

1 CONSULTATION: PROPOSED WINDFARM COMPRISING FIVE WIND TURBINES WITH ASSOCIATED CRANE HARDSTANDINGS (3 TURBINES WITHIN NORTHEAST DERBYSHIRE DISTRICT COUNCIL AND 2 TURBINES WITHIN DERBYSHIRE DALES DISTRICT COUNCIL), FORMATION OF NEW VEHICULAR ACCESS OFF WIRESTONE LANE, NEW ACCESS TRACKS AND UNDERGROUNDING CABLE; TEMPORARY CONSTRUCTION COMPOUND ON LAND ASSOCIATED WITH RUSHLEY LODGE FARM, MIDDLE MOOR, OFF WIRESTONE LANE, ASHOVER, CHESTERFIELD (09/00070/FL, 09/00060/FUL 431363 A9325 A9325, A9329 23.2.09 /BT)

APPLICANT: DERBYSHIRE WIND ENERGY LTD

Introduction

This is a major development of a 5 turbine wind farm with hub heights of up to 80m and the turbine tips up to 126m high to be sited close to the National Park boundary. The applicants have appealed their application on grounds of non-determination. The District Councils will still however, make a recommendation on the applications. This report will inform both the Councils and the Planning Inspector. The report argues that although not sited within the National Park the landscape impact will be as if it were. Account is taken of prevailing policies for sustaining National Parks for future generations and the general need to provide more energy from secure clean sources at affordable prices and the contribution the wind farm will make to energy targets. The report concludes that permissions should not be granted as the significant harm to the National Park landscape and to National Park purposes are not outweighed by benefits of the wind farm. Other less sensitive sites outside and, if need be, further from the National Park ought to have been sought. Furthermore this report relays and expresses strong concern over the quality of the submission and its understatement of impact on the National Park and its setting.

Site and Surroundings

The proposed wind farm would be sited approximately 2.4km (1.5 miles) north of Matlock and 10.7km (6.5 miles) south east of Bakewell, partly in Derbyshire Dales District and partly within North East Derbyshire District. The National Park boundary lies to the north and west and at its closest 2.4km (1.5 miles) from the site.

The application sites are on Matlock Moor and the adjoining Middle Moor (270-310m AOD). The landscape character is upland gritstone plateau but it is a complex visual pattern. The immediate area is characterised by enclosed moorland fringe pasture, upland pasture and blocks of woodland, which are very apparent from within the National Park. This landscape is named as Dark Peak in the County Council's Landscape Character Assessment. The land outside the National Park is a Special Landscape Area in North East Derbyshire and land just beyond this site was formerly designated as a Special Landscape Area within Derbyshire Dales.

The National Park Authority's Landscape Character Assessment names the adjacent area as the Eastern Moors. A part of the gritstone uplands, characterised here by blocks of moorland and rough grazing, upland grazing and open moorland with rocky outcrops eg Beeley Moor (367m AOD). There are fine views in all directions from the higher ground nearby within the park especially towards the National Park landscape in the west, and the unspoiled landscapes to the south.

There are several minor roads running through the area some lead down to Beeley and Rowsley. Footpaths connect to these roads and Beeley Moor is Access Land under the CROW Act 2000. Beeley Moor is an historic landscape with tumuli, a stone circle and cairns and remains of Hobhurst House located near to the southern side of the moor. This area within the National Park is popular with visitors.

Key Issues

- Whether the environmental, social and economic benefits of the wind farm have been demonstrated not to compromise the purposes of National Park designation and/or significantly harm its valued characteristics.

History

The applicants have now appealed on grounds of non-determination and the appeal is likely to be heard in February 2010. There is no relevant planning history for this site but the Carsington wind farm judgement is relevant.

Carsington Wind Farm

The same parent company proposed the wind farm at Carsington ((07/00083/FUL). That application was upheld at appeal but the Inspector's decision was challenged in the High Court and heard on 29 June 2009. More details of the decision are in the Report of the Head of Law. In essence, grounds for appeal were that the Inspector erred in reaching his decision to uphold the appeal because:

- He failed to give consideration of locally adopted policies which seek the protection of the National Park and other important local features
- He failed to treat alternative sites as a material consideration even though he found harm to significant interests of national importance
- Strategic energy targets are not relevant to individual planning applications (as stated in PPS1 Supplement).

The judge took the view that notwithstanding provisions and policies relating to National Parks and Conservation Areas, there was no obligation in statute or relevant policies which expressly implied or required the Inspector to consider alternatives, particularly as none had been identified. That left the matter of planning judgement on the facts of the case.

In respect of energy targets, the Inspector adopted what he regarded as a rational reconciliation of apparent conflicts in national policy statements (PPS1 supplement and PPS22). In effect the wind farm's contribution to regional targets is a material consideration.

Proposal

Development of a wind farm on Matlock Moor on an 84 ha site consisting of 5 turbines, a substation and ancillary works including a site access. Two of the wind turbines and some of the ancillary works are sited within Derbyshire Dales District (DDD) and the rest is to be sited in North East Derbyshire District (NEDD). The turbines would have up to 2.5 megawatt (mw) capacity giving 12.5 mw overall. Each turbine will be mounted on a tapered steel tower (4m diameter max) with a nacelle containing a gearbox, generator and associated equipment. At the base of each tower a transformer would boost the output up to 33kV. Although the final design has not been chosen a generic example of the type to be used is included in the submission.

