

Application Number:	2015/0112	Application Type:	FULL
Proposal:	Scout Moor Wind Farm Extension - 16 wind turbines up to 115m to blade tip (14 of which are in Rossendale) and associated ancillary infrastructure	Location:	Scout Moor Wind Farm, Rochdale
Report of:	Enplan / Planning Manager	Status	For Publication
Report to:	Development Control Committee	Date:	1 st September 2015
Applicant:	Scout Moor Wind Farm Expansion Ltd	Determination Expiry Date:	15 th September 2015
Agent	Turley, 1 New York Street, Manchester, M1 4HD		

Contact Officer:	Mr Andrew Metcalfe	Telephone:	01892 545 460
Email:	caseofficer@enplan.net		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received:	Yes
Other (please state):	Major application with Environmental Assessment

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.

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1. THE SITE

- 1.1. A detailed description of the application site (site) can be found at Section 4 of the Environmental Statement (ES).
- 1.2. The site occupies an area of moorland that straddles the administrative boundaries of Rossendale Borough Council (RBC) and Rochdale Metropolitan Borough Council (RMBC). The majority of the site is located within the Borough of Rossendale.
- 1.3. The site is located within a wide expanse of open moorland. The western part of this area is known as Scout Moor whilst the eastern area is known as Rooley Moor. These two moors are bordered by a series of roads; the A56/A680 to the west and south, the A671 to the east and the A681 to the north. A number of settlements are located along this road network and include Edenfield to the west, Rawtenstall and Bacup to the north and north-east, Whitworth to the east and Norden to the south-east. There are further settlements that are situated within this circular road network including Boarsgreave and Cowpe which lie north east of the site. There are also settlements further afield such as Ramsbottom to the west.
- 1.4. Historically, some of the site has been used for quarrying and as a result of this, piles of quarry waste can be found, primarily along the northern edge of the moorland plateau. The highest point of the plateau is Top of Leach at 470m.
- 1.5. The application site is located c.2.7km to the east of the M66 motorway.
- 1.6. The site extends to 410.85ha. The area required for the development of the wind farm is 57.72ha and the remaining 353.13ha is land proposed for the Moorland Habitat Restoration Plan (MHRP).
- 1.7. The site consists of land adjacent to tracks on the existing Scout Moor Wind Farm (SMWF), some existing tracks and an area of land to the north. The SMWF was commissioned in 2009 and comprises 26 wind turbines each with a hub height of 80 metres and height to blade tip of 100 metres. The existing turbines are located generally to the south and east of the proposed turbines. There are tracks providing access to each of the existing turbines. SMWF are due to be decommissioned in 2034.
- 1.8. The majority of the land within the application site comprises 'Common Land' as in the Common Land Registers held by Lancashire County Council. It is primarily used for the grazing of sheep and cattle. In total there are seven common land units wholly or partly within the application site, plus an area of 'exchange land' associated with the SMWF (see ES Figure 4.2).
- 1.9. The site is located on an undulating plateau with underlying solid geology consisting of carboniferous sandstone, mudstone and siltstone. A number of watercourses drain from the central plateau. Large areas of the site are underlain by peat of variable depth and much of the peat habitat is in a poor condition.
- 1.10. The Pennine Bridleway (a 430km National Trail) passes through the site; and includes part of the Mary Towneley Loop, a 76km circular route along the borders of Lancashire and Yorkshire. The Rossendale

Way is a regionally promoted route and also passes through the centre of the site. There are other un-promoted footpaths and bridleways and much of the site is open access land. Cragg Quarry incorporates purpose built mountain bike trails and is linked to Lee Quarry (approximately 4.2km to the north-east of the site) by a permissive bridleway across the moorland.

- 1.11. The site includes a separate block of land in Edenfield which would be used for temporary car parking during the construction period, principally during the delivery of wind turbine components. This block of land is the Edenfield Community Centre car park.
- 1.12. The site also includes a small area of land adjacent to Rochdale Road in the village of Turn to create an access to a proposed permissive bridleway.

2. SITE PLANNING HISTORY

2.1. The planning history for the site within Rossendale is as follows:

- **2002/0453** – Erection of a 50 metre anemometry mast (three years) at Higher Hill, Scout Moor, Edenfield. Application approved (20/11/2002).
- **GDBC/003/00005C-02** – Secretary of State Decision to approve Scout Moor Wind Farm which consisted of up to 65 MW capacity and comprises: up to 26 wind turbine generators; up to 2 anemometry masts; underground 33kV electrical cabling; an electricity substation; and the necessary buildings (including administration offices) and civil engineering works. Application approved (25/05/2005).
- **2014/0021** - Erection of a temporary meteorological mast with anchor guy lines and associated development. Application approved (26/03/2014).

2.2. The existing Scout Moor Wind Farm was approved by the Secretary of State in May 2005. As referred to above it became operational in 2009 and is due to be decommissioned in 2034.

2.3. It is noted that on land to the east of the existing Scout Moor Wind Farm an application for a new wind farm was submitted (under application no 2014/0388). This scheme, known as Rooley Moor Wind Farm comprised 12 turbines with a height of 125m to blade tip and a generating capacity of up to 39.8MW. This application was refused by RMBC in June 2015. The applicant (Coronation Power) has subsequently appealed this decision and is likely to be considered at an inquiry in 2016. Two of the turbines in this scheme are located within Rossendale Borough and this element of the scheme was considered by the Planning Committee on 21st July 2015 when the application was refused.

3. PROPOSED DEVELOPMENT

- 3.1. A full description of the proposed development is set out in Section 5 of the ES.
- 3.2. The proposals comprise:

- 16 wind turbines (each 115m to tip with a maximum capacity of 2.3MW).
- 60m anemometer mast (lattice style).
- 220m² control building.
- 5m wide access tracks with a 1m buffer either side.
- Crane pads (one per turbine) to facilitate the construction of the turbines.
- Temporary construction compound with temporary porta-cabins for staff, a concrete batching plant, staff car parking and storage areas for construction materials.
- Electrical cabling on site to be laid in trenches alongside access tracks - trenches to be a maximum of 4 metres wide x 1 metre deep.
- Creation of a permissive bridleway near the hamlet of Turn and the creation of pathways to link existing and proposed wind farm access tracks to existing public rights of way.
- Proposals for the restoration and management of a large area of moorland (peat habitat) including the erection of temporary fencing and the provision of a moorland ranger for the lifetime of the development. Details of which are included within a Moorland Management and Restoration Plan which contains the whole suite of measures to be implemented during construction of the wind farm and throughout its operational life and designed to restore c.900 hectares of degraded moorland
- Retention of elements of infrastructure associated with the existing Scout Moor Wind Farm as required beyond the decommissioning of that scheme (in 2034) to enable the operation of the 16 turbines proposed in this application until they are due to be decommissioned in c. 2042.

3.3. The proposals will generate up to 37MW of renewable electricity which is the equivalent of providing electricity for 21,559 homes. The applicants state that development will bring in excess of £11 million to the economy of the sub-regional area. The development would be operational for a period of 25 years from the date electricity is first exported to the grid.

3.4. As referred to above, the existing Scout Moor Wind Farm is to be decommissioned in 2034, accordingly, there would be a period of circa eight years where the proposed turbines would be in situ alone.

3.5. The application together with accompanying ES was submitted on 19th March 2015 and validated on 21st April 2015. Following the initial consultation on the proposed development, the applicant submitted Further Environmental Information (FEI) on 24th June 2015 and this has been the subject of further consultation.

3.6. Despite RBC being satisfied that this application can be determined in a transparent and fair manner, having regard to the concerns that have been raised by local communities, RBC wrote to the Secretary of State for Communities and Local Government on 24th June 2015. This letter invited him to consider exercising his powers under s.77 of the 1990 Act and followed a number of representations requested that the decision on this application be made by the Secretary of State (SoS) because the Council has a

pecuniary interest if planning permission were to be granted (as RBC owns part of the application site). A response was received from the National Casework Unit on 26th June 2015 stating that *'the Secretary of State's current position is that the proposal of 2015/0112 will continue to be progressed by Rossendale Borough Council to and including Planning Committee on 21 July 2015. I would add that situation is not to be interpreted as the Secretary of State either calling-in or non-intervening in the case.'*

4. LEGAL & POLICY CONTEXT

- 4.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise¹.

Local Planning Policy

- 4.2. The **Rossendale Local Plan Part 1: Core Strategy DPD (RLPP1)** was adopted on 8th November 2011 and provides the overall vision and development strategy for Rossendale up to 2026. It identifies the quantum of new development, the general areas where this will take place and how Rossendale's built heritage and natural landscape will be protected and enhanced. This document is supported by a number of policies² saved from the 1995 Rossendale Local Plan (RLP). However, as this plan pre-dates the National Planning Policy Framework (NPPF) the weight to be attached to the policies contained is dependent upon their level of compliance with the NPPF. Relevant policies of the RLPP1 include:

- Policy AVP1 – Area Vision and Policy for Whitworth, Facit and Shawforth
- Policy AVP2 – Strategy for Bacup, Stacksteads, Britannia and Weir
- AVP 3: Strategy for Waterfoot, Cowpe, Lumb and Water
- Policy AVP4: Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy AVP 5: Strategy for South West Rossendale
- Policy 1 - General Development Locations and Principles
- Policy 6 - Training & Skills
- Policy 7 - Social Infrastructure
- Policy 8 - Transport
- Policy 9 - Accessibility
- Policy 10 - Provision for Employment

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

² List of saved policies can be found in *Continuation of Local Plan: Saved Policies through the Core Strategy DPD | Core Strategy DPD: The Way Forward (2011-2026) Submission Version* published in December 2010 (<http://goo.gl/EfmRYB>)

- Policy 14 - Tourism
- Policy 16 - Preserving & Enhancing the Built Environment
- Policy 17 - Rossendale's Green Infrastructure
- Policy 18 - Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 - Climate Change and Low and Zero Carbon sources of Energy
- Policy 20 - Wind Energy
- Policy 21 - Supporting the Rural Economy and its Communities
- Policy 22 - Planning Contributions
- Policy 23 - Promoting High Quality Designed Spaces
- Policy 24 - Planning Applications Requirements

- 4.3. The **Rossendale Local Plan Part 2 - Site Allocations and Development Management DPD** will form the second part of Rossendale's Development Plan and will designate land and buildings for future uses including housing, parks, shops and schools. It will also set out what new developments should look like, how they should be constructed as well as how they should fit in with their surroundings. The document includes two policies relating to Wind Turbines; EN6 "Wind Turbine Areas of Search" and EN7 "Wind Farms and individual turbines". The Regulation 18 Consultation of this plan is currently being undertaken from 20th July 2015 till 7th September 2015. Due to the stage it has reached the document can be given very limited weight.
- 4.4. The **Joint Lancashire Minerals & Waste Core Strategy (2009)** (JLMWCS) was adopted in 2009. It was prepared in accordance with the 2004 Act, and the weight to be attached to policies, depends upon their degree of compliance with the NPPF. Policy CS1 states that *'mineral resources with the potential for extraction now or in the future will be identified as Mineral Safeguarding Areas [MSA] and protected from permanent sterilisation by other development...'* and that *'Extraction of mineral resources prior to other forms of development will be encouraged.'* The application site is designated as a MSA.
- 4.5. **Joint Lancashire Minerals & Waste Site Allocations and Development Management (2013)** (JLMWSDM) was prepared in accordance with the 2004 Act and adopted in 2013. The application site is within a Mineral Safeguarding Area (MSA). Policy M2 states that within MSAs *'planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that'* six criteria have been met. To assist in the implementation of policy M2 a guidance note has been produced. This states that *'Policy M2 seeks to prevent the needless sterilisation of mineral resources by non-minerals development. Clearly there are many forms of development that, by their nature, will not lead to the sterilisation of mineral resources. Proposals which are excluded from these considerations are; Development already permitted by the General Development Order; Development where outline planning permission has already been granted; Development within the*

*curtilage of existing developments; temporary development, unless in close proximity to an active quarry or permitted reserve of minerals.*³

- 4.6. In 2010, Julie Martin Associates prepared a **Landscape Capacity Study for Wind Energy Development in the South Pennines** on behalf of Burnley Borough Council, Bury Metropolitan Borough Council, Calderdale Metropolitan Borough Council, Kirklees Metropolitan Council, Rochdale Metropolitan Borough Council and Rossendale Borough Council. This document provides an *'objective method for analysing the local and cross-border landscape impacts of wind energy and will form the basis for the Council's consideration of the landscape impacts of applications'*⁴. This forms part of the RLPP1 evidence base and is incorporated at paragraph 289 of the supporting text of RLPP1 Policy 21. The **South Pennine Wind Energy Landscape Study** (October 2014) updates and extends the 2010 study and was adopted by Cabinet on 26th November 2014 for consideration of wind energy applications. The study was prepared jointly by Julie Martin Associates and LUC.
- 4.7. **Landscape Guidance for Wind Turbines up to 60m (January 2013)** was adopted by Cabinet as a material consideration in respect of planning decisions with immediate effect on the 14th February 2013. Whilst this guidance relates to turbines up to 60m there are elements of the guidance that are relevant for this application. Namely, it provides general advice for developers and local authority planning officers and members, on landscape and visual issues, including good practice guidance in relation to location, siting, layout, design and cumulative impacts.
- 4.8. A **Renewable and Low Carbon Energy Study** was jointly prepared in September 2010 by Pendle Borough Council, Burnley Borough Council, Rossendale Borough Council, Calderdale Metropolitan Borough Council and Kirklees Metropolitan Council. This document forms part of the Development Plan evidence base.
- 4.9. There are a number of **Conservation Area Appraisals** which cover the following conservation areas; Bacup, Chatterton Strongstry, Cloughfold, Fallbarn, Irwell Vale, Lovecloughfold, Rawtenstall Town Centre and Whitworth Square.

National Planning Policy

- 4.10. National planning policies for onshore wind development are set out in:
- National Planning Policy Framework (NPPF);
 - Online National Planning Practice Guidance (NPPG); and
 - National Policy Statements for Renewable Energy Infrastructure (NPS).
- 4.11. The **National Planning Policy Framework** (March 2012) sets out the Government's planning policies for England and how these should be applied. One of the core planning principles at paragraph 17 of the

³ Section 2.1 of Guidance Note on Policy M2 – Safeguarding Minerals (Minerals Safeguarding Areas) available at http://www.lancashire.gov.uk/media/695350/Mineral-Safeguarding-Areas-Guidance-Note_201505.pdf

⁴ Paragraph 289 of the adopted Rossendale Core Strategy (Local Plan Part 1)

NPPF is that planning should *'support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)'*.

- 4.12. Section 10 sets out the Government's approach to *'Meeting the challenge of climate change, flooding and coastal change'* and includes policy relating to renewable energy development. Para 97 confirms that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. Local planning authorities should, inter alia:
- 'have a positive strategy to promote energy from renewable and low carbon sources;
 - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources'
- 4.13. Para 98 states that local planning authorities (LPA's) when determining applications should 'not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;...'. Para 98 goes on to advise planning authorities that applications for renewable energy should be approved if the impacts of such proposals 'are (or can be made) acceptable'.
- 4.14. The NPPF makes clear that renewable energy development is not normally considered appropriate development for green belt land. Paragraph 91 states that *'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'* The only element of the scheme located in Rossendale on Green Belt is a small stretch of underground cabling near Edenfield.
- 4.15. Footnote 17 of the NPPF states that in 'assessing the likely impacts of potential wind energy development... and ...in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts).'
- 4.16. The Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3) were published in July 2011.
- 4.17. EN-1 highlights in particular the role of renewable electricity generation in enabling the UK to source 15% of energy consumption from renewable sources by 2020 and that the need for new renewable

electricity generation projects is urgent. It is in this context that EN-1 indicates that the decision maker should start with a 'presumption in favour of granting consent to applications for energy NSIPs'. It is noted, however, that the subject application is not an NSIP scheme of over 50MW. With regard to landscape impacts para 5.9.8 of EN-1 states that '*Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape... Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.*' With regard to the impacts on the historic environment para 5.8.14 states that '*substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments; registered battlefields; grade I and II* listed buildings; grade I and II* registered parks and gardens; and World Heritage Sites, should be wholly exceptional.*'

- 4.18. EN-3 sets out the general principles that should be applied in the assessment of applications for onshore wind although it can be noted that the NPS covers NSIP schemes of over 50MW which the subject application is not (Section 2.7, and para. 1.8.1 refer). Key considerations for site selection are set out in detail and include: predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues. With regard to landscape and visual impacts para 2.7.48 confirms that '*modern onshore wind turbines that are used in modern wind farms are large structures and there will always be significant landscape and visual effects from their construction and operation for a number of kilometres around the site*'.
- 4.19. **National Planning Practice Guidance (NPPG)** complements the NPPF and is an online resource launched on 6 March 2014 that replaced many guidance documents⁵, including *Planning practice guidance for renewable and low carbon energy (July 2013)*. With regard to renewable and low carbon energy it makes clear that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities⁶. It also aims to ensure sufficient weight is given to landscape and visual impacts and provides guidance on how local planning authorities should assess the environmental impacts. The NPPG has recently been updated to take account of the Written Statement made by Secretary of State for Communities and Local Government on 18th June 2015⁷.

⁵ A list of the guidance documents replaced by the NPPG can be found online at http://www.planningportal.gov.uk/uploads/cancelled-guidance_06032014.pdf.

⁶ National Planning Practice Guidance – Renewable and low carbon energy (Paragraph: 003 / Reference ID: 5-003-20140306)

⁷ See <https://www.gov.uk/government/news/giving-local-people-the-final-say-over-onshore-wind-farms>

Other national & regional energy policy & guidance

- 4.20. There are a number of national and international agreements and policies relating to the provision of renewable energy and achieving carbon emission reductions. These are material considerations and include:
- Kyoto Protocol (1997)
 - EU Renewables Directive (2001)
 - Energy White Paper (2003)
 - Northwest Sustainable Energy Strategy (2006)
 - Energy White Paper (2007)
 - UK Climate Change Programme (2008)
 - UK Renewable Energy Strategy (2009)UK Low Carbon Transition Plan (2009)
 - Northwest Climate Change Action Plan (2010-2012),
- 4.21. House of Commons briefing papers provide an overview of the planning system, the most recent of which on this subject was published on 23rd June 2015 and entitled *Planning for onshore wind farms, Standard Note: SN/SC/4370*⁸. Also of relevance is Wind Farms - Distance from housing, Standard Note: SN/SC/5521 that was published on 18 November 2010.
- 4.22. In October 2014 the Government published two documents providing guidance on community benefits and engagement for onshore wind farm developers: *'Community benefits from onshore wind developments - Best Practice Guidance for England'* and *'Community engagement for onshore wind developments - Best Practice Guidance for England'*.
- 4.23. Other relevant legislation is found in the Human Rights Act 1998, the European Convention on Human Rights, The Planning Listed Building and Conservation Areas Act 1990, and Statutory Instrument No.243 (2011) – The Promotion of Use of Energy from Renewable Sources Regulations. The Common Land Act 2006 is also relevant, however, the deregistering of parts of the common land of the application site is the subject of a separate application.
- 4.24. The Renewable energy roadmap, originally published by the Department of Energy & Climate Change in 2011, sets out how the UK will reach the goal of generating 15% of UK energy use from renewables by 2020. It proposed a framework and set of actions for the delivery of renewable energy deployment. The first update of the Roadmap reported on progress up to the end of 2012 and the second update provides analysis on further achievements and changes up to the end of 2013.
- 4.25. In a Written Ministerial Statement (WMS) issued on 18th June 2015 the Government announced considerations to be applied to proposed wind energy development so that, inter alia, *'local people have the final say on wind farm applications'*. The WMS took immediate effect and resulted in

⁸ Available at <http://www.parliament.uk/briefing-papers/sn04370.pdf>

consequential changes to the NPPG. Both are material considerations and are to be taken into account in planning decisions. The WMS includes transitional arrangements for how existing planning applications for onshore wind farms (not yet been decided) should be determined, stating that: *‘Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing’*. The WMS and NPPG confirm that the assessment of whether a proposal has the backing of the local community is *‘a planning judgement for the local planning authority’*.

