

Application Number:	2011/30	Application Type:	Full
Proposal:	Revised access arrangements to serve the approved 12-turbine Wind Farm from the A671 at Shawforth, along Landgate, through Middle Hill Quarry and over Rough Hill	Location:	Crook Hill, Rochdale/Calderdale
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	4 October 2011
Applicant:	Coronation Power Ltd	Determination Expiry Date:	8 June 2011
Agent:	Dulas Ltd		

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REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation



Member Call-In

Name of Member:

Reason for Call-In:

3 or more objections received

YES

Other (please state):

Major

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

	RECOMMENDATION
	That Permission be granted subject to the Conditions set out in Section 4 of the Report.

1. BACKGROUND

A Report in respect of this application was due to be considered at the meeting of Committee to be held on 27 July 2011. A copy of that Report is appended. It recommended refusal of the application for the following reason :

The change in access route for the permitted wind farm at Crook Hill means that the access road now proposed will run through / adjacent to working quarries/quarry workings in need of restoration. However, the scheme for which permission is sought will result in a significant number of lorry movements through the Landgate/Market Street junction, three quarters of which relate to importation of stone and export of waste soil/stone. The Applicant has not adequately explored and amended the scheme to avoid unnecessary/ unsustainable traffic movements through the Landgate/Market Street junction by sourcing stone required for the access road/hardstandings and disposing of waste spoil/stone in the quarries en route to the land to be occupied by the turbines, thereby also mitigating harm to both the amenities of residents of properties in the vicinity of the junction and other road users & pedestrians/riders/cyclists when in the vicinity of this junction. The proposal is therefore contrary to Planning Policy Guidance 1, which states “*Sustainable development is the core principle underpinning planning*”, Policies DP1-7 / RT4 / EM1 / EM17 of the Regional Spatial Strategy for the NW of England (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

At the request of the Applicant consideration of application was deferred in order that it could seek to avoid so many lorry movements through the Landgate/Market Street junction by varying an existing Planning Permission for quarrying/quarry restoration at Middle Hill Quarry, an application for which had recently been submitted to Rochdale MBC.

On 21 September Rochdale Council considered a Report recommending approval for variation of the conditions relating to the Planning Permission for Middle Hill Quarry which presently allows quarrying until 1 August 2019 at a rate of stone extraction of no more than 100 tonnes per week. A copy of its Report is appended. In short, the Applicant sets out the benefits for varying the conditions on that quarrying permission to enable the rock needed to construct the access roads to the wind farm to be extracted from that site over a 6-8 month period :

- The number of HGV’s hauling stone material to the wind farm site would be reduced. If all the stone needed for the construction of the wind farm access roads could be sourced from Middle Hill quarry, this would mean an estimated fewer 3,916 vehicle loads would be needed to import the stone material. This would equate to a reduction of 66% of the total number of large haul vehicles needed to visit the site to construct the access roads for the wind farm.
- Such a reduction in this amount of delivery traffic would significantly reduce the number of HGV’s turning off and back onto the A671 at Landgate. This would have less impact on road safety, the free flow of traffic along the A671 and upon local residential amenity around that junction and along Landgate.

- The fewer and shorter HGV movements both to the site and within the site would reduce carbon emissions, which would have general environmental benefits.

Although United Utilities had objection to the variation of the conditions on Middle Hill Quarry, Rochdale’s Officers recommended approval with the following Summary Reason for Approval :

“The proposal to extract a greater volume of stone from this quarry but within a shorter period of time and for its use only in the development of the approved wind farm nearby on Crook Hill would lessen impacts of the construction of that major construction project upon highway safety and the free flow of traffic along the A671, the general amenities of the area (but particularly local residential amenity), and the ecological interests of the local area and would also reduce the degree of carbon emissions of HGV movements to and from the site during the construction period. The proposal would have no greater or more harmful effect on the surrounding area than the current permission for quarrying operations at this site. Quarrying would cease and restoration would take place over a shorter time-frame than has been previously approved. Vehicular movements from the quarry would no longer utilise the access tracks from the A671. This would have a positive impact on the amenities of the area....”

The application to vary the conditions on quarrying /restoration of Middle Hill Quarry has been granted by Rochdale MBC on this basis.

Accordingly, the Applicant now has means of sourcing stone necessary to construct access roads and hardstandings required by Crook Hill wind farm and disposing of spoil without the lorries carrying these loads running on the adopted highway/in the vicinity of housing near the Landgate junction.

