

Date: 10 August 2012
Our ref: 58685
Your ref: 12/55745/SCO



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BY EMAIL ONLY

Dear Richard

**Screening opinion in respect of the erection of 18, 2.5MW wind turbines with a hub height of 90m and an overall height of 135m,
Land at Rooley Moor, with access taken from Rooley Moor Road**

Thank you for your consultation on the above dated 11 July 2012. Natural England has been asked to provide comments for a Scoping Opinion relating to a proposed windfarm located at the above address. We note that part of the site falls within Rochdale's and part within Rossendale's administrative area.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Natural England therefore advises that the Environmental Impact Assessment (EIA) should give full consideration to:

1 Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The Scoping Report has identified one internationally designated site within 10km of the proposed development site, the South Pennine Moors Special Areas of Conservation (SAC), and four nationally designated Sites of Special Scientific Interest (SSSI) within 10km, the nearest being Lee Quarry SSSI, 0.5km to the North East, designated for its geological interest features.

European sites (e.g., Special Areas of Conservation, Special Protection Areas and/or Ramsar Sites) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Paragraph 169 of the National Planning Policy Framework requires that potential Special

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² Note on Environmental Impact Assessment Directive for Local Planning Authorities Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/>

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Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Further information on the SSSIs and their special interest features can be found at www.natureonthemap.naturalengland.org.uk.

The Environmental Statement (ES) should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) not directly connected with or necessary to the management of the site and (b) likely to have a significant effect on a European site (either alone or in combination with other plans or projects).

2. Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We strongly advocate the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2002. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed. Guidance on LCA is available [here](#).

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2002 (2nd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes

You should consider whether there is land in the area affected by the development qualifying for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. These are considered to be designated landscapes of national importance and the impact of your plan on these should be assessed where appropriate. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

3 Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the Pennine Bridleway National Trail (PBW). The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

The implications and predicted impacts of construction and maintenance traffic for the Pennine Bridleway should be considered. The sensitivity of horses using this route should be considered, particularly as this is a national route promoted as safe and suitable for horses.

There is the potential for significant impacts on the use of the Pennine Bridleway during the construction of the site as the actual route of the PBW is along Rooley Moor Road, the proposed site access route.

Natural England would be concerned about any plans to close any section of the Pennine Bridleway National Trail without the provision of a suitable alternative route for the duration of the works. The condition of the access route is also important as it must remain passable to horses, walkers and cyclists at all times.

If the Pennine Bridleway needs to be diverted, then an appropriate alternative for the various users needs to be provided (e.g. a route which provides gates for access to cyclists and horse riders and avoids obstacles such as impenetrable vegetation, boggy or rough ground etc). If an alternative is required then the Pennine Bridleway National Trail Officer or the PBW ranger would be happy to advise the developer on the suitability and construction of any alternative routes being considered.

From the submitted plans the proposed locations of a number of the turbines look to be a lot closer to the line of the National Trail than would be recommended. We recommend that the distance from National Trails to turbines should be 4 x the height of the turbine, and for other bridleways, 3x the height. We also recommend that blades should not oversail public rights of way.

4 Hydrology, geodiversity and soils

The ES should consider the impacts of the development on the hydrology together with environmental and erosion protection in sufficient detail to enable an assessment of the likely impacts. We note this application falls within a priority habitat, blanket peat.

Peat (meaning, including blanket bog and other types of peatland) is a BAP habitat and represents the largest terrestrial carbon store in the UK. Peatlands also perform an important role in water catchment management – both water quality and water storage. As such there is widespread concern that wind energy developments in these areas may have adverse impacts on the biodiversity, carbon value and water management functions of these areas.

Potential impacts from this type of development include:

- Direct loss of habitat through construction of turbines and construction of ancillary infrastructure; especially road networks:
- Disruption of hydrological functioning of remainder of peat system and deterioration of quality
- Release of carbon
- Loss of areas for future peat formation and potential carbon sequestration.
- Release of sediment into downstream watercourses and/or canal feeder reservoirs

We also draw your attention to a report commissioned by Natural England that a set of assessment criteria against which a development proposal can be tested to determine the scale of impact (and enable an appropriate response to an Environmental Impact

Assessment). This report is available via our website at <http://publications.naturalengland.org.uk/publication/43010?category=10006>

The report states that for wind farms on peat of significant thickness (i.e. 0.5m or greater), standard requirements for an EIA include:

- Understanding of the location and nature of the peat on the site – a conceptual model;
- Impacts of the development on the condition of the blanket bog, particularly with regard to water levels and surface flow patterns;
- Impacts on nature conservation, including the condition of the vegetation;
- Impacts on water quality generally including pollution prevention measures, and specifically regarding fisheries and any other sensitive aquatic receptors (e.g. salmonid rivers, rivers with freshwater pearl Mussels), and private or public drinking water supplies;
- Construction and operation of the site including proposals for road and hardstanding construction, management of drainage, runoff and any bridging/culverting required, soil and sediment management and borrow pits;
- Measures to mitigate any impact on the habitat and, depending upon the habitat status on site, measures to provide for habitat improvement to active bog status on degraded sites.
- Consideration of archaeological issues;
- Outline of potential peat slide or instability issues at the site.

