The Planning Inspectorate

Report to the Secretary of State for Communities and Local Government

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 3 April 2017

Town and Country Planning Act 1990

Section 77

Applications by

Scout Moor Wind Farm Expansion Limited

Rossendale Borough Council and Rochdale Metropolitan Borough Council

Inquiry opened on 11 October 2016

Scout Moor Wind Farm, Rochdale, Lancashire

File Refs: APP/B2355/V/15/3139740 and APP/P4225/V/15/3139737

Application A: APP/B2355/V/15/3139740 (RBC application)
Application B: APP/P4225/V/15/3139737 (RMBC application)

Scout Moor Wind Farm, Rochdale, Lancashire

- The applications were called in for decision by the Secretary of State by a direction, made under Section 77 of the Town and Country Planning Act 1990 (hereinafter the 1990 Act), on 30 November 2015.
- The applications are made by Scout Moor Wind Farm Expansion Limited (hereinafter the applicant) to Rossendale Borough Council (RBC) and Rochdale Metropolitan Borough Council (RMBC). In this report these are cited as the 'RBC application' and the 'RMBC application'.
- Both the RBC application (Ref.2015/0112) and RMBC application (Ref.15/00395/FUL) are dated 19 March 2015.
- The description of the proposal for both applications is "construction and operation of 16 wind turbines with a maximum height to the tip of the blade of 115 metres (above ground level) for a temporary period of 25 years together with :
  - the installation of associated ancillary infrastructure (new and upgraded vehicular access tracks, crane pads, underground electrical cabling, sub-station and compound, drainage infrastructure and temporary construction compound);
  - the installation of an anemometer mast of maximum height of 60 metres for a temporary period of 25 years;
  - the retention of those elements of ancillary infrastructure associated with the existing Scout Moor Wind Farm which it is necessary to retain on site post-2034 to enable the operation and maintenance of the proposed 16 wind turbines for a period of 25 years from the date of their first exportation of electricity to the national electricity grid network;
  - the implementation of a scheme of moorland restoration and management (MRMP) including the erection of fencing (without compliance with condition 10 of the consents granted for the existing Scout Moor Wind Farm (reference GBDC/003/00005c-02)) pursuant to the provisions of Section 36 of the Electricity Act 1989 and Section 90(2) of the Town and Country Planning Act 1990;
  - the erection of stock proof fencing, gates and stock holding pen in association with the creation of a permissive bridleway;
  - the formation of paths for pedestrians and horse-riders to link existing and proposed wind farm access tracks to existing Public Rights of Way (PRoW)."
- The Secretary of State has considered his policy on calling in planning applications in deciding whether to call in these applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the applications:
  - i) the extent to which the proposed development is consistent with Government policies on protecting the Green Belt, meeting the challenge of climate change and conserving and enhancing the natural environment (NPPF Sections 9, 10 and 11);
  - ii) the extent to which the proposed development is consistent with the Written Ministerial Statement on local planning made by the Secretary of State for Communities and Local Government on 18 June 2015;
  - iii) the extent to which the proposed development is consistent with the Department's amended online guidance on renewable and low carbon energy;
  - iv) the extent to which the proposed development is consistent with the development plans for the area;
  - v) any other matters the Inspector considers relevant.

Summary of Recommendations:

1. The applications be determined on the basis of the amended scheme and with separate descriptions for each application.

2. **Application A:** APP/B2355/V/15/3139740
   The RBC application (Ref.2015/0112) be refused.

3. **Application B:** APP/P4225/V/15/3139737
   The RMBC application (Ref.15/00395/FUL) be granted planning permission subject to conditions.

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ABBREVIATIONS

AONB	Area of Outstanding Natural Beauty
AM	Amplitude modulation of aerodynamic noise
BHS	British Horse Society
CD	Inquiry Core Document
EAM	Excessive Amplitude Modulation
EIA	Environmental Impact Assessment
EN-1	*Overarching National Policy Statement for Energy*
EN-3	*National Policy Statement for Renewable Energy Infrastructure*
ES	Environmental Statement
ETSU	*The Assessment and Rating of Noise from Wind Farms*, ETSU-R-97, Energy Technology Support Unit
ET1-ET26	existing wind turbines 1 to 26 SMWF1
FEI.1	Further Environmental Information dated June 2015
FEI.2	Further Environmental Information dated June 2016
Framework	*National Planning Policy Framework*
GHG	Greenhouse gases
GLVIA3	*Guidelines for Landscape and Visual Impact Assessment, Third Edition,* Landscape Institute
Guidance	*National Planning Practice Guidance*
HE	Historic England
HEF	Habitat Enhancement Fund for SMWF1
ID	Inquiry Document – document submitted at Inquiry
IoA GPG	*A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise,* Institute of Acoustics, 20 May 2013
JMA2010	*Landscape Capacity Study for Wind Energy Developments in the South Pennines* by Julie Martin Associates 2010
JMA2014	*South Pennines Wind Energy Landscape Study* by Julie Martin Associates and Land Use Consultants (LUC) 2014
LB&CA Act	Planning (Listed Buildings and Conservation Areas) Act 1990
LCA	Landscape Character Area
LCT	Landscape Character Type
LUC	Land Use Consultants
LVIA	Landscape and visual impact assessment
MoD	Ministry of Defence
MRMP	Moorland Restoration and Management Plan
MRMP Implementation Strategy	Moorland Restoration and Management Plan Implementation Strategy dated 7 September 2016
MTL	Mary Towneley Loop part of the Pennine Bridleway
NATS	National Air Traffic Services
NCA36	Southern Pennines National Landscape Character Area
NE	Natural England
NPS	National Policy Statement
NPSE	*Noise Policy Statement for England*
P&BFCA	Prickshaw and Broadly Fold Conservation Area
PIM	Pre-Inquiry Meeting
PIN	Pre-Inquiry Note
PRoW	Public Rights of Way
PT1-PT16	Proposed turbines 1 to 16 SMWF2

RBBA	Rochdale Bury Bridleways Association
RBC	Rossendale Borough Council
RE	Renewable energy
RMBC	Rochdale Metropolitan Borough Council
RochdaleCS	Rochdale Core Strategy adopted on 19 October 2016
RossendaleCS	Rossendale Local Plan Part 1: Core Strategy Development Plan Document: The Way Forward (2011-2026) adopted in 2011
SMWF1	Existing Scout Moor Wind Farm comprising ET1-ET26
SMWF2	The proposed development of PT1-PT16
SoCG	Statement of Common Ground between RBC/RMBC and the applicant
SPA	South Pennine Moors Special Protection Area
UDP	Rochdale Unitary Development Plan adopted in 2006
VP	View Point
WMS	Written Ministerial Statement made on 18June 2015
ZTV	Zone of Theoretical Visibility

Procedural and background matters

1. A Pre-Inquiry Meeting (PIM) was held on 31 March 2016 to deal with procedural matters.[1] On 14, 15 and 16 September 2016, I undertook an unaccompanied site visit to the locality, and subsequently issued a Pre-Inquiry Note (PIN).[2] The Inquiry opened on 11 October 2016 and sat for 8 days. Accompanied site visits took place on 14 and 27 October 2016. I also visited the site and locality unaccompanied on 26 October 2016 and again on the afternoon of 27 October 2016.

2. The applications were accompanied by an Environmental Statement, dated March 2015, (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (hereinafter the EIA Regulations).[3] The scheme proposed the addition of 16 turbines, 115 m high to blade tip [PT1-PT16], to the existing wind turbine generating station at Scout Moor, which was constructed by Peel Environmental in 2007/2008. The existing wind farm comprises 26 turbines, 100 m high to blade tip [ET1-ET26].[4]

3. The scheme would span two local planning authorities, with PT1-PT14 sited in Rossendale Borough Council (RBC), and PT15 and PT16 in Rochdale Metropolitan Borough Council (RMBC). In this report the existing Scout Moor Wind Farm, with a generating capacity of 65 MW, which was consented by the Secretary of State for Trade and Industry in May 2005, is referred to as SMWF1, and the proposed extension as SMWF2.[5] The scheme considered by RBC/RMBC proposed the removal of PT16 when SMWF1 was decommissioned, so that it would not thereafter appear as an outlier turbine within SMWF2. The proposed development prior to the decommissioning of SMWF1 is referred to as Stage 1, with the scheme after SMWF1 was decommissioned called Stage 2.

4. The application site has an area of 410.85 ha.[6] About 179 ha (44%) of the site lies within the Greater Manchester Green Belt.[7] Of the 26 existing turbines that comprise SMWF1, 15 are located within the Green Belt, all in that part of the Green Belt that lies within RMBC.

5. The revenue from SMWF1 enabled Peel, a partner in the joint venture company known as Scout Moor Wind Farm Expansion Limited (the applicant), to establish a Habitat Enhancement Fund (HEF) with a total value of around £500,000.[8]

[1] CD1.30a.
[2] CD1.30b.
[3] CD1.2-1.6.
[4] The location of existing and proposed turbines is shown on Figure 5.1 CD1.19(2).
[5] ID10.
[6] References to the 'site' in this report are to the area to which both applications apply, and the area for the separate applications referred to as the 'RBC site' or the 'RMBC site'.
[7] The boundary of the Green Belt is shown on Figure 6.1 of the Planning Statement dated March 2015 at CD1.8.
[8] This will continue until 2033 with funding of £15,000 per annum until 2016 and £8,000 thereafter.

6. Following consultation on the applications, RBC invited the applicant to submit Further Environmental Information (FEI) pursuant to Regulation 22 of the EIA Regulations. RBC's landscape consultant had recommended that consideration be given to exploring alterations to the scheme. These included reducing the height of PT5, PT6 and PT7 by around 20 m, removing or relocating PT10 and PT11, relocating PT7 and PT8 further from the Pennine Bridleway, and removing PT14 and PT15, along with PT10 and PT11 (if retained), on decommissioning of SMWF1. The submitted FEI dated June 2015 (FEI.1) considered these issues, but did not propose any alterations to the submitted scheme.[9]

7. RBC was minded to approve the RBC application, with the removal of the horse enclosure and permissive bridleway at Turn, and subject to conditions that PT5, PT6 and PT7 would have a maximum height of 100 m, and that PT10 and PT11 would be removed with the decommissioning of SMWF1.[10] RMBC was minded to grant planning permission for the RMBC application subject to conditions that included the removal of PT15 and PT16 on decommissioning of SMWF1.[11] The applications were subsequently called in for determination by the Secretary of State.

8. The modifications to the scheme sought by RBC/RMBC were the subject of FEI and consultation in June 2016 (FEI.2).[12] RBC/RMBC and the applicant agreed a Statement of Common Ground (SoCG), dated 27 July 2016.[13] This states that the parties have agreed that a suitable planning condition could be imposed that would address the desires of horse riders, while wholly precluding use by motor vehicles, and so the horse enclosure and permissive bridleway element of the proposal would not require removal from the scheme.[14]

9. At the Inquiry the applicant indicated that it does not accept that the amendments are necessary to unlock consent, but has agreed to join RBC/RMBC in seeking such amendments.[15] The SoCG states that having regard to the nature of the reduction, and to its containment within the *Rochdale* envelope already assessed, further environmental information is not required.[16]

10. The decision whether to determine the applications on the basis of the amended scheme is a matter for the Secretary of State, having regard to the principles set out for amendments to proposals in the *Wheatcroft* judgment.[17] FEI.2 considers the effects of reducing the height of PT5, PT6 and PT7 to 100 m and of removing PT10, PT11, PT15 and PT16 on the decommissioning of SMWF1. In

[9] CD1.11.
[10] CD1.20 and CD1.21.
[11] CD1.22 and CD1.23.
[12] CD1.19.
[13] CD1.31.
[14] SoCG paragraphs 4.8 and 5.1.2.
[15] ID65 paragraph 9.
[16] SoCG paragraph 5.1.4. Although not clarified in the SoCG the 'Rochdale envelope' is a reference to the judgments in *R v Rochdale MBC ex parte Tew* [1999 3PLR74] and *R v Rochdale MBC ex parte Milne* [2001 81PCR27] that there must be sufficient information with which to assess a scheme's impacts and to base the project consent.
[17] *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another* [1982] 43 P. & C.R. 233 at CD10.7.

the amended SMWF2 scheme, the location of the proposed turbines after decommissioning of SMWF1 (Stage 2), with 12 turbines, is shown on Figure 5.2, and for the period prior to the decommissioning of SMWF1 (Stage 1), with a total of 42 turbines for SMWF1 and SMWF2, on Figure 5.1.[18] These proposed alterations to the SMWF2 scheme have been the subject of public consultation. Written representations submitted in the lead up to the Inquiry refer to the suggested amendments. They were also discussed at the Inquiry. No one has objected to the applications being determined on the basis of the amended scheme. The Inquiry proceeded on the basis that it would hear evidence about both the original and the amended schemes.

11. At the PIM I raised a query about whether the separate applications, if permitted, could be implemented separately.[19] The applicant pointed out that it would not be possible to require the implementation of any planning permission, or to require that all permitted turbines be constructed.[20] I reiterated my questions about the implications for this scheme in the PIN.[21] I also queried at the Inquiry the description of the proposed development on the application forms, given that 14 of the proposed turbines would be located in RBC and the remaining two in RMBC.[22] At the Inquiry the applicant advised that the development included within the RBC application could be implemented without completion of the development proposed in the RMBC application, but that the latter would rely on infrastructure that formed part of the development proposed in the RBC application.[23]

12. Subsequently the applicant and RBC/RMBC submitted a joint statement about alternative descriptions for the proposed development for use in the event that the Secretary of State considered the scheme on the basis of the suggested amendments.[24] The parties did not express a preference as to whether the description for the amended scheme should be the same for both applications (16 turbines) or specify only the development that would apply to that application (14 turbines in RBC and two turbines in RMBC). This is a matter for the Secretary of State to determine. Appropriate descriptions for these options are included at Annex C1, Annex C2 and Annex C3 to this report.

13. A local resident, Mr Ross, requested at the Inquiry that I hear his evidence under oath, and that I issue a witness summons to require the author of a witness statement, which was submitted to the Inquiry by the applicant, to attend the Inquiry. My rulings about these matters, concerning a private dispute between adjoining land owners, are set out in Annex B to this report. This issue was foreshadowed at the PIM, where I advised that private legal matters would be unlikely to be relevant to the Secretary of State's consideration of the planning merits of the proposal in the public interest.[25] At the end of the Inquiry Mr Ross requested that I make a recommendation about costs against the applicant in

[18] CD1.19(2) and APP/BD/4.
[19] CD1.30a paragraph 16.
[20] The *Guidance* states that conditions requiring a development to be carried out in its entirety will fail the test of necessity and would be likely to be difficult to enforce.
[21] CD1.30b paragraph 6.
[22] CD1.30a paragraph 16.
[23] APP/DB/2 paragraph 6.4.16.
[24] ID19.
[25] CD1.30a paragraph 16.

the event that I recommended that the applications be refused. However, I explained that this is not the basis on which costs could be considered in these proceedings.

14. The application site comprises land for which Rights of Common have been registered. In order for works to be undertaken consent would be necessary under Section 38 of the Commons Act 2006, or an application made under Section 16 to release the area of land from the Common. In most cases the latter would require provision of replacement land. The commons consenting process is separate to the planning process and different criteria apply. No applications under the Commons Act have been made pending the determination of the planning applications, but the applicant has indicated the likely proposed exchange land and areas for fencing in a Note to the Inquiry.[26]

15. It was clarified at the PIM that no Section 106 planning obligations were proposed, and that all matters regarding the proposed moorland restoration and management would be dealt with by planning conditions. I therefore requested that the SoCG should include a draft of suggested planning conditions, and should set out how these would square with relevant policy and guidance regarding the imposition of planning conditions. Suggested planning conditions, in the event that SMWF2 was permitted, were discussed at the Inquiry and versions agreed between RBC/RMBC and the applicant, for both the original proposal and the amended scheme.[27] No planning obligation has been submitted. I outline the discussion about suggested conditions at the Inquiry in more detail later in this report, and include my observations about possible planning conditions in the Conclusions section.

Planning policy, guidance and Written Ministerial Statement (WMS)

16. The development plan for the RBC application includes the Rossendale Local Plan Part 1: Core Strategy Development Plan Document: The Way Forward (2011-2026), which was adopted in 2011 (RossendaleCS), along with saved policies of the Rossendale Local Plan 1995. However, there are no saved policies that are relevant to the RBC application.

17. RossendaleCS Policy 20 sets out criteria for wind energy development. These include not having an unacceptably harmful impact, alone or cumulatively, on landscape character and value, based on the most up to date studies and assessments, or by reason of visual, noise or shadow flicker impact on local residents and sensitive users. It also provides that proposals should not adversely impact on areas of ecological value or deep peat, including from dissection by roads, and should protect water quality and colour. Adverse impacts on heritage assets should be minimised and balanced against climate change benefits. Policy 20 notes that developers are expected to demonstrate that any impacts can be satisfactorily mitigated where negative impacts cannot be removed solely through site selection. The supporting text refers to the 2010 *Renewable and Low Carbon Energy Study* by Maslen, which identified wind as the most easily captured renewable energy (RE) source in Rossendale, with a potential (landscape impact-limited) generation output of 20.1 MW.[28]

[26] Commons Note at APP/CN/1.
[27] ID60.
[28] CD3.17.

This figure was derived from a landscape capacity assessment by Julie Martin Associates.

18. RossendaleCS Policy 1 seeks to maintain Rossendale's distinctive environment. Policy 14 promotes tourism. Green infrastructure is dealt with in Policy 17. Amongst other things, this provides support for the improvement of Public Rights of Way (PRoW), including the Pennine Bridleway and Rossendale Way. Policy 18 seeks to avoid any harmful impacts on all aspects of the natural environment. It expects landscape character to be safeguarded and enhanced, and biodiversity assets to be conserved and enhanced. Where negative effects on biodiversity or landscape character are unavoidable, suitable measures would be required to mitigate any negative impacts, with full compensatory provision where mitigation is not possible. Policy 19 states that renewable and low carbon power (all types) and heating will meet at least 25% of the energy needs of the Borough by 2026. Policy 21 supports the rural economy and its communities.

19. The development plan for the RMBC application includes the Rochdale Core Strategy, which was adopted on 19 October 2016 (RochdaleCS).[29] It also includes saved policies of the Rochdale Unitary Development Plan, which was adopted in 2006 (UDP). RMBC's consideration of the application refers to some UDP policies that have been replaced. RochdaleCS Policy SD1 is about delivering sustainable development in accordance with national policy. Policy G1 concerns climate change, and ensures that development does not cause unacceptable harm to peatlands and encourages their restoration and responsible management. Policy G3 sets out criteria for renewable and low carbon energy developments. For wind power developments it adds that planning permission would only be granted if the site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. The supporting text notes that RMBC intends to identify suitable areas in an Allocations DPD.

20. RochdaleCS Policy P2 sets out measures for protecting and enhancing character, landscape and heritage. Policy G4 restricts development to that deemed not to be inappropriate in the Green Belt unless very special circumstances can be demonstrated. UDP Policy G/D/2, which defines the Green Belt boundary, is to be read in conjunction with Policy G4. Policy G6 seeks to enhance green infrastructure, including protecting and enhancing land management to support water management and carbon storage in the South Pennine uplands. Policy G7 aims to increase the value of biodiversity, and for the South Pennine Moors to maintain and enhance peatland habitats. Policy G8 deals with managing water resources and flood risk. UDP Policies EM/7 concerning flood risk and EM/8 protecting surface and ground water are to be read in conjunction with Policy G8.