5. CONSULTATION RESPONSES

Statutory Consultees

- 5.1. 19 responses have been received from statutory organisations in respect of the original application. Following the submission of the FEI, a further 10 responses were received from statutory organisations.
- 5.2. The responses relating to the ES and FEI are summarised below in three categories: objection, no objection but comments made and no comment.

Objection

Ministry of Defence

- 5.3. Objects to the proposal as the turbines would have an unacceptable impact upon the Air Traffic Control radar at Warton Airfield. Discussions are ongoing with the applicant with regard to a suitable mitigation strategy.

BAE Systems

- 5.4. BAE Systems supports the response submitted by the MOD.

No objection but comments made

Calderdale Metropolitan District Council

- 5.5. Calderdale MBC do not object to the proposal, however they do raise *‘serious concerns’* regarding landscape and visual impacts (including cumulative impacts) and the impact on the Pennine Bridleway National Trail and Mary Towneley Loop.

Coal Authority

- 5.6. No objection to the proposed development subject to the imposition of a condition to secure site investigation works prior to commencement of development. These works include: the submission of a

scheme of intrusive site investigations for approval; undertaking a scheme of intrusive site investigations; the submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval; and implementation of the remedial works.

Environment Agency

- 5.7. No objection subject to conditions dealing with ground water and biodiversity.

Historic England (HE)

- 5.8. The level of harm to heritage assets (designated or undesignated) and their settings is not considered to be sufficient to justify an objection on the grounds of the impact on the historic environment. HE therefore raise no objection to the grant of planning permission, subject to conditions securing the mitigation measures comprising a phased programme of archaeological evaluation and recording, in accordance with a written scheme of investigation (to be agreed in writing with the local planning authority) and a scheme of the presentation and interpretation of historic features within the application site as proposed by the applicants.

Lancashire County Council (LCC) Archaeology

- 5.9. No objection subject to no development groundworks taking place until the applicant have secured the implementation of a programme of archaeological works.

Lancashire County Council (LCC) Flood Risk Management

- 5.10. In the absence of a flood risk assessment (FRA) LCC originally objected to the application and recommended refusal of permission until a satisfactory FRA has been submitted and agreed.
- 5.11. Following the submission of the FEI, which included a FRA, LCC updated their position on 21 July 2015 and confirmed they would have no objection, subject to conditions.

Lancashire County Council (LCC) Highways

- 5.12. No objection, recommend that turbines are set back from any public rights of way by 127 metres (height plus 10%), and 200 metres from a bridleway, as specified in guidance by the British Horse Society. LCC Highways suggested that conditions should be imposed to ensure that a construction traffic management method statement is submitted prior to construction and that public rights of way are reinstated if any damage occurred during construction.

Manchester Airport

- 5.13. Due to the unacceptable impact that turbines are likely to have on current and future air traffic control operations at Manchester Airport, the Safeguarding Authority for Manchester Airport originally objected.
- 5.14. Manchester Airport provided supplementary information in support of their position by email on 23 June 2015 citing significant impacts on a current review and redesign of UK national airspace and the capacity of Manchester Airport.

5.15. A further response from Manchester Airport was submitted on 12 August 2015 confirming that their objection is withdrawn. This is subject to conditions which are being discussed with the applicants.

Natural England (NE)

5.16. No objection but draws attention to the following advice and comments:

- Proposal will have negative effects on areas of 'blanket bog' which is an Annex 1 priority habitat under the EC Habitats Directive recognised for the assemblage of flora and fauna which it supports.
- RBC need to be sure that appropriate mitigation will be put in place to avoid or minimise the impacts of the proposed development on the Pennine Bridleway and that the development is carried out so as not to cause damage to it.

NATS Safeguarding (NATS)

5.17. Originally objected due to anticipated unacceptable technical impacts primarily on Prestwick Centre Air Traffic Control and RCP Asset Management.

5.18. On 23 July 2015 NATS subsequently informed RBC that an agreement had been reached between NATS and the applicant dated 13 July 2015 to ensure the affects can be satisfactorily mitigated. As a result NATS have withdrawn their objection subject to the imposition of appropriate conditions.

Rochdale Borough Council

5.19. Members considered the application at the Planning and Licensing Committee at their meeting of 17 August 2015. They offered the following comments:

- They were led to believe that the Scout Moor development would be decommissioned in its entirety after 25 years and are disappointed to find that this would no longer be the case for parts of the existing development which would be retained.
- There appears to be no end in sight for wind farm development on the moors.

United Utilities (UU)

5.20. UU note that there is limited information in respect of the location of the turbines / cranes within the Environmental Statement.

5.21. Due to the potential long-term impact on water quality and turbidity resulting from disturbance of peat, it is strongly recommended that a UU hydrologist is consulted to ensure that water quality risks are thoroughly investigated, monitored and managed. Support the intention to review the hydrogeological risk assessment once the baseline monitoring data has been collected. UU strongly endorses the employment of an independent Ecological Clerk of Works.

No objection

Bury Council

- 5.22. No objection but request that all the representations received from residents of Bury be considered as part of the overall determination of the application.

Lancashire County Council (LCC) Ecology

- 5.23. No comments made. The Service Level Agreement for ecological advice has now finished.

Met Office

- 5.24. Met Office has signed a legal agreement with the applicant to provide mitigation for impacts to the Met Office weather radar at Hameldon Hill. They have raised no objection.

National Grid

- 5.25. No objection.

Responses from groups/organisations

- 5.26. 10 responses have been received from non-statutory organisations in respect of the original application. Following the submission of the FEI, a further 5 responses were received from non-statutory organisations.
- 5.27. The responses relating to the ES and FEI are summarised below in two categories: objection and no objection.

Objection

Campaign to Protect Rural England (CPRE)

- 5.28. CPRE objected at the pre-application consultation in relation to the 26 turbine scheme on 25 July 2014. Their objection is maintained and they consider that 'the proposed benefits from renewable energy do not outweigh the harm to the landscape and visual amenity'. They comment that (existing) Scout Moor is visible from as far as Salford University and that it has a significant adverse visual impact.
- 5.29. CPRE go on to state that had the existing wind farm at Scout Moor been tested against current national and local planning policy it would not have been permitted. They consider that wind turbines negatively impact wildlife and on the experience of the countryside by residents and visitors.

Edenfield Village Residents Association

- 5.30. The Association considers there are enough wind turbines on Scout Moor. They state that the moor has been damaged and are therefore opposed to further development. In the event that planning permission is granted the association request planning conditions covering: time limit; future wind development; TV interference and substation design. They also request a Section 106 to provide funds for environmental and other improvements in Edenfield and Turn.

Holcombe Society

5.31. The Holcombe Society objects to the proposal on the following grounds:

- Viewed from the regionally important amenity areas of Scout Moor and Peel Tower and others, the development will have a serious adverse impact. It would turn the area into an increasingly industrial landscape which would permanently alter the landscape character in a harmful way. This cannot be mitigated.
- The authoritative British Medical Journal continues to express serious and legitimate concerns over the health impacts of wind farms, and the applicant's own submission acknowledges that these cannot be measured. A precautionary approach in refusing this application is justified.
- The 'Community Benefit Fund' is undeliverable, as demonstrated by the equivalent fund from the existing wind farm remaining unspent a decade after permission was granted. Councillors are urged to recognise the fund as an empty offer.

5.32. The Society have also raised concern regarding the consultation process and requested that the Secretary of State determine this application.

Lancashire Badger Group

5.33. Object as there are badgers on Scout Moor and do not believe due consideration and mitigation has been provided in the ES. The applicant responded directly to the Group indicating where references to badgers were within the ES but no update has been received. Their objection has remained following the submission of the FEI.

National Trust

5.34. The National Trust owns and manages some 525 hectares (1,300 acres) of land on the Holcombe Moor and Stubbins Estates which is some 5.0km to the west of the Scout Moor Wind Farm and includes Peel Tower.

5.35. The Trust objects to the proposals and consider that insufficient weight is attached to the severity of the harm and to the consequences of that harm on Trust land. They consider that their land should be regarded as having very high sensitivity and the harmful impact is a matter to which very significant weight should be attached in the overall balance of the relevant issues. They go on to say that the adverse visual impacts have been under-recorded by the applicant.

Pennine Soaring Club

5.36. The Pennine Soaring Club is an active Paragliding and Hang Gliding club in the Lancashire area and has used Fecit Hill for over 40 years. They have a licence agreement with the landowner (Peel Investments (North) Ltd) to use this area and pay an annual licence fee.

The Club object to the proposal because of health and safety concerns relating to their activities near horse riders and the potential for '*serious accidents*' to occur, primarily as a result of horses being spooked by people landing and the shadows caused on the ground by gliding.

Rossendale Harriers

5.37. Object to the scheme for the following reasons:

- Turbines and access roads are too close to the Pennine Bridleway, Mary Lowneley Loop, Rossendale Way and several important fell race routes (one of which has in the past been used as a British championship fell race route and probably will be in the future). The future of these fell race routes would be in doubt should these turbines be approved.
- Impact on the Pennine Bridleway will be devastating, especially to the horse community and local businesses which relies on it for income. Horse riders will stay away from this section of the Mary Towneley Loop and use the Hebden Bridge (turbine free) section instead.
- Concern over the proximity of turbines to Waugh's Well and its setting. Visitors have been drinking spring water from this well for many years.

Rossendale Ramblers

5.38. Rossendale Ramblers object to the proposals especially as there is an application for a further 12 'huge' turbines on Rooley Moor. Rossendale Ramblers feel that the area has been damaged too much already and new turbines should be located elsewhere.

No objection but comments made

British Horse Society (BHS)

- 5.39. BHS have agreed measures with the applicants to mitigate against 'the serious adverse impacts that the proposed development will have' both on the landscape, and the resource it provides to their membership (horse riders). The mitigation agreed includes a bridleway from Turn village to the Rossendale Way, upgrading work to the surface of the Rossendale Way to create a multi user route from Turn to Rooley Moor Road, and several clover leaf paths within the wind farm site.
- 5.40. If this mitigation were not to be provided, the BHS would object to this proposal.

Pennine Mountain Bike Association (PBMA)

- 5.41. The association represents mountain bikers across Lancashire and the South Pennines – all major clubs within the region are affiliated to the association. The PBMA want to ensure that any development does not reduce current provision or access to the moor and does not degrade the existing landscape. They also state that if the scheme were to go ahead the community fund could deliver significant benefits.

Rossendale Cycleways

- 5.42. No objection, suggest use of community funds to enhance local cycleways.

No Objection

Electricity North West (ENW)

- 5.43. Proposal will have no impact on Electric North West Electricity Distribution System infrastructure or other ENW assets.

Health and Safety Executive

- 5.44. No comment, as it is at the planning stage.

Independent Specialist Advice

- 5.45. RBC appointed a number of specialist consultants to independently review the application and a summary of their responses are below:

Hydrogeology (JBA Consulting – JBA)

- 5.46. JBA consider that overall the EIA is reasonably clear and well written. JBA noted that some parts of the assessment should be described in more detail, particularly in relation to the assessment on private water supply and flood risk.
- 5.47. The relative magnitude of the positive impacts of the Moorland Management and Restoration Plan (MMRP) compared to the negative impacts of the wind farm development presented in Chapter 14 indicates that the positive impact of the MRMP is more wide spread than the negative impact of the wind farm. JBA state that the MRMP is a very significant contribution to the environmental status of the blanket peat on the application site, and that it should have a number of very positive environmental benefits. Accordingly, the MRMP has the possibility of improving the overall baseline environmental status of the blanket bog on site.
- 5.48. In view of the extent of work proposed by the MRMP, JBA query whether the whole area for the MRMP should have been included in the application site area.
- 5.49. With regard to watercourses it is noted that a number of turbines are located within 50m of water courses and JBA suggest that turbines be moved to be located at least 50m from any water course thereby reducing the risk of peat instability and also the potential for surface water quality impacts. If this is not possible then JBA request rigorous working practices to ensure that construction activities do not impact upon the nearby water bodies.
- 5.50. There are a number of detailed technical appendices associated with the EIA provisions and these should be implemented within the construction and operation of the wind farm and implementation of the MRMP. In particular, where additional investigation, monitoring or mitigation is proposed this should be implemented.
- 5.51. Following the submission of the FEI, JBA highlighted a number of further matters:

- 1) Concern that a buffer zone of 30m around water courses may not be enforced. JBA point out that the buffer of 30m should be measured from the edge of the proposed working area (not the centre of the turbine), similarly the distance is from the edge of the track working area nearest the watercourse.
- 2) Aquifers on site should be viewed as of medium, regional significance, unless clear justification for a lower significance can be provided. JBA note, however, that this is unlikely to change the overall outcome of the EIA.
- 3) Any potentially negative environmental effects associated with the MRMP should be assessed.
- 4) JBA express concern regarding the proposals for re-vegetating the track edges.

Noise/Acoustics (Hepworth Acoustics Ltd)

- 5.52. Hepworth Acoustics conclude that the noise chapter of the ES is structured in accordance with EIA guidelines and the correct standards and guidelines relating to noise from wind farms, and construction site noise, have been followed. However, there is no reference to local plan policy, the relevant planning conditions for the existing Scout Moor Wind Farm or the recently published IEMA 'Guidelines for Environmental Noise Impact Assessment', 2014.
- 5.53. Based on the findings of the noise study for the candidate turbine, the predicted noise levels from the operation of the proposed wind farm extension itself are within the ETSU criteria at all assessment locations. However, the cumulative noise impact (taking into account noise from existing and proposed turbines) is predicted to exceed the ETSU limits, albeit marginally, at one of the assessment locations (Cowpe Hall Farm). Therefore, some noise mitigation measures would be necessary. However, at lower wind speeds, the assessment is based upon use of a 40 dB(A) daytime fixed limit rather than the lower 35 dB(A) limit that was specified in the planning permission for existing Scout Moor Wind Farm. The noise predictions assume that there will not be any significant tonal noise discernible at residential locations.
- 5.54. During the construction phase, based on the findings of the construction noise assessment, Hepworth Acoustics agree that the predicted noise impact of the on-site construction activities will be no more than of 'minor' significance. Nevertheless, it would be important to adopt noise mitigation measures to minimise this impact as far as is practicable, and we note that this would be embodied in the Construction Environmental Management Plan. Based on the modest numbers of construction traffic movements forecast in the Transport Assessment, off-site traffic noise impact on residents living alongside roads leading to the site has been demonstrated to be very low.
- 5.55. Hepworth Acoustics went on to identify a number of points in the noise assessment that required further information from applicant.

5.56. The FEI broadly addressed the concerns raised and with regard to outstanding matters further discussions have been held between the applicant and the Council's consultants such that agreement has been reached to ensure that ETSU limits are not exceeded thereby protecting residential amenity.

Ecology (Greater Manchester Ecology Unit - GMEU)

5.57. GMEU conclude that they have no overall objections to the application on nature conservation grounds and states that the Moorland Restoration and Management Plan (MRMP) is comprehensive and long-term.

5.58. However, they recommend that the following conditions be applied if permission is granted to ensure that nature conservation interests are properly taken into account and to ensure that enhancement of biodiversity is achieved –

- The MRMP (reference Appendix 5.2 and associated figures) be implemented in full.
- The Construction Environmental Management Plan (document reference 1074155 and associated figures) be implemented in full.
- Ecological monitoring of the site should be carried out on a regular basis (annually) for at least ten years following practical completion of the scheme to assess the impacts of the development, including the Moorland Restoration, on habitats and species. Monitoring should include breeding bird surveys and vegetation surveys. The results of the monitoring should be used to amend the Moorland Restoration Plan if required.
- No construction works should commence during the optimum period for upland bird nesting (March to August inclusive).
- The employment of an Ecological Clerk of Works to oversee the construction phase of the development should be required by condition.
- The employment of a Conservation Ranger for the site post-completion should be required by condition.
- A further survey of the site for badger setts should be undertaken prior to any groundworks or construction commencing. If badgers are found by survey then a Method Statement must be prepared giving details of measures to be taken to avoid any possible harm to badgers. Once agreed this Method Statement must be implemented in full.

Cultural Heritage (Grover Lewis Associates Ltd - GLA)

5.59. GLA concluded that, despite the elevated location and large scale of the proposed Scout Moor Wind Farm extension, its effect on the significance of built heritage assets in the area, would, for the most part, be limited. This is due to a number of factors, including the relative isolation of the proposal, the

nature of the particular characteristics of the local topography in relation to designated heritage assets, and the effects of intervening buildings and trees.

- 5.60. The decision to substantially reduce the initial proposals following the consultation exercise in relation to the preliminary environment information has significantly diminished the potential impacts on built heritage assets in the locality. This is particularly the case in respect of heritage assets located to the east of the application site. The strongest remaining heritage impacts are in relation to designated heritage assets located in the Rossendale Valley, where the most northerly of the proposed turbines in the linear extension of the wind farm would be prominent from elevated positions within and above the settlements on the south-facing slopes of the valley.
- 5.61. For the most part GLA's review concurs with Cultural Heritage chapter of the ES. There are, however, two matters where GLA's assessment differs from the ES:
- Church of St Nicholas with St John, Newchurch - the magnitude of effect has been under-calibrated, and insufficient weight attributed to the contribution that setting makes to the significance of the asset. This has led to the ES concluding a negligible significance of effect rather than the moderate effect found in GLA's assessment. A moderate effect would be significant effect in EIA terms, although amounting to less than substantial harm in the terms of the NPPF.
 - Cloughfold Conservation Area - the ES finds a negligible magnitude of effect, leading to an overall conclusion of a negligible significance of effect rather than the low magnitude of effect found by GLA's assessment. A low effect would not be significant effect in EIA terms, and amount to less than substantial harm in the terms of the NPPF.
- 5.62. The adverse effects in respect the Church of St Nicholas with St John, Newchurch, and in respect of Cloughfold Conservation Area, would need to be considered in relation to the statutory duties under s66 and s 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively. The harm caused would need to be weighed against the public benefits of the proposal, as prescribed in the NPPF.
- 5.63. GLA go on to state that the adverse impacts referred to above arise principally because of the prominence of turbines on rising land north-west of Cowpe Moss in the linear northern extension to Scout Moor Wind Farm. In particular turbines T5, T6 and T7 would be prominent in views affecting the settings of the Church of St Nicholas with St John, Newchurch, and Cloughfold Conservation Area. These turbines would also be prominent within the setting of the non-designated heritage asset of Waugh's Well.
- 5.64. GLA consider that mitigation of these effects cannot practicably be achieved other than by removal, relocation or reduction in height of the above mentioned turbines. An appropriate reduction in height of these turbines could potentially bring the effect on the Church of St Nicholas with St John, Newchurch below the level of EIA significance. This would also reduce other adverse impacts identified in the assessment.