2. ASSESSMENT

The Applicant has advised that the development of Crook Hill wind farm will require movement of approximately 5,900 loaded lorries. This figure includes approaching 900 deliveries of ready-made concrete (for pouring of turbine foundations) and 145 abnormal loads (eg long loads carrying turbine components) - these lorry movements cannot be avoided if construction of the wind farm proceeds. However, the rest of the loads anticipated by the applicant are made up principally of lorries carrying stone for the construction of the access roads/hardstandings (numbering 3,900) and loads of soil/loose stone needing to be disposed of (numbering 530).

The Applicant currently estimates there to be need for 41,000 to 45,000 cubic metres of stone to construct the access roads/hardstandings. The permission granted by Rochdale MBC in 2007 for quarrying in Middle Hill Quarry allowed for extraction of up to 62,400 Tonnes of stone by 2019, of which only a small proportion has since been extracted. In addition to the stone that may now be extracted from Middle Hill Quarry, 3,000 cubic metres of stone will be generated by cutting-back of the cliff-face near the Landgate/ Market Street junction and, possibly, further usable stone may be generated in excavating for the turbine bases. Also, there is not now the need for spoil to be moved from the site through the Landgate/ Market Street junction.

Subject to compliance with the proposed conditions that preclude importation of stone through the Landgate / Market Street junction for use in construction of access roads/hardstandings, and export of soil/loose stone through the junction, I consider the Applicant will have done all

that could reasonably be expected to mitigate harm to both the amenities of residents of properties in the vicinity of the junction and other road users/pedestrians/riders/cyclists and to avoid unnecessary/unsustainable traffic movements.

Since completion of the Report that was to be considered at the meeting of DC Committee scheduled for 27 July 2011 the Government has issued the Draft National Planning Policy Framework. It has not significantly changed the policy context in which this application should be considered from that set out in the earlier Report.

Accordingly, the application is recommended for approval; the Conditions set out below largely reflect those on the Planning Permission which was granted by Central Government for the Crook Hill wind farm in 2010, modified to have regard for the change in access arrangements and siting of the construction compound.

3. Summary Reason for Approval

Subject to the proposed conditions, and the accompanying S.106 Obligation, the revised access arrangements to serve the proposed twelve turbine wind farm at Crook Hill are not considered to have any more materially harmful effect than the access arrangements already approved by the Secretary of State. Likewise, the repositioning of the anemometer mast, alterations to the substation and conditions imposed to allow for a 30m micrositing of each turbine would not have a greater impact on the landscape than the previously approved scheme.

4. RECOMMENDATION

Approval, subject to the conditions below :

CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason : To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The local planning authority shall be provided with not less than 28 days written notice of the date upon which it is proposed to commence the development hereby permitted.

Reason : To allow the local planning authority to verify that all conditions precedent have been complied with before the beginning of development and to allow the local planning authority to properly monitor the implementation of the permission in accordance with PPS1/PPS7/PPS9/PPS22, Policy EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

3. The local planning authority shall be notified in writing of the date when electricity from the development is first supplied to the grid and, other than any temporary construction compound(s), the development hereby permitted shall be removed from the site following the expiry of 25 years from that date: the turbines shall be decommissioned and the turbines and all related above-ground structures shall be removed from the site. Following the removal of the turbines and structures, the land shall be re-instated in accordance with a Decommissioning Method Statement that shall first be submitted for the approval of the local planning authority at least 18 months before the date of the decommissioning of the wind farm. That method statement shall include details of the manner, management and timing of the reinstatement works to be undertaken and shall be accompanied by a Traffic Management Plan for the removal of the large turbine components. The removal works and the reinstatement of the site shall be carried out in accordance with the approved scheme

unless any variation has first been agreed in writing by the local planning authority.

Reason: To ensure the site can be restored properly in the interests of visual amenity and local ecology, in accordance with PPS1/PPS7/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

4. The local planning authority shall be notified of any wind turbine that fails to produce electricity for supply to the electricity grid for a continuous period of 12 months. This wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period, in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. That scheme shall include the details of the manner, management and timing of the works to be undertaken and shall also include a traffic management plan for the removal of the large turbine components. That part of the site shall be restored in accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority.