[29] CD3.10b.

21. Overarching National Policy Statement (NPS) for Energy (EN-1) and NPS for Renewable Energy (EN-3) are relevant here even though they apply particularly to schemes larger than 50 MW.[30] Reference is also made to the *National Planning Policy Framework* (hereinafter the *Framework*) and to the *Planning Practice Guidance* (hereinafter the *Guidance*). The relevant development plan policies here are consistent with the provisions of the *Framework*.

22. The transitional provisions set out in the Written Ministerial Statement made on 18 June 2015 (WMS) apply here.[31] The WMS provides that 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.

23. NPS and the *Framework* refer to *The Assessment and Rating of Noise from Wind Farms*, ETSU-R-97 (ETSU). ETSU refers to the measurement of noise levels in terms of $L_{A90,10\ min}$. However, for ease of reading, references to all noise levels in this report do not repeat the $L_{A90,10\ min}$ descriptor.[32] The Government published the *Noise Policy Statement for England* in 2010 (NPSE), and endorsed *A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise* by the Institute of Acoustics in 2013 (IoA GPG).

The site and surroundings [33]

24. The 410.85 ha site comprises mostly Common Land primarily used for grazing sheep and some cattle. It lies between the urban areas of Rochdale (about 8.5 km to the south-east), Bury (about 8.4 km to the south-west), Blackburn/Accrington (about 14 km to the north-west) and Halifax (about 27.4 km to the east), with the Manchester conurbation to the south. A ring of smaller valley settlements includes Edenfield and Ramsbottom to the west, Rawtenstall and Bacup to the north, Whitworth to the east and Norden to the south-east. The site is about 2.7 km from the M66, and broadly encircled by the A56/A680 to the west and south, the A671 to the east, and the A681 to the north. These roads effectively surround Scout Moor. In this report 'Scout Moor' refers to the elevated moorland located between the Irwell, Roch and Spodden valleys. This term is consistent with the nomenclature in the *Landscape Capacity Study for Wind Energy Developments in the South Pennines* by Julie Martin Associates 2010 (JMA2010).[34]

25. The Peak District National Park lies about 18 km to the south-east, and the Yorkshire Dales National Park some 34 km to the north-east. The Forest of Bowland Area of Outstanding Natural Beauty (AONB) is about 16.5 km north-west of the site.[35] The South Pennine Moors Special Protection Area (SPA) lies about 9.3 km to the east of the site. Cultural heritage assets, including Conservation Areas are shown on Figure 7.1b of CD1.3(1). This also shows

[30] CD4.2 paragraph 1.2.1. and CD4.3 paragraph 1.2.3.
[31] CD4.6.
[32] For example, 40 dB $L_{A90,10\ min}$ is specified simply as 40 dB in this report.
[33] Based on SoCG section 7.
[34] CD3.15.
[35] These areas are shown on Figure 7.1a of CD1.3(1).

the location of the National Trust estate at Stubbins, along with locally designated historic landscapes at Heightside House (2.5 km) and Whitaker Park (3 km).

26. The Mary Towneley Loop (MTL) is a 76 km circular bridleway forming part of a National Trail, the Pennine Bridleway, which is about 430 km long. The Rossendale Way passes through the western and northern parts of the site. The Rochdale Way crosses its south-western part. There are other footpaths and bridleways in the vicinity, and much of the site and its surrounds is open access land.[36]

27. There are a number of residential properties approximately 0.8 km or 0.9 km from the nearest proposed turbine. Newgate Farm would be 773 m from PT11. Higher Red Lumb Farm would be 939 m from PT16. The applicant is willing to accept a condition to prevent turbine micro-siting that would locate PT11 nearer to either Newgate Farm or Scout Barn Farm, or PT16 nearer to Higher Red Lumb Farm.[37]

28. In addition to SMWF1, there are other turbines and wind farms in the wider locality. The nearest large turbines (higher than 100 m) are some 7 km to 8 km from the site at Reaps Moss, Todmorden, Hyndburn and Crook Hill.[38] Some of the wireframes indicate 12 proposed 125 m high turbines at Rooley Moor. The application for this scheme was refused by RMBC and the time period for an appeal has expired.

29. The site lies within the Southern Pennines National Landscape Character Area (NCA36). This is described as a complex area of large sweeping uplands dissected by valleys, often with reservoirs, and strongly associated with industrial activity. It adds that extensive and memorable views of the open moorland contrast with the densely built mill towns enclosed in the valleys. It is similarly described in the Regional Landscape Character and County context as the South Pennine Moors. Nearby Landscape Character Areas (LCA) are described as the Scout Moor and Shore Moor Fringe, and the Irwell (Ramsbottom, Rawtenstall and Bacup) character areas.[39] In JMA 2010 the majority of the site coincides with the 'South Pennine Moors' character area (High Moorland Plateaux character type), in which both the existing and proposed turbines would be located. The RBC site lies within Landscape Character Type A: High Moorland Plateaux (LCT A) in the *South Pennines Wind Energy Landscape Study* by Julie Martin Associates and LUC 2014 (JMA2014).[40]

The proposed development

30. An initial concept to extend SMWF1, with 26 additional turbines, would have constituted a Nationally Significant Infrastructure Project, and a Statement of

[36] PRoW and usage are shown on ES Volume 2b Figures 19.1-4 at CD1.4.
[37] ID61.
[38] CD1.19(2) and APP/BD/4 FEI.2 Figure 7.1 Cumulative Sites.
[39] These and adjoining character areas are shown on Figure 7.2a and Figure 7.2b of APP/BD/4. The County Landscape context is shown on Figure 7.2c of CD1.3(1). The landscape is described in ES Appendix 7.3 at CD1.5 Volume 3(1).
[40] JMA2014 Figure 7 at CD3.16. Character areas are summarised in Table 7.2 of the ES at page 91 of CD1.2.

Community Consultation was prepared and publicised in 2011 in accordance with Section 47 of the Planning Act 2008. A Scoping Opinion was provided in March 2012. Consultation was concluded in 2014. Subsequently the scheme was revised, including a reduction in the number of turbines from 26 to 16, relocation of some of the northern turbines further away from the moorland edge and the MTL, the relocation of turbines away from deep peat, and the identification of a recreational trail, along with revision to the grid connection from the existing sub-station at Cheesden to the Rawtensall Bulk Supply point.[41]

31. The SoCG clarifies that PT15 and PT16, along with 1.1 km of new access tracks, and 450 ha of land associated with the Moorland Restoration and Management Plan (hereinafter the MRMP), would be located within Rochdale's Green Belt. The elements of the proposed development that would be within the Rossendale Green Belt comprise underground cabling and the continued use of existing access tracks.[42] Access to the site would be via the existing access off the A680 to Marshall's Quarry, which was used for the construction of SMWF1.

32. The RBC application includes the erection of stock proof fencing, gates and a stock holding pen in association with the creation of a permissive bridleway in the vicinity of the A680 at Turn.[43] But in response to objections to this element of the scheme, the applicant is content to accept removal of this from the proposal, if this is considered appropriate.[44] However, if the RBC application was permitted, a suggested condition would require prior approval of gate/barrier details and measures to deter unauthorised vehicular access to the permissive bridleway. An alternative route for part of the MTL is also proposed in the RBC application.[45]

33. The implementation of a scheme of moorland restoration and management (MRMP), including the erection of fencing, is part of the description of the applications. It was clarified at the Inquiry that this is an integral part of the proposal, notwithstanding that some elements of the MRMP would not require planning permission. Furthermore, the moorland restoration and management scheme includes some 487 ha of land that lies outside the application sites.[46] Suggested Conditions refer to the MRMP, and also to the Moorland Restoration and Management Plan Implementation Strategy, dated 7 September 2016 (hereinafter the MRMP Implementation Strategy).[47] The main provisions of these documents are summarised in Annex D to this report.

34. Updated estimates for RE generation and approximate carbon dioxide savings for the separate applications and the amended scheme were submitted to the Inquiry.[48] The 14 turbine RBC application scheme, with an installed capacity of

[41] SoCG and CD1.8.
[42] SoCG paragraph 11.3-11.5.
[43] ES Figure 5.13 and Figure 5.14 at CD1.4.
[44] FEI.2 paragraph 1.14.
[45] This is now the subject of a Definitive Map Modification Order at ID4.
[46] Based on MRMP area of 898 ha and application site of 410.85 ha.
[47] The MRMP is set out at ES Appendix 5.2. The MRMP Implementation Strategy is included as Appendix 1 of APP/PA/2.
[48] ID52.

32.2 MW, would annually generate electricity the equivalent of that needed for 18,864 homes, and would result in 962,500 tonnes of likely carbon dioxide savings. The two turbine RMBC application scheme, with an installed capacity of 4.6 MW, would annually generate electricity the equivalent of that used by 2,695 homes, and would result in 137,500 tonnes of likely carbon dioxide savings. For the amended scheme, which would reduce SMWF2 to 12 turbines after decommissioning of SMWF1 (Stage 2) and an installed capacity of 27.6 MW, the electricity generation and carbon dioxide savings would be, for the remaining years of the permission, the equivalent of that used by 16,169 homes and 875,000 tonnes, respectively.[49]

[49] These estimates are based on an installed capacity of 2.3 MW per turbine, a load factor of 0.2574 and an average annual household energy consumption of 3.85 MW.

The case for the applicant

The following summary of the applicant's case broadly follows the applicant's closing submissions to the Inquiry, with additional reference where necessary to the evidence adduced.[50]

Introduction

35. The ES complies with relevant requirements.[51] Even if any of the objectors' arguments were to lead to a conclusion that the ES material was in some way flawed, the result would merely trigger a need for further information, and the suspension of proceedings until this had been provided.[52]

36. There are two applications here, but the applicant has no intention of not implementing to the full any development consented. The development within RMBC (including PT15 and PT16) would not be capable of coming forward (commercially) without the elements of the scheme in RBC. However, the development in RBC could be implemented without the RMBC element. The integrity of the wind farm design is not dependent on the two turbines in RMBC. It is difficult to envisage a situation where it would not be commercially desirable to implement both. Any issue of incomplete implementation is, in any event, not altered by the fact of the scheme's spanning two (as opposed to just one) local authority areas.[53] The two applications may involve the weighing of two separate planning balances, however, the existence of the first application, and any weighing of its balance, is a most material consideration in weighing the second application – and *vice versa*.

37. The description of development identifies various bridleway aspirations that would enhance equestrian access. But neither the Turn permissive route nor the alternative access to the MTL would be necessary to achieve a positive planning balance. The bridleway proposals are the subject of material debate within the equestrian community, between the British Horse Society (BHS) and others with riding interests, and more widely between some riders and other third parties. The applicant continues to support the two bridleway elements, but a positive planning balance cannot depend upon the acceptance or rejection of either or both bridleway proposals.

38. Two further elements of amendment were sought by RBC/RMBC, namely a reduction in the height of PT5, PT6 and PT7, and early removal, concurrently with the decommissioning of SMWF1, of PT10, PT11, PT15 and PT16. The applicant does not accept that either amendment is necessary to unlock consent, but has agreed to join RBC/RMBC in seeking such amendments and to present its primary case on this basis. Whether such amendments are to be made is a matter for the Secretary of State. The main criterion is here satisfied in that the development proposed is not so changed that it has deprived anyone who should have been consulted of the opportunity of such consultation; *inter alia*, the question of amendment has been aired, by

[50] ID65.
[51] SoCG paragraph 10.1.
[52] A table cross-referencing the list of matters raised by the Secretary of State and the Inspector to Mr Bell's proof of evidence and to the environmental material is at ID8.
[53] APP/DB/2 paragraph 6.4.16.

RBC/RMBC as a result of consultation, for over a year. It has been raised in Statements of Case, the SoCG, at the PIM, and in FEI.2, all material upon which there has been further consultation.

39. So far as the applicant is aware, no one opposes determining the applications on the basis of the amended scheme. All of this militates decisively in favour of the amendments being allowed. It is difficult to envisage any reason why the amendments should not be made and the applications, including the possible use of conditions, thereafter considered on that amended basis. The applicant notes the (perhaps remote) scenario where the Secretary of State, for whatever reason, wishes to consider the un-amended applications. There the planning balance remains positive and the evidence to support such a conclusion is in the environmental assessment material.[54]

40. In so far as objections reflect a desire to protect private interests, it is important to recall the purpose of the planning system. Until comparatively recently this was summarised in *The Planning System: General Principles*, now overtaken by the *Framework*.[55] However, the applicant adopts this as continuing to embody a correct and conveniently concise statement of the position in terms of both law and policy. Here the RE development is of a type which itself falls to be brought forward in the public interest, and is, notwithstanding a 25 year duration, wholly reversible. Thus, for any objection to succeed it must sound materially in the public interest and, additionally, be sufficiently substantial, the more so since any adverse effect would be temporally limited, wholly to outweigh the other undoubted public benefits of the scheme.

41. Applications for both deregistration and exchange of Common Land and the erection of elements such as fencing would follow in due course, should permission(s) be granted. Various suitable pieces of potential replacement land have been identified and the use of fencing etc. can be predicted in general terms. But the precise detail and content of any such applications would require some iteration and fine tuning to take account of, and accord with, the terms of any permissions granted and of the attached conditions.

Green Belt

42. The buried cables in RBC and use of an existing track would have no impact on the openness or purposes of the Green Belt, and the engineering operation would not be inappropriate development. However, the RMBC application involves turbines and access tracks that would be inappropriate development in the Green Belt, and would have an effect on its openness and permanence. But the loss of openness would be limited because the turbines would not obstruct the availability of views across the land to any great degree. Furthermore, the MRMP would deliver net gains in biodiversity and landscape features for the Green Belt.

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[54] Applicant's Statement of Case at CD1.28 paragraph 1.3.5.

[55] *The planning system does not exist to protect the private interests of one person against the activities of another … The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.*

Character and appearance

43. The ES included a landscape and visual impact assessment (LVIA), and further information about landscape and visual effects was included in FEI.1 and FEI.2, all of which have been reviewed by another landscape expert.[56] This review concluded that in coming to their respective decisions about the applications RBC/RMBC had before them information that clearly identified all the likely significant landscape and visual effects.[57]

44. SMWF2 would have no significant effects on the nearest nationally designated landscapes, which are the Peak District National Park, the Yorkshire Dales National Park, and the Forest of Bowland AONB (which includes Pendle Hill). However, the LVIA identified a significant visual effect on two locally designated landscapes at Heightside House and Whitaker Park, and for an area of National Trust land at Holcombe Moor known as the Stubbins Estate. But it noted that there would be no significant effect on the landscape character of the Estate.[58]

45. The LVIA considered both the additive effects of SMWF2 turbines, as well as the combined effects of the SMWF2 turbines with the SMWF1 turbines. Cumulative effects of SMWF2 with schemes other than SMWF1 were also assessed. In terms of landscape character the test is not one of identifying whether there are some localised impacts. The question turns rather on any impacts on the various landscape character areas as a whole, and having regard to their various identified and listed characteristics.

46. For the 'South Pennine Moors' SMWF2 would extend the influence of wind energy development beyond that of the footprint of SMWF1 and would locally change the open character of the north-western part of the moor in the vicinity of Cowpe Moss and Cowpe Low. But all turbines would be located within the same character area, and set back as far as possible from ridgelines, particularly the steeply sloping northern moorland edge above Boarsgreave. Relative to the existing influence of SMWF1, the proposed extension would have a moderate adverse and non-significant effect on the South Pennine Moors, but in combination would have a major/moderate adverse and significant effect.

47. For the adjoining character area 'Scout Moor and Shore Moor Fringe', SMWF2 would accentuate the influence of turbines to the north-east and north-west of the application site, affecting the valley slopes associated with Boarsgreave, Cowpe and to the east of Edenfield. This would be primarily due to the increased prominence of turbines on the skyline. The additive effect on landscape character of this area would be moderate adverse and non-significant, but when considered in combination with the existing turbines would be major/moderate adverse and significant. A similar additive effect would result for the Irwell (Ramsbottom, Rawtenstall and Bacup) character area, but with the increased prominence of turbines on the skyline above Bacup and Newchurch resulting in a localised major/moderate and significant adverse effect. However, in combination with SMWF1, it would have a

[56] ES Chapter 7 at CD1.2, FEI.1 at CD1.11 and FEI.2 at CD1.19.
[57] APP/BD/1 and APP/BD/2.
[58] APP/BD/2 paragraph 6.19.

moderate adverse, non-significant effect on the Irwell (Ramsbottom, Rawtenstall and Bacup) LCA.

48. In terms of visual amenity, the LVIA identified significant additive and combined effects for receptors within an area of up to some 10 km from SMWF2. For settlements and receptors between 1.5 km and 5.1 km from the proposed development the increase in turbine visibility would result in a prominent or conspicuous change in the character and quality of the views. This would result in significant adverse effects in relation to Rawtenstall, Newchurch, Boarsgreave, Bacup, Maden, a small number of residential areas within the settled valley to the north of the site, and Britannia, although with the exception of the latter, SMWF2 would not introduce views of turbines where there were not already some views of existing turbines. However, from further to the east at distances of 5 km, such as Whitworth, the turbines although visible from some locations were not assessed as resulting in significant adverse effects. To the south-west and west, including Helmshore and Edenfield, at distances in the region of 2.5 km, the proposed turbines would stand out across the ridgelines that form the backdrop to the settlement. But for the settlement of Turn the intervening topography would mean that SMWF2 would have no significant visual effects.

49. SMWF2 turbines would be visible from a number of PRoW on Scout Moor and its wider area, but would generally be seen in association with the existing turbines. The LVIA states that the proposed turbines would be visible from the Pennine Bridleway and Rossendale Way, clearly and often in close proximity, as striking and distinct elements. But the presence of the existing turbines forms a key element of the experience for users of these routes. The proposed extension would only add 400 m to the overall length of the route from which turbines would be seen along the Pennine Bridleway. Turbines already form a significant element in the experience of walking the Rossendale Way, particularly so for the region of Cowpe Lowe and southwards across Scout Moor and towards the crossing of the A680 at Turn. There would be a small additive change to views experienced from some sections of the Irwell Sculpture Trail, but this would not be significant given the visibility of existing turbines. Views from more distant vantage points, such as Pendle Hill (VP41), would not be significant.

50. The reduction in height of PT5, PT6 and PT7 would result in some visual improvement, and would lessen the visual effect in views from the north, but the degree of visual change would not reduce the significance of effect recorded in the LVIA. PT10 could not be relocated because of nearby steep slopes and the proximity of deep peat. Local topography and a buffer zone for a water course prevent the relocation of PT11. Topography and maintaining separation distance from other turbines and telecommunication links prevent the relocation of PT7 and PT8 further from the bridleway. FEI.1 identified that there would be an adverse visual effect on users of the Pennine Bridleway and MTL for approximately 3 km. FEI.2 confirmed that decommissioning of PT10, PT11, PT15 and PT16 at the same time as the decommissioning of SMWF1 would prevent these turbines from appearing as outliers from SMWF2 in wider views in Stage 2.

51. The LVIA includes a residential visual amenity assessment for dwellings within 1.15 km, which recorded a significant additive and combined effect for 35 of the 107 properties assessed. The most affected would be Newgate Farm and Scout Barn Farm, with a very large magnitude of change combined effect identified for Higher Red Lumb Farm during Stage 1.