The EIA should address the scope for mitigation of adverse impacts and identify any opportunities for improved peatland management. Good practice in installation, operation and decommissioning are likely to be key to both minimising adverse effects and to improving the overall carbon balance of proposals.

It may be possible to compensate for adverse effects through peat restoration measures, usually in the form of habitat management plans. In assessing potential for mitigation or compensation, the functional components of the peat system as a whole, which includes areas of non-active bog as well as Annex1 active bog, should be considered.

5 Ornithology

Key principles for birds assessment include

- Definition of a clear study protocol at the outset of any assessment or monitoring strategy.
- Protocols for bird studies will be site- and species-specific, but all should follow good scientific methods (see Anderson et al. 1999). Therefore adequate preliminary site evaluation and desk studies must be used to inform the scope of the field survey requirements.
- The purpose of pre-construction surveys will generally be to inform an EIA. Study objectives will include the identification of species of conservation importance and those vulnerable to wind farm effects, and to predict numbers of birds likely to be displaced or otherwise disturbed by the turbines, other related installations and staff, or killed by collision with rotors, turbine towers and other structures such as overhead lines.
- Pre-construction surveys will also provide the baseline data necessary for comparison with similar data post-construction.
- Where significant cumulative impacts are likely, the EIA should include an assessment of those effects.

Section 3.7 of the Scoping Report sets out the approach to evaluating ornithological interest and we draw your attention to the following points:

- In SNH Guidance it recommends a minimum of 36 hours of watches should be conducted at each VP for each season. However, a minimum 72 hours is recommended when priority species such as raptors are present. Therefore, the more data available on bird movements the more reliable the outputs from any subsequent collision risk assessment.
- Observations of birds in the early spring (March/April) can be important as birds do congregate on areas of moorland fringe, so the survey work should be sufficient to help

understand the usage of areas of land within and outside the site boundary in the pre-breeding period.

- Common Bird Census methodology is a suitable approach, but the stated requirement is 10 visits and not just three, as set out in the report. It is unlikely that three surveys will be adequate (See SNH Guidance – section 6.4).
- Study methods must also be tailored to the ecology of the study species and, where appropriate, cover dawn, dusk and nocturnal movements.
- Wind energy turbine and track construction can result in habitat and species disturbance and loss. Wind turbine operation and maintenance may disturb sensitive species, and there is a risk of bird and bat collision with moving blades and any additional overhead wires. Therefore the EIA should include an assessment of works linked to the creation, operation (including maintenance) and decommissioning of the turbines, access tracks and the proposed route for the grid connection.
- It should be understood that survey or assessment needs set out early in the process could change in response to initial findings, additional proposals or changes to guidance as the project progresses.

Mitigation of collision risk should focus on design and siting of turbines rather than habitat enhancement elsewhere. The best way to avoid or reduce impacts of wind farms on birds is to build them away from concentrations of sensitive and vulnerable species. However, in recognition that this may not always be feasible, certain mitigation measures should be put in place to reduce potentially harmful effects.

6 Local Wildlife or Geological Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the County ecologist, local wildlife trust or a local forum established for the purposes of identifying and selecting local sites; they are of county importance for wildlife or geodiversity. The ES should therefore include an assessment of the likely impacts on the wildlife interests of such site[s]. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the County ecologist, local wildlife trust or Local Sites body in your area for further information.

7 Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

We strongly recommend that surveys for protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats) should be carried out within the area affected by the development.

If any protected species are found the Environmental Statement should include details of:

- The species concerned;
- The population level at the site affected by the proposal;
- The direct and indirect effects of the development upon that species;
- Full details of any mitigation or compensation that might be required;
- Whether the impact is acceptable and/or licensable.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants.

8 Other features of nature conservation interest, e.g. habitats and species identified within the UK and County Biodiversity Action Plans

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);

- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g., whether BAP priority habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should avoid adversely impacting sensitive areas for wildlife within the site, and should if possible provide opportunities for overall wildlife gain.

9 Cumulative and in-combination effects

The EIA should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment. (Subject to available information):

- Existing completed projects
- Approved but uncompleted projects
- Ongoing activities
- Plans or projects for which an application has been made and which are under consideration by the consenting authorities
- Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

For clarification of any points in this letter, please contact David Carter at by telephone or email, as shown below. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely



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