why avoidance of these impacts is not possible; and the proposed habitat enhancement measures do not adequately mitigate, or compensate for, the impacts identified. The harm caused by these impacts is not clearly outweighed by any benefits of the development at the site; nor by any wider benefits of the development. As such, the proposal is contrary to Policies CS13 and CS15 of the Blackburn with Darwen Core Strategy, Policies 5, 9 and 37 of the Blackburn with Darwen Local Plan Part 2 and paragraphs 109 and 118 of National Planning Policy Framework.
2. The proposed location of Turbine no.3 would have an unacceptable impact on the residential amenity of Higher Aushaw Farm, by reason of harmful visual dominance and an unacceptable level of noise, contrary to Policies 8 and 37 of the Blackburn with Darwen Local Plan Part 2 and paragraphs 17, 109 and 123 of National Planning Policy Framework.
3. The proposal would have an adverse impact upon the landscape character of the West Pennine Moors and the Countryside Area, introducing industrial and artificial features in a natural landscape; which impacts upon the character of the landscape in this sensitive location. This impact is not outweighed by the benefits of the scheme. As such, the proposal is contrary to Policy CS18 of the Core Strategy, Policies 5, 37 and 41 of the Local Plan Part 2 and paragraphs 17 and 109 National Planning Policy Framework.
4. Following consultation, it cannot be demonstrated that the planning impacts identified by affected local communities have been fully addressed, and as such it is clear that the proposal does not have their backing. The proposal therefore conflicts with the position set out in the House of Commons Written Ministerial Statement (HCWS42) - Department for Communities and Local Government Written Statement made by: Secretary of State for Communities and Local Government (Greg Clark) on 18 Jun 2015. This conflict is not outweighed by the environmental benefits of the development, and as such the development also fails to comply with Policy 37 of the Blackburn with Darwen Local Plan Part 2.

## 5.0 PLANNING HISTORY

5.1 10/12/0318 – Proposal for installation of a 500 kw Wind Turbine including all ancillary works at Lower Aushaw Farm, Roman Road, Eccleshill, Darwen, BB3 3PP refused under delegated powers in June 2012 for the following reasons:

1	The proposed development, by virtue of its siting and scale, would introduce a highly prominent feature to the detriment of the landscape and visual character of this area of the West Pennine Moors which is also a designated Countryside Area. As such the proposal is contrary to the provisions of Saved Policies ENV8, RA6, LNC1 and LNC3 of the Blackburn with Darwen Local Plan, Policy CS18 of the Core Strategy and advice contained in the National Planning Policy Framework.
2	The proposal fails to thoroughly and adequately evaluate the impact of the proposed development on biodiversity, including non-statutory designated sites, Habitat of Principal Importance / Annex I (Habitats Directive) habitats, peat and hydrology, and ornithological interests and, as such is contrary to the provisions of saved Policies LNC6 and LNC9 of the Blackburn with Darwen Local Plan, Policy CS15 of the Core Strategy and advice contained in the National Planning Policy Framework.
3	The proposal fails to provide adequate information to allow a detailed assessment to be made with respect to the impact of the proposed development on the efficient, convenient and safe movement of all highways users and as such is contrary to the provisions of saved Policy T9 of the Blackburn with Darwen Local Plan.

5.2 10/13/0829 – Proposal for installation of 3 wind turbines on this site was withdrawn by Viridis due to there being a requirement for further information to fully assess impacts.

5.3 10/14/1117 – Installation of 3 wind turbines, hub height of 50 metres, 'to tip' height 74 metres, to include all ancillary works. The application was refused for the following reasons:

1	The proposal fails to demonstrate that the impact of the development on the landscape character and functioning of the West Pennine Moors and the Countryside Area would be satisfactorily mitigated or compensated and, as such, it is contrary to the provisions of Saved Policies LNC1, LNC3, ENV9 and RA6 of the Blackburn with Darwen Local Plan, Policy CS18 of the Core Strategy, Policies 5, 37 and 41 of the emerging Local Plan Part 2 and National Planning Policy Framework.
2	The proposal fails to demonstrate the full extent of the impacts of the development on the ecological, hydrological and biodiversity interests of the area, including impacts on the Hoddlesden Moss Biological Heritage Site, Edgerton Moss Biological Heritage Site, protected species including wintering birds and breeding/nesting birds, European Protected Species Bats, Habitats and Species of Principal Importance and Irreplaceable Habitats (Peatland) and hydrology and fails to demonstrate that such impact would be mitigated to adequately compensate for the loss of habitats and damage to peat. The

	submission also fails to demonstrate that the proposed compensation and mitigation measures themselves will not harm ecological impacts on biodiversity. As such the proposal is contrary to saved policies ENV9, LNC3, LNC6, LNC8 and LNC9 of the Blackburn with Darwen Local Plan, Policies CS13, CS15 and CS18 of the Core Strategy, Policies 5, 37 and 41 of the emerging Local Plan Part 2 and National Planning Policy Framework.
3	The proposal fails to demonstrate that the development will not be detrimental to the safe, efficient and convenient movement of highways users. As such it is contrary to the provisions of saved Policy T9 of the Blackburn with Darwen Local Plan.

## 6.0 CONSULTATIONS

### 6.1 Public Consultation:

- 36 neighbouring properties have been consulted by letter, along with the erection of several site notices and a press notice, on both the original scheme and following receipt of additional information on 13 February. At the time of writing this report, 904 letters of objection and 556 letters of support have been logged. It must be noted that some of these letters (both objection and support) could have been logged more than once as there have been duplicate copies submitted.
- There is also an ongoing online petition against the proposal which has over 300 signatures.
- All ward Councillors (both East Rural and North Turton with Tockholes) have also objected. Refer to appendix 2
- The land owner of turbines 2 and 3 objects to the proposal.

Appendix 1 of this report contains a selection of objection and support letters received. The following is a summary of the public comments received:

Object:	Support:
– Adverse landscape and character impact (industrialisation of the area)	– Produce clean, affordable, renewable energy
– Adverse visual impact	– Offset carbon emissions
– Cumulative impact	– Invest in local communities
– Adverse ecological impact – including birds, bats, badgers, flora and fauna.	– Wind farms are more environmentally friendly than “fracking” or nuclear
– Loss of habitat	– Wind is “never ending”
– Loss of wildlife	– Won't be as visually intrusive as others within the area
– SSSI status	– Onshore wind is cheaper than alternatives
– Shadow flicker impact	– Benefit local economy both during construction and operation of the site through directly employing locals and the supply chain
– Adverse impact to deep peat/active bog	– Help to reduce this reliance on overseas energy
– Carbon sequestration from developing on deep peat	– The UK has committed to reduce carbon emissions
– Adverse impact upon residential amenity	
– Adverse hydrological impact (private water supplies/wells)	
– Adverse impact upon drainage	
– Adverse noise impact	



<ul style="list-style-type: none"> <li>- Adverse geological impact</li> <li>- Lack of community support</li> <li>- Lack of community consultation</li> <li>- Adverse highway safety impact during construction</li> <li>- Adverse visual impact of the access track</li> <li>- Access track unsuitable for construction traffic</li> <li>- Potential flood risk from excavations</li> <li>- Carbon payback time</li> <li>- Adverse impact towards tourism, leisure and recreation on site, i.e. walkers, horse riders, bird watchers</li> <li>- Adverse impact upon heritage and conservation areas of Hoddlesden</li> <li>- Loss of heritage from developing on old coal mine</li> <li>- Adverse impact upon Public Rights of Way</li> <li>- Adverse impact upon livestock</li> <li>- Reduction of property values</li> <li>- Distraction for drivers</li> <li>- Lack of any economic value for the local economy</li> <li>- Inconsistent wind</li> <li>- Wind turbines are ineffective</li> <li>- Potential for more turbines</li> <li>- No need for turbines</li> <li>- Already other wind farms nearby</li> <li>- Attempt to use government subsidies</li> <li>- Never pay for themselves due to the high start-up costs</li> <li>- Errors in the reports/timings in the reports</li> <li>- Planning permission previously refused</li> </ul>	<ul style="list-style-type: none"> <li>- Opportunity to enhance the peat bog</li> <li>- Walkers can enjoy therapeutic nature of turbines.</li> <li>- Generate enough energy to supply 1,500 homes</li> <li>- Wind farm is not a threat to birds or wildlife</li> <li>- Close to existing wind farms</li> <li>- No global warming potential</li> <li>- Proven resource</li> <li>- Cheaper electricity in the future</li> <li>- No negative visual impact</li> <li>- No use of chemicals or radioactive waste</li> </ul>
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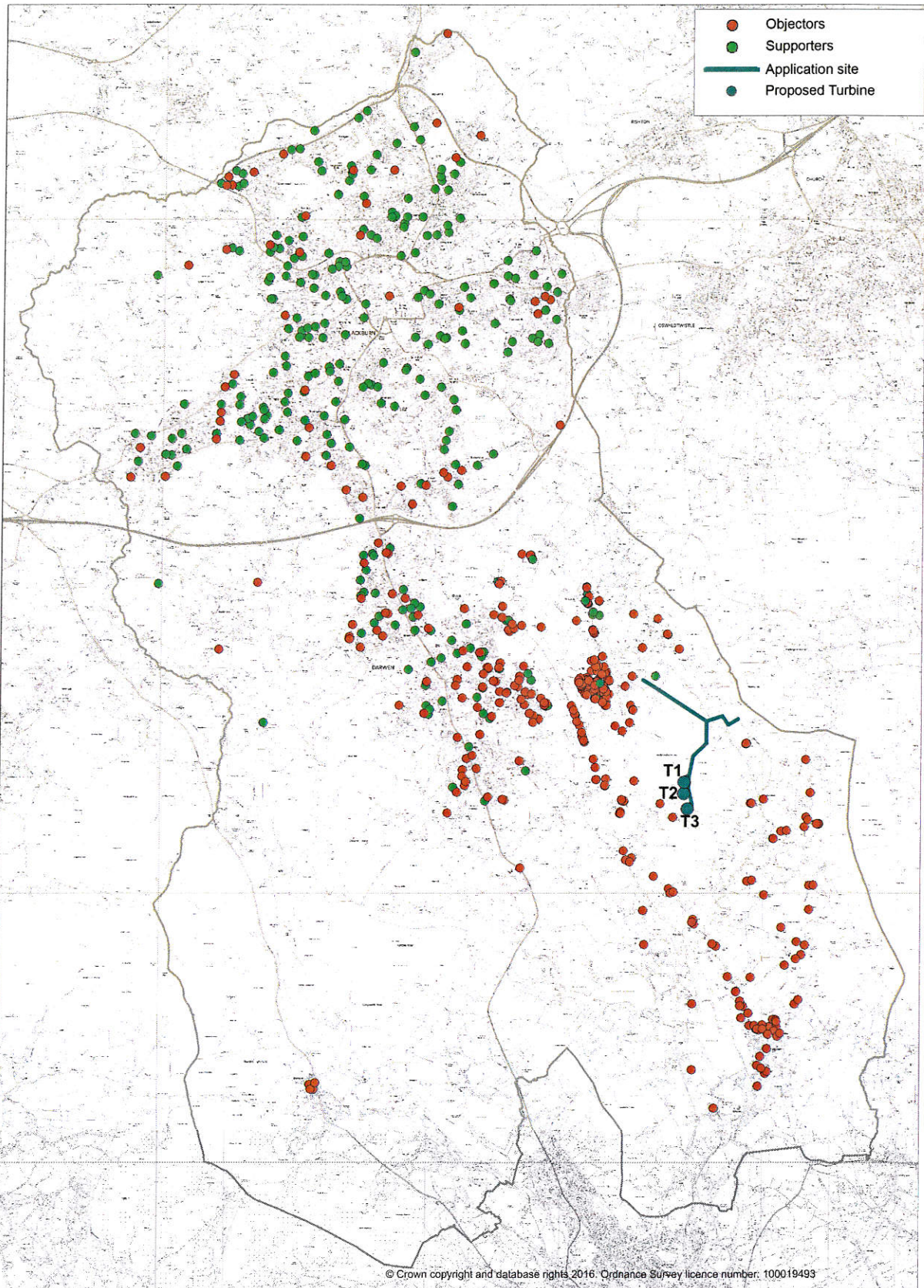
## 6.2 Statutory Consultations

A suite of the consultation responses and re-consultation responses is contained in Appendices 3 and 4 of this report.

**7.0 CONTACT OFFICER: Kate McDonald, Planning Team Leader**

**8.0 DATE PREPARED: 13 April 2017**

**APPENDIX 1**  
**SELECTION OF PUBLIC RESPONSES  
RECEIVED**



PLANNING APPLICATION 10/16/0704 - PROPOSED WIND FARM AT HODDLEDSEN MOSS:  
MAP SHOWING OBJECTORS AND SUPPORTERS

Dr Adam & Mrs Louise Nulty  
Higher Aushaw Farm  
Roman Road  
Hoddlesden  
Darwen  
BB3 3PP

25th October 2016

Brian Bailey - Director of Planning and Prosperity  
&  
Kate MacDonald - Planning Officer  
Town Hall  
Blackburn  
BB11 7DY

Dear Sir & Madam,

RE Planning Application Reference: 10/16/0704

Installation of Three Wind Turbines, Access and Infrastructure at Hoddlesden Moss

**STRONG OBJECTION** (AS LAND OWNERS OF ONE OF THE TURBINES LAND)

We are writing further to our previous written objection sent via email to Kate Macdonald and after we have had a great deal of time to consider and be open minded to the wind turbine project that is to **strongly object** to the above application as we live in THE nearest property to the proposed installation and will be most severely affected by the installation.

As the new owners of Higher Aushaw Farm and the associated land that the closest turbine would sit on, after gathering all of the available evidence (much as I would assume that you have done) we are very worried that this planning application will go ahead and affect the lives, health and mental state of both ourselves and also our two young children of 4 and 1. Our conclusion is based on the fact that there are inconsistencies in the application and what has been told to us by the applicant and also the facts present such as distances. As such we plan on not only stopping the placement of the turbine on our land but also should planning permission be granted we would see this as a grave error and plan on challenging any such permission as far as possible on social media, news and if required the high court of appeal. We say this as respectfully as possible and this may seem as an extreme viewpoint when as land owners we would stand to benefit financially but as the only land owners that would be affected by the application and not living a distance away we see our position as a realistic and unbiased one. I plan to lay out in this letter the argument for refusing this application and any similar to be proposed on this site.

Ordinarily we wouldn't mind the renewable aspect of wind turbines on other sites when chosen correctly and we would prefer the country as a whole to be better adapted to an environmentally beneficial position but this must not come at a cost to the environment and certainly not at a cost to the local community and residents. The wind turbines are unacceptably close to our property.

This is confirmed by Blackburn with Darwen's very own planning document "Wind Turbine Development in Blackburn with Darwen - A Guide for Developers May 2013";



### 1) Relationship to Residential Properties

*Saved Policy ENV9: "no unacceptable adverse impact on the amenity of neighbouring occupiers"*

The minimum acceptable distance to a property with a wind turbine of 77m is 490m. The distance of the proposed wind turbine is under 330m to our house and the other turbines are less than 200m to our land. We are therefore rightly concerned with the health and well being impacts on our family including two small children of 4 and 1 of noise and shadow flicker as well as any animals and livestock we plan to put on the land.

### 2) The Expected Benefits of the Proposal

*National Planning Policy Framework Paragraph 98: "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"*

From our reading and research it appears that the CO2 release from the disturbance of the peat bogs will by far greatly outweigh the benefit of the wind turbines in their lifetime.

As we plan to stop the installation of the nearest wind turbine as we own this land then paragraph 2.13 would also be of concern as the benefit of only two wind turbines energy production in the area compared to three can therefore majorly affect the balance of the impact on the landscape and peat vs the potential renewable energy gain.

### 3) 3 Community Involvement

3.1 Applicants for planning permission for wind turbine development, particularly "commercial" development which will supply power to the National Grid, are encouraged to make early contact with the communities likely to be affected. The Council can assist with this via its Neighbourhood Managers; and applicants should also consider early contact with ward members to explore issues.

As far as we are aware the person planning this scheme Matt Jackson has made no attempt to consult on the previous land owner save a fly by night call in to the property to talk over in advance of the first proposal. There was certainly no consultation on this most recent re-application and if Viridis is claiming to have land owner consent and being false in this claim, this should be of concern to both the planning authority and the land owners with regards to future promises and claims. It is even more concerning that I have had to personally request applicable information from Viridis' Matt Jackson.

4) There has been a great demand from notable local and national bodies such as the local parish council and as far reaching as the RSPB criticising and Objecting to the planning application with genuine and scientific concerns. Whilst there are clear benefits to renewable energy, this site is not the way forward to achieve renewable goals and as land owners we would never want to be in the position of approving a scheme that has such strong criticism and we would suggest the council have the same stance.

5)The original application was turned down as "The proposal fails to demonstrate the full extent of the impacts of the development on the ecological, hydrological and biodiversity interests of the area"

Contrary to what the newest application would have the planning office believe i don't think this position has changed. As a third party I would expect that since the two bodies that would normally approve of a renewable scheme, the RSPB and government itself seem to be strongly objecting to the idea of this site as the site should become an area of special scientific interest as they believe that this development would not be in the best interest of the ecological, hydrological and biodiversity interests of the area. All of the farms of the area, including ours also obtain water from this site via our own wells, we are seriously concerned that this development would poison these wells and impact on the health of my family and those of the families of the surrounding farms.

6) If the council believes that a renewable source is required on this site, may I suggest that if this is of primary concern then a better alternative would be a solar farm that would have much less impact with all of the above factors and in fact with current technologies may actually produce the same amount of power for the area. However this is just a suggestion for the wind turbine closest to us on our land as no other alternative and we would rather our land be used as farming land as per its current use.

I have been advised by the planning team that our objection as land owners does in fact change whether the planning should be accepted if it would not be viable if only 2 turbines were installed or whether to advise Mr Jackson of Viridis to move the turbine off our land and reapply as it would be a good renewable resource for the area. I feel that this is wholly inappropriate as Matt Jackson now feels that the planning application is his to tailor as he sees fit with the consent of the planning team.

We met with Matt Jackson of Viridis to see if he could make us feel better about our concerns. We requested to meet him at the site of the turbine he has so far installed in Rochdale near the reservoir of the same spec. We stood under the behemoth and also stood 330m away to see and hear the effects that this would have on our house. We then drove to 490m away from the turbine as per the documented minimum residential distance as advised by your council. The important points we found were;

1) At around 500m we could still faintly hear the turbines but at less than this distance there was a definite high pitched noise that was present and the closer you got the more this became easily apparent and more than an annoyance and something that I would be concerned at causing long term health effects both mentally and in hearing. This tells me that your councils advising document that 490m is a minimum distance is actually correct and that closer should be very seriously discouraged. In fact after personally visiting these turbines, we feel that even 500m isn't enough as you have to travel a few hundred metres more to not hear them at all. We shouldn't have to put up with these health concerns in this day and age when medical and research driven medicine has shown these to be valid concerns.

2) The distance proposed to our house (please see; [http://planning.blackburn.gov.uk/northgate/documentexplorer/application/stream.aspx?target=http%3A%2F%2F10.200.18.171%2FNorthgate%2FDocumentExplorer%2FDocumentStream%2FDocumentStream.aspx%3Fname%3D%255bpublic%255d%2B16\\_0704%2BAppendix%2B14%2BLVIA%2BReport.pdf%26unique%3D50174%26type%3DPLNP11\\_DC\\_PLANAPP](http://planning.blackburn.gov.uk/northgate/documentexplorer/application/stream.aspx?target=http%3A%2F%2F10.200.18.171%2FNorthgate%2FDocumentExplorer%2FDocumentStream%2FDocumentStream.aspx%3Fname%3D%255bpublic%255d%2B16_0704%2BAppendix%2B14%2BLVIA%2BReport.pdf%26unique%3D50174%26type%3DPLNP11_DC_PLANAPP))

The document from Viridis on your planning site entitled "Landscape and Visual Assessment" Introduction 1.3;

"There is residential occupation in the vicinity of the proposed development with the closest residential dwelling associated with Higher Aushaw, approximately 455m away. "

This figure has been used throughout the application.

HOWEVER. Using the location map OS points and measuring the distance accurately with satellite map software between the coordinates of our house is actually around 330m. This is confirmed later in this letter with documentation provided by viridis.

In fact, only one turbine of the three is over 490m away.

This is even proved in the other documents Viridis has provided with red marker diameter circles showing distances and also the photo viewpoint 5 from Soot hill which is in fact a greater distance on the map to the third turbine that the turbine is to our house and yet it is noted as 370m away.

In relation to this perceived sensitivity (as established within the study 'Landscape Sensitivity to Wind Energy Development in Lancashire'), the only significant effect arising from the proposed development is in relation to a single location, this being photoviewpoint 5 on Soot Hill. It should be noted that this is within 370m of the closest wind energy converter. At this close proximity, the wind turbines would add a prominent range of vertical structures and noticeable alteration to the existing baseline situation with a high magnitude of change, leading to locally isolated moderate to major-moderate adverse effects.

i.e Viridis themselves have admitted and acknowledged that the distance to Higher Aushaw has major adverse affects which would be even worse at a closer distance as our house is than the photo point.

We have very strong concerns regarding the planning application, even more so after discussions and visiting the site of another turbine.

This was further proven by our request for a picture representation of the effects of building these turbines on our land and the adjoining land. Matt Jackson provided these as he is still interested in trying to convince us that the placement of the turbines is a good financial decision for us. Matt came with technical equipment and provided the evidence for this himself.

As we and you can't trust such a simple matter of measuring distance from our house to the closest turbine we have no confidence in any of the given figures regarding safety in;

- water supply being only "minimally" affected? If its different by the same margin as the above then perhaps we will be poisoned?

- noise, apparantly this can be "limited" to 35db. But is this 35db measured at 455m or the more realistic 330m? And can we trust it will in fact be limited and monitored.

- shadow flicker, is this calculated with our distance at 455m or 330m?

We have tried hard to be open minded and speak to Matt regarding the wind turbine development but we cannot support something we have no trust in. We have been offered the financial benefits of these turbines but this doesn't mean anything to the health of our children. Especially as we have been personally told by him of the "financial contributions" to local centres to gain support for the scheme as this effectively is attempting to manipulate the planning decision by way of financial gain to them and him.

After we advised Matt of the above his response was an underhand comment that the turbine could be simply moved over the fence to another land owner but we wouldnt have any financial benefit. We didnt say anything immediately but considered this basically a threat. i.e. accept it or it will be moved and you'll have the same problems and risk without financial recompense anyway.

I would strongly urge the deciding planning committee members to visit the site of his other turbine OL11 5UN and standing 330m away before deciding whether this is acceptable and whether the information provided by viridis is actually reliable and accurate (of which the above can easily be checked) and potential errors in the planning application warrant the risk of the council approving such a scheme, especially when it is our understanding that the scheme has no guaranteed financial backing and the measurements and statistics that are provided so far are only valid for another year and wouldnt be valid if the planning was changed or if in fact the distances were wrong anyway.

I would very much hope that the planning members would regard your councils own recommendations of 490m distance to a property to be safe.

This is entirely possible but doesn't consider any of the factual and very real concerns we have on the moorland if in fact the peat moorland should be disturbed at all. Matt Jackson stood in front of us and told us that the peat report showed the moorland to be as dry as bone. We can testify that this is absolute and 100% fabrication as I have personally sunk my leg into the site on walking the land.

In fact government guidance and commons examples of turbine application rejection include examples that are similar or indeed without as much affect to our property in distance;

House of Commons

#### **BRIEFING PAPER**

Number 04370, 13 July 2016

Planning for onshore wind

6. Some reasons for rejection



Here are some examples of refusals by planning inspectors or the Secretary of State, since the start of 2009 for onshore wind developments. This list is not exhaustive:

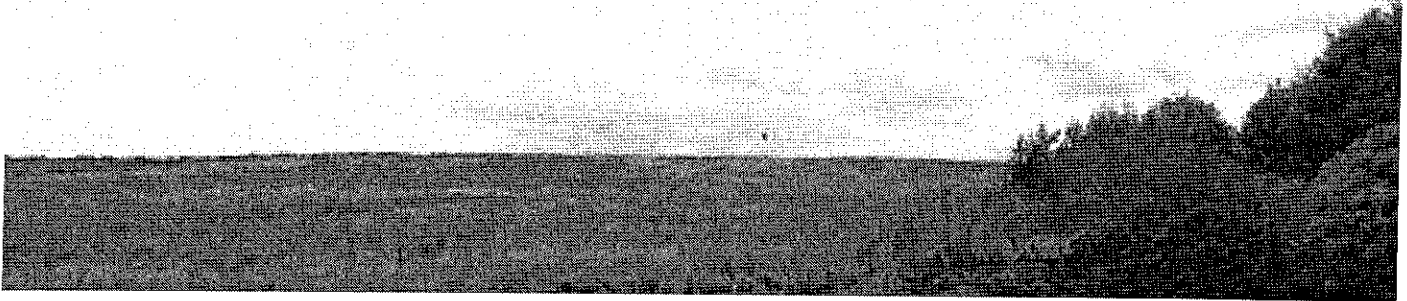
- Five 100m high wind turbines were rejected at a site in North Yorkshire primarily due to landscape harm and a serious adverse effect on residential amenity at a nearby farm. An inspector held that the landscape contributed to the area's distinctive character.<sup>24</sup>
- A proposal to site seven wind turbines in the Grampian foothills has been rejected on the grounds that it would have a significant adverse effect on landscape character and harm visual amenity.<sup>25</sup>
- A proposal for four wind turbines 125 metres high on the Northumbria coast was dismissed because it would undermine landscape character and local residents' amenities.<sup>27</sup>
- A proposal for 12 wind turbines 145 metres high and a permanent meteorological mast in the Trent Valley was rejected, although the site lay within one kilometre of eight power stations and was crossed by pylon lines. The inspector held that the turbines would still have a significant effect on the surroundings.<sup>28</sup>
- A 75-metre high wind turbine in Southern Scotland was rejected because of its harm to the setting of a historic hill fort 500 metres away.<sup>29</sup>
- A proposal for two wind turbines with a hub height of 24 metres close to a racecourse in Somerset was blocked partly due to the adverse effect on the horses.<sup>30</sup>
- The Secretary of State refused planning permission for two wind turbines at a farm in Staffordshire stating that local concerns about the effects on the landscape and townscape quality had not been addressed.<sup>34</sup>

Lastly I provide the actual report and pictorial evidence that Matt himself created to further show why this project is a terrible idea for the area, the environment and higher aushaw.

Here are the beautiful views of our lovely area in pictures I have taken myself;







As you can see from these pictures the land and area is BEAUTIFUL unspoilt moorland. The clear skies and the nature around us is both astounding and inspiring. What the pictures above do not convey is the abundance of life in the area. In the short time we've been here we have witnessed more wildlife around us than we have witnessed in our entire lives. This land should not be abused to satisfy the ideology of a "renewable" benefit and certainly not be abused to benefit and line the pocket with millions of pounds of taxpayers money to someone who doesn't even own the land. If we could help Nature England to classify our land alone as a site of special interest tomorrow we would.

With this in mind here is the evidence provided by Viridis of the proposed effect on our lives;

Project:  
**Hockliff Moor Renewable Energy Project**

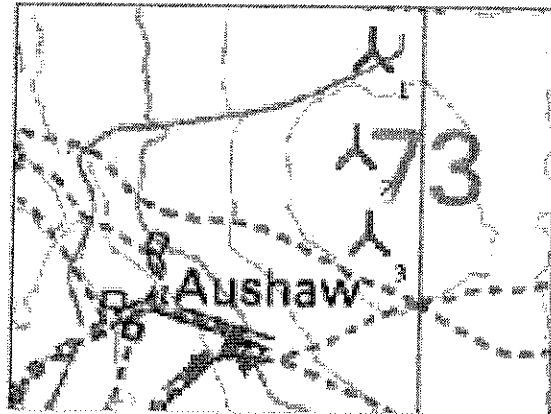
Developer:  
**First Renewable with  
renewable energy  
project.**

Modelled using:  
**Viridis Wind Turbines (Global) and  
Data of York House Johnson New Road, Weobley  
GG-DATUM 000 000  
+44 7766 320734  
Viridis Global / viridis.global@gmail.com  
Copyright:  
28/10/2016 17:18:11.578**

**VISUAL - Main result**

**WTG along**

WTG type	Wind direction	Type	Power	Rate	Hdg	Distance to location				
						A	B	C	D	E
1.10000 200	100	10000-2000	1000	100	100	100	100	100	100	100
2.10000 200	100	10000-2000	1000	100	100	100	100	100	100	100
3.10000 200	100	10000-2000	1000	100	100	100	100	100	100	100



A 172000 40000 left corner of house.JPG



2 172000 40000 left top of drive.JPG



C 172000 40000 left of left corner of house.JPG



D 172500 40000 at HA gate.JPG



E 172500 40000 at HA gate.JPG







The view of the further two is equally as disturbing to our view from our garden;

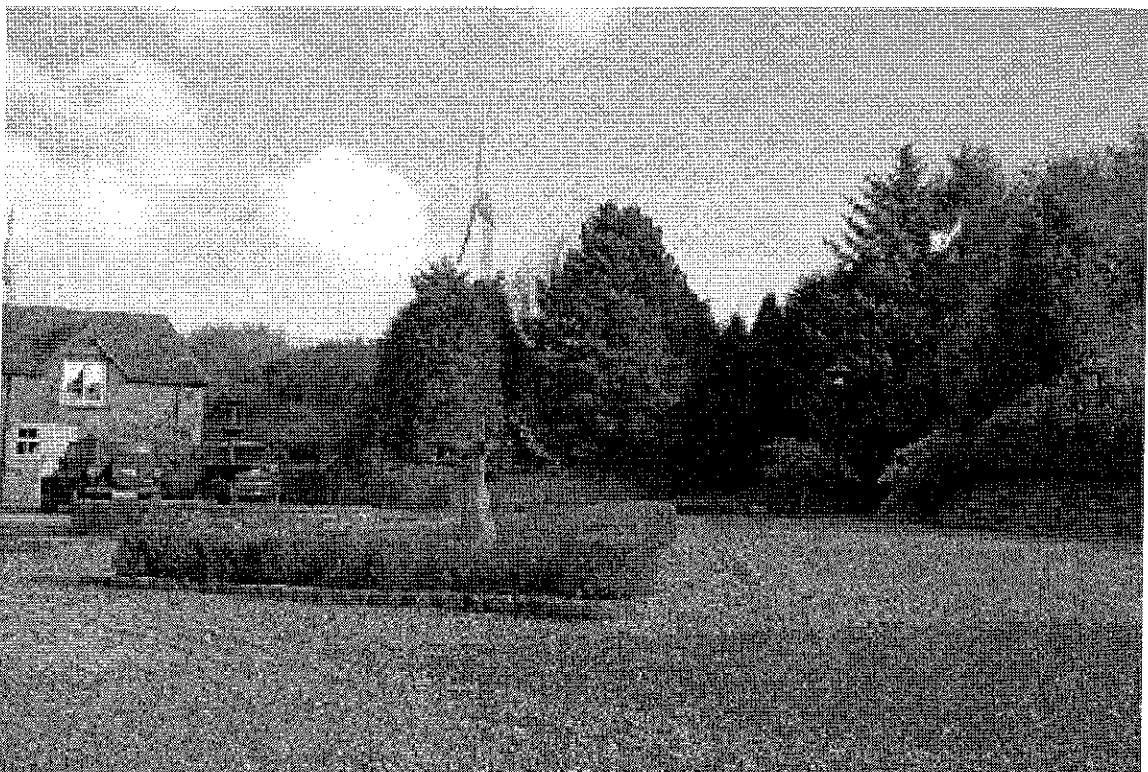


<p>Project: Woodmansley Moor Renewable Energy Project</p> <p>Client: Woodmansley Moor Renewable Energy Project</p> <p>Date: 2010-08-27</p>	<p>Recommended CC separation distance: 35 cm</p> <p>Photo captured: 25/08/2010 18:32:00</p> <p>Field of view: 50.0° (H) / 30.0° (V) Lens: 35 mm Film: 36x48 mm Focal: 35.0 mm</p> <p>Exposure: f/11.0 ISO: 4000 EV: 17.00</p> <p>White balance: 4800 K</p> <p>Software: Windows 7.1.775</p> <p>Notes: CC - 1/4 A and 1/4 B 420000 left of top of crane PG</p>	<p>Drawn by: White Wind Turbines (Global) Ltd</p> <p>File: C:\Users\johanson\Documents\Woodmansley Moor Renewable Energy Project</p> <p>Client: Woodmansley Moor Renewable Energy Project</p> <p>Contact: j.johnson@white-wind.com</p>
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Woodmansley Moor Renewable Energy Project

White Wind Turbines (Global) Ltd

The view from our driveway;



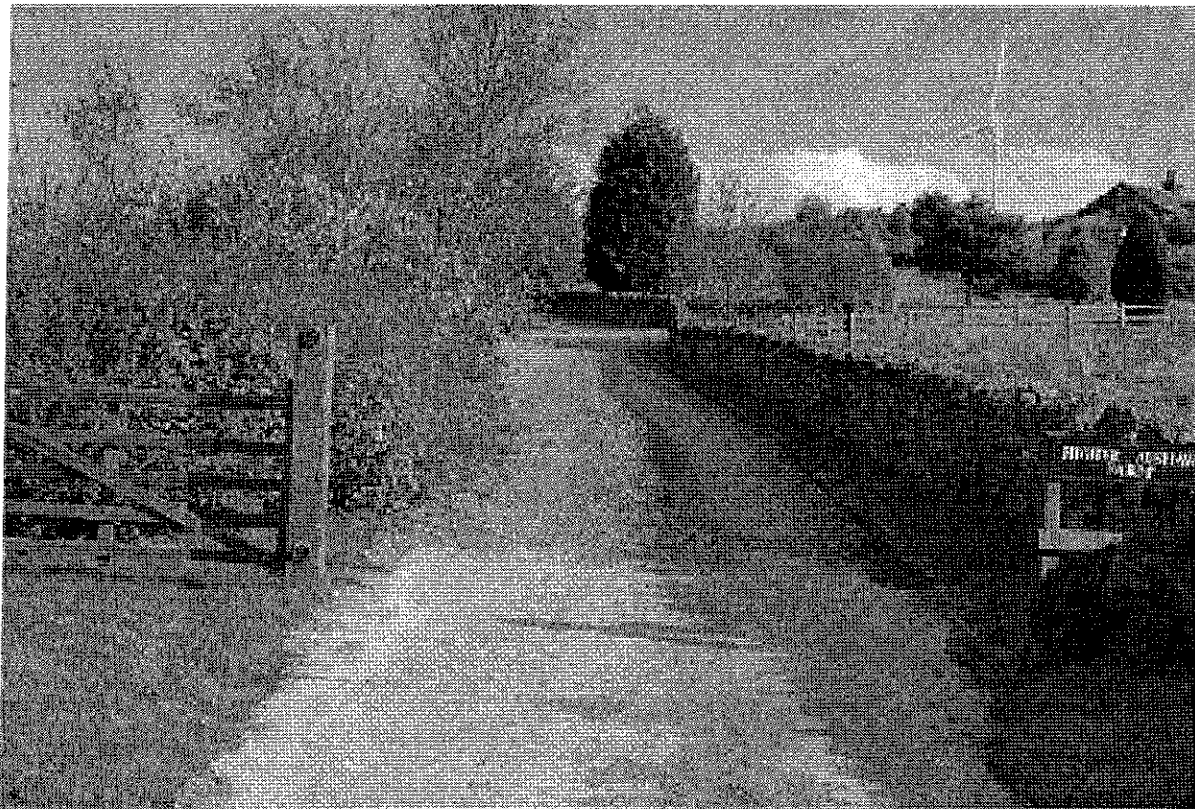
<p>Project: Woodmansley Moor Renewable Energy Project</p> <p>Client: Woodmansley Moor Renewable Energy Project</p> <p>Date: 2010-08-27</p>	<p>Recommended CC separation distance: 32 cm</p> <p>Photo captured: 25/08/2010 18:32:00</p> <p>Field of view: 50.0° (H) / 30.0° (V) Lens: 35 mm Film: 36x48 mm Focal: 35.0 mm</p> <p>Exposure: f/11.0 ISO: 4000 EV: 17.00</p> <p>White balance: 4800 K</p> <p>Software: Windows 7.1.775</p> <p>Notes: CC - 1/4 A and 1/4 B 420000 left of top of crane PG</p>	<p>Drawn by: White Wind Turbines (Global) Ltd</p> <p>File: C:\Users\johanson\Documents\Woodmansley Moor Renewable Energy Project</p> <p>Client: Woodmansley Moor Renewable Energy Project</p> <p>Contact: j.johnson@white-wind.com</p>
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Woodmansley Moor Renewable Energy Project

White Wind Turbines (Global) Ltd



The view to our house from the approaching lane;



<p>Recommended observation distance: 35 cm</p>		<p>Zoomed In:</p> <p>View: 100% (Zoomed In)</p> <p>View: 100% (Zoomed In)</p> <p>View: 100% (Zoomed In)</p>
<p>Project: 10/14/1117</p> <p>Project: 10/14/1117</p> <p>Project: 10/14/1117</p>	<p>Project: 10/14/1117</p> <p>Project: 10/14/1117</p> <p>Project: 10/14/1117</p>	<p>Project: 10/14/1117</p> <p>Project: 10/14/1117</p> <p>Project: 10/14/1117</p>

I have to question why images like the above aren't with the planning application. The reason is obvious, Matt Jackson (Viridis) knows how bad the impact will be on the local residents.

We have also absolutely valid reasons from our research and our discussions personally with other residents and with Matt as to why this application and ones like it should NEVER be entertained by this council;

1) Denial of prior application refusal reasons

The applicant appears to be in denial that application 10/14/1117 was refused on four valid and still pertinent grounds. The applicant views this submission as a continuation of earlier applications and an opportunity to address the grounds for refusal. I quote from 2.2 of the application "this was refused as further studies were required to provide baselines in which a comprehensive decision on impacts could be made". This is not correct. It was an outright refusal. Furthermore, as far as I can see the applicant has not even made an attempt to address some of the reasons for refusal, but rather has decided unilaterally that the reasons given by Planning were wrong and has dismissed and disregarded them.

I also think that the hundreds of people who objected to the 10/14/1117 application (and indeed the 10/13/0829 application) are entitled to believe that the application was refused and that the reasons for refusal stand.

Our discussions with Matt only reinforce the above as he brazenly stated that he wasn't bothered by the RSPB and Nature England's objections and he can simply alter plans as he sees fit by amending them after the application is granted.

## 2) Political guidelines

As well as those discussed in detail above, since the 2014 submission there have been significant changes which the application does not address. National guidelines on planning for onshore wind have changed and in June 2015 the Government's policy emphasised that the planning impacts identified by local people should be addressed and planning permission should only be given if proposals have their backing.

As such our opinion should be greatly considered. This application has to be considered in this context, whereas the bulk of the submission is what was relevant under previous guidelines.

The Borough's Local Plan has also been updated and is more aspirational. In the 'Site Allocations and Development Management Policies' adopted in December 2015, there is clear recognition that the dramatic landscape is one of its principal assets. Taking extracts from the document "The visibility of open upland countryside from many parts of the urban area helps convey a sense of place, and is a factor in the attractiveness of Blackburn and Darwen as a place to live and to invest" and "the open landscape creates a sense of unspoilt beauty which is highly attractive". This is all part of the Council's aspiration to encourage inward investment, to improve social aspirations and to raise the area's economic wealth and wellbeing across the whole of Blackburn with Darwen.

We can confirm the above comments wholeheartedly as we live and breathe on the land on the site proposed.

## 3) Business Proposition

We can personally attest to the monetary gain aims of the applicant. In fact, not only did he personally tell us that it will definitely go through for various reasons and he stated that we would be in line to receive a good sum per year. When we discussed other concerns the very real threat was made as we discussed above that he would simply amend the application after it was granted "which is easy to do" to "just" over the fence and it would affect us in just the exact same way with the same appearance but we wouldn't benefit financially "just as he had done with Middle Aushaw Farm and moved the track run to Broadhead Road". Middle Aushaw Farm is still against the application and were against it previously when the access track was between our houses. Middle Aushaw didn't want this next to their land as we do not and Matt basically bragged about how they'll end up with nothing and they should have taken the deal.

He bragged about the fact that he would make "payments" for local schemes and "charitable donations" for their support to influence the planning decision to "make sure we get it through and benefit us both financially." Therefore I would request any related support from these people be ignored and these promises considered bribes. We flat out said this to him and he laughed it off.



#### 4) Credibility

Matt Jackson stated he had loan agreements made on promises that were directly affected by the tariff coming to an end next year, the ability to place three turbines by the end of next year and planning permission being granted. This is very poor business practice as he has no fiscal guarantees. He therefore could go bankrupt at any time leaving the moorland a mess with no one to blame as his company could disappear overnight. The moorland peat would have been perilously affected for absolutely NO gain and would need a great deal of investment at cost of the council/country/tax payer to rectify Viridis mistake.

#### 5) Noise and Health

There is strong evidence that wind turbine noise (because it is strongly modulated) unlike road traffic noise, is not something that nearby residents can ever get used to. It is also worth noting that turbine noise problems may not be restricted just to properties in close proximity. Given the topography of the area with hills and valleys, the sound waves can be transmitted for considerable distances.

We can personally testify to this having visited and stood underneath and at distances away from an identical turbine in size placed by viridis. In fact, within 10 minutes of standing under and near a turbine we both had headaches. I would strongly suggest the planning members visit the rochdale turbine to see and hear this for themselves.

There are many papers from academics and medical doctors (see Cranberry Turbine Planning Proposal which has links to many relevant published research) which show that the types of noise from wind turbines are more harmful than some people state. There is a strong suggestion that wind turbines should not be sited within 2km of a dwelling. Again we would request this as the lives of two young children may be affected by this.

A second consideration is the shadow flicker effect. When the sun is behind the blades of a turbine it casts a shadow; and as the blades rotate this is a flickering shadow. This is at best annoying but it can also have a strobing effect which many people find difficult to live with. This shadow flicker is often experienced inside a house and not just in outside spaces. This is easily seen to be confirmed by Viridis own supplied mockups above.

Solar glint, caused by sunshine reflecting off the rotar blades, can create a flashing or strobing effect too, although I appreciate that modern coatings on rotar blades should greatly reduce this annoyance, it may still have an effect on us and livestock and animals.

As the installation of commercial wind turbines is becoming more frequent there is increasing evidence, from a variety of sources, of the adverse impact they can cause to health. A four year study which was the subject of a masters thesis carried out by the Faculty of Veterinary Medicine, Technical University, Lisbon, Portugal and completed in 2012 linked wind turbines to deformities in foals born on a stud farm.

We plan on having further children and my wife is extremely anxious that wind turbines nearby may affect the development of any children born and raised here.

The study measured the ground vibrations caused by wind turbines and found them to be of different frequencies. The research has shown that vibration effects bone

metabolism. Cellular mechanotransduction is the mechanism by which cells convert mechanical signals into biochemical responses. If this can happen in horses there is every reason to expect some effect in humans and domestic livestock. It is worth noting that the distance from the stud farm to the nearest turbine was similar to that proposed for the Hoddlesden turbines, if not closer for ourselves at Higher Aushaw.

## 6) Local Ecology

A decision is awaited from Natural England about the designation of the area as SSSI. I understand from conversations with Natural England's officers that these moors have improved dramatically in recent years and are of sufficient quality to meet all the requirements for SSSI designation. This is not the derelict, rural wasteland the Viridis report would have one believe and we would welcome any planning officer to see this on site on our land.

Indeed the Viridis submission now acknowledges that the installation would cause ecological damage. (It is interesting that this was deemed insignificant in the 2013 application). Viridis describe this as unavoidable and propose an ecological compensation/enhancement scheme.

Peatland locks in 20 times as much carbon per acre as the average woodland.

Viridis confirm that the access road, and the installation of turbines in their massive concrete bases, and the channel for the cables must inevitably damage the peat moss and its grasses and mosses. And if the rolling mat fails the disruption will be huge.

## Summary

**In summary, as confirmed by Section 14.9 of the Viridis report there is clear acknowledgement that visually, for properties close to the turbines such as ours, the magnitude for change is very high "resulting in significant major adverse effect". This is confirmed by the pictures that Viridis (Matt Jackson - the applicant) has himself provided.**

On a personal note, we have just purchased Higher Aushaw Farm because of these beautiful views and the potential of the property to ride these moors with horses and farm the land with sheep and possibly deer. This would NOT be possible if these turbines were so close as can easily be seen on the above pictures. The animals have very acute hearing and would be very upset to be near the turbines and any reckless decision granting this application may even in fact endanger the lives of any horse rider in our fields next to the turbines by spooking the animals causing them behavioural problems and rear causing an accident.

We write this in good faith that the contents will be read by yourselves and used to decide this application in confidence only but not passed to Mathew Jackson or anyone related to Viridis to prevent any retribution.

## **PLEASE REJECT THIS APPLICATION**

Should you need anything else from us please do not hesitate to get in touch.

Kind Regards,

Adam & Louise Nulty

Higher Aushaw Farm.

Far Hillock Barn  
Roman Road  
Hoddlesden  
Darwen  
BB3 3PP

15th August 2016

Brian Bailey  
Director of Planning and Prosperity  
Town Hall  
Blackburn, BB1 7DY

Dear Sir,

Re Planning Application Reference: 10/16/0704

Installation of three Wind Turbines, Access and Infrastructure at Hoddlesden Moss

I am writing to **object** to the above application and I live in one of the nearest properties to the proposed installation.

This application is, I understand, supposed to be a new one. I challenge that this application is actually a **valid** one and believe that the Planning Service would be correct to dismiss it without further consideration. The reasons for reaching this conclusion are as follows:-

1) **Process.**

There has been no compliance with the process required for applications of this nature.

- i) As far as I am aware there has been no consultation with the community. The applicant's submission refers to consultations which took place in 2013 and which related to application 10/13/0829. (Note. Not even the previous application 10/14/1117).
- ii) The Council offers pre-planning advice and as I understand this has not been followed for this application. It surely cannot be assumed that historical pre-planning advice for earlier applications is valid. Especially as Reason 4 of the refusal decision for the previous application clearly focuses on the pre-planning advice offered by the Local Planning Authority. My understanding of Reason 4 is that the application was not fit for purpose, and there was no perceivable modification that could make it acceptable.

2) **Misrepresentation.**

The applicant appears to be in denial that application 10/14/1117 was refused on four valid and still pertinent grounds. The applicant views this submission as a

continuation of earlier applications and an opportunity to address the grounds for refusal. I quote from 2.2 of the application "this was refused as further studies were required to provide baselines in which a comprehensive decision on impacts could be made". This is not correct. It was an outright refusal. Furthermore, as far as I can see the applicant has not even made an attempt to address some of the reasons for refusal, but rather has decided unilaterally that the reasons given by Planning were wrong and has dismissed and disregarded them.

I also think that the hundreds of people who objected to the 10/14/1117 application (and indeed the 10/13/0829 application) are entitled to believe that the application was refused and that the reasons for refusal stand.

3) **Quality of the Application**

This application is full of errors and does not appear to be a new one. It is almost entirely cut and pasted from the previous application (10/14/1117) without rigorous checking or proof reading, which has resulted in inconsistencies of dates and factual errors. There are also other errors of fact which are not the result this duplication of applications. I am happy to list these if it would be helpful but I am also sure the Planning Service will be vigilant.

The quantity of the information provided does not equate to quality – much of it is repetitious – and it is as if the applicant is trying to suggest that volume gives credibility and legitimacy. It does not!

The reports from the professional experts are, on the whole, generalist comments by people who have no real knowledge of, nor commitment to the area.

4) **The Changing Political Climate**

Since the 2014 submission there have been significant changes which the application does not address. National guidelines on planning for onshore wind have changed and in June 2015 the Government's policy emphasised that the planning impacts identified by local people should be addressed and planning permission should only be given if proposals have their backing. This application has to be considered in this context, whereas the bulk of the submission is what was relevant under previous guidelines.

The Borough's Local Plan has also been updated and is more aspirational. In the 'Site Allocations and Development Management Policies' adopted in December 2015, there is clear recognition that the dramatic landscape is one of its principal assets. Taking extracts from the document "The visibility of open upland countryside from many parts of the urban area helps convey a sense of place, and is a factor in the attractiveness of Blackburn and Darwen as a place to live and to invest" and " the open landscape creates a sense of unspoilt beauty which is highly attractive ".This is all part of the Council's aspiration to encourage inward investment, to improve social aspirations and to raise the area's economic wealth and wellbeing across the whole of Blackburn with Darwen.

Much is made in this planning application of the National Planning Policy Framework with its emphasis on securing economic growth, and highlights that sustainable development has three interrelated dimensions of economic, social and environmental factors. Retaining Hoddlesden and Aushaw Mosses in their unspoilt form would contribute more to the Borough on every one of those dimensions than any supposed gains from wind turbines.

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- HOWEVER, despite not believing this is either a new or valid application in case this is allowed to proceed I find myself in the position of having to lodge my reasons for objection for the **THIRD** time.

I understand from discussions with the planning department and from reading the Council's website that the grounds for objection are prescribed and fall into categories detailed under 'Policy 37. Wind Turbines'. I shall follow this framework for my objections. However, the applicant's submission is far wider ranging and tries to set a broader context for the application and I believe that it would be completely inequitable if I am not given the opportunity to comment, challenge or refute some of the contents of the Viridis submission. I therefore propose to firstly offer general observations on the submission, followed by comments under more specific headings.

## **1. GENERAL OBSERVATIONS**

### Climate Change and the Environmental Argument

There appears to be an assumption running through the submission that all those who object to this application have no concerns for climate change and the need to reduce carbon emissions. This is completely incorrect and on the contrary many objectors are very well informed about the debate, and are more aware of where wind turbines fit into the overall scheme of things; but they also recognise the shortcomings of wind turbines with their intermittent/unreliable energy supply. As the electricity they generate cannot be stored there would always be a need to retain the other forms of power generation. The UK's future energy needs and security cannot ever be met by wind energy developments alone. On-shore turbines are only one option in an energy portfolio which will inevitably include, in Lancashire's case, nuclear, off-shore and probably shale (as a lower carbon alternative).

Many objectors also felt aggrieved about the business model behind wind turbines and their heavy subsidisation. Community benefits are in fact funded by the tax payer and by everyone who pays energy bills.

It would appear that the government wishes to have a pause in onshore renewables. Approval has been given for Nuclear and there have been a number of Ministerial visits to Lancashire encouraging the development of Shale. Lancashire already has a good record for the contribution it makes now, and will be making, to the UK's energy requirements, so why sacrifice the special area that is Huddlesden-Aushaw Moss? Especially as that sacrifice could in fact have a negative impact on combating climate change.

Indeed the environmental argument is suspect throughout this application and is clearly open to challenge from a variety of credible scientific sources. Wind turbines are far less environmentally friendly than they first appear. The carbon emissions generated in the manufacture, transportation and installation of the turbines are significant. The actual operation of the turbines and the figures for electricity generation is also open to question. A report for the Renewable Energy Foundation by Professor Gordon Hughes, a former senior energy advisor to the World Bank, published last year highlighted that wind turbines usually



operate at a fraction of their "capacity", 25% is a figure quoted for some turbines. It also showed that due to wear and tear on their mechanisms and blades, the amount of electricity they generate very dramatically falls over the years. A turbine that on average generates at 25% capacity can degrade over 15 years to produce less than 5%.

The Renewable Energy Foundation have also published a report that states that with the existing capacity and applications already in the system there is more than enough to meet the UK's renewables targets.

It is clear that this is really just a business proposition and Viridis and the three landowners are in it for the money. The emotional tug of 'third generation farmers' wishing to diversify is patently incorrect in the case of at least two of the landowners – both of whom have their properties up for sale, and no longer live in the area. It is also interesting to note that the nearest farming families who are real third generation farmers all oppose this installation.

### The Consultation Process

In my objection to the previous applications on this site (10/16/0704 and 10/13/0829) I commented at length about the highly flawed and inaccurately reported consultation process which Viridis claimed to have undertaken. It seems that this new application refers to the consultation process for the FIRST application and again I find the comments in section 9.51 highly misleading – the very limited public meetings were vociferous in their opposition. Section 9.54 is particularly misleading because ecological compensation and forest replanting weren't even on the agenda in 2013!

Section 9.56, about the support of the Carus Centre, is again a straight lift from the previous application, and I believe this is no longer correct. I understand that the East Rural Community Association no longer supports this application.

The only personal consultations with neighbouring properties,(not landowners involved in this bid) that I am aware of, from Matthew Jackson, Viridis Director, the applicant for this submission, have been visits to my neighbours at Middle Aushaw Farm and Cuckoldman's Farm. He offered a financial incentive to one and sought to persuade them of the benefits that would go to Hoddlesden if his application were successful. Their opposition to the installation remained unchanged.

The consultation process for the last application was largely undertaken with individuals or small groups with vested interests i.e. those who would receive financial benefit from Viridis if the application were to be successful. I am not convinced that they were presented with the full picture. As I asked in my previous objection, how can it be fair and just that a decision could be influenced by payments offered to a few groups when the wider communities of Hoddlesden, Edgworth, and indeed the whole Borough, and those most directly affected will suffer?

## The Credibility of Viridis Wind Turbines Ltd

I have grave reservations about the credibility and financial standing of this company. The company does not appear to have a proven track record in this field of commercial turbine installation. There are also big questions about this company's financial position.

To be absolutely clear Viridis Wind Turbines Ltd is Matthew Jackson.. At the time of the 2014 application there were two Viridis companies that had Matthew Jackson named as a director. One is Viridis Wind Turbines (UK) Ltd and the other is Viridis Wind Turbines (Global) Ltd. Both are private limited companies. [Other UK and international companies with Viridis in their name have no connection].

The company's financial state was and remains parlous. I will provide balance sheet details at a later date. This does not inspire confidence in the company's ability to deliver. In this submission Viridis state that the company will pay substantial sums to the landowners, and also sums to community groups. It leads one to question if Mr Jackson's statement made on 24/11/13 - that there would be no outside financiers and he would be financing this via help from the banks – can be believed? The banks would not loan the huge sums involved to a company with no assets to secure against, and a sole director with insufficient personal assets. The best that Mr Jackson could do is opt for a joint venture or 'sell' the benefit of any planning approval to a company that does have sufficient assets. Where is the integrity and commercial transparency in all this? Where is the commitment to this area?

I also have grave reservations about Mr Jackson's integrity. At the time of the previous application Mr Jackson distributed a leaflet in Hoddlesden village, which basically promoted the financial benefits that could accompany the turbine installations, which could be construed as a bribe - without also explaining the negatives or the full picture, and at the same time maligning both our local councillor, Julie Slater, and our MP Jake Berry. The suggestion made was that Mrs Slater was opposed to the turbine development purely because Mr Jackson had nearly beaten her in the local elections. I do not feel the need to defend either my local councillor or MP as I'm sure they are capable of speaking for themselves but nevertheless Mr Jackson's claim was statistically nonsense. The issue that offered me most about this leaflet was that it was a deliberate attempt to undermine and discredit the democratic process. I find this outrageous and such tactics have to call into question Mr Jackson's personal integrity and professionalism. Mrs Slater had fought, and convincingly won her East Rural seat on an anti-turbine platform.

## **2. SPECIFIC OBJECTIONS**

### Adverse Visual Impact and Adverse Impact on the Character of the Area

This was one of the reasons the previous application was refused. As far as I can see nothing has changed in this respect in this submission. The rationale Viridis has taken is that the Local Planning Authority were wrong to make the decision they made and therefore Viridis has dismissed it and merely re-presented their earlier submission. It is worth noting that very many of the objectors to the earlier applications were in agreement with the Planning decision.

It is proposed to locate the wind turbines in a stunning area of moorland which stretches in an almost unbroken line from Hoddlesden village to the outskirts of greater Manchester. This part of the West Pennine Moors where the proposed turbines would be located is covered by the Countryside Rights of Way Act 2000 and gives the public 'right to roam'. The fact that there are only two designated footpaths seems irrelevant. It is an area enjoyed by many - walkers, cyclists, horse riders and by those who just enjoy gazing down on its unspoilt beauty. Others have coined the phrase 'wilderness therapy'. People need wild unspoilt places for our mental health and wellbeing. There is an almost spiritual element to the experience of these moors. These moors are also a major attraction for visitors to the area who relish the peace and tranquillity; the contrasting moods of the moors – dappled by sunlight and cloud shadows one minute, wild and tossed by winds the next. The Viridis application seems to infer that this area is some sort of neglected wasteland

Three commercial turbines equate to the industrialisation of the area. They would visually be totally out of character and conflict with the intrinsic value of the area and ruin it. The visual impact would be further adversely affected by the wind farm in Hyndburn. This would represent an unacceptable and very negative cumulative impact for the area.

They would be highly prominent and visible from miles away in all directions, despite any claims to the contrary that Viridis might make.

Viridis make the argument in section 14 that the scenery is already compromised by the wind farm in Hyndburn, and pylons have already diminished the area's sensitivity to wind turbine development. The latter seems a strange argument as the pylons are not on this moorland but on adjoining farmland. Similarly pylons are a very different proposition in scale and positioning from turbines – turbines are bright and they move and are sited on prominent elevations. Section 14.12 refers to other consented turbines in 5km of this site but fails to mention that these are smaller scale, and not in the middle of stunning moorland. It also fails to mention that the one that went to appeal was lost. Section (14.9) makes the breath-taking comment that the visual effects of the turbines will generally reduce with increasing viewing distance. Of course they will but they will still be visible from great distances.

It is worth noting that the local authority's own existing policies and plans give clear direction and weight to refusing this application. Blackburn with Darwen Council's plans recognise the importance of preserving the countryside and the open landscape and that these are one of the districts finest assets. It is important for the quality of life of its residents and for attracting investment in the Borough

The proposed turbine location is in a designated **Countryside Area**.

Similarly, the area is part of **the West Pennine Moors County Heritage Sites – Biological** designates Hoddlesden Moss as a **Bog**. Adjoining Aushaw Moss is also a **designated bog area**.

Hoddlesden, Edgworth and Chapelton are conservation areas.

In addition to existing policies the council's 'Wind Turbine Development in Blackburn with Darwen – A Guide for Developers' published in May 2013 but not yet replaced/updated identified landscape sensitivity to wind farm development. It states that "turbine development is more likely to be acceptable if it is in areas of lower sensitivity. Turbine development within

or affecting areas of high sensitivity will rarely if ever be acceptable." The proposed siting of these turbines is in an area of moderate to high sensitivity.

Similarly, the decision from Natural England on SSI designation for the moorland is awaited, but whatever the final outcome this shows the value of the area.

As a final point in this section I believe that the proposed site chosen for the three turbines would make it so easy for the developer (or future developers) to 'backfill' with additional turbines at little additional cost. Similarly, I have heard that at certain wind farm sites developers have applied for x number of turbines but as soon as planning had been obtained then going back and arguing that x wasn't financially viable so they need to install multiple x.

#### Adverse Impact on Neighbouring Properties and Personal Adverse Impact of the Proposed Turbines

I and my family have been privileged to live at Far Hillock for 37 years. Our land adjoins where the three proposed turbines would be located. The nearest turbine would be a few hundred metres from my home. The 76.5metre turbines, and their positioning on land that is 1000ft above sea level, would be totally intimidating and dominate the views and indeed many visual aspect of my home. If I were in the garden or field there would be no avoiding them. They would be there 24 hours a day and there would be no respite from them.

The main outlook from my property is onto the moors. One corner of the view already has the Oswaltwistle Moor turbines. This proposal would then wreck the other aspect.

**In Section 14.9 of the Viridis report there is clear acknowledgement that visually, for properties close to the turbines, the magnitude for change is very high "resulting in significant major adverse effect".**

I believe that the erection of the turbines would have a damaging effect on my health and that of my family. There is rapidly accumulating evidence that wind turbines will have an adverse effect on health.

Noise is the first consideration. Wind causes noise as it moves over any structure, whether manmade or natural. The problem with turbines is the nature of the noise generated. A wind turbine produces a regular beat as each rotor moves behind the tower, and this can be by day or night. This has been found to lead to difficulty in sleeping, or sleep of such poor quality that people are tired during the day. There is also what is often termed 'hypo sound'. This is a deep sound of less than 16 kHz. Many people are unable to actually hear this note but nevertheless it has been found to have an effect on the hearing mechanism. Hypo sound travels much further than hearing frequency sound and penetrates houses without much quietening. This could be the reason that people who live near wind turbines often report insomnia.

There is strong evidence that wind turbine noise (because it is strongly modulated) unlike road traffic noise, is not something that nearby residents can ever get used to. It is also



worth noting that turbine noise problems may not be restricted just to properties in close proximity. Given the topography of the area with hills and valleys, the sound waves can be transmitted for considerable distances.

There are many papers from academics and medical doctors (see Cranberry Turbine Planning Proposal which has links to many relevant published research) which show that the types of noise from wind turbines are more harmful than some people state. There is a strong suggestion that wind turbines should not be sited within 2km of a dwelling.

A second consideration is the shadow flicker effect. When the sun is behind the blades of a turbine it casts a shadow; and as the blades rotate this is a flickering shadow. This is at best annoying but it can also have a strobing effect which many people find difficult to live with. This shadow flicker is often experienced inside a house and not just in outside spaces.

Solar glint, caused by sunshine reflecting off the rotar blades, can create a flashing or strobing effect too, although I appreciate that modern coatings on rotar blades should greatly reduce this annoyance.

As the installation of commercial wind turbines is becoming more frequent there is increasing evidence, from a variety of sources, of the adverse impact they can cause to health. A four year study which was the subject of a masters thesis carried out by the Faculty of Veterinary Medicine, Technical University, Lisbon, Portugal and completed in 2012 linked wind turbines to deformities in foals born on a stud farm. The study measured the ground vibrations caused by wind turbines and found them to be of different frequencies. The research has shown that vibration effects bone metabolism. Cellular mechanotransduction is the mechanism by which cells convert mechanical signals into biochemical responses. If this can happen in horses there is every reason to expect some effect in humans and domestic livestock. It is worth noting that the distance from the stud farm to the nearest turbine was similar to that proposed for the Hoddlesden turbines.

Two of the dwellings which would be nearest to the proposed turbines, Higher Aushaw and Lower Aushaw have a strong financial interest in the success of the application and both properties are up for sale with their owners now living outside the area.

The overall thrust of the Viridis argument seems to be that neighbouring dwellings' views are already compromised by the wind farm in Hyndburn and pylons have already diminished the area's sensitivity to wind turbine development. Does this mean 'it's spoilt so let's spoil it some more'? I and my neighbours don't want to suffer cumulative negative impact. It would be like living in an industrial site. The Viridis suggestion that trees can obscure the view of turbines may be true for some properties to a limited extent – but only in summer and only if the trees thrive. Most properties could not avoid seeing and being dominated by the turbines. We would lose our immediate views with the introduction of an unnatural barrier (this is open-moor, not tree country) but the 74m high turbines will still be visible for miles around, as well as many parts of ours and our neighbours' properties

Although this proposed development is literally in my back yard and I believe that I and my family will suffer, it is not purely 'nimby-ism' which motivates me; there is a basic principle here regarding the role of the moors and their value to the whole community. I have previously objected to the installation of Turbines that would similarly detract from the

character of this area –even when not in our view. (e.g. Pleasant View Farm by Bull Hill/A666) long before the prospect arose so close to home.

### Adverse Impact on the Ecology of the Area

I am not an ecological expert but the current research I have undertaken would lead me to believe that the access road, the installation of the three turbines, and associated infrastructure including the grid connection cable which would run from the site to Hoddlesden, and the actual operation of the turbines would have a serious negative impact on the ecological environment of the area. The moors are biological heritage sites and undisturbed peatlands are themselves hugely valuable assets in the battle against carbon emissions. They are a store of carbon and also absorb carbon from the atmosphere. The RSPB are also strong in their opposition to this application not only from a protection of birds perspective but also the destruction/disturbance of the blanket bog and peatlands.

A decision is awaited from Natural England about the designation of the area as SSSI. I understand from conversations with Natural England's officers that these moors have improved dramatically in recent years and are of sufficient quality to meet all the requirements for SSSI designation. This is not the derelict, rural wasteland the Viridis report would have one believe.

**Indeed the Viridis submission now acknowledges that the installation would cause ecological damage.** (It is interesting that this was deemed insignificant in the 2013 application). Viridis describe this as unavoidable and propose an ecological compensation/enhancement scheme. My understanding of ecological compensation is that it equates to providing newly created habitats for wildlife that replace what has been lost or affected. What Viridis is proposing does not meet this criteria. It is not like for like. What is offering is something completely different. Woods are all very well but they are not peat moss and provide very different habitats for wildlife. Woods make a contribution to the government's commitment to reducing greenhouse gas emissions they are not nearly as effective as peat moss. (See article from Sunday Times 23/11/14 – Peatland locks in 20 times as much carbon per acre as the average woodland). Similarly, creation of open habitats is fine but doesn't compensate for the destruction of the moorland terrain and peat beds. I also understood that where compensation principle is being employed the first, and crucial aspect, to consider is the overall project legitimacy and necessity of intersecting protected areas. These turbines, on this site, are NOT necessary.

Viridis confirm that the access road, and the installation of turbines in their massive concrete bases, and the channel for the cables must inevitably damage the peat moss and its grasses and mosses. And if the rolling mat fails the disruption will be huge.

The moors are home to a wide variety of wildlife including badgers, foxes, rabbits, stoats and various amphibians. Many birds, both permanent residents and migratory, including hawks, kestrels, red grouse, curlews and owls have the moors as their habitat and/or feeding grounds. Watching the Canada geese arriving in the spring is a magnificent sight. All of these beautiful birds enhance our living environment and add to our well-being. It is almost certain that should these turbines be allowed we would lose these birds forever. It is also

worth noting that since the erection of the Hyndburn wind farm there has been a noticeable increase in the wildlife we have on our moors. The wildlife that doesn't die is displaced.

Insects are plentiful on the moors and provide a good source of food for our resident bat community, which is not of insignificant size as the Viridis submission seems to be suggesting. Bats have their homes in a neighbouring quarry as well as farm buildings and trees. The Viridis submission states there are no suitable bat habitats within 50m of the turbines but bats fly significantly greater distances when hunting.

Considerable evidence has accumulated to show that wind turbines kill bats and birds. The application statement of 2013 even included a report from 'Carbon Connect' which stated that wind turbines present a collision risk to birds and bats.

While the local badger population tend to have their setts in the adjoining farmland they too visit the moors. Badgers do not adapt easily to change and any development is likely to cause problems for them which could force them to move on or die out. Any disturbance to the moors will inevitably result in disruption and harm to the wildlife.

Hoddlesden moss is a water catchment area and some of the properties on land adjoining these moors have spring water. I understand from other parts of the country that wind turbine installation can also lead to flooding problems. The enormous concrete bases will affect drainage, as will the vibration effect of the turbines. I have concerns that the proposed development would have an adverse effect on the water resources in this area. Natural England has said that it is nervous about interference with the area's natural drainage patterns. It is also interesting that the application makes no mention of the SSI survey, which is yet to report.

As stated, I am not an ecological expert but the current research I have undertaken would lead me to believe that the installation of the three turbines would have a serious negative impact on the ecological environment of the area.

#### Adverse Impact on Highways

This Viridis submission seems little changed from the previous, refused, application. Access to the proposal is from Broadhead Road which is a narrow country road, with some tight right angled corners and very soft verges. Is the road really strong enough to support such enormous loads? Section 9.24 states "from desk-top analysis there is confidence that the roads network is acceptable". Isn't desk-top very different from the reality?

The installation would certainly cause havoc for other road users – whether they be in vehicles, on foot, or on horseback or cycle. I would have thought that this would be incredibly dangerous too.

#### Adverse Impact on Blackburn with Darwen

Viridis state that the development would bring benefits for the local communities in a variety of ways, ranging from the community benefit scheme, and where possible using local firms and locally manufactured materials, to indirect expenditure in local shops during the installation phase and farm income diversification. However, I think that taking the bigger picture the area and its people would be seriously disadvantaged. This is not just immediate neighbours and the villages of Hoddlesden and Edgworth but also the wider local authority

area. I understand that Blackburn with Darwen Council is working hard and making a real financial commitment to improve the perception of the area and attract inward investment and to make the borough a desirable place to live. The council wants to attract higher income earners into the borough as a whole but recognises that housing will have to be in attractive areas. The areas that surround, or have sight of, the proposed turbine site definitely constitute attractive residential areas in terms of setting. These unspoilt upland and moorland areas are one of its greatest assets and need protection from development. They are of enormous benefit and enjoyment for existing local residents and will be key to attracting new residents and inward investment.

The attraction is further enhanced by other developments. Darwen, for example, has already benefited from considerable restoration around the bus station and market areas. The opening of the Academy is another positive factor. The improved rail links to central Manchester will encourage commuting and make Darwen and its surrounding villages a potential residential area for professionals and other higher earners. The upgraded line will be of equal benefit residents in the North Turton and Tockholes ward.

The stunning landscape also attracts visitors to the area who spend money on local businesses. It is not just the two obvious businesses, most closely located to the proposed development, Moorview Equestrian Centre and Brocklehead Farm Caravan park, which benefit; their customers spend money in the local economy - in markets, shops and public houses. Commercial Turbines will not add to the appeal of the area and both Moorview and Brocklehead have lodged objections to this development.

#### 1. Summary

I fully appreciate the need to address climate change and seek alternative sources of energy. I support the Council's wish to seek renewable energy sources to reduce carbon emissions by lessening the need for fossil fuel-powered generation but I do not believe that putting onshore wind turbines on the Borough's countryside assets are the way forward. The negatives far outweigh the positives. This proposal would bring, to use the Council's terminology, considerable 'disbenefits', in the form of visual and other impacts on the countryside; on those who live close by; and of the wider promotion and success of the Borough. There is a real danger that a beautiful part of this area's countryside and ecological heritage, which is described as irreplaceable, will be sacrificed.

**Please refuse the application.**

Pat Damms (Mrs)

Pat Damms



Far Hillock Barn  
Roman Road  
Hoddlesden  
Darwen  
BB3 3PP

1<sup>st</sup> March 2017

Brian Bailey  
Director of Planning and Prosperity  
Blackburn with Darwen Council  
Town Hall  
Blackburn  
BB1 7DY

Dear Mr Bailey,

Re Amendments to Planning Application 10/16/0704 Wind Turbines on  
Hoddlesden Moss

Following recent telephone conversations with Kate McDonald, the lead officer in the Planning Service, about amendments to this application, I have decided to write again to lodge my objections to the application. I understand that the previous lengthy objections I submitted last year will still be counted so I shall restrict myself to brief comments on the recent amendments to the submission which was originally registered in July 2016.

In the first instance I am unhappy with how the amendments were publicised. Yet again my house was not included in the letters to nearest properties, and I assure you my home is one of the very nearest to the proposed development site. [I accept Kate McDonald's assurance that this was an oversight but we have been missed repeatedly in the past]. Similarly, the only 'public' paper notification that I am aware of was wrapped round a 40mph sign, located on the brow of a blind hill. Thus almost invisible!

I have read the amendments and frankly feel that in essence this application has not changed. It continues to contain material that is not up to date and

which lifts large chunks of content from past applications made in 2013 and 2014. It continues to contain inaccuracies and misrepresentations – all of which are in the applicant's favour. Many of the reports are lengthy but contain little relevant information. In short the supposed amendments just serve to confirm this as a poor submission which I hope will give the Planning Service and the Council real concerns about the applicant's professionalism and ability to deliver.

Furthermore, questions have to be asked about why the applicant is in the position of supplying additional and different material seven months after the application was submitted in July 2016 – and that this was in effect the third application for this site. I totally understand why the Planning Service would request responses to queries but after so many submissions one would have thought the applicant would have been better prepared and ready with speedy responses. But apparently not so.

I should be happy to go through the documents giving details of inaccuracies or misrepresentations if that would be helpful but I am sure that The Planning Service personnel will have noted these themselves. I am particularly excited about the public consultation amended report and I am adamant that the comments I submitted previously still stand. Indeed I have been told by an attendee that Mr Jackson's request in September 2017 for support for the development from Yate and Pickup Bank Parish Council was rejected. Similarly there has been no support from North Turton Parish Council. The evidence of community support in the words "one resident put it thus ..." is exactly what it says – one resident and not a community.

It is also interesting to note that the letters of support for the application were very largely received a considerable time after the deadline stated by the Council. I know that at this time I was informed by Planning Service that there were relatively few letters of support. Kate McDonald explained that letters of support and objection could be considered right up until a decision is made by Planning but this is not widely known and if people had thought there was still time to object there might have been even more communications.

It is also interesting to note that most letters of support were not from people who live in the area where the development would occur, and I gather that the Council has no clear steer on the geographical significance of 'community' where planning applications are concerned.

I also question what has changed in the reasons given for refusal since the application of 2014. Would approving this application put the Council in breach of its own policies?

Indeed there have also been significant developments on the ecological front to further support planning refusal since 2014 and since July 2016. The

designation of SSSI for the area on which the proposed turbines would be sited is surely of immense significance and further serves to support the ecological arguments of objectors to the development. I would also like to draw to the Council's attention a very recent article by Simon Barnes in The Sunday Times Magazine about the importance of preserving peat bogs as damaging them is a significant factor in global warming. I attach an extract in the hard copy of this letter.

This is an application for a major industrial development in a hugely ecologically sensitive and important area. This importance is not only national but international so please safeguard this moorland and reject the application.

Yours Sincerely,

Pat Damms (Mrs)

Rokeby  
61 Earnsdale Avenue,  
DARWEN,  
Lancashire,  
BB3 1JR  
2<sup>nd</sup> August 2016

**FAO Kate McDonald,**

Development Management Team,  
Blackburn with Darwen Borough Council,  
Town Hall  
Blackburn,  
BB1 7DY.

Dear Sir,

**Planning Application: 10/16/0704**

**Full Planning Application**

**Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works at Hoddlesden Moss, Hoddlesden, Darwen.**

I wish to object to the above planning application at Hoddlesden Moss on the basis of;  
Its location within the West Pennine Moors;

- (i) It is environmentally unsound to locate on an area of semi-natural<sup>1</sup> habitat of International, biodiversity significance;
- (ii) There is in the neighbourhood cultivated land, agriculturally improved upland pastures, of lower biodiversity value which offer suitable alternatives for wind farm development with far less impact upon the natural environment; and
- (iii) Considerations over Mitigation/Compensation

These current Objections should be read in conjunction with my previous Objections to planning application **10/13/0829**.

**I consider that Blackburn with Darwen Council have sufficient justification to refuse this application.**

## **1. Objection Rationale**

### **(i) West Pennine Moors**

The concept of the West Pennine Moors back in the mid nineteen seventies followed very much the rationale and structure of a statutory National Park, but one locally designated by the partnership of Lancashire County Council, Greater Manchester Council and North West Water Authority. This 'Regional Park' was (and still is) presided over by the WPMs Area Management Committee, and had its own adopted statutory Local Plan, the **West Pennine Moors Recreation and Conservation Subject Plan: 1986**.

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<sup>1</sup> Almost all habitats in the British Isles have been influenced by man, even the tops of high mountains in Scotland, hence 'natural' habitat is a very rare condition in Britain. It has long been the practice amongst Ecologists to use the term 'semi-natural' for vegetation types where the dominant and constant plant species are native to Britain and the structure of the communities conform to the range of the natural types. Ratcliffe, D. (ed) (1977) *A Nature Conservation Review*, Volume 1, Cambridge, Cambridge University Press.



Over the intervening years this Local Plan has been incorporated into the Development Plans of the constituent District Councils. Nevertheless, the WPMs remain in principle a 'Regional Park' with Recreation and Conservation at its core. Whilst Recreation included Tourism, Conservation embraced Landscape, Natural and Historic Heritage. In these respects, to locate an obtrusive Wind Farm at the heart of the WPMs is wholly unacceptable. It is alien to the concept of open space and wilderness for which the Area is recognised.

In this respect I refer BwD Planning to the document 'A Landscape Strategy for Lancashire' produced in December 2000 by LCC and part funded by BwD Borough Council. Hoddlesden Moss falls within Landscape 2a Moorland Hills – West Pennine Moors. Here key environmental features include 'exposed upland rolling landscape'; and the negative implications of wind turbine development are considered.

**(ii) Biodiversity and Ecology**

- (a) Hoddlesden Moss comprises Blanket bog, one of the most important habitats in Britain. This un-prepossessing habitat takes thousands of years to develop<sup>2</sup> and is at least as irreplaceable as ancient semi-natural woodland. Blanket bog is listed as a **Habitat of Principal Importance** under sect 41 of the NERC Act 2006. More importantly 'active Blanket bog' is an Annex 1 Priority Habitat within the EC Council Directive 92/43/EEC (Habitats Directive) as a habitat of European significance or Community Importance. 'Active Blanket bog' is defined by the Joint Nature Conservancy Council, JNCC<sup>3</sup> as, 'typically, include important peat-forming species such as bog-mosses *Sphagnum* spp. and Cottongrasses *Eriophorum* spp., or Purple Moor-grass *Molinia caerulea* in certain circumstances, together with Heather *Calluna vulgaris* and other ericaceous species'. This condition is the predominant vegetation across Hoddlesden Moss, being confirmed as such by the ecological assessment provided by Avian Ecology Ltd (2014). Therefore Hoddlesden Moss unquestionably supports 'active Blanket bog' in terms of the EC Council Directive 92/43/EEC.

Hoddlesden Moss does not currently carry a statutory designation, although this is under consideration. It is none-the-less recognised to be of **at least County significance** through its Biological Heritage Site designation. Notwithstanding this, in considering this planning application, BwD Borough Council needs to be cognisant of the fact that Hoddlesden Moss is of **international significance** by virtue of being 'active Blanket bog' as defined in the previous paragraph. Whilst not carrying an international designation, (Natura 2000/Special Area of Conservation, SAC) the international significance needs to be recognised by BwD Planning Committee through their **Biodiversity Duty** under section 40 of the NERC Act 2006, i.e. *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*

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<sup>2</sup> UK Biodiversity Action Plan; Priority Habitat Descriptions. BRIG (ed. Ant Maddock) 2008. (Updated July 2010), Blanket Bog, page 9.  
<http://www.ukbap.org.uk/library/UKBAPPriorityHabitatDescriptionsRevised20100730.pdf>

<sup>3</sup> JNCC (2005), The Habitats Directive: Selection of Special Areas of Conservation in the UK, JNCC Report 270.  
<http://www.jncc.gov.uk/ProtectedSites/SACselection/habitat.asp?FeatureIntCode=H7130>

*conserving biodiversity*. In this respect giving the appropriate consideration in recognition that the habitat involved is of **International significance**.

Further, it should be recognised that statutory SSSIs (and therefore SPA & SAC designations) are representative examples, whilst Local Sites (including BHS) are comprehensive. This means that some BHS are of SSSI or even the international SPA/SAC quality. It is my opinion that this is the case at Hoddlesden as we are dealing with 'active' Blanket Bog.

- (b) As a habitats specialist and botanist, I leave matters relating to avifauna to the RSPB and others, but wish to state that I endorse their objections. In this respect I would add that I have observed Short-eared Owl and Merlin over Hoddlesden Moss on occasions over the last four decades.

I would also question the worth of the Brown and Shepherd methodology; I recall back in the 1990s this being used as a 'broad-brush' approach to systematically survey very large areas of the uplands, not as at Hoddlesden Moss, small discrete units of land. Also, that the methodology requires surveys to be completed by late June, not as here in late July. It is important that ecologists use appropriate methodology in support of Planning Applications; as a Fellow of the CIEEM this is a matter over which I have major concerns.

- (c) The EA fails to assess impacts upon Species of Principal Importance Section 41 NERC Act which may occur on or around Hoddlesden Moss. There is also a need to consider the Vascular Plant Red List for England. At least two species listed occur on Hoddlesden Moss, one is considered as Near Threatened and another as Vulnerable. Not to cover either Section 41 or Red List species should be regarded as inadequacies in the Applicants submission.

**(iii) Alternative locations**

Paragraph 118 of the **National Planning Policy Framework** states that: *planning permission should be refused for development resulting in the loss or deterioration of **irreplaceable habitats**, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.*

Given the age of Blanket bog, generally quoted as 5,000 - 6,000 years and possibly as much as 9,000 years, its importance is evident and comparable with our ancient semi-natural woodlands. In this respect it must be considered to be **Irreplaceable**.

Further para 118 also states: *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission **should be refused**.* It has already been argued above that alternative sites off the Blanket bog are present in the general area, in this respect there is little justification for an approval that puts environmental resources at risk.

**(iv) Considerations over Mitigation/Compensation**

In my opinion it is reprehensible to impact upon irreplaceable habitats. Whilst the life of the wind farm will be finite, its impacts will be permanent. Clearly the impacts are not restricted to the construction phase, but also to the working life as well as the eventual de-commissioning phase. In these respects most windfarms plan to leave the turbine bases in-situ; whilst tracks may be removed, but here compaction of the underlying

peat is inevitable. Therefore, long-term restoration plans (up to 50 years beyond the working life of the wind farm) will be necessary should planning permission be approved. Measures to mitigate and/or compensate impacts will need to be rigorous, robust and enduring. If Blackburn with Darwen Borough Council cannot ensure measures and Planning Officer resources to safeguard this irreplaceable habitat through the planning system over this lengthy time frame then it has no alternative than to **refuse** the application.

I do not consider the mitigation presented by the applicant to be commensurate with the impact upon a habitat of international significance.

## **2. Professional consultation**

Some twelve or more months ago I was approached by the Applicant (or his agent) seeking my professional assistance in developing mitigation/compensation measures in order to make the Hoddlesden Moss wind farm application acceptable to the Local Authority. The Applicant appeared to have informed that I had experienced in Planning and something of an authority on the habitats involved. I turned down any notion of a contract; making it quite clear that it is my professional opinion that wind farm development on Blanket bog/mire is an inappropriate intrusion on such a valuable internationally important habitat; and to jeopardise a habitat potentially so important for atmospheric carbon dioxide sequestration is unacceptable, even for a development that seeks to deliver 'green energy'. Rightly or wrongly I gained the impression that three turbines was the thin end of the wedge.

## **3. Applicants Supporting Documents**

- (i) ***RPS Hoddlesden Moss Wind Energy Wind Energy Development - Ecological Assessment, 12 May 2016.***

### **Paragraph 1.2 Consideration of Alternative Development**

### **Paragraph 1.3 Design Iterations to Avoid or Minimise Ecological, Hydrological and Ornithological Effects**

The developer has here failed to show Avoidance. It needs to be demonstrated that Hoddlesden Moss is the only possible location for the proposed development and show why improved pastures of low biodiversity value in the vicinity are unsuitable. Surely their wind conditions must be similar and access would be far easier.

It is not acceptable to choose areas of high biodiversity value, such as Hoddlesden Moss, simply because they are available and of lower agricultural/commercial value than other land nearby.

## **Section 3. Ecology**

### **Paragraph 3.1.3 Designated Sites: Non-Statutory Designated Sites**

This part of the Ecological Assessment only considers three Biological Heritage Sites, Hoddlesden Moss itself, Aushaw Moss and Edgerton Moss. However, there are further BHS in proximity, certainly within a 2km radius. Their omission from the EA suggests that any impact by the proposed development has not been fully considered and evaluated, regardless of how negligible these may be.

It also needs to be stated whether or not there are any Geological Sites in proximity, and if so an assessment provided.

### **Paragraph 3.3.1 Badgers**

It is worth noting that on the 18<sup>th</sup> July 2016, I observed Badger footprints in wet peat at grid ref. circa SD73112147 on Hoddlesden Moss.

Moorland Badgers are a feature of some parts of East Lancashire so the statement made by RSP that '*The habitat at the site is considered to generally offer low suitability for badgers*' **should be disregarded** without definite field evidence. Assertions made over Badgers in 3.4.1 *Ecological Receptors* and 3.4.2 *Impacts of the Development on Ecological Receptors* should be read in this context.

### **Paragraph 3.4.1 Ecological Receptors**

#### ***Modified Bog***

Whilst it is true to say that the Blanket bog habitat at Hoddlesden Moss is modified, this being the prevalent condition of the habitat in England, to apply the term 'degraded' is misleading. In my professional capacity, I use the term 'modified' widely, but reserve the term 'degraded' for bog with bare peat or little if any remaining semi-natural vegetation (as was the case on Kinder Scout and Bleaklow, parts of the South Pennines SAC). Using the term 'degraded' to describe Hoddlesden Moss does the quality of the habitat a major dis-service

The assertion in this paragraph that the Blanket bog at Hoddlesden Moss is, '*unlikely to be peat forming*' and that as a consequence '*does not qualify for status as an Annex 1 habitat under the Habitats Directive*', is at best misguided, at worst factually misleading. As covered in 1(ii) above, bogs capable of forming peat are known as 'Active', a condition required for this Annex 1 Habitat. In this respect the term 'Active' is defined by JNCC<sup>3</sup>. Clearly this condition prevails at Hoddlesden Moss.

#### ***Peat***

The assertions made in this section by RPS are questioned. During my site visit on the 18<sup>th</sup> July 2016 following the approximate line of the proposed access track it was observed that the surface peat was wet, in localised bare patches it was sufficiently wet to allow footprints to be left (including those of Badger). Certainly around the post assuming to mark the location Turbine 3 there were bog pools present with standing water. As if to confirm the wetness, within a short time walking over the Moss I discovered that my boots no longer repelled water and that my feet were getting wet despite it being a sunny day. This is at odds with the RPS findings over watertable.

### **Paragraph 3.4.2 Impacts of Development on Ecological Receptors**

Under the sub-heading Habitat this section deals with areas of direct and indirect impact, and considers these to be small. Any loss or impact to an internationally important habitat should be avoided at all cost. Measures such as floating tracks are identified. Sadly such measures as floating tracks, were promised on Scout Moor and Hoddlesden Moss sites but these proved not to be a wholly practical proposition when it came down to construction. Floating



tracks were not delivered on Scout Moor and I am informed that they were only partly delivered on Oswaldtwistle Moor. If minded to approve the application BwD Borough Council will need to be confident that such measures can be adequately conditioned, implemented and rigorously enforced. If BwD Council is uncertain about its long-term resources for such enforcement then it needs to **refuse** the application.

### **Paragraph 3.4.3 Summary of Effects to Important Ecological Features**

Table 11 summarises the predicted effects to important ecological features; I consider that for Badgers needs to be re-evaluated, given my comments above.

In terms of the category Modified Bog, I cannot agree with the classification under Conservation Value of *Regional Importance (Medium)*. As described above all Blanket bog is of International importance so long as it is 'active', a condition that exists on Hoddlesden Moss in terms of JNCC<sup>3</sup> and confirmed by the Applicants own surveys.

Similarly for Peat, peat depth of 4 metres in Blanket bog is extremely significant, warranting a Conservation Value far greater than Regional Importance (Medium).

For both Modified bog and Peat the Proposed Mitigation measures are considered inadequate, surely they are not serious in offering to do Natural England's HLS monitoring, in any event the HLS will only run for a further 5 or 6 years, far shorter than the life of the Windfarm. Also there is no certainty that the HLS will continue if the Windfarm is constructed.

### **Section 4. ORNITHOLOGY**

With regards to Ornithological issues, I support the objections raised by the RSPB and S Martin. I have particular concerns over the dates of the survey visits in terms of methodology (see 1(ii) above). In addition the applicant makes assertions over the presence of certain species. Lack of confirmed breeding records does not indicate absence.

### **Section 5. MITIGATION AND ENHANCEMENT MEASURES**

#### **Paragraph 5.2 Hoddlesden Moss Habitat Management**

It is preposterous that the Applicant is proposing to monitor the success of the Natural England (DEFRA) Higher Level Stewardship Scheme as part of the Mitigation and Enhancement Measures. Mitigation is about reducing the impact of the damaging development, not monitoring a Government Agency's land management schemes. In any case I consider monitoring of development impacts to be a standard element in planning approval and obligations (planning conditions), not as mitigation to justify damaging developments.

#### **Paragraph 5.2.2 Proposed Woodland Planting**

In terms of tree planting to the NE of Broadhead Road. It is not clear precisely which land is proposed so these comments are by necessity generic. Whilst I can accept that as pasture the vegetation in the proposed fields currently have the appearance of acidic grassland with vegetation '*such as sheep's fescue (Festuca ovina), sweet vernal grass (Anthoxanthum odoratum), and wavy hair grass (Deschampsia flexuosa)*'; this was not always the case in all the fields above Broadhead Road and below Edgerton Moss. Within the last thirty years I remember certain fields above this section of Broadhead Road managed as hay meadows

and supporting a species-rich sward. Given the time scale it is quite possible that there is a sufficient seed bank in the soil for re-establishment of herb-rich grassland. To cover with trees could be a biodiversity negative. Particularly so given the word 'afforested' is used in this paragraph and the planting is of a commercial timber composition.

**Paragraph 5.2.3 Draft Construction Environmental Management Plan (CEMP) and Ecological Protection Plan (EPP) Document**

See comments to Appendices 10 and 11.

**(ii) Appendix 1 – Hafren Water (2013) Hydrological Survey Report**

Appendix 7 – Avian Ecology (2014) Hoddlesden Moss Habitats And Vegetation Survey Report 2014

I do not regard this document as particularly informative, whilst it discusses the hydrological impacts of the tracks on the peat, it fails to do so for the turbine foundations and crane hard standing. In either case it fails to discuss the long-term impacts, particularly following the working life of the Turbines, i.e. how will the localised peat compaction recover.

**Recommendation: I suggest that BwD Planning seek independent advice over peat hydrology prior to determination.**

**(iii) Appendix 2 – Hoddlesden Moss BHS Citation**

See 3(i) above. There is a mismatch over Biological Heritage Sites, the Site Description Forms and Site Boundary Plans are included for Hoddlesden Moss and Cranberry Moor, for Aushaw Moss only the Site Description Form is provided. Edgerton Moss BHS is mentioned in paragraph 3.1.3 of the RPS Ecological Assessment but neither the Site Description or Boundary Plan is provided in this Appendix. Conversely Cranberry Moor is omitted from paragraph 3.1.3 but included in the Appendix. Such omission undermines the whole validity of the Ecological Appraisal.

**(iv) Appendix 3 – RPS (2015) Badger Survey Report**

See Paragraph 3.3.1 Badgers above.

Regrettably I have not been able to access the 2015 Badger Survey Report on BwD website; I therefore reserve the right to comment further at a later time.

**(v) Appendix 4 – RPS (2015) Bat Survey Report  
Appendix 5 – RPS (2015) Otter And Water Vole Survey Report**

I do not have comments over these at this time.

**(vi) Appendix 6 – Penny Anderson Associates (2013) Natural England West Pennine Moors Phase 1 and NVC Level Site Surveys 2012**

This report by PAA clearly supports the biodiversity value of both the West Pennine Moors and Hoddlesden Moss at an International level, as put forward in this planning application objection.

## **(vii) Appendix 7 – Avian Ecology (2014) Hoddlesden Moss Habitats and Vegetation Survey Report 2014**

Not having had the luxury, as has the Applicant, to undertake a complete Phase 1 Habitat Survey of Hoddlesden Moss within the determination timeframe, I restrict my comments to the areas in close proximity to the proposed turbine locations and associated infrastructure. Whilst there may be a few ecological subtleties, these are not currently pertinent. However, what is pertinent is that the mapping not only confirms that the habitat is Blanket bog but also that it qualifies as 'active' Blanket bog as per JNCC<sup>3</sup> (contrary to the view expressed by other Viridis supporting information - see comments to RPS Ecological assessment in 3(i)).

Notwithstanding the above, I wish to draw BwD Planning's attention to the following points within the Habitat and Vegetation study.

On the 18 July 2016, I visited the areas associated with the three turbine locations and below comment upon the vegetation within the Target Note Areas. These areas were surveyed by Avian Ecology in 2013.

### Turbine 1 Target Note Areas 52 & 53

Avian Ecology describes the area as '*Dense purple moor-grass with occasional heather and cottongrasses*', with which I agree and its classification as Wet modified bog. Only one *Sphagnum* species is recorded in Target Note Area 53. In 2016 I found in addition *S. subnitens*, *S. palustre* and most importantly *S. papillosum*. Overall the *Sphagna* here were low in frequency. ***In this respect there appears to be an improvement in quality of vegetation and habitat within Target Note Area 52 & 53 since the 2013 Survey.***

### Turbine 2 – Target Note Areas 54

Avian Ecology describes the area as '*Mostly dense dominant heather with locally frequent hare's-tail cottongrass and common cottongrass, with patches of purple moor-grass with occasional cottongrass and heather scattered around. Lots of bare peat, area seems disturbed with evidence of fairly recent burning*'; and records the presence of two species of *Sphagnum*. In 2016 whilst some bare peat was visible, much of the area was vegetated to a greater cover. It should be noted that rather than the two species of *Sphagnum* described as present in the 2013 survey, in 2016 I found in addition *S. fallax*, *S. subnitens*, *S. palustre* and most importantly *S. papillosum*. Within the area I would describe the frequency of *Sphagna* as Occasional. ***In these respects there appears to be a marked improvement in quality of vegetation and habitat within Target Note Area 54 since the 2013 Survey.***

### Turbine 3 - Target Note Area 76

Avian Ecology describes the area as '*Recently burnt and disturbed area with short vegetation and much bare peat*', and records the presence of only one species of *Sphagnum*. In 2016 whilst some bare peat was visible, much of the area was vegetated to a much greater cover; and standing water and the occasional bog pool were present – indicating wet modified bog rather than dry modified bog described in the 2013 survey. It should be noted that rather than the one species of *Sphagnum* described as present in the 2013 survey, in 2016 I found in addition *S. fallax*, *S. subnitens*, *S. palustre* and most importantly *S. papillosum*. Within the area I would describe the frequency of *Sphagna* as Occasional. ***In these respects there***

*appears to be a marked improvement in quality of vegetation and habitat within Target Note Area 76 since the 2013 Survey.*

**(viii) APPENDIX 8 – RPS (2015) ORNITHOLOGY TECHNICAL REPORT**

See 1(ii) and 3(i) Ornithology above.

In Appendix 8 I have major concerns over their assessment of the validity of the BHS Register. To counter those expressed, all site and boundaries were chosen by a panel of professionally employed ecologists from Natural England, Lancashire County Council and Lancashire Wildlife Trust. The Site Selection Guidelines were published in 1998, after exhaustive trialling from circa 1990. The Bird Guidelines were updated and republished on-line in 2006 after consultation. In these respects I do not consider any of the comments made by RPS to be valid.

**(ix) Appendix 9 - Dinsdale Moorland Services (2013) Peat Restoration Report**

I concur with Dinsdales Moorland Services over the Ecosystem Services provided by Blanket bog, from CO<sub>2</sub> sequestration and storage to flood elevation. It therefore follows that BwD Borough Council needs to give the highest level of protection to such habitats against potential damage.

Whilst I have the greatest respect for the expertise of Dinsdales Moorland Services in moorland re-wetting, I have major concerns over the images used in the report (not being Hoddlesden Moss), which give the impression that such major works are needed on Hoddlesden Moss; this is far from the case.

In the summary of results it states that 'the majority of the site would benefit from a habitat management plan'. Surely such management is in hand already through the UK Government's advisory organisation, Natural England, and Higher Level Stewardship.

The Dinsdale report acknowledges there is an abundance of dead vegetation on the site posing a fire risk, however, it is the self-same dead plant material which contributes to peat formation, a function of 'active' bogs.

The long-term sustainability of cutting fire-breaks is questionable. Any re-wetting, if accomplished well, should make the bog so wet as to inhibit the spread of fires. The proposal to create sizable scrapes for wader habitat is also questionable and has implications for CO<sub>2</sub> release particularly if the moss is insufficiently re-wetted.

I feel that more investigation/analysis is necessary if the Applicant wishes to put forward Dinsdale's measures as mitigation/compensation. In this respect BwD Borough Council needs to consider whether there is sufficient to determine the application under the basis of Paragraph 118 of the **National Planning Policy Framework**.

**(x) Appendix 10 - Construction Environment Management Plan (CEMP)**



Whilst the provision of an Ecological Protection Plan (EPP) following a planning approval is a pragmatic gesture for the applicant, it leaves BwD Council with little to balance the damage and loss of an internationally important habitat with the unquantified measures outlined by the three bullet points. BwD Council cannot accept these as components in the mitigation/compensation for the loss. Strong and robust Planning Obligations are required to include long-term management (i.e. the life of the wind farm plus at least a further 25 years following de-commissioning).

In terms of construction, the need for an Ecological Clerk of Works is agreed. However, such a person should be employed on a five days per week basis, and not be employed by the applicant. Rather the Ecological CoW needs to be in the direct employment of the Borough Council and be empowered to stop all works if there are ecological matters requiring such action.

#### **(xi) Appendix 11 - Ecological Protection Plan**

The inclusion of a draft Ecological Protection Plan is welcomed, this will need to be significantly strengthened through planning obligations in the event that BwD approves the development. However, this option should in reality not arise.

#### **4. Conclusion**

I feel that there are sufficient ecological grounds for BwD Borough Council to **refuse** this application, based upon provisions in the NPPF, the Habitats Regulations 2010 (as amended)/EC Habitats Directive and the NERC through its Biodiversity Duty. I also feel that **refusal** is necessary to conserve the integrity of the WPMs as a recreational destination in terms of landscape.

Neither do I feel is there adequate provision of mitigation/compensation to balance the biodiversity loss; and there is adequate agricultural/equestrian pasture land in upland Lancashire of low biodiversity value for the avoidance of important semi-natural habitat. These two points also warrant **refusal**.

