

12. PEAK DISTRICT NATIONAL PARK AUTHORITY CONSULTATION RESPONSE TO GRIFFE GRANGE WIND FARM PROPOSALS – DDDC Ref: 14/00224/FUL (SF)

Purpose of the report

1. To obtain Member support for a consultation response on behalf of the Authority to the Griffe Grange wind farm proposals currently being considered by Derbyshire Dales District Council (Ref: 14/00224/FUL). If these recommendations are carried, officers will draft a detailed objection letter to Derbyshire Dales District Council based upon the report below.

RECOMMENDATION:

1. That the Authority formally objects to the application.
2. That the Authority will support Derbyshire Dales District Council in the appeal process should the application be refused on the grounds set out below.

How does this contribute to our policies and legal obligations?

2. Under the Environment Act 1995, the two main purposes of National Parks in England and Wales are:
 1. To conserve and enhance the natural beauty, wildlife and cultural heritage
 2. To promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public

When National Parks carry out these purposes, they also have a duty to:

- Seek to foster the economic and social well-being of local communities within the National Parks.

If these purposes or duty come into conflict, then the Sandford Principle dictates that the first purpose of conservation should take priority.

3. Paragraph 115 of the NPPF states that ‘great weight should be given to conserving landscape and scenic beauty in national parks’. In terms of heritage assets, paragraph 132 states that ‘great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’. As the turbines are outside the boundaries of the National Park they will not be assessed against Core Strategy policies. However, policy CC2(B) of the Core Strategy states that:

‘Cumulative impacts of low carbon and renewable energy development within the National Park and visible beyond its boundary must be taken into account’.

4. The supporting text to the Core Strategy (para 4.12) states that *‘the quality of landscapes means that infrastructure such as wind turbines is difficult to accommodate... Close working with constituent local authorities is vital to protect the integrity of the National Park landscape and maintain its rural setting’.*

At paragraph 11.27 the Core Strategy states that ‘the valued characteristics [of the landscape] include the flow of landscape character across and beyond the National Park boundary; which provides a continuity of landscape and valued setting for the National Park’.

5. The requirements of the 1995 Environment Act are not only carried through into the planning policies of the National Park Authorities, but also into those of constituent Local Planning Authorities or those who border the National Parks. To this effect, there is an obligation upon planning decisions within Derbyshire Dales to take account of National Park purposes in determining applications that have the potential to impact upon the Park or its setting.

6. Policy SP3 of the current Derbyshire Dales DC Local Plan (2005) states that:

Planning permission will not be granted for development that may adversely affect the purposes of the National Park or be harmful to its valued characteristics.

The supporting text states that 'if the special qualities of the National Park are to be protected, careful control needs to be exercised over harmful development, be this within or outside the National Park. The pre-submission draft of the Derbyshire Dales Local Plan (June 2013) repeats this policy requirement at DMP5.

7. Officers believe that an approval of this application would not be compliant with the 1995 Environment Act, particularly the National Park's first purpose and its duty to foster the wellbeing of its communities. It would therefore also be contrary to the NPPF and Derbyshire District Dales Council's planning policies.

Context

8. An application for the four wind turbines now in operation at Carsington Pastures was made in 2007. An application for five turbines at 126m to blade tip, 2.5km from the eastern boundary of the National Park at Matlock Moor was made in 2009.

The National Park Authority objected strongly to both of these applications and offered both financial and officer support to the District Council in the appeal processes for both of these cases following resolutions by Authority Members.

9. Both the Carsington Pastures and Matlock Moor wind farm applications were subsequently refused by DDDC and both went to appeal. Impact of the proposals on the National Park was a key consideration in both cases. In the case of Carsington, however, the Inspector determined that landforms and intervening distance between the appeal site and the National Park boundary would ameliorate impact and would lead to a clear perception of the turbines being 'beyond' the National Park boundary. The turbines were subsequently allowed despite an unsuccessful High Court challenge of the decision by DDDC and the PDNPA.