Archaeology (Greater Manchester Archaeology Advisory Service - GMAAS)

- 5.65. GMAAS agrees with the applicant that the site has a high potential for the survival of as yet undiscovered heritage assets dating to the prehistoric and post medieval periods, a moderate potential for the survival of medieval heritage assets and a low potential for Iron Age, Roman and early medieval heritage assets. The evidence relating to known post medieval quarrying and farmsteads are primarily of low significance whilst some of the well preserved quarrying remains are of moderate or regional significance. There is also recognition that known and potential Mesolithic and Neolithic heritage assets found in situ 'could be of greater heritage significance'.
- 5.66. GMAAS note that the application has been made following pre-application consultation but considers that the Written Scheme of Investigation (WSI) (ES Appendix 8.2) is insufficient. Notwithstanding this, GMAAS do not object to the proposed development subject to a suitable planning condition to secure an acceptable WSI.

Landscape and Visual (Land Use Consultants - LUC)

- 5.67. LUC reviewed the applicant's Landscape and Visual Impact Assessment (LVIA) in the ES and their conclusions in respect of impacts and any proposed mitigation, with reference to current practice and guidance.
- 5.68. Whilst LUC considered that the baseline assessment was comprehensive and in accordance with best practice, they disagreed with the effects of the proposal in landscape and visual terms. They concluded that the proposal in its current form (and with the information currently available) is not acceptable in landscape and visual terms. Accordingly, LUC recommend a number of mitigation measures that would reduce landscape and visual effects to a level of acceptability. These measures are as follows:
- Reducing the heights of T5, T6 and T7.
 - Re-siting T7 and T8 further away from the Pennine Bridleway.
 - Removing /re-siting T10 and T11 now, before the scheme is constructed.
 - Removal of T10, T11 and T15 when the existing Scout Moor Wind Farm is decommissioned (if T10 and T11 are not removed before the scheme is constructed).
- 5.69. The applicant responded to these requests in the FEI by assessing the effects these measures would have and concluded that none of the measures were necessary/appropriate. Accordingly, no revisions to the proposed development were submitted with the FEI.
- 5.70. LUC undertook a further review which took into account the additional information provided in the FEI. This included a number of wireframes illustrating the effects of the suggested measures and an assessment of the significance of any effects. LUC concluded that the scheme would be unacceptable in landscape and visual terms and maintained their position that:

- T5, T6 and T7 should be reduced in height to ensure that the proposed wind farm is visually balanced with the landform.
- T10 and T11 should be re-sited as they are problematic in views from lower lying locations in the settled valley to the west and the significant visual effects on the residential property 'Newgate'.
- If not relocated Turbines T10, T11 and T15 should be removed when the existing Scout Moor Wind Farm is decommissioned as they would appear as outliers and remote from the remainder of current wind farm proposal from a number of viewpoints.

5.71. With regard to T7 and T8, LUC acknowledge that even through micro-siting (so that they are no closer than turbines within the existing Scout Moor Wind Farm) this would not reduce the significance of sequential effects experienced from Rossendale Way and Pennine Bridleway.

Responses from Members

5.72. County Cllr David Stansfield has expressed support for the scheme.

Matters raised by the public

Consultation on original application documents

5.73. 181 responses have been received from members of the public. 51 were in support (circa 25% from Rossendale, 20% from Rochdale and 18% from Bury), 125 objected (circa 33% from Rossendale, 10% from Rochdale and 46% from Bury) and a further 5 (circa 60% from Rossendale, 20% from Rochdale and 20% from Bury) commented on the application but did not state whether they were in favour or opposed. It is noted that 33 of the letters in support of the scheme were created in template format utilising the applicant's website and 9 were template postal representations prepared by the applicant.

5.74. 2 petitions were received objecting to the proposals consisting of 202 signatories in total. 125 signatures were collected at the Edenfield Fete (6 June 2015) and a further 77 signatures which were collected at the Fell Runners Rochdale Three Day Event (12 June – 14 June 2015).

5.75. The matters raised in these representations are summarised below in three categories: support, objections and comments.

Support

5.76. Aviation and telecommunications:

- Support the conclusions set out in the Aviation and Telecommunication chapter provided within the ES.

5.77. Sustainable development:

- The Development Proposals constitute 'sustainable development'.

- Offshore generators are the future.

5.78. Climate change:

- The Development Proposals will help Government comply with its legal obligation to source 15% of the UK's energy from renewable sources by 2020.
- The Development Proposals support Central Government's urgent need for the further deployment of renewable energy including onshore wind in appropriate locations, in order to ensure greater national security of energy supply and decarbonisation of energy generation.
- The Development Proposals have the potential to make a significant contribution toward the reduction of greenhouse gas emissions from energy generation, therefore addressing one of the main causes of the destructive effects of climate change.

5.79. Highways/Access:

- Turbines can be delivered successfully to the site using the existing access.
- The existing access minimises the environmental impact of the proposed expansion.
- The Applicant has sought to mitigate traffic effects, including during the construction phase.

5.80. Public rights of way:

- The Development Proposals respect and enhance public rights of way and access for everyone.
- The addition of new way-marked recreational trails will enhance an already well-used educational and amenity resource.

5.81. Equestrian and amenity:

- The Development Proposals deliver a new horse riding route, improving linkages for horse riders between the south-western side of Scout Moor and the Mary Towneley Loop.
- The expansion scheme will deliver new upgraded paths for pedestrians, cyclists and horse-riders, linking wind farm access tracks to existing public rights of way.

5.82. Landscape and visual amenity:

- The required cables will be routed underground which will help to reduce visual impact.
- Turbines are now an accepted part of this landscape and there will be no significant harm to heritage assets on the moor
- Support the conclusions set out in the Landscape and Visual Impact chapter of the ES.
- Accept the findings of an independent study 'A Landscape Capacity Study for Wind Energy Developments in the South Pennines', Julie Martin Associates in 2010 which concluded that the landscape within which the new turbines lie could acceptably accommodate an additional large wind farm.

- Turbines add something to the scenery.

5.83. Conservation/heritage issues:

- Support the conclusions set out in the Heritage and Archaeology chapter provided within the ES.
- The reduction in number of turbines has been made in response to consultation responses which ensures that both on and off site heritage assets are protected.
- Turbines are now an accepted part of this landscape and there will be no significant harm to heritage assets on the moor.

5.84. Environmental issues:

- The risk of collision between moving turbine blades and birds and / or bats has been assessed as part of Development Proposals and is low.
- The associated Moorland Restoration Plan will offer an important opportunity to improve the condition of the moorland.
- The Moorland Restoration Plan will be of benefit to ecology and wildlife.
- Support the conclusions set out in the Ecology chapter of the ES.
- The Development Proposals contribute to and enhance the natural environment by, amongst other things, minimising effects on and providing net gains to biodiversity, where possible.
- The expansion scheme will provide a long term Moorland Restoration and Management Plan to improve moorland habitats and water quality.
- The Moorland Plan will deliver a permanent Ranger that will help to 'police' the Moor and will work with local farmers to help the police tackle illegal off-roading activity.

5.85. Minerals and waste:

- The scheme would not prevent potential future extraction of the mineral resource on the moor.
- The Development Proposals are supported by an effective system to manage waste during construction, operation and decommissioning of the proposed development.

5.86. Residential amenity including noise:

- Support the conclusions set out in the Noise Assessment within the ES.
- The Applicant's noise assessment complies with ETSU-R-97.
- The existing wind farm has not lead to any noise complaint. The Applicant has committed to deal proactively with any complaints which may arise in the future.
- Support the conclusions on Shadow Flicker set out in the ES.

5.87. Socio-economic:

- The expansion scheme provides the potential for local Rossendale and Rochdale businesses to be involved in the construction and operation of the windfarm through a Local Employment and Procurement Scheme.
- The existing wind farm has not had a damaging impact on local businesses; there is no reason to suppose the expansion will either.
- The expansion of Scout Moor Wind Farm has the potential to provide local people with some significant community benefits.

5.88. Financial:

- Support the inclusion of a Community Benefits Fund of £5,000 per consented megawatt per year over the lifetime of the scheme for local projects.
- Support the inclusion of a Co-operative Ownership scheme giving local communities the opportunity to own two turbines (or an equivalent share of the project).

5.89. Pre-application consultation:

- An extensive programme of pre-application consultation has been undertaken on the Development Proposals with the local community and stakeholders over a three year period.
- The extent of pre-application consultation has enabled the final Development Proposals to be developed in consultation with the local community and stakeholders.
- The Applicant has listened to feedback received and responded positively to stakeholders and the local community.
- Support the key changes that were made to the final scheme which include:
 - a reduction in the number of proposed additional turbines from 26 to 16 (a reduction of ten);
 - the relocation of those turbines situated to the north of the existing wind farm further away from the 'moorland edge' and Mary Towneley Loop;
 - the relocation of turbines away from areas of deep peat; and
 - the identification of a 'recreational trail' around the access tracks of the proposed development and existing wind farm.

5.90. Non-material issues:

- The Development Proposals will assist Rossendale Borough Council and Rochdale Borough Council in implementing their respective renewable energy policies as set out in their Local Development Plans.
- Much rather see a wind turbine generate electricity over a polluting power station.

- The existing wind farm has been used as an educational resource hosting visits from a number of local schools and wider community interest groups.
- The Construction and Moorland management will provide excellent long-term learning opportunities.
- The existing turbines have significantly improved the overall appearance, access and quality of the moors.
- Every opportunity to generate renewable energy should be harnessed.
- Turbines provide clean energy rather than electricity from coal and gas.
- We urgently need more onshore wind in appropriate areas in the UK.

Objections

5.91. Planning Policy:

- Contradicts Rossendale Council's Core Strategy.
- Application should be called-in due to being in the green belt and in a conservation area.
- The planning considerations do not allocate enough weight to the value of happiness for its own sake and the economic value of happiness.
- Recent government policy announcements indicate that on-shore wind turbine development should now cease if local people are opposed. The majority of local residents are opposed.
- If all of the proposals are consented, Scout Moor and Rooley Moor will host one single wind farm consisting of 57 turbines of varying height and capacities which together will form the largest onshore wind farm in England. This application should have been assessed through the NSIP (Nationally Significant Infrastructure Project) regime.

5.92. Green Belt:

- Green belt land is meant to be protected.
- The harm from the proposal, both in Green Belt and other terms, demonstrably outweighs any benefit of the proposed scheme.

5.93. Turbine function:

- Many turbines on local wind farms in the area are inactive over lengthy periods.
- Wind power does not work effectively; it cannot respond to demand and therefore requires other generating capacity to be kept on standby, which is an inefficient use of resources.
- There is questionable evidence that the existing turbines have enhanced the national grid.
- Turbines are not cost effective and I strongly object to more of them on Scout Moor.
- Their costs in terms of subsidies benefit few whilst hitting the poorest in society.

- The wind farm has not reduced CO₂ emissions by even 0.0000000000000001%, and until there is evidence otherwise, it is more prudent to reject these schemes on the basis of the known destruction, rather than accept them on the off chance they might do some good.
- Turbines are both expensive and grossly inefficient and in this area, would be disproportionately high in number per head of population.
- Decommissioning might take place as late as 2043. By then, the hills above Rochdale will have been decimated by the impact of wind farm development for 35 years. Add on the construction and decommissioning phases, and that period exceeds 40 years.
- The turbine bases and roadways will not be removed, the footprint of this development will be there for a millennium and beyond.
- The current wind farm was projected to deliver electricity for 51,000 homes per annum, and yet documents submitted for the present application admit the turbines only deliver electricity for 37,000 homes per annum.

5.94. Aviation and telecommunications :

- Risk of plane crashes with wind turbines interfering with the radar at Manchester Airport.

5.95. Sustainable development:

- There is no evidence that wind farms add any measurable and sustainable contribution to the UK's energy needs. There is a high environmental impact of extending the wind farm, financial cost and materials to transmit the energy which degrades the visual impact on a beautiful area.

5.96. Highways/Access:

- There is direct conflict between Peel's plans for access roads and turbine placement.
- The access roads and turbines are too close to the Pennine Bridleway (Mary Towneley Loop) and the only recent re waymarked Rossendale Way which are both important areas of recreation for visitors and local people.
- Safety concern regarding the additional traffic to the windfarm.
- Risk of congestion.
- The emergency access road leading off the moor straight into the centre of Edenfield village is not a safe solution and is too close to a primary school.

5.97. Public rights of way and recreation:

- The proposed wind turbines and access roads are too close to the popular routes of the Pennine Bridleway, Mary Towneley Loop, Rossendale Way and several important fell race routes.
- A large area of open space that used to be enjoyed as an amenity space is now avoided because of the existing Scout Moor Wind Farm.

- Loss of recreational amenity: it is clear that the proposals will have a deleterious effect on tracks and footpaths on the moor. The proposed new track/bridleway does not compensate for loss and destruction of the existing wilderness and the current freedoms to roam on the moors.
- The open space is precious and should be preserved for future generations.
- It will break the Mary Towneley Loop, which is a bridleway of national significance and threaten loss of livelihood for many local businesses, particularly those supporting equestrians and tourism.
- It is believed that the proposed bridleway because will be used by illegal off-road motorcyclists, causing nuisance for us and other local residents. Motorcyclists will be able to use the bridleway because it is not possible to construct bridleway gates that will allow access to horses without them also admitting off-road motorcycles.
- This is an area used by many walkers, cyclists and horse riders.
- Cannot trace the route of the Rossendale Way from Scout Moor down to Edenfield - seems that the old route may have been consumed by the existing track network.

5.98. Common Land:

- De-registering common land is morally flawed in developers favour.
- Commoners with grazing rights on Scout Moor will be badly affected with reduced incomes and no consideration seems to have been given to the social value of this land.
- Public access to the common land should be sacrosanct.

5.99. Farming/wildlife:

- Dangerous to wildlife.
- If allowed to go ahead it will cause untold damage to important biodiversity in the area, and to protected and priority species.
- Important habitats which have probably only just settled down after the last wind farm was developed will be devastated once again.
- The hills around Scout Moor used to be a nesting area for Curlew, Redshank and Dunlin. There is now no trace of these birds breeding in this area.
- Bats and wildlife needs ignored.
- As well as the visual pollution for miles around, the additional turbines will cause further bird deaths, of which there are many protected species on the moors and mean further disruption to the peat layer which is an extremely important part of our ecosystem in terms of the water table and water purification locally.

5.100. Equestrian and amenity:

- The Pennine Bridleway is an important resource for Rossendale, much loved and well used by visitors and local people alike, the impact on this important local amenity will be devastating especially to the horse community and local business which relies on the PBW for income.
- Horses spook easily. It goes against everything Rossendale are trying to promote with regard to recreation and leisure in the valley to put more turbines up.
- British Horse Society guidelines advise that wind turbines are not placed closer than 200m to bridleways. These guidelines were written when wind turbines were substantially smaller than those planned.
- The bridleway is accessed by riders from around the country and many businesses rely on these visitors for their livelihood.
- The Mary Townley Loop is one of very few circular routes which is safe for horses, allowing wind turbines to be sited near the bridleway will not only spoil the bridleway but make it dangerous for many riders.

5.101. Landscape and visual amenity:

- They are visually objectionable.
- The turbines should be erected in existing urban spaces rather than destroy the precious peaceful spaces of countryside which can be enjoyed by all of us.
- Aesthetically, they are not pleasing to the eye and ruin, completely, our wonderful landscape and any land around them.
- Rossendale has far more than its fair share of wind turbines disfiguring our beautiful landscape.
- It is now possible to stand on any high point of the moors and see wind turbines in almost any direction.
- They are a huge and permanent eyesore.
- Loss of visual amenity particularly as it appears that the distinctive outline of Cowpe Lowe will be overshadowed by the turbines. The Valley is already overlooked by numerous turbines; if these are added to them there is a real danger that Rosendale will be seen as a place which is overwhelmed and oppressed by these structures.
- It will scar the environment and provide a highly questionable energy source for profiteers.
- The additional turbines would convert a beautiful rural landscape which has not been spoiled too much by the existing turbines, into a horrible industrial landscape visible for miles around.
- Peel Energy have ruined the landscape and the visual amenity for most of the north west and it would be wrong to allow them to carry on with this wholesale destruction of our stunning landscape.

- The proposed 16 turbines are significantly bigger than the present ones, which will affect and be visible to more local communities over a much wider area in the Rossendale Valley.
- The cumulative effects of the piece-meal development that could be created will look like one large wind farm comprised of a variety of turbine models and sizes that will then begin to decay as older ones are decommissioned.
- The cumulative effects of the proposed expansion combined with existing wind farms, those under construction and, especially the proposed application by Coronation Power, would be an unacceptable loss of visual amenity.
- Loss of visual amenity in an area that boasted unspoilt views and is rapidly becoming a wind farm landscape.
- The current views from Norden and Edenfield are already overwhelming. Entering Norden along the A680 Edenfield Road is like arriving at a set from 'War of the Worlds' and these turbines are 'only' 100 metres in height. The additional turbines will be much bigger, the visual impact much greater and the period of operation much longer. This visual devastation will extend to the northern and eastern edges of the expansion site, which, at present are relatively unaffected.
- Historic habitations such as the conservation areas of Prickshaw and Broadley Fold, Whitworth Square and St Bartholomew Church are assets worthy of preservation. Essential to their appeal are near and middle views. Consultants Grover Lewis Associates have reported that the Rooley Moor proposal will lead to 'major impact leading to an effect of 'major significance'. The proximity of the SMWF Expansion Application will simply exacerbate this unacceptable effect.
- The current Scout Moor Wind Farm can be seen clearly from across the Cheshire plain, the motorway system to the south and from the Ribble Valley to the north. The Historic Cotton Famine Road sits to the east but is still too close to Scout Moor Phase 1 and is visible from great distance to the south - this heritage asset must not be compromised by further development.
- There are currently 26 turbines on Scout Moor, 12 are being constructed as I write on Crook Hill, Coronation have an application for 12 turbines, Force 10 have a scoping application for 3 at Ding Quarry, Reaps Moss has 5, Todmorden Moor has 5, Ashworth Moor has 1 and now the Peel/UU application for a further 16 turbines. If the current applications are approved that would be a total of 80 turbines in a relatively small area of the South Pennines moors. This would be a landscape of wind turbines and not a landscape which contains wind turbines. The turbines being built now are 25% taller than the current Scout Moor turbines, 125 metres high rather than 100 metres and will be built at higher altitudes – approximately 470metres. Therefore the visibility of these turbines will have much more of a detrimental effect.
- The current proposals are for infill to the existing wind farm, and evidently close that 'visual permeability'.