52. From Newgate Farm PT11 would be visible to the east, at a distance of 773 m, in an elevated position above this property, within a small valley that cuts through the adjacent steep hillsides. Its blade tip would appear higher than that of the existing turbines. Views from windows and amenity areas facing in other directions would be largely unaffected, with the exception of a well-used outdoor dining area to the south of the house, which adjoins a small sitting room and kitchen, from which there would be clear views of PT11.[59] Similar views would be possible from the access drive to the dwelling. Even so, and notwithstanding a significant visual effect, PT11 would not be overwhelming or overbearing such that the property became an unattractive place in which to live.[60]

53. Scout Barn Farm is a working farm. Nearby farm buildings would restrict some views towards PT10 and PT11. Where they were visible they would be seen within the existing view of ET13 and ET24, along with the blades of ET22 and ET11. But PT11 would be prominent in some views around the dwelling and its access track. However, at a distance of about 1 km the effect would not be overwhelming or overbearing.[61]

54. The front of the dwelling at Higher Red Lumb Farm faces south away from the wind farm, but there are views of nine existing turbines from the rear elevation and amenity space, which faces north, albeit restricted to some extent by Knowl Hill. ET1 is about 788 m from the property. PT16 would be conspicuous and distinct at a distance of 939 m. It would be seen on the skyline in an elevated position, and in combination with existing turbines a high magnitude of change in outlook was recorded in the LVIA. However, the context in which the turbines would be seen and the overall visual amenity enjoyed by this property would not lead to a situation in which it would become an unattractive place in which to live.[62]

55. Taking into account relevant factors such as the number of turbines and their height, spread, layout, distance, along with main views from properties, including orientation, containment and screening, access routes, curtilage and general amenity, and allowing for the movement of blades, none of the effects of SMWF2 would be overbearing, and none of the properties would become an unattractive place to live.

56. Shadow flicker has here been the subject of extensive modelling, and the results reveal that the scheme could proceed without unacceptable impact, subject to a condition.[63]

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[59] The visualisation at APP/BD/3 Appendix 1 is taken from this vantage point.
[60] APP/BD/3 Appendix 2 reviews Inspectors' decisions in relation to residential amenity.
[61] Figure 6 Residential Assessment Property 106 Appendix 7.6 at CD1.5(1).
[62] Figure 3 Residential Assessment Property 21 Appendix 7.6 at CD1.5(1).
[63] CD1.11 Figure 2.

57. In terms of cumulative effects, the siting and design of SMWF2, when considered in conjunction with all of the baseline and proposed schemes, would not give rise to any significant cumulative landscape character or visual amenity effects from any wind energy schemes, other than SMWF1. There is no justifiable reason here for refusal in terms of landscape character, visual impact or residential amenity.

Noise

58. Dr Yelland provides an extensive critique of the background noise material, but makes no mention of the dialogue between Hepworth Acoustics and Hayes McKenzie, which enabled RBC/RMBC to conclude that the submitted noise material was fit for purpose. To find the background material inadequate or materially flawed involves a wholesale rejection of advice from RBC/RMBC's expert advisers. A full explanation and rebuttal is to be found in Dr McKenzie's evidence.[64]

59. Turbine spacing is a matter for the applicant, and there is no evidence that noise emission power would be significantly increased with a separation distance of three times rotor diameter. Such spacing would not invalidate turbines warranties because these would be drawn up in full knowledge of the site layout. Additional background noise measurements were carried out at three locations in assessing SMWF2, and data from the SMWF1 assessment was updated as agreed with RBC/RMBC. Rainfall data from within the SMWF1 site was refined to provide baseline data that excluded any days in which rainfall exceeded 1 mm, and this data was used for the current assessment.

60. Background measurements from Acre Nook have been used to represent Newgate Farm, but predicted noise levels apply to the respective properties. Acre Nook is nearer to the A680 than Newgate Farm, but the different location may have little effect on background noise levels given the traffic on this road. In any event, the headroom predicted here, especially during the day when traffic noise would be highest, would mean that ETSU limits would be met.

61. The positioning of the sound level meter at Higher Red Lumb may have been influence by a stream at the rear, which if running, would have had a more significant effect than traffic noise at the front of the property. Other factors would outweigh any uncertainty arising from the chosen noise measurement positions at Fecit Farm and Acre Nook. Nutters restaurant is now a nursery, but this would make little difference, as background noise would still be dominated by road traffic noise.

62. No reference is made in the IoA GPG to ISO 9613 Table 5 concerning estimated accuracy. However, uncertainty is linked with the ground factor used in the IoA GPG. The uncertainty specified in Table 5 is automatically taken into account through the use of the assumptions applied in the IoA GPG. In addition, there is no convincing evidence to indicate that a concave ground adjustment would be warranted for Newgate Farm.

[64] APP/AM/3.

63. The proposed turbine at Higher Moss, referred to by Dr Lee and Ms Massie, would add less than 0.2 dB to the cumulative noise level at Fecit Farm at wind speeds of 10 m/s, and so would have no effect upon compliance with the suggested noise limits for SMWF2.[65]

64. It cannot be doubted that noise conditions can be met. Dr Yelland's opposition to curtailment is misconceived. There would be no requirement to operate turbines in a low noise mode if the day-time limit used a lower limiting value of 40 dB, but compliance with a 35 dB lower limit would require some curtailment. The sophistication of modern turbine controls means that the operator's ability to control matters, including noise generation, enhances the confidence that RBC/RMBC and residents may place in the relevant limits being met. The planning system has mechanisms to enforce conditions. Once noise limits were set, the onus would be on the applicant to operate the turbines so as to comply.

65. Dr McKenzie does not deny the existence of amplitude modulation (AM). Instead he points to the fact that it is not a universal phenomenon; and that, even where and when it may occur, it is only excess(ive) amplitude modulation (EAM) which falls to be regulated. Since Dr Yelland also uses the term EAM there was agreement that this can be covered by an appropriately worded condition. Notwithstanding the difficulties Dr Yelland subsequently sought to raise in imposing an AM condition, there is, in fact, no insuperable reason why, were an AM condition considered necessary, an appropriate one could not be drafted and imposed.

66. Dr Yelland concentrates on the occurrence of infrasound and its frequency, and largely ignores the magnitude, expressible and expressed in dB, of any such occurrence. Dr McKenzie has carried out measurements of infrasound in respect of wind turbines. He demonstrates conclusively that not only is infrasound widely and naturally occurring, that referable to wind turbines is materially below the threshold of human perception. The scientific paper submitted by Dr Binns demonstrates in the clearest fashion the limits on human perceptibility.[66] There is no tenable basis here for regarding sound in the frequency range 1-20 Hz as a problem, and thus no necessity arises for a condition to deal with it. Even were the Secretary of State wholly to ignore this, Dr Yelland expressly confirmed that, if one takes a hypothetical case where an infrasound condition might be required, such a condition could be drafted and imposed.

67. The evidence of Dr Yelland and Dr Woods about health concerns does not demonstrate that there is a material health problem here that cannot be adequately and appropriately dealt with by the suggested noise conditions. Dr Yelland wholly fails to identify the levels of noise necessary to produce the sorts of effect specified in the anecdotal evidence he reports.

68. As regards concerns raised by Ms Massie and Dr Lee about the enforceability of what may be termed a standard ETSU limits condition, the Hayes McKenzie report of 2012 provides reassurance. The investigation of Ms Massie's noise

[65] APP/AM/2.
[66] CD2.9.

complaint reveals a local planning authority that takes these things seriously and acts accordingly.[67]

69. No noise reason for refusal arises, and matters can be dealt with appropriately by way of condition. In the light of the prevailing circumstances, whilst the applicant is not persuaded that an AM condition is here justified, it has indicated its preparedness to agree to such a condition.[68] No issue thus remains between the applicant and RBC/RMBC, and appropriately conditioned consents can properly issue.

Biodiversity [69]

70. The development applied for includes the MRMP, and irrespective of whether the MRMP is also to be considered as a (necessary) part of mitigation, it is proposed as integral to the scheme for which consent is sought. This element responds directly to the *Framework's* requirements concerning enhancing the natural environment, valued landscapes, and biodiversity. As part of the development proposed, it falls to be controlled by appropriate conditions.[70]

71. The extent of excavation to construct SMWF2 would be significantly lower, and the amount of alien material imported to the site would be much less, than that anticipated by objectors. Materials would comprise chiefly concrete for turbine bases, and there is no evidence that materials imported to construct SMWF1 have had any significant adverse effect on vegetation.[71]

72. Conclusions drawn about overgrazing on the Common are not based on stock numbers now or in the recent past, but on environmental evidence related to a long history of grazing, along with other factors such as air pollution and fires, which have left the moor in a seriously degraded condition.[72] The MRMP contains a significant amount of detail, particularly about restoration measures, and would be instrumental in restoring the moorland to a much better condition.[73] Peatland restoration works would only apply to areas of damaged peat, estimated to be about 176 ha or 20% of the MRMP area, so the costs projected by objectors based on figures published by the Peak District would not apply to all the 898 ha of MRMP land. Furthermore, these estimates would not be appropriate because the restoration requirements in the Peak District were very different from those which apply here. There are objections to enclosing part of Scout Moor, but fencing would be limited to five years and for limited parts of the Common.[74] A single Ranger working closely with stakeholders and partners would be able to achieve the MRMP's objectives.

73. As regards the evidence of Dr Heyworth, it is not accepted that the MRMP has limitations in its capacity to remediate both the peat areas and the moorland generally. The Greater Manchester Ecology Unit commented on the biodiversity impacts of the scheme, which fall overwhelmingly to be weighed

[67] ID50.1 and ID50.2.
[68] SoCG paragraph 11.62 is now overtaken by subsequent agreement.
[69] The following summarises the most salient points from the written evidence in APP/PA/1.
[70] ID54.
[71] APP/PA/5.
[72] APP/PA/1 and APP/PA/3.
[73] APP/PA/4 and Appendix 5 of APP/PA/2.
[74] Figure 7 APP/PA/1.

on the positive side of any overall balance. There is a duty under Section 40 of the Natural Environment and Rural Communities Act 2006 to have regard to the purpose of conserving biodiversity.

74. There is no tenable or justifiable basis for rejecting or questioning the applicant's evidence about the MRMP. In terms of impacts on biodiversity, it is difficult to identify any material disadvantage. Whilst construction of the turbines would necessarily have some minor adverse impacts, even these could be minimised by approved construction and environmental plans. The operational impacts of SMWF2 in terms of biodiversity are overwhelmingly positive; and an integral part of the overall development that would go materially beyond mere mitigation.

Heritage [75]

75. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&CA Act) is engaged, if and in so far as material, to require that special regard here be had to the desirability of preserving the setting of various listed buildings. The ES considered the likely effects of SMWF2 on listed buildings.[76]

76. The setting of the Grade II* listed Church of St Nicholas with St John at Newchurch makes a positive contribution to the significance of the asset, and includes long views across the valley and Cowpe Lowe to Scout Moor. The effect of SMWF2 was considered in FEI.1 and found to be negligible adverse. With reduced height for PT5, PT6 and PT7, FEI.2 found that this effect would be lessened. It would not be a significant effect, of less than substantial harm, and at the lower end of that scale of effects.

77. Peel monument is a Grade II listed building in a prominent elevated position some 4.5 km to 6.5 km from the proposed turbines. SMWF2 would not compete with the intended visual prominence of the monument, and would not result in any harm to the heritage significance of the asset.

78. On its face Section 72 of the LB&CA Act concerning the character and appearance of conservation areas is not engaged, but the same result, the absence of a cultural heritage reason for refusal, is reached via Section 70(2) of the 1990 Act. The same requirement enshrined in the sub-section applies irrespective as a material consideration. The Secretary of State is invited to determine the applications as though Section 72 applies with full statutory force.

79. Significant features of Cloughfold Conservation Area include the views in a south-westerly direction towards Scout Moor, taking in the open landscape, which shows the effects of previous stone quarrying.[77] FEI.1 concluded that the proposed turbines would be viewed as additional modern infrastructure in combination with other modern elements within a part of the asset's wider setting, and that the degree of harm would be negligible. The effect would be reduced if PT5, PT6 and PT7 were 100 m high.

[75] The following summarises the most salient points from the written evidence in APP/HK/1. The location of heritage assets is shown on Figures 1A and 1B of Appendix A at APP/HK/2.
[76] ES Table 8.6.
[77] APP/HK/2 Appendix C.

80. Rural views from Prickshaw and Broadly Fold Conservation Area (P&BFCA) make a positive contribution to its heritage significance. But given the very limited degree to which SMWF2 would be visible in views from, or including, P&BFCA, the magnitude of change would be neutral. Holcombe Conservation Area would be some 4 km to 6 km from the proposed development. SMWF2 would be seen in combination with SMWF1 and other modern elements in the landscape. The character and appearance of the conservation area would be preserved.

81. Rooley Moor Road is known as the Cotton Famine Road because of its association with the blockade of Southern States during the American Civil War. It is of some local heritage significance, but undesignated, as it was not recommended for scheduling when this was considered in 2012.[78] The closest proposed turbine would be about 1.5 km from the road, and would not result in any harm to this asset.

82. Waugh's Well and the remains of Fo Edge Farm, which have an historical association with the poet Edwin Waugh, are also undesignated. They are of local heritage significance, partly because of their isolated location on the moor. PT6 would be about 160 m to the east of Waugh's Well, but existing turbines in SMWF1 are prominent in views from these assets and their setting. The proposed turbines would be viewed in combination with the existing array, and the contribution the setting of these assets makes to their significance would be largely unaltered. FEI.2 concluded a neutral historic environment effect. Objectors refer to Waugh's Well, but it is difficult to understand how this element could materially affect the outcome here given the very limited impact.

83. The development would affect the undesignated remains of Cragg Quarry, but the earthworks would remain a prominent feature in the landscape, and its archaeology could be safeguarded by the imposition of appropriate planning conditions. The scheme would have a low adverse effect on the Quarry. Suggested conditions and micro-siting of turbines would also provide for archaeological interests elsewhere on the site to be safeguarded. The MRMP would prevent further erosion of peat, and therefore secure the future preservation of any paleo-environmental or archaeological evidence within the peat profile.

84. There are no recorded historic environment effects that would result from PT15 and PT16. FEI.2 concluded that there would be no significant cumulative construction or operational historic environment effects. The low scale of harm does not justify an objection under the duty in Sections 66 or 72 of the LB&CA Act. The less than substantial harm to designated assets is outweighed by the public benefits of the scheme (*Framework* paragraph 134), and the low level of effect on non-designated assets does not weigh much in the balanced judgement required by paragraph 135.

[78] APP/HK/2 Appendix D.

Other considerations

85. With respect to the effects on PRoW, there is no unanimous voice from the equestrian community in this case. The experience along certain sections of PRoW would change, to whatever extent, in part, depending upon the personal reaction of individuals to such turbines. But there is no tenable basis for concluding that any impacts would be so materially adverse as to produce a negative planning balance, especially as the MRMP can only be seen as offering material enhancement over the existing experience for footpath users.

86. Illegal off-roading is clearly to be deprecated. But it is difficult to understand why such unlawful activity should be seen as a material reason to reject the proposal here. First, with all due respect to the Police and any constraints on their budgets, it is difficult to understand how their efforts to uphold and enforce the law can be subject to the presence or absence of private funding. Second, in any event, whatever may be the magnitude of the present problem, the presence of a Conservation Ranger would make matters no worse and, on any sensible view, would be likely to lead to closer and more timely liaison with the Police, and thus to more effective enforcement. Third, the planning system and planning decisions cannot be subject to dictation from those such as illegal off-roaders who show contempt for the law, the democratic process and common courtesy and consideration.

87. Traffic generation and its impacts have been fully and appropriately assessed. Given the nature of the scheme, and the very low generation of operational traffic, and the comparatively modest generation of construction traffic, no unacceptable impacts would arise.

88. Drainage and flood risk has been fully and adequately assessed and no unacceptable impacts arise. The concern raised by Mr Ross reflects, at least in part, a concern about surface water. The relevant corporate part of the Peel group has responded to these and other concerns and, with respect, rejects them.[79] In any event, even if they were of substance, they can have no relevance to the matters in issue here. Amongst other things, any permission here granted would not be personal, and the identity of the applicant can have no bearing on whether or not consent issues. Nor is it any part of the Secretary of State's remit to investigate, much less determine, such private law disputes.

89. Any consents would embody provision for decommissioning, which would include reversibility. The development would be temporary, albeit described by some as being of the order of a generation. But it would be a generational investment, with present generations investing in the futures of their children, grand-children and generations yet to be born. Cllr Cheetham offered strong testimony of a substantial generational divide in attitudes towards wind farms, and especially emphasised the enthusiastic reactions of school-children who had been taken to view SMWF1. EN-3 requires consideration of the length of time for which permission is sought, and adds that onshore wind turbines can be decommissioned relatively easily and cheaply.[80] Any attempt to extend the life of, or to repower, the wind farm would require a separate application in

[79] ID5.1 and ID5.2.
[80] CD4.3 paragraph 2.7.43 (read in the context of paragraphs 2.7.13-17).

due course; the present proposals can only be judged on their own terms and there is no mandate for speculation about the possibility, or outcome, of future applications.

90. In considering whether to grant permission, the various conditions proposed should be approached on the basis that the relevant local planning authority would correctly exercise its enforcement powers, should the need arise. Were it otherwise, the grant or refusal of permission would depend upon exhaustive evidence about the authority's enforcement record. This would make the whole determination process unacceptably cumbersome, and would potentially render the grant or refusal of even necessary development infinitely variable from one authority area to another. In any event, the Secretary of State has default powers.[81]

91. RBC/RMBC are adamant that no bond is necessary here, as the "arisings" from any decommissioning would have a "value" exceeding the costs of decommissioning. Additionally, the Secretary of State and Inspectors have in previous decisions rightly been resistant to requiring a bond for the restoration of wind farm sites.[82]

92. Some objectors, by innuendo, have suggested the possibility of conflict between RBC's position as, first, landowner and, second, local planning authority. It is far from unusual for a local authority to find itself both the owner of land and the relevant determining authority in relation to that land.[83] No allegation of breach of any relevant procedure or safeguard is here advanced. RBC has taken extensive, independent advice from relevantly qualified experts. Their conflated view, even if one ignores that of RBC itself, is that the applications should succeed. In any event, the matter here falls to be determined by the Secretary of State, advised by an independent Inspector. In such circumstances, no tenable allegation of bias is made out; and, even had there been (which is not accepted), such conduct would not taint the present process, where the decision-maker is the Secretary of State.

Renewable energy (RE) and climate change

93. The overall framework for RE policy is set out in APP/DB/2. There is a strong need for the proposed development, and this is not undermined because individually developments may only make a relatively modest contribution to Government targets. Furthermore, the removal of financial support for new onshore wind developments is not the same as a cap on further development. The scheme would have an installed capacity of up to 36.8 MW, and in the event that PT10, PT11, PT15 and PT16 were removed with decommissioning of SMWF1, an installed capacity of 27.6 MW thereafter.

[81] Section 182 of the 1990 Act.
[82] CD9.9 Carland Cross decision at paragraph 43 where reference to Condition 24 should be to Condition 23 in the final numbering.
[83] ID6.1 and ID6.2.

