

Application Number:	2012/165	Application Type:	Full
Proposal:	Modifications to infrastructure for the consented Wind Farm, inc new site entrance arrangements, re-arranged construction compound, and alterations to cutting access road & hardstandings	Location:	Reaps Moss, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	28 August 2012
Applicant:	Reaps Moss Wind Farm Ltd	Determination Expiry Date:	4 September 2012
Agent:	Dulas Ltd		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input type="checkbox"/>
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.

1. RECOMMENDATION

That Committee be minded to grant Permission subject to completion first of a S.106 Obligation and the Conditions set out in Section 11.

2. Introduction

This application seeks permission to enable erection of the 3-turbines previously permitted on land between Tooter Hill and Hogshead Law Hill, with modification of the associated infrastructure and construction compound details. As the site straddles the borough boundary with the administrative area of Calderdale MBC it has received a similar application.

As originally submitted the application was seeking full permission for a wind farm to comprise of : 4 wind turbines of 80m in height, each with 3 rotor blades of 45m in length, making for a maximum height to blade tip of 125m; together with a wind-monitoring mast of 80m in height, and associated electricity sub-station and access-tracks. The number of turbines has since been reduced to 3.

For purposes of construction and maintenance, access to the site of the windfarm is to be from the north, from the A681 at Clough Head, via a 400m long length of up-graded track, with a 1.75km length of new track also to be formed. As the length of existing track to be up-graded is within the administrative area of Calderdale MBC, and it is near this junction that the compound required for construction of the windfarm is to be sited, an application for the proposal has also been submitted to that Council. It has not yet been determined.

3. The Site

The application site lies just to the south of the A681, where it crosses the watershed between Todmorden and Bacup. It is situated more or less centrally on the moorland plateau that forms a continuous north-south ridge between the Calder and Roch valleys to the east and the Irwell and Spodden valleys to the west. In this area the ridge is on average 2-3km wide; further south it broadens to 5-6km at Crook Hill. Most of the land on this ridge lies above the 350m contour. The part of the ridge on which the turbines would stand is at an elevation of around 400m, between two small knolls of higher ground: Tooter Hill (433m) to the north and Hogshead Law Hill (445m) to the south.

The western side of the ridge has a relatively rounded form and comprises walled enclosures of unimproved grass moorland and moss, with smaller enclosures of improved grassland, particularly around Tooter Hill. The eastern side is mainly unenclosed grass moorland and on this side the ridge falls away more sharply towards Clough Foot and Gorpley Reservoir. There is no road access to the ridge except via the A681. However, just to the east of the proposed turbines is the Rossendale Way, whilst 100-200m to the east of the turbines is Limers Gate bridleway. Other public footpaths run across and in the vicinity of the site. Additionally part of the application site is common land, over which the Countryside Rights of Way Act 2000 conferred rights to roam.

Whilst there is a scattering of farms and houses on lower ground 600m-1km to the west and south of the proposed turbines, the area of countryside to the east of the turbines is free of such sporadic built-development. An overhead electricity transmission line runs on a north-south axis approximately 850m to the west of the proposed turbines, another crossing it to the other side of the A681. Coal Clough Wind Farm lies around 5km north of Reaps Moss and Scout Moor Wind Farm lies around 7km to the south-west. Permissions exists, but have not yet been implemented, for a 5-turbine Wind Farm at Todmorden Moor, 1.2km to the north, and a 12-turbine Wind Farm at Crook Hill, 2.7km to the south-east.

The site has an area of approximately 4.1ha, the greater part of which lies within Rossendale; that part of the site within Calderdale will accommodate the part of the access connecting to the adopted highway and the construction compound. The part of the site within Rossendale lies within Countryside, with the most southerly of the permitted turbines and associated wind-monitoring mast just within Green Belt.

3. RELEVANT PLANNING HISTORY

2007/125 Erection & operation of 3 wind turbines, with associated sub-station, met mast & access

In November 2007 Committee considered a report in respect of an application received from Coronation Power Ltd for :