10. In the case of Matlock Moor, the Inspector concluded that the proposals would have a significant and unacceptably harmful landscape impact from areas such as Stanton Moor and Beeley Moor, and would lead to unacceptable harm to the National Park's special qualities and purposes for its designation. The appeal was subsequently dismissed.

11. Despite objections from the National Park Authority, there are also permissions in place for three further turbines – one at the former Viaton works (1.5km from the Park boundary and 102m tip height) and two at Ryder Point (1.5km from the Park boundary and 102m to blade tip).

12. The Griffe Grange Application

The application proposes 5 No. wind turbines of 100m to tip height; at their closest point, the turbines will sit some 300m from the boundary of the National Park to the south of the Via Gellia road (A5012) and on the north facing slopes of the Via Gellia/Griffe

Grange valley. The submitted Zone of Theoretical Visibility shows that the turbines would be visible over at least half of the National Park's area from beyond Edale and Hathersage in the north, some 36km away, to Ible at its closest point 300m away.

13. To the immediate south of the application site, approximately 2km from the National Park boundary is the Carsington Pasture wind farm. The four turbines, 102m to blade tip, are clearly visible from across the southern half of the National Park despite being located on a south facing slope with intervening landforms between the windfarm and the National Park boundary. They also appear at key vantage points within the setting of designated heritage assets such as Minninglow.
14. The effect of the four Carsington wind turbines has significantly affected the landscape character of the southern part the National Park. The extant permissions at Viaton and Ryder Point, if and when they come forward, will serve to intensify the magnitude of this impact. The seven resultant turbines will appear clustered in close proximity to each other. Five further wind turbines at Griffie Grange will be more loosely associated with the other seven and will stretch out in a line northwards towards the National Park boundary with no intervening landform to ameliorate their impact.

15. **Landscape Impact**

The Landscape and Visual Impact Assessment (LVIA) prepared for the proposed five turbines at Griffie Grange places a great deal of emphasis and weight on the landscape character types 'Wind Farm Landscapes' and 'Landscapes with Wind Farms' as proposed by the agent. This is the first time that both National Park officers and officers from Natural England have heard of this terminology.

Underlying landscape character type is defined (and described) by its distinct geology, topography, drainage patterns, vegetation, historical land use and settlement pattern rather than specific features in the landscape such as wind turbines. It is of course necessary to acknowledge that the presence of wind turbines have influenced an area's landscape character (negatively or positively), but that is different to defining the landscape itself as a 'wind farm landscape character type'.

16. Much of the reasoning in the LVIA for saying that the Griffie Grange proposal does not have a significant impact on the landscape is based on the existing wind turbines in the area creating what is referred to as a 'wind farm landscape'. Their proposed boundaries for both 'wind farm landscapes' and 'landscapes with windfarms' (an area up to 3.5km from the nearest turbine) affects parts of the National Park. There is also a recommendation that the NPA should change its landscape character types in the area to become these suggested 'wind farm landscapes'.
17. The LVIA acknowledges that there would be a significant landscape impact of the proposed turbines on a portion of the National Park up to 3.5 – 4.0 km from the nearest turbine, which covers an area of 21.2 km². The LVIA then goes on to state that based on the whole of the National Park this only equates to 1.5% of the total area and therefore the proposal has been assessed "as representing no more than a negligible incremental landscape change that would not be significant" on the National Park. However, there has been no assessment to determine what this percentage impact added to the percentage impact of other turbines, within and outside, may add up to in the National Park. To include the whole of the National Park is irrelevant as a person standing in part of the National Park cannot see and experience the whole of the National Park at the same time, they only see and experience the landscape that they are in at that time. Therefore if the turbines have a significant landscape and visual impact in part of the National Park, then that will affect the experience of the person within this area.