Policy

94. Notwithstanding its statutory status, any development plan falls to be considered in the context of the higher legal and policy tiers. At best, the development plan can only hope to be up-to-date with and to reflect accurately those higher tiers. In so far as it fails to accord with those higher tiers, the latter are most material considerations indicating otherwise. The development plan needs additionally to be considered in the context of the *Framework*.[84] Finally, the test is one of accord with the development plan as a whole; this involves identifying the dominant theme or policy, and thus the existence of tensions or even conflict with a given policy, does not necessarily connote a failure to accord with the whole.[85]

95. The fact that the need for RE sounds at the supranational level is crucial. It means that, in drawing any planning balance, considerable weight is to be attached to bringing forward any relevant RE project. Thus there must be an imperative and overriding reason for refusing a project. The mere fact that there may be impacts, which some argue to be adverse is not, of itself, sufficient to weigh the balance negatively. EN-3 states that 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.[86] In so far as any harm alleged is unavoidable in this type of case, there must be something special, exceptional, or out of the ordinary, about such harm to justify refusal.

96. The question is whether this proposal should come forward to assist in achieving the sort of objectives agreed to be necessary in responding to climate change. The present site and its surroundings are, and will remain, as much subject to the adverse effects of climate change as are other places. The applicant's case is that any impacts will not be unacceptable. RE needs to be brought forward wherever it can be, subject to its being acceptable when the overall balance is properly drawn.

97. Dr Davison's evidence is a critique of Government policy and the science which underpins it. He was unable to show that the scheme failed to comply with prevailing policy, thus effectively conceding compliance, but considered that it would have an infinitesimal effect on slowing global temperature rise.[87] An updated carbon balance was submitted to the Inquiry.[88] Irrespective of the correctness of his figures, Dr Davison has applied the wrong test; were he correct in looking at the carbon balance in terms of the reduction effected by each proposed scheme in terms of reduction in global temperature etc., no single RE scheme would seem likely to be consented or built. This approach misunderstands Government and international energy policy and law. The correct approach recognises that the contribution of any RE scheme is likely to be small, but that 'every little helps'. Targets are couched not as ceilings, but as *minima*. It is Government policy that '…onshore wind farms will continue to

[84] The consistency of development plan policies with the *Framework* and weight to be given is summarised in APP/DB/2 and APP/DB/5.
[85] *R (Cummins) v Camden LBC* [2001] EWHC 1116 (Admin).
[86] CD4.3 paragraph 2.7.48.
[87] ID38.
[88] ID52.

play an important role in meeting renewable energy targets'.[89] This policy statement is the more important since, in accordance with the Planning Act 2008, the NPS containing it was presented to Parliament.

98. The proposal accords with the development plan; the effect of Section 38(6) of the 1990 Act and the first bullet of the second part of paragraph 14 of the *Framework* is then clear in this case, i.e. consents should issue. Even if, contrary to that submission, the Secretary of State were to take a different view, and find a material failure to accord with the development plan, the other material considerations associated with the proposal demonstrate a positive planning balance, even ignoring – in accordance with the second bullet (especially the second limb) of that part of paragraph 14 - any presumption in favour of sustainable development, i.e. drawing an un-weighted balance.

99. There is material compliance with the *Framework*, properly interpreted, and in any event, the other material considerations dictate that planning permission should be granted. The overall balance is positive, including when regard is had to statutory provisions such as Sections 66 and (the assumed application of) Section 72 of the LB&CA Act, together with matters of paramount importance, including the duty on the Secretary of State under Regulation 3 of the Promotion of the Use of Renewable Sources Regulations 2011 to ensure that the renewable share in 2020 is at least 15%. There is also the important and parallel requirement to secure and enhance security of supply.

100. The policy position is unusually clear and the subject of agreement by the applicant's and the RBC/RMBC's experts, and the local planning authorities themselves.

Written Ministerial Statement (WMS)

101. The applicant engaged extensively with communities over a number of years to identify and address their concerns from the earliest concept stages of the development.[90] This was appropriate and carried out in accordance with the requirements of RBC/RMBC. Many points of objection result from confusion about the nature of the applications and their impacts. But no one asserts that some relevant procedural error has occurred. Copies of application documents have been made available in local libraries, and an extensive amount of consultation has been undertaken. Consultation in this context involves publicising proposals and seeking comments from the public, including local residents. Regard must then be had to such comment, including objections, but this does not equate to any duty automatically to accept and implement a given comment or objection.

102. The requirements of the WMS are effectively a reiteration of the requirement to look at the extent to which impacts can be properly mitigated, albeit not at the expense of achieving the scheme's aims. In other words, any requirement to mitigate, whether in the context of the WMS or otherwise, does not extend to reducing or removing RE benefits by deleting some or all of the turbines. Once a positive overall balance has been achieved, no further mitigation is necessary (though it may still properly be secured by condition

[89] CD4.3 paragraph 2.7.1.
[90] CD1.10.

where this is possible without attacking the *raison d'etre* of the scheme or its deliverability).

103. The WMS merely emphasises the role of the local planning authority and requires it to identify local concerns, winnow out those that raise material planning issues, and then satisfy themselves that the scheme, in its final form, has addressed the planning impacts identified by affected local communities.[91] Thus the WMS expressly does not depend on a vote or referendum held locally, but rather upon the conclusions of the democratically elected local authority members. Here two local planning authorities have carefully examined the scheme and concluded that it meets the requirements of the WMS. It would be surprising in the extreme were a Conservative Secretary of State, properly instructing himself as to the 2015 Manifesto, and the subsequent WMS, now to renege on their terms and the assurance that the properly determined local view should prevail. To do otherwise and reject the RBC/RMBC's WMS conclusions would be to ignore the Government's assurances of localism, and yet again to arrogate a local decision to national Government.

Conclusions

104. Two local planning authorities have considered the environmental material available, had regard to advice from expert consultants, and raise no landscape, visual or residential amenity reason for refusal. Their drawing of the overall planning balance results in a conclusion that consent for the proposals should issue. That does not of itself dictate that the Secretary of State cannot reach a different view; but to do so he must substantially reject the views of RBC/RMBC and their landscape experts, and in circumstances where there is no properly qualified evidence indicating otherwise.

105. The benefits here are substantially agreed by RBC/RMBC and include a reduction in carbon dioxide and greenhouse gas emissions, along with the enhancement of diversity and security of energy supply, which would contribute to the attainment of RE energy objectives at the national and international level. Additionally, the MRMP is relevant in so far as the moorland and peat degradation is referable, to whatever extent, to the deleterious effects of climate change. The benefits of the MRMP would not be achieved in the absence of SMWF2, and without the MRMP the condition of the moorland would continue to degenerate. The scheme would make a tangible contribution to local and national economic growth, along with enhanced recreational resources, particularly for equestrians. It would result in a net increase in the quantum of Common Land available for grazing and recreation. These benefits are here material and dictate a positive overall planning balance.[92]

106. Even though the scheme might produce significant adverse effects, that does not, of itself, amount to a justifiable reason for refusal. The scheme does not, on any proper reading of the development plan as a whole, raise any conflict in terms of Section 38(6), and the other material considerations reinforce the imperative to grant permission. Similarly, there is no material

[91] APP/DB/2 section 4.
[92] APP/DB/2 paragraph 6.4.10 and SoCG section 6.3.

failure to accord with the *Framework*. Even if, however, the Secretary of State were here to find some material conflict with the development plan, or some other material failure to accord with the *Framework*, the material considerations still reveal, even ignoring the presumption in favour of sustainable development, a positive planning balance overall, and militate decisively in favour of permission issuing. This is a carefully, and sensitively, designed scheme which would make a material contribution to the Government's RE targets, whilst respecting its surroundings.

The case for Rossendale District Council (RBC) and Rochdale Metropolitan Borough Council (RMBC)

The following summary of RBC/RMBC's case broadly follows the Councils' closing submissions to the Inquiry, with additional reference where necessary to the evidence adduced.[93]

Introduction

107. RBC/RMBC's case is that the extension to SMWF1 would be a force for good. It would serve the interests of the majority of local people by providing a substantial amount of clean RE that would help to meet the objectives of national and local policies to combat the effects of climate change that have had a devastating effect on the well-being of many local residents. SMWF2 would also enhance and protect an extensive area of peat moorland, including blanket bog, preventing the loss of an important source of carbon storage, boosting biodiversity and mitigating the risk of flooding. Those benefits constitute very special circumstances that justify the scheme's limited incursion into the Green Belt.

108. Those benefits can be secured without causing any unacceptable harm to the landscape, visual or residential amenity. The effect of SMWF1 is to create the capacity for additional wind turbines on Scout Moor, which is uniquely suited for that purpose. The potential for the scheme to cause other kinds of harm, principally by noise, or by impacting on heritage or recreational assets can be mitigated by amending the scheme or by the imposition of conditions. The careful design of the scheme and the amendments that are proposed objectively address its planning impacts on the affected local communities. The continuing support for the scheme by RBC/RMBC is strong evidence that it has the backing of the majority of local people.

Green Belt

109. In principle the scheme engages RossendaleCS Policy CS1, which applies the *Framework's* policies to development in the Green Belt. However, this consideration is more theoretical than real; all the applicant proposes to do in Rossendale's Green Belt is lay some underground cables and make use of an access road. The former is not inappropriate development. The latter is not development at all.

[93] ID64.

110. PT15 and PT16 would be inappropriate development in Rochdale's Green Belt. However, that would cause relatively little harm. The vertical emphasis of such tall, thin structures tends to minimise their impact on openness. They would be a small addition to the 15 turbines that have already been erected in Rochdale's Green Belt at Scout Moor. It is doubtful whether they would be actually perceived to increase the impact of the existing wind farm. To the extent that PT15 and PT16 might be identified as additional development encroaching on the Green Belt their impact on openness would be mitigated by the scheme's layout. It would maintain the existing even spacing of the turbines. Consequently the scheme would remain visually permeable. The impact of PT15 and PT16 on openness would be temporary, as they would be removed in, or about, 2034 in the amended scheme.

111. The scheme's impact on openness is outweighed by its benefits, which are its significant contribution to meeting the challenge of climate change by contributing to the delivery of national and local targets for the generation of RE, the MRMP's particular contribution towards limiting global warming by controlling the release of carbon dioxide, the potential of the MRMP to protect and enhance biodiversity, and improving the UK's energy security. These constitute very special circumstances that avoid any conflict with RochdaleCS Policy G4 and the *Framework* policies for the Green Belt.

Character and appearance

112. RE generated by intercepting the forces of nature requires the construction of large structures in places that are often undeveloped, open or elevated. Consequently, when any of these technologies are operated on a commercial scale they exert significant impacts on the environment.

113. At this time only commercial wind power has the potential to produce meaningful quantities of RE in RBC/RMBC. That is why Policy 20 and Policy G3 admit the development of wind turbines subject to the proviso that they should not cause *unacceptable* harm to landscape character, visual and residential amenity. The corollary is that as a matter of policy some harm is recognised to be inevitable and potentially acceptable. Thus in every case the critical judgement which has to be made is whether such harm as is bound to arise is, or is not, acceptable.

114. The *Landscape Capacity Study for Wind Energy Developments in the South Pennines* by Julie Martin Associates 2010 (JMA2010) identifies landscape capacity areas, which are less extensive and generic than Landscape Character Types (LCT) and more meaningful than the very fine grained Landscape Character Areas (LCA) that have been defined for the South Pennines.[94] Each defines the extent to which the landscape can accommodate wind energy development without a significant adverse impact on the underlying resource (its fabric, character, quality, value or amenity).[95]

115. The assessment for Capacity Area 4: Scout Moor states that "The area's open moorland, distinctive skylines and relative wildness have already been significantly affected by the existing wind farm. In addition, the northern and

[94] CD3.15 page 49 paragraph 5.1.2.
[95] CD3.15 page 12.

western part of the moorland plateau and fringe are not of the highest landscape quality, being affected by a series of disused hard rock quarries on higher ground. There may be scope in this area for further wind energy development without major additional impacts." [96] JMA2010 advises that any additional turbines should be of a consistent height and design to the existing turbines, avoid prominent knolls, be set back from steep moorland edges such as above Bacup by at least 400 m to avoid undue intrusion on settlements, adopt a compact layout to minimise impacts on longer views, avoid deep peat deposits, and incorporate measures to minimise the impacts of recreational vehicles.

116. The *South Pennines Wind Energy Landscape Study* by Julie Martin Associates and LUC 2014 (JMA2014) adopted LCTs as the most appropriate unit of analysis. The site lies within part A1 of LCT A: High Moorland Plateaux, which is characterised as a large scale sweeping open landscape with strong skyline ridges and expansive views offering a sense of remoteness, isolation and wildness. Consistent with the 2010 study, JMA2014 notes; "Locally there are areas of slightly lower sensitivity, notably around Scout Moor to the west. This area is detached from the main Pennine ridge and is also of lesser landscape quality, scenic quality and natural heritage interest than other parts of the LCT, although it remains highly sensitive in terms of skylines and settings, visibility and views." [97] In the 'Guidance for future development' section of JMA2014 under 'Opportunities' it states that some limited repowering or extension of existing wind farms may be acceptable in landscape terms, in the western part of A1 around Scout Moor only, subject to detailed considerations of landscape, visual and other environmental impacts, and compliance with design guidance.[98] JMA2010 and JMA2014 are expert, independent studies. No objector sought to dispute the methodology or conclusions contained in any of those reports.

117. Locating PT7 and PT8 further from the Pennine Bridleway to reduce the impact on those who use it would be given effect by realigning the bridleway. However, the re-siting of PT10 and PT11 has not been pursued because the mitigation suggested is not technically feasible. Nor would it reduce the significance of the impact of those turbines.

118. The influence of SMWF1 gives the landscape the capacity to absorb the proposed development. Although the scheme would inevitably impact significantly on the landscape, it would be contained by the local topography and adopts JMA2010 so that it would be accommodated in the landscape.[99] It is comprised of turbines of the same general scale and appearance as the existing turbines, which would avoid prominent knolls and be set back from ridgelines. It is to be noted that the extent of the setback recommended by JMA2010 is expressed in general terms. It is a principle. Something to be gauged in the field, not an inflexible rule. The scheme is a compact design. That is reinforced by the proposed Stage 2 amendments, which would prevent the appearance of outliers when SMWF1 is decommissioned. The scheme

[96] CD3.15 page 89.
[97] CD3.16 page 26.
[98] CD3.16 pages 28 and 29.
[99] C/MvG/2 section 7.

avoids deep peat deposits. That partly explains the decision not to re-site PT10 and PT11, and the realignment of the bridleway.

119. RBC/RMBC's assessment of the scheme's cumulative landscape impact focused on its 'additive' rather than its 'in-combination' effects for two reasons. The scheme would nearly always be viewed in the context of SMWF1. An assessment of 'in-combination' effects is of limited value having regard to the dearth of current and future proposals, save for SMWF1. That approach is consistent with GLVIA3, which does not favour either approach and leaves the choice of methodology to the stakeholders.[100] It is accepted that the scheme would have some significant additive cumulative effects.[101] That would be experienced as an increase in the horizontal extent of turbines or their increased prominence. However, what is striking is that such impacts would only be experienced from a limited number of locations. Crucially, it would not alter the existing pattern of development within the South Pennines. It would consolidate what exists rather than spawning something entirely new. Therefore, for the majority of viewing experiences, the scheme would not result in significant cumulative effects, and the development could be accommodated in the landscape.

120. An unusual feature of this scheme is that it would only be visible on its own from a very small area to the south of Bacup, and from even smaller areas to the east of Edenfield, north of Cowpe Moss and south of Hemshore. It would be almost invisible beyond a radius of 5 km from the site.[102] That is a strikingly small impact for a major scheme. Objectively it may fairly be described as highly localised and almost negligible. The scheme would interact with SMWF1 to exert some significant *combined* Stage 1 effects on close and middle distance views and visual amenity. However, those effects would be limited.

121. The most significant close views would be obtained from PRoW, principally the Pennine Bridleway, Rossendale Way and the Irwell Sculpture Trail. If the alternative route that is proposed for the former is adopted none of the proposed turbines would be closer to the bridleway than ET25.[103] The hilly terrain tends to mask views of individual turbines from users of PRoW as they move through the landscape. The extension is also relatively compact. Consequently the views obtained of individual turbines would be transitory, confined to a relatively short length of PRoW and localised. The result is that the overall experience of those using the route would be broadly the same as that which is enjoyed at present.[104]

122. Topography also operates to ensure longer distance combined views would also be few and far between, and limited to only 3 out of the 43 representative viewpoints that were identified in the LVIA.[105] That evidence is not challenged.

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[100] CD6.1 and answers to Inspector's questions.
[101] C/MvG/2 Appendix.
[102] ES Figure 7.5b.
[103] If the amended alignment of the bridleway is not adopted turbines would be closer to the existing route than ET25 over a length of 1,200 m between Black Hill to Cowpe Moss. C/MvG/2 page 19 paragraph 6.20.
[104] CD1.2 paragraph 19.66.
[105] C/MvG/2 page18 paragraph 6.18.

The evidence that the visual impact of the turbines would be reduced at Stage 2 following the decommissioning of PT10, PT11, PT15 and PT16 also went unchallenged. There is no evidence that the scheme would have any specific cumulative visual effects over and above that which is additive to the effect of SMWF1. In short the interaction of topography, good design and the applicant's positive response to considerations that were raised by LUC combine to ensure the scheme would not have an unacceptable impact on visual amenity.

123. Rather than considering the impact of the extension, objectors focused on the impact of SMWF1, and how it has affected their appreciation of the landscape and their experience of walking on the moor. Their evidence laments the change that has taken place. That has distracted them from the real issue, which is whether the impact of SMWF2 on its own, or cumulatively, is unacceptable. The consequence of objectors' concern with the impact of SMWF1 is that they are unable to, and have not, engaged meaningfully with the issues of whether, objectively speaking, the landscape has the capacity to receive additional wind turbines, and whether (and if so why) the scheme would be unacceptable having regard to the assessed capacity to receive further wind turbines. Their evidence has been anecdotal, assertive rather than fact based, and infected by an openly expressed predisposition against wind turbines.

124. Several objectors argued that SMWF2 would deprive a generation of the opportunity to experience Scout Moor without wind turbines. However, Scout Moor is already experienced as a landscape with wind farms. The generation spoken of will regard a landscape with wind farms as the norm, in just the same way that present generations are indifferent to large scale quarrying. As JMA2010 and JMA2014 demonstrate, there are better places to experience the rugged, wild and tranquil Pennine landscape than Scout Moor.

125. The reality is that Scout Moor's landscape has been heavily modified by man's activities, not least the development of SMWF1. The result is to create a capacity for the extension, which is assisted by the careful design of the scheme, topography and the proposed Stage 2 mitigation. Some significant impacts would remain. They have been mitigated as far as possible. They ought not to be regarded as unacceptable. Instead, they are the necessary but limited consequence of the right scale and layout of wind turbines in a location that is objectively well suited to that form of development.

Residential amenity

126. The scheme would have the potential to impact on the amenity of Higher Red Lumb Farm, Scout Barn Farm and Newgate Farm. The materiality of that impact is to be judged by the application of the "Lavender Test". Applying that test the number, size, layout and proximity of the turbines would not have such an overwhelming and oppressive visual impact on any of those homes or their amenity space as to unacceptably affect the amenity and use of any property. Moreover, whilst Mr and Mrs Rigby argue that PT11 would "dominate Newgate" they quite properly do not contend that their home would become uninhabitable. The visual effect of that turbine on their visual amenity is not therefore a planning matter.