- The Government not only recognises the limitations turbines can offer in meeting our energy needs but is also clearly placing emphasis on local decision making, and intrinsic landscape value.
- Ministerial Statements in recent months have also placed great emphasis on the intrinsic value of the landscape.

5.102. Conservation/heritage issues:

- Worrying destruction of the historic road.
- The proximity to Waugh's Well alone should deem it a "no go" application.
- Visual impact from Holcombe Conservation Area, esp. Peel Tower hugely changed and unacceptable.
- Our national heritage should be preserved for future generations. Rooley Moor Road was an important route in the times of the cotton trade.
- The impact of the development on the tramway above Cowpe. There would also be significant impact on local conservation areas including Prickshaw and Broadley Fold, the moors and peat bogs and the historic Rooley Moor Road.
- There are also remains of Edwin Waugh's cottage.

5.103. Environmental issues:

- The balance between providing more wind power and conserving open moorland has been achieved with the existing turbines. Placing further turbines here is unacceptable.
- This area has a number of peat bogs and to dig up the bogs for roads and foundations will release huge amounts of stored carbon dioxide. This undermines the whole purpose of lowering carbon dioxide emissions.
- This proposed development is totally unacceptable in an area of outstanding natural beauty close to a large city where recreation is of paramount importance to the community.
- The natural environment would be irreparably damaged during installation and operation and the aesthetic beauty of the area would be forever ruined.
- SMWFEL put in place a Habitat Enhancement Plan Fund totalling £500k to fund peat restoration for the phase 1 development. Analysis of that Fund shows of the £191k released, nothing has been spent on peat restoration on Scout Moor. The lion's share of this fund has been paid to United Utilities who are in partnership with Peel in the Expansion Project.

5.104. Residential amenity including noise:

- The visual detriment will be unacceptable, especially with regard to the proposed positions of turbines N7, N8, N9, N10, N11 and N14, which are too close to the village of Cowpe. These structures will dominate the village, and ruin the skyline across the whole eastern arm of Rossendale valley.

- From the plans it appears that the turbines are to the east of a considerable number of dwellings; there is a risk of flicker in the early morning sunlight affecting many properties.
- Visual amenity is already destroyed from the village of Affetside in Bury.
- The noise from these turbines will be quite unacceptable and will disturb those living in the vicinity.
- Shadow flicker is an issue at some dwellings – but the problem is ignored/dismissed.
- Object to the plan to increase the turbines by 16 larger ones on the basis that the impaired visual amenity, noise and shadow flicker will negatively impact Turn Village.
- If the overall development is to be allowed a condition should be imposed that T11 is moved within the existing footprint of the existing development or dropped.
- Private water supplies have not been properly assessed.
- Strongly oppose the extension of Scout Moor wind farm on grounds of noise pollution.
- In the present Scout Moor Wind Farm Expansion Ltd Environmental Statement, the chapter on Noise and Vibration discusses amplitude modulation or blade swish as the most common cause of complaints about wind turbine noise. However the noise assessment detailed in the Statement does not measure amplitude modulation (AM) and acknowledges that Governmental Guidance has still to be produced.
- ETSU-R-97 is the current standard used to measure noise from wind turbines. This was published in 1997. Although it mentions amplitude modulation it provides no satisfactory way of measuring it. ETSU does not measure AM yet AM causes the greatest adverse health impacts. This seems illogical. There has been considerable research since namely *Wind Turbine Amplitude Modulated Noise* (2013) by Geoffrey Weller, a leading acoustics expert.

5.105. Socio-economic:

- They have no benefit whatsoever to our community, they are an eyesore and made no difference to our electrical bills.
- The original Scout Moor Wind Farm was erected against strong local opposition. The only body to benefit from these wind farms are land owners.
- Peel's suggestion of a 'community fund' is a vacuous bribe. They will be well aware that none of the equivalent fund to the existing wind farm has been spent nearly a decade after that was built.
- Surely it would be better to invest in providing people with solar panels rather than spending millions blighting our landscape and creating areas not safe for wildlife, horses and riders.
- It will damage the local economy and increase levels of local deprivation by making the Rossendale Valley less attractive for people to live in.

- The expansion will certainly not be a tourist attraction.
- The building and maintaining of huge wind farms brings some short term prosperity to the area, but also massive disruption to residents, local businesses and stables which rely on safe access to the moors.
- Businesses dependant on tourism (equestrian, B&B's, café's, etc) will be directly affected, as people will simply stop coming to our area.
- More should be done to integrate community engagement into this scheme – suggest learning from the excellent schemes in Baden Wurtemberg in Germany, or discussing with Triodos bank, which has branches in the UK.
- The recent fire on Todmorden Moor indicates there are risks to animals, children and people within the countryside.

5.106. Financial:

- The economic value of onshore wind farms is now being questioned publicly and politically.
- The government has already reduced financial subsidy incentives for wind farm developments. Far from offering any value to local residents of Rochdale and Rossendale, therefore, the only winners in this project are the developers and those landowners whose land was previously unviable.
- The overall economic consequences are disastrous.
- During the last recession, local traders have suffered badly. Plans were revealed in a recent issue of The Free Press for a redevelopment of Rawtenstall centre, with the express aim of attracting more trade and tourism. These plans will come to nothing if private enterprises such as Peel Holdings/United Utilities are allowed to further desecrate the once-beautiful valley of Rossendale, threaded as it is with bridle tracks and walkers' trails for local and tourists to use.
- Wind farms are uneconomic and only continue because taxpayers and energy users subsidise them. To ask us to pay for these ugly turbines when we don't want them in the first place is rubbing salt into the wound. The turbines are often motionless.
- The existing wind farm is quite large enough, is an eyesore in an area of outstanding natural beauty and the financial benefits do not justify the initial construction costs.
- Financial community funding certain to be as inaccessible as the last pot – still not yet all claimed.

5.107. Health concerns:

- Suffering for communities too close to turbines due to noise and AM inaccurately gauged.
- Turbines are a health hazard which requires more in depth and up to date research.
- There is increasing evidence that wind turbines affect health adversely.

- The existing farm produces an excessive level of noise which is very harmful to health, and which has always been denied by the operators, so any increase will impact strongly on the local residents.

5.108. Non-material issues:

- Homeowners see potential value of their properties reduced.
- No to anymore wind farms.
- Enough is enough.
- Please take a look into the many uses of this land for the enjoyment it provides – don't let this be destroyed.
- This development is in the wrong place.
- Local politicians are against it. Jake Berry's 'Not on our Hills' campaign confirms this. Simon Danczuk MP has stated that both the SMWFEL and the Coronation proposals are not acceptable. There is cross-party opposition to this development and it would be unwise indeed to consent these developments on the basis of Business rates incomes (minute in the overall scheme of things) and the Community Benefit Funds (non-statutory and uncertain).
- The Conservative Manifesto at the recent general election recognises that onshore wind farms often fail to win public support, and are unable by themselves to provide the firm capacity that a stable energy system requires. The Government has now committed to end any new public subsidy of turbines, and to change the law so that local people have the final say on wind farm applications.

Comments

5.109. Comments received include:

- No objection to extra turbines on Scout Moor, however wish to see waste land to the rear of Exchange Street tidied up and additional land offered for sale to residents for car parking.
- Extension of time requested so that Bury residents are consulted properly. Request for Bury to publicise this matter in an appropriate manner, including online links to the relevant application documents, and formal consultations beyond just highways and policy.
- According to the minutes of the Council's Overview and Scrutiny Committee on 09/02/2015 and the Cabinet Committee on 11/02/2015 the income from windfarms is fundamental to the future finances of Rossendale Council. If the Council accept this proposal of 14 turbines to be erected at Scout Moor, the decision could be questioned by the residents of Rossendale, when they become aware of the income that would be gained for the Council, from windfarms.
- There is a new bridle path suggested to avoid the new turbines. The proposals are supported as long as the new route remains open for the lifetime of the wind farm. If the route is not

considered acceptable, T7 is not in a suitable position and does not allow for the Mary Townley Loop to be ridden safely.

Consultation on Further Environmental Information

5.110. 22 responses have been received from members of the public. 2 were in support of the application (circa 0% from Rossendale, 100% from Bury), 19 objected (circa 47% from Rossendale, 11% from Rochdale and 42% from Bury) and a further 1 commented (circa 0% from Rossendale and 100% from Bury) on the application but did not state whether they were in favour or opposed. It is noted that 1 of the letters in support of the scheme had been created in template format utilising the applicant's website.

5.111. The matters raised in these representations are summarised below in three categories: support, objections and comments.

Support

5.112. Sustainable development:

- The Development Proposals constitute 'sustainable development'.

5.113. Climate change:

- The Development Proposals support Central Government's urgent need for the further deployment of renewable energy including onshore wind in appropriate locations, in order to ensure greater national security of energy supply and decarbonisation of energy generation.
- The Development Proposals have the potential to make a significant contribution toward the reduction of greenhouse gas emissions from energy generation, therefore addressing one of the main causes of the destructive effects of climate change.

5.114. Highways/Access:

- The main access roads are already built and this would help to minimise the effects of the development.
- Turbines can be delivered successfully to the site using the existing access.

5.115. Public rights of way:

- The development would not affect access on to the moor, the previous wind farm development improved access.
- The Development Proposals respect and enhance public rights of way and access for everyone.
- The addition of new way-marked recreational trails will enhance an already well-used educational and amenity resource.

5.116. Equestrian and amenity:

- The Development Proposals deliver a new horse riding route, improving linkages for horse riders between the south-western side of Scout Moor and the Mary Towneley Loop.
- The expansion scheme will deliver new upgraded paths for pedestrians, cyclists and horse-riders, linking wind farm access tracks to existing public rights of way.

5.117. Landscape and visual amenity:

- The high level location, some 12 miles north east of Manchester is perfectly situated to capture the energy from the south west prevailing winds.
- The required cables will be routed underground which will help to reduce visual impact.
- Turbines are now an accepted part of this landscape and there will be no significant harm to heritage assets on the moor
- Accept the findings of an independent study 'A Landscape Capacity Study for Wind Energy Developments in the South Pennines', Julie Martin Associates in 2010 which concluded that the landscape within which the new turbines lie could acceptably accommodate an additional large wind farm.

5.118. Environmental issues:

- The associated Moorland Restoration Plan will offer an important opportunity to improve the condition of the moorland.
- The Moorland Restoration Plan will be of benefit to ecology and wildlife.

5.119. Minerals and waste:

- The Development Proposals are supported by an effective system to manage waste during construction, operation and decommissioning of the proposed development.

5.120. Residential amenity including noise:

- The existing wind farm has not lead to any noise complaint. The Applicant has committed to deal proactively with any complaints which may arise in the future.

5.121. Socio-economic:

- The expansion scheme provides the potential for local Rossendale and Rochdale businesses to be involved in the construction and operation of the windfarm through a Local Employment and Procurement Scheme.

5.122. Financial:

- Support the inclusion of a Community Benefits Fund of £5,000 per consented megawatt per year over the lifetime of the scheme for local projects.
- Support the inclusion of a Co-operative Ownership scheme giving local communities the opportunity to own two turbines (or an equivalent share of the project).

Objections

5.123. Planning Policy:

- Planning policy should support conservation of the countryside.

5.124. Green Belt:

- The development comprises inappropriate development in the Green Belt which would have a detrimental impact on the openness of the Green Belt.
- The benefits of the scheme, including the provision of renewable energy, are not considered to outweigh more harm to the Green Belt.

5.125. Turbine function:

- The introduction of large numbers of wind farms on the national grid provides only intermittent power which must be backed up 100% of the time by conventional power generation and imposes constraints on the operation of the grid so that it now runs extremely inefficiently.
- The lifetime for turbines is at least 10 years less than previously assumed with the load factor falling from 24% to 11% after 15 years. We have already seen this on the existing Scout Moor development where at least 3 of the turbines have not been operating for long periods over the last few months and it is less than 7 years old.

5.126. Public rights of way and recreation:

- The proposed wind turbines and access roads are too close to the popular routes of the Pennine Bridleway, Mary Towneley Loop, Rossendale Way and several important fell race routes.
- The alternative route to the Mary Towneley Loop is unacceptable.
- Regarding the Pennine Bridleway and the Mary Towneley Loop, any additional turbines will diminish the attraction of these national assets. This will result in fewer walkers, equestrians, ornithologists and those who simply desire the open space above our towns.
- The anemometer mast is situated close to the Mary Towneley Loop.

5.127. Farming/wildlife:

- Direct habitat loss that may support birds of conservation value. The amount of birds and wildlife on the Scout Moor site has been greatly reduced. This site will displace species and there will be greater collision risk.
- The Upper Naden Valley is the last stronghold for breeding twite.
- Increase risk of flooding due to more damage to peat which was never restored as promised in Phase 1.

5.128. Equestrian and amenity:

- Shadow flicker will be a safety issue for horses.

5.129. Landscape and visual amenity:

- When consenting the original Scout Moor wind farm the Inspector included a statement (if not a formal condition) that no further development should take place on Scout Moor. Given the development on Todmorden, along with the new developments at Crook Hill and Reaps Moss that statement should be given greater weight.
- The added impact of Crook Hill and Reaps Moss provides clear evidence that any more turbines will add to the distressing appearance of our natural moorland landscape.
- The visual impact report by Julie Martin Associates did not take account of the devastating impact of the developments currently under construction.
- The almost linear proposed positioning of turbines 7, 8 and 9 and also turbines 1 to 7 is aesthetically displeasing.
- The proposed development of 16 wind turbines would increase the detrimental impact on the landscape of the area, from both short range and at longer distances producing a cumulative effect when viewed with existing wind farm developments.
- Detrimental impact on the Rossendale Valley.
- Adding to the existing density of turbines serves to add to the desecration of the landscape.
- Scout Moor is already the largest inland wind farm.

5.130. Conservation/heritage issues:

- Rooley Moor Road is of historical importance and your proposals will destroy this heritage site.

5.131. Environmental issues:

- The applicant failed in the last 7 years to demonstrate that adequate and successful peat restoration would be carried out.
- It is impossible to embed so much alien material, including toxic concrete into our natural peat landscape without adverse effect.
- Evidence of unfinished landscaping, water run-off etc. is all over the site. Not one penny of the so-called Habitat Enhancement Plan Fund of £500,000.00 has been spent on Scout Moor. Indeed, most has been paid to United Utilities, the joint venture partner in this application.
- Turbine bases are to be left in the ground.

5.132. Residential amenity including noise:

- It is now becoming almost impossible to enjoy clear open space on our moors. Wind turbines are everywhere.
- Significant concerns about pollution to spring water supply from Cowpe Lowe and the potential noise pollution from turbines T8 and T9.

- Unless an effective condition to control AM is included, in the event planning permission is granted, there is a serious risk that adverse impact upon amenity, including sleep disturbance, will result and will not be controlled by the ETSU-R-97 controls. Statutory Nuisance under the Environmental Protection Act 1990 is not an acceptable control due to its cost, time consuming process and ability for the wind farm operator to continually defer action through various means. The chairman of the IoA wind farm noise working group, Richard Perkins, has publicly acknowledged that Statutory Nuisance has failed as a protection mechanism.
- Wind turbines are visual intrusive to the local communities.

5.133. Socio-economic:

- Negative impacts on tourism.
- The negative impact on the local equine tourist industry. There are numerous businesses in the area that rely on this industry to provide their income. The number of people prepared to risk taking their horses past the wind farm with so many of the turbines so close and in clear view along and above the Mary Towneley Loop will be low. This would result in a loss of income and severe hardship for these businesses.
- This amenity land should be protected and developed as an income provider. Further development will adversely affect the local economy Scout Moor is already a virtual 'dead zone' devoid of wildlife and damaged terribly by the existing development.
- Rossendale is being spoilt and whilst, on one hand attempts are being made to improve leisure facilities, on the other you are working in the opposite direction, creating an industrial landscape.
- Negative impacts on the local equine tourism industry.

5.134. Health concerns:

- Research by Imperial College shows that turbine fires like the one recently on Todmorden Moor and the earlier one on Scout Moor occur 10 times more frequently than reported. Using their figures there is a greater than 1 in 2000 chance of a turbine fire per year, which must be considered in the context of a dry summer moor.
- It is very common for wind turbines to throw either whole or part blades.
- It is now becoming much better understood that wind turbines may affect health through the generation of non-audible infra-sound causing pressure waves that are detectable by some (like sea sickness) and causes a range of symptoms including psychological disturbances and sleep loss, generally categorised as wind turbine syndrome. A recent study by ear, nose and throat specialists in the U.K. found that infrasound can have physiological effects.

5.135. Non-material issues:

- The cost of turning off the UK's existing turbines in subsidies paid to the energy companies is £50 million a year – this cannot be financially viable.
- Not one commoner was reimbursed for land lost via the de-registration process .

Comments

5.136. Comments received included:

- Private water supply not properly assessed, questionnaires not received at Fecit Farm.

6. CONSIDERATION OF IMPACTS

Climate change & principle of development

- 6.1. The Intergovernmental Panel on Climate Change (IPCC) stated in 2014 that ‘warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen.’⁹
- 6.2. The UK is legally bound to cut greenhouse gas emissions by at least 34% by 2020 and 80% by 2050, compared to 1990 levels¹⁰. EN-1 states that *‘moving to a secure, low carbon energy system is challenging, but achievable. It requires major investment in new technologies to renovate our buildings, the electrification of much of our heating, industry and transport, prioritisation of sustainable bioenergy and cleaner power generation. And it requires major changes in the way energy is used by individuals, by industry, and by the public sector.’*¹¹
- 6.3. The NPPF states that ‘Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development’¹².
- 6.4. The NPPF goes on to state at paragraph 98 that;
- ‘When determining planning applications, local planning authorities should:*
- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
 - *approve the application if its impacts are (or can be made) acceptable....’*

⁹ Intergovernmental Panel on Climate Change - Climate Change 2014 Synthesis Report

¹⁰ Climate Change Act 2008 available at http://www.decc.gov.uk/en/content/cms/legislation/cc_act_08/cc_act_08.aspx

¹¹ Paragraph 2.2.1 of Overarching National Policy Statement for Energy (EN-1)

¹² Paragraph 93 of the National Planning Policy Framework

- 6.5. The UK Renewable Energy Roadmap (Update November 2013) states that ‘The UK has made very good progress against the 15% target introduced in the 2009 EU Renewable Energy Directive. In 2012, 4.1% of UK energy consumption came from renewable sources, up from 3.8% in 2011.’¹³
- 6.6. However, the demand for electricity is likely to increase as energy users (such as industry, heating and transport) switch from being powered by fossil fuels to using ‘green’ electricity Total electricity consumption could double by 2050 reflecting increased intensity of usage in all weather conditions. In addition, if there is a high level of dependence on intermittent electricity generation (principally renewable technologies such as wind and solar), then the capacity of electricity generation could need to triple¹⁴.
- 6.7. Accordingly, there is policy support at national level for renewable energy proposals.