Yours faithfully,

P. Jepson CEcol, CEnv, FCIEEM, MSc.  
Chartered Ecologist and Chartered Environmentalist.

Rokeby  
61 Earnsdale Avenue,  
DARWEN,  
Lancashire,  
BB3 1JR  
3<sup>rd</sup> March 2017

**FAO Kate McDonald,**  
Development Management Team,  
Blackburn with Darwen Borough Council,  
Town Hall  
Blackburn,  
BB1 7DY.

Dear Ms MacDonald,

**Planning Application: 10/16/0704: Reconsultation.**

**Full Planning Application**

**Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works at Hoddlesden Moss, Hoddlesden, Darwen.**

**1. OVERVIEW**

Thank you for the opportunity to make further comments to the additional documents submitted in relation to the above planning application. Having read and considered the Ecological documents forming part of this consultation, **I wish to re-iterate my objection to the proposed development on Hoddlesden Moss.**

The following comments should be seen as additional to my previous objection and comments dated the 2<sup>nd</sup> August 2016. In these earlier comments I state that the habitat of Hoddlesden Moss is Blanket bog, a habitat of international importance. At that time Hoddlesden Moss carried a local designation (Biological Heritage Site). The notification of the West Pennine Moors, including Hoddlesden Moss, on the 17<sup>th</sup> November 2016 as a **Site of Special Scientific Interest** recognises the importance and elevates the Moss to a higher status in terms of Planning Policies. The notification is an affirmation of my previous comments and my assertion that the habitat of Hoddlesden Moss as Blanket bog/mire is of international importance.

**Within the re-consultation material I find nothing to suggest the Applicant has presented anything further to show 'Avoidance', only providing mitigation/compensation not commensurate to the damage to an internationally important habitat.**

The material recently submitted by the Applicant forming the basis for this re-consultation seeks to demonstrate that Hoddlesden Moss is in a poor state, is not 'active' bog and that it is in unfavourable condition, even claiming that it is in unfavourable declining. However, I **completely disagree** with that view; which I base upon my +40 years local experience of Blanket bog and site visits to Hoddlesden Moss on the 10<sup>th</sup> November 2013, 18 July 2016 and 20<sup>th</sup> February 2017. I would agree that Hoddlesden Moss, like much of the South Pennines, is in unfavourable condition, but most importantly, it is my opinion that the condition of Hoddlesden Moss is **Unfavourable Recovering**. In this respect its condition is regarded as positive and the imposition of the wind farm development on the moss is an unnecessary and damaging vector in ultimately achieving Favourable condition.

I make the following comments to the two Ecological documents forming part of the re-consultation.

**2. COMMENTS TO PLANTECOL REPORT  
HODDLESDEN MOSS: AN ASSESSMENT OF THE CONDITION AND INTEGRITY OF ITS  
BLANKET BOG HABITAT AND VEGETATION  
Dr Alistair Headley**

**Part 5 Conclusions** to the above report make three concluding statements, over which as an Ecologist I strongly beg to differ.

- 1. The plant remains in the peat and species composition and structure of the vegetation at Hoddlesden Moss shows that the blanket bog habitat is far from pristine, i.e. in a pure state without human alteration. In fact it is so heavily modified from more 'near-natural' types of blanket bog habitat found elsewhere in Britain that it has fewer species than the most degraded types of bog and heath vegetation described in the NVC.*
- 2. The poor condition is not a result of current levels of grazing, but is almost certainly as a result of a long history of moor burning, air pollution (past and present), drainage and probably historically high levels of sheep grazing. Although the evidence for active drains is minimal, some drains may be hidden under the extant vegetation.*
- 3. There is no evidence to suggest that any part of Hoddlesden Moss within the vicinity of the development is an 'active' blanket bog and that there are strong indications that the blanket bog habitat in the areas that was observed it was probably a net emitter of carbon dioxide.*

**2.1 Comments to Concluding statement 1.**

I am not aware that anyone has argued that Hoddlesden Moss is in 'pristine' condition, yet the Report makes great play over this. There are few Bogs in Britain which are truly in that state, all having been influenced in one way or another by human activities. It is true to say that Bogs in Scotland and Wales are much nearer their 'natural-state' than those in England. Indeed, it is well recognised that the whole of England's Southern Pennine uplands have suffered the impacts of pollution since the Industrial Revolution, as well as fires and drainage. Dr Headley makes much of this damage in relation to Hoddlesden Moss, but does not set his conclusions into context with the South Pennines and England itself, but towards Wales and Scotland. Regardless of the past impacts, the South Pennines is designated a Special Area of Conservation 'SAC' (a UK designation at the international level and afforded the greatest degree of protection in Law). The West Pennine Moors, along with Hoddlesden Moss, supports vegetation and habitats at least equal to those of the South Pennines, indeed none is so degraded as parts of the summits of Kinder Scout and Bleaklow which carry the highest level of (international) designation.

In his stated experience, Dr Headley, appears to have been most involved in peatlands in Scotland and Wales, rather than England, hence this may have been influencing his comparison. Hoddlesden Moss should be compared with upland bogs/peatlands in England, not with the two other parts of Britain. Here it may be noted that the UK Government's statutory advisors are divided by countries, England, Wales and Scotland, a division that serves to aid the comparing of 'like with like'.

The statement that Hoddlesden Moss carries fewer species than most degraded bog types is misleading. In the report Dr Headley states that he made a site visit on the 17<sup>th</sup> September (*note a single visit*) and was accompanied by Matthew Jackson and that **'the route of the proposed access track was walked over as well as the location of each turbine base and area of hard standing'**. It appears that the extent of the survey presented in this report was confined to this area, with assessments of Hoddlesden Moss wholly reliant upon previous surveys, i.e. Avian Ecology 2014<sup>1</sup>. However, I recall that this earlier survey was not comprehensive, with species lists developed from random quadrats.

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<sup>1</sup> See comments over these surveys in my previous objections

This survey method may account for the failure to list the important bog-building *Sphagnum papillosum*. During my walkover of Hoddlesden Moss in 10<sup>th</sup> November 2013, I found this important Bog-moss *Sphagnum papillosum* to be present; and on a subsequent visit on the 18 July 2016, I found this species within 20 metres of a post presumed to mark a turbine location.

Interestingly Dr Headley places no significance upon finding Lesser-Cowhorn Bogmoss (*Sphagnum inundatum*). According to data held by the British Bryophyte Society's Local Recorder, there are only two previous post 1950 records for this species in historic Lancashire south of the Ribble, that is despite searches over the last decade or so. Surely this adds significance to the value of Hoddlesden Moss.

Dr Headley makes reference to fewer species than most degraded bog types described by NVC. The use of the worded 'degraded' whilst frequently used in an ecological context, is misleading for the layperson. Modified bog is a far more meaningful term, reserving 'degraded' to describe bogs no longer carrying 'natural vegetation'. Without doubt Hoddlesden Moss carries 'natural' vegetation (here I use the term to describe vegetation that has evolved from the original so-called 'pristine' condition). The vegetation on Hoddlesden Moss is comparable to most of the South Pennine Special Area of Conservation taking into account the altitudinal difference.

In this respect I refer to the description for the South Pennine Moors SAC (international designation):

This site represents **blanket bog** in the south Pennines, the most south-easterly occurrence of the habitat in Europe. The bog vegetation communities are botanically poor. Hare's-tail cottongrass *Eriophorum vaginatum* is often overwhelmingly dominant and the usual bog-building *Sphagnum* mosses are scarce. Where the blanket peats are slightly drier, heather *Calluna vulgaris*, crowberry *Empetrum nigrum* and bilberry *Vaccinium myrtillus* become more prominent. The uncommon cloudberry *Rubus chamaemorus*<sup>2</sup> is locally abundant in bog vegetation. Bog pools provide diversity and are often characterised by common cottongrass *E. angustifolium*. Substantial areas of the bog surface are eroding, and there are extensive areas of bare peat. In some areas erosion may be a natural process reflecting the great age (9000 years) of the South Pennine peats.

The above description confirms that the vegetation on Hoddlesden Moss is comparable with much of the South Pennine Moors SAC. The added interest is that as part of the WPMs is at a lower altitude and being closer to the coast is more oceanic than the South Pennines.

In these respects the assessment presented in the Plantecol report is unsound in comparing Hoddlesden Moss with habitats in Scotland and Wales rather than bog habitat in England's South Pennines. This serves to present a skewed picture of Hoddlesden Moss to the advantage of the Applicant.

## 2.2 Comments to Concluding statement 2.

There is no argument over Hoddlesden Moss having suffered fire damage in the past; indeed this is not unique as most of the South Pennines Special Area of Conservation has so suffered. To belittle Hoddlesden Moss in this respect is immaterial in the overall picture. Past air pollution has been a contributing factor on Hoddlesden Moss, as it has on all lowland and upland bogs in Lancashire. However, the West Pennine Moors have suffered less in this respect than peatlands further east, due to the close proximity to the Irish Sea and the prevailing wind from that direction. Moorlands further east are ringed by big industrial conurbations of East Lancashire, Manchester, Sheffield and

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<sup>2</sup> Moorland in the West Pennine Moors is too low for the occurrence of Cloudberry *Rubus chamaemorus* an arctic species found normally only over 450 metres (1,500 ft) altitude in England.



Leeds and receive pollution from which ever direction the wind blows. In recent years the cleaner air from the coast is considered to be a major factor in bog recovery in the West Pennine Moors and the increase in *Sphagna* (Bogmosses). In terms of grazing, I am not aware of any grazing of Hoddlesden Moss for at least the last fifty years.

Drainage has probably been one of the most significant vectors in modification of bogs in England, making them more vulnerable to fires. Dr Headley is correct in stating that '*Although the evidence for active drains is minimal, some drains may be hidden under the extant vegetation*'. **May** and **definitely** are worlds apart. No evidence is presented to substantiate the presence of hidden drains, although it has long been recognised that stone 'soughs' are present in several WPMs bogs. Evidence of such drains is usually present along the sides of deeper peripheral drains; however, I have not as yet seen any such evidence at Hoddlesden Moss.

Here again the conclusion reached in the Plantecol report is weak and fails in a comparison within the South Pennines.

### 2.3 Comments to Concluding statement 3.

The statement made '*There is no evidence to suggest that any part of Hoddlesden Moss within the vicinity of the development is an 'active' blanket bog*' is interestingly worded; as it does not suggest that the whole of Hoddlesden Moss is inactive. Further, I use the term 'active' differently than Dr Headley, as I follow that of JNCC (as stated in my previous objections).

'Active' is defined as supporting a significant area of vegetation that is **normally peat-forming**. Typical species include the **important peat-forming species**, such as bog-mosses *Sphagnum* spp. and cottongrasses *Eriophorum* spp., or purple moor-grass *Molinia caerulea* in certain circumstances, together with heather *Calluna vulgaris* and other ericaceous species. Thus sites, particularly those at higher altitude, characterised by extensive erosion features, may still be classed as 'active' if they otherwise support extensive areas of typical bog vegetation, and especially if the **erosion gullies show signs of recolonisation**.

The most abundant NVC blanket bog types are:

- M17 *Scirpus cespitosus* – *Eriophorum vaginatum* blanket mire
- M18 *Erica tetralix* – *Sphagnum papillosum* raised and blanket mire
- M19 *Calluna vulgaris* – *Eriophorum vaginatum* blanket mire
- M20 *Eriophorum vaginatum* blanket and raised mire
- M25 *Molinia caerulea* – *Potentilla erecta* mire.

JNCC (2005), The Habitats Directive: Selection of Special Areas of Conservation in the UK, JNCC Report 270.

<http://www.jncc.gov.uk/ProtectedSites/SACselection/habitat.asp?FeatureIntCode=H7130>

What matters is that the vegetation is **capable** of forming peat, whether or not it is currently doing so is **irrelevant** in terms of the definition; this is based upon the presumption that peat formation was probably never continuous historically, with periods of no laying down of peat or even periods of peat loss.

There is no doubt in my judgement that Hoddlesden Moss overall fulfils this definition. Certainly at my second visit to the turbine locations on the 18<sup>th</sup> July 2016 it was apparent that there had been an observable natural recovery of the vegetation from the last fire. This was further evident on my subsequent visit on the 20<sup>th</sup> February 2017 when I observed *Sphagna* (Bogmosses) to be frequent to locally abundant within parts of the application area. Without the imposition of the proposed development I have little doubt that this recovery will continue.

In terms of areas with Purple Moor-grass (*Molinia caerulea*) dominated vegetation on Huddlesden Moss, the assessments presented by the Applicant are generally disparaging over this vegetation type. However, my observations in the WPMs over more than thirty years paint a different picture. This is described in the paper I presented to the National Trust and Natural England conference in 2015.

Jepson, P. (2015) *Long-term observations of Molinia caerulea (Purple Moor-grass) dominated Blanket mire in the West Pennine Moors and statutory designation*. National Trust (ed. Meade, R), 2015. *Proceedings of 'Managing Molinia?'* A conference held in Huddersfield in September 2015 to highlight issues and solutions around the dominance of *Molinia caerulea* on upland peat. Available at <https://www.nationaltrust.org.uk/marsden-moor-estate/documents/managing-molinia.pdf>, accessed 19<sup>th</sup> February 2017.

Here I describe how *Molinia* tussocks act as a structural host for Bog-moss (*Sphagnum*) and how it is eventually over-topped and suppressed by the bog-moss growth. I also demonstrate initial accumulation of *Molinia* leaf-litter and its role in initiating peat formation. Hence, the Applicant's surveys should, far from describing this vegetation in deprecating terms, recognise its potential in natural bog recovery.

The 17<sup>th</sup> September assessment by Dr Headley suggests that the peat is relatively dry. This is perhaps best explained by scrutinising rainfall figures in the previous three months. Precipitation was generally low except for the short period from the 19<sup>th</sup> -22<sup>nd</sup> August. On the three occasions I have visited the application area I have observed the **bog surface to be wet**, noting standing water, known as bog-pools, particularly evident around Turbine location 2.

I therefore strongly disagree with the Plantecol report and re-iterate my previous objection, in this respect. I am of the opinion that the blanket-bog at Huddlesden Moss is indeed 'active' under the terms of JNCC, and that the vegetation is capable of favourable recovery without intervention on the back of the proposed development. I also feel that the construction of the wind turbines would be damaging to the integrity of the whole moss.

#### 2.4 JNCC Common Standards Monitoring

The Plantecol report presents in its Table 2 the results of an assessment of the condition of the blanket bog habitat at Huddlesden Moss using the JNCC Common Standards Monitoring guidance for Upland Habitats, and with cells highlighted in orange indicating failed target.

The CSM is intended as a 'quick' method of assessing the condition of habitats; it is not an exact procedure and is open to individual interpretation. Sadly, the raw data is not fully presented but from Table 2 it appears that there were just three samples.

The CSM requires 10 to 20 sample quadrats, but most importantly it is stated, on page 44 under General notes and qualifications, relating to Blanket bog that **'When assessing frequency or cover within the vegetation, exclude all bare rock and recently burned ground from the assessment. Recently burned areas can be recognised by the presence of loose charcoal on partially burnt stems that easily produces black marks on fingers and clothes (it takes two to three years for charcoal to be weathered from stems)'**.

It is quite apparent in the area around Turbines 2 and 3 that the habitat had been burnt some years previous, as charred stems of Heather were clearly visible on my visit in 2013 and to a lesser extent in 2016. I am informed that the last wildcat fire on Huddlesden Moss was 2005; the vegetation around Turbines 2 and 3 was shorter than elsewhere but I cannot state that this is a result of a later burn. It may be attributable to combinations of seasonally waterlogging and desiccation of bare peat and/or the ravages of Heather Beetle.

Notwithstanding this, quadrat data collected by me on the 21<sup>st</sup> February 2017 paints a very different picture of the vegetation condition to that presented by the Applicant (see my assessment below).

**Assessing the various reports submitted and based upon my observations, I conclude that the Plantecol assessment is unsound.**

**3. COMMENTS TO THE CAPITA REPORT :  
HODDLEDSEN MOSS MOORLAND RESTORATION ENHANCEMENT STRATEGY  
NOVEMBER 2016  
NEIL PAGE**

Section 1 of this report makes the statement that; *'The baseline condition of the whole Hoddlesden Moss site subject to this report is considered to be in unfavourable declining condition based on the assessment of PlantEcol 2016 and the site walkover undertaken in November 2016 by Capita ecologist'*,

However, both the Plantecol survey and the Capita walkover were restricted to the footprint of the proposed development, so I am at a loss as to how their statement can claim to cover the **whole** of Hoddlesden Moss. Moreover, I am at a loss over the Capita assertion that the 'baseline condition' of the **whole** of Hoddlesden Moss is 'unfavourable declining'. There is nothing presented to show how Capita arrived at this opinion.

Certainly the Plantecol assessment, using the JNCC Common Standards Monitoring, may have inadequately considered the condition of Hoddlesden Moss as 'unfavourable' (see above) and in that set a baseline, but to determine 'unfavourable declining' or 'unfavourable recovery' requires a comparable survey nominally six years later (or sooner if there are issues over condition).

**On that basis the walkover survey of Capita, restricted to the proposed development footprint alone and involving such a short date interval<sup>3</sup>, the assertion that the condition of Hoddlesden Moss is unfavourable declining is grossly inadequate and extremely dubious.**

Further if the Capita Report purports to mitigate/compensate for the damage/loss of blanket bog habitat, then I consider that proposed to be grossly inadequate. It most certainly does not mitigate/compensate for the loss to a 9,000yr old system. Certainly a modicum of grip blocking and the planting of trees does not equate to the loss/damage to an internationally important habitat. I do not consider BwD Planning are in a position to approve this application with the mitigation/compensation on offer.

**4. ALTERNATIVE ASSESSMENT OF THE VEGETATION AND CONDITION OF HODDLEDSEN MOSS**

Conversely to the Plantecol and the Capita assessments; based upon my knowledge of habitats in the WPMs spanning +40 years and visits to Hoddlesden Moss in connection with planning applications in 2013, 2016 and 2017, it is **my opinion that the condition of the moss is at the least Unfavourable Recovery**. This concurs with Natural England's assessment for part of the Moss.

It should be recognised that the last wildcat fire (probably arson) was in 2005 at which time much of the vegetation would have been severely damaged. The vegetation on the site represents circa 11

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<sup>3</sup> September to November 2016

years of recovery. In this respect it cannot be expected to compare with near pristine bogs of Wales and Scotland as presented in the Plantecol report.

The assessment made by Plantecol and Capita that the habitat is in poor condition is not corroborated by my visits and latest walkover.

#### **Quadrat Survey on the 21<sup>st</sup> February 2017**

During a walkover on the 21<sup>st</sup> February 2017, the plant species in twelve 4m<sup>2</sup> quadrats were recorded within or adjacent to the development site boundary and the results presented in Appendix 1.

Of particular note is the total of **nine Sphagna** species recorded in the quadrats, contrasting with the few vascular plant species. In terms of the Indicator Species in the Common Standards Monitoring (used by Plantecol) where a threshold of 6 such species is required for Favourable Condition. In my survey (see Appendix 1) **Six Indicator species occurred in 6 of the quadrates**, with two quadrats with 8 indicators, and with the two lowest with 4 indicators each. As advised by Natural England the generic term 'Pleurocarpous mosses', is taken to include *Hypnum jutlandicum* as an Indicator.

#### **Species composition of vegetation**

Whilst the vascular plants recorded in the quadrats are few, mainly Heather, Cottongrasses and Purple Moor-grass, the moss and liverwort flora more than compensates. Nine species of *Sphagna* (Bogmoss) were recorded; adding the *Sphagnum inundatum* found by Dr Headley, this makes a most impressive count of at least **ten Sphagnum species on Hoddlesden Moss**, more than twice as many as typically found in the South Pennines SAC<sup>4</sup>.

In addition the record of *Sphagnum tenellum* is the first in the West Pennine Moors. It would appear there are few if any recent records for the South Pennines, so must therefore be considered an extremely rare species within that context.

The Liverwort *Odontoschisma sphagni*, is of major significance as the last fully documented records in South Lancashire VC59 are from the southern lowland mosses in the mid 1970s (M.Newton); (there are records dated 1989 from SD81 and SD92 but no recorder/determiner is specified). *Cephalozia connivens* has two recent records, both from the southern mosses of South Lancashire; and *Lophozia incisa* with only four recent records. These species were identified by the British Bryophyte Society Recorder covering S. Lancashire and Cheshire, and he states in correspondence, "*L. incisa* and *O.sphagni* are prominent liverworts unlikely to be overlooked and undoubtedly scarce in VC59. I have been specifically searching for the latter for years".

Clearly, the assessments submitted by the Applicant to support the proposed development undervalues Hoddlesden Moss as a biodiversity resource, a Site of Special Scientific Interest and Internationally important habitat.

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<sup>4</sup> Following research for Oswaldtwistle Wind Farm that indicated that 4-5 species typically occurred per 2km square on the OS grid in the South Pennines.



## 5. CONCLUSION

I conclude, based upon policies in BwD Development Plan and those in the National Planning Policy Framework, I urge Blackburn with Darwen Borough Council to refuse Planning Application 10/16/0704.

- The windfarm development on Hoddlesden Moss would cause a loss to the total area of Blanket bog and impact potentially adversely upon the remainder. Blanket bog, is a priority habitat listed in the EC Habitats Directive and is a Section 41 Habitat of Conservation Importance in the NERC Act, under which local authorities have an obligation to protect.
- It is made clear in the National Planning Policy Framework that: *"Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any other broader impacts on the national network of Site of Special Scientific Interest"*. In this respect BwD as the planning authority needs to place considerable weight behind the advice from Natural England in their decision. I see no other option than refusal.
- In my previous objections and again here in this objection, I do not consider the proposed mitigation/compensation adequate, neither has 'Avoidance' been satisfactorily demonstrated. NPPF dictates a hierarchical approach of Avoidance – Mitigation - Compensation. It may be claimed that the SSSI notification postdates the planning application, the designation had been on the cards since 2007 and was widely known. In any case Hoddlesden Moss was designated a BHS from the early 1990s, the hierarchical approach of Avoidance , Mitigation and Compensation still applied. I am of the view that the mitigation/compensation offered is nowhere near proportional to the loss and damage to the Moss.
- Hoddlesden Moss is in a state of Recovery, whilst lacking certain vascular plants, its *Sphagnum* (bogmoss) flora is diverse with at least 10 species. *Sphagna* are well distributed across the Moss and where they are locally frequent to locally abundant.

Yours faithfully,

P. Jepson CEcol. CEnv. FCIEEM.  
Chartered Ecologist.

## Appendix 1 Hoddesden Moss Walkover Assessment.

Surveyor: P.Jepson CEcol.CEnv.FCIEEM with bryophytes determined by Dr J. Lowell, British Bryological Society VC Recorder for S. Lancashire and Cheshire.

Quadrates data taken during a site walk over on the 21<sup>st</sup> February 2017.

Survey duration circa 2 hours (10.30 am to 12.30am), survey abandoned when thick wet mist began to roll-in

Weather conditions: dull but dry prior to mist.

Ground conditions: variable, moist to wet with localised standing water present.

Notable species in bold

- Indicates an Indicator Species JNCC Common Standards Monitoring

Species	Location					
	1	2	3	4	5	6
	SD 7307221316	SD 7303821260	SD 7287721080	SD 7291020752	SD 7291020651	SD 7287120553
○ Heather <i>Calluna vulgaris</i>	LD	D	A	O	R	O
○ Common Cottongrass <i>Eriophorum angustifolium</i>	R	F	A	R		F
○ Hare'-tail Cottongrass <i>Eriophorum vaginatum</i>	F	O	R	O		A
Purple Moor-grass <i>Molinia caerulea</i>	D	R	O	D	D	A
<i>Calypogeia muelleriana</i>						present
<b><i>Cephalozia connivens</i></b>						present
○ <i>Hypnum jutlandicum</i>			F			F
<b><i>Lophozia incisa</i></b>						present
<b><i>Odontoschisma sphagni</i></b>						present
<i>Polytrichum commune</i>						R
Bogmoss <i>Sphagnum</i> species comprising:	A	LD		A	LD	F
○ <i>S. denticulatum</i>		present				
○ <i>S. capillifolium</i>	present					present
○ <i>S. cuspidatum</i>						
○ <i>S. fallax</i>	present		present		present	
○ <i>S. fimbriatum</i>	present					present
○ <i>S. palustre</i>	present			present		present
○ <i>S. papillosum</i>					present	
○ <i>S. subnitens</i>	present	present		present	present	
○ <b><i>S. tenellum</i></b>						
	Small grip, naturally infilling with vegetation, some standing water			Close to post, presumed location of proposed Turbine 1		Close to post, presumed location of proposed Turbine 2
CSM Qualifying Species	8	5	5	5	4	7

\* Grid reference may have been corrupted at beyond 6 figures – to be checked in field when the opportunity permits.

Species	Location					
	7	8	9	10	11	12
	SD 7285720533	*SD 7285620539	SD 7291520339	SD 7285920301	SD 7280920436	SD 7270820670
○ Heather <i>Calluna vulgaris</i>	F	O	A	A	O	A
○ Common Cottongrass <i>Eriophorum angustifolium</i>	O	F	F	A	F	F
○ Hare's-tail ottongrass <i>Eriophorum vaginatum</i>	A	F	F	F	A	F
Purple Moor-grass <i>Molinia caerulea</i>	R	F			R	R
<i>Calypogeia muelleriana</i>						
<i>Cephalozia connivens</i>						
○ <i>Hypnum jutlandicum</i>	R			R	LF	O
<i>Lophozia incisa</i>						
<i>Odontoschisma sphagni</i>			present			
<i>Polytrichum commune</i>	R					
Bogmoss <i>Sphagnum</i> species comprising:	LD	F	LD	LD	LD	A
○ <i>S. denticulatum</i>						
○ <i>S. capillifolium</i>	present		present			
○ <i>S. cuspidatum</i>		present				
○ <i>S. fallax</i>				present	present	
○ <i>S. fimbriatum</i>					present	
○ <i>S. palustre</i>	present					
○ <i>S. papillosum</i>					present	present
○ <i>S. subnitens</i>				present	present	present
○ <i>S. tenellum</i>		present				
	Close to post, presumed location of proposed Turbine 2, Sphagnum hummock c 1.5metres across	Standing water present. Close to post, presumed location of proposed Turbine 2,	Close to post, presumed location of proposed Turbine 3,	Substantial Sphagnum hummock Near to post, presumed location of proposed Turbine 3,	Sphagnum hummock c 1metre across	
CSM Qualifying Species	6	5	4	6	8	6

# **Bob Britnell – Planning Consultancy**

## **planning and conservation advice**

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**28 Orchard Close, Canterbury, CT2 7AL**

**e-mail [bobbritnellplans@hotmail.co.uk](mailto:bobbritnellplans@hotmail.co.uk) tel: 01227 456648**

Planning Dept,  
Blackburn with Darwen Borough Council  
Lower Ground Floor  
Town Hall  
King William Street  
Blackburn BB1 7DY  
Date: 1<sup>st</sup> March 2017

**Letter of objection: application 10/16/0704**  
**Erection of three wind turbines between Broadhead Road and Roman Road at**  
**Hoddlesden Moss, Hoddlesden, Darwen**

### 1. INTRODUCTION

1.1 This letter of objection is on behalf of Mrs I Syddall and Ms N Syddall who occupy two properties at Lower Giles, at the western end of Knowsley Lane, Edgworth. Knowsley Lane runs down hill westward from The Broadhead Road at the Toby Inn, almost to the Broadhead Brook; from the Broadhead Brook land rises upwards to the west and north-west to the top of what is referred to in the application as “Soot Hill” and the location of the proposed three turbines. From the properties of Mrs and Ms Syddall the turbines will be dominant features on the hilltop above their properties and clearly visible in the outlook from their windows and garden. The turbines will be equally if not more visible from the other properties of Knowsley Lane, which are uphill to the east of Lower Giles towards the Broadhead Road.

### 2. COMMUNITY ENGAGEMENT

2.1 Given the proximity of these properties to the turbine application site it is surprising that none of the Knowsley Lane properties were advised of the planning application which is now more than six months old; the fear is that these properties and the impact upon them has been totally overlooked both by the applicants in devising their proposals and by the Council in assessing them.

2.2. It is clear from the applicants submission that their “community engagement” did not extend to properties outside the immediate Hoddlesden, Waterside and Pick-up Bank areas and neither residents of, nor the Parish Council of North Turton were consulted or even informed of the proposals by the applicants; this is a serious oversight and totally undermines the applicants claim to have community support for the proposals. The submitted documents suggest that the public consultation that did take place was as long ago as 2013 and that really cannot be relied on as being valid in 2017.

### 3. VISUAL AMENITY

3.1 Whilst a photograph and visualisation have been provided to “demonstrate” the visual impact of the proposed turbines, including a photograph taken from Broadhead Road close to The Toby Inn such things are notoriously misleading as the eye does not perceive in the same way as a camera and the camera cannot capture the visual impact of turbines in motion with the revolution of the blades making turbines much more noticeable visually. The reality of the situation here is that three



huge towers with revolving blades would be a dominant hilltop feature detracting from the unspoilt outlook, character and nature of Hoddlesden Moss and Soot Hill.

3.2. Whilst no-one has a "right to a view" this is not about loss of a private "view" but about a gross intrusion on a public view of an unspoilt moorland hill. This is an important issue as a present this area between the M61 and the Grane Road is largely unspoilt by structures of the scale and magnitude of wind turbines. The presence of the turbines to the east of the Grane Road demonstrates just what a deleterious visual impact turbines can have on a wide area of landscape. It is probably worth noting at this point that the three turbines proposed do not extend the full length of this moorland ridge and on plan at least it would appear that further turbines could be added southwards at limited cost as the service road and infrastructure would be in place.

#### 4. LOCAL PLANNING POLICY

4.1 Before commenting in detail on the planning policy issues that arise from the application it must be noted that the proposal refers consistently to the last, but now superseded version of the Borough Local Plan, quoting policies therefrom that are now overtaken by changes made; this is perhaps as a result of the applicant merely rehashing their previous submission with additional material limited to specific issues; changes in planning policy are therefore not reflected in this submission. In assessing compliance with planning policy regard has been had to the Landscape Strategy for Lancashire, the Blackburn with Darwen Local Plan Part 1 Core Strategy and Part 2 dealing with development management and to the National Planning Policy Framework and the associated National Planning Practice Guidance suite.

4.2 The Landscape Strategy identifies the site as within the West Pennine Moors with a Moorland Hills designation; within such an area it indicates that development such as this "can be intrusive" if a "cluttered skyline" is created and as a guiding principle that local distinctiveness should be recognised and enhanced. The hill is currently uncluttered, its bare top forming a characteristic and distinctive moorland feature that would be lost if turbines were erected on it; the proposal is therefore clearly contrary to the aims and ambitions of the Landscape Strategy for Lancashire.

4.3 Policy CS18 of the Borough Core Strategy states at part 2  
**"The key features of landscapes throughout the Borough will be protected. Development likely to affect landscapes or their key features will only be permitted where there is no unacceptable adverse impact on them. The level of protection afforded will depend on the quality, importance and uniqueness of the landscape in question."**

And Part 2 of the Local Plan further states in policy 41

**"Development will be permitted provided there is no unacceptable impact on landscape character or the principal traits associated with it."**

It is self evident that introducing three giant wind turbines on to the top of this unspoilt hilltop will have an unacceptably adverse impact on the character of the landscape and the proposal is thus demonstrably contrary to the Local Plan.

4.4 Policy CS18 of the Borough Core Strategy states in part 3,  
**"The active use of the Borough's landscapes through leisure and tourism will be promoted where this is compatible with objectives relating to their protection."**

And Part 2 of the Local Plan further states in policy 34

**"Tourism-based development will be granted planning permission, with priority given to the following locations:**

**ii) the West Pennine Moors as defined on the Adopted Policies Map for uses associated with the recreational use of the Moors. .... . All recreational development**

must be sensitive to the natural environment that is the tourism asset of the West

**Pennine Moors .....**;

Again, it is self evident, imposing three large wind turbines on an unspoilt hilltop in the West Pennine Moors is going to undermine the Council's strategy of encouraging tourism and the related tourist spend into the local economy. The area where the turbine towers are proposed is criss crossed with public footpaths giving access for town dwellers and visitors to the unspoilt beauty of the moors; the presence of the proposed turbines would impact adversely on the areas recreational potential. The proposal is thus again demonstrably in conflict with the Local Plan and Core Strategy.

4.5 The Council has adopted a specific policy in Part 2 of the Local Plan with regard to wind Turbines, policy 37: this states at the outset,

**"1. Wind turbine development will be permitted where it complies with all of the following criteria:"**

It is notable that the policy requires compliance with all the following criteria, however it falls at the first hurdle:

**i) the development has no unacceptable adverse visual impact and does not unacceptably undermine the character of the landscape;**

As set out above the proposal would have a seriously adverse visual impact and would undermine the character of the landscape; it falls again at the ninth and tenth hurdles:

**ix) the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and**

**x) 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.**

There is no Local or Neighbourhood Plan that has identified the area as suitable for wind energy development and, in any case, the consultation with the "local community" was very restricted and ignored people like the residents of Knowsley Lane who will be seriously adversely affected by the proposal; they simply were not consulted, let alone had their concerns addressed and they certainly do not back the proposal. The proposal is therefore contrary to policy 37 of the Local Plan.

## 5. NATIONAL PLANNING POLICY

5.1 Identifying the conflict with the adopted Local Plan Part 2 and Core Strategy documents is important as the National Planning Policy Framework makes clear in paras 2, 11 and 196 that development decisions should be made in accordance with an adopted Local Plan where it is up to date, as in this case. Para 7 of the NPPF indicates that there are three important strands to sustainable planning and that these are to be held in tension, no one trumping the other, these are economic, social and environmental strands and the conservation and enhancement of the natural environment is one of the core planning principles set out in Para 17; the environment and its protection is thus a fundamental and important part of planning as seen by the Government.

5.2 Elsewhere in the NPPF Para 109 refers to the need to conserve and enhance natural and local environments and particularly to protect and enhance "valued landscapes"; although valued landscapes are not defined as such, there can be no doubt that this landscape, which is designated as a specific landscape character area, moorland hills and the West Pennine Moors, fits the picture of such a "valued landscape", were it not it would not have received the extra layer of protection that such designation affords it.

5.3 Furthermore Para 123 of the NPPF indicates that areas of tranquillity that are relatively undisturbed by noise should be identified and protected as such areas are prized for their amenity and recreational values. As stated above this moor is such an area, crossed by public footpaths and close enough to major urban areas to provide an opportunity for town and city dwellers to enjoy a break in the countryside, even if only for a day or so.

5.4 The National Planning Practice Guidance suite offers specific advice in respect of renewable and low carbon technology stating that **“in the case of wind turbines a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a local or neighbourhood plan”**. Furthermore it states, **“the need for renewable or low carbon energy does not automatically override environmental protections”** and **“local topography is an important factor in assessing if the effect on the landscape is damaging”** and finally, **“protecting local amenity is an important consideration”**.

## 6. CONCLUSION

6.1 As the Council's Local Plan Part 2 and Core Strategy clearly reflect the national framework and practice guidance and as the development is demonstrably contrary to the Local Plan and Strategy it follows that the proposal must be contrary to the National Framework and Guidance. The NPPF is clear and repeats that development decision making should follow adopted planning policy and as this proposal is so clearly contrary to adopted policies, both national and local, it follows that the proposal should be rejected and the moorland safeguarded.

R T Britnell FRICS  
01 Mar 2107

**Anthony Wild**

Orrell Cote Barn, Moorside Road  
Edgworth, Bolton. BL7 0JZ

1<sup>st</sup> August 2016

Kate McDonald,  
The Lead Planning Officer,  
King William Street,  
Blackburn,  
BB1 7DY.

Dear Ms. McDonald,

**Re: Planning application number 10/16/0704: site address: Hoddlesden Moss, Hoddlesden, Darwen.**

I wish to register an objection to the above application. My grounds for objection are as follows:

1. The development would have an unacceptably adverse impact upon the key characteristics of the surrounding landscape. The turbines are 76.5 meters high and would create a complete blight on the skyline from many directions.
2. I consider that the turbines would be too close to several nearby properties, taking account of their size.
3. The area of the proposed development is currently under consideration for being designated as a 'special scientific site of interest' by Natural England.
4. In my view, the sound report is incomplete. The site is approximately equidistant from both the Roman road and Broadhead Road. No sound assessments have been considered for the many properties on the Broadhead Road side of the proposed turbines e.g. Longshoot Barn Cottage and Higher Pasture Farm. The prevailing wind blows from the west and these properties are likely to receive more noise on most occasions than those to the west of the site, to which the sound reports relate.

Sound can travel differently depending on the lie of the land: and in Scotland, which is the U.K.'s main venue for wind farms, the recommended distance of large turbines from residential properties is a minimum of 2km.

5. I am concerned with access to the site. The size and weight of each turbine being transported is likely to cause damage and inconvenience users on the narrow access roads and also to cause irreparable damage to the important natural flora and fauna of the moorland.



6. *I have obtained information relating to the accounts of Viridis Wind Turbines (Global) Limited as at 31<sup>st</sup> December 2014. These show assets of £16,127 and liabilities of £90,755. Debt exceeds assets by £74,628. The applicant has agreed to give certain undertakings to the Council, the Parish Councils and others. No evidence is available to support the applicant's ability to meet these obligations. This is of serious concern and I would respectfully suggest that in the event that the Council are mindful to grant the application, that prior to doing so they take out credit reports on Viridis and the appropriate sureties be obtained.*

*Yours Sincerely,*

*James Anthony Wild*

West Cottage  
Ryecroft Lane  
Belmont  
Bolton  
Lancashire  
BL7 8AH

Kate McDonald,  
Planning Team Leader (Implementation)  
Planning Services  
Planning and Prosperity  
Blackburn with Darwen Borough Council  
Town Hall  
Blackburn  
BB1 7DY

2<sup>nd</sup> March 2016

Dear Ms McDonald

Re: Planning Application 10/16/0704 (amended) – Three wind turbines and ancillary works at Hoddlesden Moss, Darwen

I wish to register my **objection** to the amended proposal to erect three wind turbines and ancillary works at Hoddlesden Moss, Darwen. Since my previous letter of objection (dated 28<sup>th</sup> July 2016) to the original proposals, a major development has been that Natural England (NE) notified the West Pennine Moors SSSI on the 17th of November 2016 under section 28C of the Wildlife and Countryside Act 1981. I know that you are acutely aware of the notification and the legal consequences of it.

I feel able to comment with authority on the birds of the West Pennine Moors (WPM) having been consulted on the original designations and assemblage criteria of Avian BHS's within the WPM by Lancashire County Council from 1992 onwards. Furthermore, I was co-author of *The Birds of Lancashire* (White et al 2008)<sup>1</sup> the 'Lancashire Bird Atlas' (*The State of Lancashire's Birds: 2007-2011* (White et al 2013)<sup>2</sup>, the annual Lancashire Bird Report since 2006 plus have contributed further within other works of reference in relation to the birds of the WPM. I have carried out ornithological survey and consultancy/advisory work in the WPM for over 20 years for clients including United Utilities plc, the Forestry Commission, Bolton Metropolitan Borough Council plus independent consultants. Additionally, Dr Tim Melling and I produced the text on birds for the *Conspectus for Statutory Designation (SSSI)* for the West Pennine Moors to Natural England in 2007.

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<sup>1</sup> The Birds of Lancashire and North Merseyside – White et al 2008

<sup>2</sup> The State of Lancashire's Birds: An Atlas Survey 2007-2011 – White et al 2013

Hoddlesden Moss qualifies as a Site of Special Scientific Interest (SSSI) under the *upland moorland and grassland without water bodies* breeding bird assemblage of the JNCC Guidelines for the Selection of Biological SSSIs, hence why Hoddlesden Moss is included within the West Pennine Moors SSSI. The breeding bird assemblage of the SSSI of Hoddlesden and Aushaw Mosses lying within the 2km buffer of the proposed development includes many species listed in SPA Annex 1, Birds of Conservation Concern (BoCC4) Red-list, BoCC Amber-list plus Schedule 1 Licence listed species in addition to species listed in the SSSI Site Selection guidelines.

This list (updated to include the 2016 breeding season) includes *Peregrine, Merlin, Short-eared Owl, Long-eared Owl, Teal, Raven, Cuckoo, Curlew, Grey Partridge, Linnet, Lapwing, Golden Plover, Dunlin, Red Grouse, Snipe, Wheatear, Stonechat, Skylark, Lesser Redpoll, Willow Warbler, Meadow Pipit and Reed Bunting*.

**This is an impressive list which serves to illustrate why Hoddlesden Moss is a key component part of the SSSI and therefore of national significance.**

Following the notification of the SSSI, NE was re-consulted by Blackburn with Darwen Borough Council (The Council), and NE's response to consultation in a letter dated 3rd February 2017 states:

- *the proposed development would result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest feature of this SSSI. It would also be likely to have significant impacts on the breeding bird assemblage for which the SSSI is notified*
- *the planning policy context (NPPF paragraph 118) is clear that: "Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any other broader impacts on the national network of Site of Special Scientific Interest". Therefore, in weighing benefits and impacts as part of the decision making process, the LPA should take into account Natural England's advice that an adverse effect on the site's notified features is likely*
- *as per our previous advice, the proposals have not properly considered the mitigation hierarchy. This would include consideration of alternative locations, the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat. It is our view that it would be very challenging to successfully mitigate the impacts of this scheme at this location*
- *enhancement should be considered separately to the mitigation hierarchy. As per our previous advice, it is our view that large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers*

Furthermore, the NE letter clearly states "*Natural England maintains an objection to this proposal on the grounds that it is likely to damage or destroy the interest features for which the West Pennine Moors SSSI has been notified*".

All the above statements by NE, the Government's advisory body on England's natural environment, are absolutely firm, clear and unambiguous. Therefore any application, such as this, that constitutes an adverse impact on both priority habitats and upland priority breeding birds should clearly be refused.

The applicant's revised submission states (in 'Additional Info Sheet', page 5, 'Breeding Bird Surveys') that two additional bird surveys were undertaken by the applicant's consultant, on the 22nd and 23rd April 2016. However, the detailed bird survey data for those two days is not made available or included within the additional documents. The lack of this information, and additionally of a Winter Bird Survey, I find most wanting and remiss and I can see no genuine reason why the applicant would not produce this information, given the request from Council for such, in the pre-application response dated 23<sup>rd</sup> July 2015.

I have cause for concern over the methodology of the breeding bird surveys employed by the developer as these have led to the apparent absence of several key species and suppression of recorded numbers of other species. The 2013 Ornithological Survey was limited in the area it covered (only 500m from the proposed turbines) and did not include the vital dawn/dusk visits, with the 2014 Ornithological Survey also not including any dusk visits. The absence of dawn and dusk visits leads to under-recording of species like Snipe and Short-eared Owl. However, it is the 2015 Ornithological Survey that is found most wanting. The surveying in 2015 did not start until late June (23rd June). This is at a time when any breeding bird survey should be nearing completion as many early/failed/elusive species will have already left the site or no longer be evident to surveyors. This gross failing in the developer's 2015 Survey unfortunately renders the 2015 data, and any conclusions drawn from that data, unsafe. This is amply illustrated by the fact that Short-eared Owls were present, and in all probability breeding, on Hoddlesden Moss in April 2015 (data via RSPB). Their breeding cycle was concluded and the birds had clearly moved away before the late start of the applicant's, flawed breeding bird survey. Furthermore, the deficiencies of the developer's 2015 Survey are amply illustrated in the fact that, for example, only one Snipe territory, 2 Curlew territories and 4 Linnet territories were located. In comparison, a series of brief walkover surveys by myself during the 2016 breeding season located 7+ Snipe territories, 5/6 Curlew territories and 9+ Linnet territories. Additionally, key breeding raptor and other site 'flagship' species, present during the 2016 breeding season, were unrecorded during the developer's surveys.

The displacement of several moorland breeding bird species to wind-turbines has been demonstrated (Pearce-Higgins et al., 2009)<sup>3</sup>. Particularly affected are raptor species and several waders with, for example, Curlew avoidance of turbines out to 800m and Snipe avoidance out to 400m. This would clearly have a massive detrimental effect in displacing many species from the development site itself and up to 800m around the proposed turbines. The access track would also contribute to the displacement effect due to the inevitable increased disturbance it will generate. These displaced birds are an important constituent part (and percentage) of the West Pennine Moors SSSI population. It is also totally remiss, but perhaps not surprising, that the definitive work on the displacement of breeding birds by wind-turbines in the UK (Pearce-Higgins et al., 2009) is not referred to within the developer's application.

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<sup>3</sup> The Distribution of Breeding Birds around Upland Wind Farms - Pearce-Higgins et al 2009

The developer's Ornithological Survey Report (Desk Study) also makes an immense, and false, assumption that if a record isn't on the LERN database then the species is absent. Ornithological records are unfortunately grossly underrepresented on the LERN database which is clearly evident upon study. The developer's further statements and conclusions, drawn from the paucity of bird records on LERN, verge on the naïve, as they suggest that an absence of records equals a record of absence! This is well illustrated by reference to Short-eared Owl, which the developer states '*has only been identified twice over the last 20 years*'. This is unacceptably misrepresentative as the species is seen on essentially an annual basis (including probable breeding in 2015 and presence in 2016) and breeds regularly within the SSSI.

The mitigation and enhancement packages offered by the applicant are totally inappropriate for the scale of the ecological damage that the construction and operation of the proposed turbines/access track will bring and are unnecessary and could even be regarded as damaging. Furthermore, the advice from NE was that:

*"large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers".*

The site is already in Higher Level Stewardship and therefore 'recovering' plus large areas are believed to have never been gripped/drained. Therefore any grip-blocking could be considered unnecessary and could even be regarded as damaging to the site and the advice of NE should be heeded and this 'enhancement' dismissed. The further tree-planting mitigation is anything but compensatory as it will damage open species-rich grassland and have a totally negative affect on the immediately adjacent SSSI on Edgerton Moss. Hence, this tree-planting mitigation will have a harmful ecological impact and I find it incredible that it has even been suggested.

Whilst others will be better qualified to comment at length on other aspects of the proposal, I would like to state that the irreparable damage to the deep peat, the active blanket-bog, the remarkable ten species of *Sphagna* present plus the hydrology of the site is totally unacceptable. Active blanket-bog is an extremely valuable and scarce world resource, often described as 'Britain's rainforest' and The Council should be extremely proud to have such an internationally important habitat within their jurisdiction and have the ability to protect it through development control. There is up to 3.5m depth of peat around the proposed turbines, which will equate to it being some 3,500 years old as it grows at around 1mm per year. This will have provided some 3500 years-worth of climate benefit but if the peat is damaged this process reverses and it starts to release stored carbon becoming negative with regard to climate change. Additionally, the damage to the landscape character of the West Pennine Moors is of major concern and the turbines would additionally be highly visible at great distance, particularly to the north and south. The access track would also be highly visible, especially from the east and north, and its route so close to the summit of the moor at Grey Stone will be highly detrimental to the landscape.

Given all of the above, I believe that the application should be rejected, as the presence and construction of the turbines plus ancillary works will irreparably damage the ecological status of the site (notified SSSI) both in terms of habitat destruction, disturbance and displacement of breeding birds with the inevitable degradation of the nationally important upland breeding bird assemblage and active blanket-bog over deep peat. Having carried out ecological surveys and consultancy throughout the West Pennine

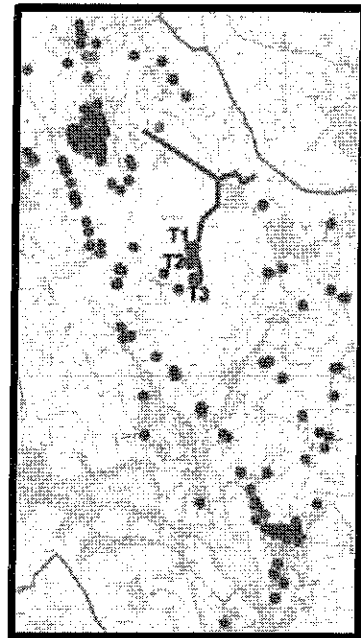


Moors for many years I struggle to think of a more inappropriate and ecologically damaging location for a windfarm than Hoddlesden Moss.

To conclude, as Hoddlesden Moss, has now been notified as part of the West Pennine Moors SSSI, it would be extremely injudicious to grant permission for such an application to proceed given the clear advice received from NE, the Government's advisory body on England's natural environment. As you will be aware, Local Authorities also have a responsibility under Section 40 of the Natural Environment and Rural Communities NERC Act (2006), in accordance with Paragraph 118 of the National Planning Policy Framework (NPPF). The fact that the site is a notified SSSI indicates that it has nationally significant biodiversity interest. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public bodies to 'have regard to the purpose of conserving biodiversity' in exercising their functions. Therefore, the local authority should give consideration to the biodiversity value and SSSI notification of the site in order to comply with this duty.

Furthermore, as the applicant has not submitted any documentation or any reasons as to why Hoddlesden Moss is the only possible location for the windfarm, he has therefore failed at the first hurdle of the mitigation hierarchy as laid down within the NPPF. This in respect that the applicant should first address any site based issues through avoidance. Therefore planning permission should be refused.

One final point; the June 2015 Ministerial Statement on Wind Energy states that local authorities should only consider granting planning permission for wind turbines where they have been allocated within Local Plans and have community support. This proposal has neither, and the public antipathy to this proposal is overwhelming despite what the applicant states in his 'Community Engagement Report'. This is amply illustrated by The Council's Objectors and Supporters map (right) where objections to the present application are noted in red whilst supports are in green.



Yours faithfully

**Stephen Martin**

Donald and Sheila Bell, Stand Hill Farm Hoddlesden Darwen BB3 3QS

Registration of objection to Planning Application Reference 10/16/0704 – Installation of Wind Turbines on Hoddlesden Moss

Dear Kate –

We would like to yet again formally register our objection to the abovementioned planning proposal as we believe a further attempt is being made to resurrect the abomination and objections have to be in by 06/03/17.

Our objections are as follows :-

1) As we live at Stand Hill Farm Chapman Rd Hoddlesden BB3 3QS we believe the siting of the turbines makes them directly visible from all windows and the conservatory on the rear elevation of our property (see Appendix 14 Plan 5). Given their size and proximity we consider the turbines will be a complete eyesore and ruin what has been our long established unobstructed views of pristine moorland.

2) We believe that given there is growing evidence that cost effectiveness of wind turbines is being seriously called in to question then at least the progressing of such applications should be held in moratorium until their efficacy is proven.

Not to mention their cost in subsidies and their potential long term dismantling costs when they outlive their short life.

3) We believe the government position on wind farms is changing with several Ministers in favour of halting or at least a having a moratorium on the building of more wind farms as along with questions of their cost effectiveness they believe too little consideration has been given to the views of and impact on local/affected communities. This has been much reported in the press in with the then PM David Cameron recently saying in Lancashire

“that people should not “expect to see a lot more wind power onshore

in the UK”. “There’s a limited potential for onshore wind,” Mr Cameron said. “Frankly, we’ve got some in the UK — I don’t think we’re going to have a huge amount more. “We’ve just changed the rules, we’ve cut the subsidies and we’ve said that any schemes that go ahead have to give more benefit to local communities. So I wouldn’t expect to see a lot more wind power onshore in the UK.”

Indeed there is talk of halting of further inland Wind Farms being an Election Manifesto issue.

By the way what benefits would we/Hoddlesden see ??

4) We think our area has already contributed/suffered enough in support of the misguided Wind Farm policy in as much as the northern views from our farm are already blighted by the site of six turbines from the Hyndburn Wind Farm.

Are you trying to surround us with Wind Farms?.

5) We believe there is growing concern about the wider environmental impacts of wind farms on bird/animal and indeed public health, again numerous cities/local governments worldwide are having moratoriums whilst more evidence is collected.

6) Hoddlesden Moss has recently be declared a Site of Special Scientific Interest – surely this development should not be allowed to impinge/endanger such a site.

Along with our objection the abovementioned planning proposal we also have some serious concerns relating to the actual planning notification process used in this case.

1) Although we are in direct line of site of the proposed development and it would have a major impact on our views we've received no notification from the Council.

No notifications were put up on Chapman Rd where all properties will have a direct view of Hoddlesden Moss, we believe what we are seeing here is effectively Planning By Stealth – given the size of the objects and their impact on what otherwise would be natural woodland views that have existed for all time, we think all properties within say 3 or 4 miles of the turbines (we appreciate the turbines can be seen much farther than this but accept that some limits must be applied) that are in direct line of sight of the development (and this can be easily established) should have been directly contacted by the Council.

In 2014 we objected to the previous version of this application (10/14/1117) and asked to be put on the list of affected neighbours, obviously without success – confirming PLANNING BY STEALTH

We would appreciate your comments/response on this.

Be fully aware that we are completely opposed to the development and very dissatisfied with the way this particular planning proposal has been handled, in particular who has or hasn't been notified.

Be assured we will fight this to the bitter end and are backing our Councillor Julie Slater and MP Jake Berry in their opposition to this plague.

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Ian Almond, 1 Mill Cottages, Waterside, Darwen, BB3 3NY, 11/07/16

Good Morning,

I am writing to object to the installation of three wind turbines on Hoddlesden Moss, Hoddlesden, Darwen by Viridis Wind Turbines which is under Application Reference: 10/16/0704.

My reasons for objection are as follows:

I have lived in the Hoddlesden/Waterside area for over 30 years (All my life) & part of the reason I love the place is that, although it is only over the hill from the towns of Darwen & Blackburn, there is a tranquility & a wilderness about the place. You can go for a wander in the fields & see miles of beautiful landscape. Installing the turbines will ruin the view even further, following on from the catastrophic decision to allow a wind farm behind the Grey Mare at the side of the Grane Road.

There are also concerns regarding nature & wildlife that thrive upon the area that is proposed to place these turbines. It is my belief that many ecosystems will be severely disrupted by the installation, & this could lead to severe consequences for a substantial amount of the amazing wildlife we take for granted on our doorsteps. Much of the wildlife that was displaced by the pre-mentioned turbines on the Grane Road has now settled in the Hoddlesden Moss area & I feel that tampering with such an eco-system further can only be detrimental.

I am also concerned that there will be major disruption caused by the installation mainly along the small country roads surrounding the site. Large wagons & plant machinery will no doubt be involved & the damage to our roads these vehicles cause is not to be underestimated. I am certain that no thought has gone into the damage that these vehicles will do to our roads or that any repairs will be a necessity. After all it's 'only a country road anyway'.

My final point of objection is that wind turbines are massively ineffective. Having done some research it appears that wind turbines operate between wind speeds of 15mph & 30mph. If it is below 15mph they don't create enough power & if the wind speed goes above 30mph they are shut down to avoid damage. Between 25mph & 30mph the turbine runs at its full capacity. A wind turbine generally creates around 30% of its maximum potential output. It seems so selfish of the money driven installers to ruin such a beautiful area for what on the whole would seem to be an ineffective source of power.

Many thanks for taking the time to read my views which are, on the whole, unchanged since the previous applications were entered.

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16/02/17

Good Morning,

I am writing again to object to the installation of three wind turbines on Hoddlesden Moss, Hoddlesden, Darwen by Viridis Wind Turbines which is under Application Reference: 10/16/0704.

My reasons for objection are as follows:

I have lived in the Hoddlesden/Waterside area for over 30 years (All my life) & part of the reason I love the place is that, although it is only over the hill from the towns of Darwen & Blackburn, there is a tranquility & a wilderness about the place. You can go for a wander in the fields & see miles of beautiful landscape. Installing the turbines will ruin the view even further, following on from the catastrophic decision to allow a wind farm behind the Grey Mare at the side of the Grane Road.

There are also concerns regarding nature & wildlife that thrive upon the area that is proposed to place these turbines. It is my belief that many ecosystems will be severely disrupted by the installation, & this could lead to severe consequences for a substantial amount of the amazing wildlife we take for granted on our doorsteps. Much of the wildlife that was displaced by the pre-mentioned turbines on the Grane Road has now settled in the Hoddlesden Moss area & I feel that tampering with such an eco-system further can only be detrimental.

I am also concerned that there will be major disruption caused by the installation mainly along the small country roads surrounding the site. Large wagons & plant machinery will no doubt be involved & the damage to our roads these vehicles cause is not to be underestimated. I am certain that no thought has gone into the damage that these vehicles will do to our roads or that any repairs will be a necessity. After all it's 'only a country road anyway'.

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Many thanks for taking the time to read my views which are, on the whole, unchanged since the numerous previous applications were entered.

In my opinion the 'amendments' made recently contain many false information and inaccurate statements which I believe further discredit this application.

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Mr Duncan Turner, 17 Blacksnape Road, Hoddelsden Darwen, BB3 3PN 22/07/16

Re: Hoddlesden Moor Planning Application 10/16/0704. Formal objection to construction of three wind turbines.

Dear Kate,

I do understand and support the principle of renewable energy. I do not object on the basis of "not on my doorstep" but because of the environmental impact of such a development. This habitat is important because of the flora and fauna which it supports, many species of which are under threat from loss of habitat.

Also I am concerned that once allowed the three wind turbines could become rather more !!

I would assume also that access to the sight would be via Roman road which is not suited to heavy traffic. Sections of the road are already one way traffic due to the parked cars of residents.

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Alan P Buchanan FCII, Broadmeadow Cottage, Knowsley Lane, Turton. Boltob,  
BL70JH 06/03/17

Please note my objection to the above application/development

#### 1. INTRODUCTION

1.1 We believe that the turbines will be dominant features on the hilltop above their properties and clearly visible in the outlook from our Property. The turbines will be equally if not more visible from the other properties of Knowsley Lane.

#### 2. COMMUNITY ENGAGEMENT

2.1 Given the proximity of these properties to the turbine application site it is surprising that none of the Knowsley Lane properties were advised of the planning application which is now more than six months old; the fear is that these properties and the impact upon them has been totally overlooked both by the applicants in devising their proposals and by the Council in assessing them.

2.2 It is clear from the applicants submission that their "community engagement" did not extend to properties outside the immediate Hoddlesden, Waterside and Pick-up Bank areas and neither residents of, nor the Parish Council of North Turton were consulted or even informed of the proposals by the applicants; this is a serious oversight and totally undermines the applicants claim to have community support for the proposals. The submitted documents suggest that the public consultation that did take place was as long ago as 2013 and that really cannot be relied on as being valid in 2017.

#### 3. VISUAL AMENITY

3.1 Whilst a photograph and visualisation have been provided to "demonstrate" the visual impact of the proposed turbines, including a photograph taken from Broadhead Road close to The Toby Inn such things are notoriously misleading as the eye does not perceive in the same way as a camera and the camera cannot capture the visual impact of turbines in motion with the revolution of the blades making turbines much more noticeable visually. The reality of the situation here is that three huge towers with revolving blades would be a dominant hilltop feature detracting from the unspoilt outlook, character and nature of Hoddlesden Moss and Soot Hill.

3.2 Whilst no-one has a "right to a view" this is not about loss of a private "view" but about a gross intrusion on a public view of an unspoilt moorland hill. This is an important issue as a present this area between the M61 and the Grane Road is largely unspoilt by structures of the scale and magnitude of wind

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turbines. The presence of the turbines to the east of the Grane Road demonstrates just what a deleterious visual impact turbines can have on a wide area of landscape. It is probably worth noting at this point that the three turbines proposed do not extend the full length of this moorland ridge and on plan at least it would appear that further turbines could be added southwards at limited cost as the service road and infrastructure would be in place.

#### 4. LOCAL PLANNING POLICY

4.1 The proposal appears to refer consistently to the last, but now superseded version of the Borough Local Plan, quoting policies therefrom that are now overtaken by changes made; changes in planning policy are therefore not reflected in this submission. In assessing compliance with planning policy regard has been had to the Landscape Strategy for Lancashire, the Blackburn with Darwen Local Plan Part 1 Core Strategy and Part 2 dealing with development management and to the National Planning Policy Framework and the associated National Planning Practice Guidance suite.

4.2 The Landscape Strategy identifies the site as within the West Pennine Moors with a Moorland Hills designation; within such an area it indicates that development such as this "can be intrusive" if a "cluttered skyline" is created and as a guiding principle that local distinctiveness should be recognised and enhanced. The hill is currently uncluttered, its bare top forming a characteristic and distinctive moorland feature that would be lost if turbines were erected on it; the proposal is therefore clearly contrary to the aims and ambitions of the Landscape Strategy for Lancashire.

4.3 Policy CS18 of the Borough Core Strategy states at part 2  
**"The key features of landscapes throughout the Borough will be protected. Development likely to affect landscapes or their key features will only be permitted where there is no unacceptable adverse impact on them. The level of protection afforded will depend on the quality, importance and uniqueness of the landscape in question."**

And Part 2 of the Local Plan further states in policy 41

**"Development will be permitted provided there is no unacceptable impact on landscape character or the principal traits associated with it."**

It is clear that that introducing three giant wind turbines on to the top of this unspoilt hilltop will have an unacceptably adverse impact on the character of the landscape and the proposal is therefore contrary to the Local Plan.

4.4 Policy CS18 of the Borough Core Strategy states in part 3,  
**"The active use of the Borough's landscapes through leisure and tourism will be promoted where this is compatible with objectives relating to their protection."**

And Part 2 of the Local Plan further states in policy 34

**"Tourism-based development will be granted planning permission, with priority given to the following locations:  
ii) the West Pennine Moors as defined on the Adopted Policies Map for uses associated with the recreational use of the Moors. .... All recreational development must be sensitive to the natural environment that is the tourism asset of the West Pennine Moors .....**

We would suggest that three large wind turbines on an unspoilt hilltop in the West Pennine Moors is going to undermine the Council's strategy of encouraging tourism and the related tourist spend into the local economy. The area where the turbine towers are proposed is criss crossed with public footpaths giving access for town dwellers and visitors to the unspoilt beauty of the moors; the presence of the proposed turbines would impact adversely on the areas recreational potential. The proposal is thus clearly in conflict with the Local Plan and Core Strategy.

4.5 The Council has adopted a specific policy in Part 2 of the Local Plan with regard to wind Turbines, policy 37: this states at the outset,

**"1. Wind turbine development will be permitted where it complies with all of the following criteria:"**

It is notable that the policy requires compliance with all the following criteria, however it fails immediately:

**i) the development has no unacceptable adverse visual impact and does not unacceptably undermine the character of the landscape;**

As set out above the proposal would have a seriously adverse visual impact and would undermine the character of the landscape; it falls again at the ninth and tenth hurdles:

**ix) the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and**

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**x) 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.**

There is no Local or Neighbourhood Plan that has identified the area as suitable for wind energy development and, in any case, the consultation with the "local community" was very restricted and ignored people like the residents of Knowsley Lane who will be seriously adversely affected by the proposal; they simply were not consulted, let alone had their concerns addressed and they certainly do not back the proposal. The proposal is therefore contrary to policy 37 of the Local Plan.

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4.2 The Landscape Strategy identifies the site as within the West Pennine Moors with a Moorland Hills designation; within such an area it indicates that development such as this "can be intrusive" if a "cluttered skyline" is created and as a guiding principle that local distinctiveness should be recognised and enhanced. The hill is currently uncluttered, its bare top forming a characteristic and distinctive moorland feature that would be lost if turbines were erected on it; the proposal is therefore clearly contrary to the aims and ambitions of the Landscape Strategy for Lancashire.

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**"The key features of landscapes throughout the Borough will be protected. Development likely to affect landscapes or their key features will only be permitted where there is no unacceptable adverse impact on them. The level of protection afforded will depend on the quality, importance and uniqueness of the landscape in question."**

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**"Development will be permitted provided there is no unacceptable impact on landscape character or the principal traits associated with it."**

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**"1. Wind turbine development will be permitted where it complies with all of the following criteria:"**

It is notable that the policy requires compliance with all the following criteria, however it fails immediately:

**i) the development has no unacceptable adverse visual impact and does not unacceptably undermine the character of the landscape;**

As set out above the proposal would have a seriously adverse visual impact and would undermine the character of the landscape; it falls again at the ninth and tenth hurdles:

**ix) the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and**



## 5. NATIONAL PLANNING POLICY

5.1 Identifying the conflict with the adopted Local Plan Part 2 and Core Strategy documents is important as the National Planning Policy Framework makes clear in paras 2, 11 and 196 that development decisions should be made in accordance with an adopted Local Plan where it is up to date, as in this case. Para 7 of the NPPF indicates that there are three important strands to sustainable planning and that these are to be held in tension, no one trumping the other, these are economic, social and environmental strands and the conservation and enhancement of the natural environment is one of the core planning principles set out in Para 17; the environment and its protection is thus a fundamental and important part of planning as seen by the Government.

5.2 Elsewhere in the NPPF Para 109 refers to the need to conserve and enhance natural and local environments and particularly to protect and enhance "valued landscapes"; although valued landscapes are not defined as such, there can be no doubt that this landscape, which is designated as a specific landscape character area, moorland hills and the West Pennine Moors, fits the picture of such a "valued landscape", were it not it would not have received the extra layer of protection that such designation affords it.

5.3 Furthermore Para 123 of the NPPF indicates that areas of tranquillity that are relatively undisturbed by noise should be identified and protected as such areas are prized for their amenity and recreational values. As stated above this moor is such an area, crossed by public footpaths and close enough to major urban areas to provide an opportunity for town and city dwellers to enjoy a break in the countryside, even if only for a day or so.

5.4 The National Planning Practice Guidance suite offers specific advice in respect of renewable and low carbon technology stating that "in the case of wind turbines a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a local or neighbourhood plan". Furthermore it states, "the need for renewable or low carbon energy does not automatically override environmental protections" and "local topography is an important factor in assessing if the effect on the landscape is damaging" and finally, "protecting local amenity is an important consideration".

As the Council's Local Plan Part 2 and Core Strategy clearly reflect the national framework and practice guidance and as the development is demonstrably contrary to the Local Plan and Strategy it follows that the proposal must be contrary to the National Framework and Guidance. The NPPF is clear and repeats that development decision making should follow adopted planning policy and as this proposal is so clearly contrary to adopted policies, both national and local, it follows that the proposal should be rejected and the moorland safeguarded.

---



Roger, Cathie, Alex & Stephanie Bowker, Stand Farm Chapman Lane, Darwen BB3  
3QS 09/08/16

Re: Hoddlesden Moor Planning Application 10/16/0704. Formal objection to construction of three wind turbines.

Dear Kate,

Our strongest objections to the proposed windfarm on Hoddlesden Moss were stated when the application was first lodged and refused - ref 10/14/1117. I have attached a copy of our letter of objection below for your reference, as these objections still apply and are of ongoing concern.

Since that date there has been a subsequent application for a bridal path across the Moss at Hoddlesden which was rejected on the grounds that it would be detrimental to wildlife and the visual landscape of an area soon to be designated SSSI; to have an area of SSSI within BwD would be an asset and an attraction to the area and a feather in the cap of the Authority and we are sure that everyone who loves the countryside will agree that this must not be compromised.

Copy: letter of objection to windfarm on Hoddlesden Moss Ref 10/14/1117

#### OBJECTIONS TO THE PROPOSED WIND FARM ON HODDLESDEN MOSS

Ref: 10/14/1117

- The Moss is designated a County Heritage Site within a countryside designated area by LCC
- This area already has electricity pylons over parts of it and has been visually and physically blighted to a degree already by the Belthorn Wind Farm, a scheme over which the residents of Hoddlesden had no say, as the wind farm is in Hyndburn.
- The effect on the wild life of this proposal would undoubtedly be detrimental. I say this having had the pleasure of looking after the Moss and surrounding areas from 1985 until the new owners took over 2 years ago. Last year, when this application was first submitted, I sent you enclosed with my objection a report we had commissioned in 1994 by the GCT (as it was then) now called GWCT. They are a scientific charity who report without prejudice. Please refer to this document.
- After we initiated many of the proposals of the report there was a big jump in the number of ground nesting birds of various species, this resulted in the arrival of a variety of raptors including peregrine falcons hunting from their base on India Mill chimney in Darwen to one of the smallest falcons the Merlin taking up residence at Scotland

1

lodge on the edge of the moss. We deemed the effort that we had put implementing the proposals a success, most of that will disappear with the advent of the scheme.

- I would also mention that what looks like a track across the top of the moss was not there two years ago and might have been created to give the impression that access to the site was pre-existing, which I can unequivocally state is not the case.
- A report recently came out raising concerns about the danger to bats caused by wind farms, as bats are a totally protected species and that to take any actions that could be detrimental to them is a serious offence, the proposers of this scheme need to be made aware of the serious risks they run of incurring substantial punitive costs.

- In my last objection I also enclosed a copy of an e-mail circulated to members of Pickup Bank Parish Council, dated 9/7/13, which I would ask you again to refer to. You will see from the main paragraph that they were being asked for ideas on how to spend their windfall from the wind farm even though plans had not even been submitted at that time. This together with offers of monies to various bodies in the village (the Carus centre, Youth club etc) amount to efforts to undermine the democratic process by the proposers of this scheme.

- Data released by the Valuation Office Agency reveals a number of homeowners have successfully applied to have their properties moved to a lower band because of their proximity to a wind farm and yet a person affected by a scheme cannot use devaluation of their property by said scheme as an objection. I would also like to add that a distance of 1.2 miles from habitation has been advised when siting a wind farm.

- There are fourteen livestock farms and domestic properties which rely totally for their water supply on the water tank situated on the Moss. The water is collected from springs which are fed by seepage from high on the Moss. Any interference or disturbance of the Moss could very easily result in a polluted and restricted or damaged flow of water supply to these properties; residents of these properties and livestock alike would suffer. In the event of potential damage or the loss of this water supply through the construction of the wind farm or its maintenance, who would pay for the piping and installation of mains water to all these properties? Who would then also be responsible for the water rates bills which the properties would then incur (properties which currently do not pay for water as this is a private supply)?

We already have historic electricity pylons across the area. We now have the Hyndburn wind farm at Belthorn which is sadly visible, even on a foggy day. If there is a wind farm on Hoddlesden Moss, within such close proximity to the village, would the area designation change from East Rural to East Industrial?

I trust that you will give due consideration to these serious concerns.

---

OUR REF: KF/KF/KFM1/4  
YOUR REF:



15 December 2016

**FAO Ms K McDonald**  
Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
BLACKBURN  
Lancs.  
BB1 7DY

Dear Sirs

**Re: Planning Permission 10/16/0704**  
**Hoddlesden Moss Hoddlesden Darwen**

We have been approached by Mr Roger Bowker the owner of Stand Farm Chapman Road Hoddlesden BB3 3QS in relation to the above planning application.

We are advised that the installation of the wind turbines will disturb a nearby water supply that serves our clients property and his neighbouring properties.

Our client has been advised that there is a report which states that testing of the water supply will be carried out after the works have been completed. But there is no evidence in the report that any provision has been made for what would happen should the supply be adversely affected.

Our client is understandable concerned about this matter as he has not been consulted during the planning process so far. Our client is seeking confirmation that his water supply would not be adversely affected by the works in installing the Wind Turbines and we would be grateful if you could provide us with copies of any relevant reports in relation to this together with your confirmation that the situation with regard to the water supply has been thoroughly investigated.

We look forward to hearing from you.

Yours faithfully



**Roebucks Solicitors**

**Direct Dial:** 01254 274068  
**E-mail:** [kellie.cook@roebuckslaw.co.uk](mailto:kellie.cook@roebuckslaw.co.uk)

**DIRECTORS:**

ROBIN PHOENIX  
VICTORIA DE-MEL  
ALISON NOLAN  
KAREN WADE  
KELLIE COOK  
GINA STEELE

**CONSULTANTS:**

PETER KING  
RONALD SHIPLEY  
MARTIN BLOCK

**ASSOCIATES:**

DAVID GRIFFITHS  
IAN HUGGAN  
RUTH SAGAR  
IMRAN HUSSAIN  
JOANNE LEWIS  
SALMA AHMAD  
KATIE MAYOH  
KATIE ROABUCK

**LEGAL EXECUTIVES:**

COLLEEN DICKINSON-JONES  
ANDREW PERKS

**PARALEGALS:**

EMMA TOMLINSON  
SHARON GRISHAKOW  
FAIZA KAUSAR

**PRACTICE MANAGER:**

AMANDA THOMPSON

**QUALITY MANAGER:**

JULIE WALKDEN

12-13 RICHMOND TERRACE  
BLACKBURN BB1 7BG

TEL: 01254 274000  
FAX: 01254 274002  
DX: 15254 BLACKBURN 2

[www.roebuckslaw.co.uk](http://www.roebuckslaw.co.uk)

24 Hour Emergency No.  
07903 559919

**OFFICES ALSO AT:**

7-8 RICHMOND TERRACE  
BLACKBURN BB1 7BG

TEL: 01254 274000  
FAX: 01254 274002  
DX: 15254 BLACKBURN 2

7 CANNON STREET  
ACCRINGTON BB5 1NJ

TEL: 01254 274000  
FAX: 01254 306561  
DX: 23770 ACCRINGTON

31 KING STREET  
CLITHEROE BB7 2EU

TEL: 01200 453131  
FAX: 01200 453130  
DX: 15151 CLITHEROE

Andrew Firth, Top O'th Meadow Cottage, Pickup Bank, Darwen, BB3 3QQ 26/07/16

Dear Sirs,

I am alarmed to discover the above mentioned planning application for 3 wind turbines which will extend to 76.5 metres in height on Hoddlesden Moss. I live at Top'Oth Meadow Cottage, Pickup Bank overlooking this beautiful natural landscape, and am extremely surprised to note that I was not directly advised of this planning application which is clearly going to have a massive visual impact to all properties in Pickup Bank. I note from the website that you were expecting objections by 27th July 2016 - it is difficult to object if interested parties are not advised!

I wish to object strongly to this major development - the experience at nearby Oswaldtwistle Moor gives me first hand experience of the significant impact on the local habitat caused by the access roads and infrastructure. This proposed development will destroy the very special nature of the Moss and surrounding area - peaceful with uninterrupted views. Surely it would also have an adverse impact on the local ecology and interrupt breeding birds and other wildlife etc. It will have a significantly adverse visual impact from my property and indeed all the surrounding area which will undermine the character of the area.

I am also concerned about potential road safety issues during the proposed construction period - the roads are narrow and the massive trucks needed to transport the actual turbines and general construction vehicles will potentially cause disruption to local residents and cause serious road safety issues.

This area of the West Pennine Moors is a designated Countryside Area and I insist that this designation be respected. There are already two large scale windfarms in this area - Scout Moor and Hyndburn/Oswaldtwistle. Both of these sites have already lodged applications for significant expansion of what is already a visual eyesore. I walk and run regularly around these areas and I am appalled by the industrialisation of these beautiful moorland areas.

Ann Gleave, Old Temple House, Roman Road, Hoddlesden, Darwen BB3 3PP  
27/07/16

I wish to lodge my objections to the planning application 10/16/0704.

I believe there will be an adverse impact on mine and nearby properties ruining existing views, noise, light reflection and the flicker effect from the rotating blades.

I believe the noise from the three proposed turbines would be quite substantial as I already experience noise from the rotating blades of the much smaller turbine already in existence

I am convinced that such huge structures would have an adverse effect on the rural landscape. The plants, birds, wildlife, protected habitats and features of ecological importance would be devastated.

Hoddlesden, Edgworth and Chapelton are conservation areas and such a development could affect the setting and character of these areas.

This area of the West Pennine Moors continues to be respected as a designated Countryside Area and a development of this nature would have a detrimental effect on the whole area.

---



Kathryn David, The Grange, Broadhead Road, Turton, Bplton BL7 0JW 02/08/16

& 01/03/17

**Objection to Application Ref 10/16/0704      Turbines at Hoddlesden Moss**

My family and I reside at The Grange, Pastures Farm, Broadhead Road, one of the affected properties of this application.

I would like to comment with regard to the planning application currently submitted for the installation of 3 wind turbines on Hoddlesden Moss.

Firstly, I would like to call into the Councils' communication, or lack of it. Most of the properties on Broadhead Road and Moorside Road have never received notification of this application, yet I feel these properties are significantly affected by it.

Also, I believe that the date listed was a deliberate attempt to coincide when the majority of residents being away on holidays as it is the the week of the school holidays. In my opinion, the consultation period should be extended to allow residents to see this planning application.

I have been very sick for several years and I am disabled. The noise (sound pollution) from the wind turbines would severely affect my sleep which would of course deteriorate my health even further.

A regular visitor to my property suffers from epilepsy. The flicker off the wind turbines are very likely to trigger epileptic seizures.

Notwithstanding that, I believe a precedent has been set for the area of the Broadhead Valley with regard to previous applications for such, small in quantity yet large and visually intrusive wind turbines see 10/03/0689 application for turbines at the rear of Uglow Farm, Broadhead Road.

This current application shares many similar attributes and in my opinion would be **significantly out of character with the local area** and would significantly affect my enjoyment and use of my property. The main draw to walkers, residents and visitors to Broadhead Valley is the uninterrupted views that can be afforded, this application would severely hamper this. The applicants' Landscape and Visual Assessment supports this assertion, naming a number of major-moderately affected areas from the visual impact survey. The size and scope of these turbines are purely out of character and would amount to industrialisation of a rural area that has just started to thrive from a growth in rural tourism and people enjoying the countryside that this little pocket of land provides.

1

This particular area as a whole has already succumbed to a cumulative effect and is already severely over populated with wind turbines. If you stand next to Higher Pastures Farm, behind there is a massive wind farm on Grane Road less than a mile away, if you look to your left on the next hill in Rossendale there is a massive wind farm and to the front there are several wind turbines. If another Wind farm is accepted, the local residents would be totally surrounded by wind turbines. The local countryside is totally ruined by enormous wind turbines dominating the skyline.

Lastly, the application clearly states that there are no protected species in the area, this is not true, There are badgers, deer, owls, bats, Robins, Canadian geese, curlews, lapwings, kestrels, sparrows, woodpeckers, Jay's, bull finches, wrens and many more

In summary, I believe the proposed development would, by virtue of its size and siting, introduce a highly prominent feature to the detriment of the landscape and visual character of this area of the West Pennine Moors and the Broadhead Valley and adjacent moorland. As such the proposed development would be contrary to Policies ENV8, ENV9, LNC1 and LNC3 of the Blackburn with Darwen Borough Local Plan and should be refused.

Whilst there is a need for alternative sources of energy, a more-suitable site should be found that does not compromise nor sacrifice currently unspoilt moorland views such as Hoddlesden Moss and the Broadhead Valley for such a minimal gain that 3 turbines will provide.

---

Mrs Linda Taylor, 27 Eccleshill Gardens Eccleshill Darwen BB3 3PQ 07/07/16

Full Planning Application

Installation of 3 wind turbines, hub height of 50metres, 'to tip' height 74metres, to include all ancillary works at Hoddlesden Moss, Hoddlesden, Darwen.

Case Officer: Katie Wright

I am writing to you today so that I can let you know of my objections regarding the above named application.. I am against the erection of 3 more wind turbines in the local vicinity. Please accept my objections.

1/ I can already see 3 from my home. That is enough.

2/ I am against the threat and massive disruption to our countryside and wildlife, not only birds, but bats and ground creatures to name a few.

3/ I am against the number of wind turbines which will go up if this initial application is approved. It needs a large numbers of wind turbines to produce even a small amount of power. The applicant is starting with 3, where will the applicant stop if this planning is granted.

4/ I fear these wind turbines never pay for themselves due to the high start up costs. This means residents will actually see very little if anything at all.

5/ I am against the noise given out by wind turbines, it can be surprisingly loud especially from a large wind farm. This will put a halt to the tranquil countryside.

6/ The wind is inconsistent, unsteady and unpredictable, so the wind turbines will not run to capacity 100% of the time.

7/ I am against and damage to the peat bogs in our idyllic area.

8/ I am against the negative impact on our natural wells. Not only resident's use these natural wells but many, many ramblers.

9/ I am against the damage which is being caused to the track which is now turning into a road which is due to the applicant & their consultants keep using it. This is damaging the visual impact of the countryside. It has already started affecting the wildlife; we have seen the loss of certain types of birds. This downward spiral will only continue if the application is granted.

---

21/07/16

Further to my recent email detailing my objection to the above mentioned planning application.

Please accept these further objections.

The wind turbine sizes have changed, which means resonance from them will differ.

Non of the roads to the site are suitable for the HGV vehicles needed to transport masts and blades.

Reports & Assessments are not up to date as they relate to the previous application.

---

Jim Hodgson, The Bungalow, Broadhead Road, Edgworth BL7 0JJ

15/07/16

I would like to object to the planning application no. 10/16/0704 for 3 wind turbines on the grounds that the wind farm would have a significant and unacceptable cumulative adverse impact on the character of the landscape and visual amenity sufficient to outweigh the wider benefits of renewable energy provision.

This application for 3 turbines would set a precedent for other similar sized wind farms within the West Penine Moors and we would end up with them dotted all over the moors.

If we are to have them at least keep them together in larger numbers in very remote areas rather than a small numbers popping up everywhere.

---

Dave Gorton, 28 Blacksnape Road Hoddlesden Darwen BB3 3PN

17/07/16

Regarding Planning Reference 10/16/0704

Please register this email as my objection to planning approval for a wind farm at Hoddlesden and Aushaw Moss. This project would be a blight on this area of beautiful natural moorland and ecologically unsound.

---

20/07/16

Re: Hoddlesden Moor Planning Application 10/16/0704. Formal objection to construction of three wind turbines.

Dear Kate,

please do not allow planning for wind turbines at Hoddlesden Moss. This is an area of natural beauty and a recreational area for walkers and bird watchers. Wind turbines would destroy yet another local area should this go ahead.

This area is recommended to become a 'Site of Special Scientific Interest' because of its rare breeding birds and fantastic habitat.

I'm sure you would not want to be a party to destroying it.

---



## Jean Greenhalgh Drummer Stoops Farm Blacksnape Darwen BB3 3PR 24/07/2016

Objection to Planning Application No 10/16/0704 Installation Of Three Wind Turbines At Hoddlesden Moss, Hoddlesden, Darwen

We write to register the strongest objection to the application by Viridis Wind Turbines to install the above.

As a residents of Blacksnape, Darwen, for the past 43 years we feel that this proposal would seriously impede quality of life and the relative peace of the countryside by virtue of its size and the noise that it would generate.

The proposed site is totally inappropriate would dominate the scenery and in all probability devalue existing properties. Additionally there is a very real worry that if this application is granted it would set a precedent for further applications on this site as we have already experienced multiple turbines within the area. If other applications should be granted we would effectively be encircled by wind turbines and have an unacceptable visual impact undermining the character of the area.

Roads are also a major concern – the volume of traffic would increase to an unacceptable extent. The narrow roads in the area already display signs indicating that they are unsuitable for heavy vehicles which would be needed in the preparation and maintenance of the site and disrupt all modes of existing transport and would be a potential danger to public using the highways.

There ought to be firm limitations imposed by the local authority as to the size of the structures that are being installed in people's backyards. This proposed structure is far too big for the intended sight – it will dominate the skyline for miles around. The Council need to survey and locate suitable sights without serious disadvantages to Council Tax paying residents before they grant further applications in an area which is supporting more than its fair share of wind turbines which would seriously encroach on the nestling conservation areas around Hoddlesden Moss.

Ecological issues are also of very considerable concern as regards the wildlife, plants, habitats and the very nature of the moorland surrounding. Would this be adequately protected?

There have also been serious concerns amongst our fellow residents that once again there were so few people officially notified by the Planning Department of this application. The structures would be visible from many miles around; spoiling views; increasing noise levels; adding to highways danger and therefore the application should have been brought to the attention of more people.

The West Pennine Moors have been promoted as an area of natural beauty so the addition of these proposed wind turbines would do nothing to enhance the scenery and we would therefore urge that this application be rejected.

---

Dave McDonough, Holker House, Long Hey Lane, Pickup Bank, Darwen BB3 3QD

17/02/17

**Reference 10/16/0704**

I would object to the planning application for the wind turbines on Hoddlesden Moss because my property has a private water supply which comes from the area where these wind turbines are being proposed. There are numerous properties on this supply. I would have great fear that the water supply would be contaminated or disrupted during the construction works no matter how much care was taken to be prevent this from happening, clean water is a life essential and I do feel that our right to it should not be compromised in any way.

I would also have great concerns as to the viability of this water supply once the works are finished, large areas being filled with concrete and everything else involved in the construction and running of the turbines I can't imagine that the water flowing off the moss will still run as it does today which could potentially cause our water supply to be at best interrupted or worse and so in effect would mean that it was no longer a viable source of water and we would have to then make other arrangements for our water supply.

I would much appreciate it if you could take this matter into consideration when you are deciding on the planning application.

---

Dr C Welshman, Pastures Farm, Broadhead Road, Edgworth, Lancs BL7 0JW

## No to Windfarms

Dear Madam

We totally object to the planning application 10/16/0704. Hoddlesden Moss Hoddlesden Darwen

As long standing residents and council tax payers to Blackburn with Darwen council, we are extremely annoyed that we have not been informed of this application that affects our property.

The location of the proposed wind turbines is directly behind our property in the region of approximately 500m and would tower over our property.

The enormous size and proximity would cause --

- a. Irreparable damage to the Green Belt Area which is already undergoing evaluation by Natural England site of special scientific interest (SSSI)
- b. Visually 3 such enormous towers almost 5 times or more the height of the surrounding properties plus 48m blades would be totally out of proportion with the natural landscape
- c. It would also be detrimental to the enjoyment of the area by the many visitors and locals who come to our beautiful valley
- d. The destruction of the flora, fauna and peat bogs of the area
- e. The planned access road is via Broadhead Road which is already a limited 7.5t road, unsuitable to large construction vehicles that will inevitably cause damage
- f. The road is already too narrow in places to accommodate large vehicles and is in a poor state of repair
- g. The proposed site access cuts right at the side and at the back of our property within 50m or so
- h. The inevitable amount of heavy construction traffic and materials will cause major disruption to our day to day lives.
- i. We are also concerned about potential damage to the natural soak-away drainage from our property
- j. There will be no local economic benefits forthcoming and will reduce property values and adversely affect local businesses
- k. If approved it will open the flood gates to more of these developments and will totally change this area forever
- l. The huge size of the turbines will cause a distraction to the many drivers who use Broadhead Road and this will lead to an increase in accidents on what is already a dangerous road
- m. There is already a similar larger development a couple of miles away overlooking Accrington so there can be no real need for any further wind farms of this nature in the area

We urge you to reject this application out of hand as being totally unsuitable for the area and of no real benefit to the local people / rate payers of Blackburn with Darwen council. We look forward to your support in preserving one of the most beautiful valleys in the borough. This is an area of Outstanding Natural Beauty .

Yours

Dr C Welshman

I **SUPPORT** the Planning Application 10/16/0704

RE- Planning Application : Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works.

I write in connection with the above planning application. I wish to **SUPPORT** strongly this application for the reasons below.

I support this application because  
it goes to move to a low carbon  
future

I would be grateful if you could add my **SUPPORT** to the planning application with immediate effect.

Name BARBARA BOLTON

Signature 

Address 17 POTHOUSE LANE  
DARWEN  
LANCS

Contact Number 

Email Address \_\_\_\_\_



Name..... Steve Wolski.....

Address..... 64 LINDISFARNE AVE  
BLACKBURN  
BB2 5UH.....

Kate McDonald  
Case Officer  
Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

Dear Kate McDonald,

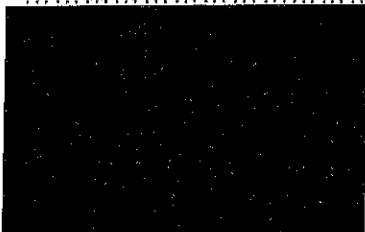
**RE: Hoddlesden Moss Wind Turbines**  
**Ref: 10/16/0704**

I'm writing to **SUPPORT** this application for renewable energy because:

- Wind power reduces the need for new expensive nuclear power stations that leave a toxic legacy of radioactive waste that remains dangerous for thousands of years.
- I regard the location as an appropriate site for 3 wind turbines.
- Operation of the turbines would off-set around 5000 metric tons of carbon dioxide per year.
- Climate Change is the greatest threat facing our planet and we need urgent action on the issue. We need renewable technology solutions, such as these wind turbines, to tackle Climate Change.
- The 3 turbines could provide enough electricity to supply around 700 homes.
- The operation of wind power doesn't produce emissions of acid rain gases, carbon dioxide or particulate matter - unlike conventional power generation.
- Wind power helps to improve the UK's energy security.
- More wind power means cheaper electricity in the long run.

Additional support reasons or comments:

A safe clean alternative



Name... Aqsa Nabeel.....

Address... 26 Mandella.....

Court  
Blackburn

Kate McDonald  
Case Officer  
Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

Dear Kate McDonald,

RE: Hoddlesden Moss Wind Turbines - Ref: 10/16/0704

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4. More wind power means cheaper electricity in the long run.
5. Wind power reduces the need for new expensive nuclear power stations that leave a toxic legacy of radioactive waste that remains dangerous for thousands of years.
6. I regard the location as an appropriate site for 3 wind turbines.
7. Operation of the turbines would off-set around 5000 metric tons of carbon dioxide per year.
8. This scheme would have a community fund of around £20k.
9. Climate Change is the greatest threat facing our planet and we need urgent action on the issue. We need renewable technology solutions, such as these wind turbines, to tackle Climate Change.

Additional support reasons or comments:

.....  
.....



Name..... ANAS  
Address..... 72 Dunes  
Beow  
Blackburn

Kate McDonald  
Case Officer  
Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

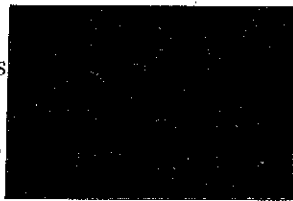
Dear Kate McDonald,

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Additional support reasons or comments



Yours,

Name... Samuel Kay

Address... 94 Hollin  
Bridge  
Street  
Blackburn

Kate McDonald  
Case Officer  
Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

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2. The operation of wind power doesn't produce emissions of acid rain gases, carbon dioxide or particulate matter - unlike conventional power generation.
3. Wind power helps to improve the UK's energy security.
4. More wind power means cheaper electricity in the long run.
5. Wind power reduces the need for new expensive nuclear power stations that leave a toxic legacy of radioactive waste that remains dangerous for thousands of years.
6. I regard the location as an appropriate site for 3 wind turbines.
7. Operation of the turbines would off-set around 5000 metric tons of carbon dioxide per year.
8. This scheme would have a community fund of around £20k.
9. Climate Change is the greatest threat facing our planet and we need urgent action on the issue. We need renewable technology solutions, such as these wind turbines, to tackle Climate Change.

Additional support reasons or comments:

Yours



Name David Davis  
Address 21 Pasture Lane  
Hovingham  
York YO62 4JT

Kate McDonald  
Case Officer  
Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

Dear Kate McDonald,

**RE: Hoddlesden Moss Wind Turbines - Ref: 10/16/0704**

I'm writing to **SUPPORT** this application for renewable energy because:

- Climate Change is the greatest threat facing our planet and we need urgent action on the issue. We need renewable technology solutions, such as these wind turbines, to tackle Climate Change.
- The 3 turbines could provide enough electricity to supply 1500 homes.
- The operation of wind power doesn't produce emissions of acid rain gases, carbon dioxide or particulate matter - unlike conventional power generation.
- Wind power helps to improve the UK's energy security.
- More wind power means cheaper electricity in the long run.
- Wind power reduces the need for new expensive nuclear power stations that leave a toxic legacy of radioactive waste that remains dangerous for thousands of years.
- I regard the location as an appropriate site for 3 wind turbines.
- The wind farm does not have any negative visual impact.
- Operation of the turbines will off-set around 2600 metric tons of carbon dioxide per year.
- This scheme will have a community fund of £15,000/year
- The scheme has an excellent peat restoration plan
- The wind farm does not have any detrimental effects on wildlife, flora or fauna.
- The proposal is a perfectly balance and passive technology with no negative environmental or social impacts.

Additional support reasons or comments:

.....  
.....

Yours





Name... MR P. BEER  
Address... 4 PENFOLD HEY  
UPTON  
CHESTER CH12 1ES

Kate McDonald  
Planning Department  
Blackburn & Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

Planning Ref: 10/16/0704 - Hoddlesden Moss Wind Turbines

Dear Kate McDonald,

I would like to register my **support** for the above wind farm.

There are many reasons for supporting this renewable development, some of which are listed

- 1 The wind farm can generate enough electricity for 1500 homes.
- 2 The wind farm doesn't emit carbon, sulphur, nitrogen or methane into the atmosphere and has no global warming potential.
- 3 On shore wind is the cheapest form of electricity generation and offers energy security
- 4 Reports have shown that the wind farm is not a threat to birds or wildlife.
- 5 Wind power is a proven resource as seen in Denmark and Scotland both of whom have exceeded 100% electricity generation from renewables (wind has played a significant roll in this success).
- 6 More wind power will result in cheaper electricity in the future.
- 7 Wind power means there is less requirement for fracking and other fossil fuels.
- 8 Wind power helps to achieve our national and local carbon targets as aligned to COP 21..
- 9 Hoddlesden Moss is a good location for wind farms and in close proximity to the larger wind farms on the Grane road.
- 10 The proposed turbines will offset 2600 tonnes of carbon per year which is very significant.
- 11 The developer who lives close to the wind farm has stated that he will invest £15,000 per year into community schemes including local community centres.
- 12 Climate change is the greatest risk to our plant and our childrens futures, we must embrace renewable technology now. Blackburn with Darwen Council should be supporting and promoting all renewable schemes within the borough and should be actively involved in seeking renewable investment within the borough.

Additional support reasons or comments:

.....  
.....

Yours



Name... PHIL DALY  
Address... 19 HERDINGS VIEZ  
GLEADLESS  
SHEFFIELD  
S70 2LX  
S12 2LE

Kate McDonald – Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

For the attention of Kate McDonald

Dear Kate

**Can you please register my support for  
Reference - 10/16/0704 - Hoddlesden Moss Wind Farm**

The proposed wind farm is an excellent idea and should be approved because

Wind power reduces the need for expensive nuclear power station that take years to come on line and leave a toxic legacy for thousands of years.

More renewable energy negates the need for high risk fracking in Lancashire that poisons water, pollutes air and has serious health effects.

Hoddlesden Moss is a good location as can be seen from the turbines over the Grane Road. Building turbines on the moss means no compromise of agricultural land. Many Scottish wind farms are built on peat bogs.

The wind farm does not compromise local wildlife and after the peat restoration plan is envisaged the project will deliver net biodiversity gains and significantly enhanced wildlife.

The project is an ideal opportunity to enhance the quality of the peat land without Council investment.

Walkers can enjoy the therapeutic nature of the turbines as they do over the Grane Rd and at Scout Moor.

The wind farm will offset 2600 tonnes of carbon per year which will help the local carbon reduction target and is consistent with UK and European plans to reduce carbon emission.

The wind farm will generate enough energy for around 1500 local homes and this should be encourage. It will also invest in local communities by offering local employment and community investment of £15k/year thereby reducing the burden on reducing council budgets.

The Hoddlesden Moss Wind farm does not have any negative implication and should be approved and future renewable investment encouraged.

Sign 

24/9/16

Name: JA TAYLOR

Address: 27 TUNGS LN

BILLINGHAM

UN5-750

Kate McDonald  
Planning Department  
Blackburn & Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

Planning Ref: 10/16/0704 - Hoddlesden Moss Wind Turbines

Dear Kate McDonald,

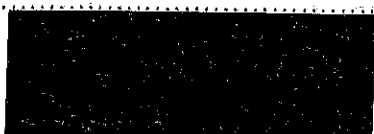
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Additional support reasons or comments:

.....

Yours, 

Renewable Energy Alliance Lancashire REAL **Letter of Support for Hoddlesden Moss Wind Farm Ref: 10/16/0704**

1 message

Thu, Oct 13, 2016 at 12:11 PM

  
Kerris Casey

Kate McDonald,

I strongly encourage Blackburn with Darwen Borough Council to positively support the Hoddlesden Moss Wind farm Ref 10/16/0704, for the following reasons:

- 1) The scheme will offset 2600 tonnes of CO2 per annum along with other harmful pollutants generated from fossil fuel combustion, contributing positively to the reduction of climate change.
- 2) The scheme will contribute to Blackburn with Darwen moving towards a low carbon future and negate the need for intensive extraction technologies.
- 3) The Peatland Enhancement Proposal includes significant measures to improve the quality of the existing unfavourable peatland on Hoddlesden Moss and generating net biodiversity gains.
- 4) The proposal offers a major step towards energy security, with the capability of generating enough clean, green, healthy electricity to power 1500 homes.
- 5) Onshore wind is the cheapest form of electricity generation within the UK and should be encouraged across Lancashire.
- 6) The Hoddlesden Moss wind farm will generate local jobs and support local businesses through the establishment of a Local Suppliers Database that encourages local businesses to register interest allowing investment benefits to be retained within the local economy.
- 7) A significant Community Benefits Fund worth £15,000/year (inflation protected), will be available for local community investment.
- 8) The proposal is fully aligned to local and national planning policy on renewable energy generation and is a vital contributor to the Blackburn with Darwen Councils carbon reduction plan.
- 9) The UK's Climate Change Act legislates for an 80% reduction in greenhouse gas emissions by 2050 and the UK's legislated Carbon Budgets for the 2020's are already forecast to be significantly overshot. The Hoddlesden Moss Wind Farm's contribution to reducing the impacts of climate change within our community must be given substantial weight.

10) The Wind farm has no detrimental visual impacts and does not generate excessive noise or any emissions to atmosphere.

11) The proposal has no detrimental impact on wildlife or the natural environment, it does not contaminate air or water.

For the sake of future generations, we must act now to deliver the renewable energy capacity that we desperately need. We must transition from fossil fuel technologies and embrace affordable alternatives that offer Clean, Green Healthy Energy for our Children's futures and the future of our Earth.