Reason: The application is for a 25 year period and the condition is required to ensure that the turbines are removed at the end of this period in a way that does not cause harm to road safety and amenity and that the land is reinstated in an acceptable manner in the interests of visual amenity and in the interests of the local ecology, in accordance with PPS1/PPS7/PPS9/PPG13/PPS22, Policies RT4/EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

5. No development shall be begun until a Construction Traffic Management Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Traffic Management Method Statement shall include details relating to:-

- (a) construction vehicle routing;
- (b) the management of junctions with and crossings of the public highway;
- (c) the timing of delivery vehicle movements including turbine component delivery vehicles;
- (d) details of banksmen/escorts for abnormal loads;
- (e) temporary warning signing;
- (f) proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture, where required along the route;
- (g) traffic management on the existing highway network.

The development shall be carried out in accordance with the approved Construction Traffic Management Method Statement, unless otherwise approved in writing by the local planning authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with PPG13, Policies RT4/EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

6. No development shall begin until a Construction Method Statement, describing works, including temporary works, to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- (a) a scheme for the provision and operation of vehicle cleaning measures at the site exit onto the public highway
- (b) the excavation, handling, storage, management and replacement of excavated soils and peat, (including details of the volumes of peat to be excavated and the peat excavation practices to be utilised);
- (c) details of how the areas of the application site are to be drained;
- (d) details of all fuel, oil, concrete and chemical storage facilities together with details of how they are to be brought on to and removed from the site;
- (e) details of the design and construction methods of the access tracks and pollution

prevention measures to be implemented, to ensure that there are no polluting discharges from tracks and disturbed areas, including provision to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse;

(f) details of the nature, type and quantity of materials to be imported on site for backfilling operations or construction of access tracks together with details of where and how such materials are to be stored on site;

(g) the management of groundwater and surface water. The surface water drainage of this development shall be designed in accordance with the Sustainable Drainage Systems (SuDS) principle where possible.

(h) the management of foul water;

(i) the construction period and the sequence of development;

(j) the construction of on-site access tracks and their drainage, wind turbine foundations and the erection of wind turbines and all other development to be carried out under this permission, **including cutting back of the cliff-face at the Market Street/Landgate junction and the construction compound**;

(k) all mitigation measures to protect wildlife (including vegetation and nesting birds), habitats and hydrology including a Sediment Control Plan;

(l) a scheme for a detailed geotechnical investigation to fully determine the nature of the subsoil and bedrock geology in the locality of proposed infrastructure;

(m) details of any stone excavation, storage and crushing arising from the construction;

(n) details of how any concrete mixing is to be carried out on the site including details of the importation and storage of its raw materials (including water); details of the washing of the plant, equipment and machinery to be used and how the washings would be dealt with;

(o) a risk assessment of peat de-watering and works of mitigation;

(p) measures for the protection of any boundary stones on or adjacent to the site.

The submitted Construction Method Statement shall preclude importation of stone for construction of access roads/hardstandings and export of spoil/loose stone through the Market Street/Landgate junction. The development shall be carried out in accordance with the approved Construction Method Statement.

Reason: In the interest of visual amenity, road safety, safeguarding local ground water supplies and ecological interests and local historical interests, in accordance with PPS1/PPS5/PPS7/PPS9/PPG13/PPS22/PPG24/PPS25, Policies RT2/RT4/EM1/EM3/EM5/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

7. No development shall take place until such time as appropriate warning signs have been erected where the access tracks cross existing public rights of way, in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority. The signs shall be retained in place and maintained throughout the construction period and then removed in accordance with a timetable that has first been approved in writing by the local planning authority.

Reason: In order to safeguard the users of the public rights of way, in accordance with PPS1/PPG13/PPS22, Policies EM3/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

8. Before the erection of the wind turbines, details of their design, specification and colour shall be submitted to and approved in writing by the local planning authority. Only the approved wind turbines shall be installed upon the development site and the turbines shall not bear any logos or other forms of advertisement.

Reason : In the interests of visual amenity, in accordance with PPS1/PPS7/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

9. Each turbine is to have a maximum height of 125 metres to the tip height of the blades above ground level.

Reason: For the avoidance of doubt, in the interests of visual amenity, in accordance with PPS1/PPS7/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

10. All wind turbine blades shall rotate in the same direction.

Reason : In the interests of visual amenity and to reduce the harmful effects on the safety of horseriders, in accordance with PPS1/PPS7/PPS22, Policies EM1/EM3/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

11. Any lighting associated with the construction and operation of the wind farm shall only be installed and used in accordance with a scheme that has first been submitted to and approved in writing with the local planning authority before the commencement of development.