Noise

127. RBC/RMBC's independent review of the applicant's noise assessment reported that it was robust, and that the development would not be unacceptable on noise grounds, subject to a condition being imposed on a grant of planning permission to control the effects of amplitude modulation (AM). The applicant accepts that such a condition should be imposed and the wording has been agreed by the parties.[106]

Biodiversity

128. RBC/RMBC's attachment of substantial weight to the MRMP is entirely justified. The peat on Scout Moor contributes to carbon storage and the control of atmospheric carbon dioxide and climate change. That consideration lies at the heart of policies for RE.[107] It is an important ecological resource. This is recognised by policies for the protection and enhancement of the natural environment. To the extent that it comprises "blanket bog" it is listed as being of "principal importance" for the purpose of conserving biodiversity under Section 41(1) of the Natural Environment and Rural Communities Act 2006. Those provisions (taken together with the duty imposed by Section 40), required RBC/RMBC, in making their decisions, to have regard to the purpose of conserving biodiversity, and in particular to take steps to further the conservation of this habitat. The same duty falls on the Secretary of State.

129. The applicant's evidence was not attacked on the grounds that the description of the harm that has been caused to the moor is inaccurate or overstated, or that the diagnosis is wrong. No evidence was presented to show the prescription is unnecessary or inappropriate. Objectors had their chance to press these points. They made a conscious decision not to do so. The unchallenged evidence is that of the 898 hectares of moorland covered by the MRMP, some 176 hectares comprises degraded peat, of which about 160 hectares is the most valuable blanket bog.[108]

130. Other benefits that would be levered by the MRMP are the restoration of habitats and increase of species diversity, reduced runoff and reduction of flooding downstream, improved water quality, a more attractive visual environment, protection of buried archaeology, and the funding of a Conservation Ranger whose role would include helping to tackle illegal off-road driving.

131. The MRMP is backed by a clear methodology. There is no reason to doubt that Peel has the resources and experience to design and execute the plan effectively. Nor was the Inquiry presented with any credible evidence that might shed any doubt on Peel's track record of environmental management. The MRMP can be secured by condition. Viewed in the round, it is submitted that the MRMP's resonance with national and local policies to combat climate change and to protect and enhance biodiversity, coupled with the scale and

[106] C/PB/1.
[107] Policy 19 and Policy 20, Policies G1 and G4 and the written justification to each policy.
[108] APP/PA/1 page 21 paragraph 3.42 and page 27 Table 1. Some 41% of the 391 hectares of blanket bog that would benefit from the MRMP is damaged. APP/PA/1 page 21 paragraph 3.42, and page 39 paragraph 6.2.

variety of the benefits it would yield and the high probability that they will actually be realised, should carry substantial weight in the planning balance.

Heritage

132. The reduction in height of PT5, PT6 and PT7 from 115 m to 100 m would diminish the adverse impact on the setting of heritage assets in the vicinity. It would lessen, to a modest extent, the visual impact of the proposed turbines in views from within the Cloughfold Conservation Area, and the adverse impact on the setting of the Church of St Nicholas with St John at Newchurch. But the calibration of the significance of effects would remain Low for Cloughfold Conservation Area, and at the low end of the Moderate to Low category for the Church of St Nicholas with St John. In both cases the effect would amount to less than substantial harm in terms of the *Framework*.[109]

Renewable energy and climate change

133. It is untenable to argue that a community which has experienced some RE development is excused from doing more. It is not. The relevant question is has an area maximised its potential to contribute to the supply of RE, subject only to it being possible to address the impacts of that development.

134. RBC has set an ambitious, but realistic target for RE, and accepts that the constraints of current technology and issues of viability dictate that it must promote commercial wind farms.[110] It is not right to dismiss the contribution that would be made by this scheme as trivial and futile. On the contrary, it would fly in the face of the Secretary of State's policy and constitute a recipe for inaction that would tend to frustrate the achievement of the UK's RE target. Paragraph 97 of the *Framework* places the responsibility on all communities to contribute towards energy generation from renewables.

135. The need for RE development is not required to be demonstrated. It is taken as read. Given the scale of the challenge, the Secretary of State accepts that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The correct approach is to adopt a local perspective, and to ask what can reasonably be done, and to do it. It is absolutely not to adopt a global or national perspective to belittle the valuable contribution that can be made by small scale projects, let alone major schemes such as this proposal. The target specified by Policy 20 is not a ceiling. Having regard to the *Framework* policy of maximising the delivery of RE development, the local target may be exceeded if environmental considerations admit it. Indeed, it is to be regarded as a good thing.

136. Judged in terms of local and national RE policies this large scale extension to an existing wind farm should be treated as making a substantial positive contribution to the delivery of RE development. Since that is central to each dimension of sustainable development, it should be given very great weight in the final planning balance, subject only to its impact on the environment and the application of the WMS.

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[109] C/PG/1.
[110] 25% of the Borough's energy needs are to be met by renewables by 2026. Policy 19 and CD3.17 paragraph 106.

Policy

137. At the heart of RossendaleCS is the object of mitigating and adapting to climate change by lowering carbon emissions and promoting RE.[111] The Borough's topography is particularly well suited to wind turbine development. Other kinds of renewable technologies are not viable or are subject to environmental constraints. The reality is that commercial wind farms account for nearly 85% of Rossendale's potential RE capacity.[112] RBC's policy for RE depends on maximising energy from commercial wind farms.

138. Policy 20 gives pride of place to wind energy proposals, which should be given positive consideration subject to their satisfying certain criteria. In essence, they require that development should not exert an unacceptable harmful impact, alone or cumulatively, on landscape character and value based on the most up to date studies and assessments, or have an unacceptably harmful visual, noise or shadow flicker impact on local residents and sensitive users. RBC's low carbon strategy places a premium on protecting its peatlands. They sequestrate carbon and so reduce levels of atmospheric carbon dioxide.[113] The peat also acts as a sponge, reducing runoff and the risk of flooding. Proposals that conserve or enhance peat reinforce the benefits attributable to RE development.

139. Policy 20 admits harm to the landscape. The issue in every case will be whether the harm is unacceptable, which is to be determined by reference to the most up to date studies and assessments by JMA in 2010 and 2014. They are the benchmark against which landscape impacts are to be judged. The policy also recognises that wind farms will cause harm in other respects. Once again, however, the critical issue that falls to be decided is whether it is unacceptable. That is plainly an objective issue, to be determined by the decision maker. The same judgements must also be made when applying the relevant parts of the *Framework* and the WMS to wind farm development. The consistency of Policy 20 with national policy indicates that it is up to date.

140. A theme which permeates RochdaleCS is the imperative of tackling climate change. RMBC is committed to promoting RE providing development does not cause unacceptable harm to the environment, including the Green Belt.[114] Policy G1 encourages the development of RE. Policy G3 explains that objective may be satisfied by a range of renewable technologies, including wind power. The policy anticipates this will cause some harm. That is to be minimised and fully mitigated wherever possible and avoid unacceptable visual, landscape or townscape character impacts, including any cumulative impacts.[115]

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[111] CD3.1 diagram between pages 28 and 29, and SO7: Enhance and protect Rossendale's natural environment and landscapes, and SO8: To mitigate and adapt to climate change.
[112] CD3.1 page 107 paragraphs 279-283 and Figure 26.
[113] CD3.1 page 107 paragraph 279.
[114] CD3.10b pages 11, SP1(g) page 25, page 87, page 20 SO4.
[115] The final clause of Policy G3 also incorporates (by way of a main modification) part of the Secretary of State's June 2015 Written Ministerial Statement on wind energy. However, because it introduces a stricter test than that which is required to be applied to the scheme here under the WMS's transitional provisions, RMBC argues that that part of the policy ought to be accorded little weight in this case.

141. Policy G3 recognises that the development that affects peat may have a wider effect on biodiversity and carbon storage. Those considerations tie in with Policy G6. It encourages land management practices that will support carbon storage. Policy G3 is also complemented by Policy G7, which focuses on maintaining and enhancing peatland habitats.

142. Policy G4 restricts inappropriate development in the Green Belt except in very special circumstances. PT15 and PT16 would be inappropriate development, but the scheme's contribution to the conservation of peatland habitats and tackling climate change constitute very special circumstances. Therefore, the proposal would accord with Policy G4.

143. One of the *Framework's* core planning principles is to support the transition to a low carbon economy by encouraging the use of renewable resources by the development of RE. Planning is earmarked to play a key role to secure radical reductions in greenhouse gas (GHG) emissions and in supporting the delivery of RE. This is central to the economic, social and environmental dimensions of sustainable development. Planning authorities must therefore act to increase the supply of RE. There is no 'opt out'. All communities are required to contribute to energy generation from renewable sources. They must have a positive strategy to promote energy from those sources and design their policies to maximise RE development, whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. The scheme would meet the requirements of the *Guidance* about renewable and low carbon energy.[116]

Written Ministerial Statement (WMS)

144. The policy of letting "local people have the final say" is not to be read as giving every local person the final say. Local planning authorities retain discretion in the exercise of which they "can find the proposal acceptable…if they are satisfied" it has addressed a scheme's impacts. That discretion to find a proposal acceptable indicates that the Secretary of State recognises the problem of "valency". It would be wholly unrealistic to expect an onshore wind farm could ever command the support of every member of a local community, let alone address completely every planning impact that might concern them.

145. It is also significant that local authorities are required to "address" relevant impacts. There is no duty to resolve the planning impacts that concern local people. Local authorities are not required to address every problem or issue that is raised. They should only take account of *planning impacts*. That is significant in two respects. The impacts complained of must be "material" in the sense of being relevant to planning (and not, for example, concerned with the protection of private interests). Since any material impact will also have a certain magnitude the requirement to consider whether an impact has been addressed admits objective judgements as to their existence and scale, the potential for mitigation through the design and operation of development, and conclusions as to whether or not those impacts ought to be regarded, on balance, as acceptable. Thus the fact that an objection is continuing does not in itself indicate that an impact has not been addressed.

[116] C/HK/2 Appendix 1.

146. "Affected local communities" are not defined. However, the WMS recognises that local authorities are best placed to gauge whether a scheme has the backing of the community. Their members are elected to represent the views of local people. They are accountable. Their proceedings are also transparent and informed by expert advice. That does not mean that the views expressed by others are irrelevant. However, for the reasons given, the judgement of a local authority should usually be accorded significant weight.

147. Objectors have identified five main impacts; harm to the landscape and visual amenity (including the impact on residential visual amenity and cumulative impact), harm to the openness and purposes of the Green Belt, the introduction of excessive noise at residential premises, harm to heritage assets and the risk posed to horse riders using the MTL.

148. The objectors are certainly drawn from places that are affected by the scheme. However, it cannot safely be assumed that their complaints are representative of the communities that live in those places. Objectors have emphasised the fact that Scout Moor is surrounded by a conurbation of around 380,000 people. The application and the subsequent call-in by the Secretary of State has been the subject of intense publicity. Measured against that benchmark, the amount of opposition to the scheme is very low. RBC received a total of 125 objections from people living in three local authority areas (including Rochdale). RMBC received a mere 32 objections, some of whom may be expected to have objected to the application that was made to RBC. Several objectors have spoken out against the scheme at the Inquiry. The views expressed deserve respect. However, it is far from clear that they are representative of the communities in which they live. Even if they are, the wider community has generally declined to express any concern. That does not support the inference that they are also opposed to the scheme.

149. Accordingly, the Secretary of State should exercise caution when deciding whether what has been said by a small number of objectors, who are predisposed to reject the development of any wind turbines on Scout Moor, accurately reflects the local communities' view of the impact of the scheme. Instead, greater weight should be attached to the views of the Planning Committees. Their Members were properly informed and advised about the scheme. They would also have understood local opinion. They are answerable to those they represent. They may be trusted to have made an accurate assessment of the planning impacts that affect local communities, and to be well placed to decide whether the original scheme, and (if need be) the proposed amendments, address their concerns.

150. Even if objectors are taken to represent the views of the affected local communities, the Secretary of State is invited to conclude that the planning impacts they identify have been addressed, for the following reasons. The design of the scheme and its impact on the landscape and visual amenity was audited on behalf of RBC/RMBC by LUC. It is accepted that the scheme ought to be amended to address those concerns. The residual landscape and visual impacts complained of by objectors result from their inherent opposition to the development of any additional wind turbines on Scout Moor rather than an objective assessment of the scheme's impact. They could never be resolved. However, on any fair analysis they have been addressed.

151. Viewed objectively, the scheme's design results in a very limited impact on the openness and purposes of the Green Belt. That is offset by the very special circumstances that flow from the benefits of RE generation and moorland restoration. The proposal therefore addresses local communities' concern about harm to the Green Belt. The risk that nearby houses might suffer excessive noise has been addressed by the proposal to impose conditions to control the overall level of noise and excessive amplitude modulation (EAM).

152. The impact of the scheme on the Cloughfold Conservation Area and the Grade II* Church of St Nicholas with St John has been addressed, in so far as is practicable, by the proposed reduction in the height of PT5, PT6 and PT7. The same turbines would be prominent in the setting of the non-designated Waugh's Well. However, the significance of that impact is moderated by the proximity of existing turbines.

153. The potential risk to horse riders using the MTL has been addressed by the proposal to realign the bridleway so that it runs no closer to SMWF2 turbines than ET25. A few local people continue to argue that the bridleway would be unusable. That is difficult to reconcile with BHS's support for this improvement. Doubtless that reflects the fact that the situation on the ground would be no worse than at present. It is also to be noted that BHS strongly supports the separate proposal to provide a new length of bridleway at Turn to improve access to the moor for horses. Therefore, the scheme accords with the transitional provisions of the WMS.

Conclusions

154. The scheme accords with the development plans for Rossendale and Rochdale read as a whole.[117] It would make a substantial contribution towards the delivery of RE in each area, and specifically the target that is specified by RossendaleCS Policy 20. It is sited at a location which has been identified as especially well-suited to that purpose. And it will do so without causing unacceptable harm to the landscape, visual amenity, the Green Belt, biodiversity, heritage assets or residential amenity.[118]

155. Compliance with the development plans is a most important consideration. They carry an enhanced status compared with other material considerations, giving rise to a statutory presumption in favour of the scheme. The Court has held that this "will ensure that in most cases decisions about the control of development will be taken in accordance with what it has laid down".[119] It should do so in this case.

156. That is reinforced here because the scheme would protect and enhance peat moorland, including a substantial area of blanket bog. It would accord with the *Framework's* and the development plans' policies to protect and enhance

[117] The development plan is to be determined by reference to the plan as it stands at the time a decision is made [*Nottinghamshire County Council v Secretary of State for the Environment* [1999] P.L.C.R. 340]. Thus it incorporates RochdaleCS, adopted on 19 October 2016.
[118] C/HK/2 Section 10.
[119] *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 W.L.R. 1447 per Lord Hope (at paragraph 1450B-D).

biodiversity. It also engages Sections 40 and 41 of the Natural Environment and Rural Communities Act 2006. This consideration should therefore be accorded substantial weight.

157. The scheme accords with the *Framework's* objective of increasing the supply of RE and meeting statutory targets. It would give effect to local policies that are intended to maximise RE without unacceptable adverse impacts. That also ought to attract substantial weight.

158. The desirability of protecting and enhancing the setting of Cloughfold Conservation Area and the Church of St Nicholas with St John should be accorded substantial weight.[120] However, applying paragraph 134 of the *Framework*, it is submitted that the less than substantial harm that would be caused to the significance of each designated asset is outweighed by the clear public benefits of the proposal. Similarly, the scheme would cause less than substantial harm to the significance of the non-designated Waugh's Well, as its setting is already affected by SMWF1. The balance that is required by paragraph 135 of the *Framework* therefore points towards the grant of planning permission. Other impacts, including noise, can be addressed satisfactorily by condition.

159. Finally, the scheme complies with the WMS in that it has addressed the concerns raised by RBC/RMBC on behalf of the affected local communities, reducing them to a level which objectively ought not to be regarded as unacceptable in the light of the imperative to boost the supply of RE nationally and in each local authority's area, along with the special suitability of Scout Moor for wind farm development. Even if the scheme were to conflict with the WMS, RBC/RMBC submit that the particular benefits of this scheme ought still to tip the balance in favour of the grant of planning permission for the amended schemes, notwithstanding the substantial weight the Secretary of State is likely to give his own policy.

The case for interested persons supporting the scheme

The following interested persons appeared at the Inquiry in support of the proposed development, and a summary of their submissions is included below.

160. Carl Bell is the Director of Whitaker Museum at Rawtenstall, which receives a grant from Lancashire County Council. Visitor numbers to the museum have increased to 36,000 in 2015. The area still needs investment. Financial support for local authorities will decrease in future years and the proposed wind farm would provide money to be spent on the local community. Anecdotal evidence indicates that views about the proposed wind farm are equally divided between support and objection. There is a need to reduce reliance on fossil fuels and younger people often support wind farms for environmental reasons.

[120] Albeit the former is not required by Section 72(1) of the LB&CA Act 1990.

The case for interested persons opposing the scheme

The following persons appeared at the Inquiry objecting to the proposed development, and a summary of their submissions is included below.

161. Dr Yelland is an independent noise consultant engaged by a local resident to appraise the applicant's noise assessment.[121] He concludes that the noise impact assessment contains several errors. Given that the assessment found little or no 'headroom' at several surveyed receptors, the inevitable consequence of rectifying the errors is a wind farm design that is not compliant with ETSU or the IoA GPG.

162. Overcrowding of turbines puts downwind turbines in the turbulent airstream of those upwind, and the resultant inflow turbulence significantly and progressively increases the noise emissions of downwind turbines. The proposed layout reduces crosswind spacing to around 240 m, which would be less than the four times rotor diameter cited in EN-3. A more crowded layout results in less generation of electricity and more noise. The proposed layout here would appear to be a bit crowded, but the likely consequences cannot be quantified. Nevertheless, some margin below the ETSU limit should be reserved to accommodate this.

163. Both ETSU and the IoA GPG require recording of rainfall as this significantly increases background noise levels. In the background noise assessment for SMWF1, and for most of the receptor assessments for SMWF2, the recording of rainfall data was flawed, and so these provide an unreliable basis for an ETSU compliant noise limit condition.

164. In the assessment for the dwelling at Higher Red Lumb the sound level meter was positioned south of the residence, whereas the wind farm is to its north. This siting is contrary to the advice in the IoA GPG. The assessed location is closer to the A680. The assessment recorded that noise from the A680 dominated the background environment at the time the equipment was set up and collected. The A680 is upwind of this receptor in the prevailing south-west wind. The use of a non-compliant position for the meter inflated background noise levels by several dB at the sensitive wind speeds of around 5 m/s to 8 m/s.

165. Nutters Restaurant is now Ashworth View Nursery. The restaurant would have been noisier at night than a nursery during the day, so it is likely that private residences in the vicinity that were not assessed would probably have significantly lower background noise levels than recorded for Nutters Restaurant. At Fecit Farm it is possible that the meter could have been sited closer to the residence in a more sheltered location, where background noise levels would have been lower.

166. At Acre Nook the meter was not located on the wind farm side of the dwelling and was sited too close to the A680. There is evidence that traffic on the A680 dominated the background noise at Acre Nook. An alternative position could have been used further from the A680, sheltered from the prevailing south-west wind and further away from garden trees. The

[121] WR8.

assessments did not attempt to measure the background noise at Newgate Farm. The background noise levels at Acre Nook were used as an undeclared proxy for prediction of turbine noise levels at Newgate Farm. In a north-east wind Newgate Farm (240 m from the A680) and Acre Nook (90 m from the A680) would receive the minimum background noise from the A680 and the maximum noise from the wind farm. The lack of wind directional filtering and inappropriate use of a proxy for Newgate Farm means that there can be little confidence in the background noise survey.