Kerris Casey St Pierre



419 Revidge Road  
Blackburn, Texas BB1 8DE





Renewable Energy Alliance Lancashire REAL

**Letter of Support for Hoddlesden Moss Wind Farm Ref: 10/16/0704**

1 message

Thu, Oct 13, 2016 at 5:38 PM

Johnathan Lincoln.

Kate McDonald,

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Man-made climate change is the greatest global threat that we face today. There is compelling evidence that the climate is changing and the cause of this is clear.

10) The Wind farm has no detrimental visual impacts and does not generate excessive noise or any emissions to atmosphere.

11) The proposal has no detrimental impact on wildlife or the natural environment, it does not contaminate air or water.

I personally find wind farms beautiful to look at, they represent a positive and necessary change

Not to take action to address climate change is simply unacceptable. The consequences of failing to address the warming of the planet will be severe and irreversible.

For the sake of future generations, we must act now to deliver the renewable energy capacity that we desperately need. We must transition from fossil fuel technologies and embrace affordable alternatives that offer Clean, Green Healthy Energy for our Children's futures and the future of our Earth.

Jonathan Lincoln

Jonathan Lincoln



Beck House, Stanhope Road

Horncastle, Lincolnshire, Lincolnshire LN9 5DG

Renewable Energy Alliance Lancashire REAL **Letter of Support for Hoddlesden Moss Wind Farm Ref: 10/16/0704**

1 message

Thu, Oct 13, 2016 at 10:11 PM

  
*James Marsh.*

Kate McDonald,

I strongly encourage Blackburn with Darwen Borough Council to positively support the Hoddlesden Moss Wind farm Ref 10/16/0704, for the following reasons:


- 1) The scheme will offset 2600 tonnes of CO2 per annum along with other harmful pollutants generated from fossil fuel combustion, contributing positively to the reduction of climate change.
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james marsh

  
18 knowsley crescent  
preston, Lancashire PR4 3ND



Renewable Energy Alliance Lancashire REAL [REDACTED]

---

**Letter of Support for Hoddlesden Moss Wind Farm Ref: 10/16/0704**

1 message

[REDACTED] Thu, Oct 13, 2016 at 11:47 PM

Brett Lund.

Kate McDonald,

I strongly encourage Blackburn with Darwen Borough Council to positively support the Hoddlesden Moss Wind farm Ref 10/16/0704. for the following reasons:

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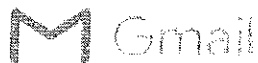
For the sake of future generations, we must act now to deliver the renewable energy capacity that we desperately need. We must transition from fossil fuel technologies and embrace affordable alternatives that offer Clean, Green Healthy Energy for our Children's futures and the future of our Earth.

Brett Lund



19 Empire House

Preston, Lancashire PR1 3BA



Renewable Energy Alliance Lancashire REAL

**Letter of Support for Hoddlesden Moss Wind Farm Ref: 10/16/0704**

1 message

Fri, Oct 14, 2016 at 1:11 PM

  
Liz Stanton.

Kate McDonald,

I strongly encourage Blackburn with Darwen Borough Council to positively support the Hoddlesden Moss Wind farm Ref 10/16/0704, for the following reasons:

- 1) The scheme will offset 2600 tonnes of CO2 per annum along with other harmful pollutants generated from fossil fuel combustion, contributing positively to the reduction of climate change.
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For the sake of future generations, we must act now to deliver the renewable energy capacity that we desperately need. We must transition from fossil fuel technologies and embrace affordable alternatives that offer Clean, Green Healthy Energy for our Children's futures and the future of our Earth.

Liz Stanton



53 grafton street

Preston, Lancashire Pr1 8jh

Name JAN SMITH  
Address 3 MESSENGER ST  
NELSON  
BB9 0LW

Kate McDonald  
Case Officer  
Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

Dear Kate McDonald,

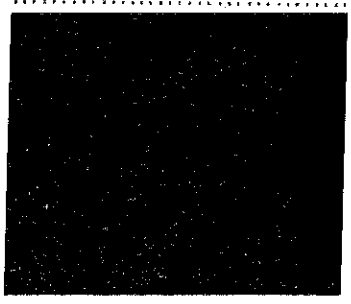
**RE: Hoddlesden Moss Wind Turbines - Ref: 10/16/0704**

I'm writing to **SUPPORT** this application for renewable energy because:

- Climate Change is the greatest threat facing our planet and we need urgent action on the issue. We need renewable technology solutions, such as these wind turbines, to tackle Climate Change.
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- More wind power means cheaper electricity in the long run.
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- I regard the location as an appropriate site for 3 wind turbines.
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- Operation of the turbines will off-set around 2600 metric tons of carbon dioxide per year.
- This scheme will have a community fund of £15,000/year
- The scheme has an excellent peat restoration plan
- The wind farm does not have any detrimental effects on wildlife, flora or fauna.
- The proposal is a perfectly balance and passive technology with no negative environmental or social impacts.

Additional support reasons or comments:

.....  
.....



Kate McDonald  
Planning Department  
Blackburn & Darwen Borough Council  
Town Hall - King William Street  
Blackburn, BB1 7DY

Support letter for Hoddlesden Moss Wind Farm, Reference number 10/16/0704

Dear Ms Kate McDonald,

I am writing to support the Hoddlesden Moss Wind Farm.

As you know climate change is the greatest threat to our biosphere and life on earth. At the Paris summit last year the world largely agreed to keep global warming below 1.5 degrees temperature rise, to achieve this we must stop burning fossil fuels and transition to a renewable energy future now.

I was very disappointed when I looked at Blackburn and Darwen renewable investment schemes and found nothing of any significance. This is a great shame considering the number of jobs that can be created from renewable energy is very significant.

We had very serious flooding in Whalley and Darwen within the last year and weather patterns across the globe tell us that this is a direct consequence of global warming.

The Hoddlesden Moss wind farm is a neutral technology that does not emit dangerous fumes, it does not contaminate our air or water, it doesn't poison our earth, it does not contribute to resource depletion, it does not bring enormous volumes of traffic or create noise and light pollution. The wind farm is passive, it does not harm birds or other wildlife, the proposal enhances our lovely peat moss with a restoration plan, it brings local work by employing local traders where possible, it does not use enormous volumes of drinking water and create masses of radioactive waste, it does not use chemicals or leave a legacy of radioactive waste, it does not involve processing radioactive material or burning fossil fuels.

The Hoddlesden Moss wind farm is a perfect development that will generate much needed renewable energy for 1500 homes and offset 2600 tonnes of carbon per year. The scheme offers a much needed community fund that will help towards community investment at a time when our Council budgets are being savagely cut by a government that appears not to have a viable energy policy. As you know on shore wind is the cheapest form of electricity generation and we should embrace as much of it as we can while we can.

Name DAVID RICHARD JOHN PENNEY

Address HIGH FIELD

21, KEIGHLEY ROAD, COLNE

BB8 0LP

Signature



22/1/16



Kate McDonald  
Planning Department  
Blackburn & Darwen Borough Council  
Town Hall - King William Street  
Blackburn, BB1 7DY

Support letter for Hoddlesden Moss Wind Farm, Reference number 10/16/0704

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Name RAISE HARRISON

Address 16 FOTHERGILL ST

COLNE

BB8 9AS

Signature



Date

Page 133 of 437

27/1/16

Name MARGARET SMITH  
Address 68 ALBION STREET  
LANCASHIRE  
BB9 7PT

Kate McDonald – Planning Department  
Blackburn with Darwen Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

For the attention of Kate McDonald

Dear Kate

**Can you please register my support for  
Reference - 10/16/0704 - Hoddlesden Moss Wind Farm**

The proposed wind farm is an excellent idea and should be approved because

Wind power reduces the need for expensive nuclear power station that take years to come on line and leave a toxic legacy for thousands of years.

More renewable energy negates the need for high risk fracking in Lancashire that poisons water, pollutes air and has serious health effects.

Hoddlesden Moss is a good location as can be seen from the turbines over the Grane Road. Building turbines on the moss means no compromise of agricultural land. Many Scottish wind farms are built on peat bogs.

The wind farm does not compromise local wildlife and after the peat restoration plan is envisaged the project will deliver net biodiversity gains and significantly enhanced wildlife.

The project is an ideal opportunity to enhance the quality of the peat land without Council investment.

Walkers can enjoy the therapeutic nature of the turbines as they do over the Grane Rd and at Scout Moor.

The wind farm will offset 2600 tonnes of carbon per year which will help the local carbon reduction target and is consistent with UK and European plans to reduce carbon emission.

The wind farm will generate enough energy for around 1500 local homes and this should be encourage. It will also invest in local communities by offering local employment and community investment of £15k/year thereby reducing the burden on reducing council budgets.

The Hoddlesden Moss Wind farm does not have any negative implication and should be approved and future renewable investment encouraged.

Signed



## I SUPPORT the Planning Application 10/16/0704

RE- Planning Application : Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works.

I write in connection with the above planning application. I wish to SUPPORT strongly this application for the reasons below.

The Climate Change Act 2008 commits Britain to reduce CO<sub>2</sub> emissions. A recent report commissioned by the Offshore Wind Programme Board has shown a fall in energy price. Onshore wind turbines as those in planning application 10/16/0704 have the potential to provide clean affordable renewable energy, and be part of a national development and manufacturing renewable future. Any development on Huddlesden Moss must adhere to the landscape and Visual Impact Assessment and the Ecological Protection Plan given the nature of the area. Wind turbines placed sensitively in the environment will help to provide renewable clean energy without producing greenhouse gasses, and more acceptable than fossil fuels & fracking.

I would be grateful if you could add my SUPPORT to the planning application with immediate effect.

Name MRS D COOPER

Signature 

Address 16 WATERSIDE TERR

WATERSIDE

NI DAWEN

BR 3 3PD

Contact Number \_\_\_\_\_

Email Address \_\_\_\_\_

As a resident of Edgworth, I support the application for three wind turbines at Hoddiesden and Aushaw Moss reference 10/16/0704.

It is important that we develop low carbon power generation to reduce global warming. It is also important that we do this at the lowest possible cost to protect people against rising fuel bills. Onshore wind power is about half the cost of offshore, and on current trends will become cheaper than gas generated power. This development in particular is also helping to sustain a local business.

It is a myth that local residents are opposed to turbines. People in the immediate vicinity of wind turbines usually object very vocally to such applications, partly through an unproven fear of the effect on property values. However I won a contested seat on North Turton parish council about 12 years ago by campaigning in favour of a wind turbine application here at the time. All the evidence shows that the wider community, here and generally, supports these developments. I have walked in many rural areas and in general find turbines an interesting, rather than obtrusive, addition to the landscape.

I urge you to approve this application.

Kenneth Graeme McIver  
8 Foxdale Close  
Edgworth  
BL7 0BJ

## **APPENDIX 2**

# **WARD MEMBER OBJECTIONS**



19, Elswick Street.  
Darwen.  
Lancashire  
BB3 3DX

July 27<sup>th</sup> 2016

**Part 1**

**Re: Ref: 10/16/0704. Planning application for the erection of three wind turbines on Hoddlesden Moss.**

Dear Kate,

I am writing in respect of the above planning application on behalf of the residents of East Rural and myself and wish to lodge a formal objection as ward councillor for East Rural.

There are two aspects to my objection – 1) material reasons for refusing the application; and 2) the conduct of the applicant.

**1 - Material reasons for refusal**

**East Rural consists of Hoddlesden, Waterside, Eccleshill, Roman Road, Blacksnape, Yate & Pickup Bank & Belthorn.**

The village of Hoddlesden is on the valley floor surrounded by agricultural land, which rises up to moorland and also contains an ancient common and Hoddlesden moss which is a managed heather moorland. This landscape has changed very little over the years and is one of the most unspoilt landscapes within Darwen or even within the borough as a whole. However now the area is dominated by the extensive Oswaldtwistle Moor wind farm of 12 turbines and another 4 are to be added. This has a tremendous impact on the valley.

These turbines can be seen from the M65 in both directions and from Blacksnape and Roman road, Belthorn, Pickup bank and can be seen from areas of Johnson road. If the planning department look from the southern area of Blackburn with Darwen you can see that Hoddlesden and Belthorn is already significantly affected by the presence of wind turbines as North Turton has been limited to small domestic turbines for domestic use.

An application for three wind turbines in 2012 has already been refused and in 2013 an application was withdrawn and again refused in 2015. The current application is further up on Hoddlesden Moss and whilst it is further away from residential properties, it will have a greater impact on the local Landscape, which is already acknowledged by the council as being of special scientific importance and the West Pennine Moors Association are hoping to have a SSSI in place by the end of the 2016.

The council's newly developed wind turbine policy - a Guide for developers May 2013 states the location as being of high/medium landscape sensitivity. I would like to remind you Paragraph 2.4 states that a turbine development within or affecting areas of high sensitivity will rarely if ever be acceptable'. Hoddlesden Moss is of high biological sensitivity.

If this application was given approval the sky line of the South and East would be tainted and characterised by wind turbines, when at this time there is no other area within our borough of turbines of this height.

The area concerned has also been seeing an increase of the population in wildlife and local birdlife especially those listed in the most at risk groups, which, if development was to go ahead would prevent further growth in a beautiful area of our

borough. Residents are also concerned about the heather and peat, Local flora and fauna which the report submitted appears contradictory.

Residents who live near to the proposed turbines are concerned about their well water as they use this for their drinking water and are very worried of the effects these turbines may have and are also concerned of the noise especially with there already being 12 with another 4 about to go up on Oswaldtwistle moor and if this was to go ahead they are worried about the noise levels as residents at pickup bank have already expressed concern with the ones that are already in existence. They say it get so loud at certain times it makes a haunting noise and keeps them awake. Residents are also concerned about the value of their properties.

Another major concern is the intention to construct an access road from Broadhead Road which would cut across a wide stretch of landscape, which will create a large permanent scar on our beautiful landscape., which is regardless of any long term ecology caused by the construction, which would disturb and scare off the rare birds or wildlife, that we could lose forever. Residents are concerned this would be made eventually as a through road which would come out on Roman Road near to Blacksnape village once approval was given.

Therefore I would like to appeal to the planning department and the committee of planning and highways to refuse this application, and send the applicant a very clear message that applications on this scale at this site are unacceptable and that there is no benefit to the local community apart from a very big blot on our beautiful landscape. There is no benefit to the local community.

## **2: Conduct of the applicant on their last application and this one.**

I would like to express my concern of the behaviour of the applicant, who appears to be using two tactics in attempting to influence residents – either to offer the promise of financial sweeteners including payments to residents (through free electricity), local Parish Councils, and Community Groups, something which to me is tantamount to bribery and in any event unenforceable by the Planning department – where this has failed the applicant seeks to discredit opponents by dismissing any criticism of his application as ‘foolish’. He has described his application as the best development for the East Rural economy in the past 30 years, yet apart from his promises of donations to community groups what benefits are there? Apparently the turbines will provide power for up to 1500 homes. Blackburn with Darwen has approximately 60,000 properties so for all of the potential local upset the electricity provided here will be a drop in the ocean for local utility provision. The very fact that the applicant is making promises to donate sums of money to local organisations shows how desperate he is to obtain consent for this application and quash opposition – clearly showing that he stands to gain personally to a massive extent. As to his tactics of bullying and intimidation, residents concerned have telephoned me to say they have ordered him to get off their land and that they were disgusted with his manner. Some of the residents have also informed me he has been up to three times to their properties to try to make them change their minds. The Applicant has also tried to intimidate and harass me as ward councillor both on this application and the previous one by using social media such as Facebook, and has tried to discredit me both personally and politically when all I am trying to do is represent my residents and keep them informed of what is happening and being proposed. He has publicly criticised me for visiting and meeting with residents who are concerned – as the elected representative for East Rural ward I consider it my duty to undertake these tasks and should not be subjected to such abuse from an individual who has a

personal agenda and a vendetta against me. Is this really the way somebody should go about trying to get a planning application passed?

How does this look to my residents if Blackburn with Darwen Council can be bought and influenced by a few pennies from a turbine application, because that is the impression that the applicant is giving and that is why I have fought so hard to keep the reputation of the borough I represent even though, I have had to endure a personal vendetta for the last 12 months from the applicant because I refused to sign a members referral form.

I would be grateful if the above points could be considered by the officers and the members of the Planning and Highways Committee. I would also be grateful if the applicant's behaviour could be taken into specific consideration and an example made that the Borough will not allow planning applicants to use tactics of bullying, intimidation and financial sweeteners in order to get applications approved.

Regarding this application once more I have been informed by residents that he has offered them free energy supplies if they support the application. While this application is ongoing I have only gone into the village when I really need to, to prevent a repeat of what the applicant did to me before, when all I am doing is, doing my job as a local ward councillor for my residents.

Kindest Regards

Councillor Julie Slater

19 Elswick Street  
Darwen  
Lancs  
BB3 3DX

27<sup>th</sup> July 2016

Part 2 Planning objection

Hi Kate,

I have some grave concerns regarding application 10/16/0704 Hoddlesden Moss.

1. The difference of the blades and height of the turbines

2014	2016
Turbine height (to hub) – 50m	Turbine height (to hub) – 46m
Turbine height (to tip) – 74m	Turbine height (to tip) – 76.5m
Blade diameter – 48m	Blade diameter – 61m

Although the turbines may be lower in height from 2014 the blade diameter is 13m bigger, which means they will create more vibration nearer to the ground, which will effect nesting birds and wildlife and more noise. Plus although the turbine height to hub is only 46m compared to 50m in 2014, the turbine height to tip is higher at 76.5m compared to 74m in 2014. Plus with shooting rights on the land, I am concerned that the blades will get hit and cause a serious accident.

2. The West Pennine Moors Association are looking to place a SSSI on the moss and surrounding area, by the end of the 2016 along with Darwen Moors. So it concerns me greatly that knowing the land is classed as a Site of Special Scientific Interest, as Hoddlesden Moss is an active blanket bog which is a technical description of a habitat made of peat formed by the accumulation of

sphagnum moss preserved in the wet conditions. The peat literally 'blankets' the hills, a landscape that is so distinctive of our Islands but globally is quite rare. That the council are even considering the application, especially as it has already been previously rejected.

3. Fire Risk is also a concern due the blades being bigger and nearer to the ground, as the turbines could spread the fire along the peat on the moors, which would take generations to repair.
4. On reading the reports I have found some of the reports have had dates changed on the front covers yet in the footers have older dates which were the same reports from the previous application.
  - The application has used out dated bat survey, the bat survey is dated 2015 but on reading the report in **2.2 Bat Roost Assessment 2.2.1 Internal and External Building Surveys it states** : An internal and external roost assessment was undertaken by experienced bat surveyors on 16 December 2014 in line with Bat Conservation Trust (BCT). **So this survey is out of date.**
  - **2.2.2 Tree Surveys**
  - An assessment of bat roost potential was made on the trees within the site and a 250 m buffer of the site boundary by experienced bat surveyors on 18 December 2014. **So once again this is out of date. As we are now in July nearly August 2016 WHY IS BEING ALLOWED.**
  - **Protected Species Report (Otter and Water Vole)** dated 12<sup>th</sup> May 2016 stated: **2.2.1 Otter** All waterbodies, watercourses, and minor ditches within the survey area were surveyed by experienced ecologists for field signs of otter on 15, 16 and 18 December 2014 (where access permitted and where it was safe to do so). **So once again this is out of date. As we are now in July nearly August 2016 WHY IS BEING ALLOWED.**
  - **2.2.2 Water Vole** All waterbodies, watercourses, and minor ditches within the survey area were surveyed by experienced ecologists for field signs of water vole on 15, 16 and 18 December 2014 (where access permitted and where it was safe to do so). **So once again this is out of date. As we are now in July nearly August 2016 WHY IS BEING ALLOWED.** In fact the rest of the report has 2014 dates within it.
  - The Natural England, West Pennine Moors, Phase 1 and NVC Level site surveys 2012 December 2013 **are out of date for a 2016 planning application, which covers such a scientific area as Hoddlesden Moss. Why is this being allowed?**
  - I am also concerned about the bird survey, where figures have just been taken from other places, the applicant has not had it appears

anybody there to watch for the birds and record them, the report is hear say. If there are no birds of interest why would the RSPB be against the application and have the application details on their website so residents can object. Also why would the West Pennine Moors Association want to implement a SSSI?

- The applicant has used an out dated letter from the Local MP which is dated 2012 to try and support the application. Again why is the letter not an updated one?
- Appendix 8 Ornithology Survey Report 2015, the report is ignoring advice re birds on Hoddlesden Moss from RSPB pages 15 and 16 and throughout the report. The applicant has not carried out their own visual survey at any time.
- Water courses: local residents use the natural spring water for their everyday water supply, most are concerned over contamination of their water. ***You can never say there will be no contamination of this water supply due to works which will be carried out. No section 106 monies would cover the replacement of the resident's water supply. So who will morally be legally responsible to repair or pay for works that may needed to be carried out even more so now that the planning department have given other planning permission for new dwelling to be built attached to other dwelling which draw their water supply from the springs.***

Kate could you please tell me why all these out dated reports are being allowed, when other planning permissions were being sort such as the Hoddlesden Mill when some of their reports were just out by a few days or weeks or even a month is this firm being allowed to use out of date data surely this is legally and morally wrong.

I have more concerns, which will be covered in my full objection, but if you will use this as an additional objection, I would be very grateful.

Kindest Regards  
Councillor Julie Slater  
Conservative Member Representing  
East Rural Ward

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19 Elswick Street  
Darwen  
Lancashire  
BB3 3DX

Dear Kate,

I would like to express some concerns and questions to your last 2 emails and for you to add this to my letter of objection in case this application is brought before a judicial review.



- Firstly how can mitigation can be applied in this case when the applicant has totally failed to prove avoidance? The Planning Framework requires first to show avoidance, then mitigation and finally compensation.
- I also don't like the repeated mention of the word 'mitigation'....it sounds like BwD would be minded to approve providing the mitigation was agreeable.
- This is not an area of expertise as far as I am concerned, but I don't understand the applicant's argument that the peat is not 'good quality'. Since this is active blanket bog and is a carbon sink it is important on that basis alone. The objections from Peter Jenkins in particular would appear to indicate that botanically this is a very important site.
- As such, even if the developer acknowledged significant impacts (which he so far has failed to assess correctly), there is no scope for works to mitigate these on the area of bog in his control; there is essentially nothing to fix which isn't already being fixed.
- Does this 're-consultation' package of new information relating to (additional) mitigation, habitat management, construction techniques etc. etc. now not warrant a new application? I myself as the councillor for the local area feels this should be a new application, as a consultation takes longer than 2 weeks so it may as well be a full new application. As do other local residents and agencies.
- There are also have major concerns of the letters of support, as in our conversation with yourself and Gavin you said you would look to see if these people are from the near local area or are affected from the application. I would like to insist that this is done as soon as possible. As the applicant has had this on different areas on social media which do not cover the local area. I have enclosed links of this social media.
- <https://actionnetwork.org/letters/support-for-hoddlesden-moor-wind-farm>  
It is also on the Manchester FOE website/Facebook page for 'action this week' on 2nd October....which could have accounted for many more:  
<https://www.facebook.com/manchesterfoe/posts/1302021553196218>
- Could I also ask for a copy of a heat map of the letters of support, to see if they are from the local area and the distance from the application, as I have been asked for this for information to help build a case for a judicial review as we cannot see anything significant that has changed from the first application.

Kindest Regards  
Councillor Julie Slater  
Elected Member for East Rural Ward

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19 Elswick Street  
Darwen  
Lancashire  
BB3 3DX

5<sup>th</sup> November 2016

Dear Kate, Harry, Gavin, David.

I would like to express some concerns and questions further to my last email/objection letter I sent to you and for you to add this to my letter of objection in case this application is brought before a judicial review.

I have been notified that there are now new residents living in Higher Aushaw Farm and that they have also bought the land of which the 3 wind turbine would be placed. Mr. Nulty the owner has informed me he does not want the turbine on his land. However he has been informed by Kate Macdonald that they would just move the turbine over the fence and that Kate also gave Mr. Nulty the impression that she/the planning department team are being pushed to find a way for this to go through as if there is some personal interest involved. This is also very concerning and may warrant an investigation.

It's very concerning as the documents list the turbine closest to Higher Aushaw farm as 455m away but it's actually 300m away and Mr. Nulty does not want them being less than the 490m guidance BwD council has on distance if the application is given consent.

Mr Nulty also informed me that Kate had visited the farm to speak to them regarding the situation, but at no point in any updates that was sent out by Kate on the application was I informed of new residents in the residence and that they did not want the turbine on their land, which is quite perturbing due to this application being red flagged and being an elected member for the area I should have been informed as soon as this was known.

Mr. Nulty has also received emails from the applicant which he is not happy with and is going to forward them to me so I can read them to understand the deception that they have apparently received from Viridis, which would also be used as evidence if this application was to go to Judicial Review.

It has also been brought to my attention that the owners of Lower Aushaw Farm are no longer living in the farm, and that they are now living abroad and the farm is for sale, which is concerning local residents that the applicant may be moving a turbine without permission of the owner.

What I would like to know is if this turbine is moved, surely the surveys would need to be resubmitted taking into account that the land it would be placed is on a different area of the moss and what damage it may cause. **Surely now this needs to be a full reapplication?**

I would also like to insist that if you only take this to a re-consultation that we are given **8 to 10 weeks** due to the dark nights and being a rural ward as I would need this time to get round to consult all my residents to let them know what is happening.

I would like a response to both my emails as soon as possible and all my concerns answered.

Kind Regards  
Cllr. Julie Slater Elected Member for East Rural Ward

19. Elswick Street  
Darwen  
Lancashire  
BB3 3DX

6<sup>th</sup> March 2017

Re: - 10/16/0704 Hoddlesden Moss (Amendment).

Dear Kate/Gavin/David/Harry

This is in addition to my previous comments on the application.

Firstly I have to state I was shocked and horrified when going through all the paper work of the application again, that I realised that the Lancashire Fire Authority had not been asked to comment on the application due to the moss being a high risk area due to wild cat fires. Some dates of wild cat fires are 1983, 1985, 1996, 1997, 2005. It was also on one of the latest dates that a fireman was badly injured, I believe so badly that he had to retire.

In 2005 the wildcat fire came over the moss from the southwest and consumed most of the moss and a large portion of the plantation. The Fire Service came out but were unable to do much as there is nowhere to obtain sufficient water. Stephen Entwistle one of the land owners (who wants the turbine) fought an application for open access to the moss on the basis that the risk of damage to the diverse wildlife amongst other reasons. Seems strange he now wants turbines, when he knows the risk fire will cause to his land and the moss.

Also on investigation of the site recently it was noticed there has been a more localised fire on the moss the heather towards the south west of the moss looks as if it was burnt more recently - charcoal like sticks of heather stems make it appear so. The reason for suspecting a later fire is that the heather is lower in height, more gappy, with some bare peat. It could simply be that the peat is drier and re-establishment slower. But then there was a degree of standing water present. Is it too cynical of me to think that the turbine areas were burnt especially to degrade the area!

There was last year an application made for solar panels to be placed on the moor and on Stephen Entwistle's land which was withdrawn due to the risk of fire and the peat in that area. So the council are already aware of the fire risk on Hoddlesden Moss area and seem to be ignoring it. Therefore today I contacted the fire authority to comment on the application. It seems unthinkable that the planning department did not ask for their comments.

Who will pay to put these fires out caused by the turbines as they cost thousands of pounds to be extinguished and the fire authority cannot afford it so are the council going to safe guard the resident's properties?

More Reasons for Refusal of the application.

1. The proposed development would result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest feature of the SSSI. It would also be likely to have significant impacts on the breeding bird assemblage for which the SSSI is notified.
2. the planning policy context is clear that: "Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted. Where an adverse effect on the site's notified special interest features is

likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any other broader impacts on the national network of Site of Special Scientific Interest".

3. The proposals have not properly considered the mitigation hierarchy. This would include consideration of alternative locations, the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat. It is our view that it would be very challenging to successfully mitigate the impacts of this scheme at this location.
4. Enhancement should be considered separately to the mitigation hierarchy. large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Plus the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog.
5. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers". It is also a jewel in the crown for the council.
6. The distance of turbines to the nearest property are far to close and could affect ill health to the residents and the applicants reports are still inaccurate on the noise and distance. The turbine should be over 490 meters away from the property not under 300 meters.
7. Ecological reports are still incorrect and the more experienced bodies such as RSPB and Rural England will give you much more detailed reports.
8. Please don't set a precedent of allowing planning on a SSSI area.
9. As you have had many emails and comments over the last 8 months about this application. I urge the LPA to refuse this application on behalf of the local residents and the residents of the borough to safe guard a beautiful area for generations to come.

Regards  
Councillor Julie Slater

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### **Objections to the Wind Turbines at Hoddlesden Moss. 19/16/0704**

- 1) The Transport Note, refers to Planning App.10/14/1117 dated 24/11/14 is this document still relevant.
- 2) Table 2:1 Total HGV loads 888 + 24 for cable connection have we received proof that the Tensar Geogrid can withstand that level and weight of movement.
- 3) Access at Junctions. 3:1 states that the turbine tower is constructed of only two sections. Overall height to Hub is stated as 46mtrs. That gives a section height of 23mtrs. (75ft.) please advise how this will traverse the highways. Vehicle length to carry sections is given as 26:690mtrs Access Study, considers possible grounding at the junction of Jackson Heights Rd and the road the Pick up Bank, will hydraulic suspension have adequate lift to overcome this problem.

- 4) Width of load is shown as 5:7mtrs, what is road width, will the road be closed to allow transit etc.
- 5) Crane outriggers are shown as approximately 9:9mtrs span, these essentially carry the load of the vehicle, please clarify area of hardstanding needed. These dimensions are shown to the centre line of the outriggers, size if 700mm square, so base is as minimum  $9:9 + 70\text{cms} = 10:60\text{mtr}$  base, practically 11mtrs.
- 6) Is the assumption that a separate base will be required for each turbine a grid work of access roads as well. This being so, there will be a need for 3 turbine pads 13 mtrs square x 2:5mtrs average depth to sub base, also 3 crane pads 11 mtrs. x 2:5 mtrs. average depth. This gives an average of 422:5 cubic mtrs of spoil per turbine pad and an average per crane pad of 302 cubic mtrs of spoil, a total of 2,173.5 cubic mtrs of spoil. please clarify removal/distribution from site.

Councillor Colin Rigby - 01/09/2016  
North Turton with Tockholes Ward Councillor

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I wish to object very strongly to the planning application no. 10/16/0704 for three wind turbines on Hoddlesden Moss. With many rare birds such as short-eared owl, golden plover and merlin making the moor their homes, turbines too close to the breeding grounds could stop them from nesting there again. Birds of prey are regular seen hunting over the moors. What a pleasant sight it is.

The Broadhead/Hoddlesden Moss moors are covered in a blanket bog of deep peat, a rare global habitat, which takes thousands of years to form. Peatlands are a precious resource in Britain; they lock up millions of tonnes of carbon dioxide but will release it quickly back into the atmosphere if the land is disturbed, contributing to climate change. There are very few areas in England where you have this rare resource.

An application is pending for SSSI by Natural England, however these things take time. There is a lot of support from residents and villagers in North Turton for the SSSI. This pristine jewel of the North should eventually receive its deserved protection, but in the meantime, we can't let developers take advantage of the situation.

To put three wind turbines along with the supporting equipment, buildings, road ways and tons of concrete would be tantamount vandalism to the moors in my opinion.

There is and never has been any support from local residents of North Turton for this application. The last consultation, which was more of a public meeting was three years ago and residents made it clear that they were not in support of this application.

If these were to go ahead there would be a proliferation of turbines as there are at least 12 on the adjacent authorities land - already we are 'stuck with these eyesore.' Again I stress that I am completely against this application and any future application.



Councillor Jean V. Rigby  
North Turton with Tockholes Ward Councillor.

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**APPENDIX 3**  
**ORIGINAL CONSULTATION**  
**RESPONSES**

The Environment Agency has no comment to make on the above application for the following reason:-

FRSA should have been applied	
It is not listed in the 'When to Consult the EA' doc or in the DMPO / GDPO	X
It is located within 250m of a historic landfill (but not on top of the landfill)	
Local Guidance should have been applied	
Valid consultation but unable to respond due to workload	
Valid consultation as FRSA does not apply but development is minor/not high risk	

Kind regards,

Jodie Brumhead  
Planning Officer, Sustainable Places Team  
Cumbria and Lancashire Area

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA **SG18074**.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NATS before granting planning permission for a wind farm. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NATS (such sites being identified by safeguarding plans that are issued to local planning authorities).

In the event that any recommendations made by NATS are not accepted, local authorities are obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

These directions require that the planning authority notify both NATS and the Civil Aviation Authority ("CAA") of their intention. As this further notification is intended to allow the CAA to consider whether further scrutiny is required, the notification should be provided prior to any granting of permission.

It should also be noted that the failure to consult NATS, or to take into account NATS's comments when determining a planning application, could cause serious safety risks for air traffic.

Should you have any queries please contact us using the details below.

Yours faithfully

**Sarah Allen NATS**  
**Safeguarding**  
[natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)





# Technical and Operational Assessment (TOPA)

For Hoddlesden Moss  
Windfarm Development

Issue 2

**NATS reference W(F)18074**

**LPA reference: 10/16/0704**



**Publication history**

<b>Issue</b>	<b>Month/Year</b>	<b>Changes in this issue</b>
Issue 1	November 2013	
Issue 2	July 2016	

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# 1. Background

## 1.1. En-route Consultation

NATS is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of radars, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and assesses the potential impact of every proposed development in the UK.

Section 3 of this document defines the assessments carried out against the development proposed in section 2, with the result detailed in section 4.

## 2. Application details

Blackburn with Darwen Borough Council submitted a request for a NATS technical and operational assessment (TOPA) for the development at Hoddlesden Moss, Hoddlesden, Darwen as detailed in the table below.

Turbine	Latitude	Longitude	Easting	Northing	Hub (m)	Tip (m)
1	53.6823	-2.4117	372902	420727	46	76.5
2	53.6806	-2.4122	372873	420534	46	76.5
3	53.6790	-2.4117	372902	420362	46	76.5

**Table 1 – turbine coordinates and height**

## 3. Assessments Required

The proposed development falls within the assessment area of the following systems:

NERL Radar Sites	Latitude	Longitude	Range(nm)	Range(km)	Azimuth(deg)	Type
Claxby Radar	53.4501	-0.3083	76.5	141.7	281.3	CMB
Clee Hill Radar	52.3983	-2.5975	77.2	143.1	4.9	CMB
Debden Radar	51.9902	0.2638	140.6	260.4	317.3	CMB
Great Dun Fell Radar	54.6841	-2.4509	60.2	111.5	178.7	CMB
Lowther Hill Radar	55.3778	-3.7530	112.2	207.7	154.8	CMB
St Annes Radar	53.7684	-2.9908	21.3	39.4	104.1	CMB
Manchester Combined	53.3407	-2.2827	20.9	38.6	347.3	CMB
NERL Nav Aid Sites	Latitude	Longitude	Range(nm)	Range(km)	Azimuth(deg)	Type
None						
NERL AGA Comms Sites	Latitude	Longitude	Range(nm)	Range(km)	Azimuth(deg)	Type
None						

**Table 2 – Impacted Infrastructure**

### 3.1. En-route radar technical assessment

#### 3.1.1. Predicted impact on Manchester Radar

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the radar's probability of detection, for real aircraft, is also anticipated.

#### 3.1.2. En-route operational assessment of radar impact

Where an assessment reveals a technical impact on a specific NATS radar, the users of that radar are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
London Area Control Centre ATC	Acceptable
Prestwick Centre ATC	<b>Unacceptable</b>
RDP Asset Management	Acceptable

*Note: The technical impact, as detailed above, has also been passed to non-NATS users of the affected radar, this may have included other planning consultees such as the MOD or other airports. Should these users consider the impact to be unacceptable it is expected that they will contact the planning authority directly to raise their concerns.*

### 3.2. En-route navigational aid assessment

#### 3.2.1. Predicted impact on navigation aids.

No impact is anticipated on NATS's navigation aids.

### 3.3. En-route radio communication assessment

#### 3.3.1. Predicted impact on the radio communications infrastructure.

No impact is anticipated on NATS's radio communications infrastructure.

## 4. Conclusions

### 4.1. En-route consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be **unacceptable**.

## Appendix A – background radar theory

### Primary Radar False Plots

When radar transmits a pulse of energy with a power of  $P_t$  the power density,  $P$ , at a range of  $r$  is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where  $G_t$  is the gain of the radar's antenna in the direction in question.

If an object at this point in space has a radar cross section of  $\sigma$ , this can be treated as if the object re-radiates the pulse with a gain of  $\sigma$  and therefore the power density of the reflected signal at the radar is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The radar's ability to collect this power and feed it to its receiver is a function of its antenna's effective area,  $A_e$ , and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

Where  $G_r$  is the Radar antenna's receive gain in the direction of the object and  $\lambda$  is the radar's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the radar system as well as external losses due to terrain and atmospheric absorption.

For simplicity these losses are generally combined in a single variable  $L$ .

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$



## Secondary Radar Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can be determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where  $r_t$  and  $r_r$  are the range from radar-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_t P_t}{r_t^2 P_r L}}$$

## Shadowing

When turbines lie directly between a radar and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

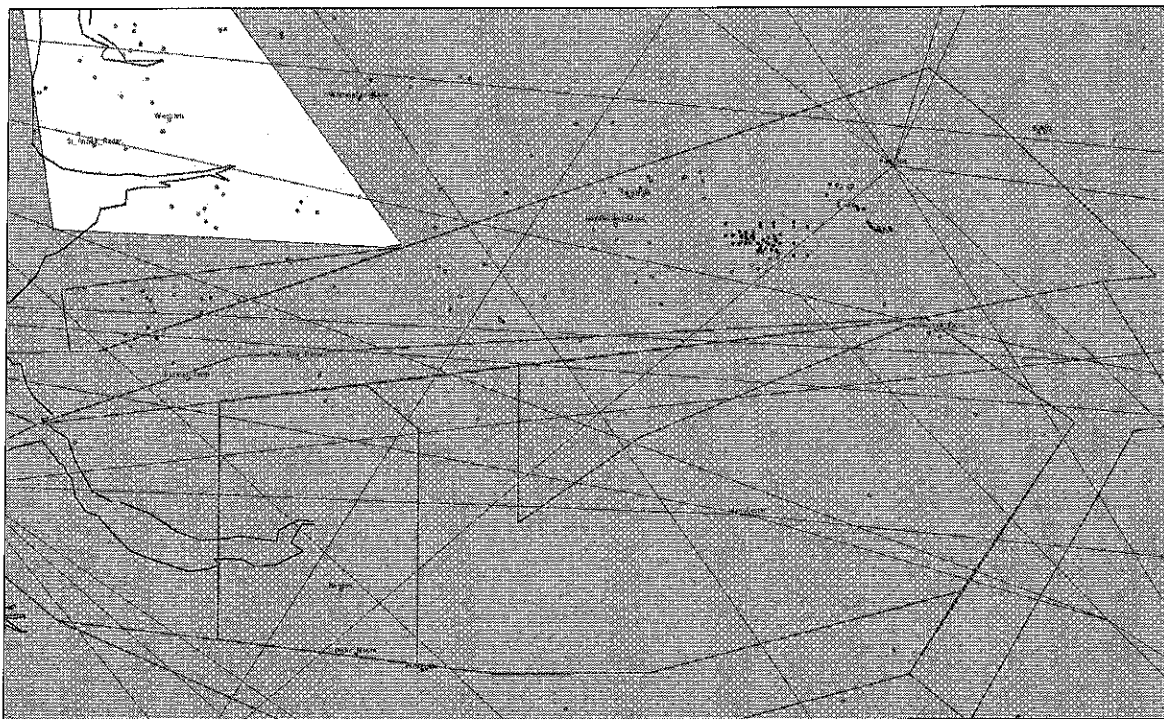
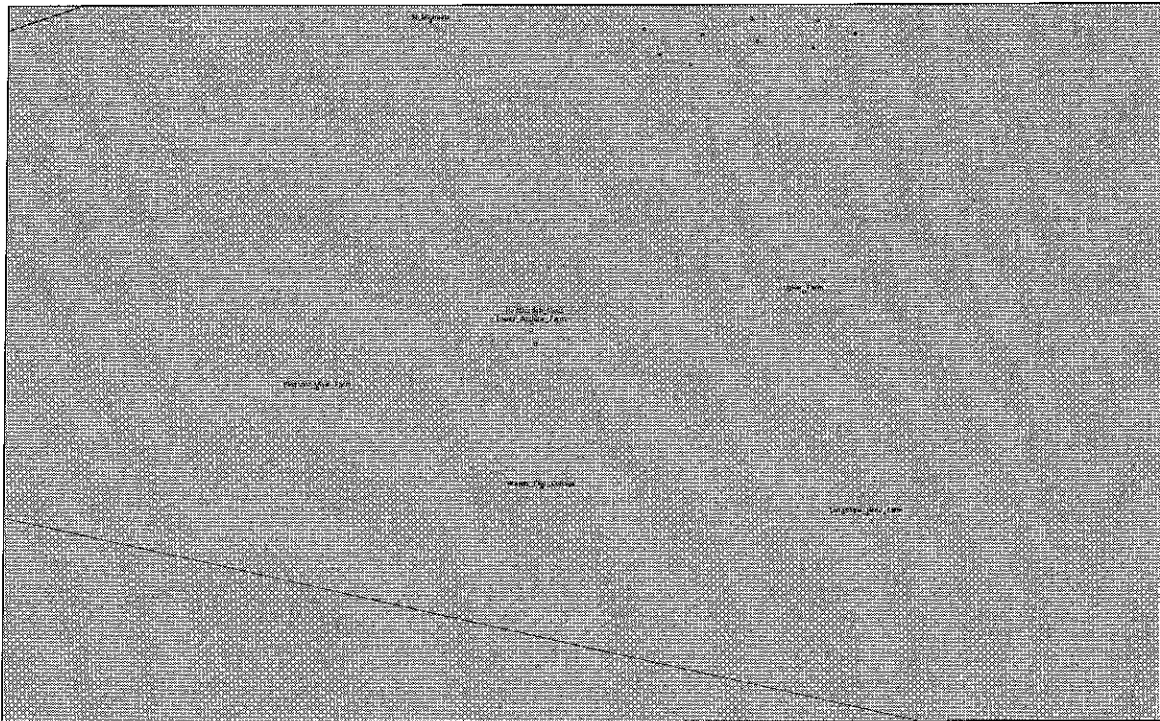
It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

## Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 6.99). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.



## Appendix B – Diagrams



- consented/built
- impact -accepted
- impact -objection
- mitigated
- mitigation -proposed
- no impact
- refused/withdrawn



## Carter Jodie

---

**From:** ALLEN, Sarah J <Sarah.ALLEN@nats.co.uk> on behalf of NATS Safeguarding <gmb-bdn-000913@nats.co.uk>  
**Sent:** 11 July 2016 10:20  
**To:** McDonald Kate  
**Subject:** RE: 10/16/0704 - Land at Hoddlesden Moss, Hoddlesden, Darwen (Our Ref: SG18074)

Good Morning,

Thank you for your email.

The applicant was offered mitigation in 2014 but at this time was unwilling to commit, as an agreed mitigation can block potential mitigation for neighbouring developments the Hoddlesden offer was withdrawn after 30 days. No neighbouring developments have emerged in the interim that would preclude us re-offering mitigation for Hoddlesden however our internal governance requires us to re-approve the mitigation with the various users of the radar which we will endeavour to do as quickly as practical.

Hope that helps.

Kind Regards  
NATS Safeguarding

---

**From:** McDonald Kate [mailto:Kate.McDonald@blackburn.gov.uk]  
**Sent:** 11 July 2016 09:47  
**To:** ALLEN, Sarah J  
**Subject:** 10/16/0704 - Land at Hoddlesden Moss, Hoddlesden, Darwen

Hi Sarah,

We received your objection last week to the above application. However, please can I draw your attention to these emails from 2014 – which refer to mitigation?

Is this something which is no longer available?

Kind regards,

Kate McDonald MSc MRTPI  
Acting Team Leader (Planning Implementation)  
Department of Planning & Prosperity  
Blackburn with Darwen Borough Council  
Town Hall, Blackburn, BB1 7DY  
[www.blackburn.gov.uk](http://www.blackburn.gov.uk)  
T: 01254 585477  
E: [kate.mcdonald@blackburn.gov.uk](mailto:kate.mcdonald@blackburn.gov.uk)

---

**From:** ROSSI, Sacha [mailto:Sacha.Rossi@nats.co.uk]  
**Sent:** 03 October 2014 10:22  
**To:** Phillips Alastair  
**Cc:** NATS Safeguarding

**Subject:** RE: Your Reference W(F) 18074 - Our Reference 10/13/0829 - Land at Hoddlesden Moss, Hoddlesden, Darwen.

Alastair,

Following from our phone conversation yesterday regarding the application above, having had a preliminary look at this, we can confirm that it has the potential to be mitigated. Turbine impact can often be mitigated by what is commonly termed "Radar blanking" however as this affects the radar's ability to detect real aircraft, it can only be deployed once in any 5km radius. As such, any mitigated turbine essentially sterilises the surrounding 5km and within that area NATS has no mitigation available other than potentially reducing the turbine height or using terrain shielding to prevent it being detected by our radars.

In this case, there are other mitigated turbines in the area, but currently none of them are within 5km of Hoddlesden Moss, as such blanking is considered a viable solution that NATS would be willing to investigate. Investigating and making a formal offer can take up to 8 weeks and would require the applicant to be in planning. It should be emphasised however, that any new application within 5km could be received at any time and should that require mitigation, it could preclude mitigation for Hoddlesden. As such, we would expect the applicant/LPA to keep NATS informed of progress and intentions. It would also be advisable for the applicant to contact [natswindfarms@nats.co.uk](mailto:natswindfarms@nats.co.uk) in order to obtain the draft terms they would be required to agree with NATS.

Regards  
Sacha

**Mr Sacha Rossi**  
ATC Systems Safeguarding Engineer

': 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

NATS Safeguarding  
4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** ROSSI, Sacha  
**Sent:** 03 February 2014 17:39  
**To:** 'Phillips Alastair'  
**Subject:** RE: Your Reference W(F) 18074 - Our Reference 10/13/0829 - Land at Hoddlesden Moss, Hoddlesden, Darwen.

Many thanks for this.

Regards  
Sacha

**Mr Sacha Rossi**  
ATC Systems Safeguarding Engineer

': 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

NATS Safeguarding  
4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** Phillips Alastair [<mailto:Alastair.Phillips@blackburn.gov.uk>]  
**Sent:** 03 February 2014 13:56  
**To:** ROSSI, Sacha  
**Subject:** RE: Your Reference W(F) 18074 - Our Reference 10/13/0829 - Land at Hoddlesden Moss, Hoddlesden, Darwen.

I can confirm the applicant's intention to resubmit a planning application in the future.

Regards

Alastair

Alastair Phillips MRTPI  
Development Management Team Leader  
Blackburn with Darwen Borough Council  
Town Hall  
Blackburn  
BB1 7DY  
Tel. 01254 585691  
E Mail. [alastair.phillips@blackburn.gov.uk](mailto:alastair.phillips@blackburn.gov.uk)  
[www.blackburn.gov.uk](http://www.blackburn.gov.uk)

---

**From:** ROSSI, Sacha [<mailto:Sacha.Rossi@nats.co.uk>]  
**Sent:** 31 January 2014 17:58  
**To:** Phillips Alastair  
**Cc:** NATS Safeguarding  
**Subject:** RE: Your Reference W(F) 18074 - Our Reference 10/13/0829 - Land at Hoddlesden Moss, Hoddlesden, Darwen.

Dear Sir, NATS requires no information and is currently investigating mitigation for this site. What we would however request, is confirmation that the applicant is seeking to resubmit a planning application in the near future. Once NATS has confirmed mitigation, it would make a formal offer to the applicant. This offer would be valid for 30 days and would require the applicant to enter into a commercial agreement with NATS. Until the applicant entered into an agreement there would be no commitment on their part.

If you confirm the intention to resubmit NATS will continue with its mitigation assessment, else we will remove the application from our records.

Regards  
S. Rossi  
NATS Safeguarding Office

**Mr Sacha Rossi**  
ATC Systems Safeguarding Engineer



': 01489 444 205

✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

NATS Safeguarding  
4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** Phillips Alastair [<mailto:Alastair.Phillips@blackburn.gov.uk>]

**Sent:** 28 January 2014 10:57

**To:** ROSSI, Sacha

**Subject:** Your Reference W(F) 18074 - Our Reference 10/13/0829 - Land at Hoddlesden Moss, Hoddlesden, Darwen.

Sacha

Further to your correspondence below with Viridis I am contacting you to request whether mitigation is a possibility in terms of the potential impact of the wind turbines proposal on Prestwick Centre ATC.

Please can you let me know what further information you require from Blackburn with Darwen Borough Council to progress this matter.

Please note that the current planning application has been withdrawn; however, Viridis are planning to resubmit in the future if the concerns raised can be overcome.

Regards

Alastair

Alastair Phillips MRTPI  
Development Management Team Leader  
Blackburn with Darwen Borough Council  
Town Hall  
Blackburn  
BB1 7DY  
Tel. 01254 585691  
E Mail. [alastair.phillips@blackburn.gov.uk](mailto:alastair.phillips@blackburn.gov.uk)  
[www.blackburn.gov.uk](http://www.blackburn.gov.uk)

----- Forwarded message -----

**From:** ROSSI, Sacha <[Sacha.Rossi@nats.co.uk](mailto:Sacha.Rossi@nats.co.uk)>

**Date:** 27 November 2013 15:41

**Subject:** RE: Mitigation for wind turbines

**To:** "[viridiswind.uk@gmail.com](mailto:viridiswind.uk@gmail.com)" <[viridiswind.uk@gmail.com](mailto:viridiswind.uk@gmail.com)>

**Cc:** NATS Safeguarding <[NATSSafeguarding@nats.co.uk](mailto:NATSSafeguarding@nats.co.uk)>

Dear Sir,

Following an objection, upon receipt of a mitigation request, NATS will investigate whether this is a possibility. If the LPA contacts us quoting the application reference we will respond. Please note that investigating mitigation requires a further assessment and can take up to 4-6 weeks before a final offer can be made.

Regards

S. Rossi

NATS Safeguarding Office

**Mr Sacha Rossi**

ATC Systems Safeguarding Engineer

<http://www.nats.co.uk/windfarms>

**From:** Matthew Jackson [<mailto:viridiswind.uk@gmail.com>]

**Sent:** 26 November 2013 09:26

**To:** NATSwindfarms; NATS Safeguarding

**Subject:** Mitigation for wind turbines

To Whom It May Concern

We have just been advised that our 3 wind turbine proposal in planning has had an objection from NATs relating to Prestwick Centre.

If the Local Authority write to you and ask if it can be mitigated will you respond to them with a further analysis determining if mitigation can be applied?

Regards

Matthew Jackson

--  
Matthew Jackson  
Viridis Wind Turbines (UK)Ltd  
07786320724

---

If you are not the intended recipient, please notify our Help Desk at Email [Information.Solutions@nats.co.uk](mailto:Information.Solutions@nats.co.uk) immediately. You should not copy or use this email or attachment(s) for any purpose nor disclose their contents to any other person.

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---

--  
Matthew Jackson  
Viridis Wind Turbines (UK)Ltd  
07786320724

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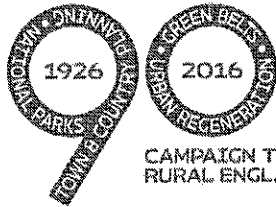
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CAMPAIGN TO PROTECT  
RURAL ENGLAND

Campaign to Protect Rural England  
Springfield House,  
41-45 Chapel Brow, Leyland,  
Lancashire PR25 3NH

Telephone: 07718070750  
jackie.copley@cprelancashire.org.uk

[www.cprelancashire.org.uk](http://www.cprelancashire.org.uk)

*working locally and nationally for a  
beautiful and working countryside*

## Lancashire Branch, including Merseyside and Greater Manchester

Kate McDonald  
Case Officer  
Blackburn with Darwen Borough Council,  
King William Street,  
Blackburn, BB1 7DY, UK

20 July 2016

Dear Kate McDonald,

I am writing on behalf of the Lancashire Branch of the Campaign to Protect Rural England to object to development consent of planning application 10/16/0704, for Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works in Hoddlesden Moss, Darwen by Viridis Wind Turbines.

CPRE campaigns for a beautiful and living countryside for the benefit of all in the future. We have a clear policy to support renewable energy projects in rural locations in line with the Government's commitments on limiting climate change.

The National Planning Policy Framework sets out an approach to sustainable development and one that guards against all development cost being to the environment. We only will object in cases where it is considered that there is a significant detrimental impact. Having considered the details we believe that the harm to the West Pennine Moors would substantially outweigh the benefits of the renewable energy project at this receiving environment. Only a couple of years ago a similar application for wind turbines was refused at this location.

For further details please refer to the comments below:

### **National Planning Policy Framework, March 2012 (NPPF)**

The application is contrary to the National Planning Policy Framework (Paragraph 97) policy for wind turbine developments as the cumulative effect in combination to existing wind turbines at Scout Moor, and nearby sites such as Oswaldtwistle Moor, etc cannot be satisfactorily addressed.



We cite Footnote 17 of Paragraph 97 which states that ‘In assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable.’

We draw your attention to the Ministerial Statement issued 18 June 2015 by Communities Secretary Greg Clark. Now local residents must have the final say over whether onshore wind farm applications get the go-ahead in their area. The statement says:

“When determining planning applications for wind energy developments 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.”

These new requirements must be satisfied before any application can realistically be considered for approval.

We are aware of significant local opposition.

### **National Policy Statement for Renewable Energy Infrastructure (EN-3)**

In accordance with EN-3 the following questions should be more satisfactorily answered by the supporting information for wind turbines:

- How are noise impacts of wind turbines assessed?
- Is safety an issue when wind turbine applications are assessed?
- Is interference with electromagnetic transmissions an issue for wind turbine applications?
- How can the risk of wind turbines be assessed for ecology?
- How should heritage be taken into account in assessing wind turbine applications?
- Is shadow flicker and reflected light an issue for wind turbine applications?
- How to assess the likely energy output of a wind turbine?
- How should cumulative landscape and visual impacts from wind turbines be assessed?
- What information is needed to assess cumulative landscape and visual impacts of wind turbines?
- Decommissioning wind turbines

### **Landscape and visual amenity harm**

The West Pennine Moorland is a distinct area of the Southern Pennines as referred to by Natural England (Natural Character Profile: 36) and contain important landscapes criss-crossed by Public Rights of Way and the three man-made moving structures would dominate the landscape, which is otherwise rural in character causing harmful impacts to short and far range views. Many people live in proximity to this rural area and enjoy walks and other recreational pursuits.

### **Cumulative Impact**

Indeed the proposal fails to comply with the National Planning Policy Framework, March 2012 (NPPF Paragraph 97) policy for wind turbine developments as the cumulative effect in combination to existing wind turbines at Scout Moor, and nearby sites such as Oswaldtwistle Moor, Coal Clough and Cliviger cannot be satisfactorily addressed.

### **Globally significant bog habitat**

The area is an important natural bog habitat impacts containing a variety of Sphagnum mosses, which is more than 400,000 years old. The peat cover is globally significant and it supports a range of important flora and fauna. All of these are at risk of being displaced by the turbines and affected by the drainage required to install turbines and access tracks.

### **Rare Breeds of Birds**

In addition the area is significant for upland breeding birds like Snipe, Golden Plover, Dunlin, Curlew, Teal and Red Grouse. There are very rare breeds like Short-eared Owl and Merlin in the area. The species numbers would further decline if the proposal is allowed.

### **Negative Carbon Footprint**

When peat is disturbed it releases significant amounts of Carbon Dioxide into the atmosphere and accelerates climate change against aims and objectives of the Climate Change Act 2008. The renewable energy would not off-set the carbon released. The application is contrary to stated policy for peat extraction in the Lancashire County Council Minerals & Waste Plan.

In summary, for the reasons identified above CPRE Lancashire recommends refusal of the wind turbine development to protect the countryside of the West Pennine Moors, which is enjoyed by local residents and visitors from far and wide.

If you would like further information please contact me without delay.

Yours sincerely,



**Jackie Copley MRTPI MA BA(Hons) PgCert**  
Planning Manager

**Patron**  
Her Majesty the Queen  
**President**  
Emma Bridgewater  
**Chairman**  
Nick Thompson

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1107376



**Defence  
Infrastructure  
Organisation**

Claire Duddy  
Assistant Safeguarding Officer  
Ministry of Defence  
Safeguarding – Wind Energy  
Kingston Road  
Sutton Coldfield  
West Midlands B75 7RL  
United Kingdom

Your Reference: 10/16/0704

Telephone [MOD]: +44 (0)121 311 3714

Facsimile [MOD]: +44 (0)121 311 2218

Our Reference: DIO/SUT/43/10/1/19299

E-mail: [DIOSEE-EPSSG2a1@mod.uk](mailto:DIOSEE-EPSSG2a1@mod.uk)

Kate McDonald  
Planning Officer  
Blackburn with Darwen Borough Council

22<sup>nd</sup> July 2016

Dear Ms McDonald

**Please quote in any correspondence: DIO19299**

**Site Name: Hoddlesden Moss, Hoddlesden, Darwen**

**Proposal: Erection of 3 Wind Turbines**

**Planning Application Number: 10/16/0704**

Thank you for consulting the Ministry of Defence (MOD) on the above Planning Application in your communication dated 6<sup>th</sup> July 2016.

I am writing to tell you that the MOD has no objection to the proposal.

The application is for 3 turbines at 76.5 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma.

Turbine	100km Square letter	Easting	Northing
1	SD	72902	20727
2	SD	72873	20534
3	SD	72902	20362

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted we would like to be advised of the following;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

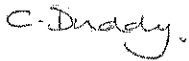
If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

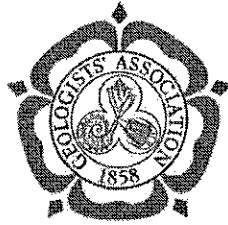
**MOD:** <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely



Claire Duddy  
Assistant Safeguarding Officer – Wind Energy  
Defence Infrastructure Organisation

**SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS**



**GeoLancashire**

A Local Group of the Geologists' Association  
Established 1922  
Charity number XTT7278

The Rough Lee  
Naylor's Terrace  
Belmont  
Bolton  
BL7 8AP

email: [secretary@geolancashire.org.uk](mailto:secretary@geolancashire.org.uk)

Kate McDonald,  
Acting Planning Team Leader (Implementation)  
Planning Services  
Planning and Prosperity  
Blackburn with Darwen Borough Council  
Town Hall  
Blackburn  
BB1 7DY

29 July 2016

Dear Ms McDonald

Re: Planning Application 10/16/0704 – Three wind turbines and ancillary works at Hoddlesden Moss, Darwen

I wish to register my objection on behalf of GeoLancashire, the Lancashire Local Group of the Geologists' Association of London, to this proposal on the grounds of:

1. The site is within the proposed West Pennine Moors SSSI (WPM pSSSI)  
Hoddlesden Moss, as part of the wider WPM pSSSI, is about to be put to the Executive Team of Natural England for statutory designation. The wind turbine application should not be approved until the decision on WPM pSSSI notification is reached by Natural England. Until notification, Local Authorities have a responsibility under Section 40 of the Natural Environment and Rural Communities NERC Act (2006), in accordance with Paragraph 118 of the NPPF. The fact that the site is under consideration indicates that it is likely to have significant biodiversity interest, whether or not it meets the criteria for designation as SSSI. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public bodies to 'have regard to the purpose of conserving biodiversity' in exercising their functions. Therefore, the local authority should give consideration to the biodiversity value of the site in order to comply with this duty.



'A Landscape Strategy for Lancashire' was produced in December 2000 by Lancashire County Council and was part funded by BwD Borough Council. Hoddlesden Moss falls within Landscape 2a Moorland Hills – West Pennine Moors. Key environmental features include 'exposed upland rolling landscape'. The negative implications of wind turbine development are considered.

2. Hoddlesden Moss comprises blanket bog, one of the most important habitats in Britain. Although to the inexperienced eye it does not look very attractive, such bogs take thousands of years to develop. Studies at nearby Reaps Moss in Hyndburn proved that the peat had started to form over 8,000 years ago. It is thus virtually irreplaceable on a national scale, as regrowth is extremely slow even given optimal environmental conditions.

Blanket bog is listed as a habitat of principal Importance under section 41 of the NERC Act 2006. More importantly 'active Blanket bog' is an Annex 1 Priority Habitat within the EC Council Directive 92/43/EEC (Habitats Directive) as a habitat of European significance or Community Importance. 'Active Blanket bog' is defined by the Joint Nature Conservancy Council, JNCC as, 'typically, include important peat-forming species such as bog-mosses *Sphagnum* spp. and Cottongrasses *Eriophorum* spp., or Purple Moor-grass *Molinia caerulea* in certain circumstances, together with Heather *Calluna vulgaris* and other ericaceous species'. This condition is the predominant vegetation across Hoddlesden Moss (acceded by the ecological assessment provided by Avian Ecology Ltd) and is therefore 'active Blanket bog' in terms of the EC Council Directive 92/43/EEC.

3. GeoLancashire is the Lancashire Local Group of the Geologists' Association and is an entirely voluntary body with a membership of about 30 people. GeoLancashire has notified local authorities in the county of almost one hundred Local Geodiversity Sites, which are monitored by members of the group. It is our aim to ensure that all sites which fit the criteria (list available from [www.geolancashire.org.uk](http://www.geolancashire.org.uk)) are designated as LGS. As part of an ongoing review, peatland sites including Hoddlesden Moss are being investigated and it is likely that Hoddlesden Moss will meet the criteria for designation as a Geological Heritage Site (Local Geodiversity Site). Although these sites do not carry statutory designation, local authorities in Lancashire take such designations into consideration when considering planning applications.
4. Hoddlesden Moss does not currently carry a statutory designation, although this is under consideration (see section 3). It has however been recognised as being of at least County significance through its Biological Heritage Site designation. In considering this planning application, BwD Borough Council should take notice of the fact that Hoddlesden Moss is of international significance by virtue of being 'active Blanket bog' as defined in the previous paragraph. Whilst not carrying an international designation, (Natura 2000/Special Area of Conservation, SAC) the international significance needs to be recognised by BwD Planning Committee through their Biodiversity Duty under section 40 of the NERC Act 2006, i.e. Every public authority must, in exercising its functions, have regards, so far as is consistent with the proper exercise of those functions, to the purpose of conserving

biodiversity. In this respect giving the appropriate consideration in recognition that the habitat involved is of International significance.

5. The developer's planning submission contains Appendix xx to Vir/Hodd/Aug/2013, which indicated peat depths of up to 3.25 metres, which indicated a significant peat body. Vegetation surveys carried out as part of the application for SSSI status indicate that parts of this are active peat bog ie new peat is being formed. Section 3.3.5 of the developer's Ecology Report suggests that the peat is in relatively poor condition. This does not accord with the findings of Penny Anderson Associates' findings in their survey for the West Pennine Moors SSSI designation. Respected ecologist Peter Jepson has also expressed disagreement with this statement.
6. It appears that no slope stability investigations have been undertaken in an area with peat depths of 3.25 metres according to developer's own survey results. The report makes no mention of slope stability investigations, whereas the Scottish Executive has issued guidance for developers of wind farms which indicates that this is a factor which cannot be ignored. (<http://www.gov.scot/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings/PSG2011>) Slope stability issues have been encountered in other situations, for example at Reaps Moss in Hyndburn, on similar terrain.
7. The government is committed to a policy of reducing carbon dioxide emissions and of encouraging carbon capture. Peat bodies such as that on Hoddlesden Moss, whose very name encapsulates its ecology, are sites of carbon capture and are therefore essential to fulfilment of the policy.
8. The site is a long way from the nearest road, Broadhead Road, and the fact that this access road will inevitably be costly, it suggests that the developer will wish to extend the wind farm with additional turbines in the future.
9. I do not consider the mitigation presented by the applicant to be commensurate with the impact upon a habitat of international significance. Irreplaceable habitats, where alternative adjacent agricultural sites exist, should not be lost in this way. Whilst the life of the wind farm will be finite, its impacts will be permanent. Clearly the impacts are not restricted to the construction phase, but also to the working life as well as the eventual de-commissioning phase. Developers rarely remove all of such installations at the eventual demise of the project and life time restoration plans do not appear in the documentation.
10. Finally, the Ministerial Statement on Wind Energy (June 2015) states that local authorities should only consider granting planning permission for wind turbines where they have been allocated within Local Plans and have community support.

It is my contention that the application should be rejected, as the presence and construction of the turbines plus ancillary works will irreparably damage the geology/geomorphology of the site. This landscape owes its features to a period of glaciation (Devensian), where

glacial till blanketed the underlying solid geology. Areas of blanket bog began to develop soon after the final retreat of the ice. Hoddlesden Moss is a relic of that process. Public access routes cross the site and it is capable of geological interpretation for visitors.

Additionally, the development would damage the ecological status of the site (BHS and WPM pSSSI), both in terms of habitat degradation, disturbance and displacement of breeding birds with the inevitable degradation of the nationally important upland breeding bird assemblage. These aspects are an integral part of the whole site, since the ecology is dependent upon the underlying rocks and soil.

Yours sincerely,

**Jennifer Rhodes**  
Secretary, GeoLancashire

## Carter Jodie

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**From:** Davies Sarah on behalf of Planning  
**Sent:** 03 August 2016 12:04  
**To:** Carter Jodie  
**Subject:** FW: 10/16/0704 Wind Turbines at Hoddlesden Moss

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**From:** North Turton Parish Council [<mailto:clerk@ntpc.myzen.co.uk>]  
**Sent:** 03 August 2016 11:40  
**To:** Planning  
**Subject:** 10/16/0704 Wind Turbines at Hoddlesden Moss

Based on documentation provided by third parties, including the RSPB and Natural England, the views of the majority of local residents, and the refusal of a previous similar planning application, North Turton Parish Council objects to application 10/16/0704 for the installation of three wind turbines at Hoddlesden Moss, on the grounds that the proposed turbines and the proposed access road will have a detrimental visual impact, it will result in a proliferation of wind turbines within the area, and will be located in an area currently under consideration for a Site of Special Scientific Interest.

Glenys Syddall  
Clerk to North Turton Parish Council



Ms Kate McDonald  
Acting Planning Team Leader (Implementation)  
Blackburn with Darwen Borough Council  
Town Hall  
**BLACKBURN**  
BB1 7DY

8<sup>th</sup> August 2016

Dear Kate

**Re: 10/16/0704 - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works; at Hoddlesden Moss Local Wildlife Site ("Lancashire Biological Heritage Site" 72SW08), Hoddlesden, near Darwen, Blackburn with Darwen Borough**

I refer to your letter referenced RE/P/10/16/0704 and dated 19<sup>th</sup> July 2016. Thank you for consulting The Wildlife Trust for Lancashire, Manchester & North Merseyside.

**1. The Wildlife Trust for Lancashire, Manchester & North Merseyside's general position on renewable energy**

1.1 Climate-change is a significant threat to our sub-region's wildlife, on land and at sea. The Trust is generally supportive of renewable energy projects that realise net gains for biodiversity and have significant community benefit. It is also strongly in favour of the appropriate assessment of projects on an individual basis, for the following general reasons:

- Only if accurate professional wildlife survey work is undertaken for proposed, individual, renewable energy projects can the principle of net biodiversity gain be upheld.
- Individual assessment and professional surveying are required to determine and put in place essential and effective species- and habitat-monitoring.
- Individual assessment helps to ensure the maximisation of community benefit alongside net biodiversity gain.





1.2 However, The Wildlife Trust for Lancashire, Manchester & North Merseyside **objects** to this application, as submitted.

1.3 Our objections relate to potential for impacts on the sustainability of the principal features for which Hoddlesden Moss is identified as a Local Wildlife Site (known, within post-1974 Lancashire, as a “Biological Heritage Site”) against the relevant criteria in the published site selection guidelines, as revised. These features are blanket bog habitat and upland bird communities.

## **2. Relevant legislation, regulation and policy:**

### **a) Natural Environment & Rural Communities (“NERC”) Act 2006**

2.1 Section 40 of the NERC Act 2006 (as amended) places a duty on all public bodies to “*have regard to the purpose of conserving biodiversity*” in exercising their functions. Your authority should give consideration to the biodiversity value of the site in order to comply with this duty.

2.2 Section 41 of the NERC Act 2006 – through Office of the Deputy Prime Minister (ODPM) Circular 06/2005, still in force, (see: <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>) indicates that UK Biodiversity Action Plan Priority Species and Habitats (Species & Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the determination of planning applications.

### **b) Habitats & Species Regulations**

2.3 The consultation documents indicate that the proposed development area includes a substantial area of “peat moss” (blanket mire), a priority habitat as listed on Section 41 of the NERC Act 2006.

2.4 Blanket mire (also known as ‘blanket bog’) is a rare and fragile habitat. It develops only where and when there is a suitable sustained local climate and appropriate topography and land use. Blanket mire formation and its associated vegetation is, in consequence, restricted to relatively few locations on the planet; with the United Kingdom (UK) and the Republic of Ireland combined being the global ‘type location’ for blanket bog.

2.5 Because of this rarity and vulnerability, blanket mire is recognised as a Priority Habitat under the terms of the European Community Habitats & Species Directive, and a priority habitat in the UK Biodiversity Action Plan (UKBAP). It is also identified as a priority habitat in the Lancashire Biodiversity Action Plan (LBAP).

2.6 The blanket mire habitat present on Hoddlesden Moss is assessed as belonging to the M19 *Calluna-Eriophorum* Blanket Mire type of the National Vegetation Classification (NVC); as defined in Rodwell, J.S. (ed.) 1991. *British Plant Communities. Volume 2. Mires and heath*. Cambridge University Press, as updated.

2.7 In the applicant’s ecologist’s report the habitat of Hoddlesden Moss is described as being “*pristine blanket bog in this part of the UK*”. Blanket Mire in good condition actively sequesters carbon from the atmosphere to form mineral peat. If one accepts the general consensus that peat accumulates at the rate of 1mm *per annum* then the deepest areas of peat on Hoddlesden Moss are likely to have taken around 4 000 years to accumulate. The peat formed by Blanket Mire represents the largest terrestrial carbon store in the UK, storing approximately 3.2 billion tonnes of

carbon (International Union for the Conservation of Nature (IUCN) Commission of Inquiry on Peatlands, 2011).

### c) National Planning Policy Framework (NPPF) for England

2.8 The NPPF indicates that local authorities '*should set criteria based policies*' for designated sites that make distinctions between hierarchy of sites – locally designated sites are recognised within this hierarchy and the glossary clearly makes the link to **Local Wildlife Sites** as a locally designated site. It goes on to state that this distinction is so that '*protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks*' (reference is also made to '*DETR circular 06/2005*' [sic], actually **ODPM circular 06/2005**) (paragraph 113).

2.9 The NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or as a last resort compensated for, **then planning permission should be refused** (paragraph 118).

2.10 In this case the applicant has neither demonstrated that significant harm would be avoided, nor that adequate mitigation or compensation would be delivered: we expand on this below.

2.11 The NPPF also indicates (paragraph 97 – with footnote 17) that planning authorities should consider identifying areas suitable for renewable energy in their Local Plans. **No** such areas are identified in the adopted Blackburn with Darwen Local Plan.

### d) Blackburn with Darwen Local Plan

#### *Policies*

2.12 Following on from the above, the following adopted Local Plan policies seem to us most relevant:

#### **Policy 9 Development and the Environment**

##### **Habitats and Species, and Ecological Networks**

6. Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.
7. Development likely to damage or destroy habitats or species of principal importance, Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured.
8. Development likely to damage or destroy habitats or species of local importance will not be permitted unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy can be secured.
9. Development that would result in the further fragmentation of, or compromises the function of, Blackburn with Darwen's ecological network will not be permitted unless:
  - i. The harm caused is significantly and demonstrably outweighed by other planning considerations; and
  - ii. An appropriate mitigation strategy can be secured.

2.13 We would contend that the development is likely to damage habitat of international, national and county importance (to wit, Blanket Mire – also of "*principal importance in England*" (S41 NERC Act 2006)); to significantly reduce local populations of species of principal importance in England (bird species – specifically waders and raptors); and to damage a Local Wildlife Site ("Biological Heritage Site"), namely Hoddlesden Moss; and that an appropriate mitigation strategy is not secured; and that this would compromise the functionality of the county's and therefore the district's upland wetland ecological network (see Blackburn with Darwen Borough Green

Infrastructure and Ecological Networks Supplementary Planning Document), of which Huddlesden Moss Local Wildlife Site is, *ipso facto*, a key component.

## Chapter 6 - Environment

### Wind Turbines

6.10 The UK is committed to dramatically reducing carbon emissions in coming years. An important way in which this will be achieved is a transition to means of generating electricity that are not dependent on fossil fuels. Wind-powered generation has a clear role as part of such a future energy mix.

6.11 In order to produce sufficient energy to be commercially viable, windpowered electricity generation requires that the turbines rotate at a sufficient speed, for a sufficient proportion of the time. This requires a favourable wind environment, in terms of the overall wind speeds experienced, and in terms of the frequency with which adequate wind speeds occur. Such conditions are typically found in upland areas of the type found in the rural area of Blackburn with Darwen (and in the west Pennines more generally). Our evidence shows that a significant proportion of our rural area experiences commercially viable wind speeds and is free from insurmountable technical constraints.

6.12 At the same time, our upland areas, and the landscape setting they create, are one of our most valuable assets. The introduction of even small numbers of incongruous elements into such landscapes can have a disproportionate effect on their character. Our evidence on landscape sensitivity identifies areas that are particularly susceptible to this effect, and areas where the landscape has greater capacity to accommodate change.

6.13 The Council is concerned about the cumulative effect of numerous individual wind turbine proposals, each of which in isolation may be acceptable in terms of its visual impact. These may be small scale proposals intended to provide power for an individual farm, or individual turbines which are nevertheless connected to the national grid and are operated on a commercial basis.

6.14 Our planning framework for wind turbine development needs to balance the competing objectives of supporting a shift in the country's energy mix while protecting the character of our most sensitive upland areas. In addition it needs to ensure that the direct impact of turbines on people living nearby is adequately managed. Policy 37 sets out how we will aim to achieve this, including an approach to identifying a preferred area for wind turbine development to take place. The Council intends to prepare a Supplementary Planning Document in relation to wind turbine development, which will provide more detail on the application of this policy. Areas for wind turbine development will be identified through a future DPD review.

### Policy 37. Wind Turbines

1. Wind turbine development will be permitted where it complies with all of the following criteria:

- i) the development has no unacceptable adverse visual impact and does not unacceptably undermine the character of the landscape;
- ii) the development has no unacceptable harmful impact on the significance of heritage assets including views and their settings;
- iii) the development has no unacceptable adverse impact on the amenity of neighbouring occupiers and does not give rise to unacceptable nuisance from noise, shadow flicker, reflected light or other effect;
- iv) the development has no unacceptable adverse impact on a protected habitat or other feature of ecological importance;
- v) the development does not create a potential hazard to the public using highways, footpaths, bridleways or other public rights of way;
- vi) the development has no unacceptable impact on local hydrology or other belowground considerations including safeguarded mineral resources;
- vii) the development does not interfere with telecommunication paths or air traffic services including those associated with the military;
- viii) where necessary, a scheme can be agreed relating to the removal of the wind farm or turbine at the end of its design life and the restoration of the site;
- ix) the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- x) 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.

2. In making its assessment against these criteria, the Council will consider the complete development including the turbines, associated infrastructure, access routes and grid connections; and will take into account the cumulative impact of the proposed development along with other planned, committed or completed development.

3. Where necessary to secure appropriate mitigation of any impacts, the Council will seek to enter into a planning agreement with the developer.

4. Where a conflict exists with one or more of the criteria above and this cannot be eliminated through mitigation measures, the Council will consider whether the environmental benefits of the renewable energy generation potentially realisable through the development outweigh the harm caused.

The highlighting is ours.

2.14 The Ministerial Statement on Wind Energy (DCLG, 18<sup>th</sup> June 2015) states that local authorities should only consider granting planning permission for wind turbines *where these have been*

allocated within Local Plans and have community support (our emphasis). Hoddlesden Moss has not been so allocated. In respect of assessing the degree of community support, your authority may wish to examine the number and locality of objections and statements of support for this development proposal.

2.15 According to the Blackburn with Darwen Local Plan Part 2 (see above), "Areas for wind turbine development will be identified through a future DPD review". We suggest that it would, therefore, be premature to determine this application in the absence of such a review and resultant strategic allocation.

### **e) Supplementary Planning Documents (SPD)**

#### Green Infrastructure & Ecological Networks SPD

2.16 We believe the following extracts to be particularly pertinent:

"How will the scheme connect with the wider green infrastructure network, identified on the adopted policies map and Open Space Audit, in ecological and habitat terms?"

"What consideration has been made between balancing the need for access and protecting areas of ecological and biodiversity value and how will this be managed?"

#### **Landscaping & Biodiversity**

4.34 Any development should seek to increase an area's biodiversity assets, while guarding against the loss of irreplaceable habitats. This involves safeguarding and enhancing biodiversity already present and/or providing new areas of habitat and features for wildlife appropriate to the landscape and the ecology of that neighbourhood, while providing as many other ecosystem functions as possible.

4.35 The Council will expect applicants to take opportunities to design in biodiversity, to protect, restore and enhance existing species populations and habitats and to make connections to biodiversity features outside the site, particularly through the use of a strong landscape framework and green infrastructure.

#### **Biodiversity Action Plans**

5.3 The 'UK Post-2010 Biodiversity Framework' (July 2012) succeeds the UK BAP. The UK BAP lists of priority species and habitats remain, however, important and valuable reference sources. The Lancashire Long List of BAP species provides the local context and should also be reviewed. This information is available from Lancashire Environment Records Network (LERN).

2.17 The application as submitted does not address how the scheme would connect with the wider green infrastructure network in ecological and habitat terms.

2.18 As argued below (**5. Blanket Mire**), the application does not safeguard effectively against loss of irreplaceable blanket mire habitat.

2.19 It also proposes mitigation plantation forestry inappropriate to the ecology of the West Pennine Moors in the neighbourhood of Hoddlesden Moss, which is defined by open blanket mire habitat.

### **3. Designations**

#### **a) Prospective West Pennine Moors Site of Special Scientific Interest (SSSI) – to be designated under the Wildlife & Countryside Act 1981 (as amended)**

3.1 Under the heading "Statutory Designated Sites", the final sentence in **paragraph 4.1.2** of RPS' Ecological Assessment (June 2016) reads as follows: "*The proposed development does lie within an*

area under consideration for designation as the West Pennine Moors SSSI. In the letter of 18 November 2014, NE advised that it was at the final stages of analysing evidence to determine whether the area meets the criteria for SSSI designation (see also West Pennine Moors 2016). However, NE has announced that it no longer intends to progress with the designation at this stage<sup>1</sup>.

3.2 However, at its meeting on the morning of Wednesday 13<sup>th</sup> July 2016, at the HQ of The Wildlife Trust for Lancashire, Manchester & North Merseyside, the West Pennine Moors Area Management Committee was informed by Natural England's Area Manager that the West Pennine Moors area is included within Natural England's designation programme for 2016/17, as was advertised earlier in 2016<sup>1</sup>.

3.3 Some information relating to the proposed SSSI is available on the Natural England website<sup>2</sup>. This lists the features for which the SSSI would be notified: those include National Vegetation Classification (NVC) community M19 Blanket Bog.

3.4 The very fact that the site is under *active consideration* for notification as a SSSI indicates that it is *extremely* likely to have significant value for its biodiversity: it follows that, under Section 40 of the NERC Act 2006, your authority has the "biodiversity duty" referred to above (para 2.1). That duty is expanded in Paragraph 118 of the NPPF (see also 2.9 above).

#### **b) Local Wildlife Sites (LWS), known within Lancashire as "Biological Heritage Sites" (BHS)**

3.5 Local Wildlife Sites (LWSs) are locally identified and selected for their local nature conservation value. They protect threatened species and habitats - acting as buffers around and stepping-stones and corridors between nationally-designated wildlife sites as part of ecological networks. Whilst SSSIs are a representative sample of sites that meet published national selection criteria, LWSs include *all* sites that meet published *local* selection criteria. The local guidelines that determine these criteria are revised from time to time, by a partnership of Lancashire County Council, Natural England and The Wildlife Trust for Lancashire, Manchester & North Merseyside, to take account of changing circumstances, particularly gains and losses – tragically, still usually the latter – in the local distribution of native species and habitats, and their quantities and quality. More background information is available nationally on our UK website, at: <http://www.wildlifetrusts.org/localwildlifesites>; and locally at: <http://www.lancswt.org.uk/nature-reserves/local-wildlife-sites>. The published site selection guidelines for the Lancashire Local Wildlife Sites system are available online at: <http://www.lancashire.gov.uk/learn/site-designations/local-sites/biological-heritage-sites/bhs-guidelines-for-site-selection.aspx>.

3.6 The most recent UK Government statistics on Local Sites (Wildlife and Geological) in England are available here: <https://www.gov.uk/government/statistics/local-sites-in-positive-conservation-management-2>.

3.7 Published UK Government (DCLG and DEFRA) guidance on Local Wildlife Site systems remains in force pending promised revision although, unhelpfully, for some years now it has been inaccessible *anywhere* on current UK Government websites despite this being repeatedly raised by The Wildlife Trusts and others. (See *Planning Practice Guidance: Natural Environment; 2. Biodiversity & Ecosystems; Paragraph: 012; Reference ID: 8-012-20140306* and the *non sequitur* link therein:

<sup>1</sup> Natural England Corporate report, Natural England's designations programme to March 2017, Published 13 April 2016, <https://www.gov.uk/government/publications/natural-england-designations-programme-for-areas-sites-and-trails/natural-englands-designations-programme-to-march-2017>

<sup>2</sup>

<https://designatedsites.naturalengland.org.uk/sitedetail.aspx?SiteCode=S2000830&SiteName=west%20p&countyCode=&responsiblePerson=&unitId=>



<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure>).

*We would be grateful if your authority would also raise this with national government, if it has not done so already.*

3.8 Hoddlesden Moss is identified by the Lancashire Biological Heritage Site Partnership as a Local Wildlife Site (within Blackburn with Darwen, Blackpool, and Lancashire known as a “Lancashire Biological Heritage Site”) for its blanket mire habitat and its upland bird communities. It was first identified in 1993 – one of the original suite of such sites in Lancashire. The relevant guidelines for the selection of Hoddlesden Moss are **Bog (Bo3b)** and **(Bo4)** and **Birds (Av3)** and **(Av8g)**.

3.9 To clarify a point raised in the RPS Ecological Assessment of 12<sup>th</sup> May 2016 (at page 17, para 3.1.3), its site description was amended in 2007 following the county-wide revision of the ornithological site selection guidelines earlier in that year; and the site boundary was amended following a vegetation monitoring visit in November 2009 (by the then Lancashire County Council ecologists), when part of the then site was found to no longer qualify under the “**Bo4**” (bog habitat) selection guideline due to the deleterious impacts of grazing. This was apparently associated with earlier application of imported pulped paper waste as an agricultural fertiliser (Mr Peter Jepson, pers comm.). Similar considerations apply to the initial selection and subsequent updates to the two other Local Wildlife Sites to which reference is made in RPS Ecological Assessment (also at para 3.1.3); namely Egerton Moss & Boardman Close and Aushaw Moss.

3.10 To aid clarity, please note that the information contained within Appendix 2<sup>3</sup> of the RPS Ecological Assessment appears to be in error. It contains the citation, boundary map and biological survey for Cranberry Moor (BHS 72SW05), on the opposite (western) side of Roman Road, south of Darwen – at OSGB grid reference SD 712 200. However, the Ecological Assessment refers rather to “Egerton Moss” [*sic*] and to Aushaw Moss (BHS 71NW10 – at OSGB grid reference SD 728 194)<sup>4</sup>. From the description of location, the former would appear to be Egerton Moss & Boardman Close (BHS 72SE15 – at OSGB grid reference SD 740 2210).

3.11 Ornithological data, relating geographically to Local Wildlife Sites or otherwise, is provided to the Lancashire Environment Record Network (LERN) - the biological record centre for Lancashire - mainly by local bird clubs and the Lancashire and Cheshire Fauna Society. Such data is not released commercially by LERN: ecological consultants and other commercial bodies must go through Mr Steve White, the (voluntary) Lancashire & North Merseyside County Bird Recorder of the Lancashire & Cheshire Fauna Society to obtain it. I am advised by Mr White that Hoddlesden Moss is rarely visited by volunteer ornithologists so records are few. Absence of records, including for Merlin, should, therefore, **not** be taken as evidence of absence, despite the interpretation in the RPS report.

*N. B.* For quite some time there has been only trained charity volunteer and time-limited charity project staff resource available for securing access consents, monitoring, and reporting on the 1 200 Local Wildlife Sites across Blackburn with Darwen, Blackpool and Lancashire County. Currently, that is being partially delivered in charitable time by the time-and-funding-limited, 3-year *Biodiverse Society* project. The funding bid for that project was put together by this wildlife trust and the project is managed and run by us. It also operates in most of Merseyside (not Wirral); but the primary condition of its external funding (from the Heritage Lottery Fund, to which we are very grateful) is the training of young adult volunteers in all aspects of biological recording - rather than the ongoing maintenance of up-to-date databases for statutory planning authorities. A national campaign to raise the profile of Local Wildlife Site systems is to be launched by The Wildlife Trusts next month. As you know, your authority has been provided with an advance digital copy of the national leaflet

<sup>3</sup> Appendix 2, Hoddlesden Moss, BHS Citation - Ecological Assessment, RPS, 2016

<sup>4</sup> Section 3.3.1, p17 -- Ecological Assessment, RPS, 2016

#### 4. Species

##### a) **Badger (*Meles meles*)**

4.1 The statement made by RPS that '*The habitat at the site is considered to generally offer low suitability for badgers*' should be disregarded without definite field evidence: moorland badgers are a feature of some parts of central and eastern Lancashire. Indeed, on 18<sup>th</sup> July 2016 Mr Peter Jepson FCIEEM reports observing badger footprints in wet peat on Hoddlesden Moss at approximate OSGB grid reference *circa* SD 7311 2147.

4.2 Assertions in RPS' Ecological Assessment report made under **Badgers** in 3.4.1 *Ecological Receptors* and 3.4.2 *Impacts of the Development on Ecological Receptors* should be read in this context.

4.3 The report concludes that the application site is likely to be of local importance for Badger - given the presence of a disused sett. However, local sources indicate a well-established resident Badger population around Hoddlesden Moss with at least three active setts reported. Mr Peter Jepson FCIEEM also tells me that there are numerous badgers in the Cranberry/Blacksnape area: Blacksnape is, at most, 1 800 metres from proposed turbine array.

##### b) **Bats (Chiroptera)**

4.4 We are currently content with the survey methodology and recommendations of the Bat report accompanying the application.

##### c) **European Otter (*Lutra lutra*)**

4.5 We are currently content with the survey methodology and recommendations relating to European Otter.

##### d) **Birds (Aves)**

4.6 We are **not** content with the methodology and, hence, the recommendations relating to avian populations. We expand on this below:

##### Displacement of sensitive bird species by presence of wind turbine arrays

4.7 The applicant has not adequately considered the impacts of the proposed wind farm on the displacement of moorland breeding birds. This is a serious issue affecting the ability of various species to use Hoddlesden Moss for foraging and for breeding. These species include, but are not limited to Short-eared Owl, Merlin, Curlew and Snipe; and form part of the reason for the site's identification as a Local Wildlife Site (Lancashire "Biological Heritage Site"), as discussed above.

4.8 Research on displacement of moorland birds, undertaken by Pearce-Higgins *et al* (2009) shows that displacement of breeding Curlew occurred up to 800 metres from wind turbines, with the density of breeding birds significantly lower on wind turbine array sites compared with control sites. Curlews are part of the breeding bird assemblage for the West Pennine Moors proposed SSSI. The RSPB has mapped an 800 metre radius around the proposed turbines and *220 hectares (68%) of this proposed SSSI unit would be considered sub-optimal for breeding Curlew were the development to proceed.*

4.9 This means that, were the turbines to be granted permission, 68% of this unit would not be able to fully support the species for which the proposed SSSI is to be designated.

#### Displacement of sensitive bird species due to increased public accessibility

4.10 From experience elsewhere within our sub-region, wind turbines attract people. For example, the wind turbine array on Scout Moor, lying partly in Rossendale district and partly in Rochdale district and currently consisting of twenty-six 110m tall turbines, sits on 'open access' moorland - designated as such under the terms of the Countryside & Rights of Way Act 2000. At any time of year during daylight hours it is visited by many pedestrians and cyclists.

4.11 The enhanced recreational access to the Hoddlesden Moss area that would be provided by the proposed surfaced track-way would increase public accessibility across the Hoddlesden Moss Local Wildlife Site. This would risk compounding the displacement to sensitive species consequent on construction and operation of the proposed turbine array itself - notably Merlin (*Falco columbarius*), Short-eared Owl, Curlew, and Snipe – and so substantially increase the likelihood that Merlin and Short-eared Owl, in particular, would not breed again on Hoddlesden Moss. Consequently, we would recommend that the applicant includes a recreational disturbance impact assessment and a mitigation strategy in its application.

#### Inadequate Survey – Moorland Breeding Birds

4.12 We have two concerns about this survey; its timing and its suitability.

4.13 Although the Brown and Shepherd (1993) methodology employed by the applicant's contractor is generally used to census upland breeding waders - principally Golden Plover, Dunlin, Oystercatcher, Lapwing, Curlew and Redshank - we are advised that it is **not** suitable for Snipe and consequently leads to under-recording when so employed.

4.14 The RSPB expands more on this deficiency in its response to consultation on this application and we will not unnecessarily repeat that here. However, one of the co-authors of *The State of Lancashire's Birds*, Mr Steve Martin, has undertaken several walkover surveys during the 2016 breeding season (at the correct time of year and day) and has, in contrast to the applicant's surveyors, located 7+ Snipe territories, 5/6 Curlew territories and 9+ Linnet (*Carduelis cannabina*) territories. He also reports that key breeding raptor and other 'flagship' species, present during the 2016 breeding season, were unrecorded during the applicant's surveys.

4.15 Bird territories are not static from year to year, and sometimes individual birds move in response to local fire-damage or disturbance. This means that birds not recorded as breeding in this area by the consultants (e.g. the raptors, Golden Plover, and Twite (*Carduelis flavirostris*), may return as the Blanket Mire habitat improves further under the Higher Level Stewardship agreement between the current site manager and HM Government.

#### Absence of a Wintering Bird Survey

4.16 The Wetland Bird Survey (generally known as "WeBS")<sup>5</sup> monitors non-breeding water-birds in the UK. The principal aims of WeBS are: to identify population sizes; to determine trends in numbers and geographical distribution; and to identify important sites for water-birds.

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<sup>5</sup> WeBS – the Wetland Bird Survey, BTO, RSPB, JNCC

4.17 There is no WeBS data available for the application site. However, the RSPB has examined the WeBS data for the northwest of England and is confident in stating that Hoddlesden Moss Local Wildlife Site is of regional importance for wintering Snipe. We accept that assessment; yet the site has not been surveyed for wintering birds.

4.18 The construction of the proposed wind turbines would result in reduced numbers of both Snipe and Curlew on the Hoddlesden Moss Local Wildlife Site<sup>6</sup>. We consider this to be unacceptable and contrary to Local Plan policy.

### Raptors

4.19 Local experience of nesting Merlin (*Falco columbarius*) in the West Pennine Moors - through Steve J Martin, a Schedule 1 licence-holder for Merlin under the Wildlife & Countryside Act 1981, as amended) - indicates that these birds show high fidelity to nest sites providing these have been successful in the past and, crucially, the habitat around the nest-site remains unchanged. If the core territory remains unaltered, the nest site is often only a few feet away from the previous year.

4.20 However, some regular sites in the WPM have been lost recently through wild-fires and other habitat changes near to nest-sites. In recent years, territory-holding pairs have alternated sites and been observed to move between locations up to 6km away following moorland fires in their territories. From what Mr Martin knows of the Hoddlesden Moss pair, they were faithful to the same general nest site, but the preferred nest-site requirements of Merlin (deep heather) are currently limited in the West Pennine Moors, particularly after the major wild-fires in recent years. From Mr Martin's observations, we would now appear to have a couple of fairly 'unsettled' Merlin pairs that alternate between sites, rather than the five regular pairs present until fairly recently.

4.21 That decline in breeding Merlin is being mirrored elsewhere. The Peak District National Park (Cheshire, Derbys, Greater Manchester, Staffs) used to have 60 Merlin pairs but this has fallen to about 20 (Dr Tim Melling, RSPB, pers comm).

4.22 Indeed, Merlin has recently been readmitted to the Red List in Eaton *et al* (December 2015) *Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man ("BoCC4")* because recent declines mean it can no longer be considered to have recovered from its historic decline. To quote relevant text from the latter:

"The Merlin *Falco columbarius* returns to the Red list after being Amber-listed in *BoCC2* and *BoCC3*, as its recovery from historical decline has faltered."

"The Red list has increased by 15, owing to 19 species being Red-listed for the first time, one species (Merlin *Falco columbarius*) returning to the Red list, and five species leaving the Red list either by moving to Amber (three species) or the list of former breeders (two)."

### **e) Reptiles**

4.23 We are currently content with the survey methodology and recommendations relating to reptiles.

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<sup>6</sup> Pearce-Higgins, J.W., Stephen, L., Langston, R.H.W., Bainbridge, I.P. & Bullman, R. 2009. The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 46: 1323-1331

## f) Great Crested Newt (*Triturus cristatus*)

4.24 We are currently content with the survey methodology and recommendations relating to Great Crested Newt.

## 5. Habitats

### a) Blanket Mire

5.1 We are **not** content with the assessment and recommendations relating to blanket mire habitat (also known as 'blanket bog').

5.2 Blanket Mire is one of the most important habitats in the UK and in Europe as a whole (*i.e.* the Council of Europe area, rather than just the European Union area).

5.3 '**Active blanket bog**' is listed as an Annex 1 Priority Habitat within the EC Council Directive 92/43/EEC (European Union Habitats & Species Directive); *i.e.* as a "*habitat of European significance or Community importance*". It is also listed as a **Habitat of Principal Importance in England** under S41 of the Natural Environment & Rural Communities Act 2006.

5.4 "*Active Blanket bog*" habitats, as defined by the United Kingdom's Joint Nature Conservancy Council (JNCC)<sup>7</sup>, "*typically, include important peat-forming species such as bog-mosses Sphagnum spp. and Cottongrasses Eriophorum spp., or Purple Moor-grass Molinia caerulea in certain circumstances, together with Heather Calluna vulgaris and other ericaceous species*". This is the predominant vegetation across Hoddlesden Moss that led, in part, to its identification as a Local Wildlife Site. (This was also the assessment of the vegetation made in the Ecological Assessment report provided by Avian Ecology Ltd.) Hoddlesden Moss is therefore "*active Blanket bog*" as defined by the EC Council Habitats & Species Directive 92/43/EEC.

## 6. Alternative Sites

6.1 We are **not** content with the assessment of alternative sites, as described.

6.2 Why risk negatively impacting such an internationally important semi-natural system in an area (West Pennine Moors) where such internationally important blanket mire is particularly vulnerable due to **comparatively** small extent and substantial fragmentation? There are only 4 200ha of blanket mire remaining across the whole West Pennine massif (Penny Anderson, NVC Survey, Dec 2013), almost all located only on some of the upland tops and, because of their blanket mire habitat, all publically identified as qualifying as Local Wildlife Sites under the Lancashire or Greater Manchester

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<sup>7</sup> JNCC (2005), The Habitats Directive: Selection of Special Areas of Conservation in the UK,

JNCC Report 270.

<http://www.jncc.gov.uk/ProtectedSites/SACselection/habitat.asp?FeatureIntCode=H7130>



systems and under active consideration by Natural England for statutory designation as a major component of a West Pennine Moors Site of Special Scientific Interest.

6.3 There is no necessity to locate this proposed wind turbine array within a Local Wildlife Site and on Blanket Mire habitat of international value when so much open and windswept pasture, now of very little value for the living natural environment or for unsubsidised agricultural production, is located in the immediate vicinity.

## **7. Proposed Mitigation**

7.1 We are **not** content with the proposed mitigation, as described.

7.2 We find the applicant's proposals for floating access tracks unconvincing. Natural England's 2009 report<sup>8</sup> on 'Assessing Impacts of Wind Farm Development on Blanket Peatland in England' states the following in respect of floating tracks: "*floating tracks are not universally suitable, however, in areas of particularly wet peat it will be difficult if not impossible to achieve a floating track without very significant effects on hydrology and therefore on local habitats, and risking track failure. Tracks should avoid such areas altogether (SNH, 2013)*"<sup>9</sup>. The location proposed for the turbines and access track on Soot Hill is on a M19 Blanket Mire, which is clearly "*wet peat*". Despite initial intent, floating tracks were not delivered in connection with the wind turbine array development on blanket mire at Scout Moor Local Wildlife Site (Rochdale & Rossendale) and only partially delivered in respect of that on Oswaldtwistle Moor Local Wildlife Site (Hyndburn).

7.3 We are at a loss to understand how establishment of plantation woodland would mitigate for damage to internationally important, open, blanket mire habitat and/or to reductions in populations of breeding and overwintering birds characteristic of open moorland and of county and national significance. There is no ecological equivalence between the ancient open blanket mire habitat and the proposed new plantation woodland habitat and no established semi-natural woodland is threatened by the proposed development.