Reason: In the interests of visual amenity and safeguarding protected species, in accordance with PPS1/PPS7/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

12. Before the erection of the sub-station building details of the natural stone and slate to be used for its construction shall be submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with PPS1/PPS7/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

13. All cabling shall be located underground, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. All cabling works shall be carried out in accordance with the approved scheme and retained as such thereafter.

Reason: In the interests of visual amenity and the ecological value of the land, in accordance with PPS1/PPS7/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order with or without modification), the access tracks, other hard surfaced areas, substation and turbines shall remain unfenced/ungated once they have been constructed, other than where this may be required by the local planning authority under any other requirement or condition of this permission. Access for members of the public shall be maintained thereafter along the access tracks and over the area around the turbine bases during the lifetime of this permission unless the local planning authority agrees to the contrary in writing.

Reason: In the interests of visual amenity , to maximise the recreational value and opportunities of the open moorland and in the best interests of the ecological and wildlife of the area, in accordance with PPS1/PPS5/PPS7/PPS9/PPG13/PPS22, Policies EM1/EM3/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

15. No development shall take place until a Pollution Incident Response Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be implemented when required during the construction and the subsequent lifetime of

the wind farm.

Reason: In the interests of safeguarding the ecological interests of the site and to avoid or mitigate any ground water pollution, in accordance with PPS9/PPS22/PPS23, Policies EM5/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. In the event of any previously unidentified or disclosed archaeological remains being found during the course of the development, any works that may affect those said remains shall cease until an archaeological recording/preserving programme has been approved in writing with the local planning authority. The development shall then only proceed in accordance with the details of that approved recording/preserving programme.

Reason: To record/protect any archaeological interest uncovered across the site, in accordance with PPS5/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

17. No development shall begin until a baseline television reception study in the area has been undertaken by a qualified television engineer and submitted to the local planning authority. A mitigation scheme setting out details of works necessary to mitigate any adverse effects to domestic television signals in the area caused by the development shall also be submitted to and approved in writing by the local planning authority before development begins. The mitigation scheme shall include provision for investigating and dealing with any claim by any person for domestic loss or interference at their household within 24 months of the final commissioning of the wind farm, and any mitigation works must be carried out in accordance with the approved mitigation scheme.

Reason: In order to protect the terrestrial TV and radio reception in the local area, in accordance with PPS1/PPS3 and Policy DC1 of the Rossendale District Local Plan (1995).

18. Engineering operations or construction works, which are audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 0800 to 1830 on Monday to Friday inclusive, 0800 hours to 1300 hours on Saturdays with no such working on a Sunday or Public Holiday. Outwith these hours, development at the site shall be limited to, maintenance, emergency works, dust suppression and the testing of plant and equipment, engineering or construction work that is not audible from the boundary of any noise-sensitive property outside the site. The receipt of any materials or equipment for the construction of the site is not permitted outwith the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate warning devices that are audible at the boundary of any noise sensitive property.

Reason: To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policy DC1 of the Rossendale District Local Plan (1995).

19. The rating level of noise emissions from the combined effects of the wind turbine generators shall not exceed 35 dB(A) L90, 10 minutes or the prevailing background noise level plus 5 dB(A), whichever is the greater value, between 0700 and 2300 hours; and shall not exceed 43 dB(A) L90, 10 minutes or the prevailing background noise level plus 5 dB(A), whichever is the greater value between 2300 and 0700 hours at any legal residential properties that were in existence at the date of the grant of planning permission. The rating level of noise emissions shall be calculated from the measured noise level of the wind turbine generators in operation at the development site for which permission is granted, plus a correction to

account for any tonal components, and in accordance with the procedures set out in pages 102 to 108 of the Assessment and Rating of Noise from Wind Farms (ETSU-R-97).

Reason: To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policy DC1 of the Rossendale District Local Plan (1995).