Each wind turbine will be up to 80m (262 ft) high to the hub and up to 126m high (413 ft) to the tip of the blade. The rotor will be 92m diameter (303 ft). The rotor blades of each turbine will rotate in the same direction at a speed of 10-20 rpm and will be feathered in excessive wind speeds. They have a design life of 25 years. The towers would be coloured semi matt grey or off white to give a clean appearance against sky.

The application within NEDD shows an 80m high permanent steel lattice anemometry mast, however it has been excluded from the application as it is not shown in any of the photomontages (it is understood that a mast is required and would be the subject of a separate application).

The intention is to connect to the electricity grid via a substation and a 6km underground cable. (This would be subject of a separate application under the Electricity Act 1989).

The application includes an Environmental Statement (=EIA) which covers:

- Site selection and project design
- Description
- Needs and benefits
- Planning policy
- Landscape and visual assessment
- Ecological assessment
- Ornithological assessment
- Cultural Heritage
- Geological and hydrological assessment
- Noise assessment
- Infrastructure and safety
- Conclusions

Internal Consultations

Landscape Architect:

- There are serious omissions and inaccuracies from the EIA. It is therefore an unreliable source of evidence and should be reviewed and reassessed. Further work should take into account new guidance including the Landscape Strategy and Action Plan for the PDNP and landscape sensitivity assessment for renewables in the Peak Sub Region.
- The special qualities of the landscape and setting of the National Park have been disregarded by the applicant.
- The adverse visual impact of the wind farm will have a severe detrimental impact on the setting and landscape character of the National Park.

(Expanded comments are incorporated into the main body of the report).

Archaeologist: Assumes that English Heritage will be consulted by the District Councils. Although the settings of historic landscapes would be affected, will defer to English Heritage.

Ecologist: In view of location will defer to Natural England.

Representations

Although only a consultee, the NPA has received the following representations, all of which have been received by DDDC and NEDDC. In view of their relevance to the National Park the comments are being reported. Please note that the Councils and now the Inspectorate may well have received further representations.

Friends of the Peak District (FOPD-CPRE):

Object because of the close proximity of the wind farm to the National Park and its significant landscape and adverse visual impacts on the setting of this nationally designated landscape.

Their report states that the applicant's assessment has significant omissions and inaccuracies. Given the proximity of the site to the National Park, the site selection process must explain how landscape impacts upon it were taken into account. The EIA must also give proper regard to the landscape value of all of the landscape character types within the National Park.

FOPD enclose an analysis using the EIA methodology for assessing the impact of the development in the landscape, in which it is evident that there is a significant difference of opinion between the applicants and FOPD.

FOPD state that the proposal does not comply with national guidance in PPS22, Regional Polices 8 and 40 and the District Council's Local Plan polices SF3 and GS4.

Action Against Matlock Moor Wind Farm Proposal (AMP)

Commissioned 3 reports, which are summarised below in respect of National Park considerations:

1. Counsel's advice on the quality of the submission and an assessment of the prospects of success.
2. Noise Issues produced by consultants in acoustics and noise control.
3. Landscape impact report by a Chartered Landscape Architect.

1 Counsel's advice:

- Little confidence that the site selection and project development exercise has really led to the selection of an appropriate site where environmental and social impacts are minimised, contrary to the requirements of PPS 22.
- The proposal does not fix the height of the turbines-hub, blade or tip. Instead, the applications give a maximum height and a noise assessment based on a generic turbine type. This gives concerns about accuracy of the noise assessment. The development ought to be as it is to be built otherwise there is a risk any factor may have a materially different effect.
- The opinion considers the quality of the information in the Environmental Statement (ES), assessment of significance, landscape effects, cultural heritage, noise, tourism and recreation, ecology - bats and birds, and planning appraisal. He feels that the threshold for significance is set too high, but even if accepted it is not seen how the effects can be taken as other than significant. The ES judges the significance of landscape effects as a whole, rather than in the context of the land affected by the development. This is not seen as a proper or useful description of significant effects of the development in the landscape. It concludes the ES to be unreliable and poor quality. Moreover there are important omissions or failures in relation to Environmental Impact Assessment (EIA) regulations. More information is required.
- The opinion also assesses the prospects of success (of refusal) and argues that for a planning decision maker, the benefits are outweighed by the harmful impacts of the proposal and the non-compliance with the development plan.

Noise Issues:

- No reference is made to noise issues within the National Park.
- The report is critical of local impacts and advises of the need for more information and removal of inconsistency.

Landscape Impact:

- At 126m to the tip, the turbines are amongst the tallest in England.
- The landscape sensitivity of the site is assessed as high to medium, indicating the site has little or no capacity for the type of wind energy development proposed.
- The relative widespread visibility of the proposed development, particularly within 5km, the zone in which the wind farm is generally considered prominent or relatively prominent (The National Park boundary is 2.4km away)
- The likely major impact on landscape character- due to the turbines being out of proportion to the landform would detract from appreciation of adjoining valley landscapes and would interrupt key views and skylines.
- Likely major impact on the scenic quality of the Special Landscape Area as well as on parts of the National Park and cultural features which are of national importance (Stanton Moor scheduled ancient monument is cited).
- At least moderate impacts on recreational experience of those using public rights of way, access land and long distance paths of national regional importance in the locality- including opportunities to enjoy a sense of relative wildness and remoteness.

- The level of impact significance appears to have been seriously underestimated in at least some cases.