7.4 The applicant proposes (Paragraph 5.2, Hoddlesden Moss Habitat Management) to monitor the success of the extant Higher Level Stewardship Scheme on Hoddlesden Moss Local Wildlife Site as part of mitigation and enhancement measures; a responsibility that falls to Natural England as the agent of the UK Government's Department for the Environment, Food & Rural Affairs awarding and administering the monitoring of agri-environment agreements. This seems to us inappropriate as mitigation *per se* as it does *not* reduce the *impact* on habitats, species and ecological function resulting from an otherwise impermissible development. The development, if consented, also compromises (as we contend above) the delivery of recovery of the blanket mire habitat of Hoddlesden Moss, at public expense, through the implementation of the established Higher Level Stewardship agri-environment agreement between the site manager and HM Government.

7.5 Still more worryingly, it also transfers the statutory responsibilities of a government agency for an existing and *unrelated* contract with national Government, *and* those of your local planning authority in terms of monitoring delivery of related conditions and/or obligations associated with this subsequent development proposal, to the putative developer; a case of the applicant, if successful, becoming "*both poacher and gamekeeper*" we would suggest, and at both national agri-environmental and local development control levels. If this were to stand, we fear it would set a

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<sup>8</sup> NECRO edition 1, Part 1 - Assessing Impacts of Wind Farm Development on Blanket Peatland in England, Project Report and Guidance, FINAL REPORT, Maslen Environmental for Natural England, April 2009

<sup>9</sup> Constructed Tracks in the Scottish Uplands, SNH, June 2013

dangerous and possibly unlawful national precedent. Accordingly, we will refer it to The Wildlife Trusts nationally.

Thank you for your attention.

Yours sincerely



David Dunlop

**Conservation Officer for Central & Western Lancashire**

**Tel:** 01772-317 238 (voicemail); **Mob:** NONE

**E-mail:** ddunlop@lancswt.org.uk

**twitter:** @Lancswildlife @LaWT @LivingSeasNW

**The Wildlife Trust for Lancashire, Manchester & North Merseyside**

(Blackburn with Darwen, Blackpool, Bolton, Burnley, Bury, Chorley, Fylde, Hyndburn, Knowsley, Lancaster, Liverpool, Manchester, Oldham, Pendle, Preston, Ribble Valley, Rochdale, Rossendale, St Helens, Salford, Sefton, South Ribble, West Lancashire, Wigan, Wyre)



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**Carter Jodie**

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**From:** David Dunlop <ddunlop@lancswt.org.uk>  
**Sent:** 08 August 2016 15:12  
**To:** McDonald Kate  
**Cc:** Mike Collier  
**Subject:** RE: Re: 10/16/0704 - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works; at Hoddlesden Moss Local Wildlife Site ("Lancashire Biological Heritage Site" 72SW08), Hoddlesden, Blackburn with Darwen Borough

Hello again, Kate.

A *potential* misinterpretation has just been drawn to my attention; so, just to clarify:-

In:

"1.3 Our objections relate to potential for impacts on the sustainability of the principal features for which Hoddlesden Moss is identified as a Local Wildlife Site (known, within post-1974 Lancashire, as a "Biological Heritage Site") against the relevant criteria in the published site selection guidelines, as revised. These features are blanket bog habitat and upland bird communities."

The word "criteria" is used there in a literary rather than technical sense in order to avoid the clunky sentence, "the relevant guidelines in the published site selection guidelines".

The intent is as in other paragraphs in our letter; *e.g.*

"3.5 The published site selection guidelines for the Lancashire Local Wildlife Sites system are available online at: <http://www.lancashire.gov.uk/learn/site-designations/local-sites/biological-heritage-sites/bhs-guidelines-for-site-selection.aspx>."

"3.8 Hoddlesden Moss is identified by the Lancashire Biological Heritage Site Partnership as a Local Wildlife Site (within Blackburn with Darwen, Blackpool, and Lancashire known as a "Lancashire Biological Heritage Site") for its blanket mire habitat and its upland bird communities. It was first identified in 1993 – one of the original suite of such sites in Lancashire. The relevant guidelines for the selection of Hoddleden Moss are **Bog (Bo3b)** and **(Bo4)** and **Birds (Av3)** and **(Av8g)**."

"3.9 To clarify a point raised in the RPS Ecological Assessment of 12<sup>th</sup> May 2016 (at page 17, para 3.1.3), its site description was amended in 2007 following the county-wide revision of the ornithological site selection guidelines earlier in that year; and the site boundary was amended following a vegetation monitoring visit in November 2009 (by the then Lancashire County Council ecologists), when part of the then site was found to no longer qualify under the "**Bo4**" (bog habitat) selection guideline due to the deleterious impacts of grazing. This was apparently associated with earlier application of imported pulped paper waste as an agricultural fertiliser (Mr Peter Jepson, pers comm.). Similar considerations apply to the initial selection and subsequent updates to the two other Local Wildlife Sites to which reference is made in RPS Ecological Assessment (also at para 3.1.3); namely Egerton Moss & Boardman Close and Aushaw Moss."

Kind regards

Dave

David Dunlop  
Conservation Officer for Central & Western Lancashire  
(Blackburn with Darwen, Chorley, Preston, South Ribble, West Lancashire)

Tel: 01772-317 238 (voicemail)

Mob: NONE

E-mail: [ddunlop@lancswt.org.uk](mailto:ddunlop@lancswt.org.uk)

twitter: @LaWT

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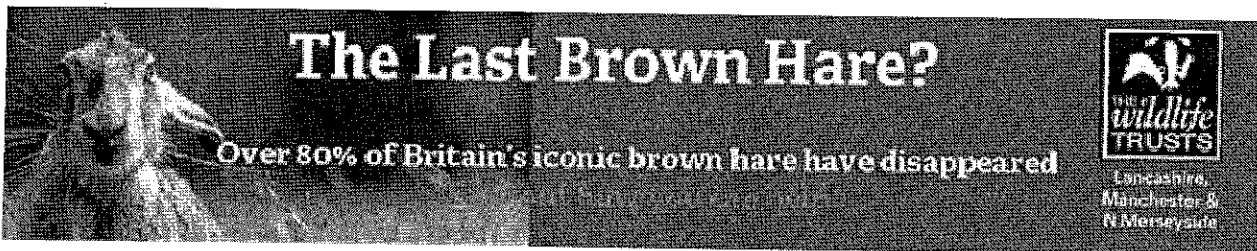
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**From:** David Dunlop  
**Sent:** 08 August 2016 14:07  
**To:** McDonald Kate  
**Cc:** Mike Collier; Alan Wright  
**Subject:** Re: 10/16/0704 - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works; at Hoddlesden Moss Local Wildlife Site ("Lancashire Biological Heritage Site" 72SW08), Hoddlesden, Blackburn with Darwen Borough

Dear Ms McDonald

Please find attached our response to your consultation on the above application.

Yours sincerely

David Dunlop

David Dunlop  
Conservation Officer for Central & Western Lancashire  
(Blackburn with Darwen, Chorley, Preston, South Ribble, West Lancashire)

Tel: 01772-317 238 (voicemail)

Mob: NONE

E-mail: [ddunlop@lancswt.org.uk](mailto:ddunlop@lancswt.org.uk)

twitter: @LaWT

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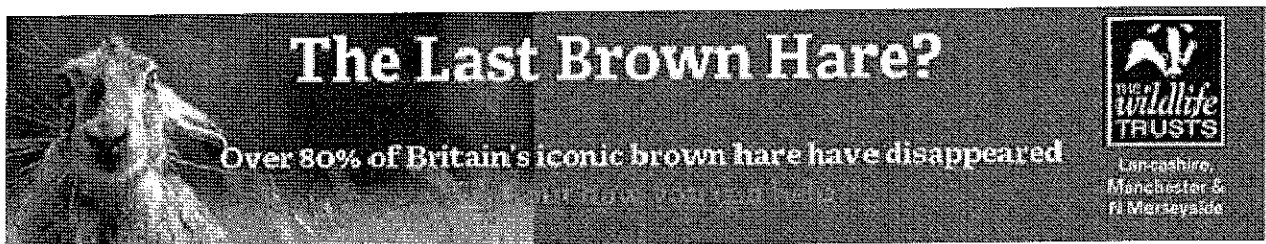
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**United Utilities Water Limited  
Developer Services & Planning**  
Warrington North WWTW  
Gatewarth Industrial Estate  
Barnard Street off Old Liverpool Road  
Sankey Bridges  
Warrington  
WA5 1DS

Telephone: 01925 679371  
Planning.liaison@uuplc.co.uk

Blackburn with Darwen Borough Council  
Town Hall King William Street  
Blackburn  
BB1 7DY

**Your ref:** 10/16/0704  
**Our ref:** DC/16/2964  
**Date:** 10-AUG-16

Dear Sir/Madam,

**Location: Hoddlesden Moss, Hoddlesden, Darwen**  
**Proposal: Installation of 3 wind turbines.**

We write to provide comments in respect of a Planning Application on land at Hoddlesden Moss, Darwen. The application is submitted to Blackburn with Darwen Borough Council (ref: 10/16/0704). A description of development follows:

“Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works”

### Introduction

United Utilities Water Limited (United Utilities) provides drinking water and waste water services to around seven million people and 200,000 businesses throughout the North West of England. United Utilities is committed to the promotion of renewable energy generation.

However, as a national service provider, United Utilities must ensure that development on, or in close proximity to, operational water supply catchment land does not lead to issues with deterioration in raw water quality, which could impact upon its ability to continue to provide high standards of customer service.

United Utilities works closely with the Environment Agency to ensure there is no deterioration in raw water quality due to anthropogenic activities and thereby ensure compliance with the Water Framework Directive.

To ensure ongoing high standards of service, United Utilities has developed a Renewable Energy Policy Position Statement. This Statement has been prepared to support and promote Central Government Policy relating to Energy Infrastructure.

These policies can be found within the following documents:

- National Planning Policy Framework (NPPF) – Paragraphs 93-98
- National Policy Statement for Energy Infrastructure (EN-1) – Section 5.3 & 5.15
- National Policy Statement for Renewable Energy (EN-3) – Section 2.7

In line with the underlying ambition of National Policy, United Utilities are fully supportive of the principle of renewable and low carbon energy and associated infrastructure.

However, whilst United Utilities remains firmly committed to continuing to promote renewable energy generation, as a national service provider, United Utilities must ensure that development on operational water catchment land does not lead to adverse issues, which could impact the ability of United Utilities in continuing to provide the high standards of service that customers expect (for example, as a result of deterioration in raw water quality).

The risk of impact upon water quality increases with increasing peat depth. Disturbance of deep peat can have long-term negative impacts on water quality.

In general, once a peat system has been disturbed, this tends to precipitate a chain reaction of events that leads to the degradation of the natural habitat. This degradation can result in the:

- deterioration of raw water quality resulting from the release of Dissolved Organic Carbon (DOC), Particulate Organic Carbon (POC) and gaseous CO<sub>2</sub>. This requires increased or additional treatment at our works.
- generation of sediment (eroded peat) which will reduce the capacity of reservoirs over time.
- alteration of the hydrology of streams associated with peat bodies, which may negatively influence the flood hydrograph of river catchments, thereby accentuating flood risks downstream.

Furthermore, damage to peat soil systems as a result of drainage or construction may be impossible to restore.

For this reason, United Utilities opposes development on surface water catchment land that has a peat layer greater than 50cm deep where water is currently used or is planned to be used for drinking water supply.

As the proposed development area at Hoddlesden Moss is located near to United Utilities operated reservoir and on water catchment land (supplying water to the Wayoh Water Treatment Works and Fishmoor Water Treatment Works) it is considered appropriate to provide some comment in respect of the revised proposal.

### **Detailed Comments**

The submission has provided an assessment of peat depth, and details are provided within the Ecological Assessment (Figs 10 & 11). We note from this assessment that Peat depth varies throughout the proposal site from <1.0m to 4.0m. All three of the proposed turbines are located on areas of peat of a depth of between 2.01m and 2.5m.

Given the depth of peat in these locations, it is considered that there is significant potential for the proposals to impact upon sensitive areas of deep peat and to generate subsequent negative impacts at the downstream Wayoh Water Treatment Works and Fishmoor Water Treatment Works.

Given the location of proposed turbines, we consider that detailed consideration should be given to impacts at Wayoh Water Treatment Works and Fishmoor Water Treatment Works; however we note from the HIA document that the 1km search radius does not identify either of these areas as receptors.

As such, we consider that the impacts (and subsequent mitigation measures) at these Water Treatment Works have not been considered by the applicant.

Given the sensitivity of the location and the potential for long-term negative impacts upon water quality outlined above, United Utilities wish to object to this scheme until additional information can be provided which demonstrates that water quality at Wayoh Water Treatment Works and Fishmoor Water Treatment Works will not be affected by the proposed development.

Additional monitoring should establish a baseline and monitor progress throughout the construction, operation and decommission of the wind farm. As part of this further monitoring, it is imperative to carry out storm flow monitoring. United Utilities' research shows that 50% of dissolved organic carbon (a key contributor to water discoloration) comes off the Moor during the highest 10% of flows.

We would also request that any further assessment /monitoring work should consider both the total yield of water as well as water quality impacts at Wayoh Water Treatment Works and Fishmoor Water Treatment Works.

We would welcome the opportunity to discuss these matters in further detail with the applicant and we look forward to receiving additional evidence to resolve our concerns. At the current time we **OBJECT** to the proposed development.

Any further information regarding Developer Services and Planning please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

Yours faithfully

Shireen Lawrenson  
United Utilities  
Developer Services and Planning

# HIGHWAYS COMMENTS

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**Planning Application: 10/16/0704**

**Installation of 3 wind turbines, hub height of 46 metres, 'to tip' height 76.5m, to include all ancillary works at**

**Hoddlesden Moss, Hoddlesden, Darwen.**

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**PROW** – There is currently insufficient information to comment on this application fully.

Turbine T3 is very close to PROW 185 Darwen. The turbine base details indicates that the turbine base may be 13m across. It is currently unclear how the footprint of the turbine base or construction footprint of the turbine (including crane pad/ haul road, earthworks) will affect the PROW. Please can the applicant provide a plan showing the turbine construction area with the Public Right of Way overlaid? The plan should include the exact location of the turbine base, crane pad, haul road and the extent of any earthworks planned in the area of T3. If possible the distance in metres from the construction site to the PROW should be shown.

The construction haul road crosses FP 228 Darwen. The crossing of this path will need to be planned managed to ensure safety of users on the path. Details of this arrangement should be submitted to the PROW team prior to construction starting on site.

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The details received have been reviewed and a site visit has been undertaken.

The proposal seeks permission to place three wind turbines at the top of Hoddlesden Moss. The submission is not dissimilar to that received under 10/13/0829 & 10/14/1117.

The extent of the highway works involved in delivering this proposal, is to construct

- a temporary 1,480m of track road, (temporary period for 25 years following which the individual wind energy convertors will be decommissioned and area re-instated).
- a 15 x 35mm hard standing around each turbine area
- construction of a new access floating track from Broadhead Road

Taking each in turn:

## **Access Track layout**

The route of the access track is a considerable length 1,480m to be exact; this is proposed as a 4m wide access track with a 5m clearance and 28m radius at turning points. The access track would be a floating track type. Initially the access track would support the development, thereafter maintained for the landowners to service and maintain their land. Following dialogue with the applicants on previous application submission has led to the number of passing places being increased to three – this is represented in the details received. However there is still reference to two within the Transport Statement please – seek clarification or condition accordingly.

Aside from the access track, a DNO connection is required for connection of the wind turbines. The route of the cable and its connection point to the grid is provided. Details to support the number of vehicle movements associated with the planned works if the cable installation are provided, this is relatively minor, one matter that is still outstanding is tracking the route that these vehicles would take – no evidence of this has been provided.

#### **Access at Junction**

The tracking for the access road from Broadhead Road to the wind turbines location has been assessed and is deemed acceptable.

The Site Visit document confirms the route for the equipment as being from M65 Junction 5 to the site, travelling along the Grane Road, and then turning into Jackson Heights Road before turning into the site access to be introduced off Broadhead Road. It is highlighted within the report, that the section particularly at the junction with Grane Road/Jackson Height Road will require temporary modifications to allow the vehicles to travel through the junction. All works proposed need to be approved by the Highway Authority in the first Instance and secondly all works to be returned to the original state upon completion of the construction programme all at the developers cost.

#### **Transport Statement**

The transport statement has been received and reviewed, the anomalies that were noted under the previous application have been examined.

The first section responds to the Access Track, Passing Places and DNO connection. It cites the movements required for the Access Track and DNO connection.

It is our understanding that the total number of movements by vehicle to carry out all works, is estimated at 1098, the report identifies the no of vehicles estimated for the access track construction compound and crane pads, this is projected to be around 20 HGV movements day based on a 10 hour working weekday. Due to the duration of construction, even with all vehicles the impact is not deemed severe, to warrant a refusal, hence, the management of vehicles would be viewed against a management period to be agreed, to ensure that the project delivery is through the 6 months and thus spreads the load of traffic evenly.

In order to understand whether the 6 months planned work period would be sufficient, when and how is the DNO connection to be carried out – please seek clarification.

Details of tracking are offered at the Jackson Height Road/Grane Road junction, which presents an area which would require widening, as this junction is outside of our borough, contact and approval should be obtained from LCC. Have they actually been consulted on this application as the route to the site not only affects our highway network but also theirs? Of particular concern is the route along Jackson Heights Road particularly close to the junction at Long Hey Lane, where the road dips – close to Twitches Brook. I would request confirmation of where along this route further improvements will be necessary, as a full tracking of the access is not received. Again the tracking of the internal access road, full length has also not been provided.



### **PROW**

Please note comments above and request developer makes contact with PROW officer to agree suitable works

To conclude in principle we would offer no objections to the proposal, subject to the above matters being addressed satisfactorily.

### **Other**

The Transport Storage and crane guidelines, refer to a Traffic Management Plan, evidence of this is to be received for approval, prior to the decision being issued.

During the construction phase and thereafter – further details are required. A construction method statement in part has been received, but requires further detail, i.e. type of wheel wash system to be employed, how the water discharge will be managed etc. including wheel wash, duration of works etc. would be required.

In addition to the construction method statement and management programme of works, which I had previously requested to be conditioned, I would also add a condition survey of the highway network to the list, this is to ensure any damage sustained to the highway is repaired at the developers cost.

Aside from the above, the remaining issues which in our opinion are not satisfactorily addressed are: The response with regards to how long the DNO connection will take, and;

The impact on the highway network as the vehicles travel to the site. We had previously raised concerns with regards to this; the details received do not address this to our satisfaction or give us comfort that this can be managed. Tracking of this route had been requested, but none has been forthcoming. A Site Visit Report received confirms that the dip at Twitches Brook may cause issue for long vehicles, and the action they propose is to use hydraulic suspension.

It goes on further to state that approvals would need to be obtained from the responsible authorities i.e. highways agency, local council, and that this would need to be agreed prior to any delivery of equipment taking place. I am minded to take this with a caveat that all works to ensure navigation of the road by the vehicles, whether they are strengthening works or improvements, would need to be agreed and carried out prior to the commencement of works.

We acknowledge that the vehicles movement to support the future maintenance of the wind turbines is limited, this is deemed acceptable.

To conclude, we are minded to support to the application, subject to the above issues are addressed or conditioned accordingly together with the standards conditions Informatives below:

**Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007  
Please attach standards conditions/Informatives: Highways 1, 2, 8, 10, 11, 12, 15, 16 and 17  
Saf – 11<sup>th</sup> August 2016

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Kate McDonald  
Acting Planning Team Leader (Implementation)  
Planning Section, Regeneration Dept,  
Blackburn with Darwen Borough Council,  
Town Hall,  
Blackburn  
BB1 7DY

12 August 2016

Dear Kate,

**Re: 10/16/0704 - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works at Hoddlesden Moss, Hoddlesden, Darwen.**

Thank you for consulting the Royal Society for the Protection of Birds (RSPB) with regards to the latest proposal for the erection of three wind turbines on land at Hoddlesden Moss.

The RSPB supports a broad mix of renewable energy schemes, **where developments will not significantly impact on wildlife or the habitats on which they depend**<sup>1</sup>. This is so the UK Government's legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 against 1990 levels can be met, in order to mitigate the effects of climate change which poses the biggest long term threat to wildlife and people.

This letter is to formally confirm the RSPB's position in relation to the proposed development.

The RSPB **objects** to this proposal on the basis that wind farm development on deep peat sites should be avoided, unless it can be shown not to be damaging to current or potential ecological interests. In this location we are not satisfied that Viridis Wind Turbines (the Applicant) has demonstrated that this is the case.

## 1. The Importance of the West Pennine Moors

(The following statement is covered in more detail in Supplementary Annex 1, page 7, of this response.)

The West Pennine Moors (WPM) cover 90 square miles of largely upland habitats within Lancashire, and are considered to be a very important biodiversity asset that Natural England (NE) have described as containing "*nationally important features that are supported by the wider habitat mosaic*" these include the "*Mosaic of upland habitats including blanket bog, acidic grassland and wet and dry heath; mires, fens flushes and wet grassland; mesotrophic grassland communities including upland hay meadows and herb rich grasslands; vascular plants assemblage including populations of the Red Data Book Species [two Lady's Mantles] *Alchemilla acutiloba* and *Alchemilla subcrenata*, the European threatened plant [Floating Water-plantain] *Luronium natans*; upland and woodland breeding bird assemblages; a heronry; and nationally important populations of breeding [Larus ridibundus] black-headed gulls and [Larus melancephalus] Mediterranean gulls*"<sup>2</sup>

<sup>1</sup> Roddis P. et al, The RSPB's 2050 Energy Vision – Meeting the UK's climate targets in harmony with nature, RSPB, 2016

<sup>2</sup> Source – Natural England 2016

## **1.1 Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) & Natural Environment and Rural Communities (NERC) Act 2006**

(Annex 2, p10) Although only a small section of the WPM, Hoddlesden Moss comprises some of the highest quality Blanket Bog in Lancashire. This globally rare peatland habitat is an EC Habitats Directive Annex 1 Priority Habitat (7130 Blanket Bogs), Blanket Bog and the peat it forms represent the largest terrestrial carbon store in the UK. In addition, Blanket Bog is included as a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 in the UK Biodiversity Action Plan (UKBAP). It is also a priority habitat included in the Lancashire Biodiversity Action Plan. The site also supports priority species listed under Section 41 of the NERC Act 2006 including; Red Grouse *Lagopus lagopus*, Curlew *Numenius arquata*, Lapwing *Vanellus vanellus* and Linnet *Linaria cannabina*.

## **1.2 Blackburn with Darwen Core Strategy and Local Plan**

(Annex 2, p15) The importance of the WPM is recognised within the Blackburn with Darwen (The Council) Core Strategy<sup>3</sup> Section 10.41 (page 121) and The Adopted Local Plan – Part 2<sup>4</sup>, Policy 9 (page 11).

## **1.3 Biodiversity and Local Sites - County Biological Heritage Sites**

(Annex 2, p11) Although not yet nationally designated, Hoddlesden Moss is designated as a County Biological Heritage Site (BHS) because of its Blanket Bog and breeding bird assemblage. Hoddlesden Moss has been assessed by Natural England as being of national importance and it is included within the WPM proposed Site of Special Scientific Interest (pSSSI).

## **1.4 Proposed SSSI**

(Annex 1, p8) The RSPB has been working with partners under the auspices of the WPM Biodiversity Group since 2005 to ensure that the site receives the statutory designation that it deserves. Designation during 2016 would finally give national recognition to the wildlife value of the area's habitats, species and geology.

## **1.5 NE's current position on the SSSI notification**

(Annex1, p8) NE is in the final stages of bringing forward the SSSI notification of the WPM, and the site is included within NE's designation programme for 2016/17, as was advertised earlier in 2016<sup>5</sup>. This is further reinforced on the NE designated sites web pages where some of the information relating to the proposed SSSI is publically available<sup>6</sup> - this information includes the features for which the SSSI will be notified and this list includes M19 Blanket Bog

## **2. Reasons for Objection**

The RSPB's Reasons for Objection are outlined below, and then dealt with in more detail within the accompanying Supplementary Annexes 3, 4, 5 and 6 – Reasons for Objection.

<sup>3</sup> Section 3.42, p17, Blackburn with Darwen Local Development Framework Core Strategy. Adopted January 2011

<sup>4</sup> Glossary, p134, Blackburn with Darwen, Adopted Local Plan – Part 2 December 2015

<sup>5</sup> Natural England Corporate report, Natural England's designations programme to March 2017, Published 13 April 2016, <https://www.gov.uk/government/publications/natural-england-designations-programme-for-areas-sites-and-trails/natural-englands-designations-programme-to-march-2017>

<sup>6</sup> <https://designatedsites.naturalengland.org.uk/sitedetail.aspx?SiteCode=S2000830&SiteName=west%20p&countyCode=&responsiblePerson=&unitId=>

It is RSPB's view that wind farm developments on deep peat sensitive areas should be avoided where they will be damaging due to:

1. Habitat loss and hydrological disruption (Annex 3, page 17)
2. The loss of associated sensitive species (Annex 4, page 26)
3. Displacement and inadequate surveys (Annex 5, page 30)
4. Moorland Badgers (Annex 6, page 36)

To take these in order:

## 2.1 Habitat loss and hydrological disruption

### 2.1.1 Habitat loss – Damage to irreplaceable deep peat blanket bog habitat

(Annex 3, p17) The Blanket Bog habitat present on Hoddlesden Moss is assessed as being of the M19 *Calluna-Eriophorum* Blanket Mire type an Annex 1 habitat under the Habitats Directive, and described by the Applicant's own ecologist (Avian Ecology) in their report as being "*pristine blanket bog in this part of the UK*".<sup>7</sup> The term Blanket Mire is applied to describe actively carbon sequestering areas; as such the habitat on the application site is very important. It is generally considered that peat accumulates at the rate of 0.5 to 1mm per annum<sup>8</sup>; therefore the deepest areas of peat (>3.5m) could have taken between 3,500 and 7,000 years to form, as such it should be considered to be irreplaceable. "*Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for and benefits of the development in that location clearly outweigh the loss*" (National Planning Policy Framework (NPPF) Para 118).

### 2.1.2 Hydrological disruption

(Annex 3, p18) Deep peat is a hydrologically dependent habitat and therefore the RSPB believes that the assessment of impacts on hydrology should be seen as somewhat limited as it fails to consider impacts on the hydrology of the peat and associated habitats over the longer-term.

### 2.1.3 Alternative Locations (Avoidance)

(Annex 3, p20) The Applicant has submitted no documents with this application that show that Hoddlesden Moss is the only possible location for the proposed development and show why improved pastures of low biodiversity value in the vicinity are unsuitable. "*If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*" (NPPF Para 118).

### 2.1.4 Inadequate provision of Mitigation and Enhancement Measures

(Annex 3, p20) It is considered by the RSPB that the mitigation and compensation proposed by the Applicant does not address the specific impacts of the proposed development. "*If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*" (NPPF Para 118).

<sup>7</sup> Section 3.2.3, Appendix 7, (Hoddlesden Moss - Habitats and Vegetation, Avian Ecology 2014) – RPS, 2016

<sup>8</sup> Peat Bog Ecosystems: Key Definitions – IUCN UK Committee Peatland Programme – Briefing Note No.1, November 2014

## **2.2 Loss of associated sensitive species**

### **2.2.1 Breeding Merlin *Falco columbarius***

(Annex 4, p26) Breeding Merlin is very faithful to nest sites, when conditions are suitable and it is certain that Merlin would not be able to utilise this area for nesting if the application was permitted.

### **2.2.2 Inadequate survey and potential displacement of Short-eared Owl *Asio flammeus* and Merlin**

(Annex 4, p27) The Applicant has undertaken surveys in 2015 within a 2km radius of the proposed wind farm. However RSPB consider the survey effort in relation to Short-eared Owl to be inadequate not only because the full area was only surveyed for 1 year but also because the survey timings were less than ideal as they were conducted at a time of year when these particularly elusive birds could have left the site or no longer be evident to the surveyors.

## **2.3 Displacement of both breeding and wintering wader species and Inadequate Surveys**

### **2.3.1 Displacement of Moorland Breeding Birds**

(Annex 5, p30) The RSPB is concerned that the Applicant has not considered the impacts of the proposed wind farm on the displacement of moorland breeding birds from suitable habitat as a result of both construction and operation of the wind farm as a serious issue. The wind farm is likely to affect the ability of various species to utilise the Moss for both foraging and breeding; these species include, but are not limited to; Short-eared Owl, Merlin, Curlew, Snipe *Gallinago gallinago*, Dunlin *Calidris alpina* and Golden Plover *Pluvialis apricaria*.

### **2.3.2 Displacement of associated avian species due to increased public access**

(Annex 5, p31) The enhanced recreational access provided by the new surfaced trackway will undoubtedly increase access across the site. We believe that this could add to the displacement caused by the turbines themselves in displacing sensitive species including; Short-eared Owl, Merlin, Curlew, and Snipe, possibly ensuring that the first two species will not again breed on Hoddlesden Moss.

The RSPB recommends therefore, that the Council require the Applicant to submit a Recreational Impact Risk Assessment in relation to species within an Access Management Plan as described above prior to determination of the application.

### **2.3.3 Inadequate Survey – Moorland Breeding Birds**

(Annex 5, p31) The Brown and Shepherd (1993)<sup>9</sup> survey methodology recommends 2 visits to be undertaken and that these are; "once during the early part of the season (early April to mid-May) and once later (mid-May to late June)". Therefore survey conducted outside of these periods may poorly reflect the numbers of breeding territories present on a site, as such the RSPB considers that this survey should not be relied upon as a true picture of breeding bird usage on the site because the Applicant commissioned the surveys too late in the breeding season.

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<sup>9</sup> A. F. Brown & K. B. Shepherd (1993) A method for censusing upland breeding waders, Bird Study, 40:3, 189-195,



The RSPB considers the Brown and Shepherd (1993) survey methodology in relation to Snipe and Dunlin, to be inadequate as it does not capture dusk, the period when these species are most active.

#### **2.3.4 Absence of a Wintering Bird Survey**

(Annex 5, p33) Hoddlesden Moss 252ha regularly supports a winter count of 70 Snipe<sup>10</sup>, this equates to 3.6 Snipe/ha; more than **23 times the density of wintering Snipe found on the internationally designated Morecambe Bay.**

The RSPB therefore considers that the Applicant should have undertaken specific wintering bird surveys, to demonstrate an absence of birds rather than assuming an absence of birds, which appears to be the case in terms of the current application.

#### **2.3.5 Moorland Badgers *Meles meles***

(Annex 6, p36) The RSPB is not confident that the Badger survey methodology and recommendations for this species are reliable. The Applicant states that "*The habitat at the site is considered to generally offer low suitability for badger*"<sup>11</sup> However, Moorland badgers are a feature of some parts of East Lancashire so the statement made by the Applicant that "*The habitat at the site is considered to generally offer low suitability for badgers*" should be disregarded as it is made without definitive field evidence and the assertions made over Badgers in 3.4.1 *Ecological Receptors* and 3.4.2 *Impacts of the Development on Ecological Receptors* should be read in this context

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<sup>10</sup> Martin, S. J. Schedule 1 Permit holder / surveyor, personal records [not submitted] from January 2016, 78 Snipe [and 21 Woodcock *Scolopax rusticola*].

<sup>11</sup> Section 3.3.1, p21 – Ecological Assessment, RPS, 2016

## In conclusion

Considered together, all of the issues outlined above (and detailed within the attached Annexes) underline the RSPB's objection to this proposal. The RSPB considers the proposal should be refused on a number of detailed grounds set out in the annexes to this letter, including conflicts with both the NPPF and key policies within the Council's Adopted Core Strategy and Adopted Local Plan Part 2.

Notwithstanding this, the RSPB has highlighted significant deficiencies in the environmental information provided by the applicant and **recommends** that The Council request further documentation as detailed above to enable a more complete assessment of the impacts of the proposed development.

However, to avoid unnecessary uncertainty, the RSPB **strongly suggests** that the Planning Committee defers its decision until after Natural England's proposal to notify the West Pennine Moors as a SSSI has been finalised one way or the other; as you will be aware this is within the Planning Committee's (departments) powers under NERC/NPPF.

Yours Sincerely



Jeremy Sutton  
Conservation Officer, North West England

By email to: [planning@blackburn.gov.uk](mailto:planning@blackburn.gov.uk)

## Supplementary Annex 1.

### 1. The West Pennine Moors

#### 1.1 Why the West Pennine Moors is important for Biodiversity and should be protected

Natural England (NE) within their description of the West Pennine Moors (WPM) in relation to the potential for the future designation of the area have previously stated that *"the site is of special interest by reason of the following nationally important features that occur within and are supported by the wider habitat mosaic: Mosaic of upland habitats including blanket bog, acidic grassland and wet and dry heath; mires, fens flushes and wet grassland; mesotrophic grassland communities including upland hay meadows and herb rich grasslands; vascular plants assemblage including populations of the Red Data Book Species *Alchemilla acutiloba* and *Alchemilla subcrenata*, the European threatened plant *Juncus acutiflorus*; upland and woodland breeding bird assemblages; a heronry; and nationally important populations of breeding black-headed gulls and Mediterranean gulls"*<sup>12</sup>.

In addition, The Conspectus<sup>13</sup> for Statutory Designation states that; *"Blanket bog extends over most of the moorlands in places up to three metres in depth. It occurs from an altitude of 250 metre in the north west of the WPMs to above 450 metres on the highest hill. Whilst the blanket mires have suffered various levels of past abuse through drainage, burning and grazing, there are little if any extensive areas of peat hags, so typical of many Pennine uplands. This is not to say that there is no peat erosion but simply that it is less than in some other (designated) parts of the Pennines"*.

Blanket bog is a rare and fragile substrate that develops only under specific and uncommon environmental conditions – sufficient rainfall, suitable temperature, topography and land use.

The Blanket Bog within the WPM is largely represented by two NVC Mire Communities; M19 and M20.

M19 Blanket Bog is restricted to a relatively few locations globally. Britain and Ireland are considered to be the global 'type location' for the M19 Blanket Bog habitat, indeed Britain represents the prime global location for this habitat<sup>14</sup>, *"M19 [and M20] are also almost confined to Britain and Ireland, with only small patches in western and central Norway"*.

This globally rare peatland habitat is an EC Habitats Directive Annex 1 Priority Habitat (7130 Blanket Bogs), and included as a priority habitat in the UK Biodiversity Action Plan (UKBAP). It is also a priority habitat included in the Lancashire Biodiversity Action Plan.

The WPM is also noted for holding 38% of Lancashire's Blanket Bog habitat resource, and 18% of the grassland resource. In terms of priority species the area has 185 species listed (including 84 plants and 61 birds), and is noted for key isolated populations of Twite *Linaria flavirostris*, and Adder *Vipera berus* and is a known hotspot for Brown Hare *Lepus europaeus* all Section 41 Species.

Only 0.26% of the WPM is currently designated as a Site of Special Scientific Interest (SSSI), though there are 150 non-statutory Biological Heritage Sites (BHS) covering 34% of the area. The application site sits within the Hoddlesden Moss BHS which would be directly and indirectly damaged

<sup>12</sup> Source – Natural England 2016

<sup>13</sup> Jepson, P., Melling, T., and Martin S.J. West Pennine Moors: A Conspectus for Statutory Designation – A document produced for the West Pennine Moors Area Management Committee for submission to Natural England. Lancashire County Council, 2007

<sup>14</sup> Blanket Bog (UK BAP Priority Habitat) <http://www.snh.gov.uk/docs/A1509050.pdf>

by the development. It also lies adjacent to Aushaw Moss, Cranberry Moor and Egerton Moss BHSs, which could also be indirectly damaged by the proposed development. All four of these locally designated sites sit within the WPM pSSSI. SSSIs give legal protection to some of the best sites for wildlife in England.

### 1.2 WPM as a Proposed SSSI (pSSSI)

The concept of the WPM back in the mid nineteen seventies followed very much the rationale and structure of a statutory National Park, but one locally designated by the partnership of Lancashire County Council, Greater Manchester Council and North West Water Authority. This 'Regional Park' was (and still is) presided over by the WPMs Area Management Committee, and had its own adopted statutory Local Plan, the *West Pennine Moors Recreation and Conservation Subject Plan: 1986*. The Council is a full partner in the current adopted plan; the West Pennine Moors Management Plan 2010 – 2020.

From 2005 onwards, the RSPB (Tim Melling) and Stephen Martin (co-author of the latest Lancashire Bird Atlas)<sup>15</sup> produced the text on birds for the Conspectus<sup>16</sup> for Statutory Designation (SSSI) for the WPM while Peter Jepson (at that time Lancashire County Council Ecologist) produced the text on plants under the auspices of the WPM Biodiversity Group. Hoddlesden Moss is included within the proposed SSSI boundary. The conspectus was submitted to NE in 2007. Since this time the RSPB and others have been working with NE to secure the SSSI notification for the WPM.

Hoddlesden Moss comfortably qualifies as a BHS for breeding birds under BHS guidelines Av3 (scarce breeding birds) and Av8g (breeding bird assemblage). It also comfortably qualifies as a SSSI as a constituent part of the *upland moorland and grassland without water bodies* breeding bird assemblage of the JNCC Guidelines for the Selection of Biological SSSIs. This is why Hoddlesden Moss is included within the West Pennine Moors proposed SSSI (pSSSI).

The importance of BHS is identified within section 5.4 of The Council's Green Infrastructure and Ecological Networks SPD, "Protected Sites" point 3 states; "*Local Wildlife Sites, known in Lancashire as Biological Heritage Sites (BHSs) which, together with the statutory wildlife sites, make the most significant contribution to the biological diversity of Lancashire*".

### 1.3 Designation

We are very concerned by the final sentence written in the applicant's ecological report within Section 4.1.2, p29 – Ecological Assessment, RPS, 2016 this paragraph; the "*proposed development does lie within an area under consideration for designation as the West Pennine Moors SSSI. In the letter of 18 November 2014, NE advised that it was at the final stages of analysing evidence to determine whether the area meets the criteria for SSSI designation (see also West Pennine Moors 2016). However, NE has announced that it no longer intends to progress with the designation at this stage*".

This statement simply has no basis in fact, the RSPB is in constant communication with NE regarding the West Pennine Moors (WPM's) pSSSI, and we have been informed by them, that this is not the case and that the WPM's are still included within NE's designation programme for 2016/17, as was advertised earlier in

<sup>15</sup> White, S.J. (Ed.), McCarthy, B., Dunstan, S., Martin, S.J., Harris, R.J., Hulme, G. and Marsh, P.J. (2013). *The State of Lancashire's Birds: An atlas survey of the breeding and wintering birds of Lancashire and North Merseyside, 2007-2011*. Lancashire and Cheshire Fauna Society, Rishton.

<sup>16</sup> Jepson, P., Melling, T., and Martin S.J. West Pennine Moors: A Conspectus for Statutory Designation – A document produced for the West Pennine Moors Area Management Committee for submission to Natural England. Lancashire County Council, 2007

2016<sup>17</sup>. This is further reinforced on the NE designated sites web pages where some of the information relating to the proposed SSSI is available on the NE website<sup>18</sup> - this information includes the features for which the SSSI will be notified and this list includes M19 Blanket Bog.

Dr Sarah Manchester's response on behalf of Lancashire County Council to the previous application (10/14/1117) advised that; *"whilst the submitted information does acknowledge that the site falls within the proposed SSSI, the Planning Supporting Statement suggests that the proposed development would be acceptable development within the SSSI in any case, and uses Lambrigg Wind Farm as an example of a development which receives local support despite being located in a SSSI. It should be noted that the NPPF clearly states (paragraph 118) that proposed development likely to have an adverse impact on a SSSI should not normally be permitted. A wind farm development (as currently proposed), located on deep peat and blanket bog and adversely affecting priority species of upland bird would constitute an adverse impact. It should also be noted that Lambrigg Wind Farm is not in fact located within a statutory designated site, and therefore the level of local support for that wind farm therefore seems somewhat irrelevant"*. However this statement is still included within Planning Supporting Statement<sup>19</sup> – Viridis 2016

Notwithstanding the three preceding paragraphs; the fact that the site is under consideration for SSSI status strongly indicates that it is likely to have significant biodiversity interest of at least regional/county importance and, we would argue, national importance because of the amount of M19 Blanket Bog present.

SSSI notification would finally give national recognition to the wildlife value of the area's habitats, species and geology. It will also provide a mechanism to protect this through positive management and control of pressures and conflicts over a "moorland" block of more than 20,000 hectares.

If NE notifies the WPMs SSSI, the Hoddlesden Moss unit would we believe be classified as "unfavourable recovering". This assumption is based on discussion with NE and the assessment undertaken by Avian Ecology which shows that the habitat has improved since the 2012 assessment by Penny Anderson Associates<sup>20</sup>. On the ground the major landowner on the application site, Mr Entwistle is receiving public funding under the Higher Level Stewardship scheme (HLS) aimed at restoring the wildlife value (restoring the moorland, with a cattle grazing supplement) of the site and this raises two issues. First, all ecological surveys have been undertaken while the site was in unfavourable condition so was not achieving its full potential. Second, as public money has been invested aimed at the long-term ecological recovery of this area, it would be wrong to permit a development in a location that would undermine this good work

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<sup>17</sup> Natural England Corporate report, Natural England's designations programme to March 2017, Published 13 April 2016, <https://www.gov.uk/government/publications/natural-england-designations-programme-for-areas-sites-and-trails/natural-englands-designations-programme-to-march-2017>

<sup>18</sup> <https://designatedsites.naturalengland.org.uk/sitedetail.aspx?SiteCode=S2000830&SiteName=west%20p&countyCode=&responsiblePerson=&unitId=>

<sup>19</sup> Section 10.3, Proposed Renewable Energy Development, Hoddlesden Moss, Darwen, Lancashire, Planning Supporting Statement, Viridis, 2016

<sup>20</sup> West Pennine Moors Survey 2012 – Condition Assessment of BAP Priority Habitats, Appendix 6, (Penny Anderson Associates (2013) Natural England West Pennine Moors Phase 1 and NVC level Surveys 2012) – Ecological Assessment, RPS, 2016



## Supplementary Annex 2.

### 2. Legal and Policy Framework

#### 2.1 The Conservation of Habitats and Species Regulations 2010 and the Conservation of Habitats and Species (Amendment) Regulations 2012 (The Habitats Regulations)

The Habitats Regulations place a duty on The Council as follows;

Regulation 9, Duties relating to the Directives states

Paragraph 1 states, that the competent authority [The Council in this case] must exercise their functions which are relevant to nature conservation, so as to secure compliance with the requirements of the Directives.

Paragraph 2, states that the above paragraph (1) applies in particular, to functions under several enactments, the twelfth of these being the NERC Act 2006.

#### 2.2 Habitats and Species of Principal Importance – The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act 2006 (as amended) places a duty on all public bodies to *“have regard to the purpose of conserving biodiversity” in exercising their functions*. Therefore, the local authority should give consideration to the biodiversity value of the site in order to comply with this duty.

Section 41 NERC Act 2006 - ODPM Circular 06/2005 indicates that UK Biodiversity Action Plan Priority Species and Habitats (Species and Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions.

Although the UK Post-2010 Biodiversity Framework (July 2012) succeeded the UK BAP: the UK BAP lists of priority species and habitats remain in place.

As previously stated; the fact that the site is under consideration for SSSI status strongly indicates that it is likely to have significant biodiversity interest of at least regional/county importance and, RSPB would argue, national importance because of the amount of M19 Blanket Bog present, Supplementary Annex section 1.1 above.

The RSPB consider this area to be irreplaceable high quality habitat, and of better quality than significant areas of the South Pennine Moors Special Area of Conservation (SAC)<sup>21</sup> (the latter requiring restoration to favourable status).

RSPB therefore consider that Blackburn with Darwen Borough Council (The Council) has a duty under Section 40 of the NERC Act 2006, as enshrined in Paragraph 118 of the National Planning Policy Framework (NPPF).

#### 2.3 SSSI notification and Section 28G Authorities

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<sup>21</sup> Jepson, P. CEcol CEnv FCIEEM, MSc (2013) pers comm. & Sphagnum Surveys of the West Pennine Moors

The RSPB would argue that as Hoddlesden Moss should be considered of national importance (by virtue of the M19 Blanket Bog), The Council should already be treating the site as such under Core Strategy Policy CS15, whether or not it is designated by NE and therefore ensure that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. (NPPF Para 113).

However, as NE has included the WPM in its 2016/17 designation programme, we consider that The Council should start to treat Hoddlesden Moss as a potential SSSI and give it an elevated status in terms of the biodiversity assets within the Borough under Policy CS15.

The Council's Core Strategy Policy CS15: Protection and Enhancement of Ecological Assets states the following;

1. *The Borough's ecological assets will be protected, enhanced and managed with the aim of establishing and preserving functional networks which facilitate the movement of species and populations.*
2. *Measures will be put in place to secure the protection and enhancement of biodiversity sites and habitats at three levels of importance; the first of these covers nationally and internationally important sites including Sites of Special Scientific Interest.*

Once the site is designated the following legislation and duties apply:

#### **2.4 Wildlife and Countryside Act 1981, as amended by Countryside and Rights of Way Act 2000**

The Council is a so-called "Section 28G" Public Body for the purposes of this legislation. Section 28G - statutory undertakers etc have a general duty in relation to SSSI's this duty is stated requires The Council "to take reasonable steps [in exercising its functions] consistent with the proper exercise of the authority's functions to further the conservation and enhancement of the flora, fauna, ...by reason of which the site is of special scientific interest"<sup>22</sup>

#### **2.5 National Planning Policy Framework (NPPF)**

##### **2.5.1 Biodiversity and Local Sites - County Biological Heritage Sites**

As enshrined in the NPPF, "*the planning system should contribute to and enhance the environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*" (NPPF Para 109)

Local Sites (known as Biological Heritage Sites, BHS in Lancashire) are components of the local ecological network, the preservation, restoration and re-creation of which should therefore be promoted (NPPF Para 117).

Hoddlesden Moss qualified as a BHS (72SW08) for its bog habitat under:

Bo3(b)<sup>23</sup> where "*they are indicators of more natural conditions or situations where more favourable conditions have enabled populations to re-establish*". Bog species like Sundew *Drosera spp*, Sphagnum, Bog Asphodel *Narthecium ossifragum*, Cranberry *Vaccinium spp* and Cross-leaved Heath *Erica tetralix* are

<sup>22</sup> Section 28G, Wildlife and Countryside Act 1981 (as amended)

<sup>23</sup> Revised Guidelines for Selection of Biological Heritage Sites (2007) – Lancashire County Council

unlikely to persist in bogs damaged by drainage, burning and heavy grazing, but they are still recorded on Hoddlesden Moss.

And:

Bo4 where the *"dwarf shrub species associated with the areas of drier bog are a major component and of conservation value in terms of maintaining biodiversity resources of the region"*, these sites are considered to *"contain a significant carbon store"*.

It should be noted that the information contained within Appendix 2<sup>24</sup> appears to be incorrect; it contains the citation, map and biological survey for Cranberry Moor and Grimehill Moor, while the Ecological Assessment refers to Edgerton [*sic*] Moss<sup>25</sup>, which from the description of location, would appear to be Egerton Moss and Boardman Close.

Department for Environment, Food and Rural Affairs (Defra) Local Sites Guidance emphasises that Local Sites have substantial nature conservation value, and the Government has recognised that Local Sites have a fundamental role to play in helping to meet national biodiversity targets. RSPB believes (as does the Applicant<sup>26</sup>) that these proposals would result in direct impacts on the BHS from construction and operation of the *"access road, which leads to the wind energy converters, the foundation in which the WEC sits upon and the hard standing which is required for construction and in the event of major repairs are to be carried out"*.

*"Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for and benefits of the development in that location clearly outweigh the loss"* (NPPF Para 118).

The RSPB also considers that application does not demonstrate that alternative sites (i.e. not on the BHS) have been considered which would avoid impacts on Hoddlesden Moss BHS.

The RSPB considers that the Applicant has again failed to demonstrate that their plans for siting the access road and turbines have been revised to avoid the most sensitive, irreplaceable habitat areas. It has not been demonstrated that everything that could be done to avoid damage to the peat habitat has been done.

The RSPB considers that The Council should have reference (when making their decision) to Paragraph 113 of the NPPF which states; *"Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites,24 so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks"* for the reasons given in Sections 1.1 and 6, above.

### 2.5.2 Renewable Energy and Local Plans

The NPPF states; *"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"* (NPPF Para 118).

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<sup>24</sup> Appendix 2, Hoddlesden Moss, BHS Citation - Ecological Assessment, RPS, 2016

<sup>25</sup> Section 3.3.1, p17 - Ecological Assessment, RPS, 2016

<sup>26</sup> Section 6.3 - Planning Supporting Statement, Viridis, April 2016

In this case the applicant has neither demonstrated that significant harm would be avoided, nor that adequate mitigation or compensation would be delivered. Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks (NPPF Para 165).

The RSPB considers that the Ornithology Survey and Ecological Assessment as submitted by the Applicant does not constitute up-to-date information as it gives (by virtue of timing and other factors addressed below) an incomplete picture of the site's importance.

The NPPF indicates that Planning Authorities *should* "consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources" (NPPF Para 97).

According to the Local Plan Part 2 - "Areas for wind turbine development will be identified through a future DPD review". Therefore at the present time the Council has not identified Hoddlesden Moss as an Area suitable for Renewable Energy<sup>27</sup>, see below.

## **2.6 Department for Communities and Local Government (DCLG) Written Statement on Wind Energy (June 2015)**

The June 2015 Ministerial Statement<sup>28</sup> on Wind Energy states; "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".

The RSPB would also respectfully suggest that "local community" has not been defined and that with several prominent NGO's and members of the "local community" including **Jake Berry MP** (whom the Applicant may appear to suggest supports the proposal<sup>29</sup>) objecting to the proposal<sup>30</sup> it cannot be said to have community support and therefore **should be refused**.

## **2.7 Wind Turbine Development in Blackburn with Darwen - A Guide for Developers (May 2013)**

The closest document currently published<sup>31</sup> sets out benchmark minimum acceptable distances between wind turbines of different sizes (measured to the blade tip at its highest point). At Hoddlesden Moss the nearest residential property to the proposed wind turbines is Higher Aushaw Farm (currently for sale) which at 326m from T3 sits comfortably within the stated 490m minimum separation distance.

<sup>27</sup> Point 6.14, Policy 36, p108, Blackburn with Darwen Local Plan Part 2, Adopted December 2015

<sup>28</sup> House of Commons: Written Statement (HCWS42) Department for Communities and Local Government Written Statement made by: Secretary of State for Communities and Local Government (Greg Clark) on 18 Jun 2015.

<sup>29</sup> Section 7.6 and Appendix 19, Proposed Renewable Energy Development, Hoddlesden Moss, Darwen, Lancashire, Design and Access Statement, Viridis

<sup>30</sup> <http://www.jakeberry.org/news/634/15/MP-Jake-Berry-supports-RSPB-campaign-to-save-Hoddlesden-Moss.html> (27 July 2016)

<sup>31</sup> Table under Section 2.11, p4, Wind Turbine Development in Blackburn with Darwen - A Guide for Developers (May 2013)

## 2.8 Office of the Deputy Prime Minister (ODPM) Circular 06/2005<sup>32</sup> Part III, Sections A and C

The Council has a duty under Section A of Part III in relation to Habitats and Species in the UK and Local Biodiversity Action Plans – **Habitats and species of principal importance in England.**

Paragraph 84 states: *“The potential effects of a development, on habitats or species listed as priorities in the UK Biodiversity Action Plan (BAP)<sup>33</sup>, and by Local Biodiversity Partnerships, together with policies in the England Biodiversity Strategy<sup>34</sup>, are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions”.*

Paragraph 85 states; *“Section 74 of the Countryside and Rights of Way Act 2000 places new duties on Government Ministers and Departments in respect of the conservation of biodiversity. In exercising his duty, the First Secretary of State may include local authorities to promote the taking of steps by others to further the conservation of the habitat types and species of principal importance for biodiversity. In PPS9, the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function (see PPS9 paragraphs 11 and 14). The lists of the habitat types and species subject to this duty were published by Defra in 2002<sup>35</sup> and comprise the list of species and habitats identified as priorities under the UK Biodiversity Action Plan. The lists are reproduced in Annex C”.*

Paragraph 86 states; *“The [Department of the Environment, Transport and the Regions] DETR circular on the Countryside and Rights of Way Act 2000<sup>36</sup> states that local authorities’ responsibilities for preparing their own Local Biodiversity Action Plans do not rely on the provisions of this Act; outside London, these plans are amongst the elements local authorities should build upon when preparing the overarching Strategy required by section 4 of the Local Government Act 2000. Subsequent to Circular 04/2001, the Government identified Local Biodiversity Action Plans as one of the plans that can be ‘subsumed’ into Community Strategies, as part of the rationalisation of local authority plans. Authorities will need to demonstrate that the subsumed plans have been considered within their Community Strategy and that Community Strategies as a whole are informed by the purposes of biodiversity planning<sup>37</sup>”.*

Section C places a duty on The Council in relation to **Landscape Features of Major Importance for Wild Flora and Fauna.**

Paragraph 88 states that; *“Article 10 of the Habitats Directive requires Member States (where they consider it necessary) to endeavour to encourage the management of features of the landscape that are of major importance for wild flora and fauna. These features are those that, because of their linear and continuous structure or their function as stepping-stones, are essential for migration, dispersal and genetic exchange. Examples given in the Directive are rivers with their banks, traditional field boundary systems (such as hedgerows), ponds and small woods. Suitable planning conditions and obligations may serve to promote such management”*

The Councils response to Section C is contained within the Core Strategy Policy CS15: Section 10.37 which states; *“The Core Strategy seeks to achieve a “step change” in the protection, enhancement and management of the Borough’s environmental assets. In particular, there is a need to establish a more joined up approach, and to understand the linkages between an area’s various assets rather than applying*

<sup>32</sup> ODPM Circular 06/2005, Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system

<sup>33</sup> Biodiversity The UK Action Plan, 1994, Command 2428, and subsequent Habitat and Species Action Plans

<sup>34</sup> Defra, 2002, Working with the grain of nature: a biodiversity strategy for England

<sup>35</sup> Defra, 2002, Countryside and Rights of Way Act 2000 Section 74: List of habitats and species of principal importance in England

<sup>36</sup> Department of Environment Transport and the Regions Circular 04/01, February 2001 Countryside and Rights of Way Act 2000

<sup>37</sup> Office of the Deputy Prime Minister circular letter to local authorities, 22 July 2003



*policy to each site in isolation. The Core Strategy sets a framework for adopting this "network" approach, which will be taken forward through the Site Allocations and Development Management Policies DPD, along with other actions outside the planning arena. This approach is consistent with, and forms part of, the Council's wider approach to Green Infrastructure as set out in Section 11".*

The Local Plan Part 2: Site Allocations and Development Management Policies which sets out the Council's policies on protecting, improving and creating green infrastructure and ecological networks through the development process. Further detail is given within the Green Infrastructure and Ecological Networks Supplementary Planning Document (SPD).

## **2.9 Blackburn with Darwen Borough Council - Green Infrastructure and Ecological Networks SPD (Adopted) December 2015.**

### **2.9.1 Landscaping & Biodiversity<sup>38</sup>**

*Section 4.34 states; "Any development should seek to increase an area's biodiversity assets, while guarding against the loss of irreplaceable habitats. This involves safeguarding and enhancing biodiversity already present and/or providing new areas of habitat and features for wildlife appropriate to the landscape and the ecology of that neighbourhood, while providing as many other ecosystem functions as possible".*

*Section 4.35 states; that "The Council will expect applicants to take opportunities to design in biodiversity, to protect, restore and enhance existing species populations and habitats and to make connections to biodiversity features outside the site, particularly through the use of a strong landscape framework and green infrastructure".*

The RSPB considers that the proposed development does not safeguard against loss of irreplaceable high quality Blanket Bog on Hoddlesden Moss, and fails to demonstrate how the proposed scheme would connect with the wider green infrastructure network in ecological and habitat terms.

In addition, The RSPB can find no documentation outlining the Applicants response to Section 3.9 (iii) Access, Recreation, Movement & Leisure: Key Design Considerations, p12, within The Council's Infrastructure and Ecological Networks SPD, which states; *"What consideration has been made between balancing the need for access and protecting areas of ecological and biodiversity value and how will this be managed?"*

The RSPB recommends therefore, that The Council require the Applicant to submit a Recreational Impact Risk Assessment in relation to species within an Access Management Plan as described above prior to determination of the application.

## **2.10 Local Plan - Core Strategy/Local Plan part 2 and the importance of WPM**

The Council's Core Strategy<sup>39</sup> Policy CS15: Protection and Enhancement of Ecological Assets, Section 10.41 states that species *"do not restrict themselves to identified wildlife sites for their shelter, breeding and feeding needs, and as such sites which are considered may be of benefit to wildlife, and in particular those species identified internationally, nationally, regionally and locally as being of importance, will be protected".*

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<sup>38</sup> Section 4.34, p17, Blackburn with Darwen Green Infrastructure and Ecological Networks SPD (Adopted) December 2015.

<sup>39</sup> Section 10.41, p121, Blackburn with Darwen Local Development Framework Core Strategy. Adopted January 2011

Planning permission **should be refused** for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for and benefits of the development in that location clearly outweigh the loss.

As blanket bog takes between 3,500 and 7,000 years to develop, therefore any damage is not replaceable in a meaningful timescale, so the habitat should be considered irreplaceable.

The Adopted Core Strategy 2011 includes Policy CS15 states

*1. The Borough's ecological assets will be protected, enhanced and managed with the aim of establishing and preserving functional networks which facilitate the movement of species and populations.*

*2. Measures will be put in place to secure the protection and enhancement of biodiversity sites and habitats at three levels of importance:*

*i. Nationally / internationally important sites including Sites of Special Scientific Interest;*

*ii. Regional / County-level important sites – County Heritage Sites;*

*iii. Locally important sites*

*3. General habitats which may support species of principal importance either for shelter, breeding or feeding purposes (both natural and built features), will be protected from development, in accordance with the Environmental Strategy set out in Policy CS13: Environmental Strategy*

Within CS13, point 3v states that;

*"3. Development will only be permitted where it creates no unacceptable environmental impact. Examples of unacceptable impacts include but are not limited to:*

*v. Development which results in the loss of or unacceptable damage to environmental resources including habitats and networks of habitats, landscapes and built heritage"*

The RSPB believe that this development if permitted would be likely to result in loss of or unacceptable damage to the blanket bog habitats on Hoddlesden Moss, and that the Applicant has failed to adequately demonstrate otherwise, or to provide compelling mitigation, and that therefore the development **should be refused** in line with Policies, CS13 and CS15 as outlined above.

The Adopted Local Plan – Part 2<sup>40</sup>, Policy 9 – Development and the Environment, includes the following section;

*(2.18) "Our environment is a limited resource. Once an environmental asset has been damaged or destroyed, it is normally impossible to restore it to its original condition". It also includes the following statement under Habitats and Species, and Ecological Networks;*

*6. Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted".*

The RSPB believe that this development if permitted would be likely to damage the blanket bog habitats on Hoddlesden Moss, and that the Applicant has failed to adequately demonstrate otherwise, or to provide compelling mitigation, and that therefore the development **should be refused**.

<sup>40</sup> Policy 9, p11, Blackburn with Darwen, Adopted Local Plan – Part 2 December 2015

## Supplementary Annex 3 – Reasons for Objection, Reason 1

### 3. Reason 1 – Habitat loss and hydrological disruption

#### 3.1 Habitat loss – Damage to irreplaceable deep peat blanket bog habitat

The Maslen Report<sup>41</sup> for NE; describes the impacts of wind farms on peat as follows:

1. Changes in water levels and flow, and dissection of the peat mass
2. Impacts result from the construction of access roads
3. The casting of turbine bases
4. the installation of turbines
5. drainage works associated with the construction process and operation of the site, ongoing maintenance, and then removal of turbines at decommissioning

Blanket bog is a rare and fragile substrate that develops only under specific and uncommon environmental conditions – sufficient rainfall, suitable temperature, topography and land use. 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 M19 Blanket Bog habitat, indeed Britain represents the prime global location for this habitat<sup>42</sup>, "*M19 [and M20] are also almost confined to Britain and Ireland, with only small patches in western and central Norway*".

Appendix 7<sup>43</sup> of the Ecological Assessment shows that the proposed development area includes a substantial area of M19 Blanket Mire (blanket bog), a priority habitat as listed on Section 41 of the NERC Act 2006

As previous stated above; Blanket Bog is a rare and fragile substrate that develops only under specific and uncommon environmental conditions – sufficient rainfall, suitable temperature, topography and land use.

This globally rare peatland habitat is an EC Habitats Directive Annex 1 Priority Habitat (7130 Blanket Bogs), and included as a priority habitat in the UK Biodiversity Action Plan (UKBAP). It is also a priority habitat included in the Lancashire Biodiversity Action Plan.

The Blanket Bog habitat present on Hoddlesden Moss is assessed as being of the M19 *Calluna-Eriophorum* Blanket Mire type, and described by the Applicant's own ecologist (Avian Ecology) in their report as being "*pristine blanket bog in this part of the UK*"<sup>44</sup>. The term Blanket Mire is applied to describe actively carbon sequestering areas; as such the habitat on the application site is very important. It is generally considered that peat accumulates at the rate of 0.5 to 1mm per annum<sup>45</sup>; therefore the deepest areas of peat (>3.5m) could have taken between 3,500 and 7,000 years to form.

The Summary of Effects to Important Ecological Features is assessed in table 11<sup>46</sup> of the RPS report. This states that there is potential for impacts across 4.7ha of M19 Blanket Mire, and assesses this habitat to be of

<sup>41</sup> NECR032 edition 1, Part 1 - Assessing Impacts of Wind Farm Development on Blanket Peatland in England, Project Report and Guidance, FINAL REPORT, Maslen Environmental for Natural England, April 2009

<sup>42</sup> Blanket Bog (UK BAP Priority Habitat) <http://www.snh.gov.uk/docs/A1509050.pdf>

<sup>43</sup> Figure 1: Habitats Plan, Appendix 7, (Hoddlesden Moss - Habitats and Vegetation, Avian Ecology, 2014) – Ecological Assessment, RPS, 2016

<sup>44</sup> Section 3.2.3, Appendix 7, (Hoddlesden Moss - Habitats and Vegetation, Avian Ecology, 2014) – Ecological Assessment, RPS, 2016

<sup>45</sup> Peat Bog Ecosystems: Key Definitions – IUCN UK Committee Peatland Programme – Briefing Note No.1, November 2014

<sup>46</sup> Table 11, p28 – Ecological Assessment, RPS, 2016

Regional Importance; the RSPB disagrees with this assessment of importance and believes that this habitat is of national and International Importance for the reasons stated on page 6, Section 1.1 of Supplementary Annex 1 above.

*"The internationally-recognised term for a peat-forming system is a mire. It is not generally possible, however, to determine whether or not a peatland is actually forming peat at the present time. Consequently the EU Habitats Directive defines 'active' bog as a system which supports a significant area of vegetation which is normally peat forming because the presence of such vegetation is readily determined. The term 'active' bog also incorporates bogs which have suffered a temporary setback such as fire damage or drought, and also includes areas which have been damaged but which are now showing significant signs of active recovery, such as eroded bog in which the gullies are re-vegetating"*<sup>47</sup>. The Avian Ecology Report<sup>48</sup> clearly shows that Hoddlesden Moss should be defined as an active bog.

'Active Blanket bog' is defined by the Joint Nature Conservancy Council, JNCC<sup>49</sup> as, 'typically, include important peat-forming species such as bog-mosses *Sphagnum* spp. and Cottongrasses *Eriophorum* spp., or Purple Moor-grass *Molinia caerulea* in certain circumstances, together with Heather *Calluna vulgaris* and other ericaceous species'. This condition is the predominant vegetation across Hoddlesden Moss (as assessed by Avian Ecology Ltd on behalf of the Applicant) and is therefore 'active Blanket bog' in terms of the EC Habitats Directive.

Blanket Bog and the peat it forms represent the largest terrestrial carbon store in the UK, storing approximately 3.2 billion tonnes of carbon (International Union for the Conservation of Nature (IUCN) Commission of Inquiry on Peatlands, 2011).

Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for and benefits of the development in that location clearly outweigh the loss.

### 3.2 Hydrological disruption

Deep peat is a hydrologically dependent habitat and therefore the assessment of impacts on hydrology should be seen as somewhat limited as it fails to consider impacts on the hydrology of the peat and associated habitats over the longer-term. The Maslen Report for NE states that: *"the actual zone of impact on peat bogs is dependent on a number of factors and may extend to much greater distances beyond its edge (2m to over 50m in certain circumstances) resulting in them being more conspicuous, for example through long-term habitat changes adjacent to tracks. The changes might arise from disturbance, introduction of new materials, changes in localised drainage and compression of the peat substrate"*<sup>50</sup>.

Appendix 11<sup>51</sup> Wind turbine and hardstanding coordinates and peat depths; shows that all three of the proposed turbine platforms are located on deep peat (defined as having a depth in excess of 0.5m)<sup>52</sup>.

However, RSPB would like to suggest that the resolution used to create the Interpolated Peat Depths map<sup>53</sup>, is insufficient to illustrate the areas of deep peat as shown by the more detailed studies around each

<sup>47</sup> Peat Bog Ecosystems: Key Definitions – IUCN UK Committee Peatland Programme – Briefing Note No.1, November 2014

<sup>48</sup> Figure 1, Appendix 7, Hoddlesden Moss - Habitats and Vegetation, Avian Ecology 2014

<sup>49</sup> JNCC Report 270 - The Habitats Directive: Selection of Special Areas of Conservation in the UK, JNCC, 2005

<sup>50</sup> Table 2-6, p35 - NECR032 edition 1, Part 1 - Assessing Impacts of Wind Farm Development on Blanket Peatland in England, Project Report and Guidance, FINAL REPORT, Maslen Environmental for Natural England, April 2009

<sup>51</sup> Appendix 11, Ecological Assessment, RPS, 2016

<sup>52</sup> Section 1.8, Carbon-rich soil, deep peat and priority peatland habitats map Consultation document – SNH 2014

<sup>53</sup> Figure 11, Ecological Assessment, RPS, 2016

turbine<sup>54</sup>. As such this Figure (11) significantly underplays the importance of the peat at the location chosen for the turbines.

The RSPB considers that Figure 11, Peat Probing Depths of the Ecological Assessment<sup>55</sup>, is misleading; it appears to inaccurately reflect the peat probing depths, particularly in the areas adjacent to Turbine 1

Figure 10 shows the peat depth based on a 50m grid it shows deep peat across the sample area with a maximum depth of 394cm.

Turbine 1 is located on peat with a depth of 3.25m (some of the deepest recorded on site)<sup>56</sup>, Turbines 2 and 3 are located on peat with a depth of 2m, clearly well in excess of the 0.5m considered to represent deep peat. It is difficult to see therefore how the Applicant considers that they have taken steps to avoid locating the wind farm on some of the best Blanket Mire on site.

Given the intrusive nature of the suggested grid connection, both in terms of hydrological disruption and damage to M19 Blanket Mire, the RSPB is very concerned that the cable route along the old colliery track has not been included in the peat probing study, and that the location of the current trackway to the turbines is not actually covered by the Peat Probing Study, although the previous route was surveyed in 2013<sup>57</sup>.

The RSPB is therefore not in a position to adequately assess the effects of this cable route, and suggests that The Council similarly cannot adequately assess the application on this basis.

The RSPB finds difficulty with assessing the suitability of the methods to be employed for laying power cables on site. It would appear that three methods of cable installation are being proposed, paragraph 2 on page 27 of the Ecological Assessment<sup>58</sup> states, that the "cable will be laid using a mole plough attached to lower ground pressure machinery" but the Hafren Water report states that it "is considered that the cable trench has potential to affect natural drainage by acting as a preferential channel for drainage of shallow water". The report then goes on to suggest mitigation for this option – the use of clay stanks. We are concerned that there is apparently no assessment of the potential for the former (or indeed the final option, Viridis, below) option to act as a preferential drainage channel removing water from the Moss. It should be noted that the Viridis Design and Access Statement submitted with this application refers to; "underground cables, likely laid in ducting"<sup>59</sup>. The RSPB therefore asks whether more clarity could be provided on this installation.

No assessment of the impact of the "moled" cable on the surrounding peat appears to have been undertaken; therefore the RSPB is not in a position to understand the possible peat drying effects caused by the heat given off by this cable.

Previous applications (10/13/0829 and 10/14/1117) have stated that it is the "responsibility of routing of electrical cabling onwards from the sub-station to the nearest suitable point of the local electricity distribution network is the responsibility of the Distribution Network Operator (DNO), and thus is not included within the scope of works of this application". However the Applicant has failed to provide any evidence to confirm that the latest proposed route has in fact been approved in writing by Electricity North West and therefore no evidence that this network connection point will not be subject to change at the time of connection.

<sup>54</sup> Wind Energy Converter and Platform Hardstanding Peat Depth Measurements, 2013

<sup>55</sup> Figure 10, Ecological Assessment, RPS, 2016

<sup>56</sup> Figure 10 & Figure 11, Ecological Assessment, RPS, 2016 & Wind Energy Converter and Platform Hardstanding Peat Depth Measurements, 2013

<sup>57</sup> Wind Energy Converter and Platform Hardstanding Peat Depth Measurements, 2013

<sup>58</sup> Ecological Assessment, RPS, 2016

<sup>59</sup> Proposed Renewable Energy Development, Hoddlesden Moss, Darwen, Lancashire, Design and Access Statement, Viridis



It should be noted that the location proposed for the turbines and access track on Hoddlesden Moss is on an M19 Blanket Mire which should be considered "wet peat". Natural England's report<sup>60</sup> states the following in respect of floating tracks; *"floating tracks are not universally suitable, however. In areas of particularly wet peat it will be difficult if not impossible to achieve a floating track without very significant effects on hydrology and therefore on local habitats, and risking track failure. Tracks should avoid such areas altogether"* (taken from SNH, 2013)<sup>61</sup>. Despite initial intent, floating tracks were not delivered in connection with the wind turbine array development on blanket mire at Scout Moor Local Wildlife Site (Rochdale & Rossendale) and only partially delivered in respect of that on Oswaldtwistle Moor Local Wildlife Site (Hyndburn).

In response to the previous application Capita (Ecological Advisors to Blackburn with Darwen Borough Council) stated; *"The design of the floating track has not been submitted to verify its suitability to avoid long term damage to peat and habitats"* the Applicant has again failed to submit detailed designs for the tracks or a Peatslide Stability Assessment, as such the RSPB is unable to assess their suitability in this location.

In addition to this, Dr Sarah Manchester's response on behalf of Lancashire County Council to the previous application (10/14/1117) advised that; *"the applicant has not submitted a comprehensive survey of peat depths across the Moss, so is not in a position to demonstrate that impacts on deep peat have been avoided or minimised by the proposed route of the access track. If there is a route which results in less or no harm to deep peat and associated habitats, then this should be the preferred option"*, RSPB believes that the Applicant has failed to adequately demonstrate that the route results in less or no harm.

### **3.3 Alternative Locations (Avoidance)**

The Applicant has submitted no documents with this application that show that Hoddlesden Moss is the only possible location for the proposed development and show why improved pastures of low biodiversity value in the vicinity are unsuitable. The RSPB would normally expect the Applicant to have demonstrated micro-siting to ensure that the additional turbines sit within zones of thin peat or mineral soils, RSPB believes that the Applicant cannot undertake this assessment on Hoddlesden Moss because of the significant depths of peat present<sup>62</sup>, the RSPB believes this location to be unsuitable for the proposed development as areas of deep peat cannot be avoided.

Similarly the Applicant has failed to demonstrate that the proposed trackway follows the best "least damaging" route across the moss or that the location of the turbines avoids the areas of deepest peat.

### **3.4 Inadequate provision of Mitigation and Enhancement Measures**

The RSPB's comments (below) in relation to mitigation and enhancement measures are made notwithstanding our objection to the proposal on a site we consider being of at least national nature conservation importance.

It is considered by the RSPB; that the mitigation and compensation proposed by the Applicant does not address the specific impacts of the proposed development. It is considered that the Applicant should provide information on alternatives to avoid impacts on blanket bog habitat. To quote from the Council's response to the previous application; *"The avoidance of these sensitive habitats would be the best way forward rather than mitigation and compensation for impact and loss"*.

<sup>60</sup> NECR032 edition 1, Part 1 - Assessing Impacts of Wind Farm Development on Blanket Peatland in England, Project Report and Guidance, FINAL REPORT, Maslen Environmental for Natural England, April 2009

<sup>61</sup> Constructed Tracks in the Scottish Uplands, SNH, June 2013

<sup>62</sup> Figure 10, Peat Probing Depths, Ecological Assessment, RPS, 2016

The Adopted Core Strategy 2011 includes Policy CS15<sup>63</sup> states that; the "Borough's ecological assets will be protected, enhanced and managed with the aim of establishing and preserving functional networks which facilitate the movement of species and populations" and then states that "Measures will be put in place to secure the protection and enhancement of biodiversity sites and habitats at three levels of importance, the first of these being; Nationally / internationally important sites including Sites of Special Scientific Interest; The Policy goes on to state that "*General habitats which may support species of principal importance either for shelter, breeding or feeding purposes (both natural and built features), will be protected from development, in accordance with the Environmental Strategy set out in Policy CS13*"

The Local Plan Part 2<sup>64</sup>, states that "*Development likely to damage or destroy habitats or species of principal importance, Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured*". The RSPB does not believe that an appropriate mitigation strategy has been proposed.

Notwithstanding the probable notification of the WPM as a SSSI, which would mean that any on-site mitigation would have to be agreed with NE, the Applicant states in Section 5 of the Ecological Assessment that the "*The proposed wind farm will cause a small scale localised direct and indirect impacts on moorland habitats, and may cause a risk of collision to breeding curlew, over its operational life*". The RSPB does not consider collision risk to Curlew (or any other bird recorded) is a significant issue, whereas displacement should be considered as such (see Annex 5, p30, below) Whilst we may disagree in terms of the scale of impacts should the wind farm be consented we believe that the mitigation package described in section 5.2<sup>65</sup> of the Ecological Assessment, may not be deliverable for the following reasons;

- a) Mitigation is about reducing the impact of the damaging development, not monitoring a Government Agency's land management schemes. It is NE's job to monitor their HLS agreements and how active management of the area moves the Moss towards a favourable condition. Favourable Condition in this context only becomes relevant if the WPM SSSI is notified. Therefore it (the monitoring) should not be considered by the Applicant or the Council to be appropriate mitigation for the damage the turbines and track create on a site that is described as "pristine blanket bog" in the Applicant's reports.
- b) The application site is not in the ownership of a single landowner. The proposal appears to be to work with the single, majority landowner whose land is currently in HLS; however the future of this management is likely to be dependent on future Countryside Stewardship Agreements.
- c) The suggestion that this condition improvement will be achieved with HLS or its successor Countryside Stewardship (CS) is erroneous, the current agreement for the bulk of the site expires in 2022, there has been no announcement by Defra on a scheme to succeed CS after 2022 and in the current post-Brexit climate there is considerable uncertainty<sup>66</sup> surrounding the future of such schemes.. The RSPB understands that agri-environment monies cannot be used to discharge planning conditions or obligations and therefore are not relevant to the consideration of mitigation or compensation for this proposal<sup>67</sup>.

<sup>63</sup> Blackburn with Darwen Local Development Framework Core Strategy. Adopted January 2011

<sup>64</sup> Point 7, Policy 9, Blackburn with Darwen Local Plan Part 2, Adopted December 2015

<sup>65</sup> Section 5.2, p36 – Ecological Assessment, RPS, 2016

<sup>66</sup> <http://www.bbc.com/news/science-environment-36809570>

<sup>67</sup> Email, Jake Thompson, Forestry Commission to Jeremy Sutton, RSPB, 05/08/2016

- d) The DMS Report<sup>68</sup> in its current form should not be considered appropriate for the site. NE suggested in response to the previous application, 10/14/1117, (which also relied on the DMS report) that Hoddlesden Moss itself is not in need of a large 'peatland restoration programme' as it is currently in improving condition and is in beneficial management which is designed to further improve its condition. The RSPB agrees with this assessment of the Applicant's proposal.
- e) The Hafren Water Report<sup>69</sup> states "that the scheme proposed by DMS involves the creation of a series of shallow water features (scrapes), construction of a peat pan and the blocking of several gully features. This scheme is designed to reduce erosion of peat and raise local shallow groundwater levels and these effects are likely to be localised". Peat Pans "which are extensive areas of bare peat"<sup>70</sup> are associated with degraded blanket bog: therefore we hope that this statement has been included erroneously as we would hope that neither the Hydrologists nor the restoration contractors DMS, would want to intentionally create a damaging feature. The scrape creation which is proposed by DMS is, we consider totally unacceptable given the assessment of the habitat as M19 Blanket Mire, which already contains a large number of small open water features, including those illustrated below which will be utilised by a wide range of fauna including; the moorland specialist Black Darter dragonfly *Sympetrum danae*.



Figure 1, South of T3 – looking East



Figure 2, T3 – looking West

<sup>68</sup> Appendix 9 (Hoddlesden Moss, Site Survey – Report of Works, Dinsdale Moorland Services) – Ecological Assessment, RPS, 2016

<sup>69</sup> Section 3.2, p9, Appendix 1 (Hydrological and hydrogeological assessment of a proposed wind turbine array at Hoddlesden Moss, Lancashire FINAL v3 June 2015, Hafren Water) – Ecological Assessment, RPS, 2016

<sup>70</sup> Restoration of Blanket Peatlands, Parry et al. University of Leeds

<sup>71</sup> Photo: Hoddlesden Moss – J. Sutton RSPB 2015 (note water table at the surface)

<sup>72</sup> Photo: Post marking T3 (identified by handheld GPS) Hoddlesden Moss – J. Sutton RSPB 2016

- f) In addition the RSPB can find no evidence within the submitted documents that the quantity of peat excavated from the turbine bases would be sufficient to provide adequate coverage to the edges of the proposed trackway, and provide for the mitigation features highlighted within the DMS report. In either scenario, shortcomings would not be desirable and the harvesting of peat from elsewhere on site, or the importation of material should not occur. This "importation ban" should extend to any plant species or seeds used to vegetate the edges of the trackways and crane pads; the RSPB would expect the seed source on site to be harvested in a sustainable way to provide for this requirement.
- g) The RSPB feels that it is important to note that the Design and Access Statement suggests that; the *"access track and hard-standing will be constructed using a "floating track" design using crushed aggregate, locally sourced from an off-site supplier"*. As the source of this aggregate has not been determined, the RSPB is not in a position to comment on its suitability for use on site in respect of any changes in water quality brought about by the aggregate itself: *"Due to the acidic nature of peat bog habitats materials should be carefully selected to demonstrate an understanding of the potential long-term impacts material choice may have on habitats and landscape appearance"*<sup>73</sup>.
- h) The figures 1<sup>74</sup> and 2<sup>75</sup>, within the CEMP apparently show details of mitigation measures associated with the trackways in respect of run-off; however the RSPB has been unable to locate these documents and is therefore not in a position to comment on their efficacy.
- i) In relation to decommissioning the Design and Access Statement states that; areas *"of disturbed land will be reinstated to the original condition prior to the wind energy development or to the condition just prior to the commencement of the decommissioning activities"*<sup>76</sup>. However the Applicant clearly does not intend this to apply to the access tracks as he states; *"Landowners will be given the option to retain the access tracks for their own purposes"*<sup>77</sup>. In relation to the tracks, compaction of the underlying peat is inevitable. Therefore the RSPB considers that long-term restoration plans (up to 50 years<sup>78</sup> beyond the working life of the wind farm) will be necessary should planning permission be approved.
- j) Mitigation proposed in relation to woodland in Section 5.2.1<sup>79</sup> relates to the removal of plantation woodland, although the Applicant now states that the existing trees are retained. Clearly this section was included to counter the RSPB's comments on the previous application 10/14/1117, which were: that it was *inconceivable that the removal of a failing plantation from the moorland fringe would in any way compensate for the loss of the habitat on the deep peat* and that the woodland would *eventually revert to open moorland (low quality) on its own, without any intervention from the developer* and that it was *unlikely to ever become pristine blanket bog, and certainly not within the 25 year operational life of the wind farm*. The RSPB therefore questions how the Applicant can suggest that doing nothing is mitigation for the proposed wind farm. This section (5.2.1) is apparently at odds with the

<sup>73</sup> NECR032 edition 1, Part 1 - Assessing Impacts of Wind Farm Development on Blanket Peatland in England, Project Report and Guidance, FINAL REPORT, Maslen Environmental for Natural England, April 2009

<sup>74</sup> Figure 1, Typical Detail of Settlement Ponds and Silt Mitigation Measures – Section 5.2 p9, Appendix 10, (Hoddlesden Moss Wind Farm Construction Environment Management Plan (CEMP) DRAFT, RPS 2015) – Ecological Assessment, RPS, 2016

<sup>75</sup> Figure 2, Schematic Drainage Arrangements – Section 5.2 p10, Appendix 10, (Hoddlesden Moss Wind Farm Construction Environment Management Plan (CEMP) DRAFT, RPS 2015) – Ecological Assessment, RPS, 2016

<sup>76</sup> Proposed Renewable Energy Development, Hoddlesden Moss, Darwen, Lancashire, Design and Access Statement, Viridis

<sup>77</sup> Proposed Renewable Energy Development, Hoddlesden Moss, Darwen, Lancashire, Design and Access Statement, Viridis

<sup>78</sup> Welstead, J., Hirst, R., Keogh, D., Robb G. and Bainsfair, R. 2013. Research and guidance on restoration and decommissioning of onshore wind farms. *Scottish Natural Heritage Commissioned Report No. 591*

<sup>79</sup> Section 5.2.1, p36 – Ecological Assessment, RPS, 2016



CEMP<sup>80</sup>, which includes a “commitment to removing xxha [sic] of forestry plantation within the site boundary, afforested on areas of varying depth peat, and creating bog woodland equating to the National Vegetation Community (NVC) (Rodwell, 1991) W4 *Betula pubescens* – *Molinia caerulea* woodland in accordance with Forestry Commission guidance and policy”.

- k) Further woodland compensation is outlined in Section 5.2.2<sup>81</sup> suggests (as the previous application 10/14/1117, did) that new woodland be created on an adjacent parcel of land, in the same ownership as the majority of the proposed development, although it should be noted that no mapped confirmation of the area has been presented with the current application. We see no reason (and there is no justification given) for the woodland planting on an area of hillside to the north east of the Broadhead Road. This planting in no way compensates for the damage to the high quality blanket mire habitat which would be permanently damaged by the proposed development. This location falls within the area which is subject to an existing HLS agreement, from the information publically available we can see that the HLS scheme is current and that the landowner would almost certainly be going against the prescription for that parcel, there is therefore potential for Defra to reclaim monies and apply penalties across the rest of his EU payments. It also seems likely (although no details are provided) that the proposals for tree planting would have a detrimental effect on bird species utilising Egerton Moss BHS by impinging on the open nature of the breeding and feeding areas, thus making the habitat unsuitable and displacing these birds. Also, the close proximity of some of these plantings to other breeding wader habitat could harbour predators that would directly or indirectly have an adverse affect on these birds.
- l) The Viridis Planning Supportive Statement states: that “*this application is being presented for a renewable proposal for 25 years and a funded ecological compensation and forest replanting package for 20 years*”<sup>82</sup>. The RSPB is confused by the information within the Planning Supporting Statement as section 19.4 suggests; “*The ecological compensation and forest replanting package scheme*” would run for 25 years. Furthermore given that the proposed compensation is on grassland in HLS, we fail to understand why the Applicant persistently refers to the scheme as replanting.
- m) The Hafren Water Report<sup>83</sup> states that the following Pollution Prevention Guidelines (PPG) are relevant: PPG1: General guide to the prevention of pollution, PPG5: Works in, near or liable to affect watercourses, PPG6: Working at demolition and construction sites and PPG21: Pollution incident response planning. It should be noted however, that the PPGs were withdrawn on the 17<sup>th</sup> of December 2015 and they have not yet been replaced.
- n) RSPB are concerned that there has apparently been no investigative study of the redundant colliery track, to ascertain the makeup of the track and therefore any impacts on water quality or drainage which may arise from its use as a route for the cable to the National Grid connection.

<sup>80</sup> Section 9, p15, Appendix 10, ( Hoddlesden Moss Wind Farm Construction Environment Management Plan (CEMP) DRAFT, RPS 2015) – Ecological Assessment, RPS, 2016

<sup>81</sup> Section 5.2.2, p37 – Ecological Assessment, RPS, 2016

<sup>82</sup> Section 5.1, Proposed Renewable Energy Development, Hoddlesden Moss, Darwen, Lancashire, Planning Supporting Statement, Viridis, 2016

<sup>83</sup> Section 5.1, p14, Appendix 1 (Hydrological and hydrogeological assessment of a proposed wind turbine array at Hoddlesden Moss, Lancashire FINAL v3 June 2015, Hafren Water) – Ecological Assessment, RPS, 2016



- o) The Hafren Water Report<sup>84</sup> states that "*Construction of a floating access track in accordance with current guidance will reduce and localise potential impacts on the peat structure and drainage*".

However the Maslen Report<sup>85</sup> for NE suggests that "*localised effects such as drying out and increased wetting/ponding in areas, exposing peat and changing vegetation, may lead to changes in landscape fabric and appearance*" which are considered to be long-term effects.

The construction of the floating access tracks is suggested as a form of mitigation, however the actual impact of this tracks seems to be uncertain, they are referred to by the ecological consultant RPS, as being 3.75m in width, whereas the Design and Access Statement prepared by Viridis suggests that they will be between 4m and >5.7m<sup>86</sup> whereas the Hydrological Assessment states that: "*the proposed access track will be a minimum of 4 m wide and will comprise compacted, graded, crushed stone on a geogrid base in accordance with current guidance*"<sup>87</sup>.

The introduction of new access tracks onto moorland may lead to indirect impacts such as increases in public access and use. This use (as with Scout Moor) could include the illegal use of the moorland for various damaging vehicular pursuits which usually result in the destruction of the integrity of the peat surface and an increase in the amount of bare peat may follow.

The RSPB recommends therefore, that the Council require the Applicant to submit a Recreational Impact Risk Assessment in relation to Habitats within an Access Management Plan detailing appropriate access restrictions and including details of remediation actions to be implemented in response to damage to the Blanket Bog as a result of illegal use, prior to determination of the application.

- p) Finally, given the obvious significance and fragility of Hoddlesden Moss, the RSPB does not consider that the proposal to employ an Ecological Clerk of Works (ECoW), on the basis of a "minimum of 2 days per week"<sup>88</sup> provides sufficient protection for the vulnerable, irreplaceable and hydrologically dependent habitats on the application site. The RSPB therefore suggests that on a site as vulnerable as this it seems ridiculous that a less than full-time ECoW would be considered sufficient.

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<sup>84</sup> Section 6, p16, Appendix 1 (Hydrological and hydrogeological assessment of a proposed wind turbine array at Hoddlesden Moss, Lancashire FINAL v3 June 2015, Hafren Water) – Ecological Assessment, RPS, 2016

<sup>85</sup> NECR032 edition 1, Part 1 - Assessing Impacts of Wind Farm Development on Blanket Peatland in England, Project Report and Guidance, FINAL REPORT, Maslen Environmental for Natural England, April 2009

<sup>86</sup> Section 7, Illustration of typical access track Profile, Design and Access Statement, Viridis

<sup>87</sup> Section 3.1, p9, paragraph 2, Appendix 1 (Hydrological and hydrogeological assessment of a proposed wind turbine array at Hoddlesden Moss, Lancashire FINAL v3 June 2015, Hafren Water) – Ecological Assessment, RPS, 2016

<sup>88</sup> Section 9, p15, Appendix 10 (Hoddlesden Moss Wind Farm Construction Environment Management Plan (CEMP) DRAFT, RPS 2015) – Ecological Assessment, RPS 2016

## Supplementary Annex 4 – Reasons for Objection, Reason 2

### 4. Reason 2 – Loss of associated sensitive species

#### 4.1 Breeding Merlin *Falco columbarius*

Merlin numbers are in decline, the reasons for this are varied but they include, nest disturbance, egg collecting, predation and habitat change, Merlin has recently been returned to the BoCC4<sup>89</sup> Red List after being Amber-listed in BoCC2 and BoCC3, as its recovery from historical decline has faltered.

The RSPB wishes to comment upon the following statement within the Executive Summary of the Ornithological Survey in relation to Merlin which states; *"according to the available information from standard sources, merlin have only been recorded twice in at least the last 20 years, once in 1998 and once in 2006. These two records therefore appear to be the basis on which the RSPB reports that 'county breeding records currently show a regular nest site within metres of the proposed access track'. The confusion between twice in 20 years and 'regular' is significant and material, as repeated requests to the County Bird Recorder have shown the 1998 and 2006 records are the only records of breeding merlin. Equally significant and material is that fact that the merlin records show birds were only observed somewhere within the local recording tetrad (i.e. 2km x 2km) and somewhere within the 252ha BHS respectively. Unless more accurate data are being withheld, the desk study demonstrates that twice in 20 years, merlin have been recorded during the breeding season, somewhere in the wider area (either 4km<sup>2</sup> or within the 252ha BHS). Therefore, given the apparent absence of merlin records breeding species within the tetrad or BHS for a decade, and complete absence during any fieldwork over the 2013, 2014, and 2015, it is safely concluded that the development will have negligible effect on this species"<sup>90</sup>.*

The RSPB has been shown sensitive information in relation to both location and photographic evidence (not in the public domain) which shows that the nest site used by Merlin is in fact adjacent to the proposed trackway as our previous responses have cited. Breeding Merlin is very faithful to nest sites (see below), when conditions are suitable and it is certain that Merlin would not be able to utilise this area for nesting if the application was permitted.

In addition the RSPB has been given a record of a male Merlin hunting over Hoddlesden Moss on the evening of Tuesday the 8 April 2014;<sup>91</sup> this is a record of Merlin on the application site during the breeding season. Due to the sensitivity of these records it is not at all unusual for individual observers to be very concerned about sharing these records with anyone even the County Recorders and RSPB whilst we understand this concern it does not make it easy for anyone, including RSPB, to assess raptor species in a desktop study.

*"Nest site fidelity varies between adult females (Ellis & Okill 1990). Nesting areas have been recorded being used in consecutive years (Cramp & Simmons 1980; Parr 1991) with one study recording two patches of heather being used over 12 and 19 consecutive years (Rebecca et al. 1992). Nestlings can also show strong natal nest site fidelity (Meek 1988; Wright 2003). Alternative nest sites within a territory are generally a few hundred metres apart, but have been recorded at 300m (Hardey et al. 2006), 500m (Bibby 1987) and up to 1.5km (Jackson & Beasley 2006)"<sup>92</sup>.*

<sup>89</sup> Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. *British Birds* 108, 708–746.

<sup>90</sup> Executive Summary, p1, Appendix 8 (Ornithological Survey Report – RPS, 2016) – Ecological Assessment, RPS 2016

<sup>91</sup> Burke, N. Schedule 1 Permit Holder / surveyor, Personal records [not submitted] from April 2015

<sup>92</sup> Pendlebury et al. Literature review to assess bird species connectivity to Special Protection Areas – RPS, 2008

Some regular sites in the WPM have been lost recently through wild-fires and other habitat changes near to nest-sites. In recent years, territory-holding pairs have alternated sites and been observed to move between locations up to 6km away following moorland fires in their territories. From discussion with Stephen Martin, Schedule 1 Permit holder / surveyor, it would appear that the Hoddlesden Moss pair, were faithful to the same general nest site, but the preferred nest-site requirements of Merlin (deep heather) are currently limited on Hoddlesden Moss (and the WPM), particularly after the major wild-fires in recent years. From Mr Martin's observations, the WPM now appear to hold a couple of fairly 'unsettled' Merlin pairs that alternate between sites, rather than the five regular pairs present until fairly recently.

#### 4.2 Inadequate survey and potential displacement of Short-eared Owl *Asio flammeus* and Merlin

Short-eared Owl has highly fluctuating populations in response to population cycles of its main prey the short-tailed field vole. It is very difficult to predict impacts on this species because surveys are unlikely to capture populations at their peak.

It is for this reason that the Scottish Natural Heritage (SNH) and NE guidance suggests that 2-years of survey are required where Short-eared Owl (and Merlin) may be present and that these surveys should encompass a radius of 2km from the proposed turbines.

We acknowledge that the Applicant has undertaken surveys in 2015 within a 2km radius of the proposed wind farm. However we consider the survey effort in relation to Short-eared Owl to be inadequate not only because the full area was only surveyed for 1 year but also because the survey timings were less than ideal as they were conducted at a time when these particularly elusive birds could have left the site or no longer be evident to the surveyors, and only loosely following the guidance within Hardey et al. (2013)<sup>93</sup>.

Hardey et al (2013) recommends "that all four visits are made [as detailed below]. *Broods that have fledged early may start to disperse by late June*".

- Visit 1 - Early March to mid-April, to check for occupancy
- Visit 2 - Mid-April to May, to locate active nests
- Visit 3 - June, to check for young (dispersed or still in nest)
- Visit 4 - July, to check for fledged young and any late nests

It further states that – "*Short-eared owls are difficult to survey. There may be large year-to-year variation in the numbers of breeding birds present in an area, the adults may be visible for only a small proportion of the daylight hours, and nests are hard to locate*".

Short-eared Owl has a considerable annual variation in its population, associated with cyclical variation in the population of its prey species, voles.

In relation to non-breeding Hardey et al (2013) states; *Non-breeding is common in short-eared owls, and is particularly associated with years of low vole abundance. Distinguishing between breeding and non-breeding in this species where behaviours indicative of breeding are observed infrequently is particularly difficult. If a pair of short-eared owls is recorded occupying a home range, and no evidence of breeding is obtained despite several visits involving watches of sufficient duration at appropriate stages of the season, then it is possible that breeding has not taken place. If this is the case, territorial and courtship behaviour will decrease*

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<sup>93</sup> Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B. & Thompson, D. - Raptors: A Field Guide for Surveys and Monitoring. The Stationary Office, (2013).

and the owls may disperse before the end of May<sup>94</sup>. If this was the case on Hoddlesden Moss in 2015, any birds utilising the site, could well have left before the surveyors arrived.

The RSPB has been given a record of Short-eared Owl hunting over the adjacent Orrell Moss during April 2015<sup>95</sup>.

The RSPB therefore suggest that a 1 year (2km radius) survey conducted in late June and late July is unlikely to demonstrate the presence of breeding Short-eared Owl, and that this inadequate survey follows on the heels of the surveys submitted as part of the previous applications (10/13/0829 and 10/14/1117) for this species which have also been determined to be inadequate by other consultees and The Council.

The RSPB would like to respectfully suggest that equating an absence of records, those held by Lancashire Environmental Records Network (LeRN) and the Lancashire and Cheshire Fauna Society (LCFS) with a record of absence is incorrect. This apparent dearth of records should be seen as simply that an absence of recent records<sup>96</sup>, and in actual fact records of sensitive or vulnerable species like these are often held back from publicly accessible records, and the absence of records should not be used as an affirmation that Short-eared Owl is not using the site. In fact, the RSPB understands that both Merlin and Short-eared Owl were recorded in the atlas<sup>97</sup> data as probably (Merlin) and possibly breeding (Short-eared Owl) during 2008-11 on the basis of supplementary records submitted at the time<sup>98</sup>.

It should also be noted that the Applicant's Raptor Survey<sup>99</sup> records a pellet from the 25<sup>th</sup> June 2015 as being possible Long-eared Owl or Short-eared Owl. This could therefore be taken as an indication that the latter species may still be actively hunting across Hoddlesden Moss throughout the breeding season when taken with the Mr Burke's record from April.

In addition during a site visit on 29/07/2016, a single "alarm calling" Short-eared Owl was heard in the vicinity of SD73012072 (the enclosure on Orrell Moss)<sup>100</sup> an indication that Short-eared Owl is utilising the application site even if it is not breeding on the Moss during 2016.

Similarly in relation to Merlin, Hardey et al. (2013) states –

*"All suitable land within the survey area should be visited between late March and mid-April and searched for sightings and signs of occupancy by merlins by passing within 500 m of all potential nesting habitat (including grass or heather moorland, bracken, young forestry plantations, the edges of mature forestry plantations and rides within 100 m of the plantation boundary, open areas within afforested blocks and open birch, pine and alder woods).*

*To establish occupancy and the presence of a breeding pair, it is recommended that all four visits are made (as detailed below). However, if time is limited and a home range appears to be unoccupied on the basis of the first two visits, then further visits to that home range can be omitted<sup>101</sup>.*

<sup>94</sup> Short-eared Owl, *Asio flammeus*, Section 3.4, Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B. & Thompson, D. - Raptors: A Field Guide for Surveys and Monitoring. The Stationary Office, (2013).

<sup>95</sup> Burke, N. Schedule 1 Permit holder / surveyor, Personal records [not submitted] from April 2015

<sup>96</sup> Paragraph 5, Executive Summary Appendix 8, ( Hoddlesden Moss Ornithology Survey Report, RPS, 2015) – Ecological Assessment, RPS 2016

<sup>97</sup> White, S.J. (Ed.), McCarthy, B., Dunstan, S., Martin, S.J., Harris, R.J., Hulme, G. and Marsh, P.J. (2013). *The State of Lancashire's Birds: An atlas survey of the breeding and wintering birds of Lancashire and North Merseyside, 2007-2011*. Lancashire and Cheshire Fauna Society, Rishton.

<sup>98</sup> White, S. (LCFS) pers. Comm.