- Erection of three wind turbines for a period of 25 years, each with a generating capacity of up to 3 Megawatts (MW) and to have 3-bladed rotors of 45m radius mounted at a height of 80m on a cylindrical steel tower of 2.5m in diameter at the base, making for an overall height to the blade tip of 125m. They were to be of a light-grey colour with a semi-matt, non-reflective finish.
- A temporary crane/assembly hardstanding area adjacent to each turbine position, measuring approximately 25m x 60m, and with lorry over-run , for the purpose of construction (these hardstandings to be reduced in size upon completion of construction).
- A permanent wind-monitoring mast to the south-west of the most southerly of the turbines, to be a freestanding galvanised-steel lattice-tower of 2.8m in diameter at the base and 80m in height.
- A 1-storey building adjacent to the access road between Turbines No 1 and No 2, to measure 7m x 14m x 3.5m to gutter and 5m to ridge, to accommodate switch-gear, control equipment and welfare facilities for maintenance staff having need to occasionally visit the site.
- Site access tracks having a total length of approximately 2.25m; the first 500m of this lies within Calderdale, where an existing track will be up-graded. At the junction with the main road a wide bell-mouth was to be formed to enable the longest of loads to turn. From a point 7.5m from the main road it was not intended that the access be tarmacadamed, but was to be widened from approximately 3m to 5m and given a compacted stone surface capable of taking the volume/weight of construction traffic. Approximately 400m from the main road a new access track was to be formed, first kicking eastwards of Limers Gate, requiring a large culvert and significant earthworks to carry it over a gully, before turning back across the existing track; the crossing of the stream here takes the access out of Calderdale and into Rossendale. The new track was then to rise steeply up the hillside to the moor-top. To ensure a gradient of no more than 1 in 12 the Applicant intended that for approximately 300m the new track run in a cutting to be formed; it was stated that the maximum depth of cut would be 5m, releasing in the order of 5,000 cubic metres of stone for use in road and hardstanding construction elsewhere on the site. At the top of the rise the new track was to run alongside a field boundary that forms the eastern boundary of the application site and is flanked by the Rossendale Way. From this new track short spurs were to lead to each of the turbines.
- A site compound of approximately 40m x 40m to the east side of the access track, close to its junction with the main road.

The application was refused by Committee in November 2007. However, following a Public Inquiry in February 2009, in respect of the Wind Farm schemes proposed for

Reaps Moss, Todmorden Moor and Crook Hill, the Secretary of State for Communities & Local Government granted Planning Permission for Reaps Moss in accordance with the Conditions recommended by the Appeal Inspector and having regard to the S.106 Obligation that had been completed.

4. THE PROPOSAL

The current application proposes no change to the number, siting or size of the turbines permitted by Central Government under Application 2007/125. Nor does it propose any change to the siting, size or design of the permitted sub-station and wind-monitoring mast.

The Agent advises that :

“Following the approval of the Reaps Moss Wind Farm, the developer commissioned detailed site investigations in the form of topographical and geotechnical surveys, which would then in turn inform detailed designs to be agreed with the relevant local planning authorities. Following the surveys, it was apparent that minor modifications would be required to enable construction vehicles to better gain access to and manoeuvre on the site. The proposed modifications can be summarised as follows:

- *new site entrance arrangement with additional feeder road from the north west on the Bacup Road;*
- *re-arrangement of the construction compound alongside the site access track;*
- *widening of works with additional cut/fill / pond widening;*
- *provision of an additional passing place prior to Turbine 1;*
- *relocation of hardstanding onto west side of track to Turbine 1;*
- *provision of an additional turning head on the east side of Turbine 2 hardstanding; &*
- *relocation of hardstanding onto the west side of track to Turbine 3.”*

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 - Building a Strong, competitive Economy
- Section 3 - Supporting a Prosperous Rural Economy
- Section 4 - Promoting Sustainable Transport
- Section 7 - Requiring Good Design
- Section 9 - Protecting Green Belt land
- Section 10 - Meeting the challenges of climate change, flooding & coastal change
- Section 11 - Conserving & enhancing the Natural Environment
- Section 12 - Conserving & enhancing the Historic Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

- DP1-9 Spatial Principles
- RDF1 Spatial Priorities
- RDF2 Rural Areas

RDF4	Green Belts
W1	Strengthening the Regional Economy
W7	Tourism & Visitor Economy
L1	Health, Sport, Recreation, Cultural & Education Services Provision
RT2	Managing Travel Demand
RT4	Managing the Highway Network
RT9	Walking and Cycling
EM1	Environmental Assets
EM3	Green Infrastructure
EM5	Integrated Water Management
EM17	Renewable Energy

Rossendale Core Strategy DPD (2011)

AVP2	Area Vision for Bacup, Stacksteads, Britannia & Weir
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 14	Tourism
Policy 16	Preserving & Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity & Landscape Conservation
Policy 19	Climate Change & Low Carbon & Zero Carbon Sources of Energy
Policy 20	Wind Energy
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

PPS22 Companion Guide
LCC Landscape & Heritage SPD
LCC Bacup Historic Towns Assessment Report
Calderdale UDP
Rochdale UDP
RBC Biodiversity Duty – A Policy Statement

6. CONSULTATION RESPONSES

RBC Environmental Health

The proposal raises no new issues that require modification of the Conditions attached to Permission 2007/125.