The report also states that the landscape and visual impact assessment provided by the applicant is considered unreliable and deficient in a number of respects and a full review is recommended before the application is determined.

AMP have also copied several letters which include comments on shadow flicker; imprecision of application; failure to mention the National Park in the non technical summary; wildlife; landscape; duration of wind farm asserting that once established a wind farm will continue after the 25 year design life; tourism; and alternative sites.

Derbyshire Ornithological Society

- Support wind farms in right places.
- Concerns that the site adjoins County Wildlife sites.
- The area includes the last 2 territories of the nightjar that remain in Derbyshire.
- Survey information incomplete and an independent survey are suggested.
- Mitigation measures not adequate.

Main Policies

Relevant East Midlands Regional Plan (EMRP) policies include: 1,8,9,10,26,27,28,31,40.

- Please note that EMRP was adopted in the knowledge that the section on renewable energy target was less than adequate and would need to be reviewed as a matter of urgency. That review is now under way and will be informed by studies such as the Peak Sub Region Climate Change Study, which is due for publication.

Relevant PDNPA Local Plan policies include: LU4

Relevant North East Derbyshire District Council (NEDDC) Local Plan policies include: GS1,GS4
Relevant Derbyshire Dales District Council (DDDC) Local Plan Policies include: CS5, CS6, SF3

Relevant background information:

- Landscape Character Assessment PDNPA 2008
- Landscape Strategy and Action Plan 2009-2019 PDNPA
- The Landscape Character of Derbyshire - a landscape character assessment 2008 Derbyshire County Council (DCC);
- PDNPA Structure Plan policy GS1, C17
- Climate Change Action Plan PDNPA 2008-2011
- Renewable Energy Capacity in Regional Spatial Strategies DCLG July 2009
- Peak Sub Region Climate Change Study PDNPA, HPKBC, DDDC August 2009

Comment

This report firstly addresses the complex issues of policies including renewable energy targets and the balance that is sought in PPS 22 between renewable energy sources and harm to nationally designated areas. Secondly, the impact on the valued characteristics of the National Park and park purposes. This section covers landscape impact within and on the setting of the National Park, the cumulative effect of wind farms around the perimeter of the park; enjoyment and the visitor economy, other matters and alternative sites.

Policy

Developments Affecting the National Park

There is national, regional and local legislation and policy and case law to steer planning decision

making within and on the edge of National Parks. Much has been or is under review because of changes to the planning process, climate change and national energy policies. However, since the first designation of a National Park 60 years ago, the general thrust has been to afford the highest level of landscape protection in perpetuity (including nearby developments which may affect a National Park). This is evidenced in government Circular 4/76, its incorporation into Circular 12/96 and the Environment Act 1995 and PPS7. EMRP is the regional expression of government policy, which post dates PPS1, PPS1 supplement PPS7 and PPS22. Policy 26 also seeks the highest level of protection of the region's nationally designated assets. The effect of climate change and the government's desire to have secure affordable energy from sustainable sources are material considerations and are expressed regionally in EMRP (Policy 40).

The debate on climate change and sourcing energy within the UK has led to acceptance of wind farms where in the past structures of this nature may not have gained support because of visual impact. It has placed pressures on attractive upland areas where wind speed and other factors such as contributing towards energy targets can favour the development. PPS 22 states 'that regional planning bodies and local planning authorities should not create "buffer zones" around nationally designated areas and apply policies to these zones that prevent the development of renewable energy projects. However potential impact on designated areas of renewable energy projects close to their boundaries will be a material consideration to be taken into account in determining planning applications.' It is, however, important to clarify how much weight should be given to this 'material consideration'.

Primary legislation states intent and provides the framework for that policy. In addition to the Town and Country Planning Acts, the Environment Act 1995 places responsibilities on both the NPA and other public bodies, including constituent councils. Specifically, sections 61 and 62 of the Environment Act impose a general duty to have regard to National Park purposes in exercising or performing any functions in relation to, or so as to affect, land in a National Park: those purposes being:

- conserving and enhancing the natural beauty, wildlife and cultural heritage, and
- promoting opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

The words "or so as to affect" are emphasised above to show that the statutory duty applies to land outside a National Park if the proposed development might affect its setting. The PDNPA adopted Local Plan (para 1.9) states that "have regard to" requires compliance unless there is a reasoned justification not to do so.

The need for areas near to National Parks to take account of its purposes and to help to implement them is recognised in Regional Spatial Strategies (RSS) (eg EMRP Sub area policies and preceding text) based on s62 of the Environment Act 1995. This is recognised at inter-regional level with suitable references in other RSS directing Local Planning Authorities around the park to have regard to what is stated in the East Midlands Regional Plan (EMRP) in relation to the National Park. Generally, if there is likely harm to the National Park by compromising the objectives for designation then the development should not be permitted.

NEDDC and DDDC and the Inspector will be obliged to consider whether the proposal does impact on the National Park. In doing so, it is logical that all should, in addition to consideration against the Councils' own Development Plan policies, have regard to the PDNPA Development Plan policies in order to inform judgements about the acceptability or otherwise of any impact within the National Park. Significantly East Midlands Regional Policy EMRP Policy 8 (Spatial Priorities in the Peak Sub area) is common to all 3 Authorities and requires 'policies and programmes to help secure the conservation and enhancement of the Peak District National Park, respecting the statutory basis of its designation'.