<sup>99</sup> Appendix 3, Raptor Survey Sightings 2015, Appendix 8 (Hoddlesden Moss Ornithological Survey Report, RPS, 2015) – Ecological Assessment, RPS 2016

<sup>100</sup> Sutton, J. RSPB, pers. obs. from SD72912074

- Visit 1 - Late March to April, to check for occupancy and locate potential breeding areas
- Visit 2 - Early May to early June, to locate active nests and a further check for occupancy
- Visit 3 - Mid- to Late June, to check for young
- Visit 4 - July to early August, to check for fledged young

RSPB therefore consider that the 2015 survey for Merlin is also inadequate in terms of fulfilling the NE recommendations for survey including those made by Chartered Institute of Ecology and Environmental Management (CIEEM) relating to this particular species. This is because survey conducted only in late June and late July should be considered unlikely to demonstrate the presence of breeding Merlin.

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<sup>101</sup> Merlin, *Falco columbarius*, Section 3.2.1, Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B. & Thompson, D. - Raptors: A Field Guide for Surveys and Monitoring. The Stationary Office, (2013).



## Supplementary Annex 5 – Reasons for Objection, Reason 3

### 5. Reason 3 – Displacement of both breeding and wintering wader species and Inadequate Surveys

#### 5.1 Displacement of Moorland Breeding Birds

In relation to the impacts of wind turbines on birds there is wide acceptance of the three impacts<sup>102</sup>, on the subject SNH outline these in their guidance publication; recommended bird survey methods to inform impact assessment of onshore wind farms [August 2013] which states that the 3 impacts are:

*Direct habitat loss through construction of wind farm infrastructure;*

*Displacement (sometimes called indirect habitat loss) if birds avoid the wind farm and its surrounding area due to turbine construction and operation. Displacement may also include barrier effects in which birds are deterred from using normal routes to feeding or roosting grounds;*

*Death through collision or interaction with turbine blades and other infrastructure.*

*An assessment of a potential wind farm's effect on the bird interest of a site should thoroughly consider each of these three potential risks for each bird species which uses the site<sup>103</sup>.*

The RSPB is concerned that the Applicant has not considered the impacts of the proposed wind farm on the displacement of moorland breeding birds from suitable habitat as a result of both construction and operation of the wind farm as a serious issue. The wind farm is likely to affect the ability of various species to utilise the Moss for both foraging and breeding: these species include, but are not limited to; Short-eared Owl, Merlin, Curlew and Snipe.

Although the Applicant suggests that the proposed built structure of the wind farm will occupy 0.5% of the Moss<sup>104</sup>, the effects of this wind farm will be much more widely felt.

The most robust research on displacement of moorland birds was undertaken by Pearce-Higgins et al (2009) showed that displacement of breeding Curlews occurred up to 800m from wind turbines. The density of breeding birds was significantly lower on wind farm sites compared with control sites. Curlews are part of the breeding bird assemblage for the WPM pSSSI. The RSPB has mapped an 800m radius around the proposed turbines and 220 hectares (68%) of this pSSSI unit<sup>105</sup> would be considered sub-optimal for breeding Curlew, if the development was to go ahead.

This means that if the turbines were to be granted permission, 68% of this unit, will not be able to fully support the species for which it was designated. While Curlew was the most sensitive species, Pearce-Higgins et al (2009) found evidence of reduced breeding density within 500m of turbines for a number of other moorland birds (Golden Plover, Snipe, Buzzard *Buteo buteo*, Hen Harrier *Circus cyaneus* and Wheatear *Oenanthe oenanthe*). Taking a 500m radius, this would affect over 33% of the unit which should be considered significant in itself.

<sup>102</sup> Drewitt, A. L. & Langston, R.H.W. (2006). Assessing the impacts of wind farms on birds. *Ibis*. **148**: 29–42.

<sup>103</sup> <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>

<sup>104</sup> Section 3.2.1, p16 – Ecological Assessment, RPS, 2016

<sup>105</sup> Based on West Pennine Moors Draft SSSI boundary – NE, 2015

Curlew is a national priority species for the RSPB, one of the headline birds from the current *BoCC4*<sup>106</sup> is the plight of the Curlew, which moved from Amber to Red. A recent paper in *British Birds*<sup>107</sup> called this species the most important bird conservation priority in the UK (Brown *et al.* 2015). Brown *et al.* (2015) argued that Eurasian Curlew should currently be considered the UK's most pressing bird conservation priority, given the global concern (Vulnerable – European Red List of Birds - 2015<sup>108</sup>) for the species, the significance of the UK's breeding population and the rapid decline in that population. As a breeding species in the UK, Curlew has experienced a long term 62% decline in numbers from 1970 to 2012 (The State of the UK's Birds 2014)<sup>109</sup>.

From a global conservation perspective, the curlew is currently our highest priority bird species: it is classified as globally near threatened on the IUCN Red List, and we host up to 25% of the global breeding population. However, this key breeding population is in steep decline. As a stronghold for the species, actions we take to secure the curlew's UK status will go a long way to securing its global conservation status.

## 5.2 Displacement of associated avian species due to increased public access

From experience elsewhere, wind turbines can provide some unique level of interest; for example Scout Moor Wind Farm, currently 26 x 110m turbines, sits on open access moorland designated as such under the Countryside and Rights of Way Act 2000. If you were to visit the site any time of year, you will invariably find it full of walkers, cyclists, runners etc. In fact, users of the running 'App' Strava<sup>110</sup>, will note the high level of usage in comparison to surrounding, similar areas. Whilst we are not suggesting that there will definitely be an increase of usage in line with that seen on Scout Moor, but as noted in SNH advice on tracks Constructed Tracks in the Scottish Uplands, SNH, June 2013 without "*careful planning, recreational use of tracks can also result in unforeseen problems. This is particularly likely where the track ends and walkers, cyclists and riders create new 'desire lines', resulting in erosion and other problems*"<sup>111</sup>. The enhanced recreational access provided by the new surfaced trackway will undoubtedly increase access across the site. We believe that this could add to the displacement caused by the turbines themselves in displacing sensitive species including; Short-eared Owl, Merlin, Curlew, and Snipe, possibly ensuring that the first two species will not again breed on Hoddlesden Moss.

The Council's Green Infrastructure and Ecological Networks SPD includes the following extract which the RSPB believes to be particularly pertinent; "*What consideration has been made between balancing the need for access and protecting areas of ecological and biodiversity value and how will this be managed?*"<sup>112</sup>

The Applicant has failed to provide evidence of demonstrating how access will be managed. The RSPB recommends therefore, that the Council require the Applicant to submit a Recreational Impact Risk Assessment in relation to species within an Access Management Plan as described above prior to determination of the application.

## 5.3 Inadequate Survey – Moorland Breeding Birds

<sup>106</sup> Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. *British Birds* 108, 708–746.

<sup>107</sup> Brown, D., Wilson, J., Douglas, D., Thompson, P., Foster, S., McCulloch, N., Phillips, J., Stroud, D., Whitehead, S., Crockford, N., & Sheldon, R. 2015. The Eurasian Curlew – the most pressing bird conservation priority in the UK? *British Birds* 108: 660–668.

<sup>108</sup> [www.birdlife.org/europe-and-central-asia/european-red-list-birds-0](http://www.birdlife.org/europe-and-central-asia/european-red-list-birds-0)

<sup>109</sup> Hayhow DB, Conway G, Eaton MA, Grice PV, Hall C, Holt CA, Kuepfer A, Noble DG, Opper S, Risely K, Stringer C, Stroud DA, Wilkinson N and Wotton S, 2014. *The state of the UK's birds 2014*. RSPB, BTO, WWT, JNCC, NE, NIEA, NRW and SNH, Sandy, Bedfordshire.

<sup>110</sup> <https://www.scottishrenewables.com/news/app-shows-scots-use-green-energy-routes-conquer-gr/>

<sup>111</sup> 3.8.1, p91 - Constructed Tracks in the Scottish Uplands, SNH, June 2013

<sup>112</sup> Section 3.9 (iii), p12, Blackburn with Darwen Green Infrastructure and Ecological Networks SPD (Adopted) December 2015.

The RSPB has two concerns with the Applicants use of this survey; timing and suitability.

In relation to the Brown and Shepherd (1993) methodology, SNH Guidance on Methods for Monitoring Bird Populations at Onshore Wind Farms states; *"it is now well-known (see Pearce-Higgins & Yalden 2005<sup>113</sup>) that Brown & Shepherd surveys underestimate moorland breeding bird numbers"*.

The Brown and Shepherd (1993) methodology is principally applied to census and compare upland breeding waders over very large unenclosed upland areas, but is shown to significantly undercount Snipe. The methodology is commonly used to give an indication of the relative bird interest between sites. It is not designed to reflect the actual number of breeding birds on an individual site: to obtain this information a more specific survey methodology should have been employed.

The Brown and Shepherd (1993)<sup>114</sup> survey methodology recommends 2 visits to be undertaken and that these are; *"once during the early part of the season (early April to mid-May) and once later (mid-May to late June)"*. Therefore survey conducted outside of these periods may poorly reflect the numbers of breeding territories present on a site, as such RSPB consider that this survey should not be relied upon as a true picture of breeding bird usage on the site because the Applicant commissioned the surveys too late in the breeding season.

The RSPB does not believe the Brown and Shepherd (1993) to be a suitable method for censusing Snipe (or Dunlin). *"In the Brown & Shepherd (1993) method, counts are undertaken during 07:30 to 17:00 hours GMT, at a constant search rate of 20–25 minutes per 0.25 km<sup>2</sup>, to facilitate coverage of large areas. The number of pairs is estimated from all birds considered to be breeding. However, the timing means that breeding Snipe density may be seriously underestimated<sup>115</sup> and clearly Dunlin were absent from the survey this is almost certainly due to their secretive habits and the timing of the surveys; "Dunlin display regularly over their moorland plateau haunts only in the twilight hours"<sup>116</sup>. RSPB consider that the survey for Snipe should have followed O'Brien & Smith's (1992) method which "involves collecting data on the number of drumming and chipping Snipe on a field-by-field basis, with counts being made during the 3 hours after dawn or the 3 hours before dusk. Wind and rain are likely to be the main factors affecting the reliability of counts made by this method, but provided that counts are made in dry weather when the wind does not exceed force 3 on the Beaufort scale, as recommended in the survey instructions, these biases should be minimized"*.

The under recording of Snipe and Dunlin during the Moorland Breeding Birds Survey may be a function of the survey timings, by which we assert that these surveys were undertaken at the wrong time of year, and the wrong time of day. Having consulted the dawn and dusk times for Blackburn<sup>117</sup> in June 2015 the optimal survey period for Snipe was only covered by 20 minutes of survey on the 23<sup>rd</sup> and 15 minutes on the 24<sup>th</sup>. In July the only survey within the optimal time for Snipe was undertaken on the 21<sup>st</sup>, but this was only covered by 19 minutes of survey. It must also be noted that the Moorland Breeding Bird Survey was undertaken in conditions which allowed for the wind to be up to but not exceeding Beaufort Force 5<sup>118</sup>, whereas O'Brien & Smith (1992) recommends that surveys for Snipe are not undertaken in wind speeds above Beaufort Force 3<sup>119</sup>, a potential difference in wind speed of 16 mph.

<sup>113</sup> Pearce-Higgins, J. W. & Yalden, D. W. (2005) Difficulties of counting breeding Golden Plovers *Pluvialis apricaria*. *Bird Study* 52: 339–342

<sup>114</sup> A. F. Brown & K. B. Shepherd (1993) A method for censusing upland breeding waders, *Bird Study*, 40:3, 189-195,

<sup>115</sup> Andrew N. Hoodless, John G. Inglis & David Baines (2006) Effects of weather and timing on counts of breeding Snipe *Gallinago gallinago*, *Bird Study*, 53:3, 205-212,

<sup>116</sup> Robert Pyefinch and Peter Golborn, Atlas of Breeding Birds of Lancashire and North Merseyside LCFS, 2001

<sup>117</sup> [www.time&date.com](http://www.time&date.com) Blackburn, June & July 2015

<sup>118</sup> Beaufort Force 5, Fresh Breeze, 19-24 mph

<sup>119</sup> Beaufort Force 3, Fresh Breeze, 8-12 mph

The lack of any detailed route mapping from the Ornithological Survey showing the transect route walked and the means that the RSPB is not in a position to comment on the suitability of the route utilised in addition to timings of visits referred to above. Notwithstanding the comments in the preceding paragraph, we would expect to be able to assess the route against observer time on each section to form a position of the efficacy of the survey that was undertaken.

One of the Co-authors of the State of Lancashire's Birds, Stephen Martin, has undertaken several walkover surveys during the 2016 breeding season (at the correct time of year and day) and has by contrast with the Applicant's surveyors; located 7+ Snipe territories, 5/6 Curlew territories and 9+ Linnets territories. He also reports key breeding raptor and other site 'flagship' species, present during the 2016 breeding season, that were unrecorded during the Applicant's surveys.

The RSPB therefore consider the survey methodology in relation to Snipe and Dunlin, to be inadequate.

Bird territories are not static from year to year, and sometimes birds move in response to for example; fire damage or disturbance. This means that birds not recorded breeding in this area by the consultants (eg the Short-eared Owl and Merlin, Golden Plover, and Twite), may return as the habitat improves further.

*"It is remarkably easy to overlook breeding sites [for Dunlin] unless the Dunlin's trilling song is heard, for the adults often stand silently some way from the nest",*<sup>120</sup>. The RSPB has received a record for Dunlin<sup>121</sup> seen and heard on Hoddlesden Moss from both 30<sup>th</sup> of April and 10<sup>th</sup> of May 2016, when birds were recorded trilling. This may be considered evidence of breeding by this species. On the 10<sup>th</sup> of May Mr Burke also recorded nesting Golden Plover, Curlew and Lapwing on the site.

Dunlin is probably the most significant breeding wader on site and the RSPB would assess Hoddlesden Moss as of County level significance: the site holds 4% (1 pair) of the County breeding population. Overall the Dunlin population nationally is in decline. The most recent Lancashire Study<sup>122</sup> gives a breeding population for the county of 25 pairs.

From the information currently available it would seem that this site-faithful species is breeding at 500m from the proposed T1, Pearce Higgins et al 2009<sup>123</sup> didn't assess Dunlin as it was too rare, but for other waders he suggested a 500m zone of effect, it is possible therefore that Dunlin will cease to be a breeding bird on Hoddlesden Moss, if the wind farm is constructed.

The construction of the proposed wind turbines would definitely result in reduced numbers of Moorland Breeding species on the site<sup>124</sup>. The RSPB consider this to be unacceptable.

#### 5.4 Absence of a Wintering Bird Survey

<sup>120</sup> Dunlin, p194, The Atlas of Breeding Birds in Britain and Ireland, British Trust for Ornithology, 1976

<sup>121</sup> Burke, N. Schedule 1 Permit holder / surveyor, Personal records [not submitted] from May 2016

<sup>122</sup> White, S.J. (Ed.), McCarthy, B., Dunstan, S., Martin, S.J., Harris, R.J., Hulme, G. and Marsh, P.J. (2013). *The State of Lancashire's Birds: An atlas survey of the breeding and wintering birds of Lancashire and North Merseyside, 2007-2011*. Lancashire and Cheshire Fauna Society, Rishton.

<sup>123</sup> Pearce-Higgins, J.W., Stephen, L., Langston, R.H.W., Bainbridge, I.P. & Bullman, R. 2009. The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 46: 1323-1331

<sup>124</sup> Pearce-Higgins, J.W., Stephen, L., Langston, R.H.W., Bainbridge, I.P. & Bullman, R. 2009. The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 46: 1323-1331

The Wetland Bird Survey (WeBS)<sup>125</sup> monitors non-breeding waterbirds in the UK. The principal aims of WeBS are to identify population sizes, determine trends in numbers and distribution, and identify important sites for waterbirds.

There is no WeBS data available for the site, but, having examined the WeBS data for the Northwest of England RSPB is confident in stating that Hoddlesden Moss is of **Regional Importance** for wintering Snipe, the RSPB is in receipt of records which show the site supports a winter count of 70 Snipe<sup>126</sup>.

The only sites in the NW which have a higher average count are coastal<sup>127</sup>, they include;

- Morecambe Bay Special Area for Conservation (SAC), has 1783ha<sup>128</sup> is saltmarsh utilised by wintering Snipe. The SPA has an average peak count of 272 Snipe<sup>129</sup> during November, this equates to 0.152 Snipe/ha.
- The Dee Estuary SAC, has 2045ha<sup>130</sup> is saltmarsh utilised by wintering Snipe, with an average peak count of 122 Snipe<sup>131</sup> during January, this equates to 0.059 Snipe/ha.
- Ribble Estuary SPA, has 2110ha<sup>132</sup> is saltmarsh utilised by wintering Snipe, with an average peak count of 333 Snipe<sup>133</sup> during January, this equates to 0.157 Snipe/ha.

By contrast at Hoddlesden Moss 252ha regularly supports a winter count of 70 Snipe, this equates to 3.6 Snipe/ha; more than **23 times the density of wintering Snipe found on the internationally designated Morecambe Bay** which on the basis of the WeBS figures (numbers counted) is the top listed Northwest site. RSPB contend however that with more than 23 times the density Hoddlesden Moss could be regionally significantly for wintering Snipe.

The RSPB is very concerned that the Applicant has failed to undertake wintering bird surveys on Hoddlesden Moss and has instead sought to avoid these by stating; *“from the investigations completed for the desk study, no systematic bird surveys have been carried out on Hoddlesden Moss, other than for the county breeding and wintering bird atlas surveys”*<sup>134</sup>.

Again the RSPB would like to respectfully suggest that equating an absence of records, those held by Lancashire Environmental Records Network (LeRN) and the Lancashire and Cheshire Fauna Society (LCFS) with a record of absence is incorrect. The fact that neither LeRN nor LCFS currently hold any recent records cannot be interpreted as evidence that the species concerned is in reality absent. It simply means that there is an absence of recent records<sup>135</sup>, and in actual fact records from very competent bird recorders are often not submitted to County Recorders.

<sup>125</sup> WeBS – the Wetland Bird Survey, BTO, RSPB, JNCC

<sup>126</sup> Martin, S. J. Personal records [not submitted] from January 2016, 78 Snipe [and 21 Woodcock *Scolopax rusticola*].

<sup>127</sup> The primary recorded inland site – Grove Lane Marsh, Burnley, now resides under the football club's training ground.

<sup>128</sup> Natura 2000 Standard Data Form, JNCC

<sup>129</sup> WeBS online 05/08/2016

<sup>130</sup> Natura 2000 Standard Data Form, JNCC

<sup>131</sup> WeBS online 05/08/2016

<sup>132</sup> Natura 2000 Standard Data Form, JNCC

<sup>133</sup> WeBS online 05/08/2016

<sup>134</sup> Section 2.5.7, p12 - Appendix 8 (Hoddlesden Moss Ornithological Survey Report, RPS, 2015) – Ecological Assessment, RPS 2016

<sup>135</sup> Paragraph 5, Executive Summary Appendix 8, (Hoddlesden Moss Ornithology Survey Report, RPS, 2015) – Ecological Assessment, RPS 2016



The RSPB therefore considers that the Applicant should have undertaken specific wintering bird surveys, to demonstrate an absence of birds rather than assuming an absence of birds, which appears to be the case in terms of the current application.

## Supplementary Annex 6 – Reasons for Objection, Reason 4

### 6. Reason 4. – Moorland Badgers

The RSPB is not confident that the Badger survey methodology and recommendations for this species are reliable.

The Applicant states that "*The habitat at the site is considered to generally offer low suitability for badger*"<sup>136</sup>

Moorland badgers<sup>137</sup> are a feature of some parts of East Lancashire (and moorland generally throughout the UK) so the statement made by the Applicant that "*The habitat at the site is considered to generally offer low suitability for badgers*" should be disregarded as it is made without definitive field evidence and the assertions made over Badgers within the Applicant's Ecology Assessment under 3.4.1 *Ecological Receptors*<sup>138</sup> and 3.4.2 *Impacts of the Development on Ecological Receptors*<sup>139</sup> should be read in this context.

Though hedgerows and woodlands are the most popular habitats of badgers, it is not uncommon to find badgers in moorland.

Indeed, on 18<sup>th</sup> July 2016 Peter Jepson<sup>140</sup> reported observing badger footprints in wet peat on Hoddlesden Moss at approximately SD73112147.

Kuuhala and Holmala (2011)<sup>141</sup> suggest that where badgers occupy poorer habitats, by which they mean habitats that lack the ability to sustain healthy populations of earth worms, the density drops and range size increases. Therefore in the acidic conditions on the Hoddlesden Moss, range sizes could be very large

<sup>136</sup> Section 3.3.1, p21 – Ecological Assessment, RPS, 2016

<sup>137</sup> [http://www.badgerland.co.uk/help/professional/scf\\_badger\\_services.html](http://www.badgerland.co.uk/help/professional/scf_badger_services.html)

<sup>138</sup> Section 3.4.1, p23 – Ecological Assessment, RPS, 2016

<sup>139</sup> Section 3.4.1, p24 – Ecological Assessment, RPS, 2016

<sup>140</sup> Jepson, P. CEcol CEnv FCIEEM MSc (2016) pers comm.

<sup>141</sup> Kuuhala, K. & Holmala, K. 2011 - Landscape features, home-range size and density of northern badgers (*Meles meles*). Ann. Zool. Fennici 48: 221-232

Date: 17 August 2016  
Our ref: 190164  
Your ref: 10/16/0704



Kate McDonald  
Acting Team Leader (Planning Implementation)  
Blackburn with Darwen Borough Council  
Department of Planning and Prosperity  
Town Hall Room 418  
Blackburn  
Lancashire  
BB1 7DY  
**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Kate

**Planning consultation:** Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to all ancillary works

**Location:** Hoddlesden Moss, Hoddlesden, Darwen

Thank you for your consultation on the above application, which was received by Natural England on 06 July 2016.

The proposed scheme and location appears to be very similar to that we previously commented on in our letter dated 18 November 2014. We have identified from the application documents in this consultation that some new information has been provided:

- Ecological Assessment (May 2016) and
- Breeding Bird Survey Results (June and July 2015).

We also note that the proposal to provide compensatory habitat at Hoddlesden Moss Wood, following restoration from plantation to blanket bog habitat has been removed.

Having considered the details submitted with this planning application, **Natural England objects to this proposed development.**

Based on the information provided with this planning application, **our advice is that the scheme would result in the loss of Annex 1 Priority Habitat (Blanket bog) of European importance. In addition, we do not think that there is sufficient information and analysis to adequately understand the potential impacts on breeding birds.**

#### Context

The proposed development is within the heart of the West Pennine Moors. In April 2016 the West Pennine Moors was included in Natural England's designation programme for consideration as a SSSI: <https://www.gov.uk/government/publications/natural-england-designations-programme-for-areas-sites-and-trails/natural-englands-designations-programme-to-march-2017>

Since that date work has progressed to prepare the case for formal consideration by Natural England's Senior Leadership Team. The assessment and notification process requires a number of decision and consultation steps. For this reason we are not able to give a date when the site might be notified or confirmed.

There is no statutory protection for sites which are under consideration to become SSSI. However, the fact that the site is under consideration indicates that it is likely to have significant biodiversity interest. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended)

places a duty on all public bodies to 'have regard to the purpose of conserving biodiversity' in exercising their functions, therefore, your authority should give consideration to the biodiversity value of the site in order to comply with this duty.

#### Summary of Natural England's advice

This is a summary of our key concerns. More detailed technical advice is in Annex 1 (enclosed).

- The proposed development will result in the permanent loss of Blanket bog, an Annex 1 Priority Habitat within the EC Council Directive 92/43/EEC (Habitats Directive) i.e. habitat of European Importance that must be safeguarded. The application has downplayed the importance of the Blanket bog at Hoddlesden Moss, stating in the Ecological Assessment that the Blanket Bog does not qualify for Annex 1 Priority Habitat. Consequently, the impacts from the development are likely to have been judged to be less significant and therefore no compensatory measures are being proposed. Our advice is that the Blanket bog habitat is Annex 1 Priority Habitat and any loss should be considered as significant.
- The application does not clearly demonstrate effective consideration of avoidance, mitigation or compensation for the loss of Blanket bog Annex 1 Priority Habitat. Instead, the application relies on a package of enhancement measures aimed at restoring the Blanket bog habitat, as outlined in the Peat Restoration Programme detailed in Appendix 9 of the Ecological Assessment (May 2016). In consideration of the proposed enhancement measures, we advise that Hoddlesden Moss is not in need of a large scale Peat Restoration Programme, because the proposed enhancement measures do not appear to be appropriate for avoiding, mitigating or compensating for the loss of Blanket bog Annex 1 Priority Habitat. We have concerns that the risks associated with the proposed enhancement measures have not been appropriately considered as specified in the 'mitigation hierarchy' (see National Planning Policy Guidance paragraph 020). These risks include, wider hydrological impacts on adjoining habitats that are not fully considered in this planning applications' 'enhancement measures' and the deferral of environmental risks during construction, such as the potential for a peat risk slide, that will be considered once planning permission has been granted.
- The application contains insufficient information to fully understand the potential impacts of the proposals on breeding birds. In consideration of the newly submitted Breeding Bird Survey Results (June and July 2015), the surveys have not followed Natural England's guidance and the Breeding Bird Surveys were carried out too late in the year (23 June 2015). As a result, the surveys are likely to be inaccurate and potentially under-represent the full range of breeding birds using the site. We also note a lack of analysis of the potential disturbance and displacement effects caused by the turbines.

For any queries relating to the specific advice in this letter only please contact Alex Rowe on 020 822 56312. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely



Mike Burke  
Area Manager  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

Enclosed: Annex 1: Planning Consultation: *Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to all ancillary works*  
Feedback Form : 10/16/0704

## Annex 1:

Planning Consultation: Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to all ancillary works

Location: Hoddlesden Moss, Hoddlesden, Darwen

It is for your Authority to decide what weight to give to each aspect in planning decisions and we would encourage you to consider our advice below.

### Loss of Annex 1 Priority Habitat (Blanket bog)

We advise that this proposal would result in the permanent loss of Blanket bog, within the proposed development area. Blanket bog is an Annex 1 priority habitat under the EC Habitats Directive, recognized for the assemblage of flora and fauna which it supports<sup>1</sup>. Blanket bog is a habitat of European significance and hence of national importance<sup>2</sup>.

We would like to draw your attention to the following planning policies, when considering the impact of the permanent loss of Blanket bog. The National Planning Policy Framework (paragraph 118) states that: *'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'* Furthermore, we draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which 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'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

### Breeding birds

The location of three wind turbines in the heart of the West Pennine Moors has the potential to cause disturbance and displacement to breeding birds, associated with the Hoddlesden Moss site.

We have reviewed the application documents and have some concerns with the analysis of the survey results presented in the Ornithology Survey Report, which potentially underestimates the presence of Birds of Conservation Concern (BoCC) Red List species. For example, the Report states that: *"Red Listed species are only present in very small numbers, generally with a single curlew territory in all survey year"*. However, this is not an accurate statement when compared with Figure 5 – 'Red and Amber Listed Breeding Bird Territories 2015' from the same Ornithology Survey Report that includes a much wider assemblage of Red List species.

The Ornithology Survey Report contains an extensive section of the report assessing the impact of collision risk. However, there are no details in the Ornithology Survey Report on the possible displacement and disturbance of breeding birds.

Also we have concerns that the 2015 breeding bird survey undertaken by the applicant under-represents the full breeding bird assemblage for the Hoddlesden Moss site. The 2015 survey was undertaken too late (23 June 2015), which does not accurately record all possible breeding birds on the site. By the time the breeding bird survey was undertaken, many breeding bird species would have potentially left the site and would have not been recorded as part of the survey findings. Overall, there may be an underestimation of the likely impact of this planning application on birds given the absence of an assessment of displacement and disturbance effect on breeding birds and the likely under-recording of breeding birds at the Hoddlesden Moss site.

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<sup>1</sup> Annex 1 Priority Habitat within the EC Council Directive 92/43/EEC (Habitats Directive) as a habitat of European significance or Community Importance.

<sup>2</sup> Blanket bog is also listed as priority habitat on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.



## **Avoidance and mitigation**

We are not confident that the proposed ecological enhancement measures would be beneficial to the overall condition of the site, and rather, they could have a further negative impact. The Supporting Planning Statement (6.26) states: *"as it will not be possible either to avoid adverse impact on the ecology of the site, or to mitigate to reduce the adverse impact significantly, Viridis propose on site ecological enhancement."* When considering the overall proposals, including the proposed enhancement measures, it is for your Authority to be satisfied there would be no significant negative impact on this habitat.

We draw your attention to the National Planning Practice Guidance paragraph 020 that states: *"where a development cannot satisfy the requirements of the 'mitigation hierarchy', planning permission should be refused as per paragraph 118 of the National Planning Policy Framework."* We have concerns that this planning application has not fully considered the 'mitigation hierarchy', when considering the potential risks associated with the proposed enhancement measures.

The application does not adequately explain how the proposals have sought to appropriately avoid, mitigate or compensate for the loss of Blanket bog. We raised concerns in our response to the previous application 18 November 2014, regarding the direct risk of the development proposals on this habitat type and more widespread risks associated with poor construction of access tracks and lack of attention given to mitigating impacts upon hydrology of the habitat. We previously commented that: *"the plans should be revised to consider avoiding of the most sensitive, irreplaceable habitat areas for the siting of the access road and turbines. It has not been demonstrated by the applicant that everything that could be done has been done to avoid damage to the peat habitat"*. Having considered the newly submitted information, it is not apparent that all options have been appropriately considered to avoid damage to the peat habitat.

We are concerned that the proposals underestimate the impact of habitat loss at the Hoddlesden Moss site. There are no measures included in the proposals that appropriately mitigate habitat loss and the proposals are reliant on a series of 'enhancement' measures that may not be beneficial to the overall management of the site.

We note in the Supporting Planning Statement (6.25) that the 'Ecological Enhancement' measures, have replaced 'Ecological Compensation' measures for addressing impacts on the Hoddlesden Moss site. In the previous planning application, the basis of the 'Ecological Compensation' was to create 'like for like' habitat with a net gain of 1.59ha. This has since been removed from the proposals.

A key difference between this planning application and the previously submitted planning applications is the removal of proposals to include off-site compensation at Hoddlesden Moss Wood; the previous proposals had included designs to restore the woodland to open habitat. However, the application has retained proposals for compensatory woodland planting and as per our previous advice, it is unclear in the application what the beneficial impact of a compensatory woodland plantation upon the existing semi-natural upland habitats in this area might be.

The Supporting Planning Statement (6.36) includes a new addition to this planning application, which is a proposal to incorporate a study of the adjacent Aushaw Moss site. The Aushaw Moss site is described in the Planning Statement (6.36) as an area that has undergone significant peat restoration. The proposals include undertaking a study of Aushaw Moss to monitor peat conditions, as well as, the ecological and ornithological status of the site. However, the proposals lack the necessary detail to explain how undertaking a future study of the Aushaw Moss site would enhance the Hoddlesden Moss site.

The previous proposals included some offsite mitigation measures on the adjoining farmland (for birds). The current application includes proposed onsite 'enhancement measures' that are sourced from the Dinsdale Moorland Services Site Survey (2013). The Supporting Planning Statement (6.27) notes that: *"a few areas were identified as areas for potential scrapes as part of the habitat*

*management plan with a view to attracting breeding wading birds and other species back onto the moor.* We advise against the proposed scrapes that would potentially damage the existing habitat at Hoddlesden Moss, as this would be inappropriate, and it is unclear how this measure would contribute to the improved recovery of the site.

### **Peat Restoration Programme**

The proposals include a Peat Restoration Programme detailed in Appendix 9 of the Ecological Assessment (May 2016) that was previously resubmitted as part of the 2013 planning application that was later withdrawn, but was crucially omitted from the 2015 planning application, which was previously refused. This document is now a key component of the 'Ecological Enhancement' measures being proposed. We previously commented that: "*Hoddlesden Moss itself is not in need of a large 'peat restoration programme' as it is currently in a fair condition and is in beneficial management which is designed to further improve its condition.*" (18 November 2014). Our advice is that a large scale Peat Restoration Programme would not be appropriate for the future management of this site, because the proposed enhancement measures included in this planning application, do not appear to follow the 'mitigation hierarchy'. This planning application should have firstly consider avoidance and then if this cannot be achieved mitigation, as a last resort compensation where impacts are unavoidable.

For clarity, we have been misquoted in the Supporting Planning Statement (19.3) that refers to meeting notes detailing a meeting between Natural England and VIRDIS (9 May 2013). The Supporting Planning Statement (19.3) states: "*...whilst it is the case that the peat land infrastructure of Hoddlesden Moss is not in poor condition, Natural England fundamentally support and agree that additional management / restoration works could result in positive mitigation in terms of habitat improvement.*". The meeting record, which is included in this planning application [Appendix 3 – Natural England Meeting note 2013-05-09] summarises the key points discussed/advice given on the HLS agreement, on Hoddlesden Moss and states: "*Overall, MH considered that the peat in this area was not in a particularly poor condition, but additional management/restoration works could result in an overall net gain in terms of habitat improvement.*". The meeting record contains no record of Natural England 'fundamentally supporting and agreeing with the proposed management / restoration works'.

### **Construction Environmental Management Plan**

The Supporting Planning Statement (Paragraph 1.4) states that: "*following a successful application but prior to any development and construction, VIRDIS would establish a definitive Construction and Environment Management Plan (CEMP)*". The deferral of the production of the CEMP following planning permission being granted is a concern because the associated environmental risks, such as the potential for a peat slide, have not adequately been considered.

The Supporting Planning Statement (Paragraph 6.23) refers to the example of the Hyndburn wind farm on Oswaldtwistle Moor, as a positive example of a well-managed construction on deep peat. However, what the Supporting Planning Statement fails to mention is that a peat slide was experienced during the construction of the Hyndburn wind farm. The risk of a peat slide had not been anticipated or appropriately managed at the Hyndburn wind farm, despite an outline desk-based peat slide risk assessment being produced prior to planning permission being granted. This highlights the need for more detailed geotechnical surveys and attention to specific design considerations of gradients and loading prior to construction works commencing at the Hoddlesden Moss site. Given the potential for a peat slide, we have concerns that the environmental risk assessments are being deferred in this planning application, subject to planning permission being granted.

## Tracks

Paragraph 6.22 of the Supporting Planning Statement deals with the issue of a 'floating road' construction, which repeats the comments contained in the previous Supporting Planning Statement (6.37 previous application version). The Supporting Planning Statement (6.22) states: "*the 'floating track method' was successfully used on the nearby Hyndburn Wind farm...*". We reiterate our previous advice (18 November 2014) that "*we contend that in terms of impacts, it is not possible to state floating tracks as 'successful' at this time. It is necessary to fully understand, in each individual situation, the possible wider effects on the nearby bog habitat and whether the underlying habitat can be restored.*". The absence of any newly submitted information contained in this planning application does not address our previous comments regarding the use of a floating road.

Where the proposed track crosses peat habitats there is reference to this being drawn to comply with Natural England's desire for the shortest route to be taken. This is not an accurate representation of our position. The Supporting Planning Statement (6.17) states: "*...the access track design was the result of our pre-application meeting with Natural England, where they specified they would prefer the direction of the track to take the shortest route from the highway to the WEC positions, minimising impact on the blanket bog.*". This statement is inaccurate and does not reflect our pre-application advice (09 May 2013) reflected in the meeting record, which is included in this planning application [Appendix 3 – Natural England Meeting note 2013-05-09]. This summarises the key points discussed/advice given, as follows:

### *"Access tracks – options/locations/impacts*

- *Concerns about location of proposed access track across areas of deeper peat. Potential impacts on local hydrology*
- *Route chosen should minimise impacts on areas of deep peat*
- *Visual impacts weighed against habitats impacts*
- *Relative timescales of impacts. Ecological impacts can be long term (e.g., loss of habitat). Landscape impacts may be shorter term as the track begins to blend in with its surroundings.*

As stipulated above, we advised that the proposed route of the track should seek to minimise impacts on areas of deep peat. There is no reference to Natural England's preference for the direction of the track, to take the shortest possible route from the highway, which is an inaccurate representation of our position. We advised that the proposed route for the track should seek to minimise impacts on areas of deep peat, giving careful consideration to an informed assessment of peat depths across the site, additional constraints to proposed 'floated' track construction and gradients. This does not appear to be reflected in the proposed design.

## Protected species

We have not assessed this planning application and associated documents for impacts on protected species.

You should apply our Standing Advice to this planning application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this planning application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

### **Local nature conservation sites**

Based upon the information provided, Natural England is not aware of any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application.

We are aware that the site is covered by a non-statutory designation, Hoddlesden Moss 'Biological Heritage Site' (BHS). Natural England does not hold locally specific information relating to the BHS referred to above. However this is a material consideration in the determination of this planning application. We recommend that you seek further information from the appropriate bodies (which may include the County ecologist, the local records centre, your local wildlife trust, local geo-conservation group or other recording society and any local landscape characterisation document) in order to ensure the planning authority has sufficient information to fully understand the impact of the proposal before it determines the application.

### **Designation status**

We can confirm that Hoddlesden Moss lies within an area that is under consideration to be designated as a SSSI.

The Ecological Assessment May 2016, states that "*NE has announced that it no longer intends to progress with the designation at this stage*". For the avoidance of doubt, Natural England has not announced that it no longer intends to progress with the designation of the proposed West Pennine Moors SSSI.

### **Landscape**

This proposal is not located within, or within the setting of any nationally designated landscape. All development proposals however should be guided by your Authority's landscape character assessment where available and the policies protecting landscape character in your local plan or development framework (e.g., Core Strategy policies CS13 (3v) and CS18). We note your Authority's Planning Policies section contains a landscape character assessment in the document: '*Wind Turbine Development in Blackburn with Darwen, A Guide for Developers*' (May 2013) and that the Hoddlesden Moss site is categorised as 'moderate-high' sensitivity in your Authority's guide includes a '*Landscape sensitivity to wind farm development in Blackburn with Darwen*' map.

### **Environmental Stewardship Schemes**

The proposed development site falls within land included in an Environmental Stewardship agreement with Natural England. If planning permission is granted, the agreement holder will need to liaise with us on how loss of this land to development might affect the agreement and payments received. However, this is a matter between Natural England and the agreement holder, and would not preclude this planning application being considered, given that the land currently does not have any statutory nature conservation designation.

23 August 2016

K MacDonald  
Acting Team Leader (Planning Implementation)  
Blackburn with Darwen Borough Council  
Town Hall  
Blackburn  
BB1 7DY

Dear Kate

**Re: 10/14/1117 - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works**

## SUMMARY

Detailed below are our comments on the above application. In short the proposals within the application compromises both national and local planning policy in terms of resulting in significant harm to biodiversity through:

- The damage of internationally important irreplaceable habitats
- Damage to a BHS and
- Damage to Habitats of Principal importance

In addition, impacts of the scheme have not been fully identified and sufficient avoidance or mitigation measures have not been identified and included within the scheme to overcome our objections.

## DETAILED COMMENTS

Application ref: 10/14/1117 is for the construction of 3 energy converters with a tip height of 76.5 m and rotar diameter of 61 m on land that forms part of Hoddlesden Moss – blanket bog habitats and a Biological Heritage Site (BHS). This will necessitate the excavation of peat and construction of:

- Three hardstanding and laydown areas measuring 15 m x 35 m adjacent to each of the turbine locations. This appears to be planned to be built on the peat by scraping back the existing vegetation and peat to an unspecified depth and laying geotextile layer overlain with stone and will be left in place following construction.

## Property and infrastructure

Capita Blackburn Business Centre, CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU  
Tel +44 (0)1254 273000 Fax +44 (0)1254 273559 [www.capita.co.uk/property](http://www.capita.co.uk/property)  
Capita Property and Infrastructure Ltd

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- 3 reinforced concrete slab and steel foundations for the wind turbines measuring 13 m diameter x 2 m estimated to comprise a total volume of 350m<sup>3</sup> in deep peat. The area to be excavated appears to be 15 m x 15 with a depth of 2.6 m. The full design of these is not been specified fully in the application and the Design and Access Statement states that this “will be undertaken post consent by structural engineers” taking account of geotechnical conditions identified through site investigations.
- An access track with 3 passing places that will be 4 m wide laid, convex in shape and with drainage. These have not been definitively specified in location or construction but an approximate location is indicated to come into the proposed site from Broadhead Road on a short existing track and then would create an entirely new track across the Hoddlesden Moss blanket bog to the locations of the turbines. Track margins will be vegetated but the mix of this revegetation is unspecified. Although it is specified that the track will be a “floating track” to minimise damage to the peat, the design is not specified and full design appears to be pending ground investigations and a design from a “civil contractor”.
- Buried cables and ducting to transfer electricity to a sub station planned to be located along the access track that will be created.
- The windfarm is anticipated to have a lifespan of just 25 years at which point it will be decommissioned. On decommissioning all above ground structures will be removed but underground structures will only be removed to a depth of 1 m below ground and the remainder left in situ resulting in concrete will be left in the peat and covered over permanently. Access tracks are to be given over to the landowners and there is no mention of the removal of these specifically.

### **CONSIDERATION OF ALTERNATIVE SITES**

Despite our previous comments on this application which had slightly different layout details the current submission documents still fail to demonstrate that the Applicant has examined alternative sites on which to locate the wind turbines and associated infrastructure to avoid damage to blanket bog habitat and significant harm to biodiversity.

It is a guiding principle of the National Planning Policy Framework (NPPF) and supporting guidance such as “BS 42020:2013 Biodiversity – code of practice for planning and development” that in achieving sustainable development avoidance and mitigation should be pursued to avoid significant harm to biodiversity in the first instance. We consider this application would result in significant harm to biodiversity for the reasons listed below; the Applicant has not included appropriate nor direct mitigation for the impacts that would be suffered from this development to blanket bog (peat) habitat, and the proposals would not result in a sustainable development.

Paragraph 118 of the NPPF states that an application should be refused where significant harm resulting from a development cannot be avoided or adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This is the first step in the mitigation hierarchy that applicants and public bodies need to follow in addressing projects where there is likely to be harm to biodiversity. Without this being considered we cannot see an overriding reason why this development should be sited on a sensitive habitat as explained below.

### **HABITATS THAT WOULD BE AFFECTED BY THE PROPOSED DEVELOPMENT**

The habitats to be affected for this proposal are largely blanket bog. Blanket bog is an important habitat internationally with the UK and Ireland holding the significant remaining EU resource of this habitat (JNCC Blanket Bog Habitat Account).

A network of bogs that are "active" bogs or "degraded but capable of restoration" are designated as Special Areas of Conservation under the EC Habitats Directive. The site is also an integral part of the West Pennine Moors. This area is proposed to be designated the West Pennine Moors Site of Special Scientific Interest (SSSI) by Natural England which would be protected at a national scale as a representative example of a suite of upland habitats. The site is already designated as a local wildlife site: Hoddlesden Moss Biological Heritage Site (BHS) and protected through planning policy which assumes .

Although Hoddlesden Moss has not been designated as a European Site the quality of the habitat is better than much of that found on other blanket bogs in the local area and appears not to have been heavily modified through drainage or cutting across the peat body itself. The Avian Ecology Habitats and Vegetation Report appended to the Ecological Assessment provides detailed information of the habitats on the site and is referenced as an appendix in the Ecological Assessment. That report details the site as comprising M19 Calluna-Eriophorum NVC type, a habitat type equated to pristine blanket bog.

There is little evidence of modification with the only elements of modification resulting in negative changes to the bog appearing to have resulted from burning (unspecified if this is deliberate burning as moorland management or accidental from litter or summer fires which are known to occur in this area) and the effects of two artificial drainage channels cut by man – one running north from Grey Stone Hill and the other east to west on Soot Hill (labelled Broadhead Brook on some maps) (Avian Ecology, 2014). This could lead to some drying out of the peat surface leading to heather and grasses to take up a greater dominance in the vegetation but this can easily be rectified by appropriate water level management and low intensity conservation grazing or cutting. Air pollution is also likely to have had an effect on species composition, although this is more indirect and difficult to establish but generally affects species composition and can result in a less diverse community. The Avian Ecology report does point out that the site has not been significantly modified by drainage, peat cutting or erosion which raises its importance as there are few examples of blanket bog in this condition.

Although the above influences will have affected water levels and species composition on the site the fact the bog has not been cut over or heavily modified with drainage grips across the peat surface, it is likely the peat bog has retained much of its peat profile which takes 1,000s of years to accumulate and is one of the most important aspects of peat bogs. Any development on the site will result in the cutting through of the peat profile, particularly deep excavations, and damage to the peat in excavating or disturbing it which can result in its loss through direct removal or drying out.

These habitats are also recognised as the Blanket Bog Habitat of Principal Importance (also referred to as Priority Habitats) under the NERC Act 2006. The Government's Biodiversity Strategy "Biodiversity 2020" seeks to have measures in place by 2020 so that 90% of Priority Habitats are in favourable or recovering condition and biodiversity is maintained and enhanced, further degradation has been halted and where possible, restoration is underway, helping deliver more resilient and coherent ecological networks, healthy and well-functioning ecosystems, which deliver multiple benefits for wildlife and people. It is these drivers that have resulted in the site being awarded an Environmental Stewardship Scheme with the aim of bringing the site into a better condition through low level grazing.

The Design & Access Statement does not refer to the substrate to be affected as peat at all. The Ecological Assessment submitted by the applicant does not recognise the importance of the peat habitat on which the turbines and access track would be located. In fact it appears to play down the importance of this habitat despite detailing that "few areas of erosion or drainage were found" - which would point to a blanket bog in a good condition with little evidence of modification. The report states that the bog is degraded, but does not specify in what way this is evidenced although they attribute it to grazing. However we understand that grazing has only recently been introduced to the site under a Higher Level Stewardship agreement brokered between landowners and Natural England with the sole aim to improve the condition of the bog.

We consider this to be important as the representation of this habitat and the subsequent rationale for the development on this site in the submission document does not fully account for this habitat's importance and that of the particular blanket bog habitat at the Hoddlesden Moss site. Any works on this site that damages or disturbs the peat profile, increases drying out of peat, or requires the permanent extraction of peat resulting in significant harm to biodiversity - to a habitat that takes thousands of years to form and is considered a rare and vulnerable habitat across the world as well as causing damage to a habitat that has a positive role to play in climate change in carbon sequestration and flood alleviation. Therefore we do not consider that the application meets the criteria of the NPPF for sustainable development. In addition, as the site is a Biological Heritage Site, contains Habitats of Principal Importance and does not contain sufficient avoidance or mitigation proposals to outweigh the harm, it does not meet the requirements of the following planning policy:

- Policy 9 of the Adopted Local Plan – Part 2, December 2015 – Development and the Environment, which includes the following section:

"Habitats and Species, and Ecological Networks:

6. Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

7. Development likely to damage or destroy habitats or species of principal importance, Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured."

### **Hoddlesden Moss and West Pennine Moors SSSI Designation**

We have the following comments in relation to the comments made in the Applicant's submission documents in relation to the West Pennine Moors SSSI (proposed).

In relation to comments on the presence of protected sites, statements in the Ecological Assessment Report relate to comments from Natural England from 2014 (ref: Table 1) and page 29 para 4.1.2. This information has been taken from previous meetings and consultation comments on the previous application and are not a true reflection of the current status of the site's incorporation in the proposed West Pennine SSSI nor Natural England's current position.

Natural England announced in January 2016 that they would be pursuing designation of the West Pennine Moors as a SSSI in their 2016/2017 programme. Natural England has commissioned habitat and species surveys of the land to be designated as SSSI which includes Hoddlesden Moss and the proposed development site. Hoddlesden Moss is listed as an example of M19 Calluna-Eriophorum blanket mire for designation purposes, as the Applicant should be aware as they have appended this report to the Ecological Assessment (presumably with Natural England's permission to do so).

The designation of the West Pennine Moors as a SSSI (including Hoddlesden Moss) has now been approved by the Natural England Board and is being progressed. It is listed on the Natural England website under West Pennine Moors SSSI (proposed).

Although this site is not currently designated as a SSSI and automatically treated as such under planning policy, Hoddlesden Moss represents an important habitat contributing to the notifiable features of the West Pennine Moors as a SSSI and its presence in its current form is a strong supporting rationale for the importance of the site. As this development would damage habitats identified as notifiable features for a SSSI we feel this clearly demonstrates significant harm to biodiversity as well as ultimately damage to a protected site.

With reference to the comments in the Ecological Appraisal to the site being considered to be in “unfavourable condition” we consider this has been used in the submission documents to attempt to paint a negative picture of the condition of this habitat in its current form, thereby presenting a perception of the reduced importance of the site.

“Unfavourable condition” is a specific term used under the JNCC’s Common Standards Monitoring methodology used by statutory nature conservation organisations to monitor protected sites. Many protected sites are in an unfavourable condition due to a range of factors such as lack of management, lack of appropriate management, natural succession or even deliberate damage. The Hoddlesden Moss site is in far less of an unfavourable condition than many blanket bog sites where active drainage and farming practices have led to severe deterioration of these habitats. From the habitat descriptions of the blanket bog at the Hoddlesden Moss site the only reason for its consideration as being in “unfavourable condition” is due to burning, the effects on the bog of the two drainage grips and lack of appropriate conservation management such as low intensity grazing. In order to rectify this Natural England have negotiated a Higher Level Stewardship agreement with one of the landowners for which the landowner receives subsidies to ensure appropriate conservation management of this site; we believe this is principally low intensity grazing of the bog aimed at reducing the predominance of undesirable species such as a predominance of grasses or scrub. This agreement covers the area on which the turbines and access track are proposed. This further supports our assessment that the proposed development site is not in a severely degraded state but solely requires onward light management to avoid species indicative of drying out to take hold.

### **Avoidance or Mitigation Proposals**

As previously mentioned no avoidance measures have been considered in the submission documents.

It is acknowledged that the cabling has largely been aligned to the proposed new access track to minimise impacts across a wider area of the peat, however there is an arm of the cable shown to strike north west across the bog from the access track on Figures 1b and 2 across an area that is not covered by the peat depth maps and is not considered in the impacts.

The submission documents state that the peat is shallower where the track and turbines are planned to be located. However, referring to the RPS plans it does appear peat depth ranges from 24 cm in the north of the site to 260 cm (near the northernmost turbine) in depth across the areas to be affected.

As the design of the track, hardstanding, foundations have not been fully specified full impact assessment is not possible. There is also the risk that trying to construct these features on deep peat i.e. more than 40 cm in depth (NE publication 257), will cause more damage as it can be extremely unstable and difficult to work with as has been found on other wind farm developments and can lead to landslides especially where peat depth is 1.5 m or more.

A lot of design details as yet are not fully specified so all impacts to biodiversity cannot be fully determined, e.g. track design, passing places location, drainage arrangements, revegetating of tracks. Therefore, any consideration of appropriate avoidance or mitigation is not based on a full understanding of the impacts that need to be avoided or mitigated for. The Ecological Assessment specifies some methods of construction and in addition to the areas to be affected a 5 m working corridor (presumably on the peat) will also be necessary. The Assessment makes the case that only effects assessed as “moderate or worse require formal mitigation” and as they have judged the effects to the site to be of lower significance no mitigation is necessary and that proposals constitute enhancement of the surrounding landscape. For the reasons mentioned above we do not consider that this assessment has been carried out with full information or with the full significance of the site and its habitats.

We have concerns that the full extent of the direct damage to the blanket bog resulting from the footprint of the infrastructure but also a wider area (up to 5m) for construction wayleaves has not been fully considered, the construction materials and run-off from the tracks could alter species composition of bog vegetation and the post-construction treatment of revegetating the sides is not specified. These impacts appear to have been negated to a level where the applicant and their consultants do not believe direct mitigation is necessary or that the proposals outlined in the Ecological Assessment have not been adopted throughout the application.

However, the Ecological Assessment lists the following as mitigation:

- Habitat Management Plan including bog restoration
- Monitoring of the Natural England Environmental Stewardship Agreement
- Actions to actively improve the condition of the moss
- Planting native woodland to benefit wider biodiversity.

However, the remainder of the submission documents do not include a Habitat Management Plan nor all of these measures.

Monitoring of the Environmental Stewardship Agreement would be carried out by Natural England and purely monitoring it does not constitute mitigation for impacts. Monitoring the condition of the habitats affected by development or would need to be a condition of any permission to assess whether any mitigation proposals implemented, over and above existing agricultural management, is effective to address impacts of the development.

There is a "Site Survey – Report of Works" for Hoddlesden Moss included at Appendix 9 from Dinsdale Moorland Services – this is referred to in reference to the additional moorland improvement - whether this would be before or post-construction it is not clear. The proposals in the report do not appear to be related to impacts of the development or be considered as anything other general enhancement measures for blanket bogs. It is not clear if this is specific to this site as there is information within it relating to SSSIs which doesn't seem consistent with this site at the time the report was written. It is unlikely that this has been compiled with the full knowledge of the development and its impacts and is not suitably tailored for this proposal (the pictures in the document are examples of work rather than specific examples on the Hoddlesden Moss site).

There is a draft Construction Environmental Management Plan (CEMP) which states a Habitat Management Plan will be provided following consenting of the development but this detail would need to be assessed prior to full determination to assess whether the proposals are suitable as it refers to

- Restoring an area of blanket mire greater than that calculated to be affected during the development.
- Creating xx ha of broadleaved native woodland in proximity to site
- Removing xx ha of forestry plantation within the site boundary and creating bog woodland W4 habitat

The first proposal is not related to a specified area; the latter two proposals would be biodiversity enhancement not directly related to impacts to habitats from the development.

There is also a draft Ecological Protection Plan which makes mention of Habitat Protection Plans to be compiled but as yet not specified.

Therefore the application does not fully detail appropriate mitigation measures that are in line with the impacts of the development that sufficiently outweigh the harm to protected sites and Habitats of Principal Importance/Priority Habitats.



## Protected Species

There are some discrepancies with the methodology of some of the protected species surveys e.g.

- The bat surveys are not fully in line with BCT Survey Guidelines in that too few transects were walked and environmental conditions were sub optimal during one of the automated surveys.
- Although some buildings were classified as having low potential no further surveys were carried out on built structures. Survey guidance and good ecological practice usually involves at least one emergence or re-entry survey where buildings are of low potential. This would be particularly applicable to any structures falling within 200 m zone from the proposed turbines.
- The third automated survey (14-20 September 20156) was carried out in environmental conditions that are considered to be sub optimal i.e. temperatures below 10oC and although the ecological consultant states this is not likely to have affected survey results there is no way of telling if more activity would have occurred at higher temperatures. In fact a higher degree of common pipistrelle bat activity was recorded during this survey period that could potentially indicate that the site falls on a migrating route to autumn/gathering roosts.

The conclusions of the bat survey report appear to be in line with survey findings and little bat activity was recorded around the locations of the turbines and at that time was generally is more than 50m from the turbines where the risk is perceived to be less in bats and wind turbine guidance.

- Breeding bird surveys were not carried out to the accepted methodology i.e. carried out June and July not early April to mid May and mid-May to late June as specified in guidance. Carrying out surveys outside of the timings recommended by methodology can lead to under-recording of birds and subsequently not have a full picture of the use or importance of the site for bird species during the peak breeding season.
- There are concerns that due to discrepancies in survey methodology surveys would not have been adequate to identify current use of the site by merlin and short-eared owl. The Ecological Assessment has not identified impacts to merlin and short eared owl such as disturbance during construction and post-construction through recreation due to their perceived absence; therefore no appropriate avoidance or mitigation measures have been proposed.
- The conclusions in the Ecological Assessment in relation to birds are at odds with local knowledge (and some confidential information) from RSPB who state that merlin are nesting at a location near the trackway. The development would obviously cause disturbance impacts that would be unacceptable and would need re-consideration of site layout and appropriate avoidance and mitigation measures.
- Due to the timing of the ornithologists being commissioned the surveys for short-eared owl only covered one year and were carried out outside the period recommended by survey methodologies i.e. surveys over 2 years between March-July and of a radius f 2 km from proposed turbines. This has led to the risk of discounting impacts to short-eared owl although the deficiencies in surveys may not have gathered a true reflection of the use of the site.

The submission documents do not include any avoidance or mitigation for bird species either during construction or as a result of increased recreational access that may occur due to the easier access to the site via the tracks to be installed. Despite this not being open to access we find on other sites members of the public will use these tracks anyway. These issues will need to be revisited and resolved in consultation with RSPB prior to any determination of the application.

Badger surveys have been completed identifying a disused annex sett as being the closest to the proposed development. If the development were to go ahead a further badger survey carried out no more than 6 months prior to construction would need to be carried out to determine if this sett has become active, if any more setts have been established that could be affected by the development and if any foraging routes are likely to be affected. If any impacts are considered likely to occur appropriate avoidance and mitigation measures would need to be submitted and approved by the Local Planning Authority. This should be a condition to any permission if granted.

The above outlines the concerns we have with this application that leads us to object to the proposals and why we do not believe it should be permitted.

In short it compromises both national and local planning policy, impacts of the scheme have not been fully identified and sufficient avoidance or mitigation measures have not been identified and included within the scheme to overcome our objections.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Boniface', written over a faint circular stamp or watermark.

**Tabatha Boniface CEnv MCIEEM**  
**Ecology Technical Lead**

**From:** Worthington Jonathan  
**Sent:** 16 January 2017 16:25  
**To:** McDonald Kate  
**Subject:** RE: Hoddiesden Moss - 10/16/0704

Kate,

I would confirm that we would have no objections to the development but we would require a condition relating to a satisfactory environmental management plan being submitted, dealing with issues relating to potential pollution of watercourses.

Regards,

Jon  
Jonathan Worthington  
Senior Drainage Engineer

Highways Asset Management Integrated Service (HAMIS)  
Blackburn with Darwen Borough Council, The Bungalow, Davyfield Road, Blackburn, BB1 2LX

Email: [jonathan.worthington@blackburn.gov.uk](mailto:jonathan.worthington@blackburn.gov.uk)  
URL: <http://www.blackburn.gov.uk/Pages/Roadworks.aspx>  
Tel: 01254 685669  
Fax: 01254 662916

**From:** White Andy(Env Health)  
**Sent:** 14 December 2016 15:15  
**To:** McDonald Kate  
**Subject:** RE: 10/16/0704 Hoddlesden Moss - hydrology

Kate -- here's my revised draft informative as discussed:

**Informative: Water Industry Act 1991, Section 80**

The owners and occupiers of the development site land identified in this application are 'relevant persons' (as prescribed under Section 80(7(b)) of the Water Industry Act 1991) and, as such, must ensure that they do not cause any private water supply source within their land ownership &/or occupation to become unwholesome or insufficient. The Local Authority may serve notice requiring relevant persons to carryout works necessary to ensure both wholesome and sufficient water is supplied for domestic purposes.

OK?

Yours,  
Andy White  
Environmental Protection Officer  
Public Protection Service  
White Dove  
Davyfield Road Depot  
Roman Road Industrial Estate  
Blackburn  
BB1 2LX

Tel: 01254 267634

**From:** Kirby Simon  
**Sent:** 06 October 2016 11:34  
**To:** McDonald Kate  
**Subject:** RE: Planning Application No: 10-16-0704, 3 wind turbines, Hoddlesden Moss

Hi Kate,

Please see my amended request for information below .....

Noise - I request some more information before I can make my comments relating to noise.

1. **Higher Aushaw** - It appears that noise levels haven't been considered for a dwelling at Higher Aushaw (Grid ref 372651 420132) – there may be more than one dwelling. It is the closest dwelling to the proposed turbine locations (338m from T3). Please either provide justification for excluding the Higher Aushaw dwelling(s) from the noise assessment, or amend the noise report to include an assessment of turbine noise at Higher Aushaw.
2. **Initial simplified noise assessment** - I would appreciate a copy of the initial simplified noise assessment.
3. **Wind speed measurement & wind shear** - The IOA Good Practice Guide (GPG) requires careful consideration of the wind speed used and how it is measured. Section 2.6.3 of the GPG identifies three methods of wind speed measurement. Dragonfly have adopted option c., which is a mast carrying an anemometer at a height of 10m. The guidance states that method c. is not a preferred option. I acknowledge this guidance states that a simplified procedure is appropriate for smaller development, and the IOA give an example of a smaller development - "such as a single turbine". However, this application is for three substantial turbines, so I would therefore question whether option c. is appropriate in this instance. I request that further information is provided justifying the choice of method c) and please identify the steps that have been taken to ensure that the assessment is robust, ie. corrections to ensure that the predictions are worst case.
4. **Noise at wind speeds of 11 & 12 m/s** – It is good practice to consider turbine noise at wind speeds up to and including 12 m/s, unless the maximum sound power level is reached at a lower wind speed. Please amend the report to include noise at wind speeds up to 12 m/s or up to the speed at which the maximum sound power level is reached. If the Authority is minded to approve the application it may wish to impose a noise condition. We'd need the extra information to draft a suitable condition.

Shadow flicker – I'll be recommending that shadow flicker can be resolved with a suitable condition requiring a rotor shut-down when the conditions are right for flicker to occur.

Regards,  
Simon

Simon Kirby  
Senior Environmental Health Officer,  
Public Protection Service, Blackburn with Darwen Borough Council,  
Davyfield Road Depot, Roman Road Industrial Estate, Blackburn, BB1 2LX  
Tel: 01254 585165



**APPENDIX 4**  
**RE-CONSULTATION RESPONSES**

Date: 03 February 2017  
Our ref: 206651  
Your ref: 10/16/0704



Kate McDonald  
Team Leader (Planning Implementation)  
Blackburn with Darwen Borough Council  
Department of Planning and Prosperity  
Town Hall Room 418  
Blackburn  
Lancashire  
BB1 7DY  
**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Kate

**Planning consultation:** Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to all ancillary works

**Location:** Hoddlesden Moss, Hoddlesden, Darwen

Thank you for your consultation on the above application, which was received by Natural England on 18 January 2017.

Natural England was previously consulted on this planning application on 06 July 2016 and submitted our letter objecting to the proposed development on the 17 August 2016. Your Authority has since requested that Natural England provides supplementary comments on this proposed development following the notification of the West Pennine Moors as a Site of Special Scientific Interest on the 17 November 2016.

#### **The Wildlife and Countryside Act 1981 (as amended)**

This application is within the West Pennine Moors Site of Special Scientific Interest (SSSI). When Natural England was last consulted on this planning application the West Pennine Moors was under consideration as a SSSI. Since that consultation the West Pennine Moors SSSI has now been notified under Section 28 of the Wildlife and Countryside Act 1981 (as amended). Your Authority will now be considering and determining this planning application on a notified SSSI and should take into account the site's SSSI status and checks will need to be made to ensure that there is no damage to the interest features of the notified site. As we have previously stated, your Authority should also give regard to conserving biodiversity as that is a duty for public bodies under Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

Natural England maintains an objection to this proposal on the grounds that it is likely to damage or destroy the interest features for which the West Pennine Moors SSSI has been notified.

We advise that:

- the proposed development would result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest feature of this SSSI. It would also be likely to have significant impacts on the breeding bird assemblage for which the SSSI is notified;
- the planning policy context (NPPF paragraph 118) is clear that: *"Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made*

where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any other broader impacts on the national network of Site of Special Scientific Interest".

Therefore, in weighing benefits and impacts as part of the decision making process, the LPA should take into account Natural England's advice that an adverse effect on the site's notified features is likely;

- as per our previous advice, the proposals have not properly considered the mitigation hierarchy. This would include consideration of alternative locations, the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat. It is our view that it would be very challenging to successfully mitigate the impacts of this scheme at this location;
- enhancement should be considered separately to the mitigation hierarchy. As per our previous advice, it is our view that large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers.

If your Authority is minded to grant consent for this application contrary to the advice contained in this letter, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Alex Rowe on 020 822 56312. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely



Mike Burke  
Area Manager  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team



## Technical and Operational Assessment (TOPA)

For Hoddlesden Moss  
Windfarm Development

Issue 3

**NATS reference W(F)18074**

**LPA reference: 10/16/0704**



**Publication history**

<b>Issue</b>	<b>Month/Year</b>	<b>Changes in this issue</b>
Issue 1	November 2013	
Issue 2	July 2016	
Issue 3	February 2017	



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# 1. Background

## 1.1. En-route Consultation

NATS is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of radars, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and assesses the potential impact of every proposed development in the UK.

Section 3 of this document defines the assessments carried out against the development proposed in section 2, with the result detailed in section 5.

## 2. Application details

Blackburn with Darwen Borough Council submitted a request for a NATS technical and operational assessment (TOPA) for the development at Hoddlesden Moss, Hoddlesden, Darwen as detailed in the table below.

Turbine	Latitude	Longitude	Easting	Northing	Hub (m)	Tip (m)
1	53.6823	-2.4117	372902	420727	46	76.5
2	53.6806	-2.4122	372873	420534	46	76.5
3	53.6790	-2.4117	372902	420362	46	76.5

**Table 1 – turbine coordinates and height**

## 3. Assessments Required

The proposed development falls within the assessment area of the following systems:

NERL Radar Sites	Latitude	Longitude	Range(nm)	Range(km)	Azimuth(deg)	Type
Claxby Radar	53.4501	-0.3083	76.5	141.7	281.3	CMB
Clee Hill Radar	52.3983	-2.5975	77.2	143.1	4.9	CMB
Debden Radar	51.9902	0.2638	140.6	260.4	317.3	CMB
Great Dun Fell Radar	54.6841	-2.4509	60.2	111.5	178.7	CMB
Lowther Hill Radar	55.3778	-3.7530	112.2	207.7	154.8	CMB
St Annes Radar	53.7684	-2.9908	21.3	39.4	104.1	CMB
Manchester Combined	53.3407	-2.2827	20.9	38.6	347.3	CMB
NERL Nav Aid Sites	Latitude	Longitude	Range(nm)	Range(km)	Azimuth(deg)	Type
None						
NERL AGA Comms Sites	Latitude	Longitude	Range(nm)	Range(km)	Azimuth(deg)	Type
None						

**Table 2 – Impacted Infrastructure**

### 3.1. En-route radar technical assessment

#### 3.1.1. Predicted impact on Manchester Radar

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the radar’s probability of detection, for real aircraft, is also anticipated.

#### 3.1.2. En-route operational assessment of radar impact

Where an assessment reveals a technical impact on a specific NATS radar, the users of that radar are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
London Area Control Centre ATC	Acceptable
Prestwick Centre ATC	<b>Unacceptable</b>
RDP Asset Management	Acceptable

*Note: The technical impact, as detailed above, has also been passed to non-NATS users of the affected radar, this may have included other planning consultees such as the MOD or other airports. Should these users consider the impact to be unacceptable it is expected that they will contact the planning authority directly to raise their concerns.*

### 3.2. En-route navigational aid assessment

#### 3.2.1. Predicted impact on navigation aids.

No impact is anticipated on NATS’s navigation aids.

### 3.3. En-route radio communication assessment

#### 3.3.1. Predicted impact on the radio communications infrastructure.

No impact is anticipated on NATS’s radio communications infrastructure.

## 4. Conclusions

### 4.1. En-route consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be **unacceptable**.

## Appendix A – background radar theory

### Primary Radar False Plots

When radar transmits a pulse of energy with a power of  $P_t$  the power density,  $P$ , at a range of  $r$  is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where  $G_t$  is the gain of the radar's antenna in the direction in question.

If an object at this point in space has a radar cross section of  $\sigma$ , this can be treated as if the object re-radiates the pulse with a gain of  $\sigma$  and therefore the power density of the reflected signal at the radar is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The radar's ability to collect this power and feed it to its receiver is a function of its antenna's effective area,  $A_e$ , and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

Where  $G_r$  is the Radar antenna's receive gain in the direction of the object and  $\lambda$  is the radar's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the radar system as well as external losses due to terrain and atmospheric absorption.

For simplicity these losses are generally combined in a single variable  $L$ .

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$

## Secondary Radar Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can be determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where  $r_t$  and  $r_r$  are the range from radar-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_r P_t}{r_t^2 P_r L}}$$

## Shadowing

When turbines lie directly between a radar and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

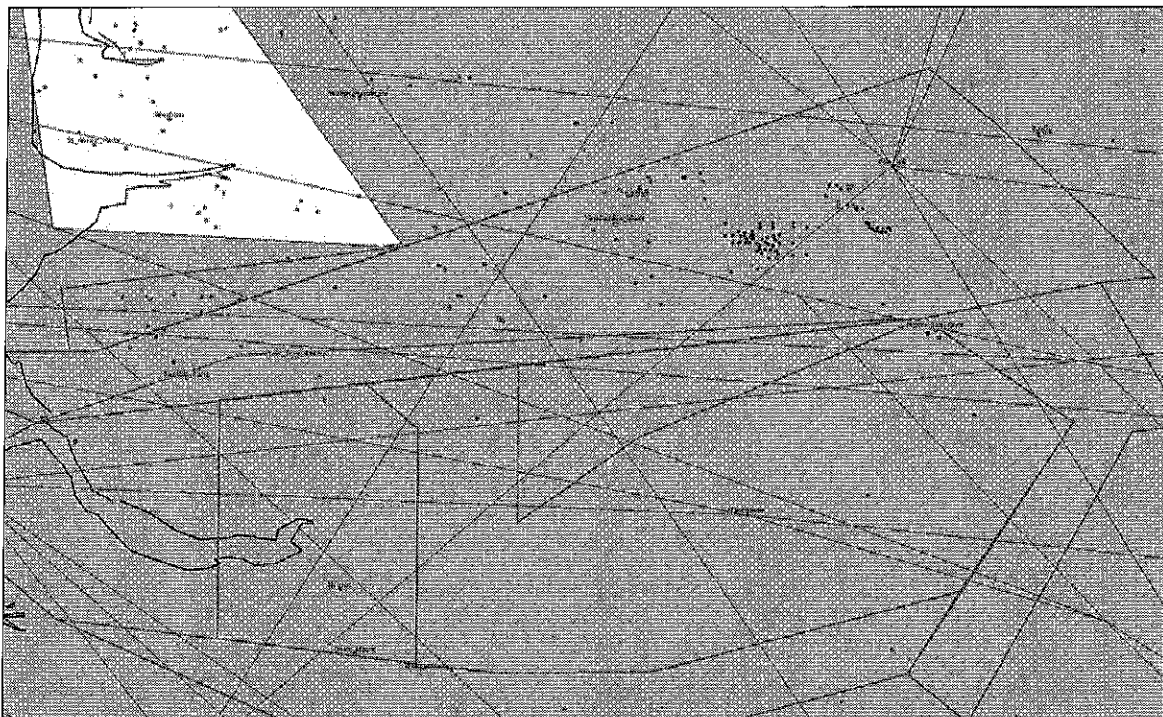
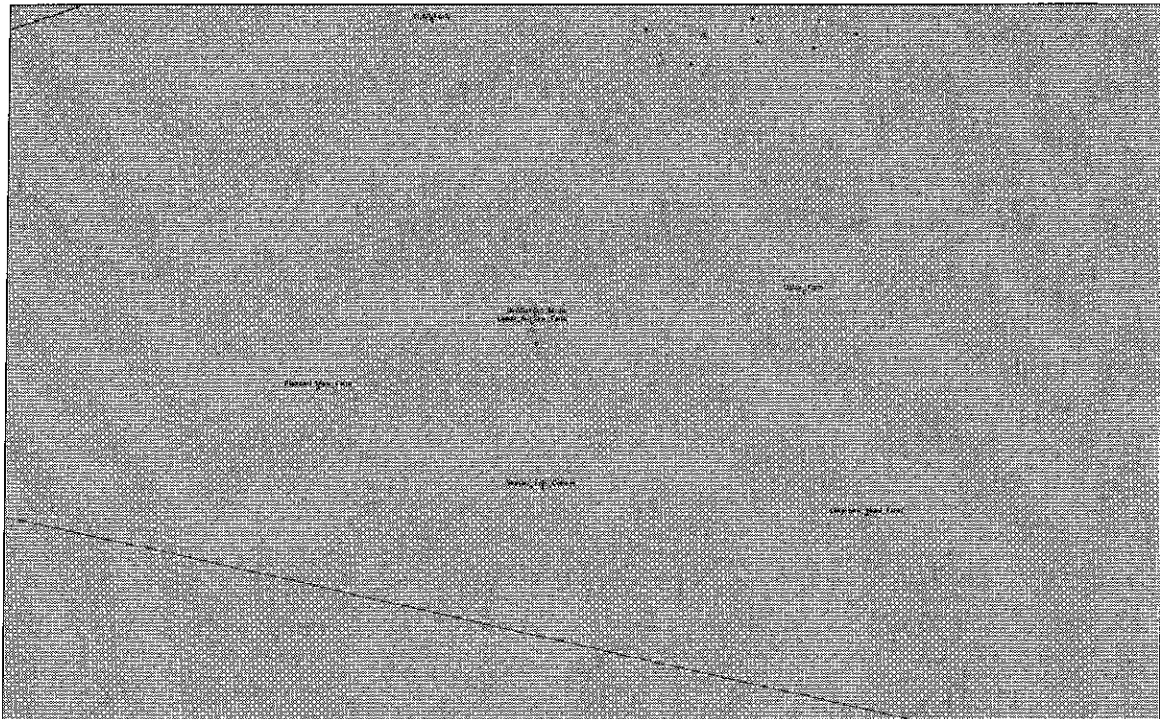
It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

## Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 6.99). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.



### Appendix B – Diagrams



- consented/built    ■ impact -accepted    ■ impact -objection    ■ mitigated
- mitigation -proposed    □ no impact    □ refused/withdrawn



## Carter Jodie

---

**From:** Bailey Brian  
**Sent:** 14 February 2017 10:17  
**To:** Proctor David; Prescott Gavin; McDonald Kate  
**Subject:** FW: Your Ref: 10/16/0704 (Our Ref: SG18074)  
**Attachments:** 18074\_TOPA\_v3.doc

For attention.

Brian

Brian Bailey  
Director of Planning & Prosperity  
Blackburn with Darwen Borough Council  
Department of Planning & Prosperity  
Town Hall, Blackburn BB1 7DY  
[brian.bailey@blackburn.gov.uk](mailto:brian.bailey@blackburn.gov.uk)  
[www.blackburn.gov.uk](http://www.blackburn.gov.uk)  
Tel: 01254 585360



---

**From:** ALLEN, Sarah J [<mailto:Sarah.ALLEN@nats.co.uk>] On Behalf Of NATS Safeguarding  
**Sent:** 14 February 2017 10:15  
**To:** Bailey Brian <[brian.bailey@blackburn.gov.uk](mailto:brian.bailey@blackburn.gov.uk)>  
**Subject:** Your Ref: 10/16/0704 (Our Ref: SG18074)

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA **SG18074**.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NATS before granting planning permission for a wind farm. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NATS (such sites being identified by safeguarding plans that are issued to local planning authorities).

In the event that any recommendations made by NATS are not accepted, local authorities are obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

These directions require that the planning authority notify both NATS and the Civil Aviation Authority ("CAA") of their intention. As this further notification is intended to allow the CAA to consider whether further scrutiny is required, the notification should be provided prior to any granting of permission.

It should also be noted that the failure to consult NATS, or to take into account NATS's comments when determining a planning application, could cause serious safety risks for air traffic.

Should you have any queries please contact us using the details below.

Yours faithfully

**Sarah Allen**  
**NATS Safeguarding**  
**[natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)**

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---

**Carter Jodie**

---

**From:** Planning  
**Sent:** 15 February 2017 11:55  
**To:** McDonald Kate  
**Subject:** FW: 10/16/0704

Gavin Prescott  
Planning Manager  
Planning Service  
Planning & Prosperity Department  
01254 585694  
[gavin.prescott@blackburn.gov.uk](mailto:gavin.prescott@blackburn.gov.uk)

---

**From:** NWNorthPlanning [<mailto:CLPlanning@environment-agency.gov.uk>]  
**Sent:** 15 February 2017 11:34  
**To:** Planning  
**Subject:** 10/16/0704

The Environment Agency are not required to formally comment on the above application for the following reason(s):

Flood Risk Standing Advice (FRSA) should have been applied	
It is not listed in the 'When to Consult the Environment Agency' document or in the Development Management Procedure Order 2015 / General Permitted Development Order 2015	X
We are no longer commenting on the discharge of surface water drainage conditions we requested prior to April 2015 as this responsibility has transferred to the Lead Local Flood Authority.	
Local Guidance should have been applied	
Valid consultation as FRSA does not apply but development is minor/not high risk	
Valid consultation but unable to respond due to workload	

We note that we were previously consulted on and responded to application 10/14/1117 for a similar development. Since that time our remit and constraints have changed and this proposal no longer falls within our remit.

Kind regards

Dave Hortin  
Planning Technical Specialist, Sustainable Places  
Cumbria and Lancashire Area  
✉ Lutra House, Dodd Way, Off Seedlee Road, Walton Summit, Bamber Bridge, Preston PR5 8BX  
✉ [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)

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## Carter Jodie

---

**From:** Planning  
**Sent:** 27 February 2017 09:25  
**To:** McDonald Kate; Carter Jodie  
**Subject:** FW: Full Planning Application 10/16/0704 (Amendment dated 13 February 2017)

Please log and file

Gavin Prescott  
Planning Manager  
Planning Service  
Planning & Prosperity Department  
01254 585694  
[gavin.prescott@blackburn.gov.uk](mailto:gavin.prescott@blackburn.gov.uk)

---

**From:** Rory Needham [<mailto:rory.needham@sky.com>]  
**Sent:** 26 February 2017 10:58  
**To:** Planning  
**Subject:** Full Planning Application 10/16/0704 (Amendment dated 13 February 2017)

Dear Ms McDonald,

**Reference: 10/16/0704**  
**Full Planning Application ( including Amendment)**  
**Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works at**  
**Hoddlesden Moss, Hoddlesden, Darwen.**  
**Case Officer: Kate McDonald**

At the Parish council meeting held on 20 February 2017 ,the Yate and Pickup Bank Parish Council unanimously objected to the above planning application. This amended application does not seem to have changed from the original application dated 8 July 2016.

**Reasons for the Objection:**

- The construction of these three turbines will have a visual impact on the proposed development and on the surrounding area.
- As this is a predominately rural area, with low build housing the erection of these turbines will also visually impact on the local residents and their environment.

I should be grateful if the Parish Council's objections could be brought to the attention of the Members of the Planning Committee.

*Kind regards*  
**Rory Needham**  
*Clerk to Yate and Pickup Bank Parish Council*



## DRAFT 3

### 03 03 2017

Ms Kate McDonald  
Planning Team Leader (Implementation)  
Blackburn with Darwen Borough Council  
Town Hall  
**BLACKBURN**  
BB1 7DY

3<sup>rd</sup> March 2016

Dear Kate

**Re: 10/16/0704 (revised) - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works; at Hoddlesden Moss, Hoddlesden, near Darwen, Blackburn with Darwen Borough, and within the *West Pennine Moors* Site of Special Scientific Interest**

I refer to your letter referenced RE/P/10/16/0704 and dated 13<sup>th</sup> February 2017. Thank you for reconsulting The Wildlife Trust for Lancashire, Manchester & North Merseyside on this amended application. I have, accordingly, amended the Trust's objection to the original version of this planning application - as submitted by us on 8<sup>th</sup> August 2016 - to take account of relevant identifiable amendments and additions submitted and publicised subsequently on 10<sup>th</sup> February 2017.

Our principal reasons for objection relate to:

1. The significant position of the West Pennine Moors SSSI in the nation's, the county's and the district's ecological networks
2. Inadequate consideration of alternative locations
3. Potential for substantial habitat damage and loss, and hydrological disruption



4. Inadequate mitigation and enhancement proposals for Habitats & Species of Principal Importance in England; and specifically those which are features for which the West Pennine Moors SSSI is notified by Natural England
5. Inappropriate woodland mitigation proposals
6. Potential for displacement of both breeding and wintering wader species
7. Inadequate surveys of blanket bog habitat and of breeding and overwintering birds

That amended objection follows:

**1. The Wildlife Trust for Lancashire, Manchester & North Merseyside's general position on renewable energy**

1.1 Climate-change is a significant threat to our sub-region's wildlife, on land and at sea. The Trust is generally supportive of renewable energy projects that realise net gains for biodiversity and have significant community benefit. It is also strongly in favour of the appropriate assessment of projects on an individual basis, for the following general reasons:

- Only if accurate professional wildlife survey work is undertaken for proposed, individual, renewable energy projects can the principle of net biodiversity gain be upheld.
- Individual assessment and professional surveying are required to determine and put in place essential and effective species- and habitat-monitoring.
- Individual assessment helps to ensure the maximisation of community benefit alongside net biodiversity gain.

1.2 However, The Wildlife Trust for Lancashire, Manchester & North Merseyside **objects** to this application as originally submitted, **and** as subsequently submitted in an amended form.

1.3 Our objections relate to potential for impacts on the sustainability of the principal features for which the West Pennine Moors has been notified by Natural England as a Site of Special Scientific Interest (SSSI) under the terms of the Wildlife & Countryside Act 1981 (as amended). These features are blanket bog habitat and upland bird communities.

**2. Relevant legislation, regulation and policy:**

**a) Natural Environment & Rural Communities ("NERC") Act 2006**

2.1 Section 40 of the NERC Act 2006 (as amended) places a duty on all public bodies to "*have regard to the purpose of conserving biodiversity*" in exercising their functions. Your authority should give consideration to the biodiversity value of the site in order to comply with this duty.

2.2 Section 41 of the NERC Act 2006 – through Office of the Deputy Prime Minister (ODPM) Circular 06/2005, still in force, (see: <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>) indicates that UK Biodiversity Action Plan Priority Species and Habitats (now expressed as Species & Habitats of Principal Importance in England, NERC Act 2006) are capable of being a material consideration in the determination of planning applications.

**b) Habitats & Species Regulations**

2.3 The consultation documents indicate that the proposed development area includes a substantial area of "peat moss" (blanket mire), a priority habitat as listed on Section 41 of the NERC Act 2006.

2.4 Blanket mire (also known as 'blanket bog') is a rare and fragile habitat. It develops only where and when there is a suitable sustained local climate and appropriate topography and land use. Blanket mire formation and its associated vegetation is, in consequence, restricted to relatively few locations on the planet; with the United Kingdom of Great Britain & Northern Ireland (UK) and the Republic of Ireland combined being the global 'type location' for blanket bog.

2.5 Because of this rarity and vulnerability, blanket mire is recognised as a Priority Habitat under the terms of the European Community Habitats & Species Directive, and a priority habitat in the UK Biodiversity Action Plan (UKBAP). It is also identified as a priority habitat in the Lancashire Biodiversity Action Plan (LBAP).

2.6 The blanket mire habitat present on Hoddlesden Moss is assessed as belonging to the M19 *Calluna-Eriophorum* Blanket Mire type of the National Vegetation Classification (NVC); as defined in Rodwell, J.S. (ed.) 1991. *British Plant Communities. Volume 2. Mires and heath*. Cambridge University Press, as updated.

2.7 Blanket Mire in good condition actively sequesters carbon from the atmosphere to form mineral peat. If one accepts the general consensus that peat accumulates at the rate of 1mm *per annum* then the deepest areas of peat on Hoddlesden Moss are likely to have taken around 4 000 years to accumulate. The peat formed by Blanket Mire represents the largest terrestrial carbon store in the UK, storing approximately 3.2 billion tonnes of carbon (International Union for the Conservation of Nature (IUCN) Commission of Inquiry on Peatlands, 2011).

#### c) National Planning Policy Framework (NPPF) for England

2.8 The NPPF indicates that local authorities '*should set criteria based policies*' for designated sites that make distinctions between hierarchy of sites: SSSI are recognised within this hierarchy. It goes on to state that this distinction is so that '*protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks*' (reference is also made to '*DETR circular 06/2005*' [sic], actually ODPM circular 06/2005) (paragraph 113).

2.9 The NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or as a last resort compensated for, **then planning permission should be refused** (paragraph 118).

2.10 In this case the applicant has neither demonstrated that significant harm would be avoided, nor that adequate mitigation or compensation would be delivered: we expand on this below.

2.11 The NPPF also indicates (paragraph 97 – with footnote 17) that planning authorities should consider identifying areas suitable for renewable energy in their Local Plans. **No** such areas are identified in the adopted Blackburn with Darwen Local Plan.

#### d) Blackburn with Darwen Local Plan

*Policies*

2.12 Following on from the above, the following adopted Local Plan policies seem to us most relevant:

**Policy CS15: Protection and Enhancement of Ecological Assets**

1. The Borough's ecological assets will be protected, enhanced and managed with the aim of establishing and preserving functional networks which facilitate the movement of species and populations.
2. Measures will be put in place to secure the protection and enhancement of biodiversity sites and habitats at three levels of importance:
  - i. ~~Nationally / internationally important sites including Sites of Special Scientific Interest;~~
  - ii. Regional / County-level Important sites – County Heritage Sites;
  - iii. Locally Important sites
3. General habitats which may support species of principal importance either for shelter, breeding or feeding purposes (both natural and built features), will be protected from development, in accordance with the Environmental Strategy set out in Policy CS13.

**Policy 9 Development and the Environment**

**Habitats and Species, and Ecological Networks**

6. ~~Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.~~
7. ~~Development likely to damage or destroy habitats or species of principal importance, Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured.~~
8. ~~Development likely to damage or destroy habitats or species of local importance will not be permitted unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy can be secured.~~
9. ~~Development that would result in the further fragmentation of, or compromises the function of, Blackburn with Darwen's ecological network will not be permitted unless:~~
  - i. ~~The harm caused is significantly and demonstrably outweighed by other planning considerations; and~~
  - ii. ~~An appropriate mitigation strategy can be secured.~~

The highlighting is, of course, ours.

2.13 We would contend that the proposed development is likely to damage habitat of international, national and county importance (to wit, Blanket Mire – also of “*principal importance in England*” (S41 Natural Environment & Rural Communities Act 2006)); to significantly reduce local populations of species of principal importance in England (to wit, bird species – specifically waders and raptors); and to damage a SSSI, namely the West Pennine Moors SSSI; and that an appropriate mitigation strategy is not secured; and that this would compromise the functionality of the county's and therefore the district's upland wetland ecological network (see Blackburn with Darwen Borough Green Infrastructure and Ecological Networks Supplementary Planning Document), of which the West Pennine Moors SSSI is, *ipso facto*, a key component.

2.14 Within its response, Natural England also states that “*the proposed development would result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest feature of this SSSI. It would also be likely to have significant impacts on the breeding bird assemblage for which the SSSI is notified*”.

2.15 It follows that the development proposed does not accord with the Adopted Local Plan: it should therefore be refused.

**Chapter 6 - Environment**

**Wind Turbines**



6.10 The UK is committed to dramatically reducing carbon emissions in coming years. An important way in which this will be achieved is a transition to means of generating electricity that are not dependent on fossil fuels. Wind-powered generation has a clear role as part of such a future energy mix.

6.11 In order to produce sufficient energy to be commercially viable, windpowered electricity generation requires that the turbines rotate at a sufficient speed, for a sufficient proportion of the time. This requires a favourable wind environment, in terms of the overall wind speeds experienced, and in terms of the frequency with which adequate wind speeds occur. Such conditions are typically found in upland areas of the type found in the rural area of Blackburn with Darwen (and in the west Pennines more generally). Our evidence shows that a significant proportion of our rural area experiences commercially viable wind speeds and is free from insurmountable technical constraints.

6.12 At the same time, our upland areas, and the landscape setting they create, are one of our most valuable assets. The introduction of even small numbers of incongruous elements into such landscapes can have a disproportionate effect on their character. Our evidence on landscape sensitivity identifies areas that are particularly susceptible to this effect, and areas where the landscape has greater capacity to accommodate change.

6.13 The Council is concerned about the cumulative effect of numerous individual wind turbine proposals, each of which in isolation may be acceptable in terms of its visual impact. These may be small scale proposals intended to provide power for an individual farm, or individual turbines which are nevertheless connected to the national grid and are operated on a commercial basis.

6.14 Our planning framework for wind turbine development needs to balance the competing objectives of supporting a shift in the country's energy mix while protecting the character of our most sensitive upland areas. In addition it needs to ensure that the direct impact of turbines on people living nearby is adequately managed. Policy 37 sets out how we will aim to achieve this, including an approach to identifying a preferred area for wind turbine development to take place. The Council intends to prepare a Supplementary Planning Document in relation to wind turbine development, which will provide more detail on the application of this policy. Areas for wind turbine development will be identified through a future DPD review.

#### **Policy 37. Wind Turbines**

1. Wind turbine development will be permitted where it complies with all of the following criteria:

- i) the development has no unacceptable adverse visual impact and does not unacceptably undermine the character of the landscape;
- ii) the development has no unacceptable harmful impact on the significance of heritage assets including views and their settings;
- iii) the development has no unacceptable adverse impact on the amenity of neighbouring occupiers and does not give rise to unacceptable nuisance from noise, shadow flicker, reflected light or other effect;
- iv) the development has no unacceptable adverse impact on a protected habitat or other feature of ecological importance;
- v) the development does not create a potential hazard to the public using highways, footpaths, bridleways or other public rights of way;
- vi) the development has no unacceptable impact on local hydrology or other belowground considerations including safeguarded mineral resources;
- vii) the development does not interfere with telecommunication paths or air traffic services including those associated with the military;
- viii) where necessary, a scheme can be agreed relating to the removal of the wind farm or turbine at the end of its design life and the restoration of the site;
- ix) the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- x) 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.

2. In making its assessment against these criteria, the Council will consider the complete development including the turbines, associated infrastructure, access routes and grid connections; and will take into account the cumulative impact of the proposed development along with other planned, committed or completed development.

3. Where necessary to secure appropriate mitigation of any impacts, the Council will seek to enter into a planning agreement with the developer.

4. Where a conflict exists with one or more of the criteria above and this cannot be eliminated through mitigation measures, the Council will consider whether the environmental benefits of the renewable energy generation potentially realisable through the development outweigh the harm caused.

The highlighting is, again, ours.

2.16 The Ministerial Statement on Wind Energy (DCLG, 18<sup>th</sup> June 2015) states that local authorities should only consider granting planning permission for wind turbines *where these have been allocated within Local Plans* and have community support (our emphasis). Hoddlesden Moss has not been so allocated.

2.17 According to the Blackburn with Darwen Local Plan Part 2 (see above), "Areas for wind turbine development will be identified through a future DPD review". We strongly suggest that it would,

therefore, be premature to determine this application in the absence of such a review and resultant strategic allocation.

#### **e) Supplementary Planning Documents (SPD)**

##### Green Infrastructure & Ecological Networks SPD

2.18 We believe the following extracts to be particularly pertinent:

“How will the scheme connect with the wider green infrastructure network, identified on the adopted policies map and Open Space Audit, in ecological and habitat terms?”

“What consideration has been made between balancing the need for access and protecting areas of ecological and biodiversity value and how will this be managed?”

##### **Landscaping & Biodiversity**

4.34 Any development should seek to increase an area’s biodiversity assets, while guarding against the loss of irreplaceable habitats. This involves safeguarding and enhancing biodiversity already present and/or providing new areas of habitat and features for wildlife appropriate to the landscape and the ecology of that neighbourhood, while providing as many other ecosystem functions as possible.

4.35 The Council will expect applicants to take opportunities to design in biodiversity, to protect, restore and enhance existing species populations and habitats and to make connections to biodiversity features outside the site, particularly through the use of a strong landscape framework and green infrastructure.

##### **Biodiversity Action Plans**

5.3 The ‘UK Post-2010 Biodiversity Framework’ (July 2012) succeeds the UK BAP. The UK BAP lists of priority species and habitats remain, however, important and valuable reference sources. The Lancashire Long List of BAP species provides the local context and should also be reviewed. This information is available from Lancashire Environment Records Network (LERN).

2.19 The application as submitted does not address how the scheme would connect with the wider green infrastructure network in ecological and habitat terms.

2.20 As argued below (**5. Blanket Mire**), the application does not safeguard *effectively* against loss of irreplaceable blanket mire habitat.

2.21 It also proposes mitigation plantation forestry, inappropriate to the landscape ecology of the West Pennine Moors, in the neighbourhood of Hoddesden Moss - which is defined by open blanket bog habitat. This proposal, if implemented, would degrade and ultimately destroy the species-rich grassland on which it is proposed to be planted and so directly impact negatively on the functionality and connectivity of the district’s grassland ecological network, and secondarily on that part of the West Pennine Moors SSSI immediately adjacent at Egerton Moss.

### **3. Designations**

#### **a) West Pennine Moors Site of Special Scientific Interest (SSSI) – designated under the Wildlife & Countryside Act 1981 (as amended)**

3.1 Under the heading “**Statutory Designated Sites**”, the final sentence in **paragraph 4.1.2** of RPS’ Ecological Assessment (June 2016) reads as follows: “*The proposed development does lie within an area under consideration for designation as the West Pennine Moors SSSI. In the letter of 18 November 2014, NE advised that it was at the final stages of analysing evidence to determine*

whether the area meets the criteria for SSSI designation (see also West Pennine Moors 2016). However, NE has announced that it no longer intends to progress with the designation at this stage".

3.2 However, at its meeting on the morning of Wednesday 13<sup>th</sup> July 2016, at the HQ of The Wildlife Trust for Lancashire, Manchester & North Merseyside, the West Pennine Moors Area Management Committee was informed by Natural England's Area Manager that the West Pennine Moors area is included within Natural England's designation programme for 2016/17, as was advertised earlier in 2016<sup>1</sup>. It was designated as a SSSI on 17<sup>th</sup> November 2016<sup>2</sup>.

3.3 Information relating to the West Pennine Moors SSSI is available on the Natural England website<sup>2</sup>. This includes the features for which the SSSI is notified; including National Vegetation Classification (NVC) community M19 Blanket Bog: see *Priority Habitats & Features Map: Hoddlesden Moss & Aushaw Moss*; and *West Pennine Moors SSSI Supporting Information: a supplement to the notification document - Issued by Natural England's Cheshire, Greater Manchester, Merseyside & Lancashire Team on 17 November 2016*, page 9.

3.4 The notification of the site as a SSSI indicates that it has, as a minimum, national value for its biodiversity: it follows that, under Section 40 of the NERC Act 2006, your authority has the "biodiversity duty" referred to above (para 2.1). That duty is expanded in Paragraph 118 of the NPPF (see also 2.9 above).

#### **b) Local Wildlife Sites (LWS), known within Lancashire as "Biological Heritage Sites" (BHS)**

3.5 As the West Pennine Moors SSSI has now been notified, the identification of Hoddlesden Moss as a Lancashire Local Wildlife Site ("Biological Heritage Site") is suspended and – if approved by the Lancashire Biological Heritage Site Partnership - would be withdrawn when, as would seem very likely, the SSSI notification is confirmed. If the SSSI were not confirmed, or the boundary redrawn to exclude it, Hoddlesden Moss would continue to be identified as a Local Wildlife Site. Our previous comments on Local Wildlife Sites in general and Hoddlesden Moss Local Wildlife Site in particular should now be read in that context. Those are repeated below, in small font, for your convenience:

3.6 Local Wildlife Sites (LWSs) are locally identified and selected for their local nature conservation value. They protect threatened species and habitats - acting as buffers around and stepping-stones and corridors between nationally-designated wildlife sites as part of ecological networks. Whilst SSSIs are a representative sample of sites that meet published national selection criteria, LWSs include *all* sites that meet published *local* selection criteria. The local guidelines that determine these criteria are revised from time to time, by a partnership of Lancashire County Council, Natural England and The Wildlife Trust for Lancashire, Manchester & North Merseyside, to take account of changing circumstances, particularly gains and losses - tragically, still usually the latter - in the local distribution of native species and habitats, and their quantities and quality. More background information is available nationally on our UK website, at: <http://www.wildlifetrusts.org/localwildlifesites>; and locally at: <http://www.lancswt.org.uk/nature-reserves/local-wildlife-sites>. The published site selection guidelines for the Lancashire Local Wildlife Sites system are available online at: <http://www.lancashire.gov.uk/learn/site-designations/local-sites/biological-heritage-sites/bhs-guidelines-for-site-selection.aspx>.

3.7 The most recent UK Government statistics on Local Sites (Wildlife and Geological) in England are available here: <https://www.gov.uk/government/statistics/local-sites-in-positive-conservation-management-2>.

3.8 Published UK Government (DCLG and DEFRA) guidance on Local Wildlife Site systems remains in force pending promised revision although, unhelpfully, for some years now it has been inaccessible *anywhere* on current UK Government websites despite this being repeatedly raised by The Wildlife Trusts and others. (See *Planning Practice Guidance: Natural Environment; 2. Biodiversity & Ecosystems; Paragraph: 012; Reference ID: 8-012-20140306* and the *non sequitur* link therein: <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure>). *We would be grateful if your authority would also raise this with national government, if it has not done so already.*

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<sup>1</sup> Natural England Corporate report, Natural England's designations programme to March 2017, Published 13 April 2016, <https://www.gov.uk/government/publications/natural-england-designations-programme-for-areas-sites-and-trails/natural-englands-designations-programme-to-march-2017>

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<https://designatedsites.naturalengland.org.uk/sitedetail.aspx?SiteCode=S2000830&SiteName=west%20p&countyCode=&responsePerson=&unitId=> & <https://consult.defra.gov.uk/natural-england/west-pennine-moors>

3.9 Hoddlesden Moss was identified by the Lancashire Biological Heritage Site Partnership as a Local Wildlife Site (within Blackburn with Darwen, Blackpool, and Lancashire known as a "Lancashire Biological Heritage Site") for its blanket mire habitat and its upland bird communities. It was first identified in 1993 – one of the original suite of such sites in Lancashire. The relevant guidelines for the selection of Hoddlesden Moss are **Bog (Ba3b)** and **(Ba4)** and **Birds (Av3)** and **(Av8g)**.