18. Whilst it is accepted that there is a base line of potentially seven turbines in this area, only four of the turbines have been built and that there is no guarantee that the remaining three come forward. Notwithstanding this the proposed turbines increase the visual footprint as well as increasing the visual density of the existing turbines. This means that the turbines are more visible from all viewpoints; their visual impact has therefore increased above the baseline almost as much as if there were no other turbines in the area.
19. This factor of increasing density and visual footprint of the turbines has largely been ignored in the LVIA, where the visual impact of the proposed turbines is seen as negligible, as they are often viewed against the backdrop of existing/proposed turbines. The visual increase in footprint size and the visual density of the turbines has been ignored. As such the visual impact assessment in the LVIA is incorrect and, in reality, the proposed turbines will have a greater overall impact on the National Park. This can be seen by the impact that the four existing turbines have on the National Park. For example the existing four turbines at Carsington already have an impact on the setting of Minninglow SAM. When traveling down the A515 near Parsley Hay these existing turbines detract from the setting of Minninglow breaking up the horizon line and dominating the SAM. This location point has been excluded from the LVIA as it is beyond the 11km boundary, but the existing turbines are very clear in the landscape from this viewpoint and the proposed turbines will add considerably to the visual impact of the existing turbines.
20. Visitors who come to the National Park are generally unaware of where the boundary of the National Park actually is, whether they are approaching or leaving the National Park. They are only aware that they are approaching a limestone landscape, therefore they may make assumptions that as the White Peak is in the National Park then all limestone landscapes are in the National Park. In this respect, the turbines will not be read as clearly outside of the National Park.
21. It is clear from many of the photomontages taken from the National Park that there will be significant visual impact on localised places, for example at Ible. The impact on the view from Stanton Moor has been downplayed in the LVIA due to the wide panorama and the small percentage of the view that will be affected by the turbines. However, in these locations, visitors do not expect to see turbines on the horizon and so their impact is actually intensified. The proposed turbines will add considerably to the visual impact of the existing turbines.
22. The LVIA identifies that the turbines can be viewed for about 8km of the Limestone Way, which equates to about 12% of the overall route length of 74 km. It is not the percentage of the overall route that is important but the impact that the turbines will have on the experience of the users of this National Trail. This will be affected by the length and the time that it takes to travel the 8km, which could be up to 3 hours. Having the turbines in users' vision for a considerable percentage of the day will have a significant impact on enjoyment of the National Park. This principle equally applies to all other Public Rights of Way within the surrounding area from which the turbines will be visible.

23. **Cumulative Impact**

As described above, there will be a significant cumulative impact from wide areas of the National Park where the Griffie Grange turbines will be seen in the context of Carsington, Viaton and Ryder Point. The combined effect will be of a large windfarm stretching for over 2km in length.

The cumulative impact assessment submitted with the Griffie Grange application utilises methodology provided by Scottish Natural Heritage, developed to assess the large number of wind farms to be found in some parts of Scotland. Within the Scottish Natural

Heritage guidance there is no information to determine the size of the turbines to be included within a cumulative impact assessment. However, the submitted LVIA adopts a size limit (in height) which excludes turbines under 50m. This means that it does not consider the cumulative impact of the Griffie Grange turbines in the context of smaller wind turbine developments such as at Hill Top Farm, Parwich. In reality, there will be views from within the National Park, e.g. from Bent Lane running east from Tissington and unscreened parts of the Tissington Trail, where all of these turbines will be visible in the same view.

24. **Impact on Heritage Assets**

The most significant impact of the turbines will be on the setting of Minninglow Hill chambered round barrow when viewed from vantage points to the north. The setting of Minninglow is already affected by the turbines at Carsington, but this should not be a reason to approve further damage.

The turbines would dominate views to the south-west, from the extensive Bonsall Leys Scheduled Monument, which is a high priority landscape under the Lead Legacy initiative. Whilst slightly further away from the aforementioned sites, the turbines would be highly visible from Stanton Moor, the whole of which is scheduled for its well preserved prehistoric landscape remains. The turbines would break up the sky line, and therefore draw the eye, when looking south-east from Stanton Moor. These are highly valued heritage assets, and as such their setting should be afforded protection in the planning process under NPPF paragraph 132.

The Zone of Theoretical Visibility diagram shows that the turbines will also be visible from, and therefore may also be seen in the context of, numerous listed buildings across the National Park and the Conservation Area of Aldwark.