Landscape & Visual

- 6.8. The EIA included a LVIA of an area of 35km radius of the site. During the pre-application process viewpoints were agreed between RBC and the applicant and assessments were carried out from these locations.
- 6.9. It is clear from the responses received from the public and a number of organisations that the landscape and visual impact of the proposed development is one of the principal areas of concern.
- 6.10. Many representations have included reference to the proposed Rooley Moor Wind Farm and the combined/cumulative impacts that would arise. Currently, the Rooley Moor Wind Farm does not have planning permission (refused by Rochdale MBC on 23rd June 2015 and Rossendale BC on 21st July 2015). Whilst this application is now subject to an appeal, the outcome of this process is unknown and the scheme does not have consent. The baseline for assessing this application is those proposals that are consented or in existence when the decision is made. Therefore the Committee are not required to consider the cumulative impacts of this proposal and the now refused Rooley Moor Wind Farm. Members should note that should permission be granted for Rooley Moor Wind Farm before the final determination of this application then that would be a material change in the baseline which would have to be considered then.
- 6.11. The presence of the existing Scout Moor Wind Farm on and around the proposed development has affected the baseline upon which this scheme should be assessed. The area is now less sensitive to change in terms of landscape character than if would be this was a scheme on moorland without the existing wind farm.
- 6.12. The Landscape Capacity study for this area (South Pennines Wind Energy Landscape Study, Final Report, October 2014) states that ‘in repowering existing wind energy sites or extending the existing Scout Moor Wind Farm [particular care will need to be taken to ensure that] the surrounding landscape does

¹³ Executive Summary of UK Renewable Energy Roadmap Update 2013

¹⁴ Paragraph 2.2.14 of Overarching National Policy Statement for Energy (EN-1)

not become 'a wind farm landscape' i.e. a landscape in which the influence of wind energy development dominates landscape character, effectively creating a new character'. ES Figure 7.36b illustrates how this landscape currently stands, showing wind farm proposals that are in planning, consented or operational within 10km of this proposal.

- 6.13. RLPP1 Policy 18 states that RBC will 'seek to avoid any harmful impacts of development on all aspects of Rossendale's natural environment – including its biodiversity, geodiversity and landscape assets'. The policy also states that development proposals should safeguard and enhance landscape character. Policy 19 goes on to state that renewable energy generation proposals will be given positive consideration so long as 'They do not have a significant impact (either alone or cumulatively) on the character and value of the natural or urban landscape.' In addition, Policy 20 requires wind energy proposals specifically to 'not have an unacceptable harmful impact, alone or cumulatively, on landscape character and value, including urban areas and the wider South Pennine landscape based on the most up to date studies and assessments'.
- 6.14. During the construction phase, the EIA identified significant direct visual effects for users of a number of public rights of way (PRoW) and residential receptors in the surrounding settled valley near Edenfield. The PRoW affected include the Rossendale Way, the Pennine Bridleway and (to a lesser extent) the Rochdale Way. Locally significant direct visual effects are also identified for receptors in the vicinity of the proposed substation and grid connection cabling. Once operational, the proposed development would provide some long term positive effects in relation to landscape features as a result of moorland restoration activities. However the EIA identified a number of major adverse visual effects from multiple viewpoints and one significant adverse visual effect from the top of Stoodley Pike in Calderdale.
- 6.15. The Holcombe Society have raised concern that there will be serious adverse effects on the '*regionally important amenity areas of Scout Moor and Peel Tower*' thereby creating an industrial landscape. The effects on both the Scout Moor area and on Peel Tower in Bury have been assessed by LUC.
- 6.16. LUC reviewed the application documents in May 2015 and concluded that there will be a number of 'additive' significant effects that should be considered when determining the application. These include; short term adverse effects (12 months) during construction; long term adverse operational effects on landscape character from localised areas within neighbouring landscape character types (LCT) (Scout Moor and Shore Fringe and Irwell Settled Valley) and effects on views from viewpoints 3, 5, 7, 8, 9, 10, 16. Concerns were also raised in relation to cumulative visual effects (including the proposed Rooley Moor Wind Farm) from a number of viewpoints. LUC went on to conclude that the 16 turbine proposal for Scout Moor is not acceptable in landscape and visual terms, and recommended that mitigation be undertaken.
- 6.17. This mitigation included the reduction in height of turbines T5, T6, and T7, the re-siting of turbines T10 and T11 and the removal of turbines T10, T11 and T15 at the time of the decommissioning of the existing Scout Moor Wind Farm in 2034.

- 6.18. The applicant responded to these recommendations in the FEI which concluded that the mitigation measures recommended by LUC would not significantly alter the impacts of the proposed development. The applicant also confirmed that the proposed mitigation would reduce renewable energy production.
- 6.19. LUC provided additional comments in response to the FEI and re-stated their views on the application. In making their recommendations, LUC supported the findings of the South Pennines Wind Energy Landscape Study that there is scope for additional wind turbine development on Scout Moor¹⁵ but that the current 16 turbine scheme is not acceptable due to the specific concerns raised by them.
- 6.20. In summary, there are a number of harmful impacts in landscape and visual terms that would arise from this development, most noticeably impacts on the area north of the Irwell Valley and around Cowpe. The turbines would be spread wider and would be closer when viewed from the west.
- 6.21. LUC have advised that due to specific harms identified in respect of some of the turbines the landscape and visual impacts of the proposed scheme are unacceptable overall, and that this is to be weighed in the planning balance.
- 6.22. The Council can impose conditions to amend or remove elements of the scheme in order to mitigate harm and make the proposal acceptable, provided that it does not fundamentally alter what is being applied for. If this approach were to be taken, RBC would need to be content that the environmental information submitted as part of the application provides sufficient information for a judgment to be made on the impact of a reduced scheme.
- 6.23. T5, T6, and T7 are situated on a ridge running south from Cowpe Lowe and are considered by LUC to be *'consistently problematic in views from the north'*¹⁶ and appearing notably higher than other turbines in the proposed scheme. The FEI assessed the implications of reducing the height of these turbines and the impacts the various different candidate turbines would have. It is acknowledged that reducing the height is unlikely to reduce the levels of significance from a given viewpoint and significant visual effects would still be triggered at all these viewpoints. However, whilst it does not change the level of significance it would allow the proposed development to be read as a more coherent group of turbines seen behind the relatively flat ridge of the moorland plateau. LUC also point to Scottish Natural Heritage's (SNH) Siting and Designing Wind Farms in the Landscape (2014) which states that *'it is important to site and design a wind farm so that it appears visually balanced in relation to the underlying and surrounding landform'*.
- 6.24. The FEI states that reducing the height of these turbines would result in a 0.64% reduction in energy generation per annum, equivalent to 579mwh per annum enough to power 133 dwellings. This is a relatively small loss in generation when compared to the environmental benefits resulting from this revision.

¹⁵ South Pennines Wind Energy Landscape Study – Julie Martin Associates (page 30)

¹⁶ Para 2.1 of LUC FEI Review

- 6.25. T10 and T11 are problematic from certain lower lying views in the settled valley to the west and the higher viewpoints of Bull Hill and Peel Tower. LUC recommend that these turbines either be relocated or they should be removed when the existing Scout Moor Wind Farm is decommissioned.
- 6.26. With regard to relocating these turbines, the FEI did not assess this request as the applicant considers there is no one defining ridgeline around Scout Moor and the relative position of T10 and T11 is not dissimilar to turbine locations within the existing Scout Moor Wind Farm and the turbines remain fully within the High Moorland Plateau Character Area (a key design criteria). In addition, the applicant advises that there are environmental constraints that prevent the relocation of turbines locally.
- 6.27. In response LUC reiterated that *'earlier design iterations looked at locating turbines south of the Cowpe Moss area, however turbines should not be relocated to the detriment of views from other locations/ other environmental and technical considerations'*¹⁷. With this in mind, LUC suggested that the applicant *'be requested to give further consideration to the relocation of T10 and 11 within the wider application site boundary'*.
- 6.28. The applicant has responded that these turbine locations could not be relocated locally more than the requested micro-siting allowance due to topographical and ecological constraints. It is also noted that the red line (site) boundary put forward is so close to the proposed turbines that this would prevent the turbines being relocated as part of the current application and that for the turbines to be relocated would likely require a new application. In light of this, T10 and T11 cannot be re-sited as part of this application. Therefore, if these turbines are, on balance, considered unacceptable the only option would be to remove them from the scheme.
- 6.29. Removing T10 and T11 before permission is granted would reduce energy generation by 12.5% (2 of 16 turbines), enough to provide for 2587 dwellings every year. This is a considerable amount of 'green' energy that must be given weight within the planning balance.
- 6.30. T10 does not sit comfortably with the pattern of proposed and existing turbines. The majority of the turbine tower is visible which brings the turbine forward within the views from the west and creates the effect of turbines 'spilling out' of the moorland plateau. However, significant visual effects are already experienced from these viewpoints and it is unlikely that the removal of T10 would alter these findings. It is therefore considered that the provision of 'green' energy for 1293 homes per annum, and the associated reduction in greenhouse gas emissions, outweighs the modest change to landscape and visual impacts that would be experienced.
- 6.31. T11 is visible at the head of Newgate Brook and would result in significant visual effects from the property at Newgate. LUC have confirmed that the removal of T11 would address the negative impacts that would be experienced by this property if the turbine were constructed. Like T10 the turbine will also impact on wider views, but a similar situation exists whereby the severity of the impacts on the wider landscape will not change greatly. Again, this turbine would provide 'green' energy for 1293

¹⁷ Para 6.1 of LUC LVIA Review

homes per annum, and bring with it a reduction in greenhouse gas emissions. In this instance the planning balance is very fine. Overall it is considered that the significant visual impact of this turbine does not outweigh the public benefits this turbine would deliver with respect to energy generation.

- 6.32. LUC also suggested the removal of T10 and T11 when the existing Scout Moor Wind Farm is decommissioned in 2034. It has already been noted that T16 (which is located in RMBC and is the southernmost turbine of the current scheme) will be removed at this time. LUC suggested removal of T10 and T11 as these turbines will appear as outliers in relation to (ie separate from) the turbines which will remain. For clarification, LUC also suggested that T15 within Rochdale is also removed at this time but this is not within the control of RBC.
- 6.33. Notwithstanding the applicant's assertions that T10 and T11 would be acceptable if retained beyond the decommissioning of the existing wind farm, it is evident from a number of viewpoints that LUC's views are well founded. This is shown in particular from viewpoints 6, 9, 15, 16 and 18.
- 6.34. On balance, it is therefore considered that the landscape and visual impact of T10 and T11 do not outweigh the public benefits after the current Wind Farm is decommissioned.
- 6.35. LUC have highlighted a number of additional impacts that would occur following the removal of the existing Scout Moor Wind Farm and that T10 and T11 would at this stage not be acceptable in visual terms, particularly from Viewpoints 6, 9 and 15.
- 6.36. Removing T10 and T11 at this stage would result in a reduction in energy production by 14% (2 of 15 turbines) per annum between 2034 and the decommissioning of this scheme (2042). Depending on when the proposed wind farm is constructed, it is unlikely that this would be for a period of more than 11 years. It is considered that the identified visual harm during this period would tip the planning balance against these turbines rendering them unacceptable. It is therefore proposed that a condition requiring T10 and T11 be removed when the existing wind farm is decommissioned is imposed.

Cultural Heritage

- 6.37. Sections 66(1) and 72(1) of the Planning Listed Building and Conservation Areas Act 1990 set out parallel duties to have special regard / attention to the desirability of preserving a listed building and its setting, and the desirability of preserving or enhancing the character or appearance of conservation areas. These duties have been taken into account in the consideration of the proposed development.
- 6.38. The NPPF includes requirements for an applicant to describe the significance of any heritage assets affected, in order that the potential impact of development proposals on their significance can be understood (para 128), and for decision-takers to identify and assess the particular significance of any heritage asset that may be affected by the proposal (para 129). It sets out that in consideration of the impact of a proposed development on the significance of a designated heritage asset, great weight needs to be given to the asset's conservation (para 132), and that harm caused by a development

proposal to the significance of a designated heritage asset should be weighed against the public benefits of the proposal (para 133 and 134).

- 6.39. The ES has assessed the likely effects of the proposed development on the historic environment, including both designated and non-designated heritage assets in the area surrounding the development. This includes direct and indirect physical effects on the cultural heritage resource, and potential impact on the setting of heritage assets.
- 6.40. Generally GLA agree with the findings of the ES. This identified 399 designated heritage assets within 5km of the application site boundary. Generally, the effects on nearby listed buildings (through development within their setting) would be negligible (not harmful) in most instances when compared against the harm caused by the existing wind farm. It acknowledged that some harm to significance would occur but GLA consider that this would not fundamentally affect the overall special architectural and historic interest of the heritage assets.
- 6.41. The ES did identify a significant environmental effect upon the heritage significance of two Grade II listed buildings and none significant effects to other listed buildings. However, the ES apportioned much of this effect to the presence of the existing Scout Moor Wind Farm and the harm would occur even if the Proposed Development were not to be constructed.
- 6.42. GLA's views differ from the views put forward by the applicant in the ES in two instances.
- 6.43. The Church of St Nicholas with St John is a grade II* listed building dating from 1825, the west tower of which can be seen afar. GLA highlights one view in particular which shows how the wider landscape and rising moorland provides a fine backdrop setting to the church that contributes positively to the setting and significance of this important heritage asset. As a result GLA consider that the ES underestimates the magnitude of change and considers that there would be a significant effect in EIA terms, but that this would amount to less than substantial harm in NPPF terms.
- 6.44. Cloughfold Conservation Area is relatively small and includes the core of the historic village on the northern side of the Irwell valley. The Conservation Area appraisal notes that due to its location on a south-facing slope above the valley, there are important long views over the valley to the moorland beyond from a number of points in the village, most notably from Newchurch Road and parts of Dobbin Lane.
- 6.45. The ES concludes that the magnitude of change to the significance of the Cloughfold Conservation Area from the proposed development would be negligible, translating into a negligible significance of effect. This would not be significant in EIA terms, and the ES concludes that there would be no harm to the asset in NPPF terms. However, GLA consider that the magnitude of change would be low, giving rise to a low significance of effect. This would not, however, be a significant effect in EIA terms, and would amount to less than substantial harm in the terms of the NPPF.
- 6.46. Waugh's Well and Fo Edge Farm are undesignated heritage assets which were not initially assessed in the ES but were raised by GLA in their initial comments. The FEI submission acknowledges the heritage

value of the two assets, attributing much of their value to their association with Edwin Waugh. The document states that *'the heritage values primarily relate to the assets themselves and to their immediate surroundings in which they are experienced, rather than the wider landscape and views'*. It points out that views from Waugh's Well towards Scout Moor Reservoir includes the existing Scout Moor Wind Farm, and considers that the additional turbines would lead only to a marginal change in baseline conditions.

- 6.47. GLA consider that these assets have *'obvious historical significance'*, and they derive considerably greater significance from their wider moorland setting than the 'negligible' contribution ascribed in the FEI. Whilst the isolated moorland setting has to some extent been compromised by the presence of the existing Scout Moor turbines, GLA considers that the landscape setting contributes greatly to the significance of these non-designated heritage assets.
- 6.48. GLA consider that the new turbines proposed by this development would have a moderate to high magnitude of effect, leading to a low to moderate significance of effect to a non-designated heritage asset of low heritage significance.
- 6.49. None of the impacts upon designated or undesignated assets are considered to be substantial harm in NPPF terms and as a result paragraph 133 does not apply. Instead paragraph 134 is triggered which requires the harm caused to a designated heritage asset to be weighed against the public benefits of the proposal. In addition paragraph 135 states that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'*
- 6.50. In this instance less than substantial harm has been identified at Fecit Farmhouse (Asset ID LB024, grade II), Carr Bank, Lower Boarsgreave (Asset ID LB050, grade II), Old Farmhouse south-west of present Cowpe Hall Farmhouse, Cowpe (Asset ID LB062 grade II), Whitworth Square Conservation Area, Whitworth (Asset ID CA13), White Jones Farmhouse (Asset ID LB211, grade II), Heightside House, Rossendale (Asset ID LB214, grade II and UHDL12), Church of St Nicholas with St John, Newchurch (Asset ID LB223, grade II*), and Cloughfold Conservation Area (Asset ID CA10). In addition, less than substantial harm in NPPF terms has also been identified at the non-designated heritage asset of Cragg Quarry. Although the harm is considered less than substantial in NPPF terms, it should still be accorded significant importance and weight as identified in the next paragraph.
- 6.51. In considering this application, considerable importance and weight has been attached to the desirability of preserving the setting of listed buildings and the character and appearance of conservation areas where harm has been identified (as above). As there is harm to the setting of listed buildings and a conservation area there is a strong statutory presumption against granting planning permission, but the presumption is not irrebuttable and can be outweighed by material considerations powerful enough to do so.
- 6.52. Overall considerable importance and weight have been accorded to the harm identified and it is recognised that the finding of harm gives rise to a statutory presumption against the grant of planning permission. However when the extent of the harm to the assets is considered and weighed against the

substantial benefits that the development will provide in terms of the provision of renewable energy, and the benefits of the MMRP, it is considered that refusal of planning permission would not be warranted on the basis of the impact on heritage assets.

Ecology and Ornithology

- 6.53. The ES sets out at Chapter 9 and 10 the potential impacts that the proposed scheme will have upon local ecology and ornithology.
- 6.54. The South Pennine Moors is considered to be the only European protected site that could potentially be affected by the construction of the Scout Moor Wind Farm because Pathways to other European Sites do not exist. It is considered that the construction and operation of a large-scale wind farm at Scout Moor will not have any significant impacts on the special nature conservation interest of the SAC/SPA.
- 6.55. The MRMP will result in the significant enhancement of some 900 ha of moorland that is currently in a degraded condition. The terms of the NPPF and Local Policies in respect of nature conservation can therefore be satisfied in respect of the impact of the scheme on priority habitats and local wildlife sites.
- 6.56. The impacts on protected species (other than birds) are not considered significant and it is considered that sufficient mitigation and compensation for harm to birds can be secured such that any harm caused by the wind farm development to upland bird populations using the site will not be significant.
- 6.57. Natural England have advised that this proposal *'will have a direct and potential indirect negative effect on areas of 'blanket bog'; an Annex 1 priority habitat under the EC Habitats Directive recognised for the assemblage of flora and fauna which it supports. In considering the proposal overall, including proposed mitigation measures, we advise that it is important for your Authority to be satisfied there would be no significant negative impact on this habitat, prior to the determination of the application in accordance with your Authority's biodiversity duty set out in the National Planning Policy Framework and potential impacts on priority habitat, as defined by Section 41 of the Natural Environment and Rural Communities Act 2006.'*
- 6.58. It is considered that the applicants proposed mitigation measures, alongside the MRMP, Ecological Clerk of Works (ECoW) and Construction Environmental Management Plan (CEMP) are sufficient to ensure that there will be no significant negative impact on habitat during the construction phase. In addition, the MRMP provides significant long term habitat enhancement across the application site and wider area.
- 6.59. It is therefore considered that the ecological and ornithological impacts of the scheme are acceptable.

