

**Development Control Committee**

Meeting to be held on 9<sup>th</sup> December 2015

Electoral Division affected: West Lancashire South
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**West Lancashire Borough: application number. LCC/2015/0061**  
**Erection of two wind turbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar.**

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**Executive Summary**

Application - Erection of two wind turbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar. The application is accompanied by an Environmental Statement and non-technical summary.

**Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, duration of development, decommissioning, construction activities, highway matters, noise, and ecology.

**Applicant's Proposal**

The application is for the construction of two wind turbines. Each turbine would have a hub height of up to 46 metres with three blades to an overall height of up to 61 metres. The turbines would be coloured white or light grey. Each turbine would be sited on a concrete pad measuring 10 metres by 10 metres. A temporary crane pad measuring 50 metres by 20 metres would also be constructed at the base of each turbine for construction purposes.

The proposal also includes provision for two transformer buildings which would measure 1.7 metres by 1.8 metres by 1.6 metres high and would be enclosed within palisade fencing measuring 3 metres high. Access to the turbine sites would be gained mainly using existing roads within the adjacent waste water treatment works but a short length of additional road required to access the northern turbine.

The lifespan of the turbines would be approximately 25 years following which they would be decommissioned and removed from the site.

The application is accompanied by an Environmental Statement which examines the impacts of the development in terms of landscape, ecology and noise. Issues such as cultural heritage, geology and water, shadow flicker, transport, aviation and radio communications are outside the scope of the ES but have been addressed within the planning application documents.

### **Description and Location of Site**

The proposed turbines would be located on an area of rough grazing land immediately to the west of the existing Hillhouse Waste Water Treatment Works which is located off the B5195 (Wood Lane) in Great Altcar 6km south west of Ormskirk. The land surrounding the application site is generally formed by flat arable farmland with large open fields with very few boundary features such as hedgerows.

There are no large settlements in the area, the nearest villages being at Haskayne and Great Altcar, 2km and 2.6 km from the site respectively. However, there are a number of isolated farms and individual dwellings located off Wood Lane to the north of the application site some of which have views over the application site.

The existing waste water treatment works is surrounded by a belt of trees which effectively screens the treatment works from views. An overhead power line running in a north- south direction crosses the existing waste water treatment works. The Cheshire Lines cycle path, following a former railway line, is immediately east of the existing treatment works.

The farm land to the west and south of the site is a Biological Heritage Site designated for its value for over wintering wildfowl associated with the European protected wildlife sites located off the Sefton Coast. The application site and surrounding land is also designated as Green Belt.

### **Background**

History – There have been a number of planning applications on the adjacent waste water treatment works for new treatment infrastructure. There is no other relevant planning history.

### **Planning Policy**

National Planning Policy Framework: Paragraphs 6 – 14, 17, 79 – 91, 93 – 98, 118 – 123, 126 - 134 of the NPPF are relevant with regards to the definition and presumption in favour of sustainable development, core planning principles, green belts, meeting the challenge of climate change and impacts on ecology, local amenity and heritage.

National Planning Practice Guidance – Guidance relating to renewable energy and Ministerial Statement of June 2015 regarding wind turbines.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Borough Local Plan

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for sustainable development

Policy EN1 Low Carbon Development and Energy Infrastructure

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets.

## **Consultations**

West Lancashire Borough Council: Object to the application due to its conflict with the Ministerial Statement issued in June 2015 relating to wind energy development. The Borough Council also object to the potential impacts on bats, barn owls and the adjacent Biological Heritage Site and the conflict with policy EN2 of the Local Plan.

Great Altcar Parish Council: No observations received.

LCC Developer Support (Highways): No highway objection. The developer has demonstrated that the volume of traffic generated during the construction period would not have a material impact on the highway network and the turbines are located far enough from the highway to avoid any icing impacts. A condition should be imposed requiring a construction management plan including management of abnormal loads.

County Ecology Service: In relation to impacts on European protected sites (SPA's), the applicant has carried out ornithological surveys which demonstrates that the application site is sub optimal for over wintering geese and therefore there would be no loss of habitat and that collision impacts would be minor.

Environment Agency: No objection provided that the development is carried out in accordance with the submitted flood risk assessment.

Natural England: No objection – The development is unlikely to have any impacts on the bird species associated with the Ribble and Alt Estuary and Martin Mere SPA areas provided that the construction works are undertaken when over wintering birds are unlikely to be present on the adjacent fields. Natural England also note that the proposal is not located with or would affect the setting of any nationally designated landscape.