25. **Impact on Ecology**

Although the Authority's ecologists have some concerns about the detail of the ecological assessments carried out to support the application, ecological concerns are not, in themselves, a reason to object to the turbine proposals. In the Authority's consultation response, however, it will be crucial to request additional work and/or conditions in the event that the application is approved, and Members should be aware of this advice.

26. *Birds*

Officers recommend that further information on displacement of over-wintering lapwing and cumulative effects is provided. Should the application be granted, a condition is needed to ensure that the construction phase of the development falls outside of the bird breeding season (February to September inclusive). If development is to take place during this period a suitably qualified Clerk of works should be present to check for nests and mitigation put forward in the report must be carried out where nesting are found.

A suitable monitoring scheme should be put in place monitoring collision mortality for peregrine falcon and other bird species. A monitoring scheme should be conditioned and should follow national guidelines.

24. *Bats*

Although low numbers of noctule were noted, they were frequently recorded, especially in close proximity of turbine location 2. Noctules fly to their foraging areas from their roost site in straight lines (up to 200m) and hunt at 10 to 40 metres, and up to 70 metres

above the ground (Jones, G et al. 2009). This behaviour makes it vulnerable to collision with wind turbines if placed along commuting flight paths or in feeding areas. Foraging and commuting heights stated above fall within the swept area of the turbines.

25. Section 7.14 of the ES states ‘...survey revealed that these species were not flying at a height that would intersect with the blade sweep of the turbine dimensions proposed.’ The elevation drawings provided with the application show that the swept area of the turbine starts at a height of 18m. A figure (figure 7.g) showing estimated bat flight has been provided in the ES. This estimates noctule flight height between 15m and 25m, which would fall within the swept rotor area. Clarification is required as to why the information in the report and the figure differs. If noctules are flying within the swept area, then adequate mitigation will be required, such as considering relocating turbine 2.

Again, should the application be granted, sufficient post development monitoring should be put in place following national guidelines.

26. **Impact on the Social Wellbeing of National Park Communities**

The greatest impact of the wind turbines on the Park’s communities will be felt by the residents of Ible. In parts of the hamlet the turbines will be within 300m of the windows of properties, albeit on the opposite side of the Via Gellia valley. The impact is intensified as many of the traditional properties in Ible have the majority of their habitable room windows in the south facing elevations and so the turbines will dominate views from all interior vantage points. Officers consider this impact to be significantly overbearing with the potential to damage the residential amenity of those residents affected. Properties within the settlements of Aldwark and Grangemill will also be affected by direct and close range views of the turbines.

27. **Conclusions**

Officers recommend that the National Park Authority should raise strong objections to application 14/00224/FUL. The proposed turbines will have a significant landscape and visual impact on the National Park and have the potential to adversely affect the ability of visitors and residents to enjoy its special landscape qualities. Rather than ameliorate it, the magnitude of this impact will be significantly increased where the turbines will be seen in the context of other wind turbine developments. The turbines will adversely affect the setting of several Scheduled Ancient Monuments and will affect the enjoyment of residential amenity in properties within the National Park, particularly those in Ible.

Are there any corporate implications members should be concerned about?

28. **Financial**

Recommendation 1 has no direct financial implication for the Authority. However, recommendation 2 would have a financial implication. As a comparison, supporting DDDC in the Carsington appeal process and subsequent High Court challenge cost the Authority in the region of £30,000. The costs at Matlock Moor were significantly lower as the appeal was dismissed and there was no subsequent challenge launched.

29. **Risk Management:** The financial risk is covered above. The other risk which should be considered is that of the possible damage to the reputation of the Authority should it object to this application but then fail to support at appeal any defence of a refusal by DDDC.

30. **Sustainability:** No implications.

31. **Consultees:** The Authority’s Landscape Architects, Ecologists and Archaeologists.

32. **Background papers (not previously published)** None

Report Author, Job Title and Publication Date

Sarah Foster, Planning Manager (South), 3 July 2014