

## Response / Objection to CALDERDALE WIND FARM

Sited on Walshaw Moor – Calderdale Application Number 23/06010/EIA

### General Position on the windfarm proposals

CPRE West Yorkshire will strongly object to the proposals for a large-scale wind farm, solar panel arrays, battery storage and network connectors at Walshaw Moor, Calderdale, when they come forward for full planning consent. We are adamant that it is wholly inappropriate to even consider constructing a wind farm on the South Pennines Special Protection Area (SPA) and its congruent Sites of Special Scientific Interest (SSSIs).

It will be a “blanket” objection, to the proposals, in their entirety, and we strongly object to the grossly inappropriate statement, set out in section 1 of the applicant’s scoping report, that *“If consultees elect not to respond, the Applicant will assume that consultees are satisfied with the approach adopted or proposed”*. This is an outrageous assumption which is not justifiable, not consistent with the planning process and belittles the Consultees themselves. Taken at face value there is an overwhelming amount of information in the consultation documents and many formal and informal consultees will not have the time or capacity to respond in short timescales to what is, at the end of the day, a preliminary consultation and a wildly speculative scoping paper.

We note that CPRE has not received a consultation notice directly and we pose the question “Why not?” CPRE is a nationally recognised organisation with a strong, long and much valued reputation on countryside, natural environment and planning issues. We were involved in the previous development proposals for Walshaw Moor in 2018 (Calderdale application number 18/00237) when we submitted an objection to the formation of Access Tracks across the moor, allegedly for fire-fighting purposes (?). Those planning proposals were withdrawn by the applicant following overwhelming public objection and the decision by two Local Planning Authorities’ (Pendle and Calderdale, acting together) that those proposals required a full Environmental Impact Assessment (EIA). We also note that there is a decades long history of conflict between those who wish to preserve and protect the natural environment at Walshaw Moor and the landowners who wish to develop the moor for wider commercial purposes. This current proposal is just the latest instalment in that conflict, albeit unique in its scope and scale.

For the last five years CPRE has been heavily involved in the preparation and examination of Calderdale’s Local Plan. We are therefore well-aware of the Local and Strategic issues affecting the Calderdale area (and well beyond).

### Scope and Configuration of the Environmental Impact Assessment

Our view is that the applicant’s submitted documentation goes way beyond what is necessary for a first stage EIA scoping exercise and includes many topics and details that have little relevance at this moment in time. These include (to emulate the applicant’s report headings) Noise, Cultural Heritage, Access, Traffic, Socio Economics, Land Use, Aviation, Tourism and Recreation. We feel that this “profusion / confusion of issues” only serves to obscure the “mission critical” issues raised by the proposed development. The most important of these is whether the proposed development can satisfy the requirements of the **Habitats and Species Regulations**. We believe this project will be

unable to do so, however it is configured, and MUST automatically be refused planning permission. Quite simply we believe it is in everyone's interests to determine the Habitats and Species questions BEFORE spending a lot of time and money on issues that could quite easily become totally irrelevant.

We remind planners and the applicant that ANY development in the protected area (i.e. the designated South Pennines SPA phase 2 and congruent Sites of Special Scientific Interest) is severely restricted by the Habitats and Species Regulations – which take precedence over the Town and Country Planning Acts. As we understand it, requirements under the Habitats and Species Regulations MUST effectively be fully satisfied BEFORE requirements under the Town and Country Planning Acts can be given any weight in the decision-making process. Difficulties meeting the requirements of the Habitats and Species Regulations also cannot be weighed against, offset or mitigated by wider benefits (e.g. green energy targets, community cash benefits, net zero targets etc). So why is the applicant heavily promoting these aspects in his EIA proposals?