National Air Traffic Services Ltd: Object to the application due to the likely impacts on the St Annes Radar Station. NATS consider that the local terrain is such that the proposed turbines would result in interference in the radar signals at this station. In a subsequent letter NATS have confirmed that they have entered into a satisfactory agreement with the applicant regarding mitigation measures for the impact on their navigation systems.

Lead Local Flood Authority: No objection subject to conditions to ensure that there is no pollution of water courses during construction operations.

Ministry of Defence Lands (Safeguardings) – No objection.

OFCOM: No objection

Joint Radio Company: JRC provide radio planning and analysis services on behalf of utility and energy industries. JRC do not consider that the proposed turbines would result in any interference to the radio systems operated by such industries.

County Archaeology Service; No objection subject to a condition relating to the submission of a scheme of archaeological investigation.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Four representations have been received objecting to the application on the following grounds:-

- The visual impact of the turbines will blight the local landscape which is very flat and open.
- There will be cumulative impacts with another windfarm proposal nearby
- The turbines will impact upon the openness of the Green Belt.
- The turbines do not produce any power during cold frosty weather when conventional power stations are needed.
- Fracking for gas would be a better solution.
- The turbines would impact on local wildlife in particular pink footed geese populations that use the local arable land during the winter for feeding.
- The turbines would industrialise the local landscape which is of historic importance.
- The visual impact analysis is deficient as it does not investigate the impacts on views from Clieves Hill, from Lydiate Hall which is a listed building and from local footpaths.
- The piling that would be required would intercept the local aquifer and could pollute local water courses impacting on crop irrigation.
- The turbines would interfere with the radios and GPS used to manage agricultural activities.

A representation has also been received on behalf of Corolis Energy who are promoting another wind turbine development further to the south of the Hillhouse WWTW. The representation is concerned with the noise impacts of turbines and requests that a study is undertaken so that partial noise limits are set for each wind farm to ensure that the cumulative impact of all turbines at the nearest receptors is acceptable.

#### Other consultation

Under the requirements of the Development Management Procedure Order 2015, (DMPO) developers of larger wind turbine sites are required to undertake their own

pre application consultation with the local community and submit with any planning application a statement setting out the consultation that was undertaken, the responses that were received and how such responses were taken into account.

To address this requirement, the applicant has submitted a Statement of Community Consultation setting out how the requirements of the DMPO has been addressed. The applicant carried out a letter drop to 98 addresses in the locality together with local councillors to which 19 responses were received. The questions and responses were as follows:-

- Do you support renewable energy to combat climate change?: Yes 68%, No 21%, Not Sure 11%
- Do you support wind power as a source of renewable energy?; Yes 16%, No 68%, Not sure 16%
- Do you support the Hillhouse wind turbine proposal?; Yes 21%, No 68%, Not sure 11%
- How far do you live from the site? Less than 0.5 miles – 21%, 0.5 – 1 mile – 47%, 1 – 2 miles – 32%.

The consultation also enabled respondents to provide comments. The issues raised were noise concerns, comments that the turbines are too near properties and will have landscape and visual impacts, concerns over impacts on birdlife and ecology generally, that the development would re-use brownfield land and that solar photovoltaic cells would be a more appropriate form of renewable energy for the site.

### **Advice**

The application is for the construction of two wind turbines which would provide electricity to supplement the power requirements of the adjacent waste water treatment works. The WWTW is a major consumer of electricity to power pumps and other treatment infrastructure.

United Utilities (UU) have established a Carbon Mitigation Action Plan aimed at reducing carbon emissions from its business activities and increasing renewable energy generation. The Plan aims to reduce gross emissions by 21% by 2015 and to halve emissions by 2035 (on 2006 baseline). UU has looked to achieve these targets by reducing energy consumption used to treat water and waste water and to generate energy from renewable sources including combined heat and power from sewage sludge, wind energy and solar power.

In terms of national policy, the Government published a White Paper in 2007 on energy (Energy – Meeting the Challenge) which set out the Government's domestic and international strategy for responding to the two main challenges of meeting targets for cutting greenhouse gases to meet climate change objectives and to ensure the availability of secure, clean and affordable energy. The White Paper sought to respond to these challenges in a way that was consistent with energy policy goals including cutting CO<sub>2</sub> emissions, maintaining reliability of energy supplies, promoting competitive markets and ensuring that every home is adequately and affordably heated,

The Climate Change Act Of 2008 also makes it a duty of the Secretary of State to ensure that levels of the main greenhouse gases in 2050 emitted by UK households, industry, transport and the energy generation sector are at least 80% lower than 1990 levels.