167. Determining the ETSU lower daytime limit within the range of 35-40 dB is a matter for the decision maker having regard to three factors: the number of dwellings in the neighbourhood of the wind farm, the effect of noise limits on the number of kWh generated, and the duration and level of exposure.[122] However, the impact of turbine noise on residents depends entirely on the level, character and duration of the noise, and not at all upon how much electrical power is generated.

168. It is not best practice to design a wind farm, find its predicted noise level to be non-compliant, and then to resolve the problem by curtailing the turbines to generate lower power and less noise. One property here (Cowpe Hall Farm) would need such curtailment to achieve a lower limit of 35 dB. With curtailment, turbines would operate at the noise limit for a greater percentage of time, and so residents would suffer the maximum allowed noise for longer. To do so would subject residents to durations of maximum exposure which were never anticipated by ETSU. A good wind farm design would accept the site constraints and simply use fewer and/or smaller turbines.

169. The limited headroom predicted of 2 dB night time and 3 dB daytime for Higher Red Lumb and Fecit Farm indicate that there is little scope for an additional 16 turbines. This headroom would be even less if the revised noise power data was used with the IoA GPG. The latter refers to ISO 9613-2. This includes a statement of uncertainty of its predictions at Table 5.[123] ETSU does not ignore uncertainty, but postpones it.[124] The use of Table 5 has been supported in appeal decisions. In one case uncertainty about operational turbine noise added to the weight against a scheme, and in another the Inspector found that the lack of adherence to ISO 9613-2 in terms of uncertainty for noise predictions could not be seen as best practice.[125]

170. Furthermore, the valley effect in the IoA GPG is not scientific, as there would be a gradual change that would not be reflected in the 'all or nothing' increase of 3 dB advocated in the IoA GPG. The applicant does not report valley reflections for Fecit Farm or Newgate Farm. However, transects indicate a requirement for a + 3 dB valley correction for some turbines near to these properties. Given these considerations, predictions which achieve zero headroom, as at Cowpe Hall Farm, are simply not acceptable.

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[122] ETSU CD8.1 pages viii and 65. This is also addressed in Section 3.2 of the IoA GPG at CD8.2.

[123] The estimated accuracy for broadband noise is + or – 3 dB for distances between 100 m to 1,000 m. A note indicates that these estimates have been made from situations where there are no effects due to reflection or attenuation due to screening.

[124] ETSU CD8.1 page 113.

[125] Appeal Refs: APP/R1038/A/14/2228756 and APP/D2510/A/13/2200887.

171. An addendum to Dr Yelland's statement, headed 'The Elephant in the Room', includes his paper for the Independent Noise Working Group entitled *The Fundamentals of Amplitude Modulation of Wind Turbine Noise*, dated 11 November 2015. ETSU is silent on the matter of infrasound. But it is unwise to ignore the existence of the acoustic energy below 20 Hz just because that frequency defines a nominal lower limit of human hearing. The reality is that health problems, as opposed to annoyance, associated with wind farm noise are due to the presence of high levels of infrasound emitted by turbines in certain commonly occurring weather conditions. Arguments against what has been described as 'wind farm syndrome' have lost credibility now that there are many animal species around the world that have suffered far more severely from turbine noise than humans. Reference was made to breeding sheep in Lincolnshire, geese in Poland, mink in Denmark, cows in France, goats in Taiwan and egg production in Australia. Dr Yelland acknowledged at the Inquiry that these incidents would need proper investigation.

172. The real wind turbine noise problem is the emissions which the industry calls EAM, but the observed excess is not entirely modulation of audible noise at all; it is infrasound below 10 Hz. Unfortunately, there is not yet any guidance to protect neighbours from infrasound, but there is a correlation between audible and infrasound emissions, therefore consent should never be granted for wind farm applications that do not demonstrate full compliance with ETSU and the IoA GPG.

173. Any imposed noise conditions should include an agreed infrasound limit, ETSU compliance, along with an AM/EAM limit. For the latter it is more problematic to devise a condition that would meet the tests for conditions. It would be unacceptable for it to rely on any IoA guidance on AM that had not been endorsed by the Government.[126]

174. Dr Chris Woods is a local GP who has an interest in the health impact of wind turbine noise.[127] The IoA defines AM but does not address the question of what level of AM causes adverse community response or how that should be evaluated.[128] More recently a Government commissioned paper establishes a need for an AM control, together with a clear link between overall turbine noise levels and annoyance.[129] There is good evidence that EAM causes annoyance and sleep disturbance and that these can impact adversely on health. One of the findings of Dr Chris Hanning, a respected consultant in sleep disorders, is that the weight of evidence of the health related consequences are that wind turbine noise adversely effects health at distances of at least 1.5 km, and thus that noise levels permitted by ETSU are inadequate to protect human health.

175. WHO defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". Noise induced annoyance may be considered an adverse effect on health. Sleep disturbance can have a major impact on health and quality of life. It would appear that there is good evidence that EAM can impact negatively on health. The eventual agreement of the applicant and RBC/RMBC to the imposition of an AM

[126] ID29.
[127] WR9 and ID30.
[128] CD8.5.
[129] CD13.2.

condition is welcomed, but Dr Woods has concerns about who would police such a complex condition. The Government may introduce policy that differs from the IoA and DECC commissioned group, and specify minimum separation distances between turbines and houses. If this was a distance of 1.5 km there would be little to argue about.

176. SMWF2 should not go ahead until a detailed environmental health assessment has been carried out, and any expansion should be deferred until effective Government guidance is published. Any AM scheme should be reviewed every 5 years to ensure general accordance with the current guidance at the time. The precautionary principle should apply here, and AM noise should be evaluated before turbines are erected, and not after.[130]

177. John Batchelor commented on financial matters.[131] It is a fundamental principle that a planning decision must be based on planning issues and not influenced by any non-planning issues, such as a financial benefit to the Council, otherwise that decision would be compromised. RBC Councillors were made fully aware, six months before considering the application, about RBC's finances. The potential impact of the additional income of £690,000 a year from the scheme was so significant that it became one of the key issues in the finance report to Council on 25 February 2015.

178. A monitoring report to Cabinet dated 14 September 2016 refers to the risk to RBC's Medium Term Financial Strategy (MTFS) of the Secretary of State's determination of the applications, and that the latest MTFS assumes a positive determination leading to a development and future income for RBC, but should that not be the case, RBC's future funding deficit would be in excess of £1.2 million a year. The reality is that only the Members actually know whether the financial benefit was, or was not, taken into account. Whether the financial benefit influenced the planning decision will probably never be resolved. But there is sufficient evidence to accept the possibility that it could have been a factor, and that RBC's decision to approve the application cannot be accepted 'at face value'.

179. Nigel Morrell is chair of the Norden Area Forum and he outlined the consistent local opposition to wind farm development on the moor.[132] Local people have become battle weary with many considering that opposition is futile because the applicants will get their way in any event.

180. Members of the local community consider that the landscape experts have consistently underestimated the impact of large turbines on the landscape. Particularly where they have a visual impact from up to 20 km away. It is not appropriate to compare future impact of the expanded wind farm with what exists, as the proposed turbines are larger. Cumulative impact is a major concern. The Pennine amphitheatre that surrounds Rochdale is apparent from the popular viewing point at Old Betts on Edenfield Road.[133] This was a wild horizontal landscape. SMWF1 was the first major intrusion into this landscape,

[130] ID57.
[131] ID21.
[132] WR10 and ID22.1.
[133] This is near VP6.

the addition of SMWF2 would destroy the amenity of the remaining unspoilt part of the moor.

181. Mr Morrell is also concerned about alien material remaining on the moor after decommissioning. Common land is a scare resource, and the applicant takes a very restrictive view about how much land would need to be replaced. The potential impact of the imposition of an unfair definition of 'replacement land' would have significant effects on the livelihood of certain Commoners and result in injustice to those affected.

182. Local residents in Norden Ward have consistently demonstrated support for Green Belt policies, and have serious reservations about any enhancements from the scheme outweighing the usual protection attached to the Green Belt. Residents are not satisfied about provision of the permissive bridleway. There are already sufficient access tracks on the moor for recreational purposes and no need for new routes if the existing PRoW were properly maintained.

183. There is no specific and binding commitment to the MRMP, or indication of the financial sum set aside for it. Based on similar moorland in the Peak District National Park, the applicant would need to commit in the order of £9 million to adequately restore the MRMP area.[134] Further enclosures on the moor would adversely impact on its amenity and health benefits. A Ranger would have limited effect on illegal off-road vehicular use of the moor. The applicant has repeatedly refused requests to help fund initiatives by the Police to deter unauthorised use. Many consider the MRMP to be an empty gesture, which the applicant is not prepared to adequately support.

184. In terms of the WMS, local people in Norden and other communities have not been fully consulted, and the planning impact identified by local residents has not been addressed.

185. Dr Falmi Binns spoke on behalf of the Holcombe Society and the Bury Rural Inequalities Forum.[135] Concern was expressed about the effect of SMWF2 on the panorama enjoyed by Holcombe Village and from Peel Tower. The tower was erected as a monument to Prime Minister Sir Robert Peel and his achievements.[136] Holcombe Hill has been purchased by the National Trust. This area is a tourist attraction and a Conservation Area. SMWF1 has compromised the wonderful views from this area, and to further blight this moorland panorama would be unacceptable and would not safeguard this area.[137]

186. Peel Tower is an iconic structure that draws the eye all over Bury and is distinctive for miles around. It is estimated that over 5,000 visitors come to Holcombe and ascend the Hill. Local people lost something that they treasured when SMWF1 was approved despite their objections. The change to an industrial alien landscape is hugely invasive. Hearts were broken and people

[134] ID22.2.
[135] WR2 and ID20.1-20.4. The Holcombe Society presently has an adult membership of 79 people.
[136] ID49.
[137] ID20.3 includes a photograph showing the landscape from Holcombe before the construction of SMWF1.

felt helpless, and the community abused. The case that 'there is already a wind farm so 16 more turbines will not matter' fails to understand that one would never say to a man having suffered one heart attack 'well it does not matter if you have another one'. Many objectors to the proposal are runners, fell walkers and weekend strollers who love this moorland landscape. For this poor valley this is a huge benefit, which gives daily joy. It is difficult to understand justification for the proposed further loss and their subsequent suffering. Difficulties in accessing the community fund for SMWF1 were raised by Dr Binns, as were concerns about low frequency noise from turbines. A photographic record of the protest walk to Waugh's Well is included in WR2.

187. Peter Ross is a local resident who is concerned about the maintenance of Overtown Lane, which in the past has been the subject of flooding, and of the management of other land that has been in the ownership of the operators of SMWF1.[138] Inadequate maintenance of land and drainage ditches on the A680 has in the past resulted in flooding and road traffic accidents. Overtown Lane provides PRoW access to Scout Moor.[139] Mr Ross is in dispute with the adjoining owner about the maintenance of the lane and nearby land.

188. Mr Ross also noted that construction of SMWF1 at 0700 was in breach of a condition stating that no construction works should occur before 0800 hours. If the proposed development was permitted stringent conditions should be imposed. There was an error made in consenting SMWF1 without a bond to cover decommissioning costs, and the turbines have now been sold on with no bond. If the scheme is permitted a minimum of £500,000 per turbine should be deposited before any construction work is started. This bond would be divided between RBC and RMBC to be used at the point of decommissioning over the various years, to restore the site and its hydrology.[140]

189. Anne McKown is a local resident who is also concerned about future decommissioning and restoration of the site, particularly if the operator has gone into liquidation.[141] The local authorities would not have funds to complete the decommissioning. This work would be very expensive, with an estimate of £30 million or more for 16 turbines. There must be proper consideration of the estimated full cost of decommissioning to determine the amount of the necessary bond, and a mechanism to secure this before any grant of planning permission. A percentage of income could be stipulated to form annual payments given that there would be contracts for supply of electricity to the National Grid. In Sweden it is a legal requirement for bonds as a condition of planning for on-shore wind farms.

190. Turleys acting on behalf of the applicant previously suggested the inclusion of a bond to reassure local residents, but this has now been dropped. It is not clear what factors the Councils took into account in their decision to drop the requirement for a decommissioning bond. The suggested conditions do not appear to contain any mechanism to ensure that funds would be available for decommissioning. The financial liability would lie with the operator at year 24

[138] ID9.
[139] It was clarified at the Inquiry that Overtown Lane, which lies outside the application site and the MRMP area, would not be used by construction vehicles associated with SMWF2.
[140] ID57.
[141] ID23.1.

of the development. The restoration plan is in effect an aspiration with no money to convert it into reality.

191. The UK has met or exceeded aspirations for 11-13 GW of electricity generated by on-shore wind as part of the 2020 RE target. It is not necessary to build more, especially as the National Grid has no electricity storage capacity and thus must match supply with demand, and so pay the wind industry to stop generating electricity when supply exceeds demand, or apply a similar constraint mechanism. Wind energy is not a secure and reliable supply, and requires back-up generation, often from fossil fuels. Any benefits of the scheme would not exceed the harm in terms of visual impact and noise, along with the effects on the peat resource and recreation, and the objections raised by local people.

192. David Trivett opposes the scheme on visual amenity grounds. RossendaleCS states that it will seek to conserve and enhance the diverse range of key habitats, landscapes and other assets, including the open countryside and moorlands. However, there has been a proliferation of turbines on all hills in the area, including on skylines. The landscape experts' opinions are based on landscape quality and that wind turbines are already a feature, using this as the argument for the approval of other schemes. The drive for RE and Government policy appears to have supported the approval for SMWF1, in an area of undesignated uplands, open for the exploit by commercial enterprise. We live in a capitalist society, but the development has not been good for the environment.[142]

193. The turbines would not be decommissioned at the end of the temporary period, but would be eventually repowered and remain until there is an alternative source of energy, or they are no longer profitable. During this time the local residents would suffer from the appearance of the turbines. Mr Trivett can now see 22 turbines from his home, and expresses frustration and anger about this change in outlook. Green energy is not for nothing, as there is considerable cost for the future in terms of visual intrusion and harm to the landscape.

194. In addition, operators receive constraint payments when the electricity is not required by the grid, and gas fired generators generally pick up the load. There is a suspicion here that the decision making process has been influenced by a financial gain for RBC. Energy policy means that it is not necessary to use these hills, given available alternatives, such as biomass.[143]

195. Dr Michael Lee lives at Fecit Farm, one of closest houses to SMWF1.[144] He objects, on behalf of a number of occupants of houses along Rochdale Road, to the proposed bridleway and associated works.[145] This part of the scheme is not an essential part of the wind farm, but was included as a concession to the BHS in return for them not joining other equestrian groups in objecting to the applications. RBC decided overwhelmingly to reject the proposed bridleway. Dr Lee does not object to horses passing behind these houses, but is

[142] Mr Trivett's final statement is at ID14.3.
[143] ID14.1 and ID14.2.
[144] ID24.
[145] CD2.9L.

concerned about potential misuse of this proposed route by motorcycles. On walking the Pennine Bridleway he saw more motorcycles than horses. It is not possible to design bridleway gates that would allow passage by horses, whilst excluding motorcycles.

196. A locked gate would not be effective, as keys could be widely distributed amongst the equestrian community, and would be likely, in time, to be circulated amongst the motorcycling fraternity. The bridleway would bring motorcycles to the south-western part of Scout Moor. The suggested planning conditions would leave the design of the gates for later approval. However, pressure for a bridleway might then result in approval of a less than satisfactory scheme, and so if the Secretary of State is minded to allow the RBC application, the permissive bridleway should be rejected.

197. Heather Massie lives at Fecit Farm and spoke about noise from SMWF1, and the necessity for appropriate noise conditions if planning permission were to be granted for SMWF2.[146] At times the existing turbines sound extremely loud, but they apparently comply with the current noise condition. The volume and type of noise varies depending on the weather and how many turbines are operating. It is most intrusive when the wind is in the north-east, with enough wind on the tops to turn the turbines briskly, but her garden is sheltered by Fecit Hill and so is otherwise relatively still and quiet.

198. The noise is difficult to describe, sometimes a gently 'whoosh' or 'swish', but at other times like a drumming noise with a repetitive beat or a mechanical banging. This is EAM. It is extremely annoying, makes concentrating difficult, and definitely spoils her enjoyment of her garden. SMWF2 would increase the levels of noise at Fecit Farm, and the imposition of planning conditions would be necessary as protection from a worsening of the situation. Regular monitoring would be necessary.[147] Conditions should require the operator to demonstrate that noise levels, both 'normal' and AM, are compliant before the export of electricity, and thereafter at reasonable intervals.[148]

199. Christine Alty is concerned about the loss of wildlife and birds around wind farms. Motorcycles have dug deep into the peat. The Commons are for people to use, not for off-road vehicles. The community does not support these applications. There are enough turbines to meet requirements. The WMS changed the law so that local people can have their final say.

200. Christine Thomas is a local resident, equestrian and proprietor of a tourism business.[149] The Rochdale and Rossendale areas have long been rich in natural resources that have been harnessed and quarried for national benefit. The resultant heritage seems now to give the go-ahead for the whole area to be seen as a brownfield site for wind farm exploitation on a massive scale. Turbines now comprehensively surround a small area with devastation to visual amenity and the unique habitat. The hill tops have always been a place for local recreation. But the cumulative effect of industrial turbines in the area

[146] ID25.1.
[147] ID25.2.
[148] ID57.
[149] ID33.

overwhelms the horizon. Any more would turn a 'landscape with wind turbines' into an unacceptable 'wind turbines landscape'.

201. The destruction to habitat and wildlife during construction of SMWF1 is obvious and the much vaunted "moorland restoration" and promised bridleway and footpath improvements have not occurred. A concessionary access bridleway has been promised if SMWF2 is approved. However, the BHS and the Forest of Rossendale Bridleways Association did not seek the views of their members when giving their support to this plan. Any arrangement to allow concessionary access in exchange for non-objection is totally invalid.

202. The area is trying to promote tourism. Ms Thomas offers heritage rides on packhorse trails and the opportunity to ride fell ponies on the fells, along with accommodation packages. The Pennine Bridleway, initiated by Mary Towneley, includes the MTL in the South Pennines. This loop provides riders with a three/four day ride and is extremely popular. The vision of a wild and romantic terrain is being systematically destroyed, and investment in the national trail will have been wasted. There would be no takers for this route during the construction period when the MTL would be severed. The Rossendale Way would also be affected. People who come to ride for quiet relaxation and recreation to not want to encounter an industrial park.

203. Even if there is not overwhelming evidence of accidents involving horses in relation to turbines, the perception for riders is that they are hazardous and should be avoided. The alternative route would not be publicised and would cause confusion.

204. Rooley Moor Road is an historic route that should be left unspoilt, and this heritage landmark should not be further despoiled by turbines and associated infrastructure. PT6, PT7, PT8 and PT9 would impinge too greatly on the tramway leading from Rooley Moor Road to Cowpe. They would appear crammed and much closer to the National Trail than existing turbines.

205. Local residents have sacrificed enough of their countryside. Planning considerations should allocate enough weight to the intrinsic value of happiness and wellbeing for its own sake and the economic value of happiness.