3.10 To clarify a point raised in the RPS Ecological Assessment of 12<sup>th</sup> May 2016 (at page 17, para 3.1.3), its site description was amended in 2007 following the county-wide revision of the ornithological site selection guidelines earlier in that year; and the site boundary was amended following a vegetation monitoring visit in November 2009 (by the then Lancashire County Council ecologists), when part of the then site was found to no longer qualify under the "Ba4" (bog habitat) selection guideline due to the deleterious impacts of grazing. This was apparently associated with earlier application of imported pulped paper waste as an agricultural fertiliser (Mr Peter Jepson, pers comm.). Similar considerations apply to the initial selection and subsequent updates to the two other Local Wildlife Sites to which reference is made in RPS Ecological Assessment (also at para 3.1.3); namely Egerton Moss & Boardmen Close and Aushaw Moss.

3.11 To aid clarity, please note that the information contained within Appendix 2<sup>3</sup> of the RPS Ecological Assessment appears to be in error. It contains the citation, boundary map and biological survey for Cranberry Moor (BHS 72SW05), on the opposite (western) side of Roman Road, south of Darwen – at OSGB grid reference SD 712 200. However, the Ecological Assessment refers rather to "Egerton Moss" [sic] and to Aushaw Moss (BHS 71NW10 – at OSGB grid reference SD 728 194)<sup>4</sup>. From the description of location, the former would appear to be Egerton Moss & Boardman Close (BHS 72SE16 – at OSGB grid reference SD 740 2210).

3.12 *N.B.* For quite some time there has been only trained charity volunteer and time-limited charity project staff resource available for securing access consents, monitoring, and reporting on the 1200 Local Wildlife Sites across Blackburn with Darwen, Blackpool and Lancashire County. Currently, that is being partially delivered in charitable time by the time-and-funding-limited, 3-year *Biodiverse Society* project. The funding bid for that project was put together by this wildlife trust and the project is managed and run by us. It also operates in most of Merseyside (not Wirral); but the primary condition of its external funding (from the Heritage Lottery Fund, to which we are very grateful) is the training of young adult volunteers in all aspects of biological recording – rather than the ongoing maintenance of up-to-date databases for statutory planning authorities. A national campaign to raise the profile of Local Wildlife Site systems is to be launched by The Wildlife Trusts next month. As you know, your authority has been provided with an advance digital copy of the national leaflet.

#### **4. Species**

##### **a) Badger (*Meles meles*)**

4.1 The statement made by RPS that '*The habitat at the site is considered to generally offer low suitability for badgers*' should be disregarded without definite field evidence: moorland badgers are a feature of some parts of central and eastern Lancashire. Indeed, on 18<sup>th</sup> July 2016 Mr Peter Jepson FCIEEM reports observing badger footprints in wet peat on Hoddlesden Moss at approximate OSGB grid reference *circa* SD 7311 2147.

4.2 Assertions in RPS' Ecological Assessment report made under **Badgers** in *3.4.1 Ecological Receptors* and *3.4.2 Impacts of the Development on Ecological Receptors* should be read in this context.

4.3 The report concludes that the application site is likely to be of local importance for Badger - given the presence of a disused sett. However, local sources indicate a well-established resident Badger population around Hoddlesden Moss with at least three active setts reported. Mr Peter Jepson FCIEEM also tells me that there are numerous badgers in the Cranberry/Blacksnape area: Blacksnape is, at most, 1 800 metres from proposed turbine array.

##### **b) Bats (Chiroptera)**

4.4 We are currently content with the survey methodology and recommendations of the Bat report accompanying the application.

##### **c) European Otter (*Lutra lutra*)**

4.5 We are currently content with the survey methodology and recommendations relating to European Otter.

<sup>3</sup> Appendix 2, Hoddlesden Moss, BHS Citation - Ecological Assessment, RPS, 2016

<sup>4</sup> Section 3.3.1, p17 - Ecological Assessment, RPS, 2016

#### **d) Birds (Aves)**

4.6 We are **not** content with the methodology and, hence, the recommendations relating to avian populations. We expand on this below:

##### Displacement of sensitive bird species by presence of wind turbine arrays

4.7 The applicant has not adequately considered the impacts of the proposed wind farm on the displacement of moorland breeding birds. This is a serious issue affecting the ability of various species to use Hoddlesden Moss for foraging and for breeding. These species include, but are not limited to Short-eared Owl, Merlin, Curlew and Snipe; and form part of the reason for the site's identification as a Local Wildlife Site (Lancashire "Biological Heritage Site"), as discussed above.

4.8 Research on displacement of moorland birds, undertaken by Pearce-Higgins *et al* (2009) shows that displacement of breeding Curlew occurred up to 800 metres from wind turbines, with the density of breeding birds significantly lower on wind turbine array sites compared with control sites. Curlews are part of the breeding bird assemblage for the West Pennine Moors proposed SSSI. The RSPB has mapped an 800 metre radius around the proposed turbines and *220 hectares (68%) of this proposed SSSI unit would be considered sub-optimal for breeding Curlew were the development to proceed.*

*4.9 This means that, were the turbines to be granted permission, 68% of this unit would not be able to fully support the species for which the proposed SSSI is to be designated.*

##### Displacement of sensitive bird species due to increased public accessibility

4.10 From experience elsewhere within our sub-region, wind turbines attract people. For example, the wind turbine array on Scout Moor, lying partly in Rossendale district and partly in Rochdale district and currently consisting of twenty-six 110m tall turbines, sits on 'open access' moorland - designated as such under the terms of the Countryside & Rights of Way Act 2000. At any time of year during daylight hours it is visited by many pedestrians and cyclists.

4.11 The enhanced recreational access to the Hoddlesden Moss area that would be provided by the proposed surfaced track-way would increase public accessibility across the Hoddlesden Moss Local Wildlife Site. This would risk compounding the displacement to sensitive species consequent on construction and operation of the proposed turbine array itself - notably Merlin (*Falco columbarius*), Short-eared Owl, Curlew, and Snipe – and so substantially increase the likelihood that Merlin and Short-eared Owl, in particular, would not breed again on Hoddlesden Moss. Consequently, we would recommend that the applicant includes a recreational disturbance impact assessment and a mitigation strategy in its application.

4.12 Although the applicant makes reference to management of extant public access in Additional Information Sheet (Viridis 2017), no cognisance is taken of the ecological impact of enhanced public recreational access pressure resulting from the focal point provided by the proposed turbines; and from the easier access for pedestrians (with or without dogs), horses, mountain-bikes, motorcycles and cars consequent on installation of the proposed access track.

##### Inadequate Survey – Moorland Breeding Birds

4.13 We have two concerns about this survey; its timing and its suitability.



4.14 Although the Brown and Shepherd (1993) methodology employed by the applicant's contractor is generally used to census upland breeding waders - principally Golden Plover, Dunlin, Oystercatcher, Lapwing, Curlew and Redshank - we are advised that it is *not* suitable for Snipe and consequently leads to under-recording when so employed.

4.15 The RSPB expands more on this deficiency in its response to consultation on this application and we will not unnecessarily repeat that here. However, one of the co-authors of *The State of Lancashire's Birds*, Mr Steve Martin, has undertaken several walkover surveys during the 2016 breeding season (at the correct time of year and day) and has, in contrast to the applicant's surveyors, located 7+ Snipe territories, 5/6 Curlew territories and 9+ Linnet (*Carduelis cannabina*) territories. He also reports that key breeding raptor and other 'flagship' species, present during the 2016 breeding season, were unrecorded during the applicant's surveys.

4.16 Bird territories are not static from year to year, and sometimes individual birds move in response to local fire-damage or disturbance. This means that birds not recorded as breeding in this area by the consultants (e.g. the raptors, Golden Plover, and Twite (*Carduelis flavirostris*)), may return as the Blanket Mire habitat improves further under the Higher Level Stewardship agreement between the current site manager and HM Government.

4.17 The 2015 breeding bird surveys undertaken by the applicant's ecological consultant were begun in June; by which time the young of species of upland breeding bird will usually have fledged and left the nest. Site-specific confirmation of the inadequacy of such an approach has since been confirmed: Short-eared Owls were recorded from and, in all probability, breeding on Hoddlesden Moss in April 2015 (data via the RSPB, which will release precise details to your authority, in confidence, on request). Clearly their breeding cycle was concluded, and the birds had left, before the late start of the applicant's consultant's poorly-timed breeding bird survey.

4.18 I understand that on 23<sup>rd</sup> July 2015 your planning authority requested a re-survey, using recognised appropriate methodology and covering the full 2016 breeding season.

4.19 The Additional Information Sheet submitted with the applicant's amended application duly states - on page 5 - that two additional avian surveys were undertaken by its ecological consultant on 22<sup>nd</sup> & 23<sup>rd</sup> April last year; but I have been unable to locate any detail of that April survey and its results in the documents available online. If the results and methodology of said April 2016 survey exist in a presentable format then these must be made publically available as evidence and for analysis and comment: if they do not, then your authority lacks some of the specific information it has requested and requires in order to enable it to determine this application.

4.20 The construction of the proposed wind turbines would result in reduced numbers of both Snipe and Curlew on the Hoddlesden Moss site: important features of the West Pennine Moors SSSI<sup>5</sup>. We consider this to be unacceptable and contrary to Local Plan policy.

#### Absence of a Wintering Bird Survey

4.21 The Wetland Bird Survey (generally known as "WeBS")<sup>6</sup> monitors non-breeding water-birds in the UK. The principal aims of WeBS are: to identify population sizes; to determine trends in numbers and geographical distribution; and to identify important sites for water-birds.

<sup>5</sup> Pearce-Higgins, J.W., Stephen, L., Langston, R.H.W., Bainbridge, I.P. & Bullman, R. 2009. The distribution of breeding birds around upland wind farms. *Journal of Applied Ecology* 46: 1323-1331

4.22 There is no WeBS data available for the application site. However, the RSPB has examined the WeBS data for the northwest of England and is confident in stating that Hoddlesden Moss Local Wildlife Site is of *regional* importance for wintering Snipe. We accept that assessment; yet the site has still not been surveyed for wintering birds.

### Raptors

4.23 Local experience of nesting Merlin (*Falco columbarius*) in the West Pennine Moors SSSI - through Steve J Martin, a Schedule 1 licence-holder for Merlin under the Wildlife & Countryside Act 1981 (as amended) - indicates that these birds show high fidelity to nest sites providing these have been successful in the past and, crucially, the habitat around the nest-site remains unchanged. If the core territory remains unaltered, the nest site is often only a few feet away from the previous year.

4.24 However, some regular sites in the West Pennine Moors have been lost recently through wild-fires and other habitat changes near to nest-sites. In recent years, territory-holding pairs have alternated sites and been observed to move between locations up to 6km away following moorland fires in their territories. From what Mr Martin knows of the Hoddlesden Moss pair, they were faithful to the same general nest site, but the preferred nest-site requirements of Merlin (deep heather) are currently limited in the West Pennine Moors, particularly after the major wild-fires in recent years. From Mr Martin's observations, we would now appear to have a couple of fairly 'unsettled' Merlin pairs that alternate between sites, rather than the five regular pairs present until fairly recently.

4.25 That decline in breeding Merlin is being mirrored elsewhere. The Peak District National Park (Cheshire, Derbys, Greater Manchester, Staffs) used to have 60 Merlin pairs but this has fallen to about 20 (Dr Tim Melling, RSPB, pers comm, 2016).

4.26 Indeed, Merlin has recently been readmitted to the Red List in Eaton *et al* (December 2015) *Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man* ("BoCC4") because recent declines mean it can no longer be considered to have recovered from its historic decline. To quote relevant text from the latter:

*"The Merlin Falco columbarius returns to the Red list after being Amber-listed in BoCC2 and BoCC3, as its recovery from historical decline has faltered."*

*"The Red list has increased by 15, owing to 19 species being Red-listed for the first time, one species (Merlin Falco columbarius) returning to the Red list, and five species leaving the Red list either by moving to Amber (three species) or the list of former breeders (two)."*

### **Ornithological Records In Lancashire**

4.27 Ornithological data, relating geographically to SSSI, Local Wildlife Sites and other locations, is provided to the Lancashire Environment Record Network (LERN) - the biological record centre for Lancashire - mainly by local bird clubs and the Lancashire & Cheshire Fauna Society. Such data is not released commercially by LERN: ecological consultants and other commercial bodies must go through Mr Steve White, the (voluntary) Lancashire & North Merseyside County Bird Recorder of the

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<sup>6</sup> WeBS – the Wetland Bird Survey, BTO, RSPB, JNCC

Lancashire & Cheshire Fauna Society to obtain it. Mr White advises that Hoddlesden Moss has rarely been visited by volunteer ornithologists so records for that locale, although such exist, were few. Absence of records, including for Merlin, should, therefore, **not** be taken as evidence of absence, despite the interpretation in the RPS report.

#### e) Reptiles

4.28 We are currently content with the survey methodology and recommendations relating to reptiles.

#### f) Great Crested Newt (*Triturus cristatus*)

4.29 We are currently content with the survey methodology and recommendations relating to Great Crested Newt.

### 5. Habitats

#### a) Blanket Mire

5.1 We are **not** content with the assessment and recommendations relating to blanket mire habitat (also known as 'blanket bog').

#### International and national statuses

5.2 Blanket Mire is one of the most important habitats in the UK and in Europe as a whole (*i.e.* the Council of Europe area, rather than just the European Union area).

5.3 '**Active blanket bog**' is listed as an Annex 1 Priority Habitat within the EC Council Directive 92/43/EEC (European Union Habitats & Species Directive); *i.e.* as a "*habitat of European significance or Community importance*". It is also listed as a **Habitat of Principal Importance in England** under S41 of the Natural Environment & Rural Communities Act 2006.

5.4 "*Active blanket bog*" habitats, as defined by the United Kingdom's Joint Nature Conservancy Council (JNCC)<sup>7</sup>, "*typically, include important peat-forming species such as bog-mosses Sphagnum spp. and Cottongrasses Eriophorum spp., or Purple Moor-grass Molinia caerulea in certain circumstances, together with Heather Calluna vulgaris and other ericaceous species*". This is the predominant vegetation across Hoddlesden Moss that led, in part, to its original identification as a Local Wildlife Site and subsequent inclusion within the West Pennine Moors SSSI. (This was also the assessment of the vegetation made in the Ecological Assessment report provided by Avian Ecology Ltd.) Hoddlesden Moss is, therefore, "*active blanket bog*" as defined by the EC Council Habitats & Species Directive 92/43/EEC.

#### PlantEcol Report

5.5 Our comments follow, using the report author's numbering and headings:

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<sup>7</sup> JNCC (2005), The Habitats Directive: Selection of Special Areas of Conservation in the UK, JNCC Report 270.  
<http://www.jncc.gov.uk/ProtectedSites/SACselection/habitat.asp?FeatureIntCode=H7130>

4. (first use) "PEATLAND INTEGRITY IN WEST LANCASHIRE AND THE PENNINES MORE GENERALLY"

5.6 The trust has never contended that Hoddlesden Moss is pristine blanket bog habitat: this is a "straw man" argument.

5.7 Human influence is all-pervasive in the United Kingdom's land area given the long history of inhabitation and the steady increases in population and related use and abuse of land, particularly since the 19<sup>th</sup> century. However, this is especially so in the historic county palatine of Lancashire and particularly during and since the Industrial Revolution; which makes what semi-natural habitats we have left here all the more precious to retain, maintain, restore and reconnect.

5.8 Consequently, comparisons of the quality of blanket bog habitats in the West Pennine Moors SSSI with the blanket bog habitats of *the whole of* the United Kingdom of Great Britain & Northern Ireland are inappropriate. The West Pennine Moors is notified as a SSSI by Natural England, *in England*, as part of a national suite part of the role of which is to ensure recognition, protection *and recovery* of an even distribution of regional and sub-regional representations of relevant habitat types.

5.9 The habitats of the West Pennine Moors SSSI are most appropriately compared with the relatively nearby South Pennines Special Area of Conservation (SAC – an international designation) and its overlapping South Pennine Moors SSSI: these moors are recovering from similar impacts associated with the Industrial Revolution and its aftermath. To quote from the citation for the South Pennine Moors SSSI, "*The blanket bogs of the South Pennine Moorlands [sic] are dominated by cotton-grass Eriophorum spp, and heather Calluna vulgaris*". "*The lower slopes are dominated by heather moorland with large areas of acid grassland.*" "*The large areas of acid grassland on former heathland reflect patterns of heavy grazing and burning.*" (SSSI citation for the South Pennine Moors: Natural England website: <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1007196>, accessed 27<sup>th</sup> February 2017.)

5.10 Dominance by Purple Moor-grass (*Molinia caerulea*) is similarly not, *per se*, an indicator of declining habitat quality in the context of blanket bog habitat in the West Pennine Moors, but rather of intrinsic potential for recovery. (Jepson, P. (2015), *Long-term observations of Molinia caerulea (Purple Moor-grass) dominated blanket mire in the West Pennine Moors and statutory designation*. In National Trust (ed Meade, R), 2015. *Proceedings of 'Managing Molinia?'* A conference held in Huddersfield in September 2015 to highlight issues and solutions around the dominance of *Molinia caerulea* on upland peat. Available at <https://www.nationaltrust.org.uk/marsden-moor-estate/documents/managing-molinia.pdf>, accessed 27<sup>th</sup> February 2017.)

3. (second use) 'ACTIVE' VERSUS 'INACTIVE' BLANKET BOG

5.11 Hoddlesden Moss *is* "active" blanket bog, according to recognised international and UK standards – see our comments under 5.4 above.

## 6. Alternative Sites

6.1 We are **not** content with the assessment of alternative sites, as described.

6.2 We can see no justification to risk significant negative impact on such an internationally important semi-natural system in an area (West Pennine Moors) where such internationally important blanket mire habitat is particularly vulnerable - due to *comparatively* small extent and substantial fragmentation. There are only 4,200ha of blanket mire remaining across the *whole* West Pennine massif (Penny Anderson, National Vegetation Classification (NVC) Survey, Dec 2013), almost all located on some of the upland tops and, because of their blanket mire habitat, all formerly

publically identified as qualifying as Local Wildlife Sites under the Lancashire ("Biological Heritage Site") or Greater Manchester ("Site of Biological Importance") systems, as appropriate; and qualifying now as a key feature of the national statutory designation of the West Pennine Moors as a Site of Special Scientific Interest.<sup>1</sup>

6.3 There is no necessity to locate this proposed wind turbine array within a SSSI and on Blanket Mire habitat of international value when so much open and windswept pasture, now of very little value for the living natural environment or for unsubsidised agricultural production, is located in the immediate vicinity outwith the SSSI designation.

6.4 Natural England, in its comments on this application, reinforces our stance. It states that;

*"The proposals have not properly considered the mitigation hierarchy. This would include consideration of alternative locations, the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat. It is our view that it would be very challenging to successfully mitigate the impacts of this scheme at this location;*

## **7. Proposed Mitigation**

7.1 We are **not** content with the proposed mitigation, as described.

### **Access Tracks**

7.2 We continue to find the applicant's proposals for floating access tracks unconvincing. Natural England's 2009 report<sup>8</sup> on 'Assessing Impacts of Wind Farm Development on Blanket Peatland in England' states the following in respect of floating tracks: "*floating tracks are not universally suitable, however, in areas of particularly wet peat it will be difficult if not impossible to achieve a floating track without very significant effects on hydrology and therefore on local habitats, and risking track failure. Tracks should avoid such areas altogether (SNH, 2013)*".<sup>9</sup> The location proposed for the turbines and access track on Soot Hill is on a M19 Blanket Mire, which is clearly "*wet peat*". Despite initial intent, floating tracks were not delivered in connection with the wind turbine array development on blanket mire at Scout Moor Local Wildlife Site (Rochdale & Rossendale), and only partially delivered in respect of that on Oswaldtwistle Moor former Local Wildlife Site (Hyndburn), now within the West Pennine Moors SSSI. The applicant's consultant's reference to a site in Heysham in Lancaster City District, Lancashire would appear to be to intensively-managed drained lowland agricultural land on peat-derived soil, so not a comparable scenario. For the avoidance of uncertainty, I will clearly state that it is *not* a reference to Heysham Moss SSSI: that is a lowland raised-mire under our tenure and management as a nature reserve.

7.3 We are at a loss to understand how establishment of plantation woodland would mitigate for damage to internationally important, open, blanket mire habitat and/or to reductions in populations of breeding and overwintering birds characteristic of open moorland and of county and national significance. There is no ecological equivalence between the ancient open blanket mire habitat and the proposed new plantation woodland habitat and no established semi-natural woodland is threatened by the proposed development.

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<sup>8</sup> NECRO edition 1, Part 1 - Assessing Impacts of Wind Farm Development on Blanket Peatland in England, Project Report and Guidance, FINAL REPORT, Maslen Environmental for Natural England, April 2009

<sup>9</sup> Constructed Tracks in the Scottish Uplands, SNH, June 2013



7.4 The applicant proposes (Paragraph 5.2, Hoddlesden Moss Habitat Management) to monitor the success of the extant Higher Level Stewardship Scheme on Hoddlesden Moss former Local Wildlife Site as part of mitigation and enhancement measures; a responsibility that falls to Natural England as the agent of the UK Government's Department for the Environment, Food & Rural Affairs that awards and administers the monitoring of agri-environment agreements. This seems to us inappropriate as mitigation *per se* as it does *not* reduce the *impact* on habitats, species and ecological function resulting from an otherwise impermissible development. The development, if consented, also compromises (as we contend above) the delivery of recovery of the blanket mire habitat of Hoddlesden Moss – as part of the qualifying features of the West Pennine Moors SSSI - at public expense, through the implementation of the established Higher Level Stewardship agri-environment agreement between the site manager and HM Government.

7.5 Still more worryingly, it also transfers the statutory responsibilities of a government agency for an existing and *unrelated* contract with national Government, *and* those of your local planning authority in terms of monitoring delivery of related conditions and/or obligations associated with this subsequent development proposal, to the putative developer; a case of the applicant, if successful, becoming “both poacher *and* gamekeeper” we would suggest, and at both national agri-environmental and local development control levels. If this were to stand, we fear it would set a dangerous and possibly unlawful national precedent. We have already referred the matter to The Wildlife Trusts nationally and undertaken to keep our Central Office updated on the progress of this aspect of this planning application, now even more significant in terms of possible unwelcome precedent given its location within a SSSI.

#### **Hoddlesden Moss Moorland Restoration Enhancement Strategy, November 2016**

7.6 We note that the applicant has contracted Capita Ltd to produce a *Hoddlesden Moss Moorland Restoration Enhancement Strategy, November 2016* (MRES), under the authorship of Mr Neil Page. Although we have every confidence in Ms Tabatha Boniface's personal impartiality, it should be pointed out that Capita Ltd is also your planning authority's contracted ecological adviser. This situation could lead to a *perception* of conflict of interest.

7.7 Whilst the *principle* of *blanket bog* restoration within the West Pennine Moors SSSI is welcomed, *where appropriate* and subject to Natural England's advice and consent, it seems to us an invidious argument that restoration and maintenance of part of the qualifying blanket bog habitat of the nationally designated and protected West Pennine Moors SSSI *should have to be predicated* on acceptance of damage to blanket bog habitat and associated upland avian communities of part of that SSSI through permitting a development *that has no over-riding national need* to be located *within* the SSSI.

7.8 Natural England's most recent comments reinforce our stance:

*“Enhancement should be considered separately to the mitigation hierarchy. As per our previous advice, it is our view that large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers.”*

7.9 Additionally, Natural England *currently* has a pre-existing Higher Level Stewardship (HLS) Agreement (ref: AG00420634) with the landowner. Under that, the landowner has *already* committed to deliver measures to contribute to the restoration of blanket bog habitat on Hoddlesden Moss, specifically through two HLS options; HL9 *Maintenance of moorland* and HL10

*Restoration of moorland*: the options are described in the Natural England Option Directory for HLS (page 12) as follows:

*“These options are used to maintain or restore moorland habitats to benefit upland wildlife, retain historic features and strengthen the landscape character. In addition, in the right situation they may provide an area of flood containment and some benefits to flood risk management. The options are targeted at grazing units that are predominantly in the Severely Disadvantaged Area, above the Moorland Line and characterised by the presence of upland habitats and species.*

*“Management will include grazing the moorland following an agreed stocking calendar. This calendar will reflect the different habitats within the moorland unit and their present condition. It will indicate how many and what type of livestock will be allowed to graze the moorland in each month of the year.*

*“Restoration may also include grip blocking or temporary fencing, in order to reduce or exclude grazing.”*

7.10 That said we also have specific criticisms of this MRES, of which the principal follow:

7.11 The MRES asserts that; *“The whole site has been assessed for its habitat condition. The vegetation types that occupy the bog are considered generally to be in a state of decline in accordance to [sic] The Common Standards Monitoring process for the Hoddlesden Moss in this report (PlantEcol Report 2016)”*

7.12 We have critiqued the PlantEcol report in our comments above. That report assessed only the proposed locations of the turbines and access track, not the whole application site. The MRES is therefore factually incorrect in that regard and it follows that its assertion, on that basis, of a state of decline *across the whole application site* has no foundation. Indeed, Natural England has assessed the site (Unit 15 of the West Pennine Moors SSSI) to be in “favourable recovering” condition; presumably on the basis that it is covered by the Higher Level Stewardship scheme agreement AG00420634 referred to above which, if correctly implemented, should be delivering such recovery.

7.13 The MRES asserts that, *“The site has a low abundance of bog mosses (Sphagnum) and limited accumulation of peat forming layers (acrotelm) as expressed in (PlantEcol 2016 Report)”*.

7.14 In contrast, a recent (Tuesday 21<sup>st</sup> February 2017) quadrat-based survey of the site undertaken by Mr Peter Jepson FCIEEM recorded nine species of *Sphagnum*, including *Sphagnum tanella*, a species for which this is currently the only record in South Lancashire vice-county (59). These identifications have been confirmed by Dr John Lowell, the British Bryological Society Vice-county Recorder for South Lancashire (59) & Cheshire (60), and the records submitted to the Lancashire Environmental Record Network (LERN) – the local biological record centre for Lancashire, Blackburn with Darwen and Blackpool. Adding the Plantecol record of *Sphagnum inundatum*, not also recorded by Mr Jepson, would bring that figure up to ten; an outstanding total for blanket bog anywhere in the South Pennines.

7.15 In respect of mitigation for Short-eared Owl (*Asio flammeus*), Golden Plover (*Pluvialis apricaria*) and Dunlin (*Calidris alpina*) the MRES proposes that;

*"no specific management measures are likely to be required apart from providing sufficiently large areas to be attractive to migratory assemblages"*

which effectively means that no mitigation (or enhancement) is proposed.

7.16 The purpose of the proposed introduction of nest-boxes for Barn Owl (*Tyto alba*) is puzzling. In Lancashire – as elsewhere - this species is most characteristic of lowland agricultural land; most notably the West Lancashire & Amounderness Plain National Character Area. It is consequently unclear what potential impact this proposal is seeking to mitigate and it seems an inappropriate and, most likely, an ineffective enhancement.

#### **8. Additional comment:**

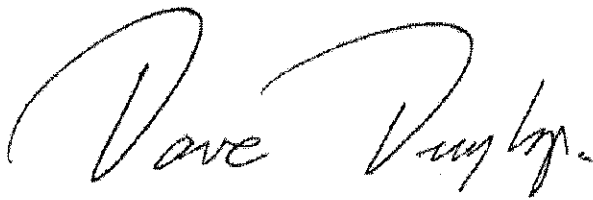
8.1 We note (Additional Information Sheet – Viridis 2017) that RPS has a *"team of 70 ecologists [that] works around the UK and Ireland, and we therefore bring a breadth of experience and practical knowledge, far in excess of that brought by local consultees"* (Additional Information Sheet – Viridis 2017).

8.2 As the local wildlife trust (one of a total of 47 covering the UK and Crown Dependencies) we hold in high esteem the deep local knowledge and, often, long experience of our local ecologists, naturalists and land managers, paid and voluntary; knowledge and experience that – of course, through no fault of their own - will *ipso facto* be lacking in ecologists with little or no experience in and knowledge of, in this case, the West Pennine Moors. Indeed, such local expertise forms a major and deliberate component of our own charitable structures and knowledge-bases. We are, however, far from parochial. The Wildlife Trusts' confederal structure also enables, and requires, a large number of local trust staff (including myself), trustees and key volunteers to think beyond their individual trust's boundaries and offer their individual knowledge, expertise and aptitudes to support collective work at a national level.

8.3 More information on this point is available through <http://www.wildlifetrusts.org/whoweare>.

Thanking you for your attention.

Yours sincerely



David Dunlop

Conservation Officer for Central & Western Lancashire

Tel: 01772-317 238 (voicemail); Mob: NONE

E-mail: [ddunlop@lancswt.org.uk](mailto:ddunlop@lancswt.org.uk)

twitter: @Lancswildlife @LaWT @LivingSeasNW

**The Wildlife Trust for Lancashire, Manchester & North Merseyside**

(Blackburn with Darwen, Blackpool, Bolton, Burnley, Bury, Chorley, Fylde, Hyndburn, Knowsley, Lancaster, Liverpool, Manchester, Oldham, Pendle, Preston, Ribble Valley, Rochdale, Rossendale, St Helens, Salford, Sefton, South Ribble, West Lancashire, Wigan, Wyre)



Web Site: [www.lancswt.org.uk](http://www.lancswt.org.uk)

Visit [www.wildlifetrusts.org](http://www.wildlifetrusts.org) for details of our campaigns for a Living Landscape and Living Seas.

*We're a membership charity: joining details are online at: <http://www.lancswt.org.uk/membership>.*

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Kate McDonald  
Team Leader (Planning Implementation)  
Department of Planning & Prosperity  
Blackburn with Darwen Borough Council,  
Town Hall,  
Blackburn  
BB1 7DY

03 March 2017

Dear Kate,

**Re: 10/16/0704 (Amendment) - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works at Hoddlesden Moss, Hoddlesden, Darwen.**

Thank you for consulting the Royal Society for the Protection of Birds (RSPB) with regards to the amended proposal for the erection of three wind turbines on land at Hoddlesden Moss.

The RSPB supports a broad mix of renewable energy schemes, **where developments will not significantly impact on wildlife or the habitats on which they depend**<sup>1</sup>. This is so the UK Government's legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 against 1990 levels can be met, in order to mitigate the effects of climate change which poses the biggest long term threat to wildlife and people.

This letter is to formally confirm the RSPB's position in relation to the additional information provided in support of proposed development.

The RSPB **objects** to this proposal on the basis that wind farm development on deep peat sites should be avoided, unless it can be shown not to be damaging to current or potential ecological interests. In this location we are not satisfied that Viridis Wind Turbines (the Applicant) has demonstrated that this is the case.

## 1. The Importance of the West Pennine Moors

### 1.1 West Pennine Moors SSSI Notification

Natural England (NE) notified the West Pennine Moors SSSI on the 17<sup>th</sup> of November 2016 under section 28C of the Wildlife and Countryside Act 1981. Three SSSIs have been notified previously in the West Pennine Moors area: White Coppice Flush SSSI (0.56ha, notified in 1985), Oak Field SSSI (21.01ha, notified in 1985) and Longworth Clough SSSI (24.18ha, notified in 1994). The West Pennine Moors SSSI rationalises and clarifies the special interests of the area within a single designation, combining and linking the three previously notified SSSIs with substantial extensions totalling 7,616.72 ha (total SSSI area: 7,662.40 ha).

The West Pennine Moors (WPMs) rise above Manchester and the Lancashire plain and function as one landscape for wildlife, water and approximately 1 million people who live nearby. The area of highest

<sup>1</sup> Roddis P. et al, The RSPB's 2050 Energy Vision – Meeting the UK's climate targets in harmony with nature, RSPB, 2016



importance for its upland habitat, rare plants and breeding birds is notified as a SSSI. The SSSI covers over 7,600ha but this is less than 20% of the wider West Pennines area.

The inclusion of Hoddlesden Moss within the SSSI means that NE considers it to be of National importance as one of the best examples of upland habitat in England.

## 1.2 Natural England's Position

Following notification NE was re-consulted by Blackburn with Darwen Borough Council (The Council), NE's advice<sup>2</sup> was that:

- *"the proposed development would result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest feature of this SSSI. It would also be likely to have significant impacts on the breeding bird assemblage for which the SSSI is notified;*
- *the planning policy context (NPPF paragraph 118) is clear that: "Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any other broader impacts on the national network of Site of Special Scientific Interest". Therefore, in weighing benefits and impacts as part of the decision making process, the LPA should take into account Natural England's advice that an adverse effect on the site's notified features is likely;*
- *as per our previous advice, the proposals have not properly considered the mitigation hierarchy. This would include consideration of alternative locations, the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat. It is our view that it would be very challenging to successfully mitigate the impacts of this scheme at this location;*
- *enhancement should be considered separately to the mitigation hierarchy. As per our previous advice, it is our view that large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers".*

This advice was given with the statement that NE *"maintains an objection to this proposal on the grounds that it is likely to damage or destroy the interest features for which the West Pennine Moors SSSI has been notified"*.

It should be noted that the NPPF clearly states (paragraph 118) that proposed development likely to have an adverse impact on a SSSI should not normally be permitted, and that this is NE's advice to The Council. A wind farm development (as currently proposed), located on priority habitat (deep peat and blanket bog) which has the potential to adversely affect priority species of upland bird would constitute an adverse impact and therefore planning permission **should be refused**.

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<sup>2</sup> Natural England response to consultation, 3<sup>rd</sup> February 2017

In relation to development on SSSI's the Applicant has continued to suggest that the "*Lambrigg development is located in a SSSI*" and goes on to state that many "*other wind development sites have SSSI designation, and whilst being a constraint of significant importance, careful and considered development is possible and successful on such sites of ecological significance*"<sup>3</sup>.

The RSPB has reproduced the Multi Agency Geographic Information for the Countryside (MAGIC) map<sup>4</sup> of the area to illustrate that this statement is in fact, incorrect.

### **1.3 Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) & Natural Environment and Rural Communities (NERC) Act 2006**

Although only a small section of the WPM SSSI, Hoddlesden Moss comprises some of the highest quality Blanket Bog in Lancashire. This globally rare peatland habitat is an EC Habitats Directive Annex 1 Priority Habitat (7130 Blanket Bogs), Blanket Bog and the peat it forms represent the largest terrestrial carbon store in the UK. In addition, Blanket Bog is included as a priority habitat under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 in the UK Biodiversity Action Plan (UKBAP). It is also a priority habitat included in the Lancashire Biodiversity Action Plan. The site also supports priority species listed under Section 41 of the NERC Act 2006 including; Red Grouse *Lagopus lagopus*, Curlew *Numenius arquata*, Lapwing *Vanellus vanellus* and Linnet *Linaria cannabina*.

### **1.4 Blackburn with Darwen Adopted Local Plan<sup>5</sup>**

Policy 37 of The Councils Adopted Local Plan refers to Wind Turbines, point 1, iv, is reproduced below:

*"1. Wind turbine development will be permitted where it complies with all of the following criteria:  
iv) the development has no unacceptable adverse impact on a protected habitat or other feature of ecological importance"*

Within its response NE is clearly stating that "*the proposed development would result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest feature of this SSSI. It would also be likely to have significant impacts on the breeding bird assemblage for which the SSSI is notified*".<sup>6</sup>

It is therefore clear that the proposed development does not accord with the Adopted Local Plan, and should be refused.

## **2. Potential conflict of interest**

### **2.1 Capita Advice to both the Developer and The Council**

The RSPB is concerned by the potential for conflict of interest that has arisen from the use of the same ecological consultancy by both parties to this application. Capita's response on behalf of The Council stated previously that the scheme as previously proposed had not shown "*sufficient avoidance or mitigation*"

<sup>3</sup> Section 10.3, Amended Planning Supporting Statement, Viridis 2017

<sup>4</sup> Appendix 1 – Lambrigg Wind Farm, RSPB 2017

<sup>5</sup> Blackburn with Darwen, Adopted Local Plan – Part 2 December 2015

<sup>6</sup> Natural England response to consultation, 3<sup>rd</sup> February 2017

measures have not been identified and included within the scheme to overcome our objections"<sup>7</sup>; while the Restoration Enhancement Strategy<sup>8</sup> was also produced by Capita on behalf of the Applicant.

### 3. Reasons for Objection

(to be read in conjunction with and seen as additional to our previous response<sup>9</sup>)

The RSPB's Reasons for Objection are listed below. (Further exploration of our reasons for objection is contained in the attached Supplementary Annex):


1. Habitat loss and hydrological disruption
2. Inadequate Habitat Mitigation and Enhancement for Sensitive Bird Species
3. Woodland Mitigation and compensating for the mitigation
4. Displacement of both breeding and wintering wader species and Inadequate Surveys

### In conclusion

Considered together, all of the issues outlined above underline the RSPB's objection to this proposal. The RSPB considers the proposal should be refused on a number of detailed grounds set out in this letter, including conflicts with both the NPPF and key policies within the Council's Adopted Local Plan Part 2.

Notwithstanding this, the RSPB has highlighted significant deficiencies in the environmental information provided by the applicant and **recommends** that The Council refuses permission for this development on a notified SSSI, having taken heed of the advice given by Natural England.

Yours Sincerely



Jeremy Sutton  
Conservation Officer, North West England

By email to: [planning@blackburn.gov.uk](mailto:planning@blackburn.gov.uk)

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<sup>7</sup> Capita response dated 23 August 2016 - Detailed comments on application 10/16/0704, Boniface, T

<sup>8</sup> Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>9</sup> Hoddlesden Moss RSPB Objection August 2016 - Final

## SUPPLEMENTARY ANNEX

**The RSPB's detailed comments on the 10/16/0704 (Amendment) - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works at Hoddlesden Moss, Hoddlesden, Darwen.**

### 1. HABITAT LOSS AND HYDROLOGICAL DISRUPTION

#### 1.1 Habitat loss – Damage to irreplaceable deep peat blanket bog habitat

The Blanket Bog habitat present on Hoddlesden Moss is within the Applicant's latest PlantEcol report<sup>10</sup> assessed as being of the M20<sup>11</sup> and M25<sup>12</sup>. However this is at odds with both the original Avian Ecology report and the current (clearly out of date) Ecological Assessment<sup>13</sup> produced by RPS and included within the re-consultation documents which lists the NVC habitat types (including the cable route) directly affected as:

*H12 Calluna vulgaris – Vaccinium myrtillus heath*  
*M6 Carex echinata – Sphagnum fallax/denticulatum mire*  
*M19 Calluna vulgaris - Eriophorum vaginatum blanket mire*  
*M25 Molinia caerulea – Potentilla erecta mire*  
*MG6 Lolium perenne – Cynosurus cristatus grassland*  
*MG10 Holcus lanatus – Juncus effusus rush-pasture*<sup>14</sup>

The PlantEcol report seems to be concerned with proving that the habitat on site is not pristine, the RSPB accept this, and has never described it as such in response to this application, it was the Applicant's own consultant, Avian Ecology, who previously described M19 Blanket Bog as such, which was also picked up in Capita's response to The Council which states that the (Avian Ecology & RPS Ecological) "*report details the site as comprising M19 Calluna-Eriophorum NVC type, a habitat type equated to pristine blanket bog*"<sup>15</sup>. Perhaps "intact" might be a better word to describe the site. The site has a history of burning both accidental and deliberate but it is probably the most physically intact area of blanket peatland in the Lancashire/West Pennine Moors and as stated in Conclusions within the Applicant's Hydrological Impact Assessment; "*Natural England consider that drainage at Hoddlesden Moss is predominantly natural; with little evidence of man-made drainage*"<sup>16</sup>.

<sup>10</sup> Hoddlesden Moss: An assessment of the condition and integrity of its Blanket Bog Habitat and Vegetation, PlantEcol, October 2016

<sup>11</sup> M20 - hare's-tail cottongrass *Eriophorum vaginatum* blanket mire

<sup>12</sup> M25 - purple moor-grass *Molinia caerulea* – tormentil *Potentilla erecta* mire

<sup>13</sup> Hoddlesden Moss, Ecological Assessment, RPS, June 2016, downloaded from; [\[public\] 16\\_0704 amended rec 10.2.17 hoddlesden ecology assessment combined 22.06.16.pdf](#)

<sup>14</sup> Table 9 – Predicted direct habitat loss caused by the footprint of the development, page 25, Hoddlesden Moss, Ecological Assessment, RPS, June 2016

<sup>15</sup> Paragraph 2, page 3, Capita response dated 23 August 2016 - Detailed comments on application 10/16/0704, Boniface, T

<sup>16</sup> Conclusion, Hydrological and hydrogeological assessment of a proposed wind turbine array at Hoddlesden Moss, Lancashire FINAL v4, Hafren Water, June 2015, downloaded from; [\[public\] 16\\_0704 amended rec 10.2.17 hydrological impact assessment.pdf](#)

M20 Blanket Mire is described by NE within its Notification Documents as a plant community which contains "peat-forming vegetation including heather, common cottongrass, hare's-tail cottongrass and crowberry *Empetrum nigrum* with varying quantities of purple moor-grass".<sup>17</sup>

M25 Blanket Mire is described by NE within its Notification Documents as a plant community within which "areas of active blanket bog are located"<sup>18</sup>.

M25 is further described by NE within its Notification Documents as containing "degraded areas of blanket bog which, due to historic or current management or repeated arson, do not currently support the necessary vegetation type for peat formation but do have a minimum depth of peat at 40cm and have the capability of being restored to peat forming areas of blanket bog. These areas are predominantly referable to the NVC community M25 mire"<sup>19</sup>.

M20 Blanket [bog] Mire is considered to be Active Blanket Bog, described by JNCC<sup>20</sup> as a type 7130 Blanket Bog habitat, the definition of active being given as "still supporting a significant area of vegetation that is normally peat forming". M25 Blanket Mire is also described by JNCC as a type 7130 Blanket Bog, and although degraded still capable of being peat forming.

The term Blanket Mire is applied to describe actively carbon sequestering areas; as such the habitat on the application site is very important. It is generally considered that peat accumulates at the rate of 0.5 to 1mm per annum<sup>21</sup>; therefore the deepest areas of peat (>3.5m) could have taken between 3,500 and 7,000 years to form, as such it should be considered to be irreplaceable. "Planning permission **should be refused** for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for and benefits of the development in that location clearly outweigh the loss" (National Planning Policy Framework (NPPF) Para 118).

## 1.2 Hydrological disruption

Deep peat is a hydrologically dependent habitat and therefore the RSPB believes that the assessment of impacts on hydrology should be seen as somewhat limited as it fails to consider impacts on the hydrology of the peat and associated habitats over the longer-term.

## 2. INADEQUATE HABITAT MITIGATION AND ENHANCEMENT FOR SENSITIVE BIRD SPECIES

### 2.1 Alternative Locations (Avoidance)

In following the Mitigation Hierarchy as laid down within the NPPF, the Applicant should first address any site based issues through avoidance. The Applicant has submitted no documents with this amendment consultation that show that Hoddlesden Moss is the only possible location for the proposed development and show why improved pastures of low biodiversity value in the vicinity are unsuitable. "If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful

<sup>17</sup> Section 3.1.1, page 12, West Pennine Moors SSSI Supporting Information A supplement to the notification document, Natural England, November 2016

<sup>18</sup> Section 3.1.1, page 12, West Pennine Moors SSSI Supporting Information A supplement to the notification document, Natural England, November 2016

<sup>19</sup> Section 3.1.1, page 13, West Pennine Moors SSSI Supporting Information, A supplement to the notification document, Natural England, November 2016

<sup>20</sup> UK Biodiversity Action Plan, Priority Habitat Descriptions, Blanket Bog, JNCC, November 2016

<sup>21</sup> Peat Bog Ecosystems: Key Definitions – IUCN UK Committee Peatland Programme – Briefing Note No.1, November 2014



impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission **should be refused**" (NPPF Para 118).

## 2.2 Habitat Mitigation and Enhancement Measures

The Applicant has suggested in various documents that they will provide an Ecological Mitigation package which will be detailed within a yet to be produced Habitat Management Plan; the text within the CEMP states that the Applicant will ensure:

*"A detailed Habitat Management Plan (HMP) will also be provided following consenting of the development as an Appendix to this CEMP. The following items will be included within this document:*

- A commitment to restoring an area of blanket mire greater than that calculated to be effected during the course of the development (within RPS 2014 Further Environmental Information Report) along with detailed methods to be used during the restoration;*
- A commitment to creating xxha broadleaved native woodland within proximity to the site boundary following Forest [sic] Commission guidance, thus increasing the carbon offset of the development and improving the aesthetic values of the surrounding landscape; and,*
- A commitment to removing xxha of forestry plantation within the site boundary, afforested on areas of varying depth peat, and creating bog woodland equating to the National Vegetation Community (NVC) (Rodwell, 1991) W4 *Betula pubescens* – *Molinia caerulea* woodland in accordance with Forestry Commission guidance and policy"<sup>22</sup>.*

For the reasons set out in Section 3, below the RSPB does not believe that the deforestation (proposed for mitigation) and the afforestation (proposed for compensation) are adequate because the former in no way mitigates for the loss of deep peat from the centre of The Moss.

It is clear that the Applicant will only produce a detailed HMP after the development receives consent, and therefore the RSPB cannot assess or comment on its suitability, but it should be noted that NE advise that:

- "the proposals have not properly considered the mitigation hierarchy. This would include consideration of alternative locations, the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat. It is our view that it would be very challenging to successfully mitigate the impacts of this scheme at this location;*
- enhancement should be considered separately to the mitigation hierarchy. As per our previous advice, it is our view that large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers"<sup>23</sup>*

The RSPB agrees with NE's advice, and considers that the mitigation and compensation proposed by the Applicant does not address the specific impacts of the proposed development. *"If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission **should be refused**" (NPPF Para 118).*

<sup>22</sup> Hoddlesden Moss Wind Farm Construction Environment Management Plan (CEMP) DRAFT, RPS, Amended 2017

<sup>23</sup> Natural England response to consultation, 3<sup>rd</sup> February 2017

In addition to Notification of Hoddlesden Moss as part of the WPMs SSSI, it is clear that NE have a management agreement in place through an HLS Agreement (ref: AG00420634) with The Landowner, with a view to restoration of the habitat. The area of blanket bog within which the applicant believes management is required is already subject to 2 HLS options; HL9 Maintenance of moorland and HL10 Restoration of moorland. *“These options are used to maintain or restore moorland habitats to benefit upland wildlife, retain historic features and strengthen the landscape character. In addition, in the right situation they may provide an area of flood containment and some benefits to flood risk management. The options are targeted at grazing units that are predominantly in the SDA [Severely Disadvantaged Area], above the Moorland Line and characterised by the presence of upland habitats and species. Management will include grazing the moorland following an agreed stocking calendar. This calendar will reflect the different habitats within the moorland unit and their present condition. It will indicate how many and what type of livestock will be allowed to graze the moorland in each month of the year.”*<sup>24</sup>

In addition the RSPB would like more detail on the Applicants actual commitment to any restoration and enhancement scheme based on information contained within the Amended Planning Supporting Statement. Information contained within Section 19.4 of this document suggests that the Applicant will establish a *“Community benefit scheme to support the ecological compensation and replanting programme and other community projects. Intended uplift for this is £15,000 over 20 years. VIRIDIS would seek to establish a formal 106 agreement with the Local Planning Authority for the provision of the Community Benefit Scheme”*. £15,000 over 20 years equates to £750/year, not all of which it would appear would be targeted at the ecological compensation package, this is considered by RSPB, notwithstanding any other comments inadequate, the RSPB wish to see guarantees as to what will be provided in terms of compensation and details of how that will be secured legally and financially. Although the wording is clearly different within the document entitled, Community Benefit Scheme, this “new” document gives no detail on the actual commitment to site management going forward.

The RSPB believes that the on-site mitigation proposed by the Applicant can only be seen as limited at best, the Dinsdale Moorland Services (DMS) (2013) report only proposes work to only one of the 4 man-made drains leading off Hoddlesden Moss, this is despite these drains being clearly marked on the Hafren Water Map – Site Layout and Water Features (2013), and Ordnance Survey mapping dating as far back as 1849. The RSPB can only conclude that the Applicant has proposed inadequate hydrological mitigation because of the limited scope of the DMS report.

## **2.2 Enhancement for specific species**

### **2.2.1 Golden Plover *Pluvialis apricaria* and Dunlin *Calidris alpina***

Section 7.3 of the Hoddlesden Moss, Moorland Restoration Enhancement Strategy purports to cover “Habitat Enhancement Measures for Faunal Species”, however in relation to Golden Plover and Dunlin the author suggests that *“no specific management measures are likely to be required apart from providing sufficiently large areas to be attractive to migratory assemblages”*<sup>25</sup>, i.e. do nothing, therefore the RSPB believes that this do nothing management approach cannot be considered as mitigation or enhancement for these species.

### **2.2.2 Merlin *Falco columbarius***

<sup>24</sup> Source: Natural England, response to Request For Information 21/02/2016

<sup>25</sup> Section 7.3.1, Page 16, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

Merlin have previously used Hoddlesden Moss as a breeding site, the specific management measures referred to by the Applicant for Merlin<sup>26</sup> represent at best a do nothing approach, NE have already secured a management agreement with the landowner and in addition NE have notified the area as part of the West Pennine Moors SSSI and any change to the current agreed management which took place without NE's consent may constitute an offence and operation likely to damage the interest features of the site, a potential offence under Schedule 9 of the Countryside and Rights of way Act 2000.

### 2.2.3 Short-eared Owl *Asio flammeus*

Section 7.3 of the Hoddlesden Moss, Moorland Restoration Enhancement Strategy purports to cover "Habitat Enhancement Measures for Faunal Species", however in relation to Short-eared Owl the author suggests that "no specific management measures are likely to be required apart from providing sufficiently large areas to be attractive to migratory assemblages"<sup>27</sup>, i.e. do nothing.

### 2.2.4 Owl Boxes

Despite none of the bird surveys finding evidence of Barn Owl *Tyto alba*, and the fact that the application purports to have no impact on Barn Owls; the Hoddlesden Moss Moorland Restoration Enhancement Strategy now suggests that owl boxes be installed to mitigate for the development, RSPB can see no way in which this could be considered mitigation for the proposed turbines, at best these owl boxes would have to be seen as an enhancement since the development should have no impact on Barn Owl.

## 3. WOODLAND MITIGATION AND COMPENSATING FOR THE MITIGATION

### 3.1 Deforestation and woodland planting

The Restoration Enhancement Strategy includes the "deforestation" of an area of non-native plantation woodland on the site of the former colliery near Broadhead Road. The presence of a large drainage gully from Grey Stone Hill leading to Moss Brook, for which no mitigation is proposed, mapped by the Ordnance Survey as far back 1849, but not included within the DMS (2013) Survey or work programme would seem to suggest that this area is unlikely to significantly improve in wetness if the trees are removed.

The Moorland Restoration Enhancement Strategy states that "*when the woodland is growing on a site with national or international conservation designation, such as a site designated under the Habitats Directive for Annex 1 habitat types, as a Site of Special Scientific Interest or National Nature Reserve and the woodland adversely impacts on its open habitat characteristics, then [sic] removal is considered viable (Forestry [sic] Commission [sic], 2010)*", it should be noted however that the woodland in question is outwith the SSSI boundary, and RSPB considers that this "justification" is therefore invalid.

The Additional Information Sheet<sup>28</sup> (Viridis 2017) states that the "*area for deforestation is neither within the site boundary nor has SSSI designation, therefore [sic] qualifies for off-site mitigation/compensation*". No map of this area is provided within the current application documents, and therefore the RSPB can only assume that this is the area first identified within the 2014 application (Appendix 2), in which case the applicant is correct that it is not within the Notified SSSI boundary, but it is within the site boundary as shown in Figure 2, Proposed Hoddlesden Moss Wind Farm, Site Layout and Site Boundary, RPS 2016, submitted in amended form with the re-consultation documents. The RSPB as previously stated in 2014, does not consider the

<sup>26</sup> Section 7.3.1, Page 16, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>27</sup> Section 7.3.1, Page 16, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>28</sup> Downloaded from: [\[public\]\\_16\\_0704 Amended Rec 10.2.17 Additional Info Sheet.pdf](#)

removal of a failing plantation<sup>29</sup> from the moorland fringe would in any way compensate for the loss of the irreplaceable deep peat habitat from the centre of the Moss.

The Applicant has stated that the “*measures for felling within this area will be be [sic] conducted using hand tools, accessed on foot*”, however, no detail is provided in relation to removal of the arisings, (surely they will not be burnt on site) and subsequent management of this area to prevent recolonisation by conifers.

As stated in 2014, the RSPB believes that the already failing woodland will eventually revert to open moorland (low quality) on its own, without any intervention from the Applicant. It is unlikely to ever become high quality blanket bog, and certainly not within the 25 year operational life of the wind farm.

The Planning Supporting Statement section 6.28 deals with Compensatory Woodland Re-planting. The accompanying map identifies the area to be planted as RLR Field Number SD73215987 (7.59ha) known locally as Green Hill, classified by NE as habitat type MO1 – Grass moorland and rough grazing, is within the ownership of the main landowner on the development site. This area is currently subject to an ELS agreement with the following options<sup>30</sup>;

EL4 – Manage rush pastures; SDA land & ML parcels under 15ha  
UX3 – In-bye pastures and meadows with very low inputs: SDA<sup>31</sup> land  
A13 – Non payment option – permanent grassland for Article 13

These are options for grassland management agreed between NE and the landowner although the current agreement expires in 2022, as the proposed planting site is adjacent to the West Pennine Moors SSSI, the RSPB would be objecting to the woodland planting application, for 2 reasons;

- Notwithstanding the comment above RSPB would object to the proposal because of the potential impacts on the adjacent SSSI habitat identified by NE<sup>32</sup> as additional upland breeding bird habitat, planting of this area would be highly likely to have a detrimental effect on this neighbouring habitat and its use by birds.
- Density of planting, the proposal to plant at least 1600 stems per hectare is far too high for this area, a maximum of 400 to 800 stems per hectare would be far more appropriate, allowing the woodland to appear more natural and in keeping with the landscape, although RSPB acknowledges that the 1600 stems per hectare suggested is the guidance for the density of new native woodland in England.

### 3.2 Installation of Fire breaks

Whilst the installation of fire breaks may be of some benefit in the prevention of wildfires on the Moss, the cutting of these may cause damage to the underlying peat substrate and their use would now have to be agreed with NE.

### 3.3 Potential impacts on Long-eared Owl *Asio otus*

As stated in response to the 2014 Application (10/14/1117 - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works), this area is known to support 2 breeding pairs of

<sup>29</sup> Section 6.44, Planning Supporting Statement, Viridis 2013

<sup>30</sup> Source: Natural England, response to Request For Information 21/02/2016

<sup>31</sup> SDA – Severely Disadvantaged Areas

<sup>32</sup> West Pennine Moors, Priority Habitats and Features Map, Hoddlesden Moss and Aushaw Moss, Natural England, November 2016

Long-eared Owl<sup>33</sup> but the RSPB cannot find any evidence within the current documents that the Applicant has considered the impacts / potential impacts of tree removal on this species.

### 3.4 Potential impacts on Lesser Redpoll *Acanthis cabaret*

Lesser Redpoll, Red Listed – BoCC4<sup>34</sup>, are also known to breed within the area of woodland which the Applicant proposes to remove, similarly no impact assessment for this species has been undertaken.

### 3.5 Artificial nesting habitats - bird nest boxes

Despite the retained sections of plantation seemingly not being within the Site Boundary, the Applicant proposes to erect at least 6 bird boxes in this area to mitigate for the removal of potential nesting habitat when the trees are felled. Although RSPB accepts that the specifications shown are for recommendation only, none of the boxes shown will benefit the woodland breeding species identified above. Long-eared Owl generally requires a nesting basket, and Lesser Redpoll in common with all finches, is not known to utilise nest boxes.

## 4 INADEQUATE SURVEYS AND DISPLACEMENT OF BOTH BREEDING AND WINTERING WADER SPECIES

### 4.1 Breeding Bird Surveys

The Applicant states<sup>35</sup> that the “specific timings that have been included in the planning application in relation to the bird surveys was discussed at a meeting (25th June 2015) with the LPAs consultant ecologist. Other attendees were, Alastair Philips, Lead [sic] Planning Officer BwDBC, Gavin [sic] Prescott Planning Manager BwDBC, Stephen [sic] Lockwood Principle Ecologist RPS Ecology, myself [sic] and Simon Zisman Senior Director and Director of Ecology RPS Ecology” and that the “result of the communications within the meeting were that the timings were acceptable”.

However information received from The Council states that there was no meeting on the 25<sup>th</sup> of June 2015 (it was the 15<sup>th</sup> – supported by RPS’s Ecology Report) and that no agreement was reached that timings were acceptable, and if these were acceptable to the LPA’s consultant ecologist, why did the response state; “Breeding bird surveys were not carried out to the accepted methodology i.e. carried out June and July not early April to mid May and mid-May to late June as specified in guidance. Carrying out surveys outside of the timings recommended by methodology can lead to under-recording of birds and subsequently not have a full picture of the use or importance of the site for bird species during the peak breeding season”<sup>36</sup>.

The Additional Information Sheet provided by the applicant states that; “RPS carried out one final package of surveys, which [sic] took place over two days, 22nd and 23rd April 2016 - these days consisted of vantage point and breeding bird surveys. As a result, no merlin [sic] or short-eared owls were recorded in keeping with all previous survey work carried out for the site. The [sic] surveys were carried out by a suitably qualified ornithologist”

<sup>33</sup> Burke, N. Schedule 1 Permit Holder / surveyor, pers comm.

<sup>34</sup> Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, 708–746

<sup>35</sup> Breeding Bird Surveys - Additional Information Sheet – Viridis 2017

<sup>36</sup> Protected species, page 7, Capita response dated 23 August 2016 - Detailed comments on application 10/16/0704, Boniface, T



However, the Applicant has provided no evidence that these surveys took place, no methodology or results. The RSPB would like to again point out that these "one-off" surveys do not conform to the methodology / recommendations previously given by RPS, the Applicants Ecologist, Hardey et al. (2013)<sup>37</sup> which states; "that all four visits are made [as detailed below]. Broods that have fledged early may start to disperse by late June".

Visit 1 - Early March to mid-April, to check for occupancy  
Visit 2 - Mid-April to May, to locate active nests  
Visit 3 - June, to check for young (dispersed or still in nest)  
Visit 4 - July, to check for fledged young and any late nests

It further states that – "Short-eared owls are difficult to survey. There may be large year-to-year variation in the numbers of breeding birds present in an area, the adults may be visible for only a small proportion of the daylight hours, and nests are hard to locate".

The RSPB would also like to understand why surveys attributed to RPS in April 2016, did not feature in RPS' Ecology report from June of 2016.

In addition to the information on breeding Short-eared Owl that was included within our previous response, the RSPB has recently been made aware of a **probable breeding record** for this species from Hoddlesden Moss in 2015<sup>38</sup>, Short-eared Owl were observed by a raptor worker on two fine evenings in late April 2015 on the second one the male came in carrying prey [Mr Hollinrake] hid in a ditch, but the owl saw him and just perched up and stared at him until he left. This behaviour is considered typical of breeding Short-eared Owls and a sign of the male bird provisioning the female on the nest; we do not know the outcome of this nesting attempt, within the WPMs "2015 was a good year for Short-eared Owl breeding success"<sup>39</sup>, but it is also entirely likely that this attempt ended in failure.

Although RSPB is not willing to make the exact location public, we are willing to share this information with you, should you require it, on the understanding that it will not be made public. The likely nest was recorded at approximately 950m from Turbine 1.

The RSPB therefore assumes that the Applicants surveyors missed the breeding owls, because the survey work did not commence until late June.

#### 4.2 Displacement of Moorland Breeding Birds

(To be read in conjunction with the RSPB's previous comments in respect of moorland breeding birds)

The Applicant has with this amendment to the previously submitted information in relation to moorland nesting birds, waders in particular, still completely ignored the fact that in all likelihood the turbines (if constructed) will displace Dunlin as a breeding bird from the site, an impact on breeding Dunlin at a County level.

<sup>37</sup> Hardey, J., Crick, H., Wernham, C., Riley, H., Etheridge, B. & Thompson, D. - Raptors: A Field Guide for Surveys and Monitoring. The Stationary Office, (2013).

<sup>38</sup> Hollinrake, S, pers comm. / observations April 2015

<sup>39</sup> Martin, S. J. Schedule 1 Permit holder / surveyor, pers comm. March 2017

It is also likely that the proposed access road, increased pedestrian (and dog) access combined with the firebreak network as proposed<sup>40</sup> will add to the displacement caused by the construction and operation of the wind farm.

#### 4.3 Displacement of associated avian species due to increased public access

(To be read in conjunction with the RSPB's previous comments in respect Access Management)

The Applicant refers to Access Management within the Additional Information Sheet (Viridis 2017), but seems to have missed the point of our previous request to The Council which was to show that the Applicant had plan/s in place to deal with the sort of access which is not currently occurring on the site and its impact on the ecology of Hoddlesden Moss, e.g. a significant increase in dog walking, horse riding, and use of the access track by cars and motorcycles.

#### 4.4 Inadequate Survey – Moorland Breeding Birds

Please see RSPB's previous comments in respect of moorland breeding bird surveys. The Applicant seeks to address the comments from NE and "certain outside groups" which could include RSPB within the text of the Additional Information Sheet; the Applicant cites surveys agreed in 2015, however The Council is aware from previous advice given by NE (the Government's Statutory Nature Conservation Body for England) which was;

*"The application contains insufficient information to fully understand the potential impacts of the proposals on breeding birds. In consideration of the newly submitted Breeding Bird Survey Results (June and July 2015), the surveys have not followed Natural England's guidance and the Breeding Bird Surveys were carried out too late in the year (23 June 2015). As a result, the surveys are likely to be inaccurate and potentially under-represent the full range of breeding birds using the site. We also note a lack of analysis of the potential disturbance and displacement effects caused by the turbines".<sup>41</sup>*

The absence from the 2016 surveys undertaken on the 22<sup>nd</sup> and 23<sup>rd</sup> of April for Merlin and Short-eared Owl is only an indication that these species were not observed during the survey, not an indication that these species do not use the site; as previously stated we have records from the site for Short-eared Owl from April 2015 and July 2016.

Short-eared Owls are highly dependent on voles and will be very difficult to detect (or will leave completely) sites when vole populations are very low, but return to sites as soon as local vole populations recover, 2016 is known to have been a particularly bad year for vole numbers on Hoddlesden Moss and within the WPMS.<sup>42</sup>

Incomplete surveys risk missing breeding and particularly foraging birds; Short-eared Owls are notoriously difficult to survey, particularly if a breeding attempt fails early on in the season.<sup>43</sup>

#### 4.5 Absence of a Wintering Bird Survey

Please see RSPB's previous comments in respect of wintering bird surveys, which have not been addressed by documents issued in this subsequent re-consultation.

<sup>40</sup> Figure 1 Large site drainage gully indicated in Black. Source: (Dinsdale Moorland Services, 2016), page 12, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>41</sup> Natural England response to consultation, 17 August 2016

<sup>42</sup> Burke, N. Schedule 1 Permit Holder / surveyor, pers comm

<sup>43</sup> Calladine, J., Garner, G., Wernham, C. & Buxton, N. 2010. Variation in the diurnal activity of breeding Short-eared Owls *Asio flammeus*: implications for their survey and monitoring. *Bird Study*, 57, 89-99

## 5. ADDITIONAL COMMENTS

### 5.1 Local Consultees

The RSPB were pleased to note<sup>44</sup> that RPS (although this is not attributed) consists of a *“team of 70 ecologists works around the UK and Ireland, and we therefore bring a breadth of experience and practical knowledge, far in excess of that brought by local consultees”*, it should be noted that the experience of those local consultees in respect of the site is, considered by RSPB, likely to have great value as they bring intimate and local knowledge of the site as well as an experienced long term overview which consultants may lack.

In respect of the RSPB's response it should be noted that it is submitted by the local team only after consulting and listening to the advice given from multi-disciplinary teams based at UK Headquarters – The Lodge, RSPB Scotland and external experts.

The RSPB is concerned with the lack of consistency in approach, while the Applicant may dismiss the experience of local ecological consultees, the Applicant also suggests that other local opinions should be regarded as authoritative in relation to the site, as can be seen from the Amended Design and Access Statement; Section 9.54 which states that the *“ecological enhancement and forest replanting package proposal was viewed as a positive step and locals with knowledge of the area agreed that improvements to the moorland would be of benefit”*.

### 5.2 The Amended Ecological Assessment

This report downloaded from The Council's planning portal as reference “[public] 16\_0704 Amended Rec 10.2.17 Hoddlesden Ecology Assessment Combined 22.06.16”<sup>45</sup> appears to be no different from that submitted by the Applicant during the initial consultation, indeed Section 3.1.3 Designated Sites suggests that the *“desk study found that the development area is not located within or immediately adjacent to any SSSI, SAC, SPA or Ramsar site, and there are consequently no likely significant effects on the interest features on the ecological features of statutory designated sites”*. Given the site is part of a notified SSSI, it appears that this document has not been updated in parts, particularly as the document suggests that *“NE has announced that it no longer intends to progress with the designation at this stage”*<sup>46</sup>.

In addition this document still shows Appendix 9 as being the Dinsdale Moorland Services, Peatland Restoration Report rather than the Hoddlesden Moss Enhancement Strategy V4<sup>47</sup>, as suggested by the Applicant within the Additional Information Sheet.

### 5.3 The Habitat Condition Assessment<sup>48</sup>

It should be noted that this report is very narrow in its scope; The author notes in Section 2 that *“a site visit was made in the company of Matthew Jackson on the 17th September and the route of the proposed access track was walked over as well as the location of each turbine base and area of hard standing”*<sup>49</sup>. The RSPB therefore contends that this report might be considered as a reflection of this area alone, rather than covering

<sup>44</sup> Additional Information Sheet – Viridis 2017

<sup>45</sup> Downloaded from: [public] 16\_0704 amended rec 10.2.17 hoddlesden ecology assessment combined 22.06.16.pdf

<sup>46</sup> Section 4.1.2, Hoddlesden Moss Wind Energy Development Ecological Assessment, RPS, 2016, (Amended 2017)

<sup>47</sup> Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>48</sup> Downloaded from: [public] 16\_0704 Amended Rec 10.2.17 Habitat Condition Final Draft.pdf

<sup>49</sup> Section 2, page 4, Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation, PlantEcol 2016

the whole site as its title; *Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation* suggests.

Also within Section 2 the PlantEcol Report describes the collection of peat for sampling “at a representative location within the area where the proposed turbine bases and hard standings would be located”<sup>50</sup>. However, the RSPB is unclear as to whether the author is referring to a single location at each turbine base; additionally the sampling methods are not described in sufficient detail to ascertain how representative this sampling was. The RSPB is therefore unclear as to whether the specific location decided so as to be objective and unbiased.

The assessment of bog condition appears to have been undertaken at the same location as the peat samples. Again, the RSPB is unclear as to whether this suggests a single, non-randomly selected location, if it does, then we would argue that it cannot be considered representative of the site as a whole, let alone the application site within the red-line boundary.

In addition, the text suggests that the “most relevant” indicators from MacDonald et al 1998<sup>51</sup> were chosen for the assessment of bog condition. Maybe this isn't an issue but without an explanation, RSPB consider it unclear how these were selected.

In relation to section 3.1, the RSPB would not dispute that the vegetation composition of the bog may have shifted over time. The RSPB does not really consider this relevant; what is relevant is the current status of the bog.

Within Section 3.2, the description of plants present is considered by RSPB to be subjective. The author lists a number of plant species considered to be typical of nutrient-rich bogs or fens that were found during the walkover; but without any methodology being presented we are unable to ascertain whether this is his complete list, or whether these were specifically selected to support the Applicant's arguments for poor condition.

Section 4, deals with the condition of bogs more generally in the area, the author claims they are not pristine, RSPB would not dispute that statement, however the key issue is the condition of Hoddlesden Moss and how it compares to other sites in the WPMs area.

Recent information provided by Peter Jepson<sup>52</sup> would suggest that Hoddlesden Moss contains many species not found elsewhere in the WPMs including Soft Bogmoss *Sphagnum tenellum* and Lesser-Cowhorn Bogmoss *Sphagnum inundatum*. The recording of *Sphagnum inundatum* is significant because according to data held by the British Bryophyte Society's local Recorder, there are only two previous post 1950 records for this species in historic Lancashire south of the Ribble, that is despite searches over the last decade or so, this would suggest that the site may be of greater significance than others in the WPMs or indeed the South Pennine Moors.

The RSPB considers Hoddlesden Moss to be in better condition than other sites in the area and that this increases the value of the site. It should be noted that Section 4 doesn't attempt to compare the condition of Hoddlesden Moss to sites more widely in the WPMs or South Pennine Moors.

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<sup>50</sup> Section 2, page 4, *Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation*, PlantEcol 2016

<sup>51</sup> MacDonald, A.J., Stevens, P., Armstrong, H., Immirzi, P. & Reynolds, P. (1998). *A Guide to Upland Habitats Surveying Land Management Impacts*. 2 Volumes. Battleby, Perth, SNH Publications.

<sup>52</sup> Jepson, P. CEcol CEnv FCIEEM, MSc (2017) pers comm.

Additionally within Section 4, the author examines the case for active versus inactive bog. The author states that during the walkover no areas were observed to have an acrotelm on the surface of the peat at Hoddlesden Moss. The RSPB would argue that a single walkover survey within a restricted area of the site should be seen as insufficient to make this claim, and would therefore argue with the statement that *"one can regard much, if not all, of Hoddlesden Moss to have no areas of active peat accumulation"* this again appears to be a sweeping statement given the limited nature of the walkover.

The RSPB also considers that the Avian Ecology habitat survey is more representative of the site as a whole, and is clearly much more comprehensive than the walkover conducted by the author .

Section 3.2.10, of the Amended Ecological Assessment<sup>53</sup> suggests that there is some active bog present, this clearly conflicts with the author's report.

The Amended Ecological Assessment also states within Section 3.2.15, that sphagnum is relatively frequent, again contrasting with the author's report.

The RSPB considers that the claims that M20 may or may not result in peat accumulation should be seen merely as speculation in relation to this site.

The PlantEcol report seems to be concerned with proving that the habitat on site is not pristine, the RSPB accept this, and has never described it as such in response to this application, it was the Applicant's own consultant, Avian Ecology, who previously described it as such, which was also picked up in Capita's response to The Council which states that the (Avian Ecology & RPS Ecological) *"report details the site as comprising M19 Calluna-Eriophorum NVC type, a habitat type equated to pristine blanket bog"*<sup>54</sup>. Perhaps "physically intact" might be a better phrase to describe the site, although the term "modified bog" is the one that should be correctly applied to Hoddlesden Moss. The site has a history of burning both accidental (wildfires) and when used as a deliberate management tool, but it is probably the most physically intact area of blanket peatland in the Lancashire/West Pennine Moors and as stated in Conclusions within the Applicant's Hydrological Impact Assessment; *"Natural England consider that drainage at Hoddlesden Moss is predominantly natural; with little evidence of man-made drainage"*<sup>55</sup>.

The PlantEcol report suggests in its conclusion that;

1. *"The plant remains in the peat and species composition and structure of the vegetation at Hoddlesden Moss shows that the blanket bog habitat is far from pristine, i.e. in a pure state without human alteration. In fact it is so heavily modified from more 'near-natural' types of blanket bog habitat found elsewhere in Britain that it has fewer species than the most degraded types of bog and heath vegetation described in the NVC.*
2. *The poor condition is not a result of current levels of grazing, but is almost certainly as a result of a long history of moor burning, air pollution (past and present), drainage and probably historically high levels of sheep grazing. Although the evidence for active drains is minimal, some drains may be hidden under the extant vegetation.*
3. *There is no evidence to suggest that any part of Hoddlesden Moss within the vicinity of the development is an 'active' blanket bog and that there are strong indications that the blanket bog habitat in the areas that was observed it was probably a net emitter of carbon dioxide"*<sup>56</sup>.

<sup>53</sup> Section 3.2.10, Hoddlesden Moss Wind Energy Development Ecological Assessment, RPS, 2016, (Amended 2017)

<sup>54</sup> Paragraph 2, page 3, Capita response dated 23 August 2016 - Detailed comments on application 10/16/0704, Boniface, T

<sup>55</sup> Conclusion, Hydrological and hydrogeological assessment of a proposed wind turbine array at Hoddlesden Moss, Lancashire FINAL v4, Hafren Water, June 2015

<sup>56</sup> Section 5 Conclusions, page 10, Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation, PlantEcol 2016



Within his conclusions the author attempts to distance Hoddlesden Moss from “more ‘near-natural’ types of blanket bog habitat found elsewhere in Britain”, are not considered justifiable. Peatland ecologists accept that bogs differ across the UK due to a range of factors including environmental differences. The RSPB would argue the key point is how this site compares to other bogs in the West Pennine Moors, the South Pennines and Northern England.

It is important to note that the author acknowledges that evidence for [man-made] drains on site is minimal.

Point 3 above states; there “is no evidence to suggest that any part of Hoddlesden Moss within the vicinity of the development is an ‘active’ blanket bog and that there are strong indications that the blanket bog habitat in the areas that was observed it was probably a net emitter of carbon dioxide.”

The RSPB would like to make two comments in relation to this comment, firstly that it refers only to the site within the vicinity of the development which the RSPB considers as too sweeping and not justified by the limited nature of the assessment in the context of the author’s argument; and secondly that the RSPB considers that this statement could just as easily be used to support the recovery of the bog, and therefore not be used to support its further degradation through development.

#### **5.4 The Moorland Restoration Enhancement Strategy**

Comments on this document are largely contained within sections 2 and 3 in the preceding text. As stated previously; the RSPB is concerned by the potential for conflict of interest that has arisen from the use of the same ecological consultancy by both parties to this application.

It should be noted that NE have stated that; “the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog”<sup>57</sup>

The RSPB considers that the report’s author has misrepresented the condition of the peatland habitat on site. An example of this misrepresentation is shown below:

*“The whole site has been assessed for its habitat condition. The vegetation types that occupy the bog are considered generally to be in a state of decline in accordance to The Common Standards Monitoring process for the Hoddlesden Moss in this report (PlantEcol Report 2016)”<sup>58</sup>.*

The whole site was not in fact assessed by PlantEcol during the production of their 2016 report, the assessment was restricted to the access track and turbine bases, the RSPB does not therefore agree with the assertion by Capita that the whole site is in decline.

Within Section 4.2 of the Enhancement Strategy the author states that the ecologist will work closely with NE and a specialist contractor, given that NE had, objected to the development and continue to maintain their objection, this seems rather presumptive on his part.

Within section 4.3 of the Enhancement Strategy the methodology for Peat Extraction, the author refers (within paragraph 4) to the acrotelm and how it will be preserved during the translocation of peat this seems particularly bizarre given that the author has based this Enhancement Strategy in part on the report

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<sup>57</sup> Natural England response to consultation, 3<sup>rd</sup> February 2017

<sup>58</sup> Section 3, 3.1 Current Condition Assessment, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

produced by PlantEcol<sup>59</sup>, which states “no areas were observed to have an acrotelm on the surface of the peat at Hoddlesden Moss.”<sup>60</sup>

Within Section 6, the author refers to the “greatest threats to the blanket bog in these areas are the extensive networks of drains found within the Moss Brook network”<sup>61</sup> The RSPB can find not other reference to this network of drains, certainly they are not referenced within the Dinsdale Moorland Services (2013) report or the Hafren HIA document. Therefore the RSPB can only conclude that they are within the Dinsdale Moorland Services (2016) Hoddlesden Moss Schedule of Works, this document has however not been provided by the Applicant and therefore the RSPB is unable to assess or comment on its suitability.

Also within Section 6.2, the author refers to a need to “enhance overall site biodiversity by setting sustainable targets to limit further drying and limit potential ongoing management practices which may affect the water table or reduce biodiversity (grazing, burning)”. It should be noted that no deliberate burning management is taking place on the Moss, and that NE have a grazing agreement in place, which has only be reinforced with the notification of the WPMs SSSI.

Section 7 suggests that management techniques employed should include; “Irrigation pipe removal/ bunding” which is odd given that the applicant has submitted no evidence that man-made drainage exists on site.

It then goes on to state that the “overall site condition has been greatly impacted by drainage; drainage is clearly evident across the majority of the site in the form of clay pipes, drains and gullies”<sup>62</sup>. How the author has come to this conclusion is unclear, particularly as the DMS report (2013) states that there is “no sign of manmade grips”<sup>63</sup> and neither the Hafren Water, Hydrology Report nor the DMS (2013) Report, mention clay pipes or drains, the author also suggests that “in many places the grips are numerous” again this clearly conflicts with the assessment of the site undertaken by on behalf of the Applicant by DMS.

The third paragraph on page 12 states that; “the site overall site has a large dominance of purple moor grass *Molinia caerulea* which should be reduced by vigorous cutting, grazing and herbicide treatments as a combination treatment, prior to *Sphagnum* plug planting”, whilst the RSPB would not argue with the coverage of *Molinia*, we would respectfully refer The Council to the recent paper produced by Peter Jepson<sup>64</sup>, which describes how *Molinia* tussocks act as a structural host for *Sphagnum* and how *Molinia* is eventually over-topped and suppressed by the *Sphagnum* growth. Mr Jepson also demonstrates how the initial accumulation of *Molinia* leaf-litter has a defined role in initiating peat formation.

Section 11, of this document references Dinsdale Moorland Services (2016) Hoddlesden Moss Schedule of Works, this document has however not been provided by the Applicant and therefore the RSPB is unable to assess or comment on its suitability.

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<sup>59</sup> Section 2, page 3, Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation, PlantEcol 2016

<sup>60</sup> Section 4, page 9, Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation, PlantEcol 2016

<sup>61</sup> Section 6.2, page 10, Specific objectives and management, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>62</sup> Section 7, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>63</sup> Page 3, Hoddlesden Moss, Site Survey and Report of Works, DMS, 2013

<sup>64</sup> Jepson, P. (2015) *Long-term observations of *Molinia caerulea* (Purple Moor-grass) dominated Blanket mire in the West Pennine Moors and statutory designation*. National Trust (ed Meade, R), 2015. *Proceedings of 'Managing *Molinia*?'* A conference held in Huddersfield in September 2015 to highlight issues and solutions around the dominance of *Molinia caerulea* on upland peat. Available at <https://www.nationaltrust.org.uk/marsden-moor-estate/documents/managing-molinia.pdf>

Given that Capita are a Blackburn based company, the RSPB is surprised by the inclusion of the BHS information for Cranberry Moor (72SW05)<sup>65</sup>, as this appears to have no relation to the application site or any of the proposed outcomes relating to the application.

## 5.5 The Amended CEMP

The Amended CEMP produced by RPS; "[public] 10\_0704 Amended rec 13.2.17"<sup>66</sup> appears to contain no amendments other than a change of file reference within the document footer.

The figures 1 and 2, within the CEMP apparently show details of mitigation measures associated with the trackways in respect of run-off; however the Applicant has been unable to provide these documents<sup>67</sup> in response to previous requests; and has stated instead that there *"are no figures 1 and 2 in the CEMP - These are typical designs and will be dependent on the conditions on site when works are completed"*<sup>68</sup>.

As such the RSPB is not in a position to comment on their efficacy.

## 5.6 The Amended Design and Access Statement (DAS)

The amended DAS<sup>69</sup> appears to contain only very minor amendments from that previously issued by Viridis, under Construction section 7.0 the track width has been amended to the 3.75m highlighted in the Additional Information Sheet<sup>70</sup>, but the illustration of typical access track profile on the following page still refers to 4m even though the Minimum road requirements and width to accommodate crane and delivery requirements have been changed. The number of passing places has now been reduced to 2 (from 3). The approximate access track route map is unchanged and does not therefore accord with the Amended Site Overview and Cable Map.

However, the RSPB is concerned that the Applicant has understated the track width (impact); this is either a mistake, as this has been pointed out in previous applications, or an effort to demonstrate reduced impacts on the peatland habitat, and therefore the actual area of direct peat loss. Whilst the completed track will be 3.75m wide at the surface the base for the track (clearance width) will be considerably wider.<sup>71</sup> To take measurements from the illustration of a typical access track this show the base of the track as being at least 1.7m wider than the surface, using this measurement the constructed track would have an "actual" width of 5.45m rather than 3.75m or to put it another way the actual track width "on the peat" may be more than 45% wider than that stated by the Applicant.

In addition the information within the DAS suggests that; *"where necessary 3.75 m width at bends to facilitate the turning requirements of the delivery vehicles for the larger components"*, surely this is another error as the width of the bends is required to be wider to facilitate turning requirements, more information on what is deemed necessary and what is required would be helpful at this stage, the risk that vehicles turn on sensitive peatland thus damaging the site is concerning.

<sup>65</sup> Appendix C, Citations, Hoddlesden Moss, Moorland Restoration Enhancement Strategy, Capita, November 2016

<sup>66</sup> Downloaded from; [public] 16\_0704 Amended Rec 13.2.17 Construction Environment Management Plan.pdf

<sup>67</sup> Figure 1 – Typical Detail of Settlement Ponds and Silt Mitigation Measures & Figure 2 – Schematic Drainage Arrangements - Hoddlesden Moss Wind Farm Construction Environment Management Plan (CEMP) DRAFT, RPS 2015

<sup>68</sup> Additional Information Sheet – Viridis 2017

<sup>69</sup> Downloaded from; [public] 16\_0704 Amended Rec 10.2.17 Design and Access Statement.pdf

<sup>70</sup> Additional Information Sheet – Viridis 2017

<sup>71</sup> Amended Design and Access Statement, Viridis 2017

The next point within the DAS states that there will be; “2 regular passing places and turning areas;(to be established in the CEMP as per BWDBC)”, it is not clear from the documents whether the turning places are additional to the passing places, or whether they have a combined use.

The only other change in the document is that the application is now referred to as “Temporary” within section 11.0, Decommissioning.

## 5.7 The Amended Planning Supporting Statement<sup>72</sup>

The Executive Summary now suggests that the turbines would produce over 9,268MWh/yr of renewable energy enough to save over 34,000 tonnes of CO<sub>2</sub>, this is an increase from 2,300MWh/yr with a carbon saving of 28,000 tonnes of CO<sub>2</sub> in the previous iteration of this document. In addition it states that:

*“the proposal will provide sufficient annual energy production for more than 2450 typical domestic properties would be produced. Per wind energy converter, annual carbon saving of over 1,100 tonnes or more than 34,000 tonnes saving over the projected planning period”.*<sup>73</sup>

Which is changed from:

*“Per wind energy converter, sufficient annual energy production for more than 750 typical domestic properties would be produced. Per wind energy converter, annual carbon saving of over 1,100 tonnes or more than 28,000 tonnes saving over the projected planning period”.*<sup>74</sup>

Section 5.1 of the Amended Planning Supporting Statement suggests that the “application is being presented for a renewable proposal for 25 years and a funded ecological compensation and forest replanting package for 20 years”, this appears to be at odds with the information contained within Section 19.4<sup>75</sup> which suggests that the “ecological compensation and forest replanting package scheme to run for 25 years”, as does the Simplified Summary within the same document. The RSPB seek clarity on what this implies for funding as the 25 year lifespan and the 20 year replanting package do not align.

Appendix 9 of the Amended Planning Supporting Statement is now referred to in Section 6.8 of the Support Statement as the Hoddlesden Moss Enhancement Strategy rather than the Dinsdale Moorland Services assessment and proposals.

Section 6.13 has been amended to read - *The ecological enhancement plan has been investigated and laid out by Capita in collaboration with Conservefor, and presented in the report Hoddlesden Moss Enhancement Strategy.(Appendix 9 -Ecology Report)with a summary of resulting practices to be found at 6.27 .*

The change in Access Track location is now blamed on Capita<sup>76</sup>, rather than Natural England, although the actual route of the track remains unchanged between the original and amended submissions, both RPS Proposed Hoddlesden Moss Wind Farm Layout and Site Boundary Figure 2 (22/06/2016).

<sup>72</sup> Downloaded from: [\[public\] 16 0704 Amended Rec 10.2.17 Planning Statement.pdf](#)

<sup>73</sup> Section 4.1, Planning Supporting Statement, Viridis 2017

<sup>74</sup> Section 4.1, Planning Supporting Statement, Viridis 2016

<sup>75</sup> Scheme Components and Action Table, Section 19.4, Planning Supporting Statement, Viridis 2017

<sup>76</sup> Section 6.17, Planning Supporting Statement, Viridis 2017

Section 6.27 now states that *"the ecological enhancement/mitigation proposals set out by qualified ecologists from Capita Ltd in collaboration with Conservefor, peatland [sic] consultants (using additional information provided by Dinsdale Moorland Services, obtained [sic] by a previous on site survey, whom as a company have been designing and implementing pioneering strategies to alleviate the impact of peatland degradation.)"*<sup>77</sup>

Although Section 8.20 of the Amended document states that the *"proposed development site is unique in that three adjacent land-owners have responsible attitudes to renewable energy development and through their commitment the proposal is presented"*.

Point f, of section 6.27 state as it did in the previous version that, *"A few areas were identified as areas for potential scrapes as part of the habitat management plan with a view to attracting breeding wading birds and other species back onto the moor"*<sup>78</sup>, however it should be noted that no Habitat Management Plan has been produced and we are therefore unable to comment on its suitability.

Section 6.36 has been amended to suggest that; *"if required by Blackburn with Darwen Borough Council planning department Viridis will commit to adopting this area along with Hoddlesden Moss and report on the said subjects for the duration of the life of the project. This [sic] matter has been discussed and supported by BwDBC Countryside services"*.

It is noted that within Section 8.3 National, International and Local Ecological Designations, the Applicant has removed the following text which related to designated sites from the revised version of the Planning Statement; *"Whilst these classifications do not preclude development on such sites, responsible developers try to avoid areas subject to such designations as development is likely to be strongly resisted by Natural England. This constraint influences site selection in its own merit; however, as stated at Section 16, the renewable energy proposal would have no adverse affect on a nationally designated landscape. The study area does not form part of any statutory designated site for nature conservation and no such sites are within 5km of the central wind energy converter location"*. The amended document makes no reference however to the recent notification of the WPM's SSSI by NE.

## **5.8 Amended Hydrological Impact Assessment (HIA)**

This report downloaded from The Council's planning portal as reference "[public] 16\_0704 Amended Rec 10.2.17 Hydrological Impact Assessment"<sup>79</sup> appears to be no different from that submitted by the Applicant during the initial consultation, with the exception of the change of track width to 3.75m. Therefore the RSPB has no additional comments to make in relation to this document, therefore our existing comments contained within our response, Hoddlesden Moss RSPB Objection August 2016 – Final, are still considered to be relevant.

Text within the HIA refers to the drainage on Hoddlesden Moss as *"a peatland with man-made gully drainage"*<sup>80</sup> it should be noted however, that NE are of the opinion that the drainage is natural, and that within the Applicant's new habitat condition assessment, Dr Headley acknowledges that evidence for [man-

<sup>77</sup> Section 6.27, Planning Supporting Statement, Viridis 2017

<sup>78</sup> Point f, Section 6.27, Planning Supporting Statement, Viridis 2017

<sup>79</sup> Downloaded from; [\[public\] 16\\_0704 amended rec 10.2.17 hydrological impact assessment.pdf](#)

<sup>80</sup> Section 2.5, Hydrological and hydrogeological assessment of a proposed wind turbine array at Hoddlesden Moss, Lancashire FINAL v4, Hafren Water, June 2015



made] drains on site is minimal<sup>81</sup> and the DMS (2013) report states that there are “no signs of manmade grips”.<sup>82</sup>

It is noted that within the Amended HIA, that the mapping from 2013 remains in use, this does not appear to have been a particularly thorough update.

### 5.9 The Dinsdale Moorland Services Report (2013)

Although this is not an amended document the RSPB has some additional comments to make, having reviewed the text further;

DMS note “only a few very small areas of bare peat”<sup>83</sup> which contrasts with the PlantEcol report within which Dr Headley suggests; “there was a lot of bare peat”<sup>84</sup>.

DMS also state that there is “no sign of manmade grips”<sup>85</sup>, yet it subsequently make numerous references to grips throughout the report. The RSPB seeks to clarify whether they [DMS] mean natural gullies here as use of the term grips misleading in this context.

The statement that “Curlew only nest where vegetation is short”<sup>86</sup> is in fact incorrect, Curlew nest in a wide variety of upland vegetation types, usually selecting relatively tall vegetation.

### 5.10 Hyndburn Windfarm Restoration Work Item Monitoring Report<sup>87</sup>

The RSPB is at a loss as to why this document not related to Hoddlesden Moss has been submitted to planners as part of the amended information for Hoddlesden Moss (although its inclusion within these documents was confirmed by The Council<sup>88</sup>), consequently the RSPB has no comment to make on this document.

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<sup>81</sup> Section 5 Conclusions, page 10, Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation, PlantEcol 2016

<sup>82</sup> Page 3, Hoddlesden Moss, Site Survey and Report of Works, DMS, 2013

<sup>83</sup> Page 3, Hoddlesden Moss, Site Survey and Report of Works, DMS, 2013

<sup>84</sup> Page 9, Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket bog Habitat and Vegetation, PlantEcol 2016

<sup>85</sup> Page 3, Hoddlesden Moss, Site Survey and Report of Works, DMS, 2013

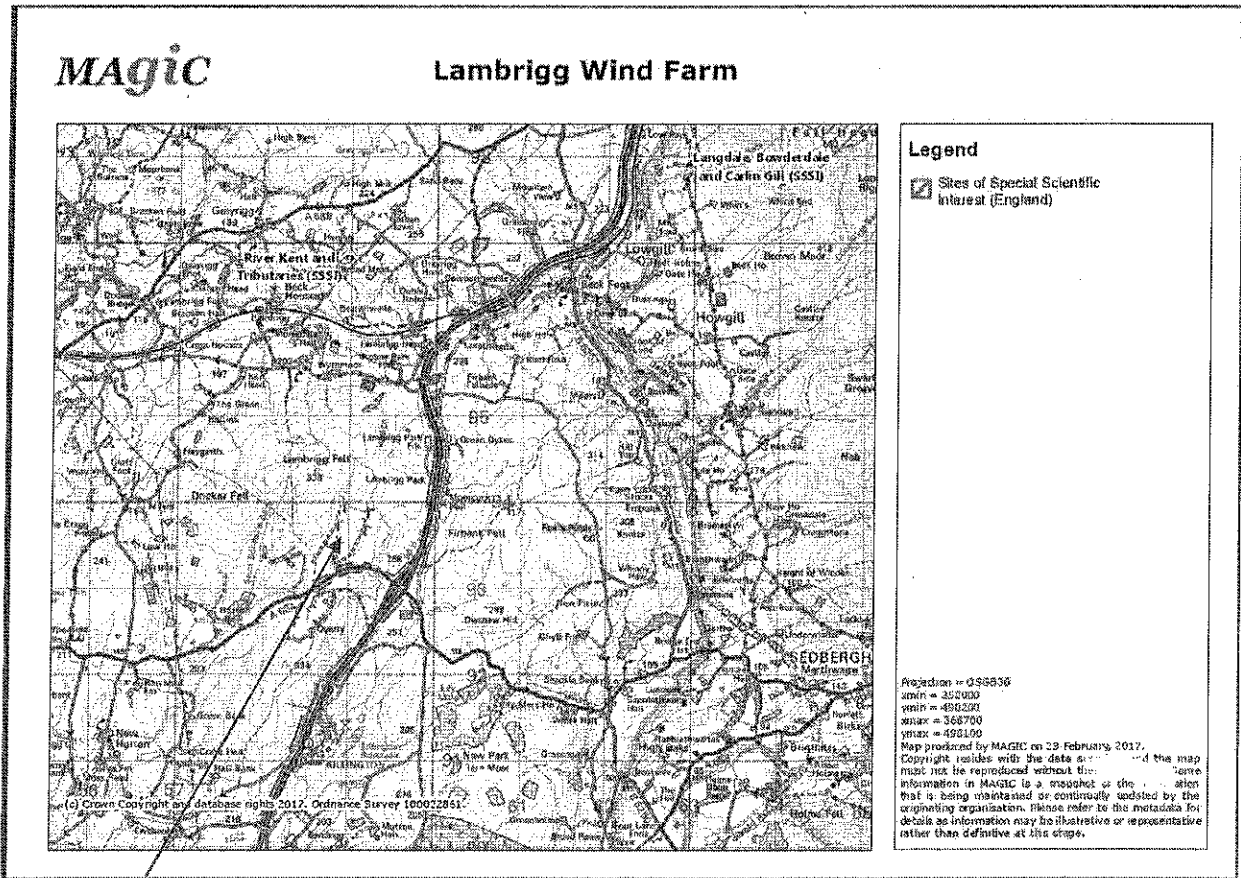
<sup>86</sup> Page 8, Hoddlesden Moss, Site Survey and Report of Works, DMS, 2013

<sup>87</sup> Hyndburn Windfarm Restoration Work Item Monitoring for EnergieKontor, Capita, November 2014, downloaded from: [\[public\]](#)

<sup>88</sup> 16\_0704 Amended Rec 10.2.17 Hyndburn Wind Farm Monitoring Survey and Works.pdf

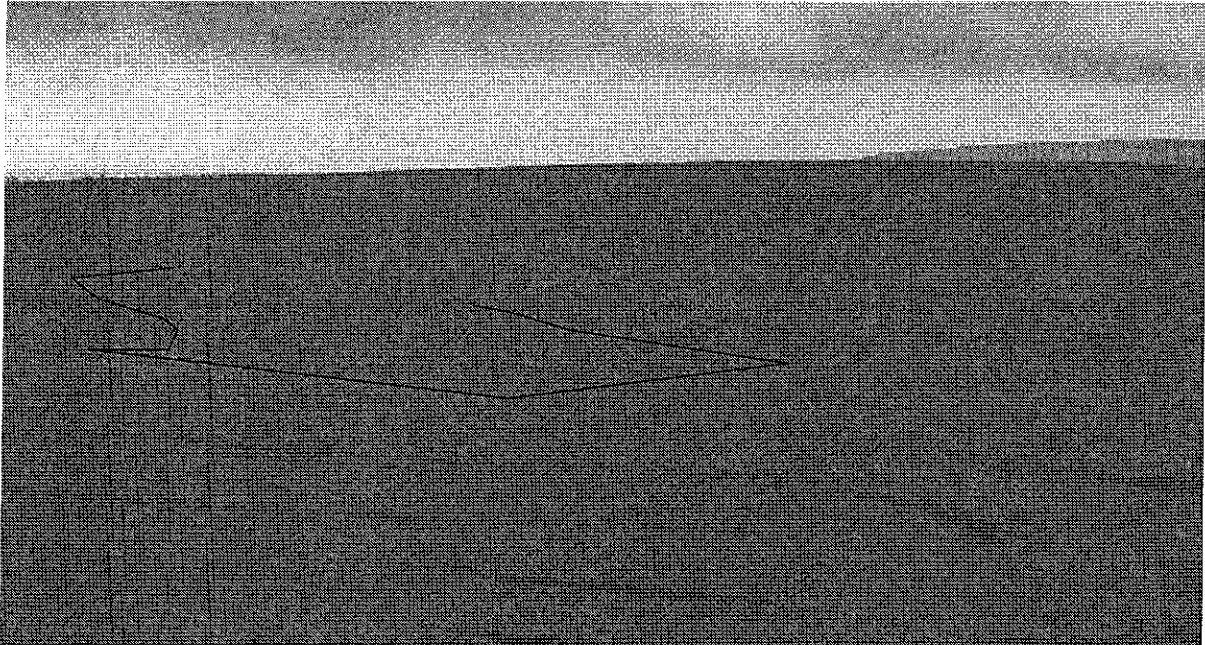
<sup>88</sup> Email, McDonald, K. Team Leader, Planning Implementation, 23/02/2017

APPENDIX 1 – Lambrigg Wind Farm



Lambrigg Wind Farm

**APPENDIX 2 – Area to be Deforested** (assumed area, no information provided by the Applicant in support of this area)



Assumed woodland to be removed within the Black-line boundary (from 2014), approximate site boundary in red

3 March 2017

K MacDonald  
Acting Team Leader (Planning Implementation)  
Blackburn with Darwen Borough Council  
Town Hall  
Blackburn  
BB1 7DY

Dear Kate

**Re: 10/14/1117 - Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to include all ancillary works**

Following further information being submitted to support the above application, we provide our advice on the ecological aspects of the application below.

Since our previous review of this application two further reports have been submitted relating to the ecology of the site namely the "*Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket Bog Habitat and Vegetation*" dated 5 October 2016 and the "*Hoddlesden Moss Moorland Restoration Enhancement Strategy*" dated November 2016. In addition, latest submissions include:

- Hoddlesden Moss Ecology Assessment combined
- Hoddlesden Moss Enhancement Strategy
- Construction Environmental Management Plan
- Interpolated peat depths
- Site Overview with correct cable run
- Access Road Construction Method
- Forestry Commission Correspondence
- Hydrological Impact Assessment

We note the Hyndburn Windfarm Vegetation Monitoring Survey dated from 2014 for a nearby windfarm has been submitted but it is not clear why.

## Property and infrastructure

Capita Blackburn Business Centre, CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU  
Tel +44 (0)1254 273000 Fax +44 (0)1254 273559 [www.capita.co.uk/property](http://www.capita.co.uk/property)  
Capita Property and Infrastructure Ltd

Registered office: 71 Victoria Street, Westminster, London SW1H 0XA. Registered in England and Wales No. 2018542.  
Part of Capita plc. [www.capita.co.uk](http://www.capita.co.uk)



Although many of the documents are marked as "amended" dates on some of these date from 2015 and 2016 and appear not to have been amended recently; e.g. the peat depths date from June 2016, the Ecological Assessment dates from February 2015.