Hydrology, Hydrogeology and Geology

- 6.60. The ES failed to fully assess the potential risk of flooding which was highlighted by both LCC and JBA in their responses. The FEI subsequently provided an assessment of flood risk and both LCC and JBA considered that this additional material addressed their concerns, which were primarily in respect of the increased runoff from the moor into the surrounding settlements and valleys through the increase in the number of tracks traversing the site.
- 6.61. The application site is identified as a Mineral Safeguarding Area (MSA). Where land within a MSA is proposed for development which would 'sterilise' the potential for extraction, the local plan policy encourages that mineral resources be extracted prior to the development taking place (JLMWCS Policy CS1). The proposed development is not incompatible with mineral extraction as it is not permanent, this is a temporary permission for up to 25 years so would allow future mineral extraction once the proposed development is decommissioned.
- 6.62. It is widely accepted that the peatland habitat across Scout Moor is in poor condition. The development proposals include an extensive MRMP which has been supported by JBA and Natural England. The measures proposed will, it is considered, go a long way to restoring the moorland. This will ensure the 'carbon store' is retained and local flora and fauna will benefit. It is accepted that there will be some negative effects of the MRMP, however, overall the long term benefits of the scheme outweigh any shorter term negative impacts.
- 6.63. There are a number of reservoirs within or near the application site: Scout Moor High Level, Ashworth Moor Reservoir, Greenbooth, three Naden Valley Reservoirs and Cowpe Reservoir. There are concerns that the impacts of the proposed development may lead to a risk to groundwater quality and lead to discolouration. However, the risk of this occurring can be minimised through the Construction Environmental Management Plan. This plan sets out the methods that will be employed during the wind farm construction phase to keep land-take and environmental effects to a minimum and covers activities such as site clearance, construction and restoration.
- 6.64. A number of residential properties across the region have private water supplies, these are fed by groundwater springs, boreholes or surface water abstractions. Through the ES consultation exercise a number of concerns were raised by a number of local residents that they had not been included within the assessment. The applicant has since assessed these properties and liaised with JBA, RBC's advisors on this matter. The potential impact on these water supplies is not significant. However, that said, it is accepted that the area has been the subject of extensive mining in the past and the ground structure may be disturbed allowing water to drain across catchments. It is considered that a condition requiring the quality of water to be tested prior to, frequently during the construction period, and then sporadically thereafter, would be appropriate to ensure that these water supplies remain usable. If any adverse effects are detected rendering the water supplies unusable the applicant should provide an alternative water supply.

- 6.65. Waughs Well is an important undesignated heritage asset located relatively close to the turbines. It is a built structure around a natural spring which turns the spring into a drinking water fountain. This is a focal point on the moor which people use and the maintenance of the quality of water is important and a condition should be imposed to secure this.
- 6.66. There are a number of other considerations in relation to hydrology, hydrogeology and geology that have been assessed through the ES, FEI and responses from others. Taken as a whole, it is considered that the measures proposed by the applicant to mitigate/prevent adverse effects are appropriate and the impacts are therefore acceptable.

Noise, Vibration & Amplitude Modulation

- 6.67. Hepworth Acoustics raised a number of concerns relating to the proposal and the noise limits suggested by the applicant. Further discussions have taken place since these issues were raised and the applicant and Hepworth Acoustics are now in a position where an appropriate planning condition with suitable noise limits have been agreed. Subject to the imposition of this condition on an approval the Council's independent advisors are satisfied that the noise generated by the development would be acceptable.
- 6.68. However, Hepworth Acoustics have commented that the 'daytime and night-time operational noise limits for the proposed development on its own suggested by HMP [Hayes McKenzie Partnership] appear to be unnecessarily high in many cases and would leave no 'headroom' for any other noise generating development in the area and that the noise limits imposed should relate to the proposed development, and not simply relate to nationally prescribed noise limits. It is noted that the proposed limits as agreed relate very closely to those applied to the existing Scout Moor Wind Farm that will ensure the amenity of nearby residents is protected.
- 6.69. Concern has been raised about the medical effects of the regular audible 'swish', 'whoomph' or 'thump' thumping sound that is associated with wind farms, this is called Amplitude Modulation (AM). Several representations, primarily from local General Practitioners (GPs) have highlighted this issue and one provided an expert opinion from MAS Environmental Ltd (MAS) on the impact of noise on health from the proposed development.
- 6.70. MAS has confirmed that 'research¹⁸ has confirmed that all wind turbines generate AM, including single turbine developments and to date, MAS are aware of over 75 wind farms causing AM complaints.' They go on to say that the best way to address this is by ensuring AM is controlled by condition and support the imposition of the 'Den Brook AM Condition', a condition that was used at the Den Brook Wind Farm in West Devon.

¹⁸ Lee, S., & Lee, S. (2013) Numerical modelling of wind turbine aerodynamic noise in the time domain. *Journal of the Acoustical Society of America*, 133 (2), EL94-100

- 6.71. Following receipt of these representations Hepworth Acoustics were asked to provide their own independent views on AM issues. They advised that The Institute of Acoustics (IOA) is the independent professional body in the UK for those engaged in acoustics, noise and vibration and that *'the current position of the IOA is that 'wind turbine AM has been observed in and around dwellings in the UK and elsewhere and in some cases has led to specific complaints from residents'.*
- 6.72. They set out that research on wind farm noise is ongoing and that 'the current consensus among most environmental noise practitioners is that wind turbine noise, and amplitude modulation in particular, is primarily an 'annoyance' issue rather than a 'health' issue'. He also says that the 'infamous Den Brook Wind Farm application is not helpful in that it has been the subject of variations and legal challenges, and ultimately it has not been tested in practice because that wind farm has yet to be built.'
- 6.73. Whilst no empirical research exists to prove AM has negative effects on people's health, evidence is growing and it is accepted that there may be a need for this to be controlled by planning condition. This is highlighted by the Department of Energy and Climate Change (DECC) looking to commission a research contract titled *'Review of the evidence on the effects of and response to amplitude modulation (AM) from wind turbines, with a view to recommending how excessive AM might be controlled through the use of a planning condition'*.
- 6.74. In the light of the advice from the Council's consultants it is considered therefore that a condition relating to AM should be attached to any permission.

Public Rights of Way / Open Access Land

- 6.75. Scout Moor is used for a range of outdoor activities. The Pennine Bridleway (a 430km National Trail) and Mary Towneley Loop runs through the area, the Rossendale Way footpath also passes through site whilst the Rochdale Way passes to the south west. There are other footpaths and bridleways and much of the site is as open access land. There is a purpose built mountain bike track at Cragg Quarry and Lee Quarry (both to the north-east of the application site) and a number of Sustrans National Cycle Network Routes in the vicinity of the application site. Generally the area is well used by local residents and visitors as a resource and ensuring this resource is not harmed is a key consideration.
- 6.76. There are two areas that need consideration in relation to PRoW. The first is the impacts the scheme will have on the physical ability to access the various PRoW around the site, and the second is the impact on the amenity of users of the PRoW.
- 6.77. The proposals would have some negative impacts on the physical ability of users of PRoW to access them, these primarily relate to the points at which the access tracks and PRoW cross. During the construction phase this will cause some disruption however Banksmen will be located at these locations to ensure that PRoW users can continue safely. It is also considered that where access tracks intersect the national trail, there will be harmful impacts upon the wider enjoyment of those using the National Trail for the duration of the proposed development being in situ.

- 6.78. A significant part of the application site is Open Access Land. The applicant intends to submit an application to de-register part of this land (some temporarily) to allow the construction of the wind farm. During the construction process the development will affect the ability of people to utilise this area. In addition the proposals include a MMRP which includes the phased fencing off of parts of the moor to allow it to be restored/regenerated. Whilst this fencing will section off large areas of ground it is noted that the purpose of the fencing is to keep grazing animals out, not people. A series of crossing/access points will be installed to ensure that they do not unduly restrict the free movement of people.
- 6.79. The proposals include the creation of a permissive bridleway to allow better access for pedestrians and horse riders onto the moorland from Turn. This would represent an improvement for horse riders but concern has been raised by nearby residents that this route will in fact facilitate more illegal off-road motor biking on the moor. The British Horse Society has provided details of suitable gates that will allow easy access for pedestrians and horse riders whilst being harder for off-road bicycles. The applicant is willing to provide this type of gate. The Pennine Soaring Club are a paragliding and hang gliding club that have used Fecit Hill, adjacent to the proposed permissive bridleway, for over 40 years as one of their 'flight zones'. They are concerned that their activities, when placed in close proximity to horse riders will give rise to health and safety concerns. In particular they are concerned that their activities may spook horse riders using the new route. They ask that this element of the proposal be refused. The applicant has proposed a number of measures in the FEI para 3.77 to mitigate against this risk and commented further in an email dated 2nd July 2015.
- 6.80. It is considered that the permitted bridleway it is not necessary to make the development acceptable in planning terms and there are several valid objections to it being provided. Therefore, it is considered that the provision of the permissive bridleway cannot be required by condition if permission is granted. That said, the horse enclosure beside the A680 does sit within the red line boundary and would be given consent. The applicant may provide this enclosure, and then progress the permissive route independently outside the current planning process. It is noted that as this permissive route may not be provided, the British horse Society would object to this proposal.
- 6.81. The British Horse Society have issued guidance on the separation distances between turbines and bridleways that states there should be a '*minimum separation distance of 200m or three times blade tip height (whichever is greater) required between a turbine and any route used by horses or a business with horses.*'¹⁹ This guidance has been referred to in several consultation responses from individuals and some organisations. LCC Highways have also commented on the matter stating that '*turbines should be set back from any public rights of way by 127 metres (height plus 10%) and 200 metres from a bridleway*'. The ES provides a list of design objectives which states that during the design process they have aimed '*to achieve a separation distance of at least oversail from public footpaths and... bridleways*'. For clarity, the area affected by oversail would be the area under the turbine blades.

¹⁹ ADVICE ON Wind Turbines and Horses – Guidance for Planners and Developers, The British Horse Society

- 6.82. There are no national minimum separation distances between wind turbines and housing and there are no proposals from Government to introduce them²⁰. This is because distance alone does not necessarily determine whether the impact of a proposal is acceptable or not. The NPPG suggests that a safe distance from buildings is the fall over distance (i.e. the height of the turbine to blade tip) plus 10% is often used as a safe separation distance. This argument can be applied to other sensitive locations including bridleways.
- 6.83. In relation to the Mary Towneley Loop, four turbines will be located relatively close the PRoW and these turbines and their separation distances are set out below:

Turbine No.	Guidance / Advised Separation Distances		Shortest distance to Mary Towneley Loop...	
	Lancashire County Council Highways	British Horse Society	as proposed.	possible after micro-siting.
T7	200m	345m / 300m*	205	180
T9	200m	345m	270	240
T8	200m	345m	292	262
T6	200m	345m / 300m*	390	360

*recommended distance if turbines are reduced in height to 100m to tip.

- 6.84. Turbines will be placed in close proximity to the Pennine Bridleway / Mary Towneley Loop and T7, T9 and T8 all fail to achieve the BHS recommended separation distance. LCC have suggested a shorter distance and whilst T7 would be acceptable as proposed, the applicant requests a 30m micro-siting allowance meaning it could be micro-sited to a position 20m closer than LCC suggested separation distance.
- 6.85. Due to the number of wind farm developments in the area, most PRoW are affected to a greater or lesser extent by turbines. It is accepted that this proposal will have a significant negative affect upon the Mary Towneley Loop National Trail near the proposal, in particular around Cowpe Lowe where turbine access tracks will actually cross the path.
- 6.86. In response to this, the applicant has suggested an alternative route for horse riders (see ES Figure 19.6). The applicant stated in the FEI that this route has now become a bridleway and is available for riders to use. However, Natural England in their response dated 23 July 2015 stated that they '*have no objection to the principle of providing an alternative equestrian route*' but have some concerns about specific sections of the route and its current suitability for equestrian use. In addition it was questioned whether horse riders have the right to travel the proposed route. Local horse riders have commented that they would rather use the current route than then proposed alternative. The applicants (in an email dated 10 August 2015) and Lancashire County Council (email dated 31 July 2015) have both commented on this matter and it is considered that whilst the alternative route proposed may not be ideal for horse riders, they have appropriate rights to utilise the route and it is of similar difficulty for

²⁰ See section 3.5 of Commons Briefing Paper no.04370, published 23 June 2015 (<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN04370#fullreport>)

riders to the existing Mary Towneley Loop. In summary, the alternative route can be used by horse riders and is considered to be an acceptable replacement.

- 6.87. A number of proposed turbines are in relatively close proximity to the route of the Rossendale Way. These turbines are on the moorland plateau above the footpath that sits within a steep valley leading to Waughs Well and beyond. Once within this valley, the turbines to the east will be out of sight and it is therefore considered that the effects of them on this route will be minimal.
- 6.88. The open access moorland is used by a local fell running club that have submitted a petition against the proposals. Their representation included route maps of the runs they hold competitions on stating that the proposal may stop these events from taking place. Whilst this may be the case during the construction period, the club currently conducts events through the existing Wind Farm and it is considered that the addition of new turbines is unlikely to prevent future events from taking place.
- 6.89. Currently, the area is used for illegal motorbike off-roading which has contributed to the degrading of the peatland habitat. The proposed MRMP will help to combat this by fencing off areas and providing a full time Moorland Ranger.
- 6.90. The impacts upon PRow due to shadow flicker are considered later in this report.

Green Belt

- 6.91. As highlighted earlier, where renewable energy projects are proposed on green belt land, some elements comprise inappropriate development. Where inappropriate development is proposed, applicants must demonstrate '*very special circumstances*' such as '*the wider environmental benefits associated with increased production of energy from renewable sources.*'²¹
- 6.92. The only element of the scheme located in Rossendale on Green Belt is a small stretch of underground cabling near Edenfield, and use of part of the existing Scout Moor Wind Farm access.
- 6.93. It is considered that neither the use of the existing access, or the installation of underground cabling is inappropriate development in the greenbelt as it will not impact on openness in these respects.
- 6.94. However, even if it were considered to be inappropriate the wider environmental benefits would far outweigh the impact on the green belt.

Highways / Transportation

- 6.95. Access to the site will be via the access that was utilised for the construction of the existing Scout Moor Wind Farm.
- 6.96. During the construction phase there will be some 9156 two-way vehicle movements in/out of the site, 1856 of these will be Heavy Goods Vehicles (HGV's) and abnormal loads. The road network in the area

²¹ NPPF para 91

is able to accommodate this level of movement and there is reasonably good access via the A56/B6527 and M66/A56.

- 6.97. The ES has identified a series of possible significant impacts of construction traffic however these are temporary over the short to medium term period.
- 6.98. There has been no objection from Highways England who are responsible for the maintenance and stewardship of motorways and trunk roads in England. LCC do not object to the highway proposals subject to planning conditions being imposed requiring a Construction Traffic Management Method Statement.
- 6.99. Representations from members of the public have raised highway safety concerns due to the additional traffic caused by the proposed development. It is noted that there will be an increase in traffic, mainly during the construction phase, but it is considered that the road network proposed to be used is capable of accommodating the proposed traffic levels.
- 6.100. It is considered therefore that the highways impacts of the proposed development are acceptable, subject to appropriate planning conditions.

Socio Economic

- 6.101. RLPP1 Policy 21 supports the protection and enhancement of the rural economy.
- 6.102. The ES contains a review of the perceived impacts upon the local and sub-regional economy, visitor/tourist economy, labour market, and agriculture. It concludes that the significance of the potential effects on most areas are likely to be minor (some are minor beneficial whilst others are minor adverse) or no change with the exception of the local impacts on agriculture which it considers to be significant (adverse) at the farm business level. It is understood that private agreements have been arranged with Commoners to mitigate against some of these impacts.
- 6.103. The economic benefits of turbine manufacture, of turbine manufacture and the specialist transport and construction activities will accrue to businesses outside the area and the Region because the relevant expertise is not available locally.
- 6.104. The applicant proposes a Local Employment and Supply Chain Plan to seek to ensure that opportunities for local businesses and workers are maximised. In addition, mitigation is proposed against the significant impacts on local farmers that would primarily result from the works to provide the grid connection. These are outlined at ES para 18.369. It is accepted by the applicant that there will be long term significant impacts on farmers/graziers utilising their commoner rights as a result of the MRMP which will see flock numbers reduced on the moor and prevent sheep from grazing certain areas.
- 6.105. A number of the representations submitted have raised the harmful impact that the proposed development would have upon the local rural economy and in particular those businesses involved with horses who use the extensive open areas and PROW on which the application proposals are located. Some of these businesses are linked to the tourist sector which include 'equine B&B' as well as visitors

to the area who use the National Trail and other public footpaths and recreational facilities. The extent to which these activities will be affected is difficult to measure but it is considered that there is likely to be some overall harmful impact upon these businesses.

- 6.106. The proposed development will create employment opportunities at the construction phase in particular, there will also be benefits at this stage for local business including B&Bs and shops albeit for a temporary period. In addition, the ES sets out that the construction of the proposed development is expected to deliver a cumulative impact of around £11.3 million across the sub-region, around £2.6m of which will occur locally.
- 6.107. RLPP1 Policy 20 states that wind farm proposals will be given positive consideration subject to a series of criteria being fulfilled. One criterion is that *'Community benefits, including contributions to energy efficiency measures, would outweigh any residual harm.'* It is noted that the applicant proposes a Community Benefit Fund to the value of £5,000 per installed MW per annum. Over the life-time of the Proposed Development this will generate a sum of between £4million and £5million in total. In addition the applicant will operate a Cooperative Ownership scheme which could own up to two turbines and investors will receive an annual rate of return plus the return of the initial capital over 20 years. Notwithstanding Policy 20, the government has made clear since its adoption that Community Benefit Funds, and other financial contributions, are not material in the determination of planning applications. They can however be pursued separately outside the planning process.
- 6.108. The applicant also proposed within the ES a number of measures to mitigate against any harmful effects on the local economy. These include;
- maintaining close and regular contact with the occupier of the land affected to ensure construction work takes place at appropriate times of year, wherever possible;
 - ensuring the cable route runs as close to field boundaries as possible rather than through the middle of the field and restoring the integrity of any damaged drains;
 - undertaking the cable laying after hay crops have been removed, if possible; and
 - payment of compensation to common rights holders and graziers as appropriate.
- 6.109. It is considered that the actual local economic impacts, when considered alongside the mitigation proposed (such as the Local Employment and Supply Chain Plan) by the applicant would overall be neutral. It is therefore considered that these harms would not constitute conflict with RLPP1 Policy 21.