206. Cllr Peter Winkler (RMBC) stated that the overwhelming feeling from the vast majority of people with whom he has spoken has been in strong opposition to these applications. To date there has been no proposal by the applicant that would address the concerns of those residents. There is a consensus that the only acceptable outcome, in which their concerns would be met, is that the applications be refused, and that Scout Moor be left free of any further unnatural additions.[150]

207. Cllr James Gartside (RMBC) referred to the HEF associated with SMWF1.[151] This fund set aside to restore the peat was not being spent in the local area or in Rochdale. It has been suggested to the operator of SMWF1 that a contribution be paid to the Police for patrols on the moor to control off-road motor bikes, however the Police have not received any such contributions.

[150] ID36.
[151] ID35.

208. The overwhelming opinion of everyone who mentioned wind farms during recent campaigning was that they were utterly against any expansion. The reasons given included; nothing being done to restore the peat, the time taken to offset the carbon dioxide released during construction, no benefits for the community even though it is an important horse riding area, and most considered the turbines to be an eyesore and visually unacceptable within the moorland.

209. Cllr Holly (RMBC) agrees with the concerns of his electorate in Norden Ward. Local residents are not satisfied with the proposed mitigation, which has been accepted by the planning officers. There is concern about the cumulative impact of the wind farm, which is an issue that was not debated by RMBC as only two of the proposed turbines would be within Rochdale. But cumulative effects can be taken on board. There are many turbines around Rochdale that can be seen from miles away, and in his judgement they are a blot on the landscape. It is essential that a performance bond is in place so that there is assurance that future restoration would be carried out properly and on a timely basis.[152]

210. Cllr Ian Bevan (Bury MBC) spoke on behalf of the Ramsbottom Ward Councillors. The villages of Shuttleworth and Holcombe have a largely un-obscured view of the proposed site. The conservation of Ramsbottom's heritage as a Pennine textile town, with the restored East Lancashire Railway, has helped to build its role as a visitor destination. PRoW extend from the town into the moors.[153]

211. Government *Guidance* makes clear that the need for RE does not automatically override environmental protections and the planning concerns of local communities. The WMS refers to proposals having the backing of affected local communities. Many Bury residents remained unaware of the proposal until the application was lodged in April 2015. The officers from Bury MBC, under delegated powers, expressed no objection to the RBC application. But since then councillors have undertaken extensive soundings from their constituents.

212. Constituents are concerned about the effects of the proposal on the fabric, character and quality of the local landscape on Scout Moor, and the visual effect on Holcombe village and its Conservation Area. The current proposals would infill SMWF1 and close up visual permeability, resulting in an industrial scale wind farm on the horizon. Parts of Ramsbottom Conservation Area are densely developed, which is in sharp contrast to the openness of the moors beyond. Any proposal to remove the openness of Scout Moor and to create an industrial-scale wind farm would not enhance the character or appearance of Ramsbottom or its Conservation Area.

213. There is also concern that if permission is given that there would be a risk that decommissioning and removal would never take place, despite the use of planning conditions. This could result in the land never being restored.

[152] Email dated 28 October 2016 at ID57.
[153] ID37.

214. Cllr JD Cheetham (RBC) noted that the construction of SMWF1 disturbed the peat bog and it is not clear how the current restoration is progressing. If SMWF2 is granted planning permission more vigilance and close monitoring would be required. As for the water courses, it would be helpful if there was more cooperation with United Utilities to ensure that drainage is sufficient to absorb the flow onto local roads. Cllr Cheetham clarified at the Inquiry that she voted against the application, but referred to more positive views of local children about turbines.[154]

215. Dr Steve Davison has a research background and a doctorate in physics. His hobbies include walking and biking over the moorland around Rochdale, but his submission concentrates on the claimed climate change benefits of the proposal. He submitted a paper, dated 23 September 2016, entitled *Objection to the Scout Moor wind farm extension proposal with respect to UK climate change policy*.[155] This came to 10 key conclusions.

(1) The Government's position is that the local community must support applications for them to be acceptable in planning terms. The communities concerns have not been addressed, and the applicant's lack of response suggests that it has no arguments against the analysis and conclusions in the paper.

(2) There is sufficient operational and consented onshore wind capacity to meet the 2020 targets.

(3) The Paris COP21 agreements and Fifth Carbon Budget do not mandate any further increases in emission targets, which are already higher than those demanded by COP21 (the Paris agreement aspires to 40% reduction by 2030, whereas the UK Fifth Carbon Budget is 57%). Onshore wind no longer has the backing of leading industry experts and scientific advisors because of its inefficiencies and impairment of grid stability. Wind output is extremely varied on an annual basis.[156] Turbine reliability is also an issue, with fires, major refits, and a decline in performance meaning that it is rarely economic to operate turbines for more than 12 to 15 years.

(4) Without storage technology, increasing the amount of intermittent RE power would increase the risk of blackouts. The 'equivalent homes' figure, stated with the installed capacity, is an average figure that disguises the fact that this would rely on the assumption that it has 100% backup from non-intermittent energy sources. This would reduce the efficiency of baseload power stations, and so the applicant's carbon balance assessment is flawed.

(5) Further increases in wind power generation would require more backup power and, paradoxically, lead to overall decreased energy efficiency and reduced emission savings.

(6) The wind farm would contribute less than two hundredths of 1% to the UK's carbon dioxide reduction target.

[154] ID46.
[155] WR6.
[156] Charts for the period from 1 July 2015 to 30 June 2016 are on page 12 of ID38.

(7) Relying on onshore wind power alone would require an area of land nearly 50% larger than Wales.

(8) The wind farm would not contribute to reducing global temperatures.

(9) It would only reduce the predicted rise in global temperature by five millionths of a degree centigrade in 85 years. Energy generation per turbine would reduce for an enlarged wind farm, particularly where PT1-PT9 would be downwind of existing turbines in the prevailing south-west wind, and would themselves reduce the output of existing turbines in a north-east wind. Further reductions would arise from the proposed amendments to the scheme. The benefits would reduce, but the damage would remain the same. Without global commitment, unilateral measures to the UK's 1% share of global emissions would only lead to further fuel poverty and the export of more energy intensive manufacturing jobs overseas.

(10) There is no policy imperative to damage landscape, amenity and recreational environments for an immeasurably small climate change benefit, which would be even smaller for the amended scheme.

216. Some of these points were highlighted and expanded in Dr Davison's presentation to the Inquiry.[157] The shortcomings in the applicant's carbon balance assessment mean that the predicted savings are optimistic. Even if the reductions were reliable, in order to make a meaningful contribution to UK targets an enormous amount of land would be required, far beyond what would be practical.

217. Even if all the Paris promises were delivered, which has not happened before, they would only reduce the predicted rise in temperature by 0.17 degrees Centigrade. Planning policy considerations are now heavily weighted by the WMS and Government commentary, such as the Fifth Carbon Budget that make clear the targets must be delivered "while keeping our energy supply secure and low cost". The only way to get close to targets, other than by reducing consumption or energy conservation measures, is by using gas and nuclear. Any further development of onshore wind will be simply nugatory, whether supported by national policy or otherwise.

218. The applicant has not addressed local objections since the proposal would make a meaningless contribution to reducing global warming, whilst harming the landscape, heritage and amenity, as well as posing a threat to health through adverse noise impacts.

219. The submission by Stuart Davies quantifies the alien materials that would be introduced into the Scout Moor environment.[158] This includes estimates for the length of additional tracks, cubic metres of peat displaced, covered or compressed, along with materials imported to the site for turbines bases and electrical cabling. His main point is that the moor was degraded during construction of SMWF1, and that this has not been addressed some 8 years after construction. This is confirmed in the MRMP, which states that the contribution of SMWF1 to the poor conditions of the moor is mostly along the

[157] ID38.
[158] ID40.1-40.3.

track edges and other batters and easements, largely within the peat environment.

220. The MRMP also refers to the artificial drainage leading in some places to increased risk of erosion, and in other places to drying and oxidation of the peat, along with areas where sown vegetation has not provided complete cover. Drainage on SMWF1 has not been effective and is washing away peat. There is no evidence of peat stripped off the moor for SMWF1 being deployed elsewhere on the moor, and no indication about where the peat to restore tracks and turbine bases would come from for the decommissioning of SMWF2 and site restoration.

221. Overgrazing is some part of the moor's poor condition, but discussions with local farmers estimate current numbers of grazing sheep at 400-600. The numbers mentioned in the MRMP could therefore be misleading. The degradation of the moor as described in the MRMP has been overstated. Most of the HEF from SMWF1 money has been spent on United Utilities land outside Scout Moor. The figure cited to treat an area of bare peat in the Peak District National Park is £11,000/ha. The MRMP states that 175 ha of the peat is damaged, and using this figure would amount to a total cost of £1,925,000.

222. Since the construction of the access tracks for SMWF1 in 2008 off-road vehicle activity on and around Scout Moor has increased greatly. Photographs of off-road vehicles on the moor are included in Mr Davies submission. Off-roaders can be aggressive and intimidating. A Ranger would only have the same powers as members of the public. The Police would still be underfunded.[159] So the Ranger would not restrict illegal off-road use.

223. The moors are a place to find solace, to find peace and to reflect, away from the everyday hustle and bustle of modern everyday life, and to escape the urban sprawl and industrial landscape. The moors are now being transformed into an industrial landscape. This decision is about people, people's lives and health, and the environment.

224. Cath Hignett lives in Turn. SMWF2 would have a further devastating effect on aspects of leisure activities, heritage, general condition of the moorland, and the environment of Turn village. The community has seen the damage SMWF1 caused, however, it is still just about possible to experience the peace and tranquillity of the area around Waugh's Well. If the application is approved this will be destroyed completely. The scheme would add miles of wide and damaging access roads.[160]

225. Scout Moor is used for fell running, including the Edenfield Fell Race and Waugh's Well Race. The purpose of fell running/walking is to escape the everyday urban and industrial surroundings, and to enjoy wild and unspoilt moorland. The vast majority of fell runners do not support this application. Fencing off parts of the moor would result in the certain demise of fell racing.

[159] An email from the Police dated 17 June 2016 states that Peel Holdings do not assist the Police in stopping the off road bikes, and that only United Utilities provide money to assist.
[160] ID41.

226. There has been a complete lack of meaningful consultation with the affected parties by the applicant. Neighbouring communities are only just becoming aware of the detail and implications of the applications.

227. Irene Pope is Chairman of Rochdale Bury Bridleways Association (RBBA), and a member of the statutory Bury Local Access Forum.[161] The BHS supports the application, but Ms Pope has not been consulted by BHS, and does not support the application. Her statement concerned three areas; the shortage of bridleways in the area, the effect of the development on riding routes, and the importance of PRoW.

228. Given the number of reported horse accidents on roads, it is vital that more off-road riding routes are created in this area, and that existing routes are not subjected to anything that compromises a safe riding experience. Of 648 PRoW in Rossendale only 52 are available for use by equestrians. The route along Royds Road was the subject of an upgrade application by local riders to increase the number of bridleways in the area, not to provide an alternative route to avoid turbines at Cowpe Lowe.[162] But there are still some concerns about whether this route is suitable for use by horses.

229. The RBBA conducted a survey in 2014 about riding near to wind turbines, and 65 local riders responded.[163] Of these, 57 said that they would not ride closer than 200 m to a turbine.[164] So the Rossendale Way, accessed via the proposed permissive bridleway, would not be an option for these riders. There is also a gate on this route that precludes horses. The value of the permissive bridleway is therefore very limited as mitigation. SMWF1 has no impact at all on the MTL. Whereas PT7, PT8 and PT9 would be sited close to this riding route. The survey indicated, by reference to responses about riding near to the proposed Rooley Moor turbines, that 47 riders would not use this route. Other bridleway associations, who might be visitors to the area, share these safety concerns.

230. The RBBA has listened to local riders and, on balance, considers that the amount of available riding for local riders would be better without SMWF2 than with it, because of the proximity of PT7, PT8 and PT9. If these cannot be moved further away from the Pennine Bridleway, they should be removed. Bridleways are open to all riders, and those whose horses have an adverse reaction to turbines should not be discriminated against.

231. The effects of wind turbines on PRoW have not been taken seriously enough in determining applications. SMWF2 would extend into tranquil areas and damage the features that attract visitors. It is high time that the value of the moors for informal recreation is given the recognition it deserves.

232. Geoff Rigby lives at Newgate Farm, one of the most affected properties. SMWF2 would not be a temporary development, it would last a generation, and then the applicant could seek to repower the existing wind farm, which

[161] WR4 and ID42.
[162] The Royds Road alternative bridleway is shown at ID4.
[163] Relevant sections of the survey are included in RBBA's submission dated 25 August 2016. Representation on FEI.2.
[164] These include Mrs O'Connor at ID18.

would be consistent with its attempt to seek permission for SMWF2. Mr Rigby is concerned about impairment of visual amenity, noise and shadow flicker, above that which is currently endured. 26 turbines are enough to ask any community to bear. Existing wind farm noise is sometimes very intrusive. Dr Yelland has noted that the applicant's noise assessment does not meet the requirements of ETSU.

233. PT11 would dominate Newgate and Turn Village, and could have been sited further back on the moor. RBC's landscape consultant raised concerns about PT10 and PT11, and asked that their relocation or removal be considered. The siting of PT11 was not revised despite other locations being available, as is self-evident from the original proposal for 52 turbines.

234. Scout Moor is elevated moorland, ringed by an urban conurbation of over 300,000 people, and visible for miles. SMWF1 is not typical of other large wind farms. The application data systematically and significantly undervalues the local area and the residential amenity of affected local residents. This is an unsustainable development and a significant number of local residents strongly disagree with the findings of the ES.[165]

235. The WMS is a fundamental change in Government policy for onshore wind, which should be given considerable weight. It is ironic that RBC/RMBC passed the applications for SMWF2 when they opposed SMWF1. Many people fear that RBC's pecuniary interest may have clouded its judgement. The applicant has not properly consulted with the most affected property, Newgate, or a significant community, Turn village. 29 of the 30 most affected properties identified by the applicant are in Turn Village. No one in Turn village was aware of the proposed siting and impact of PT11 until Mr Rigby raised the matter. The applicant has not addressed the concerns of Newgate, neighbours or Turn village, and cannot address those concerns.[166]

236. Pat Kurpas resides close to the western edge of SMWF1, where a rumbling noise can be heard, particularly at night, which increases with wind speed. It is believed to come from the wind farm and affects sleep. Rossendale Environmental Health is investigating the noise. There is concern about the noise effects of expanding to 42 turbines.[167]

237. Dr Heyworth has researched peat formation, vegetational history, pollen analysis and climate change, and his family owned a commercial peat field. The moors are unique for their openness, sense of remoteness and views. People still read and are moved by the poems of Edwin Waugh.

238. Peat fires in the 1950s along with heavy rain caused erosion, which is still visible. Acid rain in the 1960s and 1970s caused further damage. But after the 1980s the peat was recovering, and this probably would have continued if it had been left alone. The greatest damage done so far is the construction of the existing roads and turbine bases. No peat or blanket bog vegetation will be able to grow on this area, estimated to be 44.5 acres [18 ha]. The same would occur with any new construction. The applicant does not have a

[165] ID43.
[166] WR5.
[167] ID44.

sensible plan for restoration. Restoration has been possible on some commercial peat areas on flat ground, where the water table can be raised, but this is not possible on Scout Moor.[168]

239. From Thievely Pike, with extensive views over most of Lancashire and much of Yorkshire, the panorama has been ruined and all sense of remoteness lost, with 91 wind turbines visible from this vantage point. Rossendale is being targeted. Cumulative visibility has been used as justification for the addition of more turbines.[169]

240. Kathy Fishwick, a local resident, notes that no one speaking in favour of the development has denied that some harm would be done.[170] It is the vast extent of that harm that needs to be fully recognised. SMWF1 has a dominant effect for many miles around. The representative viewpoints chosen cannot convey the complexity of the area as a whole. The reports by the heritage experts miss salient points. For example concentrating on views from St Nicholas' Church (VP8), rather than views of it. The church was sited to be a prominent feature in the landscape. The wireframe from Chapel Hill is more representative.[171] The turbines would be visible from the higher parts of Cloughfold Conservation Area. It is the setting of Waugh's Well that is important and its association with the mystique of the moors, and the Councils' heritage expert considers that the removal of the turbines, rather than lowering or re-siting, is the only way to mitigate the harm.[172]

241. Rooley Moor Road has its origins as a 13th Century track, and it is a much more important asset than it is given credit for. The moors are an important part of our culture. SMWF1 has already interfered with the facility to a large extent, and any extension would compound the error. It has been argued that the impact of the extension should be seen against the background of the existing wind farm, but SMWF1 is a temporary feature and should not therefore be classed as part of the environment of the moor.

242. In terms of quality of life, the proposal is already having a depressing effect on local people, and encouraging a defeatist attitude. There is particular concern about the area where SMWF2 turbines would be seen, where currently SMWF1 turbines cannot.[173] This includes along the valley floor through Stackteads, an area of terraced houses dating back to the 1830s. The turbines would be there for 25 years, which is a generation, and given their size, they would physically and psychologically dominate from every view point.

243. It is questionable whether or not the complete restoration of the moors would be possible. It is not known what problems might be created after the active life of the turbines. Suggested planning conditions would amount to tweaking a flawed scheme, and the only realistic way to avoid harm is to refuse the applications.

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[168] In response to question from Inspector.
[169] ID45.
[170] ID39 and submission dated 14 February 2016.
[171] ID26.
[172] C/PG/1 paragraph 3.2.
[173] Shown in pink on ES Figure 7.5c.

244. John Ireland from the Ramsbottom Heritage Society considers that the expansion with even bigger turbines would magnify the adverse effects that SMWF1 has had on the landscape of Ramsbottom, where they tower against the skyline. The expansion would make it the most prominent wind farm in the country, visible from miles around, and by millions of people. Ramsbottom has succeeded extremely well in reinventing itself as an attractive destination, including through careful preservation of its built heritage. The rolling hills and open moors provide a striking visual backdrop to the town that are easily accessed. The industrialisation of the moor by SMWF1 has affected this idyll. A 16 turbine extension would result in irreparable harm to the landscape and to Ramsbottom.[174]

245. Alan Rawsterne is a local resident and one of eight trustees of Rooley Moor Neighbourhood Forum.[175] The Forum, which has 36 members, represents an area that has about 200 residents, and submitted an independent heritage assessment in response to the applications. The 'Cotton Famine Road' section of Rooley Moor Road is the most significant heritage asset in the area. It has recently featured in a BBC programme about the 'Black History of Britain'.

246. There is concern that existing wind farms surrounding the valleys contributed to recent flooding, and that SMWF2, with peat removal and embedding more foreign material, is not going to alleviate this problem. The noise issue should be revisited, and there is concern about health issues from AM and infrasound. It would be better to 'design in' noise management rather than rely on planning conditions that would be hard to police.

247. SMWF1 has damaged the moorland. This needs rectification, but adding another 16 turbines will not do so. Simply reducing the number of proposed turbines is not an answer to these issues. The applicant should be required to put in place a bond for decommissioning if the scheme is permitted.

248. Voting members of the Forum were asked in September 2016 for their opinions about SMWF2 and 19 responded. The survey found that almost all thought that the consultation process with the applicant and local authority had not been adequate; all considered that the planning impacts had not been addressed to their satisfaction, and that the proposal did not have their backing.

249. RBC/RMBC are not correct in stating that elected members are well placed to represent the views of their constituents. This is not the view of the Forum or the Government, which notes in its guidance about neighbourhood planning that in practice communities have often found it hard to have a meaningful say. The Forum came about because of the poor experience of local residents with previous planning applications. It is important for the raw views and opinions of the public, who would be left with the impact of the development, are expressed so that a judgement can be made against the opinions of the experts.