Both the District Councils have adopted same Local Plan policies which seek to protect the National Park. DDDC policy SF3 and NEDDC policy GS4 state:

'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 phrase ‘valued characteristics’ was taken from the National Park Structure Plan and Local Plan. Paragraph 1.28 of the Local Plan defines the National Park’s valued characteristics and they include quiet enjoyment; wilderness and remoteness; landscape, wildlife and plants; clean air and water; its cultural heritage of history, archaeology, customs and literary associations and any other features that make up its special quality.

In respect of Development Plan polices within the PDNPA Local Plan Policy LPP LU4 presumes against wind farms within the Park. Structure Plan polices no longer form part of the National Park’s development plan but because of the special circumstances of the PDNPA, it has been accepted that some weight ought to be given to them. Policy GS1 is a direct application of the requirements under the Environment Act 1990 and others interpret these statutory obligations and duties. Notably policy C17 presumes against major development to generate energy. All are consistent with the Environment Act 1995. Although the above polices predate EMRP they are consistent with the requirements of EMRP and offer very strong support for controlling development that affects the National Park. The National Park and its statutory purposes are therefore very significant material considerations to which appropriate weight must be attached in reaching a decision on this proposal.

Need for the wind farm

Given the potential harm to the National Park, the question is whether there is a need for a wind farm and whether that need is so important that it outweighs development plan polices. In Carsington wind farm appeal, the Inspector gave great weight to the development’s likely contribution to meeting energy targets and this remains an important consideration. There is considerable national (PPS 22 and PPS 1 Supplement) and regional guidance here.

EMRP post dates PPS22 and PPS 1 supplement. It states that the government is committed “to tackling climate change and delivering more energy from secure clean sources at affordable prices. The 2002 Energy White Paper includes a goal of putting the UK onto a path to cut UK CO₂ emissions by some 60% by 2050, with real progress by 2020. The UK also has a binding target under the Kyoto Protocol to reduce emissions of six greenhouse gases by 12.5% from 1990 levels in the period 2008-2012. The Government has an additional goal of a reduction of 20% in emissions of CO₂ from 1990 levels by 2010 and has signalled a policy and legislative move towards zero carbon development, with strong support for incorporating renewable energy technologies at the building and development scale. The Government is committed to ensuring that low carbon energy generation, including renewable technologies, makes an increasing contribution to UK energy supplies. It has set a target of 10% of UK electricity from renewable sources by 2010 and 20% by 2020”.

Within the East Midlands at present, “renewable energy sources make a minor contribution to the Region’s capacity (approximately 2%) and the East Midlands lags behind the other English regions. The Regional Targets and Scenarios for Renewable Energy Report indicates that a 20% renewable energy mix by 2020 can only be achieved by adopting energy efficiency improvements and challenging micro-generation targets as well as a mix of large scale grid connected renewable energy”. This is reflected in EMRP policies.

Although the 12.5 mw wind farm would undoubtedly contribute to regional targets (which are not a maximum) those in the East Midlands are subject to re-examination in a partial review of the EMRP. The Peak Sub Region Climate Change Study* will inform that re-examination. It focuses on the capacity and potential for renewables and low carbon technologies, incorporating landscape sensitivity studies of the area. The study is to be used as part of the formal evidence for the Local Development Framework (LDF). One of the aims of this study is, therefore, to inform the extent that renewable energy generation within the Peak Sub-Region could make in terms of a contribution to the regional target. Of relevance here is that the study reviews prevailing policies

and assesses the likely impact of renewable technologies on landscape character types as given in the DCC and PDNPA Landscape Character Assessments. It is criteria based study that concludes that for several reasons the National Park is an unsuitable location for large or medium scale wind turbines. Derbyshire Dales is an unsuitable location for large scale wind turbines; although after proper scrutiny some locations may be suitable medium scale turbines. The study did not extend to North East Derbyshire but as the NEDDC site is on the boundary and in an area with the same landscape character as that in DDDC it would be reasonable to draw the same conclusion in this instance. The study supplements EMRP paragraph 3.3.91 which states: The Peak Sub-area is mainly within or close to the Peak District National Park and large scale renewable generation will always be difficult to accommodate as a result'. A similar statement is made in the recent communities and Local Government report on Renewable Energy Capacity in Regional Spatial Strategies. In effect the need for wind farms here is not so great that it overrides other considerations.

(*Commissioned by PDNPA, HPBC, DDDC, DCC and East Midlands Regional Assembly)

Impact on the Valued Characteristics and on National Park Purposes

Landscape Impact of the Matlock Moor wind farm on the National Park

The application relates to the development of a wind farm on Matlock Moor which is a continuation of the Eastern Moors, consisting of five turbines, a substation and ancillary works. Two of the turbines and some of the ancillary works are located within Derbyshire Dales District, the remainder within North East Derbyshire District. The following comments firstly appraise the applicant's landscape assessment and secondly assess the landscape impact of the proposal on the National Park.

The applicant's landscape assessment is spread over 3 documents, Volumes 1, 2 and 3, making it difficult for lay people and professionals to understand the full impact of the proposals. The effects of the proposed wind farm on the landscape are described in a disjointed way making it difficult to assess the impacts of the proposal.