In 2009, the Government published 'The UK Low Carbon Transition Plan' which is a national strategy for climate and energy including how energy generation will be gradually transformed to a system based on renewables in order to meet climate change objectives including those obligations in the Climate Change Act.

The proposed turbines are predicted to produce approximately 1GWh of electricity per annum for use by the adjacent WWTW with any excess power being exported to the National Grid. The annual electricity consumption of the WWTW is around 3.1 MWh. The turbines would therefore provide around one third of the power demands of the treatment works and would make a significant contribution towards the energy demands of the works and displace energy generated by conventional fossil fuels.

The proposal would therefore satisfy Government policy relating to energy generation and climate change and would also contribute towards meeting the targets in the applicant's own Carbon Mitigation Plan.

In terms of National Planning Policy, the NPPF contains policy for renewable energy projects. The policy states that applicants for such development should not be required to demonstrate the overall need for such projects and to recognise that even small scale projects can make a valuable contribution. The NPPF states that applications for such development should be approved if impacts are or can be made acceptable unless material considerations indicate otherwise.

National Planning Practice Guidance also contains advice on how wind turbine developments should be considered. In particular the guidance draws attention to a ministerial statement issued by the Secretary of State for Communities and Local Government on 18<sup>th</sup> June 2015 relating to the weight to be given to the views of local communities when considering such developments. The statement is to give effect to the commitment made in the Conservative election manifesto that local people should have the final say on wind energy development.

The statement makes clear that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

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

For planning applications that had already been submitted at the time of the statement, the following transitional arrangement applies;

- Where the development plan does not identify sites, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.

This planning application was submitted on the 17<sup>th</sup> June 2015 and therefore the above transitional arrangement applies. The West Lancashire Local Plan does not identify any sites or areas for wind energy development and therefore, in applying the ministerial statement, the views of local residents are the sole determining factor.

The Planning Practice Guidance also sets out the general considerations that should be applied to wind energy developments and how these should be dealt with through the planning system.

The main issues that require consideration relate to the impacts on Green Belt, ecology, noise and landscape. The report also covers the impacts on aviation, transport, water resources, shadow flicker and historic environment.

#### Green Belt:

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The size and scale of the proposed turbines would impact upon the openness of the Green Belt and would be inappropriate development.

The NPPF notes that elements of many renewable energy projects will comprise inappropriate development. In such cases very special circumstances need to be demonstrated to justify the location of the turbines in the Green Belt. The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Paragraph 91 of the NPPF states that the wider environmental benefits associated with increased energy production from renewable sources may constitute very special circumstances.

The Green Belt in this area has a very wide extent and covers the existing waste water treatment works and all of the surrounding countryside except for some areas around existing settlements. The turbines are intended to supplement the power requirements of the adjacent waste water treatment works and therefore need to be located close to the works in order to fulfil that function. There is no other site located close to the works that is not within the Green Belt. The electricity produced by the turbines would have wider environmental benefits in that it would be produced from renewable sources therefore reducing the draw on energy produced from conventional fossil fuel sources. Any development on the waste water treatment works site to allow generation of electricity from renewable sources would be likely to be inappropriate development. The absence of any other site that could be used for the turbines and the wider environmental benefits of the proposal are therefore considered to amount to very special circumstances that would justify inappropriate development in the Green Belt.

## Landscape and Visual

The Environmental Statement accompanying the application includes a visual and landscape assessment. This includes a series of photomontages from a number of local viewpoints in order to allow assessment of the visual impacts of the development.

Policy GN5 of the West Lancashire Borough Local Plan requires that proposals for development should have regard to the historic character of the local landscape. The policy also requires that development should have regard to visual amenity and complement or enhance local distinctiveness within its surroundings through sensitive design including appropriate siting, scale, landscaping and boundary treatment.

The proposed development is located in an area of flat open countryside comprised of large scale arable fields with very few features such as hedgerows or woodlands. The main landscape features in the area are the tree screening belts which surround the existing WWTW directly to the east of the application site together with a national grid overhead line which passes over the eastern side of the WWTW and which runs parallel to the Cheshire Lines cycle path. The land rises slightly to the east towards Ormskirk from where views across the coastal plain including the application site are gained.

Currently, there are no other wind turbine developments in the immediate area. The existing Burbo Banks off shore wind farm is visible in the distance when viewed from the higher land towards Ormskirk but is around 15km from the Hillhouse site. There is also a proposal for a multi – turbine scheme on land between Altcar and Formby (the Lower Alt Wind Farm) but that proposal has only recently been submitted to the Borough Council.