## PROTECTED SITES

In November 2016 Natural England confirmed their intention to create a new Site of Special Scientific Interest (SSSI), a nationally designated site under S28 of the Wildlife & Countryside Act 1981 (as amended) – the West Pennine Moors SSSI - designated for:

- Blanket bog
- Upland heathland
- Flushes
- Moorland fringe grasslands
- Woodland
- Breeding birds
- Flowering plants.

This is currently going through the notification process, but in terms of the consideration of planning applications we must treat the site as a notified SSSI and consider the greater implications this has on planning applications.

The boundary of this new SSSI covers the proposed development site at Hoddlesden Moss including all locations for the proposed turbines, cableways and access roads. This makes the RPS Ecological Assessment dated 22 June 2016 for the submission out-of-date (despite it being resubmitted) as it fails to recognise the presence of the West Pennine Moors SSSI and the impact of the development on this protected site.

Paragraph 118 of the NPPF states that developments that are likely to have an adverse effect on or outside a SSSI should **not normally be permitted**. The only exception to this would be where the benefits of the development, at the protected site, clearly outweigh both the impacts likely on its features and any broader impacts to the national network of SSSIs.

In terms of impacts to the SSSI this application will cause irreparable damage to the blanket bog habitat notified feature (both the peat profile and extent) in the excavation of peat for the wind turbine pads, hardstanding, the access tracks and route for the cable. There is also the risk that the breeding birds feature would be disturbed and affected both during the construction works if undertaken during the breeding and nesting season and permanently during operation.

The submitted documents do not provide a rationale as to how the damage to peat will be avoided nor how alternative sites have been considered to avoid impacts to the SSSI and blanket bog.

Rather the "*Hoddlesden Moss Moorland Restoration Enhancement Strategy*" outlines methods as to how peat will be excavated, moved and stored around site. While these methods are likely to be good practice when working on peat, it is not sufficiently detailed to establish the exact impacts of the development, what mitigation or compensation will be adopted specifically to address these impacts (and where; on site/off site) and what enhancements over and above the mitigation or compensation will be adopted to outweigh the impacts on the features of the SSSI. There is still much detail left undecided which is not sufficient for us to determine that the application will outweigh impacts to the SSSI or to determine this application for full planning permission.



In addition, blanket bog is a limited and finite resource, the damage to this SSSI would affect the integrity of the series of blanket bogs designated under SSSIs and

The "benefits" mentioned in the application appear to be:

- 3 wind turbines due to output sufficient electricity for fuel 2,450 homes – presumably for a 25 year period while these would be commissioned.
- Unspecified grip blocking and dam installation in the main gully/irrigation pipe removal/bunding – to improve water retention on the blanket bog.
- Geojute bank stabilisation of exposed peat
- Purple moor-grass *Molinia caerulea* mulching
- *Sphagnum* moss inoculations
- Removal of forested areas and Coal Authority tree planting
- Installation of fire breaks
- 1.3 ha of woodland replanting is proposed to be included as "compensation".

There is no continuity in the application or an overarching mitigation strategy to show what works are planned where and how this has been designed to outweigh the impacts and get to a point of enhancement over and above the damage and impacts caused. While works to improve habitats for nature conservation would be welcomed in appropriate locations (i.e. woodland not on peat) the unspecified nature of the measures and the lack of acknowledgement of the baseline damage and biodiversity loss that would result is well below what is required for a coherent mitigation package.

It would therefore appear that the benefits of the development do not outweigh the damage to the SSSI and its notified features.

## **BLANKET BOG**

We note the applicant has submitted information relating to the condition of the habitat and working methods and habitat works that would be adopted. Unfortunately the submission documents fail to provide an analysis of how alternative sites have been considered – the first stage of the mitigation hierarchy in avoiding impacts.

The "*Hoddlesden Moss: An Assessment of the Condition and Integrity of its Blanket Bog Habitat and Vegetation*" appears to have been written with the main objective of justifying why the blanket bog at the site is not active. Our previous comments have been related to the irreplaceability of the habitat and while we acknowledge that it may well not be active peat forming bog currently it has sufficient peat depth and bog indicator species that with appropriate management could be brought back into a more favourable condition and potentially as an active peat forming bog in time. This is the usual state of blanket bogs across the country, but which are no less valued as these are the last remaining examples of this habitat both in and outside protected sites that are often the source of much restoration work to bring them back into better condition and function as flood alleviation and carbon sequestration resources.

The documents are written to present the blanket bog to be in inferior quality and subsequently discounts impacts to the blanket bog that require avoidance, mitigation or compensation. They also fail to acknowledge that there is a net impact and biodiversity loss as a result of excavating peat and removing the vegetation.

The condition survey appears to be based solely on the route of the access track and proposed turbine locations. Some data has been extrapolated from the previous Avian Ecology Report. We would expect surveys of bogs to look at the entire habitat as it's a connected system and areas of the bog cannot be treated in isolation. This may also lead to the skewing of results as only a small proportion of the whole habitat has been surveyed and different species may occur in different locations as has been found by other surveyors in relation to the presence of sphagnum mosses – an important feature of blanket bogs.

The condition report outlines a case that the bog is in poor condition largely due to burning (and drying out and air pollution). We consider this likely to be down to the regular wild fires that this area suffers and it has not been stated clearly in any of the submitted documents how drainage is affecting the bog or not as it is not evident other than in the large gullies on site and has led to a consideration that it may not have been modified as severely as other blanket bogs in the area.

The case is made as to why the bog is not active which we had acknowledged is likely to be the case. However, the fact still remains it is a valuable habitat that is capable of management works to improve the condition of the bog and bring into a more active state – objectives likely to be central to Natural England's works with landowners in improving the condition of the SSSI for the future. This also does not negate from the fact that it's an irreplaceable habitat that takes tens of thousands of years to be created naturally and destroying that for development is significant harm to biodiversity contrary to paragraph 118 of the NPPF.

There are no recommendations in the condition report about management or restoration proposals of the bog habitat which have been built on to identify a full and detailed mitigation and compensation package.

## **PROTECTED SPECIES**

No new information appears to have been submitted in relation to protected and notable species. Therefore, our previous comments in August 2016 still stand.

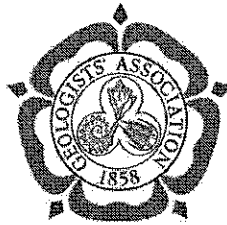
## **CONCLUSION**

We do not consider this application provides sufficiently detailed and considered information to show that the development outweighs the harm to the SSSI and its notified features, or the significant harm to an Annex 1 Priority Habitat of European Importance identified under the Habitats Directive and a Habitat of Principal Importance as identified under the NERC Act 2006. Therefore, in line with paragraph 118 of the NPPF, it should be refused.

Yours sincerely



**Tabatha Boniface CEnv MCIEEM**  
**Ecology Technical Lead**



**GeoLancashire**

A Local Group of the Geologists' Association  
Established 1922  
Charity number XT17278

The Rough Lee  
Naylor's Terrace  
Belmont  
Bolton  
BL7 8AP

email: [secretary@geolancashire.org.uk](mailto:secretary@geolancashire.org.uk)

Kate McDonald,  
Acting Planning Team Leader (Implementation)  
Planning Services  
Planning and Prosperity  
Blackburn with Darwen Borough Council  
Town Hall  
Blackburn  
BB1 7DY

5 March 2017

Dear Ms McDonald

Re: Planning Application 10/16/0704 (amended) – Three wind turbines and ancillary works at Hoddlesden Moss, Darwen

I wish to register my objection on behalf of GeoLancashire, the Lancashire Local Group of the Geologists' Association of London, to the amended proposal to erect three wind turbines and ancillary works at Hoddlesden Moss, Darwen.

This supersedes my previous letter of 29 July 2016.

Natural England (NE) notified the West Pennine Moors SSSI on 17 November 2016 under section 28C of the Wildlife and Countryside Act 1981.

Hoddlesden Moss a key component part of the SSSI and of national significance.

Following the notification of the SSSI, NE was re-consulted by Blackburn with Darwen Borough Council (The Council), and NE's response to consultation in a letter dated 3rd February 2017 clearly states:

- the proposed development would result in loss of and impacts on blanket bog, an Annex 1 Priority Habitat of European importance and notified interest

feature of this SSSI. It would also be likely to have significant impacts on the breeding bird assemblage for which the SSSI is notified

- the planning policy context (NPPF paragraph 118) is clear that: “Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any other broader impacts on the national network of Site of Special Scientific Interest”. Therefore, in weighing benefits and impacts as part of the decision making process, the LPA should take into account Natural England’s advice that an adverse effect on the site’s notified features is likely
- as per our previous advice, the proposals have not properly considered the mitigation hierarchy. This would include consideration of alternative locations, the scope to fully mitigate impacts, and the need for off-site compensation for loss of notified habitat. It is our view that it would be very challenging to successfully mitigate the impacts of this scheme at this location
- enhancement should be considered separately to the mitigation hierarchy. As per our previous advice, it is our view that large-scale enhancement is not required and would be unlikely to be beneficial to the overall condition of the site. Moreover, the proposed enhancement could have a further negative impact through effects on hydrology and damage to the bog. The notification of the West Pennine Moors as a SSSI provides the best possible mechanism for the Hoddlesden Moss site to recover and achieve a favourable condition status through sensitive management on the site in conjunction with owners and occupiers

The letter clearly states **“Natural England maintains an objection to this proposal on the grounds that it is likely to damage or destroy the interest features for which the West Pennine Moors SSSI has been notified”**.

These statements by NE, the Government’s advisory body on England’s natural environment, are clear and unambiguous. On these grounds alone, this application should be refused.

In addition to the weight of argument contained in NE’s letter, ‘**A Landscape Strategy for Lancashire**’ was produced in December 2000 by Lancashire County Council and was part funded by BwD Borough Council. Hoddlesden Moss falls within Landscape 2a Moorland Hills – West Pennine Moors. Key environmental features include ‘exposed upland rolling landscape’. The negative implications of wind turbine development are considered.

From a geological/geomorphological point of view and in consideration of climate change issues, the application should be refused on the following grounds:

1. Hoddlesden Moss comprises blanket bog, one of the most important habitats in Britain. Such bogs take thousands of years to develop. Studies at nearby Reaps Moss in Hyndburn proved that the peat had started to form over 8,000 years ago. It is thus virtually irreplaceable on a national scale, as regrowth is extremely slow even given optimal environmental conditions.

Blanket bog is listed as a habitat of principal Importance under section 41 of the NERC Act 2006. More importantly 'active Blanket bog' is an Annex 1 Priority Habitat within the EC Council Directive 92/43/EEC (Habitats Directive) as a habitat of European significance or Community Importance. 'Active Blanket bog' is defined by the Joint Nature Conservancy Council, JNCC as, 'typically, include important peat-forming species such as bog-mosses *Sphagnum* spp. and Cotton grasses *Eriophorum* spp., or Purple Moor-grass *Molinia caerulea* in certain circumstances, together with Heather *Calluna vulgaris* and other ericaceous species'. This condition is the predominant vegetation across Hoddlesden Moss (acceded by the ecological assessment provided by Avian Ecology Ltd) and is therefore 'active Blanket bog' in terms of the EC Council Directive 92/43/EEC.

2. The developer's planning submission contains Appendix xx to Vir/Hodd/Aug/2013, which indicated peat depths of up to 3.25 metres, which indicated a significant peat body. Vegetation surveys carried out as part of the application for SSSI status indicate that parts of this are active peat bog ie new peat is being formed.
3. It appears that no slope stability investigations have been undertaken in an area with peat depths of 3.25 metres according to developer's own survey results. The report makes no mention of slope stability investigations, whereas the Scottish Executive has issued guidance for developers of wind farms which indicates that this is a factor which cannot be ignored. (<http://www.gov.scot/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings/PSG2011>) Slope stability issues have been encountered in other situations, for example at Reaps Moss in Hyndburn, on similar terrain.
4. The government is committed to a policy of reducing carbon dioxide emissions and of encouraging carbon capture. Peat bodies such as that on Hoddlesden Moss, whose very name encapsulates its ecology, are sites of carbon capture and are therefore essential to fulfilment of the policy.
5. The site is a long way from the nearest road, Broadhead Road, and the fact that this access road will inevitably be costly, it suggests that the developer will wish to extend the wind farm with additional turbines in the future.
6. I do not consider the mitigation presented by the applicant to be commensurate with the impact upon a habitat of international significance. Irreplaceable habitats, where alternative adjacent agricultural sites exist, should not be lost in this way. Whilst the life of the wind farm will be finite, its impacts will be permanent. Clearly the impacts are not restricted to the construction phase, but also to the working life as well as the eventual de-commissioning phase. Developers rarely remove all of such



installations at the eventual demise of the project and life time restoration plans do not appear in the documentation.

7. The Ministerial Statement on Wind Energy (June 2015) states that local authorities should only consider granting planning permission for wind turbines where they have been allocated within Local Plans and have community support.

It is my contention that the application should be rejected, as the presence and construction of the turbines plus ancillary works will irreparably damage the geology/geomorphology of the site. This landscape owes its features to the last period of glaciation (Devensian), where glacial till blanketed the underlying solid geology. Areas of blanket bog began to develop soon after the final retreat of the ice. Hoddlesden Moss is a relic of that process. Public access routes cross the site and it is capable of geological interpretation for visitors.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JRhodes', with a large, stylized initial 'J' that loops around the start of the name.

**Jennifer Rhodes**  
Secretary, GeoLancashire

**Carter Jodie**

---

**From:** SHQ - Walton, Shaun <ShaunWalton@lancsfirerescue.org.uk>  
**Sent:** 06 March 2017 12:42  
**To:** McDonald Kate  
**Subject:** FW: Planning Application No 10/16/0704

Dear Kate

Please could I add the following consideration to the planning application for the wind turbine installation at Hoddlesden Moss, Hoddlesden, Darwen.

Lancashire Fire & Rescue Service advise that sites incorporating wind turbines installations are subject to a robust risk assessment that should consider the means to mitigate the structure becoming involved in fire should a wildfire\* occur in their proximity and also that should the structure itself become primarily involved in fire then adequate mitigation is taken to prevent that fire spreading to open land and causing a wildfire in that vicinity. Wildfires can be resource intensive to command, control and extinguish so a robust evidence based prevention strategy is considered essential.

Due to the remote geographical locations proportional consideration should also be given to access for emergency services to carry out rescue of persons from height working on or in the structure.

*\* a wildfire is defined as any uncontrolled vegetation fire reaching certain criteria where a decision or action is needed about its suppression.*

Please don't hesitate to get in touch should you wish to discuss further.

Best regards

Shaun

**Shaun Walton | Group Manager**  
**Response & Emergency Planning**  
**Lancashire Fire & Rescue Service**  
**T: 01772 866879 | M: 07501 787476**  
**[shaunwalton@lancsfirerescue.org.uk](mailto:shaunwalton@lancsfirerescue.org.uk)**  
**SMOKE ALARMS SAVE LIVES**  
**Twitter @Walton\_FIRE**  
**[www.lancsfirerescue.org.uk](http://www.lancsfirerescue.org.uk)**

\*\*\*\*\*  
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Lancashire Fire and Rescue Service has taken reasonable steps to ensure that outgoing communications do not contain malicious software and it is your responsibility to carry out any checks on this email before accepting the email and opening attachments.

\*\*\*\*\*

GET OUT - STAY OUT - CALL THE FIRE SERVICE OUT

\*\*\*\*\*



**Defence  
Infrastructure  
Organisation**

Kalie Jagpal  
Assistant Safeguarding Officer  
Ministry of Defence  
Safeguarding – Wind Energy  
Kingston Road  
Sutton Coldfield  
West Midlands B75 7RL  
United Kingdom

**Your Reference:** RE/P/10/16/0704

Telephone [MOD]: +44 (0)121 311 3674

Facsimile [MOD]: +44 (0)121 311 2218

**Our Reference:** DIO 19299

E-mail: DIOSEE-EPSSG2a2@mod.uk

Kate McDonald  
BlackBurn With Darwen Borough Council

06/03/2017

Dear Ms McDonald

**Please quote in any correspondence: DIO 19299**

**Site Name: Hoddlesden Moss**

**Proposal: Erection of 3 Wind Turbines**

**Planning Application Number: RE/P/10/16/0704**

**Site Address: Hoddlesden, Darwen**

Thank you for consulting the Ministry of Defence (MOD) on the above Planning Application in your communication dated 13/02/2017. As there are no changes to the grid references or the turbine specification from MOD's assessment of 22/07/2016 our response remains extant.

I am writing to tell you that the MOD has no objection to the proposal.

The application is for 3 turbines at 76.5 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma.

Turbine	100km Square letter	Easting	Northing
1	SD	72902	20727
2	SD	72873	20534
3	SD	72902	20362

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

**MOD:** <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely

Mrs Kalie Jagpal  
Assistant Safeguarding Officer – Wind Energy  
Defence Infrastructure Organisation

**SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS**



Date: 06 March 2017  
Our ref: 208578  
Your ref: 10/16/0704



Kate McDonald  
Planning Team Leader (Implementation)  
Blackburn with Darwen Borough Council  
Planning Service, Planning & Prosperity Dept  
Town Hall  
Blackburn  
Lancashire  
BB1 7DY  
**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Kate

**Planning consultation:** Installation of 3 wind turbines, hub height of 46m, to tip height 76.5m, to all ancillary works

**Location:** Hoddlesden Moss, Hoddlesden, Darwen

Thank you for your consultation on the above application, which was received by Natural England on 14 February 2017.

**The Wildlife and Countryside Act 1981 (as amended)**

We previously objected to the proposed development in our letter dated 17 August 2016.

Following notification of the West Pennine Moors as a Site of Special Scientific Interest (SSSI), we met with your Authority on the 18 January 2017 to consider additional information submitted by the applicant. We subsequently wrote to you on 3 February 2017 to maintain our objection on the grounds that it is likely to damage or destroy the interest features for which the West Pennine Moors SSSI has been notified.

In response to this amended consultation, we therefore refer your Authority to our advice dated 3 February 2017.

For any queries relating to the specific advice in this letter only please contact Alex Rowe on 020 822 56312. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

A handwritten signature in black ink, appearing to read "Mike Burke". The signature is written in a cursive, slightly slanted style.

Mike Burke  
Area Manager  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team

**North Turton Parish Council**  
**Comments on Planning Applications received by 6<sup>th</sup> March 2017**

**10/16/0704 Amended application for the installation of three wind turbines (hub height 46m, to tip height 76.5m), including all ancillary works at Hoddlesden Moss**

The Parish Council objects to the proposed development on the grounds that:

The turbines and access road will have a detrimental visual impact on the landscape  
It will result in a proliferation of wind turbines in the area  
The proposed development will cause damage to flora and fauna within the West Pennine Moors SSSI.

**10/16/1301 Single storey side (south west) extension, single storey side (north east) extension, gable insertion to rear and single storey front extension to existing building at The Paddock, Entwistle Hall Lane, Entwistle**

The Parish Council objects to this proposed development, on the grounds that:

It is an over-development of the site  
It is out of character with the nearby Grade II listed buildings  
It will lead to overlooking of adjacent properties, due to its elevated position

# HIGHWAYS COMMENTS

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**Planning Application: 10/16/0704**

**Installation of 3 wind turbines, hub height of 46 metres, 'to tip' height 76.5m, to include all ancillary works at**

**Hoddlesden Moss, Hoddlesden, Darwen.**

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**PROW** – There is currently insufficient information to comment on this application fully.

Turbine T3 is very close to PROW 185 Darwen. The turbine base details indicates that the turbine base may be 13m across. It is currently unclear how the footprint of the turbine base or construction footprint of the turbine (including crane pad/ haul road, earthworks) will affect the PROW. Please can the applicant provide a plan showing the turbine construction area with the Public Right of Way overlaid? The plan should include the exact location of the turbine base, crane pad, haul road and the extent of any earthworks planned in the area of T3. If possible the distance in metres from the construction site to the PROW should be shown.

The construction haul road crosses FP 228 Darwen. The crossing of this path will need to be planned managed to ensure safety of users on the path. Details of this arrangement should be submitted to the PROW team prior to construction starting on site.

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The details received have been reviewed and a site visit has been undertaken.

The proposal seeks permission to place three wind turbines at the top of Hoddlesden Moss. The submission is not dissimilar to that received under 10/13/0829 & 10/14/1117.

The extent of the highway works involved in delivering this proposal, is to construct

- a temporary 1,480m of track road, (temporary period for 25 years following which the individual wind energy convertors will be decommissioned and area re-instated).
- a 15 x 35mm hard standing around each turbine area
- construction of a new access floating track from Broadhead Road

Taking each in turn:

## **Access Track layout**

The route of the access track is a considerable length 1,480m to be exact; this is proposed as a 4m wide access track with a 5m clearance and 28m radii at turning points. The access track would be a floating track type. Initially the access track would support the development, thereafter maintained for the landowners to service and maintain their land. Following dialogue with the applicants on previous application submission has led to the number of passing places being increased to three – this is represented in the details received. However there is still reference to two within the Transport Statement please – seek clarification or condition accordingly.

Aside from the access track, a DNO connection is required for connection of the wind turbines. The route of the cable and its connection point to the grid is provided. Details to support the number of vehicle movements associated with the planned works if the cable installation are provided, this is relatively minor, one matter that is still outstanding is tracking the route that these vehicles would take – no evidence of this has been provided.

#### **Access at Junction**

The tracking for the access road from Broadhead Road to the wind turbines location has been assessed and is deemed acceptable.

The Site Visit document confirms the route for the equipment as being from M65 Junction 5 to the site, travelling along the Grane Road, and then turning into Jackson Heights Road before turning into the site access to be introduced off Broadhead Road. It is highlighted within the report, that the section particularly at the junction with Grane Road/Jackson Height Road will require temporary modifications to allow the vehicles to travel through the junction. All works proposed need to be approved by the Highway Authority in the first instance and secondly all works to be returned to the original state upon completion of the construction programme all at the developers cost.

#### **Transport Statement**

The transport statement has been received and reviewed, the anomalies that were raised under the previous application have been examined.

The first section responds to the Access Track, Passing Places and DNO connection. It cites the movements required for the Access Track and DNO connection.

It is our understanding that the total number of movements by vehicle to carry out all works, is estimated at 1098, the report identifies the no of vehicles estimated for the access track construction compound and crane pads, this is projected to be around 20 HGV movements day based on a 10 hour working weekday. Due to the duration of construction, even with all vehicles the impact is not deemed severe, to warrant a refusal, hence, the management of vehicles would be viewed against a management period to be agreed, to ensure that the project delivery is through the 6 months and thus spreads the load of traffic evenly.

In order to understand whether the 6 months planned work period would be sufficient, when and how is the DNO connection to be carried out – please seek clarification.

Details of tracking are offered at the Jackson Height Road/Grane Road junction, which presents an area which would require widening, as this junction is outside of our borough, contact and approval should be obtained from LCC. Have they actually been consulted on this application as the route to the site not only affects our highway network but also theirs? Of particular concern is the route along Jackson Heights Road particularly close to the junction at Long Hey Lane, where the road dips – close to Twitches Brook. I would request confirmation of where along this route further improvements will be necessary, as a full tracking of the access is not received. Again the tracking of the internal access road, full length has also not been provided.

**PROW**

Please note comments above and request developer makes contact with PROW officer to agree suitable works

To conclude in principle we would offer no objections to the proposal, subject to the above matters being addressed satisfactorily.

**Other**

The Transport Storage and crane guidelines, refer to a Traffic Management Plan, evidence of this is to be received for approval, prior to the decision being issued.

During the construction phase and thereafter – further details are required. A construction method statement in part has been received, but requires further detail, i.e. type of wheel wash system to be employed, how the water discharge will be managed etc. including wheel wash, duration of works etc. would be required.

In addition to the construction method statement and management programme of works, which i had previously requested to be conditioned, i would also add a condition survey of the highway network to the list, this is to ensure any damage sustained to the highway is repaired at the developers cost.

Aside from the above, the remaining issues which in our opinion are not satisfactorily addressed are: The response with regards to how long the DNO connection will take, and; The impact on the highway network as the vehicles travel to the site. We had previously raised concerns with regards to this; the details received do not address this to our satisfaction or give us comfort that this can be managed. Tracking of this route had been requested, but none has been forthcoming. A Site Visit Report received confirms that the dip at Twitches Brook may cause issue for long vehicles, and the action they propose is to use hydraulic suspension.

It goes on further to state that approvals would need to be obtained from the responsible authorities i.e. highways agency, local council , and that this would need to be agreed prior to any delivery of equipment taking place. I am minded to take this with a caveat that all works to ensure navigation of the road by the vehicles, whether they are strengthening works or improvements, would need to be agreed and carried out prior to the commencement of works.

We acknowledge that the vehicles movement to support the future maintenance of the wind turbines is limited, this is deemed acceptable.

To conclude, we are minded to support to the application, subject to the above issues are addressed or conditioned accordingly together with the standards conditions Informatives below:

**Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007 Please attach standards conditions/Informatives: Highways 1, 2, 8, 10, 11, 12, 15, 16 and 17 Saf – 11<sup>th</sup> August 2016

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Additional comments received dated 13<sup>th</sup> February 2017

From re-examining the previous comments, the only outstanding issues that required addressing were

- The response on how long the DNO connection would take;
- Details of vehicles movement along the highway to the site;
- Adjoining authorities consent to the travel route, and what if any improvements would be required to the highway.

The latest information received suggests a reduction in road width from 4m to 3.75m. Reference is again made to 2 passing places, where previously it had been agreed that there should be three. No clear justification is provided as to why the road is reduced in width. Further clarification is to be sought.

No evidence of the tracking of the track road is supplied and yet again they report no need for this information as the road will be fit for purposes for the vehicles that would use it, we would still require this evidence to suit our assessment, and if there are not able to provide, as no contractor is appointed, then this should be attached as a condition

They suggested response aside from the changes they have offered, are not adequately addressed in the amended details received – all improvement to the highway would need to be covered by agreement, through 278 agreement for both LCC roads and BwDBC's roads. Please condition if minded to approve.

The duration of works as requested in relation to DNO connections has not been explained in detail, notwithstanding that, they set out the number of vehicle movements associated with this element – these would appear acceptable.

There is some apprehension re the method of construction, however it is not a highway that the council would take responsibility for or adopt and not part of the road would affect highway, This does perhaps require the standard informative to be attached to ensure the construction of the road details and any structures for safety requirements, abide by the standard safety regulations.

To conclude, there are a number of issues that still require further consideration, probably not unsurmountable though to warrant a recommendation for refusal.

Saf – 9<sup>th</sup> March 2017

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**United Utilities Water Limited  
Developer Services & Planning**  
Warrington North WWTW  
Barnard Street off Old Liverpool Road  
Gatewarth Industrial Estate  
Sankey Bridges  
Warrington  
WA5 1DS

Telephone: 01925 679371  
Planning.liaison@uuplc.co.uk

Blackburn with Darwin Borough Council  
Town Hall  
King William Street  
Blackburn  
BB1 7DY

**Your ref** 10/16/0704  
**Our ref** DC/17/648  
**Date** 09-MAR-17

Dear Sir/Madam,

**Location: Hoddlesden Moss Hoddlesden Darwen.**  
**Proposal: Installation of 3 wind turbines – Amended Documents.**

We write to provide comments in respect of amended documents received for a Planning Application on land at Hoddlesden Moss, Darwen.

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

- 1. Prior to the commencement of construction of turbine access tracks, plans confirming the method of construction for each section of access track and any associated drainage shall be submitted to and approved in writing by the local planning authority. For clarity these designs should adhere to the details contained within the Hoddlesden Moss Moorland Restoration Enhancement Strategy November 2016; The Access Routes & Crane Hardstandings Report dated 17th October 2016 and the Section 7 (Watercrossings) of The CEMP dated 06 February 2015. The access tracks shall be constructed as approved.*

*Reason: To ensure suitable peat protection and reduce risks to potable supplies from, for example, pollution / turbidity and risk of mobilising peat.*

- 2. Prior to the commencement of construction of silt traps / settlement ponds, plans confirming the method of construction for silt trap / settlement pond shall be submitted to and approved in writing by the local planning authority. For clarity these designs should adhere to the details contained within Section 5.2 of The CEMP dated 06 February 2015. The silt traps / settlement ponds shall be constructed as approved.*

*Reason: To ensure suitable peat protection and reduce risks to water quality.*

- 3. Prior to the commencement of construction of wind turbine foundations and crane pads, plans confirming the foundation and crane pad design proposed to be utilised at each turbine location shall be submitted to and approved in writing by the local planning authority.*

*Reason: To ensure suitable protection of peat and water quality.*

4. *Piling or any other deep foundation designs using penetrative methods shall not be permitted unless can demonstrated that would be no resultant unacceptable risk to groundwater. Where it is considered piling or any other deep foundation designs using penetrative methods are considered necessary, written approval must be provided by the local planning authority.*

*Reason: To protect groundwater. Piling or any other foundation design using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.*

5. *The Hoddlesden Moss Moorland Restoration Enhancement Strategy ("MRES") November 2016 shall be implemented in full, prior to the expiration of this permission. Breeding bird surveys and vegetation surveys should be completed annually for the 10 years after first export. The detail of the MRES shall be reviewed at least every 5 years from the date of this permission if it is considered that updating the plan is necessary, an updated MRES shall be submitted in writing to and approved by the local planning authority. Should the local planning authority approve the updated MRES in writing, the updated MRES shall thereafter be implemented as amended. An annual monitoring report shall be submitted to the local planning authority each year.*

*Reason: to ensure the beneficial impacts of the MRES are realised.*

6. *No development shall commence until a strategy in respect of the Independent Water Quality Monitoring ("IWQM") Programme to be undertaken during the pre-construction, construction and operational phases of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and United Utilities.*

*The IWQM shall conform with the details provided within Section 6 of the CEMP dated 06 February 2015 and shall include, as a minimum:*

- a) *Details of an assessment of site conditions, to include site investigation and to inform the monitoring methodologies referred to in (b) below;*
- b) *Details of methodologies to be adopted in respect of water quality monitoring, groundwater monitoring and water table monitoring, such methodologies to include appropriate locations for monitoring stations (as agreed in writing with the Local Planning Authority in consultation with the Environment Agency and United Utilities).*
- c) *A programme for the monitoring undertaken at approved locations during the pre-construction, construction and operational phases of the development hereby permitted, along with a timescale for the provision to the Local Planning Authority, the Environment Agency and United Utilities of an analysis of the data collected, such analysis to be prepared by an independent hydrological consultant (whose*

appointment shall be agreed in writing with the Local Planning Authority) and to include, as a minimum:

- i. the data collected/results of the monitoring undertaken;
- ii. a review of water quality and the condition of the water supply and hydrological regime across the site; and

any remedial work and/or mitigation measures required to address any identified deterioration in water quality and/or change in condition of the water supply and hydrological regime across the site, and

- d) A strategy and programme for the implementation of any remedial work and/or mitigation measures identified as being necessary by the independent hydrological consultant's analysis referred to in (c) above.

The IWQM shall be commenced 12 months prior to the commencement of construction works and shall be implemented as approved during the pre-construction, construction and operational phases of the development hereby permitted.

Reason: To protect water quality.

7. No development shall commence until a Water Quality Management Scheme (WQMS) has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - a) The methodology for an assessment of water quality in private water supplies that may be affected by the proposed development. This assessment should be carried out prior to any disturbance of the site (including disturbance caused by investigative pre-construction works).
  - b) The monitoring of water quality at the above locations throughout the construction period, and then bi-annually until the wind farm is fully decommissioned and site restored.
  - c) Details of how perceived changes in water quality should be reported by the public, how the developer will raise awareness of this reporting mechanism and a procedure for the investigation of such reports by the developer.
  - d) Mitigation measures to be taken should the quality of water deteriorate at any location.
  - e) A Water Supply Quality Update Report (WSQUR) to be submitted to the local planning authority one year from the date of this permission, and then every 2 years until the wind farm is decommissioned fully. A final WSQUR shall be provided one year after the decommissioning of the scheme has been completed. The report should include public awareness exercises carried out in relation to the WQMS, results of all water quality tests undertaken, a review of overall water quality and details of any mitigation measures carried out in response to changes in water quality.

*Reason: To protect water quality.*

8. *Prior to the commencement of development, including any vegetation clearance and disruptive investigative works, details of a suitably qualified Ecological Clerk of Works (ECoW) to be employed on the development shall be submitted to and approved in writing by the local planning authority. The ECoW shall be a member of the Chartered Institute of Ecology and Environmental Management. The approved ECoW shall be appointed at least one month prior to the commencement of any works on site. The scope of the ECoW shall include, but not be limited to:*

- a) Directing and consulting on micro-siting*
- b) Overseeing the works on site.*
- c) Monitoring compliance with the CEMP, Water Quality Monitoring and Moorland Restoration and Enhancement works.*
- d) Reporting any ecological/ornithological concerns to the developer and local planning authority.*

*Reason: In the interest of protecting the ecological environment.*

Should you have any queries regarding the information contained above, please contact [planning.liaison@uuplc.co.uk](mailto:planning.liaison@uuplc.co.uk)

#### **General comments**

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team at [Property.Searches@uuplc.co.uk](mailto:Property.Searches@uuplc.co.uk) to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

Any further information regarding Developer Services and Planning please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

Yours faithfully

Shireen Lawrenson  
United Utilities  
Developer Services and Planning



# Internal memo



To : Development Management  
From: Head of Public Protection  
Ref: EHN/PPS/055982  
Please Ask For: Simon Kirby  
Email: [simon.kirby@blackburn.gov.uk](mailto:simon.kirby@blackburn.gov.uk)  
Date: 13 March 2017

FAO: Planning

Extension: 01254 585165

**Planning Application No : 10/16/0704**

**Address : Hoddlesden Moss, Hoddlesden, Darwen**

**Description: Installation of 3 wind turbines**

With reference to the above application I recommend the following if planning permission is granted:

## **Shadow Flicker – Recommended Condition**

The proposed turbines shall incorporate an automated shut-down system that will prevent any shadow flicker from occurring at any dwelling which is lawfully existing or has planning permission at the date of this permission. This shut-down system will be operated and maintained until such time as the turbine is removed from the site.'

Reason:

To prevent loss of amenity caused by shadow flicker.

## **Noise - Comment**

The developer's report concludes that at wind speeds below 6 m/s the turbine noise at Higher Aushaw will not satisfy noise limits specified by ESTU. It is therefore likely that there will be an unacceptable adverse noise impact at these lower wind speeds. However, a noise condition could be devised which prevents the operation of the turbine at wind speeds below 6 m/s and imposes noise limits at higher wind speeds.

The Planning and Public Protection Teams are aware of the example wind turbine noise condition contained in the relevant Institute of Acoustics guidance<sup>1</sup>, but further work is required to determine whether the full condition or a more concise version is appropriate.

A more concise version of the noise condition would include but not necessarily be limited to the following key components:

- a. The turbines will not operate at wind speeds below 6 m/s
- b. The turbine noise rating, which is the measured noise plus a penalty for a tonal component where appropriate, must not exceed specific limits in decibels at wind speeds of 6 m/s and above.
- c. The turbine operator will be required to continuously log time, power production, wind speed, and wind direction. This information will be retained for at least 24 months and shall be made available to the Council in a specified format if requested. This information can be correlated with noise measurements to check compliance.
- d. If compliance with the above limits is to be assessed, such as in the event of a noise complaint, the operator shall ensure that the turbines are switched off for such a period as the Council or an independent consultant requires to undertake a further assessment. This enables a 'with' and 'without' turbine noise comparison to be made.
- e. The operator and Local Authority shall have regard for guidance in the Institute of Acoustics *A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise* when interpreting the above requirements and any compliance assessment methodology.

A more comprehensive condition would include the above plus the following:

- f. The developer will submit a list of proposed independent consultants who may undertake compliance measurements in accordance with the noise condition. This list shall be approved in writing by the Local Authority prior to the commencement of the approved use.
- g. Within 21 days of a written request from the Local Authority the operator shall, at their expense, employ a consultant from the approved list to assess compliance with the noise condition. The consultant's report written report shall be made available to the Local Authority within 2 months of this written request, unless this time limit is extended in writing by the Local Authority.

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<sup>1</sup> Institute of Acoustics *A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise*

## Private Water Supply - Informative

Informative: Water Industry Act 1991, Section 80

The owners and occupiers of the development site land identified in this application are 'relevant persons' (as prescribed under Section 80(7(b)) of the Water Industry Act 1991) and, as such, must ensure that they do not cause any private water supply source within their land ownership &/or occupation to become unwholesome or insufficient. The Local Authority may serve notice requiring relevant persons to carryout works necessary to ensure both wholesome and sufficient water is supplied for domestic purposes.

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**Proposed development:**

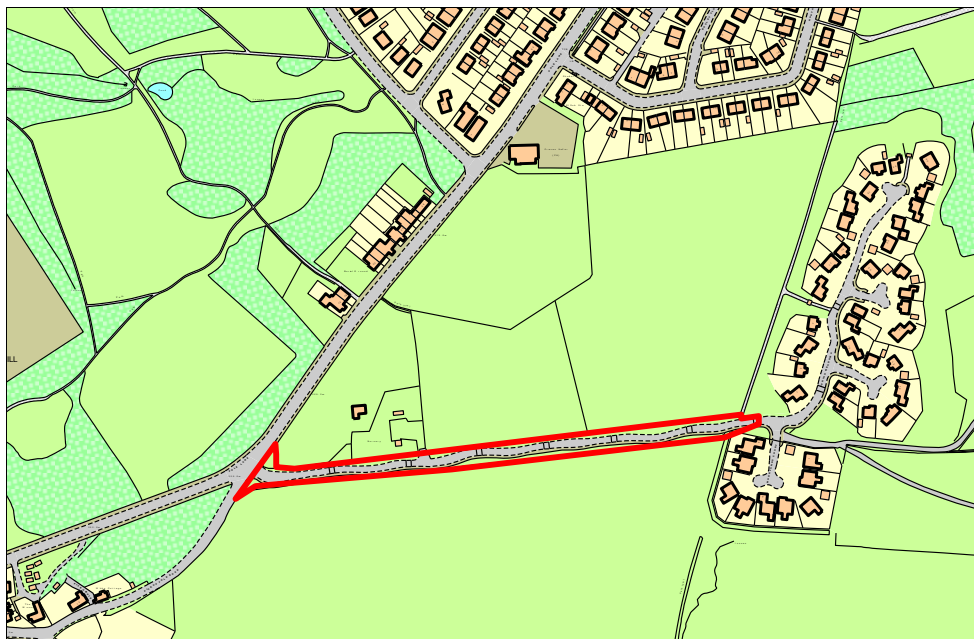
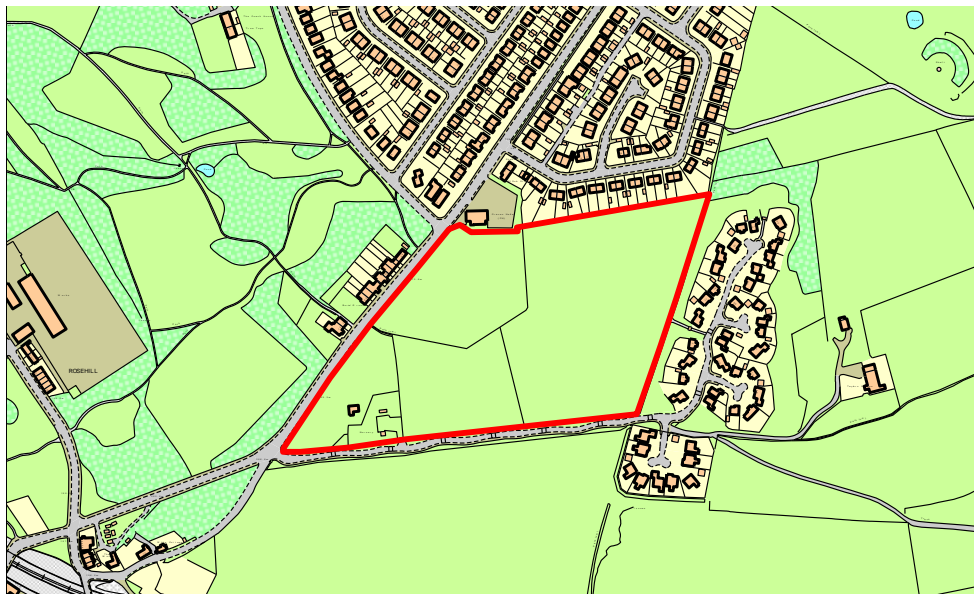
- 10/16/0789: Reserved Matters Application for erection of 126 dwellings pursuant to Outline Planning Approval 10/12/0933.
- 10/17/0250: Works to straighten and upgrade Spring Meadows Road so that it can be adopted.
- 10/17/0414: Variation to Section 106 Planning Obligation for Planning Application 10/12/0933.
- 10/17/0418: Removal of Condition No.8 of Outline Planning Approval 10/12/0933.

**Site address:** Land at Pole Lane, Darwen

**Applicant:** Ruttle Plant Holdings

**Ward:** Marsh House

<b>Councillor</b>	<b>Kevin Connor</b>
<b>Councillor</b>	<b>Neil Slater</b>



## **1.0 SUMMARY OF RECOMMENDATIONS –**

- 1.1 **10/16/0789: Reserved Matters Application for erection of 126 dwellings pursuant to Outline Planning Approval 10/12/0933.  
APPROVE – Subject to revised Section 106 Agreement relating to off-site highway works, community benefit and development phasing.**
- 1.2 **10/17/0250: Works to straighten and upgrade Spring Meadows Road so that it can be adopted.  
APPROVE – Subject to revised Section 106 Agreement relating to development phasing.**
- 1.3 **10/17/0414: Variation to Section 106 Planning Obligation for Planning Approval 10/12/0933.  
APPROVE.**
- 1.4 **10/17/0418: Removal of Condition No.8 of Outline Planning Approval 10/12/0933.  
APPROVE – Subject to revised Section 106 Agreement for off-site highway works, community benefit and development phasing.**

## **2.0 KEY ISSUES / SUMMARY OF PLANNING BALANCE**

- 2.1 The proposals will deliver a high quality housing development which will widen the choice of family housing in the Borough, provide an upgraded road and improved road safety. They support the Borough's planning strategy for housing growth as set out in the Core Strategy and will deliver housing at a site which is allocated for housing development in the Local Plan Part 2. The proposals are also satisfactory from a technical point of view, with all issues having been addressed through the applications and the Section 106 agreement, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The site is located on the eastern side of Pole Lane, and is bounded by Spring Meadows road along the southern boundary, Spring Meadows residential properties to the east and Rudyard Drive and the Craven Heifer Public House are located to the north. Residential cottages lie to the west of the site across Pole Lane. The housing development area measures approximately 5.7 hectares, comprises rough grassland and was most recently used for the grazing of horses. The road development area is approximately 1 hectare and adjoins the southern boundary of the housing site.

- 3.1.2 Public transport links run along Pole Lane to the west of the site and there are a number of pedestrian and bridle routes in the vicinity. A Public Right of Way bisects the housing development site, and another follows the eastern boundary.

### **3.2 Proposed Development**



- 3.2.1 The housing development site was granted Outline Planning Permission (access) by the Planning and Highways Committee in July 2013, for the erection of up to 133 dwellings. The outline approval was subject to conditions, detailed at section 5.1, and also a Section 106 agreement for an off-site contribution towards affordable housing.
- 3.2.2 Approval is now sought for four items:
- Reserved Matters approval for 126 dwellings at the housing development site; for appearance, landscaping, layout and scale;
  - Full planning permission to upgrade and straighten Spring Meadows Road;
  - Removal of condition no.8 of the outline planning permission, which required off-site highway works; and
  - A revised Section 106 agreement, removing the requirement for a contribution towards affordable housing and replacing it with a necessity for off-site highway works, community benefit and an agreed phasing for delivery of the upgraded road and new drainage connection.
- 3.2.3 The proposed layout seeks to deliver a development which accords with the requirements of the Blackburn with Darwen Core Strategy and Local Plan Part 2. The appearance, landscaping, layout and scale shows suitable amenity and design; accommodating 126 family dwellings with associated landscaping and drainage attenuation features. The layout shows how the residential development will be arranged, with landscaped green areas proposed along the alignment of the public right of way.
- 3.2.4 The properties are a mix of 3, 4 and 5-bed semi-detached and detached dwellings, which have been designed to suit the traditional edge-of-town setting with modern design quality. The mix of properties is: 48no. 3-bedroom dwellings, 74no. 4-bedroom dwellings and 4no. 5-bedroom dwellings.
- 3.2.5 The central part of the housing site includes an area of Green Infrastructure alongside the existing Public Right of Way, which is to be retained and upgraded to become a cycle route.
- 3.2.6 The main vehicular access to the housing development site, which was approved at outline stage, is located off Pole Lane. Private individual driveway access to 17 of the proposed dwellings is proposed off Spring Meadows, and to 7 dwellings directly off Pole Lane. These driveways are considered as part of the current reserved matters application regarding "layout".
- 3.2.7 The existing road at Spring Meadows is unadopted and has a winding form which has not proved to be convenient or effective for road users. In order to achieve an attractive layout for the housing development and the setting, the new dwellings should be oriented to face towards the street. To achieve this design objective, improve the road alignment and to resolve the long-standing issues preventing adoption of the drainage and road, the applicant proposes to form an adoptable 5.5m highway with 2m footways on either side. Traffic calming is to be provided by occasional narrowings using build-outs.

### **3.3 Development Plan**

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.2 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

#### **3.3.3 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/15 – Housing Land Allocations (Pole Lane, Darwen)
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape.

### **3.4 Other Material Planning Considerations**

#### **3.4.1 Residential Design Guide and Borough Wide Design Guide Supplementary Planning Documents (SPD)**

The SPD documents provide targeted advice to ensure high quality new homes. They aim to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The documents also seek to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

#### **3.4.2 National Planning Policy Framework (NPPF)**

In particular Section 6 of the NPPF relates to delivering a wide choice of high quality homes, and Section 8 relates to promoting healthy communities.

### **3.5 Assessment**

3.5.1 As an allocated housing site with an outline planning approval in place, the principle of the current proposal for housing is considered to be acceptable

and in accordance with the provisions of the development plan in terms of delivering a high quality residential site with the designated urban area. This is subject to the more detailed considerations also being in accordance with adopted development plan policy and national guidance. The principle of the current proposal for the upgraded road is also considered to be acceptable and in accordance with the development plan because it serves to replace and improve an existing road.

3.5.2 In assessing the proposals there are a number of important material considerations that need to be taken into account as follows:

- Highways layout and impacts;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology;
- Contaminated land and historic mining; and
- Affordable housing.

3.5.3 Furthermore, Local Plan Policy 16/15 allocates the housing site for development within the 15 year life of the Plan, subject to key development principles, the following of which are relevant to the current reserved matters application:

- Need to consider / mitigate impacts on public rights of way that cross the site.
- Incorporation of SuDS and measures to control surface water run-off.
- Minimise the impact of development on the countryside and enhance access to the countryside.
- Completion of appropriate ground investigation works to establish the extent of any ground contamination and whether any mitigation measures are required.

3.5.4 Highways Layout and Impacts

The traffic impact on local roads associated with the development of the housing site was fully considered when the outline planning application was approved in July 2013 (reference 10/12/0933) and found to be acceptable, subject to conditions.

3.5.5 The layout of the housing site has been designed to allow safe and convenient access for pedestrians, cyclists and car drivers. The road entering the site from Pole Lane is to be 5.5 metres wide, with 2 metre wide footways on either side. Within the site, the road width reduces to 4.8 metres. Off-street parking spaces within the curtilages of properties are to be provided and the proposed site layout provides a 3 metre wide footpath and cycle link along the line of the existing public right of way.

3.5.6 In accordance with the Residential Design Guide SPD, every 3-bedroomed dwelling within the site is to have 2no. off-street parking spaces either within a driveway or garage. Dwellings with 4 or 5 bedrooms have 3 off-street parking spaces. The majority of the garages (around 80%) have internal dimensions of 3 metres by 6 metres to ensure they are usable to park a car. The garages for three of the house types are marginally below this size. Whilst the Council's preference is to ensure that all garages are 3 metres by 6 metres,

on balance, this car parking provision is recommended to be accepted because it affects a small number of the units and is only marginally below the standard.

- 3.5.7 The development will be accessible by public transport on Pole Lane, with the proposed upgrade of 2 x bus stops to be funded via a commuted sum within the new Section 106 agreement, should the applications receive approval. A new pedestrian crossing on Pole Lane is also proposed to be funded through the new Section 106 agreement.
- 3.5.8 In terms of vehicular access, the main access point from Pole Lane for the housing development site was approved at outline stage, and the proposed layout illustrates 17no. driveways via Spring Meadows Road and 7no. individual driveways from Pole Lane. A selection of surfacing materials and narrowings via build-outs are proposed to add character to the streets, the finer details of which will be inspected at technical highways approval stage.
- 3.5.9 As a result of the impact of the proposal on the local highways network, a number of off-site highway works were identified through the Outline Planning Approval, required via Condition No.8:
- (1) Upgrade of two bus stops adjacent to the site;
  - (2) Provision of a pedestrian crossing adjacent to the main vehicular access to the site; and
  - (3) Installation of a mini roundabout and highway widening at the junction of Pole Lane and Sough Road.
- Items (1) and (2) are proposed to be implemented through the revised Section 106 agreement. With regards to item (3), since the outline permission was granted, the specifics of highway improvements required in the area have evolved via the Council's overall strategy for the Darwen East Distributor Corridor. Highway design work on the potential upgrade of the junction of Pole Lane and Sough Road have highlighted that a mini roundabout will not be an appropriate solution, and consultation responses from residents in the area have highlighted a need to improve highway safety in the area. Furthermore, issues over the adoption of Spring Meadows have arisen, and have become the priority at this stage of housing growth in east Darwen.
- 3.5.10 Spring Meadows road is currently unadopted, principally due to an unadoptable drainage system following an over-build at Moorlands Court. To solve this issue, the applicant proposes to upgrade Spring Meadows road (planning application 10/17/0250) and to divert the drainage from Spring Meadows at manhole S10, into the housing development site; to allow for the drainage system and the road to be adopted.
- 3.5.11 In addition to the off-site highway works currently required by Condition 8, the existing Section 106 agreement requires a commuted sum contribution of £400,000 towards affordable housing in the Borough. When setting the level of any financial contribution, Policy 12 of the Local Plan Part 2 confirms that the Council will take into account the total contribution liability incurred by developments arising from all policy and site specific requirements, to ensure that the overall level of contribution required will allow developments to remain viable, wherever this is compatible with securing essential works that are fundamental to the acceptability of the proposal.

3.5.12 Therefore in order to allow for the essential drainage diversion works and road construction, whilst maintaining scheme viability, detailed costs of the additional works were provided, appraised and found to be reasonable. This consideration, in addition to the change in strategy for the Pole Lane / Sough Road junction has led to the current proposals to remove condition no.8 for off-site highway works, and to remove the requirement for a contribution towards off-site affordable housing, and to replace them with a revised Section 106 agreement providing a commuted sum for:

- a pedestrian crossing adjacent to the main vehicular access;
- upgrade of 2 x bus stops adjacent to the site; and
- a community benefit contribution for traffic management and road safety initiatives around the Darwen East Development Corridor.

The revised Section 106 agreement is also proposed to establish phasing requirements for the commencement and completion of the upgraded Spring Meadows Road, and for final connection of the site drainage.

3.5.13 Subject to the signing of the new Section 106 agreement, the overall scope of information submitted in support of the transport and highways aspects of the proposals illustrate an acceptable highways layout and provision of off-site highway works that will mitigate the likely impacts on the network. Any future traffic impacts of additional developments in the area will be considered as and when the detailed applications, or reserved matters applications, are submitted. As such, the proposals are in accordance with the requirements of the Local Plan Part 2.

#### 3.5.14 Drainage

The sites lie in Flood Zone 1, which is low risk on the Environment Agency's Flood Zone Map. However, as a result of the significant size of the proposed development and the requirement for a drainage diversion, an outline drainage strategy has been submitted. This illustrates a proposal to incorporate a Sustainable Urban Drainage (SuDS) system, with an attenuation pond. The drainage strategy will limit surface water flows to greenfield run-off rates.

3.5.15 The Council's Drainage engineers have scrutinised the proposed outline drainage strategy, and have confirmed that it is acceptable subject to the provision of a full detailed drainage design before the works commence in accordance with the condition which has been attached to the outline approval.

3.5.16 Should the reserved matters application receive approval, a management / maintenance plan, describing how a management company will be set up to maintain the open areas within the development, will be required via a suitably worded condition.

#### 3.5.17 Design and Layout

Policy 11 of the Local Plan Part 2 requires all new development to present a good standard of design, to demonstrate an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability.

3.5.18 A design and access statement has been provided for the reserved matters application, which sets out the key design principles which informed the initial site layout. Following detailed discussions, and comments from statutory



consultees, the layout was further improved. The applicant's design team has considered the character and appearance of the immediate built environment, and incorporated contemporary design solutions to establish the layout and house types.

- 3.5.19 In terms of housing mix, the development proposes a mix of 3, 4 and 5-bed semi-detached and detached dwellings, which have been designed to suit the traditional suburban setting on the edge of Darwen. The properties comprise 48no. 3-bedroom dwellings, 74no. 4-bedroom dwellings and 4no. 5-bedroom dwellings. Policy 18 of the Local Plan Part 2 illustrates that the Council requires detached and semi-detached housing to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and by providing 100% of this type of housing the reserved matters proposal meets this policy requirement.
- 3.5.20 A detailed materials matrix has been submitted with the reserved matters application, which sets out the proposed materials for each plot. In summary, the proposed materials are a mixture of traditional brick in brown or red, stone lintels and cills, off-white render, red or grey roofing tiles, dark grey uPVC windows and front doors in grey, green, teal or black. Subject to the inspection of material samples, which is necessary in accordance with condition no.3 of the outline planning approval, the proposed materials are considered to be acceptable in accordance with Policy 11.
- 3.5.21 Details of the proposed boundary treatments were initially provided with the reserved matters application, however an amended scheme is to be submitted to correspond with the revised site layout. An appropriate scheme of boundary treatments will be required via a suitably worded planning condition, to ensure compliance with design and ecological requirements.
- 3.5.22 The submitted details for the reserved matters application include a landscape plan, providing for landscaped green infrastructure within the site in accordance with Local Plan Policy 40. The applicant proposes to implement a management scheme, requiring a management company to be set up to maintain the open areas and SuDS areas within the development in perpetuity. Should the application receive approval, a suitably worded condition is recommended to ensure the management scheme is implemented.
- 3.5.23 Subject to suitable conditions, the comprehensive details submitted with the applications illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the adopted Local Plan Part 2.
- 3.5.24 Amenity Impact  
Given the proximity of the site to existing residential areas and the Craven Heifer public house, and the likelihood of some disruption during site operations, the Council's Head of Public Protection requested pre-determination noise and odour assessments, which were subsequently submitted by the applicant. The Head of Public Protection will provide detailed comments in relation to noise, odour, air quality and land contamination in advance of the committee meeting, to be reported in the Committee Update Report.

- 3.5.25 The Residential Design Guide SPD provides advice to enhance the quality of new homes, including the protection of the amenity of existing residents. Space standards are an important consideration when assessing such impact. These standards have been considered when assessing the current reserved matters proposal, both within the site and in relation to surrounding properties which are either existing or likely to be present in the future on the adjacent allocated housing site to the south of Spring Meadows.
- 3.5.26 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction.
- 3.5.27 A number of existing surrounding properties have habitable rooms facing directly towards the proposed housing development site. In order to ensure an acceptable level of amenity is achieved for residents of these properties, and of the residents of the proposed dwellings, the separation distances as required by the SPD have been achieved in accordance with Local Plan Policy 8. The required separation distances have also been achieved within the site, with some minor exceptions, and the separation across Spring Meadows road towards the adjacent allocated housing site are considered to be acceptable.
- 3.5.28 Overall, the development of 126 dwellings gives a marginally lower density than that shown in the indicative scheme for 133 dwellings at the outline stage. This reduction is in part due to the requirement in condition no.20 of the outline approval to *include provision for large family housing incorporating the following as minimum specifications for properties on the triangle of land bounded by Pole Lane, Spring Meadows and the Public Right of Way which crosses the site in an west to east direction:*
- *minimum floorspace of 1,100 sq. ft.;*
  - *minimum side to side distances of 4 metres; and*
  - *double garage and driveway.*
- This provision is met within selected plots in the specified area, which comprises 10% of the whole development proposed. A further 4 dwellings meeting this requirement are located immediately to the north of the central green corridor.

3.5.29 Ecology

The ecological impact of the proposal was fully considered when the outline planning application was approved in July 2013 and found to be acceptable, subject to provision of a landscaping scheme through the reserved matters application to include provision for the retention and enhancement of wildlife corridors along the northern and eastern boundaries as identified in the 'Ecological Survey and Assessment' by Environmental Research and Advisory Partnership dated August 2008. The revised layout illustrates that wildlife corridors will be retained to the northern and eastern boundaries of the site through additional planting of native species. Along the northern boundary of the site, the wildlife corridor is included within private gardens, with fencing in this area designed to allow the free passage of amphibians and mammals.

- 3.5.30 Capita Ecology commented on the initial layout and landscaping scheme, recommending adjustments to the wildlife corridor and the planting details. The site layout was subsequently amended, and revised landscaping details are to be provided in advance of the committee meeting to address these matters; to be reported in the Update Report for Committee.
- 3.5.31 It is considered that subject to receiving further information prior to the committee meeting, the impact of the development upon ecology will be suitably mitigated and compliant with Policy 9 of the Local Plan Part 2.
- 3.5.32 Contaminated Land and Previous Coal Mining  
Before the development commences, condition no's 5 and 18 of the outline planning approval require the developer to submit a comprehensive desk study report in relation to land contamination, to complete detailed site investigations where necessary and to complete a scheme of further works and investigations to identify the risks and most appropriate treatment of the recorded mine entries within the application site. Subject to the discharge of these conditions, the proposals are acceptable in accordance with Local Plan Policy 9.
- 3.5.33 The Coal Authority initially expressed concerns in relation to the proposed housing layout, because accurate positions of the historic mine entries within the site had not been identified. The applicant subsequently carried out site investigations to locate the mine entries, to ensure that the proposed layout is achievable. The details have been forwarded to the Coal Authority for comment in advance of the committee meeting, to be reported in the Update Report for Committee.
- 3.5.34 Affordable Housing  
For the reasons set out at paragraphs 3.5.9-13, there is no viability within this development for the provision of affordable housing either on-site or elsewhere in the Borough. Again, this is largely as a result of the developer agreeing to fund the extensive highway work, drainage works and road safety initiatives which will benefit the immediate area. In accordance with Local Plan Policy 12, the Council must take into account the total contribution liability incurred by developments arising from all policy and site specific requirements. With this policy in mind, and in order to ensure that the development is allowed to remain viable and proceed, it's recommended that the Section 106 contribution should be adjusted as proposed.
- 3.5.35 Summary  
This report assesses the reserved matters application for 126 dwellings at Pole Lane, Darwen, in addition to the full planning application for the upgrade of Spring Meadows road, the removal of outline condition no.8 and the revision to the associated Section 106 agreement. In considering the proposals, a wide range of material considerations have been taken into account.
- 3.5.36 In addition to the matters described above, local residents raised the following concerns:
- *There is far too much traffic using Pole Lane – and very fast traffic too causing safety issues.*
- The submitted details, considered out outline planning application stage, indicate sufficient capacity on the local highway network. The comments regarding existing safety issues are noted, however as an existing problem

a new development cannot be expected to provide the solution. Nonetheless, a commuted sum is proposed from the developer to contribute towards traffic management and road safety initiatives in the area.

- *Losing green space and habitats.*  
The principle of housing development at the site was established when the Local Plan Part 2 was adopted by the Council in December 2015, following examination by the Secretary of State which included a sustainability appraisal.
- *Lack of places in local schools.*  
The Blackburn with Darwen Schools and Education Department were consulted, and confirmed that there are sufficient school places to meet the pupil yield from the development.
- *No-mans land will be created by the wildlife corridor along the northern boundary; concerned about security and fly tipping.*  
In response to these concerns, the site layout was revised to ensure that the wildlife corridor will be located within rear private gardens. The boundary treatments along the corridor will need to allow movement of wildlife, and covenants will be placed on the affected properties to ensure maintenance of the wildlife corridor in perpetuity.
- *No need for the development, which should take place on brownfield sites in the centre of Darwen.*  
The Borough's housing requirement was established when the Core Strategy was adopted by the Council in 2011, and subsequently the principle of housing development at the application site was confirmed when the Local Plan Part 2 was adopted by the Council in December 2015, following examination by the Secretary of State.
- *Driveways onto Spring Meadows will impede traffic movements unless the lane is upgraded.*  
This concern has been addressed by the proposal to upgrade and improve the lane.

3.5.37 The assessment of the proposal clearly shows that the planning decision must be made in terms of assessing the merits of the case against any potential harm that may result from the implementation of the development. This report concludes that the proposal provides a high quality housing and road development and meets the policy requirements of the Local Plan Part 2, the Core Strategy and National Planning Policy Framework.

3.5.38 The development proposals are the result of extensive design development and site investigations which will provide a positive contribution to the immediate area and to the housing offer in Darwen.

## **4 RECOMMENDATION**

### **4.1 10/16/0789: Reserved Matters Application for 126 dwellings**

### **4.2 Approve subject to:**

- (i) Delegated authority is given to the Director of Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £70,000 towards: a pedestrian crossing adjacent to the main vehicular access, upgrade of 2 x bus stops adjacent to the site and for community benefit (traffic management and road safety measures in the East Darwen area); and relating to agreed phasing of drainage and road construction.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:
- Landscaping and SuDs management and maintenance plan to be submitted, and implemented;
  - Retention of householder parking spaces (and garages);
  - Detailed road and footway finishes to be submitted; and
  - Details of boundary treatments.

**4.3 10/17/0250: Full planning application for works to straighten and upgrade Spring Meadows Road**

**4.4 Approve subject to:**

- (i) Delegated authority is given to the Director of Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990 as noted above.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:
- Commence within 3 years;
  - Drainage scheme;
  - Construction method statement; and
  - Technical details and traffic calming to be agreed, to be built to adoptable standards.

**4.5 10/17/0414: Variation to Section 106 Planning Obligation**

**4.6 Approve.**

**4.7 10/17/0418: Removal of Condition No.8 on Outline Planning Approval 10/12/0933**

**4.8 Approve subject to:**

- (i) Delegated authority is given to the Director of Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990 as noted above.



Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

## **5 PLANNING HISTORY**

- 5.1 Outline Planning Permission was granted in July 2013, reference 10/12/0933 for the erection of up to 133 no. new dwellings, subject to the following conditions:
1. Application for approval of reserved matters within 3 years;
  2. Reserved matters to be approved before commencement (appearance, landscaping, layout and scale);
  3. Samples of materials;
  4. Arboricultural method statement and tree protection plan;
  5. Contaminated land desk study and site investigations;
  6. Contaminated land validation report;
  7. Unexpected contamination;
  8. Off-site highway works;
  9. Protection of visibility splays;
  10. Construction method statement;
  11. Hours of construction;
  12. Existing and proposed ground levels;
  13. Acoustics report and sound attenuation;
  14. Drainage scheme;
  15. Archaeological investigation scheme;
  16. Dust suppression scheme;
  17. Monitoring of noise and vibration during works;
  18. Investigations to identify risks from recorded mine entries;
  19. Remove permitted development rights for classes A-F;
  20. Provide large family housing specified;
  21. Implement in accordance with submitted details.

## **6 CONSULTATIONS**

- 6.1 Arboricultural Officer  
No comments received.
- 6.2 Drainage Section  
No objections, subject to conditions.
- 6.3 Education Section  
No objections. There are sufficient school places to meet the pupil yield from these developments.
- 6.4 Environmental Services  
Road widths to accommodate refuse vehicles, including turning circles to minimise reversing, plus also space at each plot to accommodate 3 bins.
- 6.5 Public Protection  
Advised that comments will be provided in relation to noise, cooking odour, ground contamination and air quality; to be reported in the Committee Update Report.

#### 6.6 Local Highways Authority

Summarised and bulleted comments:

- Tekgrip DSR material should be introduced.
- The private drive space being created to serve plots 75-80, would appear to be lacking distinctiveness and character and would appear disjointed.
- The footpath transition through the site need to be reaffirmed, the latest drawing shows a dotted line at what is assumed is the back of a footway/service verge. Clarification is necessary.
- Tracking of refuse vehicle is awaited.
- Sightlines have not been received [*not necessary as conditioned on the outline approval*].
- All drives should be 5.5m in length to accommodate a single vehicle and 11m in length if the arrangement was to park one vehicle behind the other.
- A condition should be attached to ensure all visibility splays are kept unhindered. [*This is a condition of the outline permission*].
- There should be a condition attached to ensure completion of the road is tied in with this development proposal.
- Details of the road narrowings should be conditioned.
- More detail is needed to show what would be presented to the Spring Meadows frontages, in terms of boundary treatments.
- The Spring Meadows road should be built to adoptable standards, and traffic calming to be agreed.
- A condition survey is to be carried prior to commencement of development and also once base course is laid to ensure that the any defects can be recorded.
- A resolution to the road which has remained unadopted for many years is welcomed, and would encourage collaborative working with the developer to enable us to proceed towards adoption as soon as is practicable.
- Informatives recommended.

#### 6.7 Public Rights of Way Officer

With regard to the Planning Policy, the development plan asks that “*The development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route.*”

Whilst the development does directly affect a public right of way (FP 202) in terms of its “use and enjoyment by the public” i.e. it replaces a green field path with a semi-urban shared use path, it does appear to be ‘maintained’ on its current alignment and as such meets the policy test.

Further comments were provided for information for the developer in terms of highways legislation.

#### 6.8 Lancashire Constabulary

No objections, but recommended measures to reduce crime risk including:

- Door and window standards;
- Fencing details and lockable gates;
- Security lighting;
- Cul-de-sac layout; and
- Surveillance of landscaped areas.

#### 6.9 Coal Authority

Initially raised a concern that the location of historic mine entries should be identified in order to inform the site layout. This information has subsequently

been provided by the applicant, and if further comments are provided from the Coal Authority they will be reported in the Committee Update Report.

- 6.10 Electricity Northwest  
Considered the proposal and provided advice for the applicant. Also confirmed that there is a 6.6kV wood pole line crossing the proposed site, which will require to be diverted.
- 6.11 Environment Agency  
Confirmed that no comment to be provided.
- 6.12 Capita Ecology  
Capita Ecology commented on the initial layout and landscaping scheme, recommending adjustments to the wildlife corridor and the planting details. The site layout was subsequently amended, and revised landscaping details are to be provided in advance of the committee meeting to address these matters; to be reported in the Update Report for Committee.
- 6.13 United Utilities  
No comments received.
- 6.14 Clinical Commissioning Group  
Confirmed no comments to make.
- 6.15 NHS  
No comments received.
- 6.16 Public consultation has taken place, with over 250 letters posted to neighbouring addresses; a press notice has been published; and site notices displayed. In response, 13 residents have submitted letters of objection which are shown within the summary of representations below.

7 **CONTACT OFFICER: Helen Holland, Planning Team Leader (Strategy).**

8 **DATE PREPARED: 13<sup>th</sup> April 2017**

## Summary of Representations

### Objections:-

Miss J Reeves, 9 Pole Lane Darwen

I was very concerned on receiving your letter regarding the proposed housing development there are many negative reasons for my negative feelings. Firstly it will have will traffic congestion as the Road is used to full capacity now with a constant flow. It has reached saturation point. It will destroy a last green belt area to become an eye sore and a road accident area. There is no need for a huge building site there, Building should be confined to brown fill areas which could benefit from. Also drainage potentially more building work will make flood.

happen more frequently.. lack  
of amenities. it wont benefit, DARWEN  
People will just use that area as  
a corridor to get through. in effect  
taking from Darwin. but not contributing  
DARWEN AS A TOWN is too narrow. For  
ALL this DEVELOPEMENT. So I am  
totally apposed to this.



D, Holden 66 Rudyard Drive Darwin

I wish to comment on the above.

1) There is far too much traffic using pde lane - and very fast traffic too.

2) Losing yet another green field, these will need be replaced.

3) Lack of places in schools etc. All the wildlife, regularly see deer on the fields mentioned.

4) Surely, there are enough houses

that could be saved, rather than demolished!

Very disappointed if this goes ahead.

## Jason Barton 14 Rudyard Drive Darwen

Whilst we and others still strongly object to the development, I have some issues with the latest plans that were submitted

Firstly the development has a row of semi detached houses which back onto Rudyard Drive. Why have those house been placed there. Could they have not been on the border of the field on the opposite side of Rudyard Drive, so that they would not back onto other property?

Also the developer has indicated a stretch of land bordering the back of our gardens and the back of the proposed new build, in effect a no mans land. Whilst we are content with that, who would maintain that stretch and do the developers intend to plant any trees/bushes? Again if so who maintains these?

Next the issue of drainage. There is a natural spring which flows underneath a lot of the properties on Rudyard Drive. Do the developers intend to divert this spring to the drains they install. What we don't want to happen is that further waters are diverted under our properties

When the original plans were drawn up, many years ago now, they didn't take into account any further development that could take place on the land south of Spring Meadows. A planning application has now been granted on that land. This will mean a further 200+ house, potentially with 2 cars per household. What has the developer or council in mind for traffic flow and calming, given that pole lane is a busy stretch of road and is used a rat run for traffic going to and from Bolton avoiding using the main road in Darwen

I hope the above views are taken into account when finally deciding the application

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## Clive Weston 106 Pole Lane Darwen

To whom it may concern,

I am writing as a resident of Pole Lane, Darwen, concerned about the impact of traffic from the erection of a further 110 dwellings by Ruttle Plant Holdings.

As a resident of Pole Lane for 40 years my concerns regarding traffic fall into two categories, firstly the increased volume of traffic, and secondly the speed at which traffic travels during all hours of the day and night. With the volume of traffic, it has become increasingly difficult and dangerous to back cars on and off the driveways of local residents. As a resident of this area and local citizen, I am disappointed that the council continually wishes to damage the quality of life and safety of Pole Lane residents. Since traffic-

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calming measures were installed on Marsh House Lane, the volume of traffic speeding up Pole Lane has greatly increased. By increasing the number of homes on Pole Lane yet further, with no suggestion or acknowledgement of a need for new traffic measures on Pole Lane, it would appear that the council's feasibility studies take little account of impact on safety and noise levels for existing Pole Lane residents.

I am well aware that police patrols for speed-checks often take place on Pole Lane, however this has in no way reduced the actions of drivers habitually speeding up this residential Lane. Such speeding is likely due to the fact that Pole Lane is a relatively straight road with a noticeable gradient. With an additional planned 110 families set to use Pole Lane after your proposed development, it is necessary that the Council finally begin to take some consideration of the existing residents it claims to represent. I would appreciate the Council making efforts and steps to include, as part of any future housing development on Pole Lane, the consideration of lasting and effective traffic calming measures to ensure the safety and well-being of residents.

Under the 1990 Planning Act (previously under Section 106) I believe the Council are able to put a requirement upon the developers to include such traffic calming measures – and at a cost that should be incurred by the developer, not the Council.

Whilst it appears clear that the Council is not able to stand in the way of central government desire to boost house building statistics, I believe they should at least be willing to use the opportunity to take into consideration the safety and well-being of some of their longstanding residents.

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J. E. Reeves 9 Pole Lane

Dear Mr Bailey as a resident of Pole Lane Darwen I am strongly opposed to this development. The area in which they are intending to build on is on one of the few areas which are still Green field in Darwen and in a semi Rural location. I would be very concerned as I dont feel there is sufficient need for this development there are plenty of Brown fill sites which would benefit from this large influx of houses and rejuvenate the apperance of the more central areas of Darwen . I am also concerned about the possability of flooding as i dont believe that the the proposed method of drainage will be sufient .I personaly have had major problems with the land drainage with water ingress under my foundations . which caused me to have pools of water . Water does not seep into the earth as the area under my home is made of impervious clay. which does not allow water to drain through .I had to pay to get a land drain sunk but they could not get through the clay . Paid for Dry rot specialists had to have complete new Floors If all these houses are built. More and more land is going to be concreted and .It is becoming coming more aparent that with global warming more care has to be taken to ensure water is allowed to drain away naturally. Traffic is also a major problem and I feel that a pleasant area will be destroyed for ever by allowing the building of 110 new homes. . It is very busy now on Pole Lane and building more houses would obviously exacerbate the problems .

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## Stuart & Diana Conn 8 Spring Meadows Darwen

Hi, I would like to object to the planning application, I know planning was originally passed for this site despite the objections of the local residents, I would like to point out that in December 2012 permission was granted for the build to start by December 2014 it did not so permission lapsed. If permission is again granted what conditions would be imposed and if so why bother when the developer can ignore the deadline and just re-apply for permission at a later date? What is the point of having a deadline in the first place? I would also like to point out that the lane leading to Spring Meadows is currently un-adopted by the council and has been the case since 1995 since the estate was built. With no apparent progress towards it becoming adopted. The current owners have not in anyway maintained the verges or road surface and have left it as an abandoned scrubland. Has the appropriate permission to obtain access on to the lane for the eight driveways been obtained? Eight houses with direct access off Spring Meadows Lane would cause serious congestion to an already narrow and convoluted lane, having travelled up and down this lane for the last twenty odd years I can safely say it is just about fit for practice any more traffic accessing the lane would be a problem, anyone visiting one of the said eight houses and no pulling directly on to their drives would seriously impede the right of way for other road users

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Bethany Wolstencroft 22 Pole Lane

As I very keen animal lover, I am absolutely disgraced with your decision to erect [110 dwellings at pole lane](#).

There are thousands of animals on that field such as; Rabbits, Badgers, deer, stouts, mice, foxes, hedgehogs. This is just some of the wildlife that lives there. You will be destroying their homes, they will have no where else to go to. They will die. I do not understand, as you are supposed to support the wildlife but yet you will kill off thousands just to create some homes that aren't even needed. There are plenty of houses for people to live in, so why do we need more?

I am completely disgusted with this idea, If you were going to do anything in them fields, why not create a wildlife reserve? Instead of making many animals homeless and even creating death.

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## Helen Johnson 26 Spring Meadows Darwen

With reference to the above planning application. I would like to repeat comments that I have already submitted to previous plans. The plans still indicate a number of houses/drives that have access directly on to the existing lane that is used to access Spring Meadows, Moorlands Court and the farmland beyond.

This lane is not designed to cope with a large volume of traffic and it is not very wide. The existing use of the lane is already quite high and is not really wide enough for two cars to pass whilst both are moving. Adding a number of houses that will only have access via that lane is not going to help, and, no matter how much space is given to driveways and garages, people no longer use them for the purposes originally intended, they park on the road and the road in question is a narrow windy lane that will very quickly become congested with cars parked on it – you only have to look at the number of cars and vans and sometimes caravans that are parked around Spring Meadows to realise that garages and driveways are not used for parking! The planning assumption of two cars per house is also out of date, many households nowadays have 3 or 4 depending on the business they are in or the number of grown up children, so again, inevitably they will spill out onto the narrow, windy lane.

I'll be honest – I don't want houses to be built on the fields, it's nice having the horses and the greenery to look at. I know that is not a reason to object and I know that this will eventually go ahead, but please be sensible with it – unless the lane is upgraded, which these plans are not showing, then do not have houses leading straight out on to the existing Spring Meadows lane, it will not work, it will cause chaos and frustration.

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## Mr & Mrs Fort 1 Pole Lane Darwen

Regarding the planning application from Ruttle plant holdings, it would be better if the council got builders to finish off what they have started like the housing development at the bottom sudell rd on the main road where now it is a mess, is this is what's going to happen again an us occupiers will have to look at a mess , there are plenty of brown field areas in Darwen that could provide cheap new housing for the young couples wanting to start on the housing ladder instead of ruining a country area here at Pole lane, I absolutely oppose the building of houses here on Pole lane,

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## Mrs Emma Jefferson 22 Pole Lane Darwen

I am writing to oppose the planning of 110 dwellings on Pole Lane Darwen. I am against this for a number of reasons. Firstly the building of these homes will have a massive impact on our privacy. We bought our home 6 years ago because of its location; woodland at the back and open fields at the front. The building of these houses will mean we will be directly overlooked. Secondly the level of traffic will increase which is already a problem, creating noise and pollution in the area.

The field that has been proposed is a home to lots of wildlife including deer, badgers, hedgehogs, birds of prey, foxes, stoats, field mice, rabbits. Our family see this wildlife on a daily basis and are appalled that hundreds of animals will be forced from their homes in order to make way for buildings. This land should be protected not destroyed. Lastly, I am concerned regarding this risk of flooding to my home during heavy rainfall. The land currently acts like a sponge during heavy rainfall and once flooded, a moderate flow of water persists down Pole Lane until the field has drained. Building on this land will prevent this sponge like effect, causing a flood risk to surrounding properties, such as mine and my neighbours.

Please consider my comments, I am totally against this proposal and see no benefit to Darwen in building these dwellings at this site.

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## David Bent 55 Chapter Road Darwen

With reference to the above application I wish to pass comment with regard to a number of issues:

### 1. The inadequacy of the road system within the area to deal with an increased load

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I note from the plans that the routes out from the new housing estate will be via Pole Lane. From this lane there are only three possible exits.

1. Via Marsh House Lane – through an already busy double mini roundabout system (with traffic calming measures) which forms significant queues at peak times.
2. Via Priory Drive – which subsequently either leads to the congested double mini roundabout noted above or past the new Academy with a 20mph limit and a considerable number of children at school opening and closing times. This route also contains significant traffic calming measures. Additionally there is already an intention to extend the end of Priory Drive thus creating a busy crossroads at this location.
3. Via Redearth Road – meeting at a very difficult junction adjacent to two narrow, angled, railway bridges where traffic already builds up significantly at peak times leading to significant queues building up northwards on Pole Lane which, with additional traffic from the proposed development, would easily back-up and pass the proposed entrance to this development.

I would therefore contend that the location is not suitable from the perspective of the additional traffic flow in the area. I would object to the proposed planning permission on the grounds that the road network is not suitable for additional traffic.

### 2. The inappropriateness of the site and setting for the development –

The section in the original report for Outline Application (10/12/0933) referencing the application site and its setting is disingenuous and misleading in its comments. The report on the Reserved Matters Application (10/16/0789) continues these implications.

1. Under a picture of rural cottages the Outline Application states that “The two storey dwellings are rural in character but their terracing and the addition of three storey properties provides a more urban feel along the street scene.” It fails to note that the “three story property” is clearly rural in character and is a small, old school building over 200 years old adjacent to an old burial ground. The roof line and eaves of this property appear no more than the average modern detached house because the property is both small and sits below the level of Pole Lane. The implication of the report is that the “terracing” of the cottages provide an “urban feel” this is clearly not the case. This impression is furthered in the Reserved Matters Application by stating that “The site is predominantly surrounded by detached, semi-detached and terrace housing

with the majority being in new British vernacular in style.”(sic). The terraced properties referred to are old weavers’ cottages and in no way similar to brick or stone built terraces of the nineteenth and early twentieth century or “new British vernacular.”

2. The Outline Application states that the site is enveloped by urban land to the north, east and west. The Reserved Matters Application states that the site is predominantly surrounded by housing. This is stretching the truth somewhat. The land to the north is indeed a housing estate. However, the land to the east is only a small housing development and the so-called urban land to the west consists of a small row of mainly weavers’ cottages.

3. The Reserved Matters Application (10/16/0789) includes a panoramic view which, by the very nature of such views, shows a distorted image which gives the impression of significant housing on the west side of Pole Lane opposite the proposed site. These properties are, in fact a small row of weavers’ cottages and the small former school mentioned above.

4. I contend that this development will isolate an area of open land to the west of Pole Lane thus reducing the continuous open, undeveloped landscape in this area. This is not simply a continuation of a housing estate but a development that will cut off areas of woodland and open land thus damaging far more of the landscape than that used for the construction of the houses. On page 15 of the report relating to the Reserved Matters Application it clearly shows how the development of this site will lead to the near surrounding of land to the west of Pole Lane.

I would therefore contend that the location is not suitable from the perspective of the setting for the application. I would object to the proposed planning permission on the grounds that the setting is not suitable for the additional buildings.

### **3. The lack of school places within the immediate area –**

There are two schools within the immediate area of the proposed development these are St Peter’s Church of England School in Darwen and St Paul’s Church of England School in Hoddlesden. One of these schools is near to capacity and one is over subscribed. While there are other schools within the Darwen area the fact that the nearest schools are not able to accommodate the expected increase in the number of pupils will clearly lead to an increase in the number and duration of car journeys taking place at the busiest times of day. This will lead to an exacerbation of the issues raised in point 1 (above).

I would therefore contend that the location is not suitable due to the lack of school places in the immediate area. I would object to the proposed planning permission on the grounds that the current schooling facilities are inadequate.



Furthermore this application fails to consider that there is already much land in the Darwen area that is either available for housing or already has planning permission for dwellings such as the old Belgrave Mill site, the old Moorland School site, the Pot House pub site, etc.

In conclusion, therefore, I contend that the application should be rejected on the grounds of traffic flow (point 1 above), an inappropriate setting (point 2 above) and a lack of school places in the immediate area (point 3).

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## Cath Marsden 112 Pole Lane Darwen

I am writing with regards to the proposed development of 110 houses off Pole Lane.

My family and I live on Pole Lane. In terms of the local infrastructure, the idea of another 110 families in this area is deeply worrying. Pole Lane is already too busy, the volume of traffic is ridiculous and only seems to be getting heavier, with many drivers travelling well in excess of the 30mph speed limit. The traffic is a major concern, both for noise and safety issues. Attempting to leave the drive is often precarious, with much of Pole being single parked.

I have no doubt that the proposed development will go ahead, but as a resident I urge you to consider speed restriction measures. Marsh House Lane is much slower because of the speed bumps and I think Pole lane would benefit from the same measures. Speed bumps are needed from the top to the bottom of Pole Lane, not just at the access to the development - it is the volume and speed of all vehicles using Pole Lane that needs to be managed, not just the entrance to the proposed site. A speed restriction of 20mph would also be sensible.

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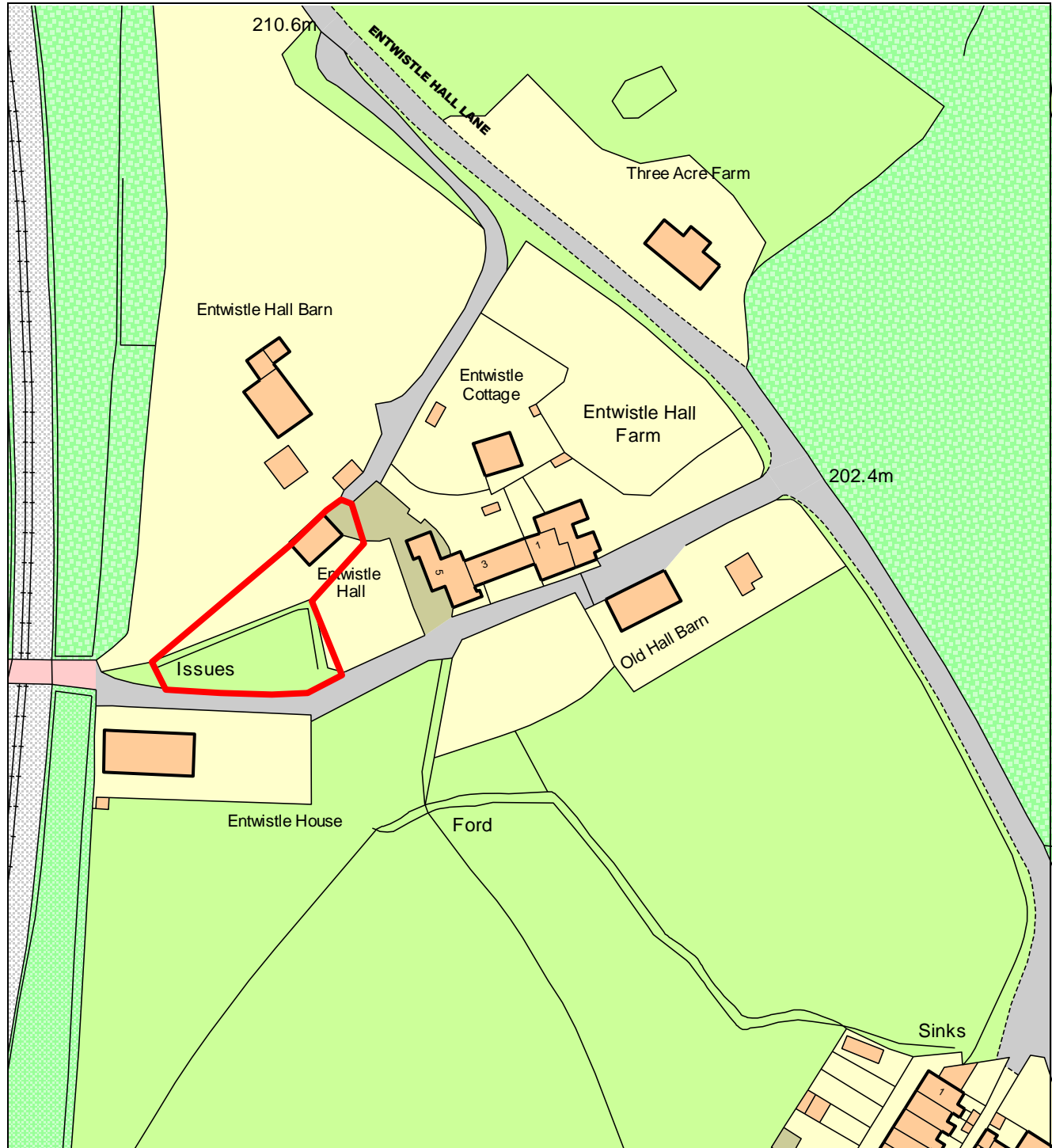
Proposed development: Full Planning Application for single storey side (south west) extension, single storey side (north east) extension, gable insertion to rear and single storey front extension to existing building.

Site address: The Paddock, Entwistle Hall Lane, Turton, Bolton, BL7 0LR

Applicant: Mrs Ann-Marie Thornley

Ward: North Turton with Tockholes

Councillor Colin Rigby	
Councillor Jean Rigby	



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 Approve, subject to conditions.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 The proposed extensions are to an existing building that has extant consent for a residential conversion. The proposals have been amended during the assessment of the application, to reduce the overall scale.

2.2 The main issues for assessment are the impact of the proposal upon the openness of the green belt and the impact of the proposal upon the adjacent Grade II\* Listed Building.

2.3 It is considered that, on balance, the proposal would present a visually attractive proposal, which would not have a harmful impact upon the openness of the Green Belt, nor have a harmful impact upon the adjacent Grade II\* Listed Building, taking account of all relevant material planning considerations.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

The building is a two storey stone built structure with a dual pitched slated roof. It is sited to the north west of Entwistle Hall, a Grade II\* building located off Entwistle Hall Lane. The building was originally constructed as 2no. stables and a garage following consent in 1988.

3.2 Following its approval to convert to a residential dwelling in 2012, the permission was implemented and the consent became extant. Therefore, Members should note that the site has an extant consent for a residential dwelling.

3.3 The site is located in the green belt, and is accessed from Entwistle Hall Lane.

### **3.4 Proposed Development**

3.5 The proposal seeks to add extensions to the building, to form larger living accommodation as part of the extant residential conversion. A gable addition is to be added to the rear roof slope, a single storey side extension and a single storey side and front extension are proposed. Materials are proposed to match the existing dwelling.

3.6 Amended plans have been sought through the assessment of the application. The original scheme proposed a two storey front extension and a detached garage.

### **3.7 Development Plan**

#### **3.8 Core Strategy**

CS14: Green Belt

#### **3.9 Local Plan Part 2**

Policy 3: Green Belt

Policy 8: Development and People

Policy 9: Development and the Environment

Policy 10: Accessibility and Transport

Policy 11: Design

## Policy 39: Heritage

### 3.10 **Other Material Planning Considerations**

#### 3.11 National Planning Policy Framework

Notably, paragraphs 89 and 135 which detail:

*89: A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: [...] the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building [...];*

*135: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

### 3.12 **Assessment**

3.13 The key issues of consideration in the assessment of this application are:

- Impact upon openness of the green belt
- Impact upon the setting of the listed building
- Neighbouring amenity impact
- Design
- Ecology
- Drainage

#### 3.14 Impact upon openness of the green belt

3.15 The proposal must be considered in the context of paragraph 89 of NPPF and Policy 3 of the Local Plan Part 2, which requires that extensions or alterations to a building are appropriate in the green belt, providing that it does not result in disproportionate additions over and above the size of the original building.

3.16 The extensions, as amended, add some 37.5 square metres of footprint to the building. This equates to around 50% of additional floor space. It is considered that the additions, even in their reduced form, still add a fair amount of floor space to the original building and could be considered to represent disproportionate additions; thus constituting inappropriate development in the Green Belt.

3.17 However, it is considered appropriate to assess whether there are any other material considerations in this case which constitute very special circumstances to outweigh the perceived harm to the Green Belt.

3.18 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It is noted that whilst building floor space is one measure to assess the size of a building, another is its mass and volume.

3.19 The proposals form single storey additions to the side and partially to the front, which would have limited impact upon the openness of the

- green belt due to their modest mass and volume. The addition of the gable to the rear also has no significant impact upon openness, given its small scale and location being beneath the main apex of the roof.
- 3.20 Furthermore, the building is not an isolated structure in the Green Belt, but surrounded by other dwellings, within the Entwistle Hall complex. As such, the principal consideration is that the extension would not harm the openness of the Green Belt or the visual amenities of the Green Belt in terms of the proposal's size, scale, design, materials and character.
- 3.21 In light of this, it is concluded that these are material considerations which constitute very special circumstances to outweigh the perceived harm to the Green Belt due to the disproportionate increase in size of the floor space above that of the original building. Compliance with Policy 3 and NPPF is considered to be achieved.
- 3.22 Impact upon the setting of the listed building
- 3.23 Policy 39 requires that development with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset.
- 3.24 The scheme, as amended, has significantly less impact on the setting of the listed building than previously submitted; with the front extension concealed by the boundary wall and fence. There would be limited harm to the setting of the listed building, and as such, the proposal is considered to comply with Policy 39 of the Local Plan and NPPF.
- 3.25 Neighbouring amenity impact
- 3.26 Policy 8 requires development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself.
- 3.27 The proposal has elements which could cause neighbouring concern. The single storey side extension to the north east could result in a sense of overlooking or dominance towards no. 3 Entwistle Hall and Entwistle Hall Barn. However, the impact is mitigated by the stone wall and fencing boundary to Entwistle Hall and the landscaped boundary to Entwistle Hall Barn. Furthermore separation distance between buildings is adequate.
- 3.28 The rear gable insertion features 2no. windows which would directly overlook the Entwistle Hall Barn, along with roof light insertions to the rear roof slope. However, both windows in the gable serve bathrooms, and can be obscure glazed by condition which would satisfactorily mitigate the impact. Furthermore, the rooflights are secondary windows to the bedrooms and can also be obscure glazed by obscure by condition to mitigate the impact.



- 3.29 The single storey side and front extension would not result in significant neighbouring concerns, given the single storey nature, location of neighbouring dwellings and existing boundary treatments.
- 3.30 As such, the neighbouring impact is considered compliant with Policy 8 of Local Plan Part 2.
- 3.31 Design
- 3.32 Policy 11 requires all new development to present a good standard of design and will be expected to demonstrate an understanding of the wider context; and make a positive contribution to the local area.
- 3.33 The existing building is a modest stone structure, originally constructed to serve as an ancillary garage/stables to the Grade II\* Entwistle Hall. The appearance, materials, design and scale of the proposals are considered to be appropriate to the setting of the local area, and would form sympathetic additions to the host building.
- 3.34 It is noted that the Conservation and Design Officer has some concerns over the front extension, however, this element is not considered to be sufficiently harmful to warrant refusal of the application. The Conversation and Design Officer has also recommended a condition requiring the submission of fenestration details. However, this is not considered necessary given the existing age and design of the building.
- 3.35 Overall, the proposal is considered to present a good standard of design, compliant with Policy 11.
- 3.36 Ecology
- 3.37 Policy 9 of Local Plan Part 2 details that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.
- 3.38 The application has been supplemented with a Survey & Assessment in respect of Bat Species and Nesting Birds, (including Barn Owl). There is no current evidence of roosting bats found in the buildings. It is considered that this satisfies the requirement to address biodiversity and no further information is required prior to the determination of the application.
- 3.39 However, all of the measures in Section 5 of the Ecology Report must be included as planning conditions. This is required in order to safeguard protected species and to ensure that the development proceeds in line with the Policy 9 and NPPF.
- 3.40 Drainage
- 3.41 It has been brought to the attention of the Council's drainage section that the watercourse on the site has been moved prior to this application, a matter currently under investigation. This culverting work has increased the risk of flooding in the area.

3.42 As such, it is considered necessary to restore the watercourse to its former route in open cut, although Drainage had added that they would allow a section to be culverted under the drive to the building. A condition requiring this detail to be submitted and implemented prior to commencement of development would be required, in accordance with Policy 9 of Local Plan Part 2.

3.43 Neighbouring comments

3.44 The comments raised by neighbouring dwellings which are material to the planning application have been address within the main body of the report. All other objections are non-material and cannot be considered by the Local Planning Authority. A summary of neighbouring objections is contained within 6.2.

3.45 We have also received a letter from the former owner of the site, detailing a response to the objections. This is contained within 6.3.

#### **4.0 RECOMMENDATION**

4.1 **Approve; subject to conditions –**

1. Development to commence within 3 years
2. Watercourse to be returned to its original location; plans to be submitted for approval and implementation prior to commencement of development. .
3. Materials to be submitted for approval
4. Obscure glazing to the first floor northwest facing windows and roof lights.
5. Stone coursing, texture and colouring to match existing
6. All measures outlined in section 5.0 of Survey & Assessment in Respect of Bat Species and Nesting Birds, (including Barn Owl) to be implemented.

#### **5.0 PLANNING HISTORY**

5.1 There are various planning applications and listed building applications relating to Entwistle Hall, however, the most relevant planning history is the application for the building, being:

5.2 10/88/0825 (and 836 – Listed Building Consent) – Full planning application for a single storey rear extension and the erection of a garage and stable in paddock area. The application was approved on 24/10/89.

5.3 10/12/0068 – Full planning application for conversion of annex to dwelling. The application was approved by Planning and Highways Committee on 24 January 2012.

5.4 10/15/1233 – Retrospective full application for construction of stone wall topped with cedar fence. The application was approved under delegated powers on 12 January 2016.

5.5 10/15/1363 – Section 73 Variation of condition application to remove the requirement for the use of obscure glazing to the ground floor front windows. The application was approved under delegated powers on 22 January 2016.

#### **6.0 CONSULTATIONS**

- 6.1 **Public Consultations:** 5 neighbouring properties were consulted by letter, a site notice was erected and press notice was published. Objections have been received from 9 residents. 1 letter of comment has been received from the former owner.
- 6.2 Please see the objections from residents below:

Andy & Sandra Chemney Old Hall Barn Entwistle 06/02/17

Hello Kate - I'm writing to formally object to the planning application for The Paddock - 10/16/1301. The application states that the building is a stable converted to a barn. It's not a barn and never has been. It's a garage. To my knowledge there has never been a change of use from a garage to residential accommodation? Access onto Hob lane is already inadequate for those of us who live here (poor visibility when pulling out, narrow access with nowhere to pass) and adding another dwelling will just increase congestion on Hob Lane and the drive we all share. The garden wall to the west of our property (see attached image) is listed and would surely be affected by trucks carrying building materials to and from the site.

13/03/17

Hello Kate - I'm writing to formally object to the above planning application as I understand an amendment has been added. The amendment actually increases the size of the building and is unacceptable to us for many different reasons but primarily because it still seems that the applicant believes that the building is a house. It has never been a house, just a garage. Access onto Hob Lane is already poor and the addition of another property would just add to the issues I have previously stated.

22/03/17

Hello Kate, I understand that there has been a further amendment to this planning application. My understanding is that the applicants have changed the type of glass used on some of the windows. Of course this does not change our general objection that the development of this former garage into a residence is completely out of character with the surrounding area/properties and we strongly object to the application.

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Sandra & Brian Taylor 3 Entwistle Hall, Entwistle , Turton BL7 0L  
09/02/17

I write to place before the planning committee, my objections to the above planning application.

I will list my objections in relation to the order that points are made in the application:

1. Section 3 - description of the proposal. This is not a barn conversion. The building known as The Paddock is not a barn. It is a garage that was previously attached to my neighbours' property, 5 Entwistle Hall. It has never been used as a garage and has never been an independent dwelling. Apart from Carole Foley's son sleeping in the building, for a brief period of time, it has never been lived in. Facilities such as mains water, sewage were, and still are, non-existent.
2. Section 6 - pedestrian and vehicle access, roads and rights of way. This whole section makes misleading points. There is no legal access to this building. When John Foley decided he would attempt to sell it as a separate property, around 2012, he introduced a large gate into the fence. The position of this gate means that any access would cross the property of another neighbour, Entwistle House.
3. Section 10 - vehicle parking. Again misleading information. There are no parking places near the building, and no cars have ever parked there.
4. Section 11 - foul sewage. There is no mains sewage. The application states that the building is to be connected to mains sewage. I cannot find, in this application, any details, maps etc as to how this is to take place.
5. Section 12 - assessment of flood risk. Firstly, a stream used to flow across this site. This was redirected by John Foley some years ago and now is partly underground. The original flow of the stream is now filled in. The whole flood risk is quite worrying. Since the redirection of the stream and the imposition of extensive cobbled paving at the rear and side of 5 Entwistle Hall, during heavy rain, our rear garden is awash. Rainwater gushes down our garden, bringing leaves and other debris. The grid near our back door has, on occasions, become blocked, and when we were away, our kitchen has been flooded. I'm not sure what / where a sustainable drainage system is. The additional paving, gravelling of an adjacent property will add to our problems.
6. Section 14 - existing use. The conversion of stable to barn was - when? The council needs to decide what this building is. I think, when planning was first applied for, it was designated a garage. When constructed, it became a stable block, but was, so clearly, a garage - complete with up and over door. Suddenly, we have a barn. We are aware that barn conversions are viewed sympathetically by planning. Some economy with the truth?
7. Section 15 - trees and hedges. The application states that there are no trees or hedges on the site. This is not true. There are a number of bushes and small trees.