The NPA landscape architect's main concerns are as follows:

- The proposed wind farm lies within 2.4km, at its closest point, of the National Park boundary. It is a major development and the National Park should have been a material consideration in the Environmental Impact Assessment (EIA) but there are no references to the potential impacts on the National Park.
- The applicant's planning site selection process excluded the National Park not for its status as a National Park, rather for its planning policies, "which are not favourable for commercial scale onshore wind generation from within the NP". The national importance of the National Park and proximity to the wind farm has not been used as part of the site selection process. This undervaluing of the status of the National Park runs throughout the whole of the landscape assessment.
- Volume 1 written Para. 2.5.1 – summary acknowledges that wind farms do have an impact on the locality. It refers to there being no national landscape designations within the site. At no time is the close proximity of the NP mentioned.
- The extent of the possible visual impact of the turbines, on the NP is born out by the Zones of Visual Influence. In principle, the turbines could be seen from extensive areas of the NP, including Friden and Pikehall; extensive areas above Bakewell, Taddington and Flagg and including Eyam and Longstone Edge and beyond on clear days. It is therefore likely that the turbines would have a considerable visual impact across a large part of the NP.
- The National Park has a high landscape value and high sensitivity to change. Given the extensive area that the turbines can be seen from within the NP and their proximity; the development will have a significant adverse effect on large areas of the NP. This is an opinion not supported by the applicant's EIA, which refers to the impacts on the character types within the NP as being 'minor through to moderate and this is seen as not

- significant in EIA terminology’.
- Volume 1 written Para. 6.5.81 to 83 refers to attitudes to wind energy development, as a consequence, the applicants have decided not too look at the development in terms of adverse or beneficial; instead they are focussing on the magnitude of change. In the guidelines for Landscape and visual impact assessment (2nd edition) paragraph 2.23 states “It is necessary to identify the landscape components that are valued by the community or society as a whole, why and how they are valued and, where possible, the people to whom they are valuable.” Any applicant can say that some people like the development and others hate it therefore we are not going to provide this information. To assess the scale or magnitude of landscape effects of the development, both negative (adverse) and positive (beneficial) effects must be shown and in all cases the criteria and thresholds should be clearly defined.
 - There are extensive views from various locations within the NP, some of these views have been identified by the applicants photos 15, 16, 17, 18, 19, 20, 24 and 25
 - The photomontages from the NP show a wider field of view either 73.26° or 109.9° when the normal field of view is 45 – 60°. This has the effect of making the turbines appear smaller than in reality. In addition the human eye has a focal length of approximately the equivalent of 70mm, therefore using a 50mm lens has the effect of reducing the size of the turbines even more.
 - Photographs chosen are also not representative of some of the views used.
 - Two of the photographs have been taken from within villages; the effect of the turbines is seen as only minor in the EIA. The fact that the residents would see the wind turbines on a regular basis from their houses and gardens has not been considered. One of the photos, No 17 is taken from outside the village school which has a large number of people visiting and waiting outside to collect children. There is also a well used sports facility immediately adjacent to the school. These two factors have not been considered in the assessment.
 - The lack of recognition of the National Park’s national importance is reflected in the assessments that have been made from the various view points. Users using public rights of way and access land, have higher expectations of what they expect to see within and from a National Park compared to outside the boundary. The PDNPA 2005 visitor survey shows that almost all visitors to the National Park come to see the scenery and about half to enjoy the landscape and tranquillity. Annually the National Park receives upwards of 10.1 million leisure visits.
 - Several of the viewpoints chosen are on linear routes such as roads or footpaths, no assessment has been made for how long or over what distance the view of the wind farm would be seen. More weight should be attached to the significance of effect when the wind farm remains within the view (of transient receptors) for a considerable distance or lengthy time period e.g. the road between Winster and Wensley. This can have a significant effect on how the viewer perceives the wind farm.

In summary, there are serious omissions and inaccuracies from the EIA. It is therefore an unreliable source of evidence and should be reviewed and reassessed before being used to inform decisions. The special qualities of the landscape of the National Park have been disregarded as has the extent that the wind farm can be seen from the NP and the subsequent adverse impacts.

The Friends of the Peak District’s planning officer analyses of the visual impact, using the same EIA methodology, concludes that the impacts are EIA significant in 7 important locations. Both the landscape architect and counsel acting for AMP also have serious misgivings over the visual impact assessments suggested by the applicants. Notably, both Officers and other professionals conclude the EIA understates the impact on the National Park.

To be credible as an EIA further work should take proper account of national and local guidance including the approved Landscape Strategy and Action Plan for the PDNP and the Peak Sub Region Climate Change Study which addresses landscape sensitivity assessment for renewables

in the Peak Sub Region. There has to be clarity over the height of the turbines hub, blade or tip. Photomontages need to include the anemometer tower too and the photomontages ought to carry an explanation how they should be viewed.

Landscape impact of the proposal on the National Park:

The National Park has a distinctive landscape character which is analysed in detail in the Landscape Character Assessment. Overall, the visual character is one of a large scale landscape with long interlacing hills and silhouetted edges which normally give a strong horizontal profile. Typically the hills are associated with the 'quiet enjoyment/ a sense of remoteness/ tranquillity of stone walled grazed fields, rough grazing and open moorlands. Here trees are relatively small even when in woodlands. At present the setting and views from and within the National Park are largely unaffected by large vertical modern infrastructure.