The application site is not located within or close to any area of designated landscape importance. However, as with all landscapes, the area does possess some particular characteristics which are identified in the County Council's Landscape Strategy. The application site is located in the Martin Mere and South West Mosses character area, the chief characteristics of which are identified as the low lying flat landscape with a distinctive pattern of fields and drainage ditches. The Landscape Strategy identifies that new development, particularly that containing vertical elements will often be dominant in the flat, open landscape and that such development should be limited.

The County Council has also published a document entitled 'Landscape Sensitivity to Wind Energy Development' (2005) which indicates that the application site is located within an area of low sensitivity to wind energy development due to the open landscape with almost relentlessly flat topography where the impacts will be less severe than in upland areas which are subject to landscape designations.

The turbines would undoubtedly be seen as modern, large scale structures in the landscape particularly in terms of close views. The views from the east including those from the higher land around Clieves Hill and Lydiate would be partially



mitigated by the high tree screening surrounding the existing waste water treatment works. It is considered that the turbines are sufficiently separated from any listed buildings in Lydiate such that there would be no detrimental impact on the setting of any heritage assets. From other directions the turbines would be clearly visible as there is little variation in topography and limited vegetation or buildings in this area that restrict views across the landscape. The vertical nature of the turbines would therefore emphasise their visual impacts in an otherwise flat and open landscape. However, given the nature of the landscape and that the proposal is only for two turbines, the visual impacts would be confined to a small part of an otherwise expansive view. There is also an existing overhead national grid power line running north - south 300 metres to the east of the application site. Whilst the turbines would be larger than the existing pylons, the pylons are vertical structures within the local landscape and therefore the development would be seen in conjunction with the existing structures rather than being within a completely undeveloped landscape.

There are relatively few dwellings in the area that would have direct uninterrupted views of the turbines. However, there are around 10 properties located off Wood Lane which would be around 500 metres from the closest turbine. Whilst it is an established planning principle that no one has a right to a view, new development should not be located so that it would have such adverse impacts that would render an existing property an unpleasant place to live. Many of these properties have views across an agricultural field towards the turbine locations. The tree screening around the existing WWTW would have no benefit in screening the turbines from the majority of these properties but the hedgerows alongside Wood Lane would provide some screening to views particularly from the ground floor windows. The positioning of the turbines would mean that from these houses they would be on a similar alignment and therefore would occupy a smaller part of the view than might otherwise be the case. Taken in conjunction with the distance to the houses, it is considered that the visual impact on these properties, whilst significant, would be acceptable.

The visual impact of wind turbines is invariably a subjective assessment based upon individual perception. However it is considered that the wider landscape impacts of these turbines would be acceptable given the existing tree screening around the treatment works, the presence of the existing pylons and the generally wide and open landscape. However, the visual impacts on certain local properties would be more significant and is an impact that needs to be weighed against the benefits of this development.

### Ecology

The site is comprised of an area of rough unmanaged land adjacent to the existing treatment works. The agricultural fields immediately to the south and west of the site form part of a large area that is designated as a Biological Heritage Site for its value as habitat for overwintering geese and other wildfowl which support the Ribble and Alt Estuary Special Protection Area. The SPA is designated for its value in supporting important populations of pink footed geese and other wading birds and it is therefore important that the birds themselves or the grazing and foraging habitats used by them during the winter months are not impacted upon by development.

The applicant's Environmental Statement includes a chapter investigating the likely impacts on wildlife including on breeding birds and also wintering wildfowl in terms of collision risk to over flying birds and displacement from adjacent foraging habitat within the BHS due to the presence of the turbines. The applicant has also investigated impacts on bats and barn owls.

In terms of the impacts on overwintering birds, the County Council's Ecologist agrees with the findings of the ES that the application site and land immediately adjacent is sub optimal to support over wintering geese in large numbers and that there are existing features and land uses in this area which will already displace such birds from the area. The applicant has also monitored the flight paths of bird species associated with the SPA in order to predict collision impacts. The County Council's Ecologist agrees with the assessment that the turbines may result in some mortality of birds but that this would only be a small proportion of the local SPA population and only equates to a very minor increase in the background mortality of the species (particularly pink footed geese and lapwings). It is therefore concluded that the proposed development would not have a significant impact upon the bird species associated with the SPA.

The construction activities may have some impacts on bird species using the adjacent farm land, especially if undertaken during the winter period. The applicant has therefore prepared a construction management method statement which contains measures to reduce such risks. It is considered that a condition should be imposed requiring such measures to be implemented.

