

# **The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.**

## **Screening Opinion**

**Planning reference – 2012/ENQ/01557**

**Planning Proposal – Erection two wind turbines with a height to blade tip of up to 101m**

**Land known as ‘Spring Brook’ near Sheepphouse Farm off Mortimer Road/Cranberry Road**

1. Having examined Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the proposal clearly does not fall within any of the descriptions of development.
2. The proposal does fall however under description of development 3i (column 1), ‘Installations for the harnessing of wind power for energy production (wind farms)’ of Schedule 2. No part of the proposed development however, is located wholly or in part in a sensitive area as defined in regulation 2(1). Whilst the proposed development does not involve the installation of more than two turbines, the hub height of 60m exceeds the applicable threshold (15m) in column 2 of Schedule 2. The proposed development therefore is Schedule 2 development and potentially requires an EIA.

Previously, planning permission was refused for an EIA development scheme known as Sheepphouse Heights wind farm (2008/0838). The scheme hereby proposed would be situated within the same site boundary. However, the Sheepphouse Heights scheme involved 5x turbines with a height to blade tip of 125m.

3. The question is therefore, is the proposed development likely to have significant effects on the environment by virtue of its characteristics, location and the nature of the potential impacts? Government guidance in Circular 02/99: Environmental Impact Assessment, states that, in general, EIA will be needed for Schedule 2 developments in three main types of case:
  - a) For major developments which are of more than local importance;
  - b) For developments which are proposed for particularly environmentally sensitive or vulnerable locations; and
  - c) For projects with unusually complex and potentially hazardous environmental effects.

For wind farms, Circular 02/99 (Annex A) advises that the likelihood of significant effects will generally depend upon the scale of the development, and its visual impact, as well as potential noise impacts. EIA is more likely to be required for commercial developments of five or more turbines, or more than 5MW of new generating capacity.

However, it should not be presumed that developments falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location.

The Circular notes that the relationship between a proposed development and its location is a crucial consideration. For any given development proposal, the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require EIA. Furthermore, in certain cases other statutory and non-statutory designations which are not included in the definition of 'sensitive areas', but which are nonetheless environmentally sensitive, may also be relevant in determining whether EIA is required. Where relevant, Local Biodiversity Action Plans will be of assistance in determining the sensitivity of a location.

The Circular at paragraphs 45 and 46 states respectively that 'in general, each application (or request for an opinion) should be considered for EIA on its own merits. The development should be judged on the basis of what is proposed by the developer' and 'however, in judging whether the effects of a development are likely to be significant, local planning authorities should always have regard to the possible cumulative effect with any existing or approved development. There are occasions where the existence of other development may be particularly relevant in determining whether significant effects are likely, or even where more than one application for development should be considered together to determine whether or not EIA is required'.

With regard to the characteristics of the development, with a hub height of 60m (compared to a hub height of 35m – Royd Moor turbines and 60m - Hazlehead turbines) and being two turbines, its scale is relatively significant. In addition, the turbines are located on a hillside which is delicate in nature. On the opposing hillside facing the site lies the Conservation Area of Midhopstones (1.2km) and this is a sensitive area where the importance of views is highlighted in the Conservation Area Appraisal:

*“The open rural character and the setting on terraces on sloping land within a sheltered valley above the River Porter, with extensive views eastwards and westwards along that valley”*

In addition, the Peak District National Park boundary lies at a distance of approximately 2.2km to the south of the site. The sensitivity of views from the Peak Park to the site was highlighted in the council's previous decision to refuse planning permission for a 5 turbine wind farm scheme (125m to blade tip):

*The proposed wind turbines would result in significant harm to the character and appearance of the nearby Peak District National Park. The height and scale of the turbines would represent a major change to*

*the open character of the highly sensitive landscape, including the Dark Peak, Dark Peak Pennine Fringe and Eastern Moorland, conflicting with the statutory purposes of the National Park. The addition of this proposed wind farm would increase the panorama of wind farms visible from the Peak District National Park leading to adverse cumulative effects. The proposed development therefore conflicts with the Peak District National Park Landscape Character Assessment, the Barnsley Council Landscape Character Assessment and policies SY1(E5) and SY1(C8) of the Yorkshire and Humber Regional Spatial Strategy and Barnsley UDP policy ES12.*

Clearly whilst the proposed scheme is smaller than the previous scheme (2008/0838), the turbines may still represent a significant development within the landscape which may have a significant effect on the open and untamed nature of the Dark Peak, Dark Peak Pennine Fringe and Eastern Moorland. It is also considered the scheme may have a significant impact on a local heritage asset (Midhopstones Conservation Area) and as such, the proposal represents potential significant landscape and visual impacts.

The other 'sensitive areas' locally comprise a SSSI located approximately 1.6km to the west of the site (Spring Meadows, Alderman's Head and Cow Croft Meadows). However, the scheme would be unlikely to result in significant environmental effects on this designation.

Whilst the site itself is not in a sensitive area as defined in regulation 2(1) as it lies within the Green Belt, it is considered the development may still have significant environmental impacts (landscape and visual) on areas including the Peak District National Park. Generally, the landform and character is delicate and sensitive to this type of development.

The generating capacity of the turbine is less than 4MW. The development on its own is considered to be mainly of local/regional importance.

There are two existing wind farms (Royd Moor – 13 turbines – 54m to blade tip and Hazlehead – 3 turbines – 101m to blade tip), and two consented wind farms (Blackstone Edge – 3 turbines – 101m to blade tip and Spicer Hill – 3 turbines – up to 95m to blade tip) within 8km. . However, it is considered that there is sufficient distance between the proposal and consented turbines in order to ensure that there would be no significant environmental effects arising from cumulative impact.

Whilst there is also the potential for temporary impacts during the construction period in terms of vehicular movements (concrete deliveries for foundations, delivery of aggregates for access track, delivery of the turbine parts etc), these could be managed. In terms of

other amenity impacts in respect of general noise, there is the potential for noise disturbance due to the proximity of residential properties.

Whilst the proposal would generate some waste (i.e. from foundation excavation), this is unlikely to be removed from the site as it is normal for it to be used for backfilling and the remainder stored for the future restoration of the site. The development is also unlikely to generate any form of pollution other than noise.

It is considered that there is no higher risk than average of accidents during construction and operations. Modern turbines are a safe technology. There has been no example of injury to a member of the public. Blade failure is unlikely since many are composite structures with no bolts or other separate components and most turbines undergo test certification procedures which must conform to guidelines laid down by the International Electro-technical Commission.

The build up of ice on turbine blades is unlikely to present problems on the majority of sites in England. For ice to build up, particular weather conditions are required, that in England occur for less than one day per year.

In consideration of all of the above, the proposal overall is considered to have significant effects on the environment and an EIA is therefore required in this case.