20. If requested by the local planning authority, the operator of the wind farm shall, at its expense, employ an independent consultant approved by the local planning authority, to measure and assess the level of noise emissions from the wind turbine generators at locations to be specified by the local planning authority and otherwise following procedures set out in pages 102 to 108 of The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)' The operator will arrange for the wind turbines not to be operated as may be necessary for the purposes of the investigation. The operator shall carry out this investigation and report to the local planning authority within 8 weeks of such a request or such other period as the local planning authority agrees. If or where the rating level of noise emissions is in excess of those specified in condition 20 the operator shall immediately take such action as may be necessary, including ceasing to operate any or all of the turbines, so as to comply with condition 19 at all times.

Reason: To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policy DC1 of the Rossendale District Local Plan (1995).

21. No wind turbine shall be operated on the site until a scheme has been submitted to and approved in writing by the Local Planning Authority for monitoring noise levels at up to five selected residential locations, or at representative locations close to those properties, the details of which shall be submitted to and approved in writing by the local planning authority during the 6 months following the connection to the electricity grid and full operation of all the turbines on the site. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels in a representative range of wind speeds and wind directions with all wind turbines operating. Monitoring shall be carried out in accordance with the approved monitoring scheme and the results shall be provided to the local planning authority within 4 months of completion of the scheme.

Reason: To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policy DC1 of the Rossendale District Local Plan (1995).

22. Throughout the period of operation of the wind farm the wind farm operator shall store and provide electrical power output and wind speed and direction data, in 10 minute averaging periods. Wind speed and direction shall be taken from the nacelle anemometers, appropriately corrected for the presence of the turbine blades, and averaged over all turbines and converted to 10m height by a method submitted to and approved in writing by the Local Planning Authority. At the request of the Local Planning Authority the wind farm operator shall provide a list of 10 minute periods during which any one or more of the turbines were not in normal operation. This information will only be required for periods during which noise monitoring in accordance with conditions 20 and 21 took place. 'Normal operation' is defined as times when the turbine power output is not significantly different from the reference power curve using the nacelle anemometer.

Reason: To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policy DC1 of the Rossendale District Local Plan (1995).

23. No development shall take place until a Habitat Reinstatement Plan, to include monitoring, for the site is submitted to and approved in writing by the local planning authority. The Habitat Reinstatement Plan shall include:

(a) detailed methods and a timetable for re-instating disturbed ground so as to re-establish appropriate vegetation on the site. Disturbed ground shall include land at turbine bases, crane hard standing, cable trenches, access tracks and the construction compound.

(b) detailed methods for the maintenance and support of the reinstated areas for a period of 5 years on non-peat soils and 10 years on peat soils after the works of reinstatement. The works of reinstatement, enhancement and maintenance shall be carried out in accordance with the approved Plan.

Reason: In order to ensure a satisfactory reinstatement of the peat and soil resources of the site and its associated wildlife habitats, in accordance with PPS1/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

24. No development shall take place until a scheme for ecological mitigation, to be called the Habitat Management Scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall remain in place until the wind turbines have been decommissioned and the land restored in accordance with Condition 4. The objective of the scheme shall be the management and, where possible, the enhancement of the ecological and wildlife habitats of the site. The Habitat Management Scheme shall provide for:

- (a) provision for restoring the peat habitats under the control of the operator or owner(s) of the land, the maintenance and monitoring of the hydrology of the habitats on the site;
- (b) monitoring of habitats, plant, bird and mammal species the year preceding the commencement of development and at yearly intervals for the subsequent 5 years and at 5-yearly intervals thereafter, in order to inform an ongoing management programme;
- (c) a review of the scheme at 5 yearly intervals by the local planning authority and provision for the scheme to be modified to achieve its objectives

Reason: In order to ensure a satisfactory reinstatement of the peat and soil resources of the site and its associated wildlife habitats, in accordance with PPS1/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

25. No development shall take place until a survey to determine the presence of any of the protected species under the Wildlife & Countryside Act (as amended), and species of Principal Importance (as referred to in s40 of the Natural Environment and Rural Communities Act 2006, or as may subsequently be amended or re-enacted), in the areas to be affected by construction activities has been undertaken. If any of these species are found, the Construction Method Statement required to be approved and implemented under Condition 6 shall include mitigation measures to avoid any damaging effects in respect of those species during the construction, the operation and the ultimate decommissioning of the wind farm.