In terms of the impacts on barn owls, the applicant did not carry out dedicated surveys for this species but relied upon vantage point surveys that were undertaken for the purposes of recording birds in general – these may have resulted in under-recording of barn owls given the times of day when this species is active. However, barn owls will generally fly below the rotor height and will follow existing field boundaries which should mean that there is a reduced likelihood of this species being affected by collisions. There is an existing hanger type building within the existing treatment work and close to the turbine locations that may be a roost for barn owls although this has not been definitively demonstrated. To reduce the likelihood of any barn owls being affected, the applicant is proposing to block up the access to this building in advance of the turbines being brought into use and to erect a replacement nest / roost box in the north west corner of the treatment works where it would be further from the turbines and therefore reduce the risk of flights across the turbine locations. A condition can be imposed to address this issue.

In terms of bats, the initial monitoring information was inconsistent and did not allow proper evaluation of the impact on bats. The information has been re-evaluated and which does not demonstrate any particular patterns of bat activity that would justify controls to require the turbines to be shut down at dawn or dusk when bats are most active. The only controls that would appear to be necessary are in terms of preserving a stand-off of 50 metres between the woodland and the turbines. However, it is not always easy to predict post development impacts from earlier surveys and therefore it is considered necessary to impose a condition requiring additional surveys to be undertaken following the commissioning of the turbines to assess bat activity and to establish if any further mitigation is required.

Given that neither the County Council's Ecologist or Natural England have raised any objection to the application subject to the imposition of suitable conditions, the objections of the Borough Council in relation to ecology cannot be supported.

### Shadow Flicker

Shadow flicker is an impact associated with wind turbines where the sun passes behind the rotating blades casting shadows resulting in a flicker effect at ground level. It can only occur with particular combinations on sun elevation and position, wind direction and cloud cover and it is therefore possible to calculate when such impacts would occur and which properties would be affected. The flickering effect can have the potential to cause epileptic seizures at certain frequencies.

The applicant has calculated the area within which such shadow flicker impacts could occur. No residential properties are located within this area. The only occupied building within the area of potential impact is an office located within the waste water treatment works site. As this building is under the control of the applicants, they would have the ability to install blinds on any affected windows should any impact be generated through the operation of the turbines. The impacts in terms of shadow flicker are therefore considered acceptable.

### Noise

The operation of wind turbines can cause noise issues for properties in close proximity. Such impacts are assessed using guidance from the former Department for Trade and Industry – 'The Assessment and Rating of Noise from Wind Farms' ( ETSU – R -97) together with the Institute of Acoustics document ' A good practice guide to the application of ETSU – R – 97'.

ETSU –R-97 recommends that wind farm noise for quiet daytime noise should be limited to 5db(A) above the background level or a fixed minimum level within the range of 35 – 40 db(A) whichever is the higher. For night time periods, the recommended limits is 5 db(A) above prevailing background level or a fixed minimum level of 43 Db(A) whichever is the higher. The background noise levels have been measured for day and night time periods at the nearest properties (Milbournes Cottages – 548 metres from the turbine and at 1 Wood Lane – 481 metres from the turbine). The predicted noise levels and measured background noise levels indicate that for the nearest sensitive receptors, the turbines will be audible at certain times and under certain wind conditions. However, the noise levels will meet the day time and night time noise criteria set out in ETSU – R -97.

The conclusions of the noise assessment have not been challenged by the Borough Council's Environmental Health Officer and the impacts of noise are therefore considered to be acceptable. Conditions should be imposed on any planning permission to control hours of construction and general construction noise and to control noise arising from the operation of the turbines.

A representation has been received on behalf of another wind farm operator who is proposing to construct a much larger wind farm on land to the south of the

application site (the Lower Alt Wind Farm). The representation explains that current guidance encourages cumulative noise impacts of different wind farm schemes to be assessed and that for concurrent applications, an apportionment process is undertaken to allocate noise limits for each scheme so that the total noise limits in ETSU – R – 97 would not be exceeded. However, when the application for the Hillhouse was submitted the Lower Alt scheme was still at pre application stage and there were no details of position or type of turbines. The noise assessment for this development demonstrates that the predicted noise levels would be some way below those levels considered appropriate in ETSU – R-97 and therefore there would still be scope for additional noise from another wind farm in this area without causing unacceptable cumulative noise impact.

### Impacts upon Water Resources

The application site lies with Flood Zones 2 and 3 defined as areas having a medium and high probability of flooding. The applicant has submitted a flood risk assessment with the application. However, the turbines together with any foundations would have a small surface area and therefore the additional run off from the site above the green field rate would be minor. The development would therefore not increase the risk of flooding elsewhere. However, should planning permission be granted, a condition is recommended to require the development to be undertaken in accordance with the submitted Flood Risk Assessment. Conditions should also be imposed in terms of controlling run off from the site during construction operations to ensure that there would be no pollution impacts on the nearby watercourses.