Aviation

- 6.110. In response to the ES, both NATS and Manchester Airport objected to the proposed scheme due to impacts on aviation and radar. These objections have now been withdrawn subject to an agreed condition being imposed should permission be granted. NATS have provided their requested condition

but at the time of writing Manchester Airport have yet to provide theirs. Any permission granted should be subject to the condition, as requested by Manchester Airport, being imposed on any decision notice.

- 6.111. Wind turbines can adversely affect a number of MoD operations including radars, seismological recording equipment, communications facilities, naval operations and low flying. The Ministry of Defence (MoD) submitted an objection to the scheme on 17th August 2015 citing an unacceptable impact upon the Air Traffic Control radar at Warton Airfield and subsequently advised that insufficient information has been provided by the applicant to determine whether the proposed development can be made to be acceptable through mitigation. The applicant has advised that a planning condition is likely to be agreed prior to the committee meeting. Notwithstanding this, a condition should not be imposed until RBC are satisfied that acceptable mitigation is achievable. Therefore, it is considered that permission should be withheld until acceptable mitigation is agreed between the applicant and MoD, after which an appropriate condition can be imposed.
- 6.112. Subject to appropriate planning conditions being secured there will be no outstanding aviation issues.

Telecommunications

- 6.113. The ES sets out at Chapter 16 the potential impacts of the proposed development on terrestrial television and other wireless communication links during both the construction and operation of the proposed development.
- 6.114. There is no specific legislation or policy relating to telecommunication issues arising from wind energy development in the UK. The Planning Practice Guidance (PPG) does contain guidance in relation to the potential impacts of wind turbines on telecommunications services, it refers to Ofcom as the central point of contact for identifying the relevant parties. Other guidance has been referred to in the ES.
- 6.115. During the construction phase the effects on TV signals and wireless communication links (including mobile phone signals) would be minor adverse for a short-term period. Para 16.44 of the ES states that no indirect effects on wireless communication links or television signals are predicted to occur during the construction phase.
- 6.116. Once the wind farm is operational there is low potential for some adverse effects on television signals in the long term. If effects were to materialise they *'would be most likely to the east of the development'*²². In addition, the proposed development is anticipated to have a negligible effect on wireless telecommunication links in the area.
- 6.117. It is considered that whilst the development poses a degree of risk to the stability and reliability of telecommunication (TV & wireless communication) signals in the area, this is small. Moreover, it is accepted that a planning condition can be applied to a permission should it be granted making provisions to mitigate any adverse effects on telecommunications.

²² ES para 16.57

Shadow Flicker

- 6.118. Chapter 17 of the ES assesses shadow flicker. It concludes that the proposed development will have the potential to create shadow flicker at 25 no. residential properties. However, it is considered that the effects on these receptors would not be significant.
- 6.119. Shadow flicker can severely impact residential amenity and therefore should permission be granted a condition requiring a scheme for the avoidance of shadow flicker effects upon residential dwellings should be imposed. This will include monitoring of incidences of shadow flicker and remedial actions, such as turning off turbines when flicker is anticipated to occur.
- 6.120. The FEI provided a detailed assessment of the shadow flicker that would be experienced along the PRoW across the site. This assessment was provided in response to a number of concerns raised in response to the initial ES, including from horse riders who were concerned their horses may be 'spooked'.
- 6.121. The assessment considers 10 receptor locations along the Rossendale Way, and the Mary Towneley Loop. It shows that these locations are currently expected to be affected for 221.9 hours per year in total and that this would increase to 889.7 hours if the proposed wind farm were to come forward. This near fourfold increase would be significant and noticeable.
- 6.122. A number of horse riders and their representatives have stated that shadow flicker is a significant concern. The applicant in the FEI has stated that not all horses are affected by shadow flicker and that they will provide an alternative bridleway to the Mary Towneley Loop for those that wish to avoid of the turbines.
- 6.123. The impacts of shadow flicker on PRoW is likely to be significant, however the applicant has proposed an alternative route for horse riders where the impacts are considered acceptable, and was accepted earlier in the report as being a suitable alternative route. The alternative route is sufficiently distant that shadow flicker will not be experienced on it and the applicant will advertise this route to ensure it is known.
- 6.124. On balance, it is not considered the effects of shadow flicker on PRoW would be so severe as to warrant refusal of all, or any part of, the scheme when weighed against the public benefits of the development.

Concerns of Local Communities

- 6.125. As referred to earlier, the Written Ministerial Statement (WMS) issued on 18th June 2015 stated that '...local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.' Whether a proposal has the backing of the affected local community is, according to the WMS 'a planning judgement for the local planning authority.'

- 6.126. It is considered that the planning impacts identified by affected communities have been considered at length earlier in this report.
- 6.127. The Statement of Community Engagement sets out the level of consultation undertaken in relation to the proposed development since November 2011. It sets out how the consultation was undertaken, summaries of responses received and amendments made to the scheme in response to those comments.
- 6.128. Through this pre-application process of engagement/consultation local communities were given the opportunity to voice their concerns and the applicant has responded to these concerns where possible. As a result of the planning impacts identified by this process the applicant has reduced the proposal from 26 to 16 turbines and provided a series of mitigation proposals so as to address impacts identified. Examples of these include the permissive bridleway and alternative route to the Mary Towneley Loop.
- 6.129. The Council has undertaken statutory consultation exercises since the application was submitted in relation to the original submissions and the FEI submissions. This has not raised any substantive impacts in addition to those that have already been addressed as part of the pre-application engagement process. In addition, a note was submitted by the applicant on 24 July 2015 addressing a '*small number of residual items*' raised by members of the local community.
- 6.130. Whether the planning impacts identified by affected local communities have been addressed is a planning judgement for the local planning authority.
- 6.131. Schemes of this nature generate strong views and genuine concerns. It is considered that the planning impacts identified by local communities have been addressed as far as possible, through changes in design following the pre-application consultation exercise, through mitigation secured by planning conditions and by other planning conditions. Accordingly, the judgement is that that the current scheme has the backing of the affected local communities in the context of the WMS.

7. OVERALL PLANNING BALANCE

- 7.1. The proposed development would generate a significant level of renewable energy for up to 25 years. The proposals will also secure the restoration of an extensive area of a degraded peatland moor which together make a valuable contribution to cutting greenhouse gas emissions thereby helping to tackle climate change. These are significant benefits for which there is policy support at national and local levels.
- 7.2. The applicant initially proposed 26 additional turbines and following pre-application consultation amended the scheme through the removal of 10 turbines. The Scout Moor area has been assessed as having capacity for further wind farm development as set out in the report prepared by Julie Martin Associates in 2010 and updated in 2014 (with LUC).

- 7.3. The application includes a comprehensive ES and following consultation the applicant submitted further information to deal with matters raised by the Council's consultants and third parties.
- 7.4. The proposals clearly have a significant impact on the overall landscape although the existence of Scout Moor Wind Farm is the baseline against which the current proposals are to be assessed. The area of the application site has the benefit of a number of national and regional trails which are important local resources and well used. Considerable assessment has been undertaken in respect of the impacts on the wider landscape and the various PRoW. The landscape and visual harms identified are considered to be acceptable in the context of national and local policy support for renewable energy proposals including wind farm development.
- 7.5. The acceptability of the scheme is, however, subject to the reduction in height of T5, T6 and T7 prior to construction and the removal T10 and T11 (and their associated infrastructure) following the decommissioning of the existing Scout Moor Wind Farm (expected to occur in 2034). These matters are to be dealt with by condition.
- 7.6. With regard to T15 and T16 it is important that these are removed at the time the existing Scout Moor Wind Farm is decommissioned but this is a matter for Rochdale to address in the determination of their planning permission in relation to those turbines. It is important to note that the applicant has offered to remove T16 at this time as part of the application documents.
- 7.7. The approach to secure revisions to the scheme is consistent with the advice of the NPPF which states at para 98 that local planning authorities should approve applications for renewable energy if its impacts are acceptable or can be made acceptable. Following careful assessment of the application submissions it is considered that the scheme can be made acceptable.
- 7.8. In addition, at the time of writing, suitable condition wording is still being discussed conditions between the applicant and Manchester Airport, and the applicant and the Ministry of Defence. Any permission granted should be subject to the imposition of conditions requested by these two bodies.
- 7.9. The proposed development conflicts to a greater or lesser extent with a number of individual policies within the local development plan. These include AVP 3, Policy 1, Policy 14, Policy 16 and Policy 21. However, there is also much policy support in the development plan primarily from Policy 20 and Policy 19. The proposed development, if subject to the proposed conditions, is on balance considered to be supported by the local development plan.
- 7.10. Furthermore the proposed development, if subject to the proposed conditions, complies with national policy, guidance, and other material considerations referred to in this report.
- 7.11. On balance it is considered that the renewable energy and ecological benefits of the proposed development outweigh the identified harms and therefore the application is supported subject to planning conditions.

8. RECOMMENDATION

The application is recommended for **APPROVAL** subject to conditions relating to mitigation of the effects of the proposed development on Manchester Airport and MoD (Air Traffic Control radar at Warton Airfield), the power to agree and impose these conditions is to be delegated to the Head of Planning in consultation with the Chair of the Planning Committee; and the conditions set out below:

- 1) The development shall begin no later than three years from the date of this decision.

Reason: For the avoidance of doubt.

- 2) This permission shall expire 25 years from the date the authorised development first exports electricity to the Grid on a commercial basis. Confirmation of this date shall be submitted to local planning authority in writing within 14 days of its occurrence.

Reason: For the avoidance of doubt and to establish the duration of this permission.

- 3) 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 prior to the commencement of development and to advise the developer of anywhere compliance remains outstanding.

- 4) Subject to the conditions attached to this permission, the development shall be carried out in accordance with the following approved plans and documents:

- a. Environmental Statement dated March 2015
- b. ES/001 (Application Site and Administrative Boundaries);
- c. ES/002 (Proposed Layout – Masterplan);
- d. ES/003 (Proposed Layout North Inset);
- e. ES/004 (Proposed Layout West Inset);
- f. ES/004a (Proposed Layout South Inset);
- g. ES/005 (Proposed Layout East Inset);
- h. ES/012 (Retained Infrastructure between 2034 and 2042);
- i. ES/014 (Proposed Anemometer Mast);
- j. ES/016 (Proposed Substation Elevations);

- k. ES/019 (Proposed Permissive Bridleway);
- l. ES/020 (Proposed Connections between the New and Existing Access Tracks).

Reason: For the avoidance of doubt.

- 5) The proposed development is subject to the following limitations:
- a. T1, T2, T3, T4, T8, T9, T12, T13 and T14 shall have a maximum height to blade tip of 115 metres when measured from the base of the turbine.
 - b. T5, T6 and T7 shall have a maximum height to blade tip of 100 metres when measured from the base of the turbine.

Reason: To make the impacts of the proposed development acceptable in planning terms.

- 6) All aspects of the development may be micro-sited by 30m from the approved locations except:
- a. Development proposed within 30m of waterbodies may not be micro-sited closer to them and no other elements of the development shall be micro-sited so that they are within 30m of a waterbody.
 - b. T7, T8 and T9 may not be erected any closer to the Pennine Bridleway / Mary Towneley Loop than their proposed locations.

Reason: in the interests of minimising environmental impacts and those on the National Trail.

- 7) Within 3 months of the first export date, a plan showing the exact location of all development (including tracks, hard standings, access areas, turbines, infrastructure routes, borrow pits etc) shall be submitted to and approved in writing by the local planning authority.

Reason: So that a record of the final as built scheme can be made once micro-siting allowances have been taken into account.

- 8) No turbines shall be delivered to site until details of the turbines (including make, model, design, size, transformer location, power rating, warranted sound power levels, appearance colour and finish [to be semi-matt]) and associated apparatus have been submitted to and approved in writing by the local planning authority. The turbines and their associated apparatus shall be constructed in accordance with the approved details.

Reason: to ensure satisfactory appearance and in the interests of visual amenity.

9) The anemometer mast shall not be delivered to site until details of the anemometer mast (including design, size, appearance, colour and finish) and its associated apparatus have been submitted to and approved in writing by the local planning authority. The anemometer mast and its associated apparatus shall be constructed in accordance with the approved details.

Reason: to ensure satisfactory appearance and in the interests of visual amenity.

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

Reason: in the interest of visual amenity.

11) No symbols, signs, logos or other lettering, other than those required by law for health and safety reasons, shall be displayed on any part of the turbines nor any building or structures without written approval from the local planning authority.

Reason: In the interests of visual amenity

12) All cabling and other services shall be installed underground.

Reason: In the interests of visual amenity.

13) No development shall commence until details of the substation building and associated compound have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with the principles set out in Paragraph 7.1.48 of the Environmental Statement and include:

- a. layout of the compound area;
- b. layout, elevations and materials of the substation building;
- c. details of the external electrical switchgear;
- d. details of drainage arrangements;
- e. details of the boundary treatment to the compound area;
- f. planting proposals to screen the substation and compound.

Reason: In the interests of design and visual amenity.

14) The concrete batching plant shall not be established until details (including type, location, operating schedule and a further noise assessment based upon more detailed noise output data for the specific plant and associated activity) of it have been submitted to and approved by the local planning authority.

Reason: to ensure the environmental impacts of the concrete batching plant are acceptable.

- 15) No outdoor lighting may be installed until details of any such lighting has been submitted to and approved in writing by the local planning authority. Any outdoor lighting shall be provided in accordance with the approved details.

Reason: in the interests of visual amenity.

- 16) No development shall commence until all areas that will be disturbed by the authorised development have been photographically recorded and these photos, alongside a plan detailing the precise location and bearing of these photos have been submitted to and approved by the local planning authority in writing.

Reason: to record the landscape and site prior to the development commencing and provide a basis for the decommissioning and site restoration scheme.

- 17) T10, T11 and their associated infrastructure (including grid connections, access tracks, crane hardstanding's and cabling to at least 1m below ground level) shall be removed from site no later than 6 months after the existing Scout Moor Wind Farm is decommissioned. Not less than 24 months prior to the existing Scout Moor Wind Farm being decommissioned, methodologies for surveys (including ecological surveys) required to be undertaken to inform a Decommissioning Scheme for T10 and T11 shall be submitted to and agreed in writing by the LPA. The surveys shall be carried out as approved. Not less than 12 months prior to the existing Scout Moor Wind Farm being decommissioned a Decommissioning Scheme for T10 and T11 shall be submitted to and agreed in writing by the LPA. The removal of T10 and T11 as required by this condition shall take place in accordance with the Decommissioning Scheme for T10 and T11.

Reason: in the interest of making the scheme acceptable in landscape and visual terms.

- 18) No development shall commence until documentary evidence has been provided to the local planning authority demonstrating that a proposed bond or other financial provision has been put in place to cover all decommissioning and site restoration costs for the removal of T10 and T11 in accordance with condition 16, and the outstanding proposed development in situ on the expiry of this planning permission, and written confirmation has been given by the local planning authority that the proposed bond or other financial provision is satisfactory. The applicant, or their agent or successors in title shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent and the bond or other financial provision will increase with inflation and be subject to a five yearly review from the commencement of the development, to be

conducted by a competent independent professional approved in writing by the local planning authority who has relevant experience within the wind energy sector, and provided to the applicant, or their agent or successors in title, the landowner(s) and the local planning authority.

Reason: to ensure the site is left in a satisfactory manner upon completion of the Site Decommissioning and Restoration Scheme.

- 19) No development shall take place on site until the local planning authority has approved the arrangements in Condition [previous] in writing and the proposed bond or other financial provision is in place.

Reason: to ensure the site is left in a satisfactory manner upon completion of the Site Decommissioning and Restoration Scheme.

- 20) Not less than 24 months prior to this permission expiring, methodologies for surveys (including ecological surveys) required to be undertaken to inform a Site Decommissioning and Restoration Scheme shall be submitted to and agreed in writing by the LPA. The surveys shall be carried out as approved.

Reason: To ensure impacts on protected species and breeding birds are minimised.

- 21) Not less than 12 months before the expiry of this permission, a Site Decommissioning and Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and be completed within 12 months of the expiry of this permission. The scheme shall include, but not be limited to:

- a. A traffic management plan for vehicular movements required.
- b. Details of the removal of all the wind turbines elements of the development to at least one metre below ground level;
- c. Details of means of removal, including how this will avoid effects on flora and fauna;
- d. The removal of tracks, structures, buildings and other associated infrastructure;
- e. Earth moving & soil replacement;
- f. Restoration of the landscape;
- g. Reinstatement of public rights of way, paths and footpaths; and
- h. Monitoring and remedial actions.

Reason: to ensure development is removed in a sympathetic manner upon expiry of this permission.

- 22) If any wind turbine fails to provide electricity to the grid for a continuous period of 12 months or more, the local planning authority;
- a. shall be notified upon expiry of that 12 month period; and
 - b. can instruct the developer to submit a detailed scheme informed by updated habitat and species surveys, setting out how the wind turbine, its tracks, structures, buildings and other associated infrastructure (including cabling) will be removed from the site and how the disturbed areas will be restored. The scheme must be submitted to the local planning authority within 2 months of the local planning authority's instruction and implemented within 6 months of approval unless a longer period is agreed in writing by the local planning authority.

Reason: To ensure that the benefits of the proposed development outweigh the harms caused.

- 23) No construction work (including traffic movements to/from the site) shall take place outside of the hours of 07:30 to 19:00 Mondays to Friday inclusive and 07:30 to 14:00 on Saturdays, with no construction work on Sundays and Public Holidays. Outside these hours, only emergency works, the delivery of abnormal loads (including turbine and crane components), erection of turbines, and dust suppression may take place.

Reason: for the avoidance of doubt and in the interests of residential amenity.

- 24) No construction works, or work forming part of the Moorland Restoration and Management Plan shall be carried out between March and August (inclusive) unless the routes and / or areas of such works have been pre-walked by a qualified ornithologist and either confirmed to be free of breeding birds or appropriate working area buffer zones have been established.

Reason: to prevent disruption to upland bird nesting.

- 25) The horse enclosure proposed adjacent to A680 shall not be constructed until a scheme for the provision of the permissive bridleway has been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented as approved and include;

- a. Details of the gate/barrier to be installed to deter off-road vehicles from using the route.
- b. Measures to minimise health and safety risks caused by possible encounters between horse riders and hang-gliders/paragliders.

Reason: To mitigate against the impact of the proposed development on horse riders.

26) No development shall commence (including groundworks) until a Written Scheme of Archaeological Investigation (WSAI) has been submitted to and approved in writing by the local planning authority. The WSAI shall be implemented as approved and include:

- a. A phased programme and methodology of fieldwork and recording to include:
 - i. Archaeological Evaluation trenching
 - ii. Dependent upon the results of evaluation trenching, targeted open area excavation
 - iii. Palaeo-environmental sampling, assessment and, where appropriate, detailed analysis.
 - iv. Archaeological watching brief
 - v. Dependent upon the results of the watching brief, targeted open area excavation
- b. A programme for post fieldwork investigation and assessment to include:
 - i. Analysis and assessment of the site investigation records and finds
 - ii. Production of a final report on the significance of the archaeological and historical interest represented.
 - iii. Provision for public dissemination of the results to include; deposition of the final report (electronic and bound copy) with Greater Manchester and Lancashire Historic Environment Records; deposition of the final report (electronic and bound copy) with Greater Manchester and Lancashire Historic Environment Records; and the presentation and interpretation of historic features within the application site.
 - iv. Design and implementation of a programme of public legacy information
- c. Provision for archive deposition of the report, finds and records of the site investigation.
- d. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSAI.