Reason: To safeguard these protected species, in accordance with PPS1/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

26. Development shall not be begun until a Private Water Supply Protection Plan has been submitted to and approved in writing by the local planning authority. This shall include details relating to:-

- (a) the establishment of baseline data to adequately characterise the quality and quantity of water provided by any private water supply that may be affected by the development;
- (b) the mitigation measures for the protection of private water supplies where a risk is identified;
- (c) the facility to notify the developer of a concern about a possible deterioration in water quality or quantity arising from the development;
- (d) the provision of alternative suitable and sufficient water supplies on a temporary and/or permanent basis in the event of any interruption or adverse change caused by the development in the quantity or quality of water previously enjoyed;
- (e) the arrangements for undertaking sampling, measurement and analysis of private water

supplies before and during construction, up to 6 months after construction has been completed, during and after any water pollution or interruption incident that may arise during construction works and subsequently, and at other times at the request of the local planning authority.

The Private Water Supply Protection Plan, as approved, shall thereafter be implemented and maintained at the developers/operators own expense.

Reason: In order to maintain a secure and adequate quantity/quality of water supply to all properties with private water supplies that may be affected by the development, in accordance with PPS1/PPS3/PPS4/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

27. No development shall take place until a scheme, which shall include a computerised control system designed to shut down turbines at those times when, as determined by sensors mounted on the turbines, actual shadowing of properties would otherwise occur, to alleviate the incidence of shadow flicker has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: To protect the amenity and quality of life of the occupiers of any properties that may be affected by the shadow flicker effect, in accordance with PPS1/PPS3/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

28. The kiosk nearest the site access shall not be used other than as a site security office.

Reason: To safeguard the amenities of local residents and the countryside, in accordance with PPS1/PPS3/PPS7/PPS22, Policies EM1/EM3/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

29. The kiosk nearest the site access shall not be externally illuminated before 08.00 hours nor after 18:30 hours Monday to Friday, nor before 8.00 hours nor after 12.30 hours on Saturday, nor at any time on a Sunday, Bank Holiday or Public Holiday.

Reason: To safeguard the amenities of local residents and the countryside, in accordance with PPS1/PPS3/PPS7/PPS22, Policies EM1/EM3/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

30. The vehicular access onto the site from Market Street shall be obstructed by a lockable gate/stile that shall be managed by the operators of the wind farm, in accordance with a detailed scheme that shall first be approved in writing with the local planning authority. The gate/stile shall be retained and its use managed in that position for the duration of the operation of the wind farm, until or unless a suitable future arrangement for its control is agreed with the local planning authority.

Reason: To avoid unauthorised vehicular access onto the moor, in the interests of its recreational value and environmental quality, in accordance with PPS1/PPS3/PPS7/PPS9/PPS22, Policies EM1/EM3/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

31. Within 6 months of development first taking place, a scheme for the post-construction laying out and hard and soft landscaping treatment of the site entrance shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the proposed hard surfaced treatment, (including kerbing and drainage details), the details of any street furniture (including walls, fencing and any gates), and the proposed soft landscaping details for this area. The landscaping scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees and shrubs. The approved scheme of works

shall be carried out in accordance with a timescale that shall be approved in writing by the local planning authority but in any event, the works, (including all planting works), shall be carried out within 12 months of the date that the first turbines within the site begin generating electricity to the national grid. Any newly planted trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 3 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interests of visual and neighbour amenity, in accordance with PPS1/PPS3/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

32. No development shall take place until a temporary traffic regulation order has been made to prevent the parking, waiting or unloading of any vehicles during the construction period of the development between 0800 hours and 1830 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays in the vicinity of the Market Street/Landgate junction, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority).

Reason: In the interests of highway safety, in accordance with PPG13, Policies RT2/RT4 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).

33. Notwithstanding the details submitted with the application, the turbines shall be sited within +/- 30 metres of the grid co-ordinates stated below, with the precise position of each turbine to be submitted to and approved in writing by the Local Planning Authority prior to the erection of that turbine. The turbines shall be erected in accordance with the approved details.

Turbine Easting Northing

1 391421 420530

2 391605 420351

3 391603 420047

4 391876 419730

5 392182 419894

6 392058 419528

7 392314 419477

8 392517 419311

9 392634 419713

10 392843 419362

11 392969 419939

12 393126 419616

Reason: In order to ensure that the position of each turbine may be precisely agreed between the developer and the local planning authority in the event of the need to avoid a constraint posed by specific ground conditions/minimize ecological harm, in accordance with PPS1/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policy DC1 of the Rossendale District Local Plan (1995).