One of the representations raises issues with regard to ground water impacts and the possibility of turbine foundations intercepting ground water resulting in uncontrolled inundation. The planning application includes a chapter on impacts on hydrogeology and notes that the turbine foundations may require piling into the underlying sandstone bedrock to a depth of up to 25 metres below ground level. The potential impacts on groundwater are noted including the possible need to construct the piles sub water table or to undertake localised dewatering depending upon the type of pile used. It is therefore considered that there are standard construction techniques that can be used to control any groundwater impacts including on confined aquifers. The Environment Agency have raised no objection to the application in relation to any impacts on ground water resources.

### Impact on radar and navigation systems

Wind turbines can impact upon radar and other aviation navigation systems by creating false plots on radar screens and also reducing radar's ability to detect aircraft. The National Air Traffic Control (NATS) raised objection to the application on the basis that the development would have an adverse impact on their radar near St Annes. However, the applicant has now entered into an agreement with NATS to implement a mitigation solution that would address impacts on aviation navigation and safeguarding equipment. On this basis, NATS have withdrawn their objection to the application. A condition can be imposed to address this matter.

### Highway impacts

The construction of the turbines would generate some HGV traffic including the larger loads associated with the delivery of the turbines themselves. However LCC Developer Support (Highways) have not raised any objection to the application provided a traffic management plan is submitted which provides details for a management of HGV traffic and details of any temporary works required to the highway to accommodate deliveries. A condition can be imposed to cover these matters.

### Consideration of June 2015 Ministerial Statement on Wind Turbines

The June 2015 Ministerial Statement relating to wind turbines is part of national planning policy and is therefore a material consideration. The statement says that wind turbine applications such as this, submitted prior to the statement, can be found acceptable if they have addressed the impacts identified by local communities and therefore have their backing.

This proposal has been subject to two consultation exercises in order to gauge the views of local people – the pre application consultation undertaken by the applicant and that carried out by the County Council as part of the statutory publicity for the planning application.

The applicant did a letter drop to 98 address points in the locality. 19 responses were received of which 4 were supportive of the proposal and 15 not supportive. The County Council wrote to 22 residents in the locality following which four objections were received.

The application site is relatively remote from large numbers of houses. An analysis of the comments received to these consultation exercises shows that most of those objecting to the proposals live to the north of Lydiate close to the A5147 which are over 1 km from the application site. One of the closest properties to the proposed turbines raised objection as part of the applicant's consultation. However, the turbines would be some distance from this property and would be largely screened by vegetation close to the house. The other properties close to the site and which are most affected either did not respond to either consultation or are supportive of the development. No comments have been received from the parish council and no substantial opposition to the environmental impacts of the development has been received from those parts of the local community most affected. The proposal is therefore considered to be acceptable in terms of Government policy.

### Conclusions

The proposed wind turbines would enable the adjacent waste water treatment works to generate a proportion of their electricity requirements on site which would provide security of supply and meet corporate obligations to reduce carbon emissions. The development would also meet Government policy to meet climate change objectives.

The turbines would inevitably have some landscape and green belt impacts. However, it is considered that the careful choice of application site and size of the turbines proposed would minimise the visual impacts of the proposal as far as possible. The proposal would impact upon the openness of the Green Belt but it is

considered that very special circumstances have been demonstrated to justify the proposal in this location.

The other impacts including on ecology, surface waste and other local impacts are either acceptable or can be made so through planning conditions.

There have been some objections to the proposal. However, an analysis of those objections shows that those concerned about the proposal reside a considerable distance from the proposed turbines or there are other factors that would reduce the impacts on those residents. It is therefore concluded that the proposal is acceptable in terms of Government policy aimed at giving local communities the final say on wind turbine developments.

### Human Rights Considerations

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The planning considerations identified are also relevant in deciding whether any interference is proportionate. Case law indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference would be considered to be proportionate if the proposal was to proceed.

### **Recommendation**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **Granted** subject to the following conditions:-

#### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

2. Written notification of the date of the following events shall be sent to the County Planning Authority within 7 days of each event:-

- a) the commencement of development
- b) commencement of electricity generation by either of the two turbines (the first generation date)

*Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policies EN2 and EN4 of the West Lancashire Borough Local Plan.*

- 3. The wind turbines and other associated development shall be removed from the site by not later than 25 years from the first generation date as notified to the County Planning Authority under the provisions of condition 2 above. The site shall then be restored within a further period of one year in accordance with the scheme and programme of decommissioning approved under the provisions of condition 20 below.

*Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy EN2 and EN4 of the West Lancashire Local Plan.*

- 4. In the event that either of the wind turbines ceases to generate electricity for a continuous period of six months, a scheme and programme for repair or removal of the turbine shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be submitted within three months of the end of the 6 month period referred to above and shall contain details of either a programme of repairs or details for the removal of the turbine and restoration of the turbine site.

The scheme and programme shall be implemented within 12 months of the date of its approval in writing.

*Reason: In the interests of the visual amenities of the area and to conform with policy GN3 and EN2 of the West Lancashire Borough Local Plan.*

### **Working Programme**

- 5. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application and supporting statement received by the County Planning Authority on 29th June 2015.

- b) Submitted Plans and documents:

- Figure 4.1 - Site Location Plan

- Figure 4.2 - Site Plan

- Figure 4.3 - Turbine Elevation

- Figure 4.4 - Typical Transformer Building

- c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies GN3, EN1, EN2 and EN4 of the West Lancashire Local Plan.*

6. No development shall commence until a scheme and programme for the detailed design of the turbines has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include the following details:

- a) the size of the turbines
- b) colours to be used for the tower, nacelle and blades of the turbine
- c) details of the colour of the transformer buildings.

The proposed turbines including blades in a vertical position shall not exceed an overall height of 61 metres.

Thereafter the development shall be constructed in accordance with the approved scheme and programme.

*Reason: In the interests of visual amenity and to conform with policies EN1 and EN2 of the West Lancashire Local Plan.*

7. All electrical cabling between the turbines and grid connection point shall be installed underground.

*Reason: In the interests of the visual amenities of the area and to conform with Policies GN3 and EN 2 of the West Lancashire Local Plan.*

8. During their operation, the turbines shall not be fitted with any form of external illumination beyond that required for the safety of aircraft in accordance with the requirements of the Ministry of Defence or Civil Aviation Authority.

*Reason: In the interests of the visual amenities of the area and to prevent light pollution and to conform with Policy GN3 and EN1 of the West Lancashire Local Plan.*

9. No development shall commence until details of the measures to be employed to prevent interference with radar and other aviation navigation equipment utilised by the Civil Aviation Authority, National Air Traffic Control and the Ministry of Defence has been submitted to and approved in writing by the County Planning Authority.

The approved measures shall be implemented at all times during the duration of the development.



*Reason: In the interests of aviation safety and to conform with Policy EN1 of the West Lancashire Borough Local Plan.*

10. Prior to the first generation date, a scheme and programme of investigation of any interference to any television signals by the operation of the turbines and for the remediation of such interference caused by the operation of the development shall be submitted to the County Planning Authority for approval in writing.

The scheme shall provide for any complaints regarding interference to television reception to be referred to the County Planning Authority and shall describe the remedial measures to be undertaken by the turbine operator to investigate and resolve such complaints should they be received.

The turbines shall be operated in accordance with the scheme and programme at all times.

*Reason: To ensure that the turbines do not interfere with television reception and to conform with Policy EN1 of the West Lancashire Local Plan.*

11. The wind turbines hereby permitted shall be erected at the locations shown on figure no. 4.2. Notwithstanding the terms of this condition, the wind turbine and crane pad may be micro sited within the area hatched blue on figure 4.2 together with any consequential realignment of the access tracks between the turbine locations and site access provided that neither of the turbines are sited within 50 metres of the landscaping planting forming the western boundary of the Hillhouse Waste Water Treatment Works

*Reason : In the interests of visual amenity and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.*

12. The rating level of noise from the wind turbines when measured at Milbourn's Cottages or no. 1 Wood Lane in accordance with the guidance set out in ETSU - R - 97 shall not exceed the noise limits set out for day and night time noise in tables 8.3 and 8.4 of the Environmental Statement.

*Reason: In the interests of the amenities of local residents and to conform with policy EN1 of the West Lancashire Local Plan.*

## **Construction**

13. No development shall commence until a construction method statement has first been submitted to the County Planning Authority and approved in writing.

The method statement shall contain details of the following:-

- a) A traffic management plan to include operational arrangements for the management of HGV's and abnormal loads to and from the site together with details of any temporary works required to existing highway infrastructure to accommodate such traffic movements.

b) Details of mitigation measures for ecological interests on adjacent farm land if construction works are to be undertaken during the overwintering period between 31st October and 31st March. Such measures shall include erection of screening fencing or other works to reduce disturbance to birds using the adjacent farm land.

The proposals contained in the approved traffic management plan and ecological mitigation measures shall be implemented throughout the duration of construction and decommissioning works.