LCC Highways

Do not object to the application on highway grounds subject to the following conditions :

1. Prior to construction works or the booking of any abnormal loads it will be necessary to agree a plan with Lancashire County Council and the Police regarding :-
 - Breakdown of traffic movements
 - Visual route inspection report
 - Proposed temporary highway alterations
2. A wheel wash should be installed on site to ensure that no mud and debris are deposited onto the adjacent highways.

Points to highlight with the applicant

There are bridges on Bacup Road A681 at Waterfoot that will need careful management for the abnormal loads. It will be necessary to bring the abnormal loads through on weekend days and have a Police escort.

At turbine 2 an additional turning head has been added which seems unnecessary. I would suggest that the main hard standing to the turbine is widened to allow the vehicle to turn and exit in forward gear. Once unloaded, the vehicles are then shortened significantly to allow easier turning and exiting the site.

LCC Archaeology

The Supplementary Environmental Information (February 2012) contains a number of proposed mitigation measures in order to deal with the identified archaeological interest of the site. These do not however correspond exactly with previous comments made by Lancashire County Archaeology Service with regard to planning application 2007/0125, and the following amendments should be required, in order for the works to meet the requirements of the appeal conditions no.'s 6(o) & 16.

Natural England

Natural England provided a detailed consultation response to the application 2007/125 and has no further comments to add. Opportunities the application provides for biodiversity enhancements and landscape enhancements should be taken.

Lancashire Badger Group

No objections to the proposed amended access route.

Although setts are some distance away it requests that they be protected with hard physical barriers during construction works as flimsy tape in such an exposed position as Reaps Moss is likely to blow away.

Environment Agency

No objection in principle to this minor modifications to the Reaps Moss Wind Farm development, as long as the original conditions sought by the Agency, as part of previous development proposals (CE/2007/100333) are adhered to.

We would however recommend where new proposals may have impacts on neighbouring watercourse i.e., Midgelden Brook, that any new culverting is kept to a minimum, and where there is need to divert, the watercourse is retained in an open channel and is of a naturalistic design, in-keeping with the local environs. It would also be preferred as part of any surface water attenuation feature (Drwg. JR042-003H) that work with existing pond/wetland features in carried out rather than artificial underground attenuation tanks in such an sensitive upland environment.

Coal Authority

The application site falls within the defined Coal Mining Development Referral Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

As you will be aware, The Coal Authority's general approach in cases where development is proposed within the Coal Mining Development Referral Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining

Risk Assessment to support the planning application. However, when considering this particular proposal; the planning application is seeking to make minor modifications to the infrastructure for an existing consented scheme.

The Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Electricity North West

The proposal has no impact on its Electricity Distribution System infrastructure or other ENW assets.

National Air Traffic Services

It has no safeguarding objection to the proposal.

Civil Aviation Authority

None of the modifications affect the aviation impact of the development.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on 21/6/12, 4 site notices were posted on 20/6/12 and neighbours were notified by letter on 14/6/12.

No comments have been received.

8. ASSESSMENT

As the current application proposes no change to the number, siting or size of the turbines permitted on Appeal, or in respect of the sub-station and wind-monitoring mast then permitted, the decision to be made turns on the local impacts of the proposed modifications and not the principle of development or long-distance/cumulative impacts resulting from a 3-turbine Wind Farm at Reaps Moss

Accordingly, I comment below on each of the modifications to the previously-permitted scheme now proposed :

1) New site entrance arrangement with additional feeder road from the north west on the Bacup Road

This modification relates to land in Calderdale. Calderdale's DC Committee is due to consider its application for this modification on 21 August - its Officers are recommending approval.

2) Re-arrangement of the construction compound alongside the site access track

This modification relates to land in Calderdale. Calderdale's DC Committee is due to consider its application for this modification on 21 August - its Officers are recommending approval.

- 3) Widening of works with additional cut/fill / pond widening
Provision of an additional passing place prior to Turbine 1
Relocation of hardstanding onto west side of track to Turbine 1

As permitted the access road to serve the Wind Farm was to follow the course of Limers Gate until reaching the boundary between Calderdale/Rossendale, at which point it was to rise to the moor top by swinging off to the west (taking it over a watercourse) before running in a length of cutting needing to be formed. As now proposed the access road to serve the Wind Farm will follow the course of Limers Gate for slightly longer and will then rise up to the moor top without such a wide swing to the east, thereby avoiding the need to cross the watercourse. The cutting to be formed is therefore moved slightly in position, and is to be widened at one point to provide a passing- place for vehicles, though not materially altered in terms of its length or depth. An existing (seasonal) pond adjacent to the access road will be extended to help arrest the rate of water/sediment run-off.

I concur with the view of the applicant that these modifications to ease the movement of construction vehicles up to the moor top, most particularly the longest loads, will minimize the alteration in level intended for Limers Gate (beneficial for the walkers/horse riders that use it) and will not cause materially greater harm than the permitted scheme in terms of visual amenity/drainage/ecology. Accordingly, it is considered appropriate to recommend approval for these modifications.