For these reasons we believe that the Environmental Impact Assessment should be a two-stage process. The initial focus should be on whether the proposed development is likely to meet the requirements of the Habitats and Species Regulations. To avoid confusion and inappropriate (perhaps even illegal) conclusions, we believe that ALL other impacts should be assessed separately as a second stage if, and only if, the requirements of the Habitats and Species Regulations can be met. Specifically the Habitats and Species Regulations require that:-

- There is no alternative to the proposals, specifically on this site.
- The applicant can PROVE (beyond any reasonable doubt) that the protected sites (the SPA and SSSIs) WILL NOT BE HARMED. The Local Planning Authority does not have to prove that the protected sites WILL BE HARMED by the development. There is a pre-determined assumption that ANY development on the SPA (i.e. the wind farm) WILL HARM THE SPA.

***These very clear requirements are mandatory and failure to meet the requirements cannot be weighed against, offset or mitigated by wider benefits.*** Our initial perspective on the possibility of the applicant meeting the requirements of the Habitats and Species Regulations is as follows:-

#### **Alternatives to the proposals.**

In our view there will always be multiple viable alternatives to wind and/or solar energy installations on Walshaw Moor. Wind farms can be sited offshore, or anywhere in the country which is not designated as a Special Protection Area. The turbines do not absolutely need to be sited on Walshaw Moor as any power generated will be fed into the National Grid. Any arguments about high energy output and percentage turbine efficiency (because of climatic conditions) or the level of commercial benefits of Walshaw Moor, perhaps because of low grid connection costs or low land values, are totally irrelevant in the context of the Habitats and Species Regulations. The critical point is that THERE ARE MULTIPLE ALTERNATIVES and the applicant, in his documentation, appears to have “glossed over” those alternatives and configured the proposed EIA assessment accordingly.

**Proof that the protected sites will not be harmed.**

Past experience of similar wind energy sites, including some in the Yorkshire Pennines, has shown that it is extremely difficult to PROVE that the Special Protection Area and the Sites of Special Scientific Interest WILL NOT BE HARMED. However, it is up to the applicant to provide that proof.

**Footnote**

Whilst we are strongly in favour of splitting the EIA in to two stages, with the first stage focusing on the Habitats and Species Regulations, we do recognize that the Council may take a different view. For this reason we particularly request that, at the second stage EIA, the EIA proposals recognise and challenge:-

- **The cumulative impact of the multiple wind farms on moorland surrounding Todmorden and the Upper Calder Valley.** In our view the area is already over-saturated with wind turbines and the Walshaw Moor proposals would merely serve to complete the industrialization of what once was open, unspoiled moorland. It is simply not acceptable, especially given that the area is a central component of the South Pennine Moorland SPA Phase 2. The South Pennines SPA Phase 1 is the Peak District National Park. Phase 1 and Phase 2 are geographically contiguous.
- **Harm to the Openness of the Green Belt.** Although Walshaw Moor is not designated as Green Belt (because it has a higher degree of protection, via designation as part of the South Pennines SPA, openness of the landscape is an extremely important factor in green belt assessments. We suggest that the impact of the development on the openness of the landscape should be assessed as though the wind farm were in the green belt. In our view the development has a massive negative impact on the openness of the landscape and should therefore be refused planning consent.
- **The methodology proposed for Landscape and Visual Impact Assessment.** In our view the methodology proposed by the applicant for an LVIA is the standard methodology often quoted by developers but it is not universally accepted as yielding a true picture of the visual impact of large turbines. In particular, there seems to be no acknowledgement in the documentation of the research undertaken by Alan MacDonald and alternative methodologies adopted by Highlands Regional Council. Alan MacDonald's book is available here [https://www.whittlespublishing.com/Windfarm\\_Visualisation](https://www.whittlespublishing.com/Windfarm_Visualisation) and a readable newspaper summary is available here <https://www.dailymail.co.uk/news/article-2191974/How-wind-farm-developers-use-camera-tricks-make-turbines-look-smaller-really-are.html> In our view the documentation submitted by the developers significantly underestimates the Landscape and Visual Impact of the development. It therefore needs to be examined very closely, relative to the aforementioned alternative.