*Reason: In the interests of highway safety and ecology and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.*

14. a) No construction development, delivery or removal of materials shall take place outside the hours of:

08.00 to 17.30 hours Monday to Friday (except Public Holidays),  
08.00 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the use of pumping equipment and the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy GN3 of the West Lancashire Local Plan.*

15. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EN1 of the West Lancashire Local Plan.*

16. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site during construction or decommissioning operations to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with and policy EN1 of the West Lancashire Local Plan.*

17. All plant, equipment and machinery used in connection with the construction and decommissioning of the turbines shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy GN3 of the West Lancashire Local Plan.*

18. Measures shall be taken at all times during the construction and decommissioning of the turbines to minimise the generation of dust. Such measures shall include the fitting of dust suppression measures to construction equipment and the watering of all access tracks.

*Reason: In the interests of local amenity and to conform with Policy GN3 of the West Lancashire Local Plan.*

### **Archaeology**

19. No development shall take place until a scheme and programme for archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority.

The archaeological work contained in the approved scheme shall be undertaken during all soil stripping exercises and construction of turbine foundations.

*Reason: In the interests of archaeological investigation and to conform with policy EN4 of the West Lancashire Local Plan*

### **Ecology**

20. Prior to the first generation date, a scheme and programme of bat monitoring for the post construction period shall be submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Details of the surveys to be undertaken in the first year following the first generation date including locations of survey positions and methods of surveying.
- b) The reporting of results to the County Planning Authority covering the periods between April to June, July and August and September and October.

- c) The report for September and October shall contain an evaluation of the survey results, details of any mitigation measures that are needed to reduce impacts on bats and an evaluation of the need to undertake further survey works.

The bat monitoring shall be undertaken in accordance with the approved scheme and programme.

*Reason: In the interests of ecology and to conform with Policy EN2 of the West Lancashire Local Plan.*

- 21. Prior to the first generation date as defined in this permission, a scheme and programme of barn owl mitigation measures shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall provide for the following:-

- a) Details for the erection of predator proof fencing around the base of each turbine including location and design of fencing
- b) The management of habitats within the fenced area
- c) Details of monitoring for barn owl casualties within the fenced area including reporting of monitoring results to the County Planning Authority and duration of monitoring period.
- d) Details of the works to be undertaken to the existing hanger building within the waste water treatment works including measures to exclude barn owls and details of surveying to be undertaken prior to any works commencing to the building in order to confirm the absence or presence of the species. No exclusion works shall be undertaken between 1st March and 31st August if the surveys confirm the presence of barn owls within the building.
- e) Details of a replacement barn owl roosting / nesting box to be erected including design of box and details of installation including location. The box shall be installed at least 30 days before any exclusion works are undertaken to the existing building under the provisions of d) above.

The replacement barn owl roosting / nesting box required by e) above shall be erected in accordance with the approved details prior to the first generation date.

*Reason: In the interests of ecology and to conform with Policy EN2 of the West Lancashire Local Plan.*

## **Decommissioning and Restoration**

- 22. Within 24 years of the commencement of development as notified to the County Planning Authority under the provisions of condition 2 above, a scheme and programme of decommissioning works for the site shall be

submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:-

- a) Removal of the turbine structures, and all cables, transformer buildings and perimeter fencing
- b) Breaking out of turbine foundations and crane pads to a depth of not less than 1 metre below ground level.
- c) Spreading of soils, cultivation and seeding
- d) Removal of all access roads and restoration of the land occupied by such roads.

Upon certification by the County Planning Authority of the completion of the restoration works, as defined in this permission, the site shall be managed for a period of five years including reseeded works, control of invasive weeds and measures to ensure proper drainage.

*Reason: In order to ensure the proper restoration of the site and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.*

## **Definitions**

Completion of restoration: the date that the County Planning Authority certifies in writing that the works of restoration in accordance with condition 22 have been completed satisfactorily.

## **Notes**

The applicant is advised to contact the County Councils Area Manager (Public Realm) at the following address in relation to any large of abnormal loads that may be required to traverse the public highway during the construction of the development. (Area Manager (Public Realm – South), Cuerden Way, Bamber Bridge, Preston, PR5 6BS, Tel 01772 658560)

## **Local Government (Access to Information) Act 1985 List of Background Papers**

<b>Paper</b>	<b>Date</b>	<b>Contact/Directorate/Ext</b>
LCC/2015/0061		
	29th June 2015	
Jonathan Haine Planning and Environment 534130		

Reason for Inclusion in Part II, if appropriate  
N/A