Reason: In accordance with NPPF paragraph 141, to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

27) No development shall commence until a Surface Water Sustainable Drainage Scheme (SWSDS) has been submitted to and approved in writing by the local planning authority. The scheme shall be

implemented as approved prior to first export and be retained, managed and maintained until the authorised development is decommissioned. The SWSDS shall include, as a minimum:

- a. Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of compound and turbine base levels in AOD;
- b. Evidence that the surface water run-off will not exceed the pre-development runoff rate.
- c. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d. Flood water exceedance routes, both on and off site;
- e. A timetable for implementation, including phasing as applicable;
- f. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g. Details of water quality controls, where applicable.
- h. A strategy for any ongoing maintenance and remedial work required for the lifetime of the scheme.

Reason: To ensure that the proposed development can be adequately drained, there is no flood risk on or off the site resulting from the proposed development and that that water quality is not detrimentally impacted by the development proposal.

28) Prior to commencement of the construction of the Proposed Development a scheme for further geo-technical ground investigations shall be submitted to and approved in writing by the local planning authority. The scope of the further geo-technical investigations shall reflect the recommendations of the Mining Risk Assessment presented as Appendix 13.3 of the ES. The results of the further mining and geo-technical ground investigations shall also be submitted to the local planning authority prior to development commencing along with details of the proposed ground improvement and stabilisation works and foundation designs for individual turbines. The development shall thereafter be implemented in accordance with the approved details.

Reason: to ensure the safety and stability of the proposed development given historical mining activity.

29) Prior to development commencing a strategy specifying the mitigation measures to be utilised during the construction phase to minimise the effect of suspended soils within surface water, site contamination from construction phase waste materials and de-watering of excavations shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the mitigation strategy should be informed by the principles presented within the ES (Appendix 13.3, Section 4.5).

Reason: to reduce environmental impacts.

30) Prior to any groundworks commencing:

- a. A survey of the site for badger setts shall be undertaken; and
- b. Either a report confirming no badgers have been found, or if badgers are found a Method Statement (giving details of measures to be taken to avoid any possible harm to badgers) shall be submitted to and agreed in writing by the local planning authority. The Method Statement, if required (and approved), shall be implemented in full.

Reason: to ensure badgers are suitably protected.

31) Prior to the commencement of development, including any vegetation clearance and disruptive investigative works, details of a suitably qualified Ecological Clerk of Works (ECoW) to be employed on the development shall be submitted to and approved in writing by the local planning authority. The ECoW shall be a member of the Chartered Institute of Ecology and Environmental Management. The approved ECoW shall be appointed at least one month prior to the commencement of any works on site. The scope of the ECoW shall include, but not be limited to:

- a. Directing and consulting on micro-siting
- b. Overseeing the works on site.
- c. Monitoring compliance with the CEMP
- d. Reporting any ecological/ornithological concerns to the developer and local planning authority.

Reason: in the interest of protecting the ecological and ornithological environment.

32) Prior to the commencement of construction of turbine access tracks, plans confirming the method of construction for each section of new access track shall be submitted to and approved in writing by the local planning authority. The access tracks shall be constructed as approved.

Reason: To ensure suitable peat protection and reduce risks to potable supplies from, for example, pollution / turbidity and risk of mobilising peat.

33) Prior to the commencement of construction of wind turbine foundations and crane pads, plans confirming the foundation and crane pad design proposed to be utilised at each turbine location shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure suitable protection of peat and water quality.

34) Piling or any other deep foundation designs using penetrative methods shall not be permitted unless can demonstrated that would be no resultant unacceptable risk to groundwater. Where it is considered piling or any other deep foundation designs using penetrative methods are considered necessary, written approval must be provided by the local planning authority.

Reason: To protect groundwater. Piling or any other foundation design using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

35) Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall be implemented in accordance with the approved details.

Reason: in the interest of the environment.

36) The construction of the Proposed Development shall be carried out in accordance with the Construction Environment Management Plan (CEMP) found at Appendix 5.1 of the Environmental Statement.

Reason: in the interest of the environment

37) The Moorland Restoration and Management Plan (MRMP) found in Appendix 5.2 of the Environmental Statement (ES) dated March 2015 shall be implemented in full, prior to the expiration of this permission. Breeding bird surveys and vegetation surveys should be completed annually for the 10 years after first export. The detail of the MRMP shall be reviewed at least every 5 years from the date of this permission if it is considered that updating the plan is necessary, an updated MRMP shall be submitted in writing to and approved by the local planning authority. Should the local planning authority approve the updated MRMP in writing, the updated MRMP shall thereafter be implemented as amended. An annual monitoring report shall be submitted to the local planning authority each year y.

Reason: to ensure the beneficial impacts of the MRMP are realised.

- 38) No development shall commence until a full time 'Conservation Ranger', as set out in the Moorland Restoration and Management Plan, has been appointed and is in place. Details of this appointment including a full job description and duties should be submitted to and approved in writing by the local planning authority prior to development commencing. Any subsequent changes to the job description and duties shall be agreed in writing by the local planning authority. A full time Conservation Ranger shall be employed until the application site is fully decommissioned and the site restored to its former condition or repowered.

Reason: to ensure the beneficial impacts of the MRMP are realised.

- 39) Pre-construction and post development surveys should be completed by the developer and submitted to the LPA for the routes along the public rights of way including photographs. A scheme and timetable to reinstate any damage should be submitted to and agreed by the LPA and subsequently implemented by the developer.

Reason: to ensure there are no lasting negative impacts on the public right of way network.

- 40) Prior to the commencement of construction of the footpaths linking existing and proposed wind farm access tracks to existing public rights of way (Figure 5.15 of the ES), details of their construction and surfacing shall be submitted to and approved in writing by the local planning authority.

Reason: to ensure footpaths created are constructed in an appropriate manner.

- 41) No development hereby approved shall commence until a construction Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and include:

- a. Pre-construction highway condition survey and a subsequent scheme for the reinstatement of any highway verges and footways disturbed where abnormal loads associated with the development have had to over-ride them.
- b. The programme for works within the application site;
- c. Details of the operational arrangements for the management of heavy goods vehicles and abnormal loads to / from site;
- d. The routing of HGV and AIL vehicles to and from the application site;

- e. Information packs to be provided by principal contractor to HGV / AIL drivers of the particular circumstances / sensitivities of the locality of the application site;
- f. Arrangements for escorting AIL to and from the application site
- g. Temporary warning signage including that to be provided along Burnley Road and Market Street / Blackburn Road, Edenfield;
- h. Any temporary or permanent highway alterations and improvements necessitated by the development, including details of temporary warning signing, including temporary removal and replacement of highway infrastructure, street furniture and other accommodation works;
- i. Levels and timing of development traffic to minimise effects on pupils of Edenfield Primary School;
- j. All loading and unloading areas that will be used for the delivery or despatch of materials related to the development;
- k. Specific measures which are to be taken to minimise the impact of construction traffic on public rights of way within the application site. For the avoidance of doubt, such measures will seek to minimise the periods of time which public rights of way are required to be temporarily diverted or closed;
- l. Vehicle parking facilities within the site for the parking of all vehicles associated with the development
- m. Details of arrangements for the publication of the availability of off-road car parking facilities within the Edenfield Community Centre during the period of construction of the development hereby approved;
- n. Details of arrangements for liaison with the Head Teacher of Edenfield Primary School during the period of construction of the Proposed Development.
- o. Measures for reinstating the highway after the removal of any temporary works together with details of the timing of any remediation measures.

Reason: in the interest of highway safety

- 42) No development shall commence until a report confirming the provision of an alternative Route to Mary Towneley Loop (shown in ES Figure 19.6) is appropriate and legal for horse riders to use has been submitted to and approved in writing by the local planning authority.

Reason: to ensure the route is provided before adverse impact of the development are felt on the National Trail.

- 43) Prior to commencement of construction of the wind turbines an 'Access for Recreation Strategy' shall be submitted to and approved in writing by the local planning authority. The strategy shall provide details of:
- a. the means by which the alternative riding route for equestrian users of the Mary Towneley Loop will be promoted by the applicant or successor in title for the first ten years of operation of the wind turbines;
 - b. the way marked recreational trails (including details of the route(s), the location, type and content of interpretation panels and details of the promotional literature to be made available to members of the public for the first three years of operation of the wind turbines;
 - c. the programme of wind farm familiarisation days which are to be made available to local stables, liveries and horse owners.
 - d. a liaison mechanism between the operators and successors in title and all recreational users over the life of the development.

The access and recreation strategy shall thereafter be implemented in accordance with the approved details prior to first operation of the wind turbines.

Reason: to mitigate against the harmful impacts on the Pennine Bridleway / Mary Towneley Loop.

- 44) Prior to the erection of any wind turbine a scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the recording and assessment of shadow flicker in the event of any complaint alleging shadow flicker effects to the local planning authority from the owner or occupier of any dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) within 1.5km of any turbine which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any effects of shadow flicker attributable to the development.

Reason: In the interests of the amenity of nearby residents.

- 45) No development shall commence until a Local Employment Procurement Strategy has been submitted to and approved in writing by the local planning authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and maximise the use of local contractors and supply chains, in so far as this is commercially viable. The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the local planning authority.

Reason: To secure the local economic benefit of the development.

46) No development shall commence until a scheme has been submitted to and approved by the local planning authority providing for the investigation, by a qualified independent engineer, of any complaint of interference to terrestrial television signals or wireless communication links at a building which lawfully existed or had planning permission at the date of this permission. If the engineer determines that the interference is attributable to the development hereby permitted, remedial measures as specified by the engineer, shall be implemented at the developer's expense no later than 21 days following receipt of the engineers assessment.

Reason: to mitigate against any adverse effects on terrestrial television interference.

47) No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme has been agreed with NATS (En Route) plc and submitted to and approved in writing by Rossendale Borough Council. This scheme shall set out measure to be taken to avoid at all time the impact of the development on the Manchester and St Annes primary radar and air traffic management operations of NATA (En Route) plc.

Reason: in the interest of aviation safety.

48) No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

Reason: in the interest of aviation safety.

49) Manchester Airport condition (s) – to be provided

Reason: in the interest of aviation safety.

50) Ministry of Defence condition (s)– to be provided

Reason: in the interest of national security and aviation safety.

51) Prior to development commencing a strategy for the pre-construction, mid construction and operational phase monitoring of water quality groundwater and watercourses shall be submitted to and approved in writing by the local planning authority. The strategy shall be based upon the principles set out in the ES (Paragraph 14.298) and thereafter implemented in accordance with the approved details.

Reason: to ensure water quality is not adversely effected by the proposed development.

52) No development shall commence until a Water Quality Management Scheme (WQMS) has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- a. The methodology for an assessment of water quality in private water supplies that may be affected by the proposed development and at Waughs Well. This assessment should be carried out prior to any disturbance of the site (including disturbance caused by investigative pre-construction works).
- b. The monitoring of water quality at the above locations throughout the construction period, and then bi-annually until the wind farm is fully decommissioned and site restored.
- c. Details of how perceived changes in water quality should be reported by the public, how the developer will raise awareness of this reporting mechanism and a procedure for the investigation of such reports by the developer.
- d. Mitigation measures to be taken should the quality of water deteriorate at any location.
- e. A Water Supply Quality Update Report (WSQUR) to be submitted to the local planning authority one year from the date of this permission, and then every 5 years until the wind farm is decommissioned fully. A final WSQUR shall be provided one year after the decommissioning of the scheme has been completed. The report should include public awareness exercises carried out in relation to the WQMS, results of all water quality tests undertaken, a review of overall water quality and details of any mitigation measures carried out in response to changes in water quality.

Reason: To protect water quality.

53) No turbine shall be brought into operation before a scheme for the assessment and regulation of Excess Amplitude Modulation (EAM) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented for the lifetime of the scheme and shall be in general accordance with, if it exists at the time of submission:

- a. relevant guidance endorsed in National Planning Policy; or in the absence of endorsed guidance;
- b. Relevant guidance published or endorsed by the Institute of Acoustics.

The scheme shall be reviewed every 5 years to ensure general accordance with current guidance at that time.

Reason: in the interest of residential amenity.

54) The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

- a. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- b. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
- c. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's dwelling in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- d. The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall, prior to the commencement of any measurements, have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such

others as the independent consultant considers likely to result in a breach of the noise limits.

- e. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant’s dwelling for compliance checking purposes. The proposed noise limits shall be those limits selected from the Tables specified for a listed location which is the geographically nearest dwelling to the complainant’s dwelling, unless otherwise agreed with the Local Planning Authority due to location-specific factors.
- f. The wind farm operator shall provide to the Local Planning Authority the independent consultant’s assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the assessment shall be accompanied by all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes with the exception of audio data which shall be supplied in the format in which it is recorded. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant’s assessment of the rating level of noise immissions.
- g. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant’s assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Noise Limits 2300-0700 (dB L_{A90})

Location	Standardised 10 metre-height Wind Speed (as defined in accordance with the attached Guidance Notes to the noise condition)											
	1	2	3	4	5	6	7	8	9	10	11	12
Higher Red Lumb	39.7	39.7	39.7	39.7	39.7	39.7	39.7	39.7	39.7	39.7	42.4	46.0
Nutters Restaurant	40.7	40.7	40.7	40.7	40.7	40.7	40.7	40.7	40.7	41.0	42.2	43.8
Fecit Farm	37.9	37.9	37.9	37.9	37.9	37.9	37.9	37.9	37.9	43.3	46.8	49.4

Location	Standardised 10 metre-height Wind Speed (as defined in accordance with the attached Guidance Notes to the noise condition)											
	1	2	3	4	5	6	7	8	9	10	11	12
Acre Nook	42.1	42.1	42.1	42.1	42.1	42.1	42.1	44.0	45.3	46.0	46.2	46.3
New Hall	42.3	42.3	42.3	42.3	42.3	42.3	42.3	44.5	47.3	49.6	51.3	52.4
Lench Fold	43.0	43.0	43.0	43.0	43.0	43.0	43.3	43.9	44.8	46.1	47.8	49.9
Cowpe Hall Farm	42.7	42.7	42.7	42.7	42.7	42.7	42.7	42.7	42.7	43.1	45.7	47.8
Higher Mount Pleasant	42.6	42.6	42.6	42.6	42.6	42.6	42.6	42.6	42.6	42.6	44.5	47.6
Waterworks House	41.6	41.6	41.6	41.6	41.6	41.6	41.6	41.6	41.6	41.6	42.4	47.0
Sheep House Farm	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	45.0
Heights Farm	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.9
Willowfield Farm	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	43.1

Table 2 – Noise Limits 0700-2300 (dB L_{A90})

Location	Standardised 10 metre-height Wind Speed (as defined in accordance with the attached Guidance Notes to the noise condition)											
	1	2	3	4	5	6	7	8	9	10	11	12
Higher Red Lumb	37.4	37.4	37.4	37.4	37.6	38.8	41.6	43.5	44.4	45.0	45.8	47.8
Nutters Restaurant	49.1	49.2	49.2	49.2	49.5	49.6	49.7	49.8	49.8	49.8	49.7	49.7
Fecit Farm	36.2	36.2	36.2	36.2	36.2	36.2	40.4	43.7	46.4	48.3	49.4	49.4
Acre Nook	45.1	45.1	45.1	45.1	45.1	45.6	47.0	48.4	49.5	50.4	51.2	52.7
New Hall	35.3	35.3	35.3	35.3	35.9	38.8	42.6	45.8	48.5	51.0	54.3	59.7
Lench Fold	44.7	44.7	44.7	44.7	44.7	44.7	44.7	45.2	46.1	47.5	49.6	52.3
Cowpe Hall Farm	35.8	35.8	35.8	36.2	36.2	36.2	37.0	38.6	41.2	44.6	48.4	52.3
Higher Mount Pleasant	32.9	32.9	32.9	32.9	32.9	32.9	36.9	40.9	44.6	47.9	50.9	53.6
Waterworks House	28.0	28.0	28.0	28.0	28.0	28.0	29.0	31.3	36.0	40.2	44.4	48.5
Sheep House Farm	37.6	37.6	37.6	37.7	37.8	38.1	38.7	39.6	40.9	42.6	44.7	47.3
Heights Farm	37.7	37.7	37.7	37.9	38.4	38.8	39.4	40.1	40.9	41.7	42.7	43.9
Willowfield Farm	37.7	37.7	37.7	38.1	38.7	39.2	39.8	40.5	41.2	42.0	43.0	44.1

Table 3: Coordinate locations of the dwellings listed in Tables 1 and 2

Dwelling	Easting	Northing
Higher Red Lumb	384056	416138
Nutters Restaurant	382686	416443
Fecit Farm	381177	418414
Acre Nook	380809	419673
New Hall	383085	421058
Lench Fold	383796	420285
Cowpe Hall Farm	381583	420563
Higher Mount Pleasant	385784	416342
Waterworks House	387402	416477
Sheep House Farm	385498	421082
Heights Farm	384813	420782
Willowfield Farm	383937	420100

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Note: For the purposes of this condition, a “dwelling” is a building within Use Class C3 & C4 of the Town and Country Planning (Use Classes) Order 1987 which lawfully exists or had planning permission at the date of this consent.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- a. Values of the $L_{A90,10 \text{ minute}}$ noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

- b. The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her dwelling to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- c. The $L_{A90,10 \text{ minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, and at any on site meteorological mast(s), if available, together with the arithmetic mean power generated by each turbine, all in successive 10-minute periods. All 10 minute arithmetic average mean wind speed data measured at hub height shall be ‘standardised’ to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, as determined from whichever source is agreed in writing with the Local Planning Authority as being most appropriate to the noise compliance measurements being undertaken, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

- a. The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- b. Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1.

- c. For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,10}$ minute noise measurements and corresponding values of the 10- minute standardised ten metre height wind speed, as derived from the site measured wind speed source(s) agreed in writing with the Local Planning Authority in accordance with Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- a. Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- b. For each 10 minute interval for which $L_{A90,10}$ minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- c. For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- d. The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- e. The tonal penalty for each wind speed bin is derived from the margin above audibility of the tone according to the figure below.

Guidance Note 4

- a. If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.
- b. If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- c. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant’s dwelling approved in accordance with paragraph

- (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- d. The wind farm operator shall ensure that all necessary wind turbines in the development are turned off for such period as the independent consultant requires to undertake any further noise measurements required under Guidance Note 4(c). If the number of turbines to be turned off are less than the total number of turbines on the site then this shall be agreed in advance with the Local Planning Authority.
 - e. To this end, the steps in Guidance Note 2 shall be repeated with the required number of turbines shut-down in accordance with Guidance Note 4(d) in order to determine the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.
 - f. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:
 - g. The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
 - h. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with Guidance Note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.