This proposal is for 5 turbines with a hub height of up to 80m and a rotor diameter of up to 92m. All to be painted semi matt grey or off white and sited high ground. Irrespective of the failings of the EIA and the ambiguities of the proposal, officers consider that the wind farm will have a significant impact within and on the setting of the National Park. The EIA shows a zone of theoretical visibility at hub height (80m) for distances up to to 30km and just beyond. Within the park this includes Beeley Moor (within 5km) large areas west of Matlock and south of Bakewell (5-10km) extending outwards to Eyam Moor (17km) and Axe Edge (28km), moors above Bamford (23km) Edale and Strines (30km). As a point of reference the 40 m high telecommunications tower at Pudding Pie Hill, Eastmoor close to the National Park boundary is quite visible on the skyline from the vicinity of Junction 30 on the M1 (20km). Using the LCA classifications, officers agree with the FOPD the wind farm will be EIA significant in the following landscapes:

- Gritstone Village Farmlands
- Limestone Hills and Slopes
- Limestone Plateau Pastures
- Limestone Village Farmlands
- Moorland Slopes and Cloughs
- Open Moors
- Wooded Slopes and Valleys

Within these areas there will be intermittent and continuous views from and along roads, public footpaths and bridleways including sections of the Limestone Way (7.5km away) and the Pennine Bridleway (14 km away) and access land as well as from private properties. There will be some views where the wind farm is the focal point along a section of highway/public right of way and others where it may be seen in context of the intended Carsington wind farm, in particular Stanton Moor and west of Youlgreave. Also at a distance from the moors west of Sheffield in respect of Royd Moor/Hazelhead/Sheephouse Heights.

Outside the National Park the wind farm will be visible from the high ground along and adjacent to the M1 corridor from junction 27 to 31. From here the National Park and adjoining upland landscape are virtually indistinguishable. However they are perceived as the peak district.

Consequently, the wind farm is open to the following specific landscape objections which will harm enjoyment of the National Park:

- It will harm the relatively unbroken skyline which is a landscape characteristic of this National Park. Indeed common factor in the photographs used in the EIA is the open horizontal landscape, with a lack of vertical man made structures. These photographs serve to emphasise the special National Park qualities, which have so far been retained, and are recorded in detail in the PDNPA Landscape Character Assessment.

- The turbines are amongst the tallest in England and are out of proportion with the landform. They will diminish the scale of the upland landscape when viewed from both within and on the approaches to the National Park. (The turbines are up to 126m high yet difference in height between the Matlock Moor site and the Derwent valley at Rowsley on the Park boundary is 170-210m).
- The visual impact is compounded by the fact that wind farms are dynamic structures. Rotating blades will attract attention at a distance especially when they catch direct sun light.. Some views will be oblique and these will make parts of the wind farm appear as a solid vertical form with complicated shapes. The likely inclusion of aircraft warning lights on the turbines would also harm the sense of remoteness.
- The turbines will be evident over a wide area of the National Park from and along many vantage points. Their impact has been assessed to be high to medium and not as suggested in the EIA. The turbines will have a significant adverse impact on the scenic qualities of several LCA landscape areas, especially on the Beeley Moor area which is within 5km of the sites.
- The setting of the National Park will be spoiled by the large imposing turbines.

Members should note that Natural England has produced draft guidelines for Assessing the Environmental Capacity for On-Shore Wind Energy Development which is currently out to consultation. Section 2 Approach to assessing the Environmental Capacity for On-Shore Wind Energy states:

“The significance of wind farm impacts will vary from place to place depending on the magnitude of potential impacts and sensitivity of the receiving environment in each location. It is important to appreciate that there are almost always opportunities to avoid, reduce or minimize potential impacts through good site selection, responsive design and other mitigation methods.”

Given the nature of the proposals, mitigation here will not have much effect on the impact on the National Park. At best a grey finish would make the turbines less strident in bright sunshine.

With respect to potential impacts of wind energy development on landscape character, the guidelines state:

“Wind turbines tend to be sited in prominent and open locations to maximize energy generating potential. Their scale and form, consisting of a number of tall, vertical structures spaced over an extensive area, can lead to changes in the character of the landscape and introduce complex visual relationships between the turbines and their surroundings. The movement of the turbine blades attracts the eye and turbines can be highly visible from a long distance. Such effects can influence people’s enjoyment of the natural environment, ...”

The issues anticipated in the draft guidelines support officer concern over these applications.

In conclusion, acceptance of the wind farm would introduce an unwelcome alien feature with a greater impact than that intended for Carsington. Alone it would seriously harm the valued landscape characteristics of the National Park and its public enjoyment.

Cumulative impact of another wind farm on the perimeter of the National Park.

As stated above, the setting and views from and within the National Park are largely unaffected by large vertical modern infrastructure and the clutter of major overhead lines. Nonetheless there are continuous demands for infrastructure developments around the Park and this has been recognised by Natural England in State of the Environment for the East Midlands 2009:

‘Individual onshore wind farms are currently small in scale, but increasing numbers of proposals are leading to concern about their impact on landscapes, particularly

surrounding the Peak District National Park and Lincolnshire Wolds AONB. Careful assessment of the impacts of siting onshore wind farms is needed to ensure they are away from designated areas, in order to minimise the impacts on local bat and protected bird populations and landscapes.'

The National Park has no large scale wind turbines but Officers are concerned that acceptance of visually significant wind farms so close to the National Park boundary not only diminish the landscape character but create a precedent for others. The list below suggests that once some turbines are accepted there are pressures for more nearby. Officers consider that cumulatively around the park boundary whether seen in isolation, in sequence, or with others, prominent wind farms would compromise the very purpose of designation.

Constructed:

- Royd Moor, Barnsley (13 turbines) within 3km of the park boundary and a single turbine nearby at Millhouse, Barnsley, both permitted around 20 years ago.