In addition to these points, a major objection relates to the proposal to more than double the size of this building. This disproportionate extension would seem to contravene green belt policy. While the garage, itself, is not listed, it lies within the curtilage of a grade 2\* listed building. The design appears to incorporate a great deal of glass, which is totally out of keeping with the style of Entwistle Hall. There is also the question of additional first floor windows, which will overlook adjacent properties.

An important point, in relation to the building of a detached garage, as part of this planning application, is that, in 2013, a covenant was placed on the land prohibiting any development on the land, other than the existing building.

In conclusion, I ask that you consider this application very carefully. There are so many issues - both practical and aesthetic.

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Sandra & Brian Taylor 14/03/17

I refer, in the first instance to our objection to the above planning application, dated 09/02/2017.

I have little to add to this. There seems to be minor changes to the original plan, but these are not substantial to our overall objection. Some windows have been replaced by walls and there is slight change to the front elevation. Consequently, I re-submit the points of my original objection:

1. Section 3 - description of the proposal. This is not a barn conversion. The building known as The Paddock is not a barn. It is a garage that was previously attached to my neighbours' property, 5 Entwistle Hall. It has never been used as a garage and has never been an independent dwelling. Apart from Carole Foley's son sleeping in the building, for a brief period of time, it has never been lived in. Facilities such as mains water, sewage were, and still are, non-existent.
2. Section 6 - pedestrian and vehicle access, roads and rights of way. This whole section makes misleading points. There is no legal access to this building. When John Foley decided he would attempt to sell it as a separate property, around 2012, he introduced a large gate into the fence. The position of this gate means that any access would cross the property of another neighbour, Entwistle House.
3. Section 10 - vehicle parking. Again misleading information. There are no parking places near the building, and no cars have ever parked there.
4. Section 11 - foul sewage. There is no mains sewage. The application states that the building is to be connected to mains sewage. I cannot find, in this application, any details, maps etc as to how this is to take place.



5. Section 12 - assessment of flood risk. Firstly, a stream used to flow across this site. This was redirected by John Foley some years ago and now is partly underground. The original flow of the stream is now filled in. The whole flood risk is quite worrying. Since the redirection of the stream and the imposition of extensive cobbled paving at the rear and side of 5 Entwistle Hall, during heavy rain, our rear garden is awash. Rainwater gushes down our garden, bringing leaves and other debris. The grid near our back door has, on occasions, become blocked, and when we were away, our kitchen has been flooded. I'm not sure what / where a sustainable drainage system is. The additional paving, gravelling of an adjacent property will add to our problems.
6. Section 14 - existing use. The conversion of stable to barn was - when? The council needs to decide what this building is. I think, when planning was first applied for, it was designated a garage. When constructed, it became a stable block, but was, so clearly, a garage - complete with up and over door. Suddenly, we have a barn. We are aware that barn conversions are viewed sympathetically by planning. Some economy with the truth?
7. Section 15 - trees and hedges. The application states that there are no trees or hedges on the site. This is not true. There are a number of bushes and small trees.

In addition to these points, a major objection relates to the proposal to more than double the size of this building. This disproportionate extension would seem to contravene green belt policy. While the garage, itself, is not listed, it lies within the curtilage of a grade 2\* listed building. The design appears to incorporate a great deal of glass, which is totally out of keeping with the style of Entwistle Hall. There is also the question of additional first floor windows, which will overlook adjacent properties.

An important point, in relation to the building of a detached garage, as part of this planning application, is that, in 2013, a covenant was placed on the land prohibiting any development on the land, other than the existing building.

A recent development, since our original objection, is that the redirection of the stream which runs across this site by the previous owner, John Foley, is currently under investigation by Blackburn with Darwen Council. I refer to point 5 - assessment of flood risk - which describes the flood risk in relation to our house.

In conclusion, I ask that you consider this application very carefully. There are so many issues - both practical and aesthetic.

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Sandra & Brian Taylor 28/03/17

I refer, in the first instance to our letters of objection to the above planning application, dated 09/02/2017 and 16/03.2017

Again, I have little to add. The very minor change, this time, seems to be frosted glass, but, again, not substantial to our overall objection. This is developing into a very silly war of attrition, which must be costing Blackburn Planning Department a significant amount of money. Is this financed from Council Tax?

I think we are in danger of losing sight of the main objection issues. The planned building would seem to be, still, an ugly and out of keeping edifice, and the main issues remain, besides aesthetic, practical and environmental. Consequently, I re-submit the points of my original objection:

SEE ABOVE

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Sammy Winward, Entwistle Hall Farm, Entwistle Hall Lane, Entwistle,  
BL70LR 06/02/17

I have lived at my property since August 2007. Entwistle Hall Farm is at the opposite end of the Entwistle Hall and is semi-detached to the Hall.

I was unaware that the garage had ever received planning permission as I did not receive notice that an application had gone in and the garage is further down the track to my house so if any notices were posted, I did not see them. My parents who live at Entwistle House (directly opposite the property) did not receive a formal notice and were only made aware when it was too late. I was very surprised that it was possible to detach a building from a house and get planning permission for a house so easily. I last went in the garage approximately 10 years ago as I was a close friend of one of the step-daughters of Mr Foley and it was full of bikes and general garden items, there was certainly no evidence of anyone living there and as I was close to the family I knew that Max (who they are saying lived in the property) had moved away.

As a lover of history, I was very attracted to the Hall and the beautiful surroundings which is why I chose to live there. I have read that there was a building on the site around 1000 AD and that parts of the present building go back to the 1400s when Bertine Entwistle rode off with 15 archers to fight for Henry V. He was knighted by Henry V for his bravery. The Hall has also been inhabited by some of the oldest families in the area, each with their own history. At one time the Hall was connected by a double row of trees to Entwistle New Hall (1600s) a few hundred yards away. I think it would be totally inappropriate to extend the current building in the Paddock to give it the appearance of modern estate house as shown in the plans. It is only some 8-10 metres from the Hall and already completely dominates the part of the plot it is sited in. When I wished to add a small porch to my house it took me a year to get planning permission and only by lengthy consultation with English Heritage (Historic England). I had to match the stone and use limestone mortar which was colour matched to the stone/mortar in the Hall, The style is very much in keeping with the date of the Hall and was designed by architects that specialised in historic buildings.



The solid oak door was hand-made and turned by an elderly gentleman that still had the machinery to do work like that.



I am stating all this as I feel that the proposed changes to the garage are totally inappropriate and not compatible with the surroundings and the Hall itself. Also, I do not understand why the garage has to be increased in size as surely the formula for allowing the building in the first place was calculated on the area of the Hall. To my best knowledge, the garage had no formal heating, bathroom or toilet and no kitchen facilities. Perhaps the son of the Foley's slept in their occasionally but it would not be possible to live there formally. I have researched whether the garage had any utility bills or council tax and there is none in existence. Therefore this property has never existed as a dwelling or been lived in independently. I used to live at No 5 Entwistle Hall with my parents from birth until I was 8 years old, in Entwistle House from age 8 until 21 then in Entwistle Hall Farm for the past ten years. Therefore I have lived on this lane my whole life and I have probably seen Carol Foley's son (who they claimed lived in the garage) twice in the past 20 years. He did not live in that garage.

I am assuming that no further buildings will be allowed as No 5 has a restrictive covenant stating that no further building work is allowed. The intended garage is also sited above a culvert. My neighbours have also stated that the proposed extension will be less than twenty metres away from the culvert which was diverted by Mr Foley in recent years and that they have been experiencing flooding/waterlogging since he carried out the work. My garden has also been extremely water logged and thick with mud since the work was done making it impossible for the children to play on the garden. I remember as a child and up until recently there was a stream which ran across the border of the garage land and just outside the garden of number 5. This has now disappeared and all the water is now spewing out of a single large diameter

pipe in the direction of the hall. The area where the stream was has been filled with earth.

The other issue is the fact that the lane is already overused as it is a single track with no passing places and used by seven houses. With the amount of delivery vehicles, utility vehicles, etc it is quite often the case that we have to reverse out of our track onto Entwistle Hall Lane to allow a vehicle out, and the houses that live further down the lane have to reverse down the (very narrow) track back to their houses. Builders and contractors vehicles are only going to add to this problem especially as there not enough turning space outside the gate to the garage which has been placed opposite the entrance to my parents house at Entwistle House. The lane is in a very poor state and will not support and more traffic.

The pictures submitted by Mr Foley on the previous planning application are greatly distorted and don't give an accurate picture of the areas involved. Certainly not the distance from the hall and the surrounding houses.

My general feeling is one of astonishment that it is so easy to develop within the greenbelt and worry that this will only be the beginning.

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#### Mr & Mrs D Briggs Entwistle Cottage 06/02/17

With reference to the above, we wish to register our opposition to the proposed building extension.

We feel that this would be total over development of the site and that it is out of keeping with the immediate area in particular the historic grade 2star listed Entwistle Hall. There are several points on the application which are not entirely true, as this is a garage and has never been either residential for horses or humans also there are several trees and hedges on the site.

This is an area of natural interest and beauty and to erect this extension would be totally out of character with the immediate surroundings and properties.

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#### Jane Winward Entwistle House, Entwistle Hall Bolton BL7 12/02/17

I have been resident at Entwistle House (formerly Entwistle Chapel), adjacent to The Paddock, for twenty-five years. Prior to this I lived at No 5 Entwistle Hall for nine years. I love Entwistle – the peace, the quiet, the views, the dark night skies, the rusticity and the history of the place, and was looking forward as I enter my retirement to a continued enjoyment of this environment. I look after both my grandchildren, aged 11 and 1 year, whilst my daughters are working, and have loved the fact that there is very little traffic, no noise and that they are surrounded by open countryside and the lovely historic Entwistle Hall. I have included a paragraph about the history of the Hall, the original building of which goes back to 1250, as I think this was disregarded in the decision to give planning permission for a dwelling in the garage of No 5, and also a paragraph about the history of my own property, the former Entwistle Chapel, now known as Entwistle House.

I would firstly like to point out the inaccuracies in the Planning Application before I list my formal objections:

6. A new access has been created to access the Paddock building along the lane from Entwistle Hall Lane as formerly it was in the garden of No 5 Entwistle Hall. Therefore, a new right of way would need to be created.
10. The building has never had a formal parking area as it was built on the garden area of No 5 and the area where the new garage is outlined was agricultural land.
11. The applicant has not stated how they intend to connect to the sewer. They have left this section blank.

12. The vendor carried out works on the agricultural area of The Paddock to divert a historic culvert which is clearly visible at the top end of the triangle of land, close to the railway bridge. Prior to this the culvert water ran much closer to The Paddock building (several metres) and then into a ditch/stream which ran along the hedged area, from the building to the lane at the end of the garden of No 5. No 5, No 3 and Entwistle Hall Farm (at the opposite end of the Hall) have experienced hitherto unknown severe waterlogging following these works, exacerbated probably by the areas of hard standing which have recently been created which would only get worse should more be introduced.

The end of the new culvert pipe is 18 metres away from the line of the proposed extension.

I would refer here to Agency Policy:

<https://www.cumbria.gov.uk/elibrary/Content/internet/544/3887/5894/41038125226.pdf>

as perhaps the matter should be referred to the Environment Agency?

I do not understand what the applicant means by sustainable drainage system. Surely this would run into the garden of No 5 as the Paddock building is less than two metres away from the garden of No 5?

13. Regarding Biodiversity and Geological Conservation, we certainly have bats and owls in the area. Before the vendor of The Paddock diverted the culvert and filled the stream which ran in a ditch at the bottom of the garden, we had frogs, newts and still have a variety of birds in the trees and hedgerow, which defined the edge of the stream. It is possible that the water was diverted and the stream filled in to make the development acceptable for their planning application.

The stream was there for a great number of years. My younger daughter, is now 31, and I remember her falling face down in the stream when she was eighteen months old. My children used to go down to the stream to search for wildlife. The Paddock at that time was divided into two and we used to keep a Shetland pony on our section so I am very familiar with the land.

Features of Geological Conservation importance:

I would say that preserving the natural flow of water is very significant. This has been severely disrupted and the gardens of No 5 No 3 and Entwistle Hall Farm have been subjected to extreme waterlogging since the work was carried out. This has been exacerbated by the recent creation of hard standing

14. The original planning permission was for a stable. I believe that the vendor applied for planning permission for a garage and stables. They did not at any point have horses, nor was the building erected in any way a stable. The building was created with an opening for an up and over garage door but was certainly built to be proportionally big enough to convert to a dwelling. The garage door was boarded up and the 'garage' used as a type of shed for bikes, garden items, storage, etc. They created a very low loft area in which you can only stand upright at the apex of the roof joists. The building was never converted to a barn and, to my knowledge, it was never lived in. The building did not have an independent sewage connection or waste drainage, as far as I know, and was never visibly illuminated. My neighbours concur with me on this. There was never a change to residential use

The current owner of No 5 wanted to buy the building but was told that The asking price would be £300,000 because of the 'value of the land'. In terms of complying with the conditions for converting the garage to a dwelling, in that it has to be proved that it could not be used for any other purpose, was this condition waived?



In continuance of Point 14, it would be assumed that there would be contamination into the watercourse that flows across the Paddock land into the garden of No 5 and on by building works?

15. There are hedges and trees on the proposed development land.

The previous planning permission on this property has now expired and the applicant has stated that work has not started on the property. This is evident when you look at the building.

We did not receive notice at our address that planning permission had been applied for for a dwelling; neither did we see a notice posted anywhere. We were informed by a neighbour when the three-week objection period had expired. We would have most definitely objected. The purchasers of No 5 were never consulted as statutory consultees – the vendor applied for planning permission a few weeks before they moved in.

OBJECTIONS IN ADDITION TO THE FOREGOING;

PROPOSED EXTENSION

The existing Paddock building is a mere eight metres away from Entwistle Hall which is a Grade II\* listed building and therefore falls within its curtilage.

The affect of a proposed development on the setting of a listed building is a material consideration in determining a planning application. Settings is defined as “the environment in which a heritage is experienced”.

I would like to give a very brief history of the Hall as it would be easy to dismiss it as just an old building.

Entwistle Hall was the original seat of the Entwistle family who owned the manor of Entwistle. The Hall is reputed to have been built in 1200 by Robert de Entwistle. The present day Hall was re-built in the fifteenth century with additions in the sixteenth century. In 1657 it was divided into three buildings and some sixty years ago into four.

One of the most distinguished inhabitants of the Hall was Bertine Entwisell, Viscount of Bricqbec, who rode off from the Hall with fifteen archers to fight for Henry V at the Battle of Agincourt in 1415. He was later knighted by Henry V for his loyalty and bravery and because his knowledge of France gave Henry an advantage.

Sir Bertine gained lands in France after the victory but eventually returned to England in 1450 after the loss of much of the English-held territory. He lived to the age of 59, still a loyal Lancastrian, at Entwistle Hall. He later fought for Henry V's son, Henry VI, at the first battle of the Wars of the Roses, St Albans in 1455.

The Hall has been inhabited by some of the oldest families in our area, each with their own unique history. There have been alterations to the Hall over the centuries, which have in recent times been carefully controlled by English Heritage, now Historic England.

When I lived in the Hall I dealt with English Heritage on many occasions in the preservation of the Hall and very strictly adhered to their very exacting conditions, including having stone mullions cut to the exact pattern of the existing mullions and colour matching the limestone mortar to the rest of the Hall.

I therefore feel that the construction of a house that would grace a modern estate with floor to ceiling windows and sky lights would be totally in conflict with the aesthetics and ambience of the Hall and Entwistle House. The siting and dimensions of the proposed house would completely dominate and tower above the Hall with a complete lack of privacy to the inhabitants at No 5 and Entwistle House and an intrusion of noise and light.

I feel that both the Hall and Entwistle House are buildings whose ambience and settings should be preserved and should not be dominated by a new-build house. The presence of a large house would completely destroy this amenity and is completely out of character with the surrounding historic buildings. It also completely dominates the plot size and is an inappropriate encroachment on the surrounding curtilage. Policy H8 and HD13.

Listed buildings account for about 2% of English building stock. 5.5% of these listed buildings have a Grade II\* listed grading, putting Entwistle Hall amongst an extremely small number of historic buildings.

In paragraph 132 of the NPPF it states “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

The development would significantly impact on this Grade II\* listed building. I do not see that there is any clear and convincing justification for these works to be carried out.

Has the formula which applies to creating an extension to the Hall (and building a garage) not already been applied in terms of square meterage?

The proposal would by virtue of its size, siting and design, detract from the character and size of the Grade II\* Entwistle Hall and as such would be contrary to Policy HD13 of the Blackburn with Darwen Borough Local Plan. The single storey proposal exceeds 30% of the original dwelling and does not harmonize with the existing building, contrary to Policies RA9 and H8 of the Blackburn with Darwen Borough Council Local Plan. The proposed extension, when viewed with previous extensions would result in a 51% increase in the ground floor area of the garage as originally constructed. I would refer here to Policy RA9 of the Local Plan. The proposal would result in an unacceptable loss of amenity to residents of Entwistle Hall, Entwistle House and Entwistle Hall Barn as a consequence of overlooking and dominance contrary to Policy RA9.

I live in the Wesleyan Chapel (Entwistle House) on the other side of the lane to the Paddock. The vendor of the Paddock has placed an entrance to the Paddock directly opposite my front gate, together with two other steel gates which detract from the appearance of both the Hall and Entwistle House. The vendor has also constructed a large, ugly concrete box opposite the gate to Entwistle House in the Paddock land which is to apparently house a new gas and electricity supply for the Paddock. This has been built next to the open pipe of a culvert. The vendor also had a telegraph pole moved off the Paddock which is now placed next to my property. He has shown a complete lack of regard for the aesthetics of the area or the amenity of the neighbours.

The Chapel was built in 1872 by the local philanthropist, Mr James Barlow. Gandhi has visited the Chapel with Mr Barlow. Mr Barlow’s son, Thomas, became physician to Queen Victoria and attended her on her deathbed. The body of Thomas Barlow is interred within a crypt in the garden of my house. As well as being used for Christenings, Weddings and Burials, the Chapel was also the social centre for the whole of the local countryside area. The Chapel was sold to the gentleman who lives at No 1 Entwistle Hall in 1966 and the gravestones were removed by the Methodists before the sale. The Chapel is nestled in a rustic setting adjacent to The Paddock and close to the Hall and currently enjoys peace, quiet, picturesque views, open countryside and a total lack of light pollution. I relate the history of my property as I feel that the proposed development will be sandwiched between two historically important buildings.

The introduction of a dwelling with an entrance directly opposite my own will most certainly detract from the enjoyment of my property.

The proposed dwelling show floor to ceiling windows which, at the left-hand side, will point directly at my house. As this is the intended lounge area, one can only assume that this will be a permanent beacon of light, together with the skylights in the roof. In the notes when granting planning permission to application 10/12/0068 it was stated:

. “the visual appearance of the development is acceptable and in keeping with the surrounding locality and landscape character. Given that there is only 1no. window proposed in lieu of the garage door”

I would refer to NPPF, paragraph 89 which states that a local planning authority should regard the construction of new buildings as inappropriate. This is, in effect, what this building will become. In relation to this proposed application, the building seems to be doubling in size and the alterations are therefore totally disproportionate.

**If the building was not considered large enough to become a dwelling as it is, then why was it considered suitable for conversion to a dwelling?**

The previous planning recommendations also state:

- . 5.4 Furthermore, no alterations are proposed to the structure, only internal alterations and the insertion of the window, demonstrating that the building is structurally sound and capable of conversion.

The residents at No 5 Entwistle Hall were very willing to purchase the building at a fair market price, but obviously the £300,000 which the vendor asked for would not be a reasonable amount to pay for a garage. As I mentioned in my prior notes on the Applicant's form, I believe it is required that the prior applicant had to demonstrate that the building is not suitable for any other use (Policy 21 of the Local Plan). Did the vendor meet with this text or was it waived?

The building is crammed, already, into the corner of the plot closes to Entwistle Hall and already over dominates the area around it. The proposal would by virtue of its substandard separation distance to Entwistle Hall lead to an unacceptable loss of amenity to residents at that address as a consequence of overlooking and dominance, contrary to the requirements of Policy H8 of the BDB Local Plan.

The proposal is contrary to Policies 3, 11 and 21 of the Local Plan and paragraph 132 of the NPPF.

It is noted that permitted development rights have been removed.

Has the purchaser established that there is a legal right of way to the new access to the Paddock as it traverses three different ownerships of land?

### **Sewage**

There is no independent sewage or water connection.

### **Culvert**

I would draw attention to the culvert which comes out in the area of The Paddock close to the railway bridge which crossed the Paddock towards the middle of the land and ran into a long ditch/stream alongside the hedgerow behind the boundary of the of the garden of No 5 Entwistle Hall. The vendor diverted the culvert to a point on the boundary closest to the lane, presumably to move it away from The Paddock building. The stream has also been in-filled with earth. Since these works were carried out there has been a disruption to the natural flow of water across this land and severe waterlogging of the garden at No 5, No 3 and Entwistle Hall Farm, which has never hitherto occurred.

I would refer to the following Policy Document regarding culverts and water flow:

<https://www.cumbria.gov.uk/elibrary/Content/internet/544/3887/5894/41038125226.pdf>

Were the necessary tests carried out? Was permission obtained to carry out these works?

The natural flow of water will also be disrupted by any areas of hard standing, which are created.

The laws governing culverts are also pertinent to the building of a large concrete box on the Paddock land next to the open culvert pipe.

### **Access**

The lane up to The Paddock's new access is already oversubscribed, being a single-track lane used by seven properties. We are already obliged on occasion to reverse into Entwistle Hall Lane (with pub traffic) to permit cars to exit the track, which is a laboured and dangerous manoeuvre. Entwistle Hall Lane is a single-track lane itself and is frequently lined with the innumerable cars of walkers and people visiting The Strawbury Duck pub, particularly at weekends and during holidays. We very often have to reverse back to our properties to allow cars to pass, with the added hazard of the listed wall opposite No 3 which curtails access for wide vehicles. The new access to the Paddock would not accommodate large vehicles and the vendor of The Paddock has also placed a gate immediately next to The Paddock access and attached to my house boundary, preventing vehicles from travelling further up the track to turn round and also blocking the rear access to my house. He lives in a converted barn several hundred yards further down the track.

Further, in terms of the visual impact on the openness of the green belt, there is going to be a collection of cars sited on the agricultural land next to the house when it was quoted in the planning approval:

- . *"the provision of access, parking, and servicing is satisfactory and does not detract from the landscape character of the area;*

## PROPOSED GARAGE

**No 5 Entwistle Hall has a restrictive covenant written into their deeds, which prevents further building on the Paddock lane.** The purchaser has stated that he was unaware this existed.

The garage would be sited very close to or over the culvert.

It would be sited at a distance away from the Paddock building. I would refer to Local Planning Policy 3 here: The building would have no direct relationship to the other building would not be viewed in the context of the other building and would detract from the openness of the green belt.

I am attaching a refused planning permission application form from 1995, issued by the Borough of Blackburn Development Services, for a farming implement building on the very same piece of land:

(Ref: DS/P/10.95/1155)

Reasons for Refusal:

1. The proposed development would, by virtue of its siting, design and facing materials, detract from the character and appearance of Entwistle Hall, a Grade II\* listed building.
2. The proposed structure would be inappropriately sited with the agricultural unit.
3. The proposed development would result in a loss of amenity to occupiers Of neighbouring residential premises

Our water pipes which come into my property under the rear door of Entwistle House, cross this land and are protected by a 1908 easement.

I apologise for the length of my objection, but this is something that will have great impact on my life and the lives of my neighbours.

---

Jane Winward 27/03/17

I have looked at the revised application and I am resubmitting my previous application as all the points I made still reapply. There is no substantial change to the previous application.

The proposed plans are still doubling the size of the existing building and are now adding a modern looking tower. There is still floor to ceiling glass to the side elevation facing my property which will be a constant source of light in a previously dark area. I am still astonished that the garage has gained planning permission in an area of greenbelt which we all bought into with the belief that it would remain just that - greenbelt. It seems grossly unfair that the only winner in this is Mr Foley who has gained in the region of £300,000 for this building (as it was listed with his estate agent). Had he allowed Ms Hall to purchase the garage as she wanted to, we would all be able to continue our enjoyment of the area. Mr Foley insisted on a price which had a built-in development factor and was prohibitive to someone acquiring the building as an outbuilding. We all believed that it had to be proved that the building could not be used for any other purpose? Ms Hall now has a potential house metres away from her house and, looking at the new plans, they are proposing windows overlooking the grounds of Entwistle Hall Barn with a subsequent loss of privacy to the owners. It seems so easy now to develop in the greenbelt through a process of stealth. I now have the entrance to this property opposite to my own gate with all the subsequent disruption and inconvenience.

I believe that Blackburn Council are investigating the illegal removal of a water course (clearly shown on the plans) to open up the land for development which has led to water logging and flooding in the gardens of the Hall. A large area of hardstanding has exacerbated this problem. The proposed entrance/driveway into the Paddock goes across the previous pathway of this watercourse and was substantially closer to the actual building.

My original planning objection is attached. (See Above)

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## Donna Hall, 5 Entwistle Hall BL7 OLR 08/02/17

I am writing to formally object to the above Planning Application. I would also like to request that the decision is taken to Planning Committee given the nature of the decision and its impact on a Grade 2 star listed building and the surrounding hamlet of Entwistle.

I have included photos of the current building and it's relationship to my home, number 5 Entwistle Hall.

My material Planning considerations reasons for objection are as follows:

### 1) Greenbelt Policy:

The proposal doubles the footprint of a modest dwelling. This is not in line with greenbelt policy.

### 2) Loss of Privacy:

The proposal includes a new gable overlooking my home with a window facing my bedroom. I've attached photos where you can see the height differential. The proposal will totally dominate my home.

The reason we moved to Entwistle was the stillness, the peace, the beautiful dark skies and the quiet and this will be destroyed with floor the ceiling modern windows along the extension.

Whenever the owners visit the building we can hear every word they say when in the garden as it is so close and the sound carried because it is so much higher than my home.

### 3) Out of Character Development:

The property is not in keeping with being in the grounds of a four hundred year old building. It is a modern design with a lot of glass that I will have to wake up to look at every day.

The conservatory is squashed up right next to my wall (see below) and will be a constant source of noise and light.

### 4) Garage:

The ugly modern garage will be sandwiched between two historic buildings see below. I put in place a restrictive covenant to prevent the construction of any further dwellings on the land. The current owners were not informed of this when they bought the property.

### 5) Drainage Issues:

The garage and associated hard standing will further exacerbate the existing drainage problems we all experience caused by a diverted culvert put in place by the previous owner. The application wrongly states there is no water within twenty metres. There is a culvert which appears on the bat survey contradicting the application.

### 6) Impact on a Grade Two Star Property:

The design does not reflect the rest of the hall and dominates.



7) Sewage and Utilities:

There is no independent sewage facility, water, gas or electricity. They are all connected to my property.

8) Access:

The property has no legal access.

To conclude, the previous owner has misled the applicant who has in turn misled Planning officers with inaccurate information about the site which hopefully we have corrected.

When I moved here I thought I was moving to a home I could live in for the rest of my life but now this has been threatened by an ugly design overlooking my home and ridiculously close. It is really in my garden.

I know how many issues you have to deal with and how busy you are but I really do hope you can prevent this happening. It is so wrong.

08/02/17

I have some further more detailed policy comments I would like to make in support of my previous objection to the application.

1) The principle of development:

The site is within the green belt, and paragraph 89 of the National Planning Policy Framework ( NPPF) advises that; A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- \* buildings for agriculture and forestry
- \* provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- \* the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

This is consistent with Policy 3 of your local plan which also talks about disproportionate additions over and above the original building. It therefore follows that if the additions are disproportionate, then the development constitutes inappropriate development in the green belt, and unless there are very special circumstances, then permission should be refused. My view is that the proposed extensions in this case are disproportionate. Neither the Council's policy or the national guidance defines what disproportionate is, and there has been much case law on the issue. However, in my view and based on various cases, there is a difference between the extension of a property which is currently used as a dwelling, and an extension to a property to facilitate its use as a dwelling. That is because, if a building requires such substantial extensions to be able to facilitate its use as a dwelling, then it is clearly not suitable for conversion. In this case, the extensions are substantial, and taken together with the double garage are in excess of double the size of the original building. Any reasonable person would view that as disproportionate.

Policy 21 of your local plan (conversion of buildings in the countryside) sets out the test which need to be met. Part 1 requires the applicant to demonstrate that the building is not suitable for any other use, and that the applicant should demonstrate that every reasonable effort has been made to secure an alternative use for a period of at least 12 months. As the application has not been accompanied by a supporting statement, I assume that test has not been met.

In addition, part 4 of policy 21 requires that "the buildings are large enough for the proposed use without the need for an extension which would be out of scale with the host building or incompatible with the character of the area"

My view is that the proposed extensions are out of scale and represent disproportionate additions to the original modest building. In terms of the character of the area, the building sits within the curtilage of a grade 2\* listed building, in a rural setting. The original building would have been designed as a simple building, subordinate to the listed barn in design and scale. What is proposed is a building of massing and scale which would compete with the listed building, detract from its setting and by its design, not only destroy the character of the original host building, but be out of character in this rural setting. As such the proposal does not comply with policy 11 of the local plan (design).

I would also draw your attention to paragraph 132 of the national planning policy framework, which states that " When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

In this case, it is not the impact on the asset itself, but its setting which is key. This proposal by its design and scale would significantly impact on the open setting of this important grade 2 \* listed building.

In summary, the proposal is contrary to Policies 3, 11 and 21 of the Blackburn with Darwen local plan, and paragraphs 89 and 132 of the National Planning policy framework and should be refused planning permission.

## 2. Impact on the character and openness of the green belt:

Local plan Policy 3 and the NPPF are clear that any development in the green belt should not impact on its openness or the purposes of including land within it. I would draw particular attention to the double garage in this regard. This would be visible from outside the site, would not be viewed in the context of the original building and has no direct relationship to the group of buildings .As such it would appear as an isolated new building and would detract from the openness of the green belt in this location. For these reasons planning permission should be refused. In addition, the building itself constitutes inappropriate development in the green belt, for which no very special circumstances have been put forward.













27/03/17

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I am writing to formally object to the above further Amended Planning Application. I would also like to request that the decision is carefully considered given the impact on a Grade 2 star listed ancient Hall and the surrounding hamlet of Entwistle.

"The Paddock" is a classic development by stealth. As you are aware the original planning approval from Mr Foley was for a stable. The stable was constructed with two upstairs bedrooms, a bathroom but sadly no space for a horse.

It finally received retrospective approval to be "converted" to a dwelling. Nobody has ever lived in this property.

The frosted glass at the rear which is the latest amendment does not detract from the disproportionate, ugly modern roofline, the incongruous dominance overlooking my home and the fact that the dwelling was approved according to it being substantial enough to live in without doubling its size within the proximity of an ancient hall.

Residents around here are mainly elderly people who have lived here all their lives. Each repeated very slight amendment mean we have to resubmit objections each time. The applicant must be hoping we will all eventually give up with each amendment but that won't happen.

I would also like to request that this application is seen as a new application separate from the application to fill the former stable, former garage (now small house) door with stone five years ago. This work by a previous applicant was never started.

I have included photos of the current building and it's relationship to my home, number 5 Entwistle Hall.

My material Planning considerations reasons for objection are as follows:

1) Greenbelt Policy:

a) The principle of development:

The site is within the green belt, and paragraph 89 of the National Planning Policy Framework ( NPPF) advises that; A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- \* buildings for agriculture and forestry
- \* provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- \* the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

This is consistent with Policy 3 of your local plan which also talks about disproportionate additions over and above the original building. It therefore follows that if the additions are disproportionate, then the development constitutes inappropriate development in the green belt, and unless there are very special circumstances, then permission should be refused. My view is that the proposed extensions in this case are disproportionate. Both the size and type of the extensions would dominate my home (see the photos attached).

The amended application has converted the conservatory to a solid brick built 'sun room' which is flush up against my party wall with no space to even walk around it.

Neither the Council's policy or the national guidance defines what disproportionate is, and there has been much case law on the issue. However, in my view and based on various cases, there is a difference between the two extensions of a property which is currently used as a dwelling, and an extension to a property to facilitate its use as a dwelling. That is because, if a building requires such substantial extensions to be able to facilitate its use as a dwelling, then it is clearly not suitable for conversion. In this case, the extensions are substantial, and are in excess of double the size of the original building. Any reasonable person would view that as disproportionate.

Policy 21 of your local plan (conversion of buildings in the countryside) sets out the test which need to be met. Part 1 requires the applicant to demonstrate that the building is not suitable for any other use, and that the applicant should demonstrate that every reasonable effort has been made to secure an alternative use for a period of at least 12 months. As the application has not been accompanied by a supporting statement, I assume that test has not been met.

In addition, part 4 of policy 21 requires that "the buildings are large enough for the proposed use without the need for an extension which would be out of scale with the host building or incompatible with the character of the area"

My view is that the proposed extensions are out of scale and represent disproportionate additions to the original modest building. In terms of the character of the area, the building sits within the curtilage of a grade 2\* listed building, in a rural setting. The original building would have been designed as a simple building, subordinate to the listed barn in design and

scale. What is proposed is a building of massing and scale which would compete with the listed building, detract from its setting and by its design, not only destroy the character of the original host building, but be out of character in this rural setting. As such the proposal does not comply with policy 11 of the local plan (design).

I would also draw your attention to paragraph 132 of the national planning policy framework, which states that " When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

In this case, it is not the impact on the asset itself, but its setting which is key. This proposal by its design and scale would significantly impact on the open setting of this important grade 2 \* listed building.

In summary, the proposal is contrary to Policies 3, 11 and 21 of the Blackburn with Darwen local plan, and paragraphs 89 and 132 of the National Planning policy framework and should be refused planning permission.

b) Impact on the character and openness of the green belt:

Local plan Policy 3 and the NPPF are clear that any development in the green belt should not impact on its openness or the purposes of including land within it. I would draw particular attention to the double garage in this regard. This would be visible from outside the site, would not be viewed in the context of the original building and has no direct relationship to the group of buildings .As such it would appear as an isolated new building and would detract from the openness of the green belt in this location. For these reasons planning permission should be refused. In addition, the building itself constitutes inappropriate development in the green belt, for which no very special circumstances have been put forward.

The proposal doubles the footprint of a modest dwelling. This is not in line with greenbelt policy.

2) Loss of Privacy:

The amended proposal reduces the new gable previously overlooking my home with angle story extension flush up against my boundary wall. I've sent photos where you can see the four metre height differential and proximity to my home. The amended proposal will totally dominate my home, especially the weird, tall chimney stack.

My neighbours Phil and Debbie will have their home immediately overlooked by the new proposed gable at the rear of the property. This will mean the applicant can look directly into their home through the elevated gable window.

**The reason we moved to Entwistle was the stillness, the peace, the beautiful dark night skies and the quiet and this will be destroyed with floor the ceiling modern windows along the extension.**

Whenever the owners visit the building we can hear every word they say when in the garden as it is so close to our shared boundary and the sound carries really clearly because it is so much higher than my home.

3) Out of Character Development:

The property is not in keeping with being in the grounds of a four hundred year old building. It is a modern design with a lot of glass that I will have to wake up to look at every day.

4) Serious Drainage Issues:

The associated hard standing around the extended property will further exacerbate the existing drainage problems we all experience caused by an illegally diverted culvert put in place by the previous owner Mr Foley without informing The Council or the Environment



Agency. The application wrongly states there is no water within twenty metres. There is a culvert which appears on the bat survey contradicting the application.

Blackburn with Darren's drainage team are currently investigating the unauthorised diversion of the culvert which breaches Environment Agency and Council guidelines.

5) Impact on a Grade Two Star Property:

The design does not reflect the rest of the hall and totally dominates a historic hall with its elevated position four meters above the hall.

7) Sewage and Utilities:

There is no independent sewage facility, water, gas or electricity. They are all connected to my property.

8) Access:

The property has no legal access.

To conclude, the previous owner has misled the applicant who has in turn misled Planning officers with inaccurate information about the site which hopefully we have corrected.

When I moved here I thought I was moving to a home I could live in for the rest of my life but now this has been threatened by an ugly modern design so close to my boundary and overlooking my home and ridiculously close. It is really in my garden.

I know how many issues you have to deal with and how busy you are but I really do hope you can prevent this happening. It is so wrong.







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**Cecil A Wild 1 Entwistle Hall BL7 OLR 09/02/17 & 27/03/17**

Firstly I wish to object on the grounds that what was originally applied for as a stable with no cars is now to become a house with two double garages which will add to the HIGHWAY access problem which is already dangerous. If permission is granted additional cars will be traversing the unadopted single lane carriageway from the "Paddock's" proposed entrance down past Entwistle Hall to Entwistle hall Lane.

At present if a delivery van is turning in for Entwistle Hall Farm or Nos 1-5 when a car is trying to come out . the van has to BACK OUT on to Entwistle Hall Lane which is also single track. This is dangerous as some of the traffic is from the Strawberry Duck and the turning is concealed by hedges. The only passing place on the section past Entwistle Hall is the old farm yard which is frequently blocked by service vans or Sainsbury deliveries , royal Mail or parcel vans and my cars.

Secondly , the proposed enlargement is not in keeping with Entwistle Hall and its two star listed walled garden. It will spoil the aspect of the Old Hall and it's peaceful gardens..

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Mr P & Mrs D Schofield, Entwistle Hall Barn, Entwistle Hall Lane,  
Bolton BL7 0LR 08/02/17

We write in connection with the above planning application. We have examined the drawings and wish to object strongly to the application.

We purchased our home in April 2015, primarily due to the tranquil private setting and it not being overlooked. Our initial plans had to be scrapped and scaled back once it became apparent the planning policies that apply to Entwistle and the green belt.

Since then we have significantly invested both emotionally and financially to create our 'forever home'. The proposed application will have an adverse effect on our privacy.

**We OBJECT to this application for the following reasons...'**

**Loss of privacy**

The addition of three roof/Velux windows would result in a loss of privacy and have an adverse impact on our lives. There would be direct overlooking into our daughters' bedroom/dressing area, into our lounge, garden room, patio and garden from the windows. We have been inside the 'Paddock' upstairs a few months ago and due to it originally being constructed as a garage, the floor level and the low pitch of the roof means the occupants will be directly looking out of these windows at eye level into our private house and garden.

Enlarging the existing side elevation window above the garage door will also result in a further loss of privacy. This window looks into our lounge and daughters' bedroom. Likewise, enlarging the other existing side elevation windows towards the garden will result in a further loss of privacy as it overlooks our garden and greenhouse. The first floor rooms already have suitably sized windows, which does not restrict their value as habitable rooms.

The scale of glazing in the single storey conservatory extension facing our property would also result in a loss of privacy as it looks directly into our lounge. Should the conifers be cut/removed (and we expect they will to increase the limited outside space) we would be exposed.

The scale of glazing in the single storey lounge extension facing our property would also result in a loss of privacy as it looks directly into our garden room and private garden areas. The proposal would by virtue of its distances to both our house and Entwistle Hall lead to an unacceptable loss of amenity to residents as a consequence of direct overlooking and dominance due to the two storey front extension, enlargement of the side elevation windows, conservatory and lounge extensions.

**Green belt policies**

The proposal would due to its increase in size, siting and design, detract from the character of the existing Listed Buildings in the hamlet of Entwistle that are of Special Architectural and Historic Interest. The excessive glazing is out of character in terms of its appearance compared with Entwistle Hall, Farm and Cottage and the extensions will significantly enlarge the overall size of the house.

In accordance with the Green Belt policies of the Local Plan, within the Green Belts and Countryside Areas the conversion of a building will be permitted provided that:

- The buildings are large enough for the proposed use without the need for a single storey extension which would result in an increase in ground floor area of more than 20 square metres.
- Two storey extensions will not be allowed.

The proposed extension doubles (more than 20 square metres) the ground floor area of the garage as originally constructed and a two storey extension is proposed. There is also the detached garage extension which would also be a further overdevelopment of the site.

**Permitted development rights removed**

According to the previous planning application 10/12/0068 Conversion of Annex to new dwelling which was permitted 27-09-2012, permitted development rights have been removed by condition.

**8 P & H COMMITTEE REPORT**

5.9 Members are advised that the removal of permitted development is required by condition to restrict any future developments at the site which may have a detrimental impact upon the setting of Entwistle Hall.

### **Curtilage**

We would also like to raise the issue of the site and all works of alteration or extension being covered by the listing protection as it's in the curtilage of the listed buildings. Historically the land was the domestic garden and owned by 5 Entwistle Hall before being separated off to build the garage.

The site in question, the paddock, in its current form is large and sound enough to form a single dwelling without any extension or alterations as permitted in the previous planning consent.



View into daughters' bedroom – overlooked by skylights, enlarged first floor window and conservatory if hedging removed.





View from lounge – overlooked by enlarged first floor window and conservatory if hedging removed.



Garden room - overlooked by large glazing in lounge extension





View from drive - overlooked by skylights, enlarged first floor window and conservatory if hedging removed.



Garden - overlooked by skylights, enlarged windows and large glazing in lounge extension.





Garden - overlooked by large glazing in lounge extension.



Garden - overlooked by skylights and large glazing in extensions



Patio - overlooked by skylights and large glazing in lounge extension.





Hot tub area - overlooked by skylights and large glazing in lounge extension.

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6.3 Comment from former owner:

18/04/17

Hi Kate

I came into the planning office last Wednesday to review the objections to the above application.

I did so having been informed that I was referred to in a number of the e-mails.

Having read through all of the objections it is clear to me that a number of untruths have been stated as well as making accusations against me.

In fairness to the applicants I do think I should set the record straight, even though most of the matters are probably not that relevant to your determination.

It is pretty clear that the neighbours have been prompted as they all make reference to the same errors in factual accuracy.

As you know planning permission to convert the Paddock to a dwelling was granted in April 2012. It had not been a retrospective application.

Therefore to suggest that retrospective planning permission was granted is incorrect and probably mischievous.

Mrs Hall purchased Entwistle Hall from us in August 2012 in full knowledge that the Paddock had planning permission for a dwelling.

For completeness the Paddock did have a restrictive covenant placed on it to prevent any further dwellings being built on the site. A garage (albeit I understand not now part of the application) is not in breach of that restrictive covenant, which permits ancillary buildings; of which a garage is.

When we decided to sell the Paddock, I approached Mrs Hall to give her the first chance of purchasing it. I obviously asked the market rate for a property with planning permission. She declined.

Prior to selling Entwistle Hall to Mrs Hall in 2012 the gas and electric utilities to the Paddock were via that property. However, subsequently I arranged for both electric and gas to be supplied independently. The Paddock already had independent sewage and water connections.

There are no issues about the legality of access to the Paddock. We had full access rights and they were transferred to the applicants on their purchase of the Paddock.

To suggest that I have misled anyone is wholly untrue and arguably libellous.

I am sure you recall that Mrs Hall is a former senior employee of the Council. I would have thought that would make it even more important for her to be accurate in this type of situation, especially so as she is probably acquainted with members of the Committee, if not Officers.

The reference to the culvert is also inaccurate. It is not even close to the Paddock let alone beneath it. The work I did on it has resulted in the flooding issue at Entwistle Hall being eliminated, not created. I carried out the work almost 17 years ago; I think at the end of 2002. It seems strange it only gets raised now if as alleged there has been flooding as a result of it.

Finally, I find it rather hypocritical that over the years each of the objectors has benefitted from alterations to their own properties around Entwistle Hall. They have all had construction traffic impacting others. This smacks of pulling up the ladder behind having got what you want.

Mr and Mrs Thornleys' proposal is entirely in keeping with the other properties at the Hall and the reference to the amount of glazing is a bit rich when at

least 3 of the other properties have floor to ceiling glazing; 2 of which are in the Grade 2\* building and as you know, the Paddock isn't listed.

I would like this to be placed on record so the Committee receives a full and balanced picture of the application.

Regards

John Foley

#### 6.4 Historic England:



NORTH WEST OFFICE

Ms Kate McDonald  
Blackburn with Darwen Borough Council  
Town Hall  
BLACKBURN  
BB1 7DY

Direct Dial: 0161 242 1416

Our ref: W: P00552111

7 February 2017

Dear Ms McDonald

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**THE PADDOCK, ENTWISTLE HALL LANE, TURTON, BOLTON, BL7 0LR  
Application No. 10/16/1301**

Thank you for your letter of 26 January 2017 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

A handwritten signature in black ink, appearing to read "Marie Smallwood".

**Marie Smallwood**  
Inspector of Historic Buildings and Areas  
E-mail: [marie.smallwood@HistoricEngland.org.uk](mailto:marie.smallwood@HistoricEngland.org.uk)



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

Telephone 0161 242 1416  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



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Historic England

NORTH WEST OFFICE

Ms Kate McDonald  
Blackburn with Darwen Borough Council  
Town Hall  
BLACKBURN  
BB1 7DY

Direct Dial: 0161 242 1416

Our ref: W: P00552111

14 March 2017

Dear Ms McDonald

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**THE PADDOCK, ENTWISTLE HALL LANE, TURTON, BOLTON, BL7 0LR  
Application No. 10/16/1301**

Thank you for your letter of 6 March 2017 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

**Marie Smallwood**  
Inspector of Historic Buildings and Areas  
E-mail: [marie.smallwood@HistoricEngland.org.uk](mailto:marie.smallwood@HistoricEngland.org.uk)



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

Telephone 0161 242 1416  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



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## 6.5 Conservation and Design Officer:

### Original Consultation:

The existing building is a modest stone built building which was an ancillary garage to the Grade II\* Entwistle Hall. The building has had approval as a single dwelling and the garden curtilage has been divided between the Hall and the Paddock.

The proposed extensions to the existing building would result in a significant increase in the footprint of the building which would have a dominant appearance on the setting of the listed building and fail to appear ancillary and subservient to it. The proposed front and side extensions give a more cluttered feel, and have suburban influences

which would detract from the countryside setting of the listed building where ancillary structures have more simple forms. The overall effect would in my opinion harm the setting of the listed building contrary to Para. 37 of the NPPF and conflict with Policy 39 of the Local Plan part 2.

A reduced footprint with a single extension is considered to be more appropriate.

Amended plans consultation:

I refer to the proposed amendments to the Paddock. It is my view that the front porch extension appears clumsy and would detract from the simplicity of the original building. However I appreciate that the scheme has significantly less impact on the setting of the listed building than previously submitted and the front extension would be concealed by the boundary wall and fence. There would in my opinion be limited harm to the setting of the listed building and would comply with Policy 39 of the Local Plan. I would recommend condition stone coursing, texture and colouring to match existing and details of fenestration be submitted for approval.

**6.6 Drainage:**

The watercourse crossing the site was diverted and culverted by the previous owner in order to facilitate the planning application for annexing of the building. This culverting work has increased the risk of flooding in the area.

The planning application form at the time did not disclose that there was a watercourse within 20 metres.

We are checking whether the EA gave consent to the diversion but it is unlikely.

If it is unconsented then we will require a planning condition to restore the watercourse to its former route in open cut but would allow a section to be culverted under the drive.

**6.7 Parish Council:**

The Parish Council objects to this proposed development, on the grounds that:

- It is an over-development of the site
- It is out of character with the nearby Grade II listed buildings
- It will lead to overlooking of adjacent properties, due to its elevated position

**6.8 Capita Ecology:**



14th February 2017

Reference: 10/18/1301

Kate McDonald  
Development Management  
Planning Section, Regeneration Dept  
Blackburn with Darwen Borough Council  
Town Hall,  
Blackburn  
BB1 7DY

Dear Kate,

**Subject:** The Paddock Entwistle Hall Lane Turton Bolton BL7 0LR - Single storey side (south west) extension, single storey side (north east) extension and two storey front extension to existing building and detached garage.

The Ecology Report (Survey and Assessment in Respect of Bat Species and Nesting Birds, The Paddock, Echo Calls Bat Surveys, 12<sup>th</sup> January 2017) has been reviewed in line with other submission documents for this application. This satisfies the requirement to address biodiversity and no further information is required prior to the determination of the application.

All of the measures in Section 5 of the Ecology Report must be included as planning conditions and/or implemented throughout the development as planning obligations. This is required in order to safeguard protected species and to ensure that the development proceeds in line with the National Planning Policy Framework (NPPF) (aiming to achieve sustainable development) and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006.

I trust that the above provides you with sufficient information. If you have any queries please do not hesitate to contact me.

Kind regards,

Andrea Sarkissian BSc GradCIEEM, Ecologist

Peer reviewed by Tabatha Boniface CEnv MCIEEM, Associate Ecologist

## Property and infrastructure

Capita Blackburn Business Centre, CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU  
Tel +44 (0)1254 273000 Fax +44 (0)1254 273559 [www.capita.co.uk/property](http://www.capita.co.uk/property)  
Capita Property and Infrastructure Ltd

Registered office: 71 Victoria Street, Westminster, London SW1H 0XA. Registered in England and Wales No. 2018542.  
Part of Capita plc. [www.capita.co.uk](http://www.capita.co.uk)

**7.0 CONTACT OFFICER:** Kate McDonald, Planning Team Leader  
(Implementation)

**8.0 DATE PREPARED:** 28 March 2017

**REPORT OF THE DIRECTOR**

**Plan No: 10/16/1320**

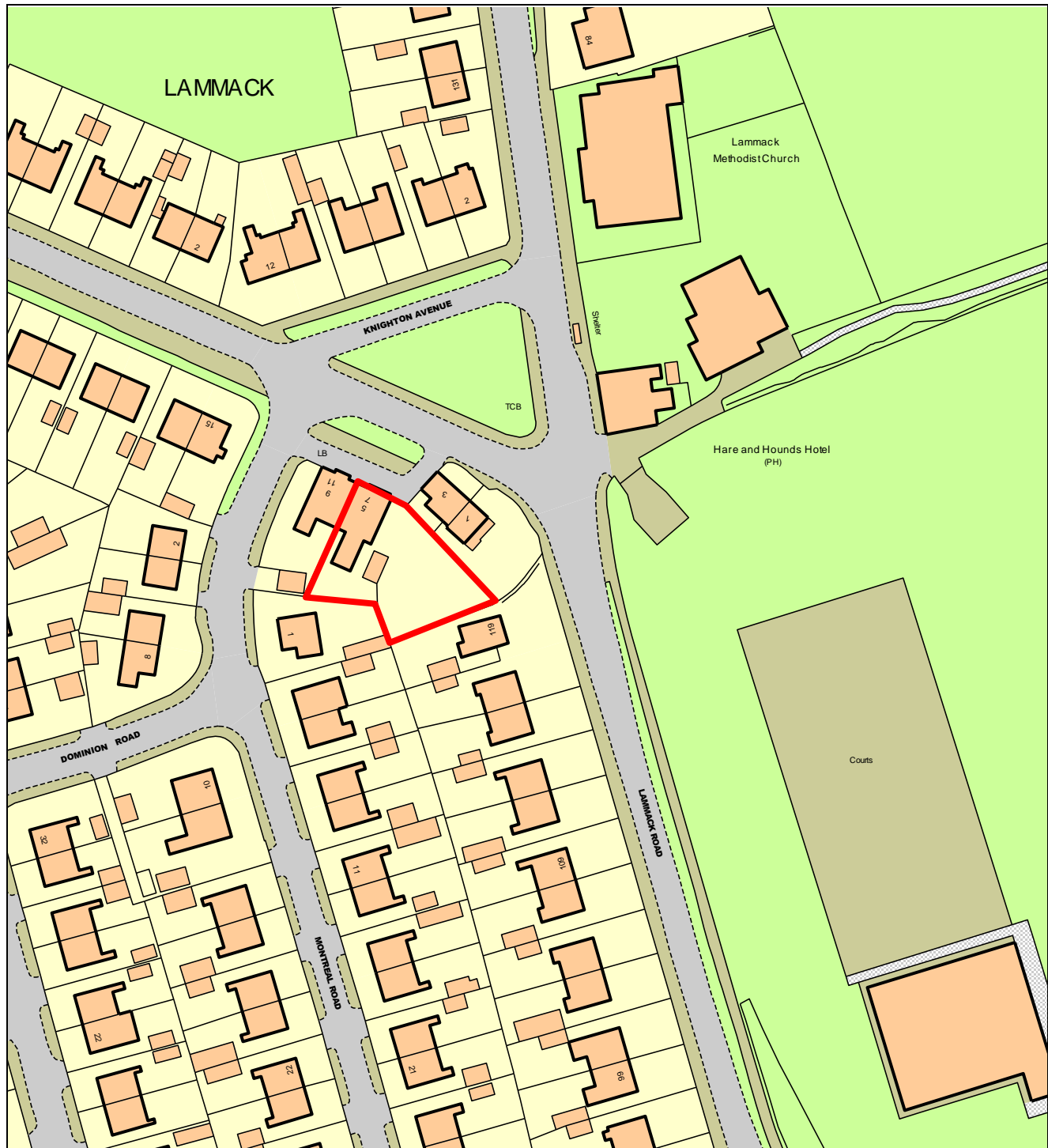
**Proposed development: Full planning application (retrospective) for change of use from flat to prayer facility (retrospective) including associated car park.**

**Site address: Flat, 7 Whinney Lane, Blackburn, BB2 7BX**

**Applicant: Lammack Community Foundation**

**Ward: Beardwood with Lammack**

Councillor Michael Lee	
Councillor Julie Daley	
Councillor Imtiaz Ali	



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – subject to conditions**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1.1 The proposal is to provide an Islamic prayer facility to the meet the needs of the local community, who reside in the surrounding residential neighbourhood.

2.1.2 The key issues to be addressed are as follows:

- Principle of development
- Impact of the development upon neighbouring residential uses
- Parking provision and impact of the development on the surrounding highway network.

2.1.3 The proposal lies within the urban boundary of Blackburn, in an area predominantly characterised by residential uses. Accordingly, beyond consideration towards the principle of the use, careful consideration has been applied towards the impact of the use against residential amenity, due to the potential for on street noise disturbance arising from attendees arriving and leaving the facility and internal noise from the prayer activity. Assessment in this regard is based on the submission of a supporting 'Environmental Noise Assessment' which has taken into account associated noise levels and the need or otherwise for the introduction of mitigation measures.

Impact on the surrounding highway network has also been afforded due consideration, aided by the submission of a supporting highway's statement which addresses parking, access and servicing.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site is the first floor of a semi-detached property and associated outdoor amenity space to the side. It is located to the south west of Whinney Lane, Blackburn, within the Blackburn urban boundary; as defined by the adopted Site Allocations and Development Management Policies Map. The property comprises a ground floor pharmacy and first floor flat and is attached to a two storey dwellinghouse.

3.1.2 The surrounding area is characterised by prevailing residential uses, punctuated by a range of community uses, including a school, public house, amateur football/social club, a church and the aforementioned pharmacy.

## **3.2 Proposed Development**

- 3.2.1 Retrospective planning permission is sought for the change of use of the first floor flat to a prayer facility (use class D1), which sits above an existing ground floor pharmacy. An existing outdoor amenity/garden space to the eastern flank of the building is proposed to accommodate 9no. parking spaces, including a single disabled space. Access will be taken from an existing gated entrance to the site.
- 3.2.2 The application emphasises that the prayer facility will cater for a small number of local residents, to allow for prayers in the afternoon and evenings during winter months and also the early mornings during summer months. Hours of use are between 07:00 and 22:00.
- 3.2.3 The rationale is to provide an appropriate yet small scale facility to serve the local community, ensuring they don't have to travel further afield. The typically busy Juma (Friday lunchtime prayer) is not proposed, nor are ceremonial events; distinguishing the use from a typical mosque. Education (Madrassa) is not proposed.
- 3.2.4 The unauthorised use as a prayer facility has taken place since approximately April 2016 and continues to date. The submission of this application has arisen as a result of the intervention of the Council's Planning Enforcement team.
- 3.2.5 The following amendments and additional information have been received during the course of assessing the application;
- Amended operating hours from between 16:00 and 19:00 to 07:00 and 22:00.
  - Environmental Noise Assessment;
  - Amended car parking layout, including associated manoeuvring space;
  - Supplementary statement to the Traffic Statement.
- 3.2.3 The assessment presented to the Committee is based on the original submission and the above amendments/additional information.

## **3.3 Development Plan**

3.3.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies; the following of which are considered the most relevant:

### 3.3.2 Core Strategy

- CS1 - A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS17 – Built and Cultural Heritage

### 3.3.3 Local Plan Part 2.

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport

### **3.4 Other Material Planning Considerations**

#### 3.4.1 National Planning Policy Framework (NPPF).

### **3.5 Assessment**

#### 3.5.1 Principle of Development

3.5.2 NPPF (para 70) emphasises the need to plan positively for the provision of community facilities; including cultural buildings and places of worship, to enhance the sustainability of communities and residential environments and to ensure an integrated approach.

3.5.3 The promotion of sustainable transport is also a key focus of NPPF which emphasises the aim of achieving a balance of land uses within an area, so as to encourage people to minimise journey lengths for employment, shopping, leisure, education and other activities (para 37).

3.5.4 Core Strategy Policy CS11 supports the expansion and enhancement of the range and quality of public services in 'accessible locations' and supports the creation of 'community hubs' to provide a range of services in one place.

3.5.5 The application site is located within the defined urban boundary of Blackburn, in a predominantly residential area sporadically populated with supporting community uses, including the pharmacy, a public house, a football/social club, a church and a primary school. All lie within circa 100 metres of the application site. Collectively, therefore, the existing uses and the proposed use accords with the 'community hub' aspiration of the Core Strategy in a highly sustainable location.

3.5.6 Accordingly, the principle of the proposal is considered appropriate; in accordance with local plan policies and NPPF's presumption in favour of sustainable development, which should proceed without delay, and its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.



### 3.5.7 Impact Upon Residential Amenity

3.5.8 Local Plan Part 2 Policy 8, amongst other criteria, requires development to contribute positively to the overall physical, social, environmental and economic character of the area and secure satisfactory levels of amenity for surrounding uses, with reference to noise and privacy.

3.5.9 The use is described as a 'prayer facility' to serve the localised Islamic community and is distinguished from a Mosque by the limitation on hours of use to between 7am and 10pm, the omission of Friday lunchtime prayer (Juma), recognised as the busiest and most important prayer of the weekly calendar, the absence of an employed religious leader (Imam) at the site and no ceremonial events.

3.5.10 The limited hours of use is recognised as allowing five daily prayers during the winter months, in accordance with sunrise and sunset. Prayers during the summer months are limited to the scope of the proposed hours of use.

3.5.11 As a facility to serve the local community, in the absence of similar within a reasonable walking distance, it will cater mainly for afternoon and evening prayers. Morning use is acknowledged during the winter months, beginning around 07.00-07.15. Numbers will be limited to a maximum of 30 users, dictated by the limited floor space available and will be confined to the first floor. The second floor roof space is omitted and will not be used.

3.5.12 Estimated number of users at any one time is approximated at 8, though assessment is based on the maximum of 30.

3.5.13 Primary concern towards the impact on amenity relates to the prevailing residential character of the location and degree of disturbance created by attendees of the use, in terms of numbers and means of transportation. To this end, a pre-determinative acoustic assessment was undertaken, which concluded no nuisance arising from internal noise but the likelihood of some disturbance from attendees arriving and leaving the premises, though recognised as insignificant.

3.5.14 The Council's Public Protection team have reviewed the assessment and offer no objection, subject to the imposition of appropriate control measures through application of the following conditions:

- Controlled hours of use between 07:00 hours to 22:00 hours
- No Juma (Friday lunchtime prayer).
- No amplified broadcast of call to prayer.
- Restriction to the use applied for.
- No permitted use of the 2<sup>nd</sup> floor roof space.

3.5.15 The householder of 1 Whinney Lane has raised objection to the proximity of the parking area to kitchen windows to the rear of the house and resultant loss of privacy. Whilst this is acknowledged, it is not considered that a car park will give rise to excessive loss of privacy beyond that experienced from the existing use of the area as amenity/garden space.

3.5.16 Subject to the above conditions, it is considered that the development will not excessively erode pre-existing levels of residential amenity; in compliance with Local Plan Policy 8.

#### 3.5.17 Parking provision and Impact of the Development on the Highway

3.5.18 Local Plan Part 2 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking.

3.5.19 The application site is readily accessible. Off street car parking is proposed within the outdoor space to the eastern flank of the pharmacy, which is currently acknowledged as redundant amenity/garden space.

3.5.20 The proposed car park demonstrates 9 parking bays, including 1 disabled bay and associated manoeuvring space. Access is through an existing gated entrance.

3.5.21 The Local Highways Authority acknowledge the access arrangements as adequate, requiring no alteration to sightlines, given the access is taken from an unadopted highway/drive which has unrestricted movement.

3.5.22 The parking requirement, based on the 120sqm of occupied floor area against 1 space per 10sqm, equates to 12 spaces. The first submission of a car park layout demonstrated the requisite number of spaces but a shortfall in their required size. A revised parking layout reduces the number of spaces originally proposed from 12 to 9, but increases size of the spaces to adhere to the 6m standard and provides additional manoeuvring space.

3.5.23 Notwithstanding the reduction in the number of spaces, Highways Authority are satisfied with the proposal and offer no objection, subject to application of the following conditions:

- Requirement for the car park to be appropriately marked out.
- Provision of covered cycle and PTW spaces.

3.5.24 Subject to the above conditions, it is considered that the development provides sufficient off street parking and will not prejudice highway users; in compliance with Local Plan Part 2 Policy 10.

## **4.0 RECOMMENDATION**

### **4.1.1 APPROVE** subject to the following conditions:

- Hours of use to be restricted to between the hours of 07:00 – 22:00.
- No Juma (Friday lunchtime prayer).
- No external call to prayer.
- Restrict to the use applied for and for no other use within Use Class D1.
- No permitted use of the 2<sup>nd</sup> floor roof space for prayer or education.
- Details of a scheme for the laying out of the car park to be submitted for approval within 28 days of planning permission being granted and implementation of the approved scheme within 28 days of it being approved.
- Details of covered cycle and PTW spaces to be submitted for approval, within 28 days of planning permission being granted and implementation of the approved scheme within 28 days of it being approved.

## **5.0 PLANNING HISTORY**

### 5.5.1 None

## **6.0 CONSULTATIONS**

6.1.1 72 neighbouring properties were consulted by letter and 2 Site Notices were displayed. 8 letters of objection have been received and 18 letters of support received.

6.1.2 The material planning considerations referred to in the letters of objection are summarised as follows:

- Increase in traffic and inadequate parking provision
- Noise
- Privacy (1 Whinney Lane)

6.1.3 Summary of public representations

### **Supports**

Ahmed Eid , 38 Willow Trees Drive Blackburn

I am writing to you in regards to the planning permission submitted by the Lammack Community Foundation in relation to using Flat 7 Whinney Lane as a place of worship for our daily prayers.

I would like to express how beneficial and convenient to have a close

place to pray my daily prayers, especially after work where I can walk and I don't have to use my car . Also, It would be a great opportunity to meet and socialise with my neighbours on the weekends.

I really hope you take into consideration my genuine needs and will to do good in our community.

---

Imran Bargit

8 Alberta Close

I am emailing to show my support for the planning permission requested for 7 Whinney Lane in order to use it as a place of prayer. We have a large growing muslim community in the lammack area and a prayer are is desperately required.

I hope this plan is past and I give my full support behind it.

---

Mr K Hussain

103 Lammack Road Blackburn

I think this is a fantastic idea and happily invite the planning application to be passed.

The area is in need of a prayer room and this would be the ideal location especially with a church and pub within close proximity and promoting multi faith.

---

K Javed

73 Whinney Lane

I am very pleased to know about the change of use about Flat 7 Whinney lane. I use the Facility every day and being on a walking distance its a pleasure not to use my car to go further afar.

All thumbs up from me.

---

M Patel 14 Montreal Road

I write in favour of the new application for change of use of the above address.

I think this is a great idea. As a resident from the nearby street on Montreal Rd - i think this will be brilliant, as we have a church across the road and now a new potential place of worship for the Muslims. This shows the great bond we have in the community as a multicultural and a multifaith area in which we live in. This will also promote more community spirit if this is to happen as those who are in favour of this

will feel the unity and bond has come from everyone in the community to allow this.

---

Imraan Rawat

23 Whinney Lane, Lammack

I would like to welcome the use of a prayer facility to the Lammack area. The local muslims which attend the facility has made very good relationships with the local neighbours, the Lammack Methodist Church and the Hare & Hounds pub. They are continually working towards bringing the Lammack community together. I haven't noticed any disturbance and inconvenience in regards to noise and car parking.

---

Mr. Zaahid Bax  
9/11 Whinney Lane

I'd like to express my full support for the planning application to convert the flat at 7 Whinney Lane to a prayer facility.

I live next door to the afore mentioned property (my address : 9-11, Whinney Lane). Ever since the 7 Whinney Lane flat has been used as a prayer facility (around 6 months) which included the ramadaan period, the worshippers have never done anything that could disturb or annoy my household. I have not heard any noise related disturbance nor have the worshippers caused any inconvenience of any kind. Neither have they caused any parking related issues (at any one time only 2 worshippers come in cars max).

In fact the store below the flat (Pharmacy and inconvenience store) has more constant daily traffic, noise and people related disturbance - not to forget the pub across the road where especially on Friday's and Saturday's, each week, loud music is played well beyond midnight - and I can hear the noise in my property. The flat at 7 Whinney Lane, even being next door, hasn't caused any such disturbance.

---

Zubeir Patel  
3 Willow Trees Drive

I am writing this email to show support in favour of this application. The Lammack Community Foundation has been striving to create an engaging neighbourhood and have generated strong links with the methodist church and the hare and hounds pub. Using a base at Whinney lane will help advance this by making it a focal point for all. The community as a whole shall benefit from this facility.



I have no objection for the flat to be used as a prayer facility and I do sincerely hope that the planning officers look favourably at the application and grant it the change of use permission that the Lammack muslim community has

---

## **Objections**

Mrs. Doreen Hunt, 17 Quebec Road, Lammack

I am concerned to learn of the application for 'change of use' for Flat 7, Whinney Lane.

The reasons for my concern are:

1. The property is on a small car park which serves the Lammack Pharmacy, and another private property. I believe it could not take more than 5- 6 cars. People are using the little car park frequently as they use the Pharmacy and shop. Entry and exit need to be executed with extreme care as it is on a corner with cars accessing it from Lammack Road.

2. The property is opposite the Lammack Methodist Church, which already has problems with their own car parking requirements. Also opposite is the Hare and Hounds Public House which frequently have 'gigs' on.

3. During school times the roads around this area ( Lammack Road, Whinney Lane, and roads off) become very congested.

I do not believe that everybody using the proposed Prayer Room would walk to the property as I know that not everybody using the Methodist Church walk to the Church.

As Prayer Rooms are used quite frequently I am sure this would add further to the congestion.

I am aware that there are many Mosques and Prayer Rooms in Blackburn and I fail to see why another is needed in this entirely unsuitable location.

---

Gary Oddie 1 Whinney Lane

1. The area sought for parking to the rear of my property is as close as 2.8 metres from my back wall and kitchen. This wall incorporates 2 windows for light into the kitchen. If cars were allowed to park there, it would –

a) represent a serious and unreasonable invasion of privacy.

b) it would create an unreasonable level of noise and activity – also at totally unsociable times ie upto and probably beyond 2200hrs 365 days a year.

c) There are already issues with cars parking for the shop at no 5 Whinney Lane and additional traffic going in and out of a single drive access of the proposed car park, is going to make a bad situation worse. I witness daily the traffic and

dangerous speeds cars already come around the bend to the front of my house. Extra traffic in this area is an accident waiting to happen.

d) should any form of a raised wall or fence being put up on the boundary line behind my cottage, it would result in a serious reduction in natural light into my kitchen.

e) at a meeting held at flat 7 for residents – the people running the meeting assured residents that there would be no increase in cars, as the people using it as prayer room were local and has been told not to bring cars. There was even a sign conveniently on show in flat 7 saying for people not to bring their car. This was clearly a blatant lie.

The area is a predominantly a residential area and it should be kept that way. The proposed plans in my opinion are totally unreasonable and should be rejected out of hand

---

Mr and Mrs Hook  
17 Montreal Rd

I would like to register my objection to the above application. All the local residents have been aware of the premise's usage throughout the summer months. It is fair to say that generally - because of weather conditions, traffic has not been a problem. However, there have been two occasions, when weather was inclement, that the users of the Prayer room used their cars. On both of these evenings my husband and I returned to our home in Montreal Rd to find the whole road was totally blocked with cars. We could JUST get in to our drive, because of the problem parking, but the friends who were driving behind us actually had to go and park on Quebec Rd and walk back. On Monday 5th Dec I returned from a shopping trip at around 1pm. There were 3 cars parked on either side of the entrance to Montreal Rd, reduced the road to 1 lane traffic. People were coming out of the Prayer Room and moving other cars from further up the road to exit Montreal Rd. This meant I was unable to do a left turn in to the road. There was a van parked behind me and several other cars. By the time I had waited for 5 cars to come out of the 1 lane available, traffic behind me was backing out on to Lammack Rd.

My concern is that as the weather worsens during the winter months more and more of the men attending the centre will use cars rather

than walk. I have counted as many as 19 people leaving the building on one occasion and 14 on another. Usually though they do come out in smaller groups. However, that doesn't stop the problem that if many of them have driven there will be parking problems. Baring in mind the room is being used throughout the day for the required prayer times, and baring in mind we already have mega parking problems during the day because of the local school, I cannot see that this would do anything other than worsen the situation.

We are led to believe that we now have in excess of 50 Mosques in Blackburn. Most would have been granted planning permission with parking facilities, should we not be encouraging people to use the great facilities they already have rather than causing problems in an already congested residential area. I know that people will always say they will walk locally- I also know what I myself would do if it was pouring down or freezing cold. With the best will in the world, most of us will take the easy option, and once planning permission has been,there will be no going back.

---

Rose Clayton  
22 Montreal Road

I would like to object to the above application

During the recent clement weather there has not been any concern over parking at the location.

However, during poorer weather conditions i.e when raining there is a noticeable increase in the number of cars parked in the vicinity. This adds to the congestion as there is already considerable traffic due to the local school.

The usage of the facility has increased and there have been up to 19 people attending at any one time. Surely this also creates a health and safety risk I sincerely hope that you consider this objection seriously from a concerned local resident

---

Tommy Temperley  
3 Whinney Lane

My main concern is parking as there is a shop below the proposed prayer room which is busy with cars. Also i live next door to the shop and i am disabled and need to park outside my house i have a blue badge and applied for a disabled bay but was refused as it was on dangerous corner.

---

Chris Eggleston,  
19 Quebec Road, Lammack,

I wish to put forward my complaint on the change of usage to No 7 Whinney Lane, Blackburn, from residential flat to a mosque. My reasons for this are listed below.

1. It would I am sure cause traffic chaos, as there are only room for 4/5 cars for customers to the shop on the frontage of the shop and flat and one house. There are double yellow lines on the entrance to Whinney Lane, where will the worshippers go? The Hare and Hounds car park, Lammack Road which is already congested, Montreal Road which is already congested.

2. Are we as residents to be subjected (possibly) to the odious music on calling to prayer five times a day seven days a week who can say?

3. I have lived in my bungalow for the last 48 years and I have to say that it was one the most desirable areas to live in Blackburn, and I for one do not want to be confronted with another mosque, after all there are 47 official mosques and possibly 2,000/3,000 unofficial mosques, so why do we need any more in a town that really is average in size!!

4. I resent the presence of a religion of this kind that I find at odds with, and I do not feel comfortable with this situation in the area that I live.

---

6.1.4 Public Protection – Concern raised towards impact on residential amenity, in terms of hours of use and associated noise. Following appraisal of requested Environmental Noise Assessment, no objection offered, subject to the application of aforementioned conditions

6.1.5 Highway's Authority – no objection offered, subject to the application of aforementioned conditions.

**7.0 CONTACT OFFICER: Nick Blackledge, Assistant Planner - Development Management**

**8.0 DATE PREPARED: 12<sup>th</sup> April 2017.**



**REPORT OF THE DIRECTOR**

**Plan No: 10/17/0135**

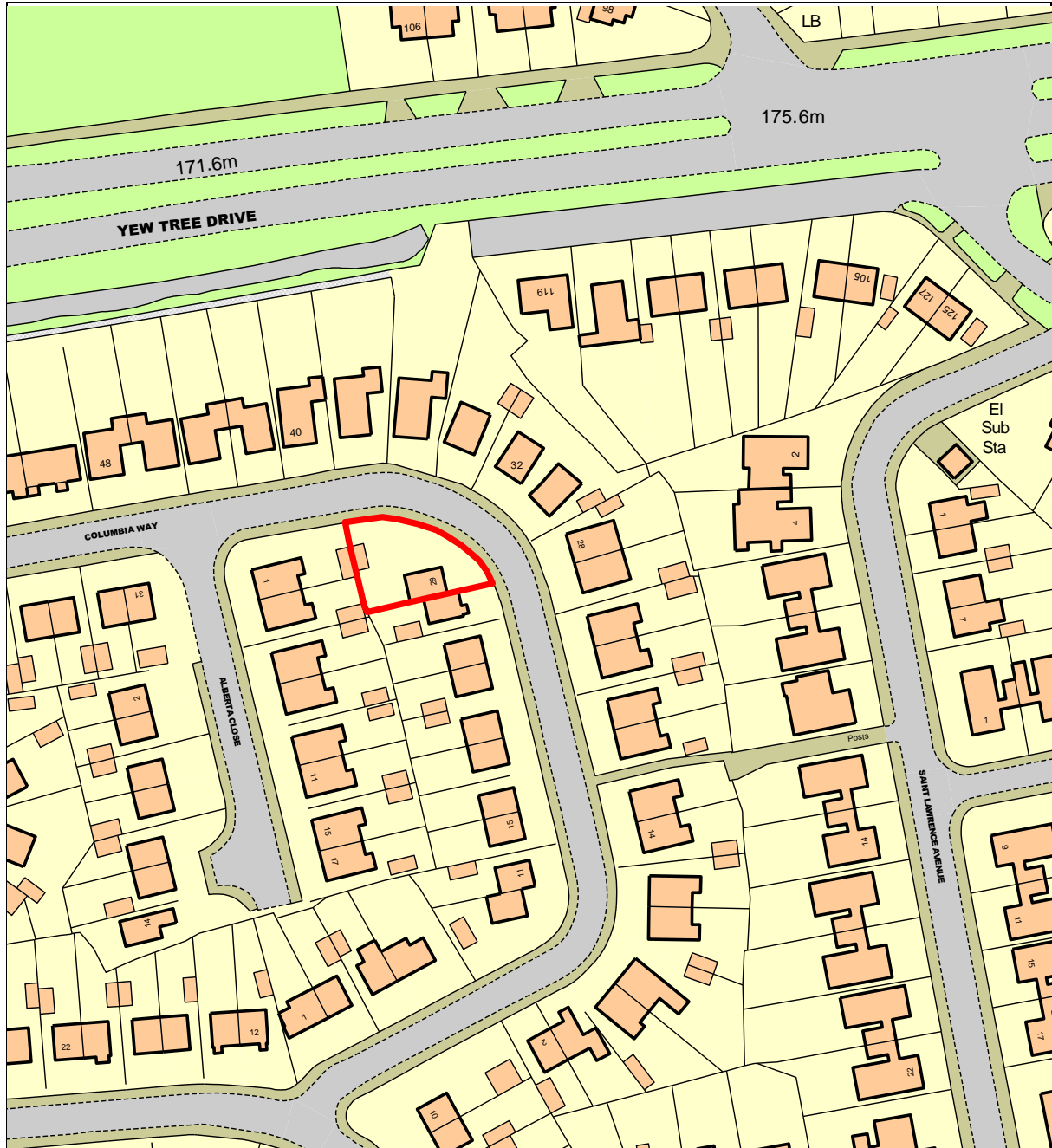
**Proposed development: Full Planning Application for Two storey side extension.**

**Site address: 29 Columbia Way, Blackburn, BB2 7DT**

**Applicant: Mrs K Zarif**

**Ward: Beardwood With Lammack**

Councillor Michael Lee
Councillor Julie Daley
Councillor Imtiaz Ali



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted planning permission for the reason as follows:
- The proposal is of appropriate design and appearance and would not be detrimental to the residential amenity for occupiers of the dwelling or neighbouring dwellings or compromise highway safety in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Local Plan Part 2 (December 2015) and Residential Design Guide Supplementary Planning Document (as amended September 2012).
- 1.2 It is recommended that the application be approved subject to the following conditions:
- Materials to match the materials used in the existing dwelling.
  - Submission of a scheme for the boundary treatment and landscaping.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 The application is before the Committee following the receipt of ten letters of objection. A summary of the objections is provided at 6.1 below.
- 2.2 The key issues to be addressed are as follows:
- Design.
  - Scale and massing within the context of the site.
  - Effect of the development on the surrounding environment.
  - Securing neighbouring residential amenity.
  - Impact of the development on the highway
- 2.3 The original proposal was for a two storey side extension flush with the front elevation and extending 5 metres out from the side elevation. Eaves and ridge heights were consistent with the existing. The Residential Design Guide Supplementary Planning Document requires a side extension to be subordinate to the main house, and with the new roofline secondary to the original in terms of scale. In addition the SPD requires a two storey side extension to avoid being an obtrusive feature on the street scene. The proposed development was considered disproportionate to fail on all these counts and amendments to the original submission have now been made.
- 2.4 The extension's projection has been reduced from 5 metres to 4.1 metres from the side elevation. Eaves levels remain consistent with the original but, with a 1 metre set back at first floor level, the ridge height has been made subordinate to the original. Consequently, there is a slight reduction in the massing of the gable end against Columbia Way, and the gable itself is set almost a metre further back from the highway than originally planned.

### **3.0 RATIONALE**

#### **3.1 Site and Surroundings**

- 3.1.1 The application site is a detached dwelling located adjacent to a sharp bend on Columbia Way, within the Beardwood development. Consequently, front and side elevations both face Columbia Way, whilst the rear elevation backs onto Alberta Close.
- 3.1.2 The dwelling is set back from the highway, with wood fencing along its northern curtilage boundary. This fencing was previously concealed from the roadway by hedging, now removed. Between the fencing and the highway lies an open grassed area that belongs within the ownership of the occupant. That land forms part of the general open landscape that is characteristic of the dwellings along Columbia Way. Whilst a line of hedges adjacent to the footpath are currently retained, a tree (albeit unprotected) has recently been removed.

#### **3.2 Proposed Development**

- 3.2.1 The proposal is for a two-storey extension to the side elevation, projecting out beyond the gable by 4.1 metres. The first floor of the extension is to be set back from the front elevation by 1 metre. The eaves line is consistent with the eaves of the host dwelling, and the ridge is set back of and below the original ridgeline. The materials are facing brick and render with tiled roofing to match the original.

#### **3.3 Development Plan**

3.3.1 Blackburn with Darwen Borough Local Plan Part 2:

Policy 11: "Design"  
Policy 8: "Development and People"  
Policy 10: "Accessibility and Transport"

3.3.2 Residential Design Guide (Revised Sept 2012):

RES E9: "Two Storey Side Extensions"  
RES E19: "Extensions and Parking"  
RES E10: "The Terracing Effect"

#### **3.4 Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (NPPF):

### 3.5 Assessment

- 3.5.1 Design. Policy 11 requires the design, materials and shape to complement local character. The proposed extension is largely considered to achieve this. The horizontal emphasis of the fenestration is in keeping with the general horizontal emphasis incorporated in host dwelling and the wider setting. The subordinate side gable roof reflects a feature established within the street scene, with No. 27 being set back slightly behind No. 25, and No. 29 being set back more substantially behind No. 27 to allow for the bend in the road. The first floor set back to the proposed extension partially complements this movement of the buildline, and adds to the integration of the extension into the setting.
- 3.5.2 Scale and massing. Policy 11 of the Local Plan 2 requires development to respect the scale and massing of existing buildings. Whilst the original plans as submitted depicted an extension that doubled the size of the host dwelling, the amended plans before the Committee are considered to be in accordance with Policy 11 in that the scale is reduced to what is proportionate to the host dwelling. The gable elevation presented towards Columbia Way is correspondingly reduced in massing, with the brick work broken up by the insertion of a window to each of the floors.
- 3.5.3 Environment. Policy 11 of the Local Plan 2 requires existing frontage treatments and boundary walls to be taken into account, and Policy 8 requires development to contribute positively to the environmental character of the area. Whilst the originally approved landscaping scheme for the dwellings on Columbia Way has been lost, it is known that fences and walls were not permitted to extend beyond the dwellings (Condition 9 planning permission 3981M dated 31<sup>st</sup> January 1974). Concern has been expressed by objectors regarding works affecting the open green landscaping in front of the application site – landscaping that is characteristic of the setting. To ensure that the extension does not have an unduly detrimental effect upon the visual amenity of the setting, Members are recommended to approve the submission of a detailed landscaping scheme and boundary treatment to be approved in writing.
- 3.5.6 Residential Amenity. Policy 8 of Local Plan 2 requires development to secure a satisfactory level of amenity for surrounding residences in terms of privacy and overlooking. The Residential Design Guide SPD sets out the guidelines by which this amenity is secured. Where habitable room windows face habitable room windows (such as lounge, dining room or bedroom) the separation distance should be a minimum 21 metres. Where habitable room windows face a blank gable or windows to a non-habitable room (such as kitchen or bathroom) the separation distance should be a minimum 13.5 metres. The bulk of the objections to the proposal are focussed on the proximity of the extension to neighbouring dwellings, with consequent concerns for overlooking and loss of privacy.

- 3.5.7 The closest dwellings to the front-facing elevation of the extension are Nos. 33 and 32 Lammack Road. The separation distance from the ground floor lounge window of the development to these properties is 23.1 and 21.7 metres (approx.) respectively. With the front-facing bedroom window being set a metre back, this separation distance is increased accordingly. The requirements of the Residential Design Guide are therefore considered to be achieved.
- 3.5.8 The closest dwellings to the side-facing elevation of the extension are Nos. 34 and 36 Lammack Road. The separation distance to these properties is 21.3 and 24.1 metres (approx.) respectively. With both ground and first floor windows being to habitable rooms, the required 21 metre separation distance is achieved. The separation distance from No. 40 Columbia Way is approximately 30.6 metres.
- 3.5.9 The closest dwelling to the rear-facing elevation of the extension is No. 1 Alberta Close. The separation distance to this property is 20.4 metres (approx.). With there being no ground or first floor windows to the rear of the extension, the required 13.5 metre separation distance is achieved. It is also noted that, with the extension not projecting beyond the existing rear elevation, its relationship with No. 1 Alberta Close is that of the original dwelling with No. 3 Alberta Close.
- 3.5.10 It is accepted that the proposed extension will alter something of the character of the setting by its presence on the bend in Columbia Way. However, it is considered that, with attention to landscaping detail as set out in 3.5.3 above, and with the incorporation of acceptable separation distances with neighbouring properties, the development demonstrates an understanding of the context in which it is set, as required by Policy 11, whilst securing a satisfactory level of neighbour amenity, as required by Policy 8.
- 3.5.11 Highway Implications. Policy 10 of Local Plan 2 requires appropriate provision to be made for vehicular access and off-street parking. The proposed extension does not intrude into existing parking provision. Moreover, the position of the extension is not considered likely to interfere with drivers' visibility, limited as it is, on approaching the bend in the road, being set back some distance from the highway. It is noted that Highways have no objections to the scheme.

#### **4.0 RECOMMENDATION**

4.1 Approve subject to conditions:

4.2 The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.  
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



4.3 Notwithstanding the submitted details, the external walling and roofing materials to be used in the construction of the building hereby permitted shall match those used in the existing building.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4.4 This consent relates to the submitted details marked received on 10th February 2017 and numbered 32/17, as amended by plans received on 24th March 2017 and numbered 32/17 revision A; and any subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

4.5 Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure that there is a well laid scheme of soft landscaping in the interests of amenity in accordance with Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

## **5.0 PLANNING HISTORY**

5.1 10/00/0047 – Conservatory/sun lounge extensions. Approved under delegated powers 22<sup>nd</sup> March 2000.

## **6.0 CONSULTATIONS**

6.1 13 neighbours were consulted. 10 letters of objection have been received. The objections can be summarised as follows:

- Disproportionately large extension, out of keeping with the style and design of the estate.
- Potential increase in traffic flow and on-street parking on a corner already busy and having restricted view.
- Side bedroom window gives clear line of sight into facing windows.
- Amended plans still for disproportionately large extension.
- Amended plans show design to be unbalanced, with the reduced sloping roof line at the front of the house not being similarly applied to the rear – therefore ill-fitting and out of keeping with the area.
- Position of extension is in a dominating and elevated position.
- Green space should be retained.

6.2 Highways. The works are contained within the curtilage. No part of the build should encroach into the highway. This includes the footway which is defined by an edge strip. No parking is affected by the proposal. No objections to the application.

7.0 **CONTACT OFFICER: John Wilson, Planner**

8.0 **DATE PREPARED: 12<sup>th</sup> April 2017**

## **Objections**

J. Buckley, 1 Alberta Close Blackburn 03/03/17

I would like to object to this planning application for 129 Columbia Way Blackburn BB2 7DT for a two storey side extension.

Firstly on the planning application it states no trees will be affected or have been taken down to make way for the extension. There already has been two trees removed and this has already altered the appearance of the area. Should there have been permission for these trees to be removed, one of the trees was on the outside of the fence and had been planted by the developer of these properties many years ago. This can affect drainage.

My property is immediately to the rear of the planned extension, a bungalow which would be overlooked.

My concern is that my privacy would be affected as the extension would overshadow my property where the bedroom and the kitchen is at the rear, it would have an

impact on the outlook. I would lose sunlight and daylight which I find this to be unacceptable. Also the proposed side of the property has planning restrictions in place as my property has. The extension would be overbearing in terms of the original property and would take most of the garden area to the property, which could also cause drainage problems. The extension is the same size as the original property and would look out of character to the other properties on the street.

07/04/17

Further to your recent amended planning application 10/17/0135 I would like to say that I cannot see any difference from the original application, I have noted that small laurels which were uprooted have been reinstated but the large trees which I have mentioned previously obviously have not. The application clearly states that no trees would be felled for the extension to be built, this is not the case and this should be looked at as the applicant has not informed you that they have removed the trees and would they have to have permission to do this. I still feel that my property would be overlooked and I would lose daylight and sunlight and the enjoyment of this. There are issues with drainage and the restriction to build on the side of the property. As previously mentioned the extension would change the outlook of the area.

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Ahmed Surtee, 30 Columbia Way Blackburn 10/03/17

Further to your notice stating an amended application has been submitted for reference 10/17/0135, I write to object with the following comments and observations: -

- 1) Privacy. The amended plans do not address my privacy in any substantive way and the development will on the amended basis still have an even more clearer line of sight into bedrooms and lounge, based upon the central positioning of the window.
- 2) Distance and impact. The proposed amended plan remains considerably overshadowing with it's elevated positioning and dominating from both the downstairs and upstairs view to my house.
- 3) Proportionality. The proposed amended plans still remains quite large scale and measures still outside the tolerances of proportionality. This is both in terms of the property itself (which I have stated in my original response) and other houses or similar developments.

4) Roads and parking. The plot sits on a forking blind bend which requires consideration, both for increased traffic flow and parking which could constrict the road. Also, with the significant width to the boundary lines would obscure the view of drivers. Hence, I lodge my objection to this planning application on this basis.

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Nadia Benjelloun 36 Columbia Way Blackburn 31/03/17

I am writing further to your notice stating an amended application has been submitted for reference 10/17/0135. My comments and observations are as follows in line with my original comments made and additions as follows: -

1) Privacy: the amended plans do not address my privacy in any substantive way and the development on the amended basis will still have an even stronger and clearer line of sight into my lounge and bedrooms, based upon the positioning of the window. That is, I vitally believe the development is defective and imperfect as it invades my privacy and the neighbours in the surrounding vicinity.

2) Distance and impact: the amended plan that has been proposed remains overshadowing and dominating to my house. This is particularly starker for me and my neighbours as we live in bungalows.

3) Aesthetically: the side profile of the house on the basis of the amended plans is unbalanced with the reduced sloping roof line only to the front side of the house and not similarly being applied to the rear. Therefore, further making it ill-fitting and out of keeping with its surroundings.

4) Proportionality: the proposed amended plans still remain outside the tolerances of proportionality in terms of the property itself. Also, similar developments have not expanded to this degree in comparison after a quick review of similar approved developments in the area on your Council planning website and consequently this would seem an unparalleled development.

I would like to state that this specific plot location sits within a unique landscape which requires a particularly sensitive consideration than would otherwise be the case, than for say a normal parallel street for example. As the impact is at least 180 degrees to me and neighbours affected. Explicitly, the development would be of a dominating elevated position over my own and other homes of neighbours.

Additionally, a merging blind bend on which the development will sit may be made further dangerous and hazardous especially at peak traffic flows. Potentially the addition of the proposed development with the significant width to the boundary lines would blur and/or obscure the view of drivers.

With such an increase in living space and additional movement around the property, the property may require greater traffic calming by the Council to avoid the risk of significant traffic collisions.

Naturally with a development of this size in width and height there would be an extension of the boundary fences to the edges of the plot. These would also need to be checked that the views to drivers are not obscured and natural space between neighbours is maintained to a reasonable levels. Also, that an adequate number of parking spaces should be planned for and avoiding cars parking on pavements which would narrow and restrict the road causing a bottleneck/ blockage on this busy road.

5) Finally, the impact of the development is visibly becoming apparent by the most recent changes made by the applicant in preparation for the build by felling of trees, bushes and fencing in the plot.

In summary, the amended and proposed development has drastic impacts and is fundamentally unnatural to the environment with the increase in volume, footprint and spacial density, as well as impacts on privacy and traffic.

Hence, I strongly lodge my objection to this planning application.

Father Reginald Riley, 40 Columbia Way Blackburn 28/03/17

I am contacting you regarding the above planning application on behalf of and in the full knowledge of my 86 year old next door neighbour, Father Reginald Riley of 40 Columbia Way Blackburn BB2 7DT.



He wishes me to inform you that he is infirm and spends most of his time during the day in his bedroom which is sited at the front of his bungalow.

His bedroom is currently overlooked by a landing window in 29 Columbia Way. The new plans indicate that his bedroom will be overlooked by a bedroom window and a lounge window, both 4.1 metres nearer to his property.

He is concerned that his privacy will be impacted.

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### Abid Hanif, Owner of 27 Columbia Way Blackburn 30/03/17

The size of extension is very large. It is out of keeping for other applications for similar properties on Columbia Way. I think this would be the first double storey extension that doubles the size of the existing bricked up building. The overall effect and appearance will be to alter significantly the semi-detached properties on Columbia Way by the proposed application which will be out of keeping for its area. The limit of the new proposal brings it very close to the pavement on a part of the road that has a significant bend/turn, almost 90 degrees. I would advice the council to pay attention to this as obscuring sight for drivers on a significant bend on a gradient road as a potential for health and safety concerns of both pedestrians and drivers.

i would object to supporting such a big extension.

I would however consider supporting a revised application for an extension that is not so big!

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### Salah Hassan, 32 Columbia Way Blackburn 31/03/17

I am writing further to your notice stating an amended application has been submitted for reference 10/17/0135. My comments and observations are as follows in line with my original comments made and additions as follows:

1) Privacy: the amended plans do not address my privacy in any substantive way and the development on the amended basis will still have an even stronger and clearer line of sight into my lounge and bedrooms, based upon the positioning of the window. That is, I vitally believe the development is defective and imperfect as it invades my privacy and the neighbours in the surrounding vicinity.

2) Distance and impact: the amended plan that has been proposed remains overshadowing and dominating to my house. This is particularly starker for me and my neighbours .

3) Aesthetically: the side profile of the house on the basis of the amended plans is unbalanced with the reduced sloping roof line only to the front side of the house and not similarly being applied to the rear. Therefore, further making it ill-fitting and out of keeping with its surroundings.

4) Proportionality: the proposed amended plans still remain outside the tolerances of proportionality in terms of the property itself. Also, similar developments have not expanded to this degree in comparison after a quick review of

similar approved developments in the area on your Council planning website and consequently this would seem an unparalleled development.

I would like to state that this specific plot location sits within a unique landscape which requires a particularly sensitive consideration than would otherwise be the case, than for say a normal parallel street for example. As the impact is at least 180 degrees to me and neighbours affected. Explicitly, the development would be of a dominating elevated position over my own and other homes of neighbours.

Additionally, a merging blind bend on which the development will sit may be made further dangerous and hazardous especially at peak traffic flows. Potentially the addition of the proposed development with the significant width to the boundary lines would blur and/or obscure the view of drivers.

With such an increase in living space and additional movement around the property, the property may require greater traffic calming by the Council to avoid the risk of significant traffic collisions.

Naturally with a development of this size in width and height there would be an extension of the boundary fences to the edges of the plot. These would also need to be checked that the views to drivers are not obscured and natural space between neighbours is maintained to a reasonable levels. Also, that an adequate number of parking spaces should be planned for and avoiding cars parking on pavements which would narrow and restrict the road causing a bottleneck/ blockage on this busy road.

5) Finally, the impact of the development is visibly becoming apparent by the most recent changes made by the applicant in preparation for the build by felling of trees, bushes and fencing in the plot.

In summary, the amended and proposed development has drastic impacts and is fundamentally unnatural to the environment with the increase in volume, footprint and spacial density, as well as impacts on privacy and traffic.

Hence, I strongly lodge my objection to this planning application.

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Shaheen Shah 38 Columbia Way Blackburn

Thankyou very much for the opportunity of allowing me to voice my observations in relation to the above proposed extension. My name is Shaheen Shah, and I live at 38 columbia way. Essentially i oppose the planned extension as it stands, and my opposition is based upon PRIVACY.

I live directly opposite the proposed extension, on land that is actually at a lower level then number 29. There would thus be a clear and unobstructed view directly into my drive and living room from the windows of the proposed extension.

**PROPORTIONALITY OF THE NEW CONSTRUCTION**

My fears would be that the new construction will be disproportionately large in relation to the surrounding houses, and other questions in relation to the capacity of the road to cater for additional parking provision needed, and whether this would constitute a problem in traffic flow around the bend at the proposed site.

I hope this clarifys my position, and please let me know if you require any further

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**ORIGINATING DIVISION:** HIGHWAYS AND TRANSPORTATION - CAPITA  
**REPORT TO:** BLACKBURN WITH DARWEN BOROUGH COUNCIL  
PLANNING AND HIGHWAYS COMMITTEE  
**DATE:** 27<sup>th</sup> April 2017  
**TITLE:** PETITION – PRESTON NEW ROAD BLACKBURN  
**WARD:** CORPORATION PARK  
**COUNCILLORS:** Arshid Mahmood  
John Wright  
Tasleem Fazal

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### **1.0 PURPOSE OF THE REPORT**

The purpose of the report is to advise the Committee of a petition from residents of Preston New Road, Blackburn regarding the renewal of a single yellow line.

### **2.0 BACKGROUND**

A petition was received by the council on the 22<sup>nd</sup> February 2017 regarding the renewal of a single yellow line on Preston New Road outside the homes of the petitioners. The petitioners state that *'....the parking arrangements will become intolerable if the proposed single yellow lines to Preston New Road (between Leamington Road/Bromley Street and Adelaide Terrace/Addison Street) goes ahead without due consideration to the residents' car parking....'*

The petition was signed by 9 residents of 17 properties on this length of Preston New Road and by 1 resident from a property on the opposite side of the road. 3 of the 17 properties have off-street parking available to them.

### **3.0 DETAIL**

Preston New Road is a main arterial route into Blackburn with an Annual Average Daily Flow (AADF) of 14,800 vehicles. In order to cater for this flow, parking restrictions were introduced on the northern side of the road in 1977. The Traffic Regulation Order covering this section of the road came into force on the 1<sup>st</sup> November 1977 and is for a single yellow line prohibiting parking Monday to Saturday from 7am-7pm.

In addition to the parking restriction there is a Static Speed Enforcement Camera outside these properties with the associated carriageway markings. Vehicles parked in the area where the yellow line has been renewed interfere with the operation of this camera.

Over the last couple of years, as part of a wider remarking scheme, a number of attempts have been made to remark this length of single yellow line, but the contractor has been unable to complete a short stretch in front of Nos.114 to 124 as the residents have actively prevented access by refusing to move their cars to allow the work to be undertaken.

In 2016 an Area Based Traffic Review was carried out along the Preston New Road Corridor and this review did not recommend any relaxation of the parking restrictions in this area.

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It is recommended therefore that the residents indirect request to remove the line be declined.

#### **4.0 IMPLICATIONS**

<b>Customer</b>	None
<b>Financial</b>	None
<b>Anti-poverty</b>	None
<b>Crime and Disorder</b>	None

#### **5.0 RECOMMENDATION**

It is recommended that:

- the Committee support the officer recommendations that the petitioners' request be declined.
- the lead petitioner is informed of the decision.

**6.0 BACKGROUND PAPERS:** Petition

**7.0 CONTACT OFFICERS:** George Bell

**8.0 DATE PREPARED:** 3<sup>rd</sup> March 2017