- 4) Provision of an additional turning head on the east side of Turbine 2 hardstanding
The Applicant considers that there is a need for an additional turning-head in the vicinity of Turbine 2. LCC Highways considers this to be so but concurs with my own view that this need could be met without such an extensive area of additional hardstanding if provided as an extension of slip-road up to Turbine 2. Accordingly, I do not consider it appropriate to recommend refusal of the application, but by way of the conditions not allow the formation of a turning-head here other than as an extension of the slip-road unless it can be demonstrated that this is not possible or will cause greater harm in terms of its visual, ecological or other impacts.
- 5) Relocation of hardstanding onto the west side of track to Turbine 3
The Applicant considers that there is a need for an additional turning-head in the vicinity of Turbine 3. LCC Highways considers this to be so and it is being proposed in the most appropriate form in terms of meeting the need whilst minimizing the extent of additional hardstanding. Accordingly, it is considered appropriate to recommend approval for this modification.

9. SUMMARY REASON FOR APPROVAL

The proposed development will make a valuable contribution to cutting greenhouse gas emissions and, subject to the conditions and accompanying S.106 Obligation, will not detract to an unacceptable extent from visual and neighbour amenity, recreational and ecological value of the area, public and highway safety or in respect of any other matter. The development has been considered most particularly in light of the extant permission for a Wind Farm at Reaps Moss, the National Planning Policy Framework (2012), Policy EM17 of the Regional Spatial Strategy and Policy 20 of the Rossendale Core Strategy DPD (2011).

10. RECOMMENDATION

That Committee be minded to grant Permission subject to :

- Completion of the Draft S.106 Obligation which has been received; &
- The Conditions of the Permission granted to Application 2007/125 on Appeal which relate to development within Rossendale (see below) and the following Condition :

The additional turning-head to be provided in the vicinity of Turbine 2 shall not be provided unless and until it has been demonstrated to the satisfaction of the Local Planning Authority that the form for it shown on Drawing No JR042-004, or as modified, is that which minimises its visual, ecological and other harms. The development shall otherwise be undertaken in accordance with the submitted drawings, unless required by the Conditions below.

REAPS MOSS - APPEALS F & G

REFS: APP/B2355/A/08/2067355 & APP/A4710/A/08/2062365

1. The development hereby permitted shall be commenced within 5 years of the date of this decision.
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.
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.
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.

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.

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;
 - (c) 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;
 - (d) 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;
 - (e) 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;
 - (f) 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.
 - (g) the management of foul water;
 - (h) the construction period and the sequence of development;
 - (i) the construction of on-site access tracks, wind turbine foundations and the erection of wind turbines and all other development to be carried out under this permission;
 - (j) all mitigation measures to protect wildlife (including vegetation and nesting birds), habitats and hydrology including a Sediment Control Plan;
 - (k) a scheme for a detailed geotechnical investigation to fully determine the nature of the subsoil and bedrock geology in the locality of proposed infrastructure;
 - (l) details of any stone excavation, storage and crushing arising from the construction;

(m) 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;

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

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

The development shall be carried out in accordance with the approved Construction Method Statement.

7. Where the access tracks cross existing public rights of way, appropriate warning signs, details of which shall first be submitted to and approved in writing by the local planning authority shall be erected along the relevant public rights of way close to those crossing points. The signs shall be retained in place and maintained throughout the construction period and then removed in accordance with a timetable agreed in writing with the local planning authority;
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.
9. Each turbine is to have a maximum height of 125 metres to the tip height of the blades above ground level.
10. All wind turbine blades shall rotate in the same direction.
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.
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.
13. All cabling shall be located underground, in a scheme to be approved by in writing with the local planning authority.
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.
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.

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.
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.
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.
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. 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).
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 19, 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.

21. No wind turbine shall be operated on the site until a scheme has been submitted to and in writing by the local planning authority for monitoring noise levels at up to 5 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 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.
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 approved in writing with 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.
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 reinstating 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.

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 3. 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.

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), 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.
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.

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.
28. Notwithstanding the details shown on PMSS Drawing No 7574/01/A, the proposed access track shall terminate at Turbine 3.
29. Before the temporary relocation of the existing cattle grid and bridle gate fronting Bacup Road, a new cattle grid shall be provided in accordance with a scheme the details of which shall be submitted to and approved in writing by the local planning authority. Following completion of construction the cattle grid and bridle gate shall be reinstated at the junction with Bacup Road in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority and the temporary works removed. Until such times as the cattle grid

and bridle gate are reinstated the developer shall be responsible for the removal and disposal of any waste that may be deposited between the temporary cattle grid and bridle gate and Bacup Road.