Approvals

- Blackstone Edge, Crow Edge, Barnsley April 2009 - 3 turbine wind farm with a height of 101m to blade top, with substation building, anemometer mast and ancillary infrastructures
- Crow Edge, Barnsley - 3 turbine wind farm with a height of 101m to blade top.
- Carsington Pastures, Wirksworth - 4 turbines 102m to the blade tip.

Refusals

- Castleshaw Moor, Denshaw north east of Oldham

Undetermined applications

- Royd Moor, adjacent to the existing wind farm, Barnsley. 3 turbine wind farm 95m to the blade tip (an earlier 5 wind turbine has just been withdrawn)
- Land adjacent to Sheephouse Farm, Mortimer Road, Penistone, Barnsley 5 turbine wind farm with a height of 125m to blade tip and associated infrastructure

Other Proposals

- Harpur Hill, Buxton. The application at Harpur Hill was withdrawn because of difficulties experienced in reconciling potential visual impact with the operational requirements of the landowner.
- Several have been proposed in the moorland corridor between Leeds and Manchester. (See enclosed map showing wind farms around the National Park).
- It may be that other applications have been deterred because of the Authority's known position.

Other significant structures on the edge of the National Park.

- There are also lattice steel telecom and transmitting towers within and around the edge of the National Park. Some are cumulatively intrusive eg north of Sheffield and east of Leek. The large concrete telecom tower on Sutton Common, Macclesfield is very intrusive but this was erected in the national interest as part of the 'Backbone' defence project.

Promoting opportunities for understanding and enjoyment, and the visitor economy. Visitor spending is a significant benefit to the National Park and surrounding areas. It contributes to incomes that manage the fabric of the National Park and this has been recognised both in the application of National Park purposes and duties and in the Council of Europe requirements for a further renewal of its prestigious Diploma. There have been no definitive studies whether wind farms and equivalent telecommunication infrastructure harm the visitor economy. In Wales evidence of visitor attitudes show a risk of serious implications of risk with a reduction in repeat visits. A recent study by Sheffield University telecom infrastructure asked for opinions about infrastructure in the park. It found that there was a dislike of the perceived encroaching influence. At the Carsington appeal it was stated that the current economic value of the National Park's visitor economy can be estimated as being in the order of £350-£400M per year supporting some 2,100 full time equivalent and 3,400 actual jobs in the National Park and perhaps 6,000 full time equivalent jobs around it. As little as a 2% reduction of the visitor economy would be worth £7-8m/year and 42-120 full time equivalent jobs. A 5% reduction could be worth £17m to £20m per year (105-300 full time equivalent jobs). Unlike Wales or many other upland areas, visitors are likely to be able to choose to travel a little further and be away from wind farms. This is not the case here as this proposal will be evident from many of the visitor attractions or routes to them. Consequently along with serious harm to landscape, the wind farm would harm the understanding and enjoyment putting at risk important income from visitors: important to both the socio-economic well being of local people and to the conservation and enhancement of the Peak District National Park itself.

There is an important point that is unique to this National Park that is easily underestimated. This National Park was born out of strong public concern to protect the area from inappropriate development (eg CPRE Design Guide 1934) and public protest over lack of access to open countryside. Proximity to urban areas helps to make the Peak District one of most visited National Parks in the world and is at significant risk of being harmed by man-made pressures. It is also special because it is a beautiful rural counterpoint within which visitors can enjoy limited or no awareness of the nearby large conurbations. That enjoyment would be spoiled were this proposal to be approved.

Other Local Matters

As the site is 2.4km from the National Park boundary and in view of officer comments it is considered that archaeology, shadow flicker, ecology including ornithology and access and installation are issues that are best addressed by others. However in respect of noise generation insufficient information has been submitted. This is being pursued by the District Councils and the PDNPA would be consulted on receipt of additional information.

Alternative Sites

There is no express requirement for alternatives to be considered where major development that might harm a national park is not inside the park. Whilst LJ Carnwath (Carsington decision) opens the possibility that policy requirements can be implied as well as expressly stated, he found that the policies brought to his attention fell short of imposing a positive obligation to consider alternatives in every case. He held that instead this is left as a matter of planning judgment on the facts of any particular case.

This means that where major development is sufficiently close to have a sufficiently harmful impact on the National Park, as officers believe it has in this case, it can be argued that alternatives should be discounted before permitting that harm to occur. Such alternatives would need to be considered over a spatial scale related to the nature of the potential harm and the nature and scale of the development. In the case of such a prominent structure balanced against targets that are regional rather than specific to the EMRP Peak, Dales and Park Sub-area that requires consideration of alternative locations within the East Midlands. This approach is supported by a common sense point of view of the purpose of nationally important designations.

In addition, PPS22 and EIA regulations 1999 (Schedule 4) require developers to show how environmental impacts have been reduced. Alternative sites/options are one of the key elements of this and they should have been considered where these are practicable and available to be developed. It should be noted too that for major developments within a National Park PPS7 and Circular 12/96 the scope for developing elsewhere is a requirement. This proposal is so close and so large that the intent of the test underlines the need to follow the requirements of PPS22 and the EIA regulations.

The main environmental advantages and disadvantages of alternative sites should be discussed in outline, and the reasons for the final choice given. In the EIA, it is stated several sites have been looked at and dismissed for various reasons, mainly on practical grounds, such as access, nearness of electricity supply etc.. Four sites including Matlock Moor were identified as suitable for further investigation. Of these, one site south of Bolsover was dismissed due to potential landowner and landscape issues and another for technical reasons. This left one site at Carsington, to the south of the PDNP, as being a possible alternative location to Matlock Moor; however, it has already received planning permission for 4 wind turbines, prior to this current application. The purpose of looking for alternative sites is to assess alternative locations to see if the chosen site is the best option, not find additional sites to develop. Therefore since Carsington was approved, on appeal, it can not be used as an alternative site for Matlock Moor. It is therefore not possible to assess how they have mitigated the location of the wind farm in relation to the PDNP. As such this proposal fails to follow national advice (PPS 22) and the EIA regulations, an opinion shared in counsel's advice in submitted by AMP.

Conclusion

The Hobhouse report laid down criteria for designating a National Park.

“...it should have great natural beauty, a high value for open-air recreation and substantial continuous extent. Further, the distribution of selected areas should as far as practicable be such that at least one of them is quickly accessible from each of the main centres of population in England and Wales. “

The Peak District fits these criteria perfectly as it is quickly accessible from main centres of population and it is not surprising that it was designated Britain's first National Park 60 years ago, Indeed in some instances urban areas are adjacent or within a few kilometers of the boundary. This proximity and the nature of the landscape does however bring immense pressures for access, development and infrastructure both within and around the Park Yet mostly there is a sense of rurality and remoteness that is uniquely gained in the United Kingdom so close to large conurbations.

The Peak District National Park is recognised for its complex landscapes and long distance views. Often as evidenced in photographs and pictures, attractive cloudy skies add greatly to the National Park experience and such skies do not always preclude a distant horizon (see the centre fold for National Park Management Plan 2006-11). Generally unspoiled views of the horizon are a valued characteristic even when they lie outside of the park. They ought to remain in perpetuity and should only be compromised in the most exceptional circumstances. Because of its geography and landscape character the setting of the park is important.

National, regional and local policies require the highest level of protection within National Parks. The government does not support 'buffer zones' but the affect of a development on a National Park is a material consideration, which officers consider in this instance must be given great weight in reaching a decision here. This is because the current proposals include 5 wind turbines each with a 2.5mw capacity sited in a prominent position 2.4km from the park boundary. All of the turbines will be up to 80m high to the hub and 126m to the turbine blade tip and will be visible over a wide area of the park, including from remote moorland.

National and regional policies (EMRP) also offer strong support for tackling climate change and the delivery of more energy from secure clean sources at affordable prices. This includes wind energy and this development would contribute up to 12.5mw to regional targets. Regional targets are however under review and will be informed by the Peak Sub Regional Climate Change Study which does not support large scale wind farms in this area. EMRP, is the regional spatial expression of the sum of national policy statements. In respect of the Peak Sub Area, its language indicates that it would be clearly easier elsewhere in region to accommodate wind farms rather than on the edge of the only National Park in the East Midlands. In effect the need for wind farms in this vicinity is not so great that it overrides other considerations.

In respect of landscape impact there are serious omissions and inaccuracies from the Environmental Impact Assessment (EIA). It is therefore an unreliable source of evidence and should be reviewed and reassessed. Notably the EIA understates the impact of the development on the National Park. Further work should take into account new guidance including the Landscape Strategy and Action Plan for the PDNP and the landscape sensitivity assessment for renewables in the Peak Sub Region Climate Change Study. The Matlock Moor proposal is for a major development very close to the edge of the National Park and requires careful scrutiny. Proper consideration needs to be given to the landscape impact of the development both individually and cumulatively with similar developments; and to the possibility of alternative sites.

Notwithstanding the inadequacy of the submission, officers consider that this proposal is on a scale and so close to the National Park that in many respects it will be perceived as if it is within the National Park. This scheme is larger and taller than Carsington and is on higher ground. It will have a significant impact over the more sensitive parts of the National Park and on major views from the National Park. The wind farm will erode the sense of rural remoteness and harming understanding and enjoyment. Its acceptance would also put at risk important income from visitors which are important to the socio-economic well being and conservation. It would also create an incentive for more wind farms (and other tall infrastructure) contrary to the thrust of regional guidance.

In conclusion whilst the environmental and other benefits of the wind farm are important the merits are not exceptional so as to outweigh the serious and significant harm to landscape and other purposes of statutory designation of the National Park. Consequently it is strongly recommended that the District Councils recommend refusal and that the outstanding appeals are dismissed.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

RECOMMENDATION:

That:

- 1. the Secretary of State is strongly urged to dismiss the appeals for reasons which include the following grounds:**
- 2. the relevant District Councils are strongly urged to recommend to the Secretary of State that the appeals be dismissed for reasons which include the following grounds:**
 - 1. Unacceptable harm to the Peak District National Park landscape contrary to legislation, policy and guidance at many levels.**

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- 2. Acceptance of this proposal would create a further case for unacceptable wind farms around the Peak District National Park, which in turn would harm significantly both the Peak District National Park landscape and its setting.**
 - 3. Harm to landscape also harms the understanding and enjoyment and puts at risk important income from visitors: important to both the socio-economic well being of local people and to the conservation and enhancement of the Peak District National Park itself.**
 - 4. Inadequate and misleading Environmental Assessment which gives insufficient consideration of alternatives sites and underplays the landscape and other impacts of the proposed development.**

List of Background Papers (not previously published)

Nil