[174] ID47.
[175] WR3 and ID34.1.

250. Peter Wood is a local resident and photographer. His submissions included photographs of the locality and of other wind turbines in the area.[176] Photo 1 shows Scout Moor in 2007 before the construction of SMWF1. In terms of the long history of Rossendale, almost overnight the numbers of turbines have gone beyond saturation, and the landscape and its character cannot accommodate any more. There has been a rapid building of wind farms in and around the Rossendale Valley and this is having a devastating effect on the vistas enjoyed by local people and visitors to the area and the setting of heritage assets.

251. Many of his photographs show his concern about turbine blades, or parts of blades, appearing in the background of photographs of buildings and landscapes. The photographs are stills, with no movement, and so do not communicate turbine flicker. The movement attracts the eye, is unrestful and distracting, and has impaired his enjoyment of walking the moors, which are a place of solitude, for quiet contemplation, rest and relaxation. The views of the dramatic landscape are much loved, and to see it being ruined by all these turbines is causing great suffering and depression.

252. Tom Whitehead spoke on behalf of a number of community groups in Bury, Rochdale and Rossendale, but did not claim to represent all communities.[177] The affected communities have limited resources and time to respond to these complex and technical proposals, and there is a considerable degree of 'battle fatigue' for the communities opposing turbine proposals in the area. The number of interested persons at the Inquiry does not mean that objections are confined to a small number of private individuals. The planning officer's report to RBC states that 97% of respondents to the application objected. The local MP (Jake Berry) launched the 'Not in Our Hills' campaign, which generated a huge response. The significant level of objections recorded against this proposal is just the tip of a very considerable iceberg.

253. Scout Moor is so vast, each part of the moor can be read in its own way, and has its own meaning to different groups of people. Policy GM10 "The Uplands" in the emerging development plan for Greater Manchester, whilst in draft, illustrates how important the upland areas, including Scout Moor, are to the people of the Greater Manchester region as a whole, and not just to the people in towns immediately surrounding the site, and stresses the importance of maintaining a sense of remoteness and maintaining tranquillity.[178] The landscape is owned and used in many different ways, and the amenity of Scout Moor is evidently undervalued by the applicant. RBC's specialist landscape consultee 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." The mitigation then recommended has been rejected by the applicant.

254. Moorland Restoration is one of two reasons for the Councils approving this hugely contentious proposal, although the applicant does not consider the scheme depends upon the MRMP to achieve a positive planning balance.[179]

[176] ID53.
[177] ID63.
[178] ID59.
[179] ID54.

Dr Heyworth, a local expert, advised how difficult moorland restoration actually is, and explained that it is generally only successful on lowland or fenland areas, where water levels can be raised. Moorlands are very complex organic systems, which do not lend themselves well to artificial intervention. Meaningful moorland restoration is hugely complex, and hugely expensive. A Moors Partnership publication refers to £11,000/ha, a cost which the development could not viably sustain.

255. Furthermore, RBC and RMBC did not know the detail of the MRMP, or how meaningful the restoration plan was, when they approved the scheme. Without an understanding of this, it is inconceivable that a benefit value can be attributed to it. And without a value being understood, it is absurd to factor it into the planning balance. Even at the close of this Inquiry it is still not clear what the MRMP would comprise in terms of its budget, its objectives (only that 'it [moorland] will be improved', or 'enhanced' with the caveat 'as far as possible'), its measurable outcomes, the area of land to be restored while maintaining public access, its staffing and management, along with its supervision by RBC/RMBC, who consider it fundamental to the scheme, without understanding what it comprises. The applicant has loosely thrown this proposal into the mix, whilst not believing in its necessity, nor, having the ability to deliver it. The MRMP is evidently a meaningless proposal. It should not be on the scales when weighing this planning balance, and RBC/RMBC have been misled in giving it any planning weight whatsoever.

256. Climate change is a worrying problem, which needs serious solutions, but it is a global issue. It is the role of the Government to set out how the UK should play its part in addressing climate change. Onshore wind, even of the scale proposed here, makes an insignificant contribution to national energy generation, let alone addressing global problems, as outlined in Dr Davison's evidence.[180] The 'cumulation of many schemes' cannot be a realistic prospect in meeting our energy needs. Government energy policy has backed away from onshore wind, given that it makes a meaningless contribution to national need, whilst engendering considerable adverse local impacts. All this is consistent with the decisions of planning Inspectors and the Secretary of State when considering turbine applications. Whilst RE from onshore wind is a nice to have, it is not quite the significant material consideration that the applicant and RBC/RMBC wishes us to regard it as.

257. Nine decisions by Inspectors and by the Secretary of State each demonstrating interpretation of the WMS are set out in WR1.[181] These include an appeal by Fine Energy Ltd for a 500 kW turbine 77 m high. The Secretary of State gave substantial weight to the WMS and noted that affected local communities had raised concerns in relation to character and appearance and several other matters. The Secretary of State found landscape and cumulative impacts to be limited. But concluded that they were such that the planning impacts identified by affected local communities had not been addressed, that the WMS transitional provisions had not been satisfied, and that substantial weight should be given to this conflict.[182] The Secretary of State attached

[180] ID38.
[181] WR1 pages 4-6.
[182] APP/G0908/A/14/2220065 at Appendix 3 to WR1.

substantial weight to the WMS as the most recent expression of government planning policy for onshore wind development in determining an application for four 100 m turbines.[183] In an appeal for four 126.5 m high turbines the Secretary of State gave significant weight to non-compliance with the WMS.[184]

258. The test of the WMS is, as long as the concerns of affected communities are planning concerns, and cannot be addressed, then the application should be refused. This is not a mandate to veto applications. Wind turbines are exceptional types of development: very tall, moving, stark, and noisy structures in prominent locations. The planning system has had to catch up in responding to them, but the WMS redresses the planning balance, and does so in a manner that is consistent with good planning. The affected communities here have legitimate planning concerns regarding the landscape, equestrian matters, Green Belt harm and noise, which remain unaddressed by the applicant.

259. In summary, a scheme with a reduced number of turbines would not be acceptable because the community say that it would not address their concerns, and it would mean less money for moorland restoration and less energy generation benefits.

[183] APP/J0540/V/14/2220136 at Appendix 4 to WR1.
[184] APP/E3715/A/14/2227479 at Appendix 5 to WR1.

Written representations

Pre-application community consultation

260. Consultation about a then proposed extension of 26 turbines to SMWF1 started in November 2011 and continued in January 2012, after which Peel commissioned further surveys and negotiations with stakeholders, which resulted in a revised scheme. A second stage of consultation took place in June/August 2014, and further changes and iterative design work reduced the scheme to 16 turbines. A revised pre-application consultation strategy was agreed in principle with RBC/RMBC. This included newsletters, press advertisements and updates on a consultation website. Full details are set out in the Statement of Community Engagement, dated March 2015.[185]

Application stage

261. Written responses on the applications that were submitted to RBC and RMBC are summarised in the respective Committee Reports.[186] RBC received 51 representations in support of the proposal, and 125 objections, with 5 comments neither in support or objecting. In addition, two petitions were submitted to RBC, with a total of 202 signatories, objecting to the proposal. RMBC received 32 letters of objection and 34 letters of support. RBC received 22 responses to consultation on FEI.1, two of which were in support of the proposal.[187]

262. Some comments were specific to either the RBC application or to the RMBC application, but many representations referred more generally to the overall scheme. These are set out in full in CD2.7-CD2.11, and the following is a summary list of the issues raised by objectors and supporters.

263. List of issues cited by supporters.

- Climate change benefits
- Existing access for construction vehicles
- Enhanced PRoW
- Turbines an accepted part of the landscape and capacity identified in this part of the South Pennines for an additional large wind farm
- No significant harm to heritage assets
- MRMP an important opportunity with benefits for ecology and water quality
- Ranger would help Police to tackle illegal off-roading activity
- Low risk to birds and bats
- The scheme would prevent future mineral extraction on Scout Moor
- Noise would comply with ETSU
- ES conclusions on shadow flicker supported
- Contribution to the local economy with significant community benefits
- Extensive consultation with the community over three years
- The applicant's positive response to consultation resulted in key changes to the scheme

[185] CD1.10 which includes an Executive Summary.
[186] CD1.20 and CD1.22.
[187] A summary of representations to the applications, FEI and call-in Inquiry are included in Appendix 2 of APP/DB/3.

264. List of issues cited by objectors.

- Conflict with development plan
- Conflict with recent Government policy
- Green Belt harm outweighs any benefits
- Inefficiency and cost effectiveness of turbines
- Negligible effect on carbon dioxide emissions and climate change
- Adverse impact on the hills for a period of 35 to 40 years
- Turbine bases and roadways would remain after decommissioning resulting in irreparable damage
- Interference with aviation radar
- Access roads too close to PRoW, including a national bridleway
- Highway safety and congestion from construction traffic
- Loss of amenity and recreation space
- Destruction of existing wilderness and loss of open space
- Safety risk for equestrians
- Fire and blade throw risk from turbines
- Adverse impact on local tourism and equestrian businesses
- Additional tracks and permissive bridleway resulting in more illegal off-road vehicles
- De-registering Common Land is morally flawed and would affect grazing rights and the income of Commoners
- Public access to the Common should be sacrosanct
- Damage to wildlife habitat and biodiversity
- Loss of peat with adverse effects on the water table and water quality
- Peat restoration following construction of SMWF1 has been underfunded and unsuccessful
- Adverse landscape and visual impact resulting in an industrial wind farm landscape
- Infilling of SMWF1 with resultant loss of visual permeability
- Cumulative effects of piece-meal turbine and wind farm development in the area
- Harm to Conservation Areas in the locality
- Additional harm to the setting of the Cotton Famine Road and tramway above Cowpe
- Proximity and harm to the setting of Waugh's Well
- Government statements on the intrinsic value of the landscape and emphasis on local decision making
- Harm to the occupiers of nearby residential dwellings at Cowpe and Turn by reason of effects on outlook, noise (including amplitude modulation and infrasound), shadow flicker and health
- Concerns about land management and damage to the local economy

265. At the Inquiry stage 22 written representations were submitted to the Planning Inspectorate.[188] These are summarised as follows.

(1) Peter Ross raised similar concerns to those that he spoke about at the Inquiry and are reported above. His written submission includes a statement from Darren Ross concerning the lack of a detailed decommissioning and restoration plan, given the very significant costs likely to be incurred in

[188] These are included in the red folder attached to the file and numbered (1)-(22).

dismantling the turbines and associated structures, and endorsing the need for a bond.

(2) Miss Charmaine Flatley a resident of Turn objected on the grounds of visual impact, harm to wildlife, noise and shadow flicker. She commented on the efficiency of turbines and the adverse effect on the value of property.

(3) Manchester Airport initially objected, but subsequently advised that the requirement for a primary radar mitigation scheme to be agreed between the applicant and the Aerodrome Safeguarding Authority for Manchester Airport could now be removed, and that the previously suggested conditions were no longer essential.

(4) Irene Pope raised concerns about the proximity of PT7 and PT8 to the Pennine Bridleway, and the safety of equestrians. These and other points were reiterated in her appearance at the Inquiry.

(5) Mrs CE Hignett wrote on behalf of residents of Turn village, raising particularly concerns about PT11. These submissions were also made when she appeared at the Inquiry, as reported above.

(6) Dr Mike Lee requested details about the proposed condition to restrict off-road vehicles from the proposed permissive bridleway, which is a matter he commented on during his appearance at the Inquiry.

(7) Geoff and Bev Rigby's written objection foreshadowed the issues Mr Rigby raised at the Inquiry, and so are not repeated here. The submission included correspondence with the applicant's landscape expert.

(8) Whitworth Town Council expressed its objections to the proposed development because of the loss of residential amenity and the addition to the visual outlook from Whitworth.

(9) William Hutchinson commented on photographs used in publicity for consultation about SMWF2. RBC had factored into its budget the income from the proposed development before deciding whether to approve or reject the application, which is an action that could only compromise the democratic process.

(10) Mrs R Bute [189] of Oldham objected because these hills are seen from a distance and the encroachment on such isolated places is not ethical. Turbines blades are noisy and affect bats and birds. Construction would spoil the landscape indefinitely.

(11) Natural England (NE) commented on FEI.2 and stated that with the proposed amendments it had no concerns regarding impacts on designated sites, protected landscapes or species, but reiterated its previous response about impacts on blanket bog, an Annex 1 priority habitat under the EC Habitats Directive, and the need for appropriate mitigation. NE had previously advised that the proposal would have a direct and potential indirect negative impact on areas of blanket bog, and for authorities to be satisfied, prior to the determination of the applications, that there would be no significant negative

[189] Apologies for any misspelling as the handwriting is not clear.

impact on this habitat. NE remains of the view that the ES and the MRMP provide the necessary detail to give confidence that the impacts could be minimised to an acceptable level; provided that the works were undertaken in strict accordance with the submitted plans, secured by enforceable conditions or legal undertaking. NE advised by letter dated 23 July 2015 that it had no objection in principle to provision of an alternative equestrian route, but had some unresolved concerns about localised gradients, surfacing and traffic.

(12) The National Trust (NT) initially had concerns about the cumulative impact on Holcombe Moor and Stubbins Estate, which comprise some 525 ha of inalienable land about 5 km west of Scout Moor. A further 16 turbines would intensify and consolidate the existing cluster of turbines, and extend it further to the north. Its visual prominence from the NT's estate would be noticeably increased, and make an already unsatisfactory situation significantly worse. The adverse visual impacts have been under-recorded, and VP16, VP17 and VP18 are not representative of the views from the NT's estate.

NT subsequently commented that even with the proposed amendments the proposal would still have seriously damaging consequences for the views from NT land in the Holcombe Moor area. The withdrawal of the Rooley Moor wind farm proposal does not alter NT's conclusion that SMWF2 would have unacceptable consequences for the significance of NT land and consequently NT's objection should remain.

NT has little confidence that the turbines would be removed after 25 years, as experience shows that applications are often made for replacements, which are difficult to reject. The development would result in the loss of peat cover, and a MRMP is proposed. If the development is accepted it is vital that the authorities are assured of the efficacy of the proposed restoration and management measures, along with the mechanism to secure implementation and monitoring.

(13) JG Jellicoe stated that the proposed alterations to the scheme were no more than a side show to the huge environmental impact the proposed expansion would impose on the community, and reiterated his previous objections to the proposal.

(14) Historic England (HE) had previously advised RBC/RMBC that it did not consider that the level of harm to heritage assets, whether designated or undesignated, and their settings was sufficient to justify an objection on the grounds of impact of SMWF2 on the historic environment. HE had no objection, subject to an archaeological condition. The proposed amendments in FEI.2 would result in a small reduction in the impact of SMWF2 on the historic environment, and HE saw no reason to revise its advice.

(15) Bryan Farlow wrote in support of SMWF2. His letter published in the Bury Times refers to the high location being perfectly suited to capture energy from the south-west prevailing winds, and to the access which had already been built. The construction work from SMWF1 has made walking on Scout Moor much more pleasant. It is a delight to walk on Holcombe Hill and look across the River Irwell valley and see the wind farm producing much-needed green energy.

(16) Alan Rawsterne referred to SMWF2 being in conflict with the objectives of the Rooley Moor Neighbourhood Forum, which he spoke about in more detail at his appearance at the Inquiry.

(17) Brian Michael Vice Chair Rossendale Civic Trust referred to the view from the M60/M66, and to the need for community benefits, along with a planned landscape if the turbines were accepted as part of the landscape for a long time.

(18) Tom Whitehead provided details about the 8 community groups he represented. He spoke more about this when he appeared at the Inquiry.

(19) NATS Safeguarding by letter dated 23 July 2015 referred to NERL's objection due to the adverse impact to the Manchester and St Annes radar and associated air traffic operations of NATS (En-Route) without suitable mitigation. But added that an agreement with the applicant dated 13 July 2015 defined a mitigation solution. NERL was therefore prepared to withdraw its objection subject to the imposition of conditions. However, NATS Ltd letter dated 27 June 2016 maintained its position of objection, with the potential for mitigation, and recommended that the standard aviation conditions be imposed if planning permissions were granted.

(20) Miss Heather Massie referred to the proposal for a 225 kW turbine at land south of Higher Moss, which was at appeal. This turbine would be less than 1 km from Fecit Farm, and should be included in the noise impact assessment.

(21) Graham Wright wrote concerning the effect of the proposal on Waugh's Well, and the proximity of PT6. He added that PT12, PT7, PT5 and PT4 would have a similar effect. RBC's heritage expert stated that PT5, PT6 and PT7 would be prominent within the setting of the non-designated heritage asset and expressed the view that mitigation of these effects could not practically be achieved other than by removal, or relocation of the most prominent turbines. About 150 people attended a protest walk to Waugh's Well on 26 June. The applicant dismisses concerns by the organisers of several important fell races in the area.

(22) David Nuttall MP objected to the applications in his capacity as Member of Parliament for Bury North. His submission includes information and evidence about his 'Not on Our Hills Campaign'. People were asked to sign up to support the campaign and 1,515 did so. The website received 558 emails from Constituents who opposed the development of any more wind turbines in Rossendale. The development would have a harmful impact on views from Ramsbottom, Holcombe, Summerseat, Greenmount, Tottington and Brandlesholme, as well as from significant leisure areas. It would not accord with the WMS or the emphasis now placed on the intrinsic value of the landscape. The proposed turbines would infill the existing wind farm and close up its visual permeability. They would also harm the Green Belt, peat and wildlife, as well as adversely impacting on those using the Pennine Bridleway and MTL. No management structure exists to deliver the moorland restoration.

Other Consultees

266. Consultation replies are set out in RBC's and RMBC's Committee Reports.[190] These responses generally applied to the whole scheme. The following, therefore, summarises the most up-to-date responses from other consultees not already mentioned in this report.

267. Lancashire County Council (LCC) Archaeology does not dispute the applicant's findings concerning designated heritage assets, but strongly recommended that PT5, PT6 and PT7 and their associated tracks, pads, etc. be moved to the west clear of the remains of Cragg Quarry. If they cannot be moved, at a minimum, the mitigation of the impact would need to include a detailed survey of the remains and their setting. Circular ditches could be affected by the proposed anemometer mast. It would be preferable to move the mast, but if not a formal 'trenched evaluation' investigation prior to works, along with formal recording, would be necessary. A programme of archaeological works would need to be approved. LCC Flood Risk Management initially objected, but subsequently indicated that it has no objection subject to conditions. LCC Highways has no objection subject to conditions, but recommended that turbines be set back from PRoW by turbine height plus 10%, and 200 m from a bridleway.

268. Calderdale MBC has serious concerns about landscape and visual impacts including cumulative impacts, with the South Pennines becoming dominated by wind farms. The proposal would discourage horse riders from using the nationally important Pennine Bridleway and MTL, with a knock-on effect on the local economy.

269. Bury MBC has no objection.

270. Ministry of Defence (MoD) initially commented that the scheme would cause unacceptable interference with the air traffic control radar at Warton Airfield. Negotiations about mitigation subsequently resulted in the MoD suggesting the imposition of a planning condition.

271. The Met Office has no objection as it has signed a legal agreement with the applicant to provide mitigation for impacts to its weather radar at Hameldon Hill.

272. United Utilities (UU) referred to the potential for impact upon sensitive areas of peat, and recommended that a hydrologist be consulted to ensure that water quality risks were investigated, monitored and managed, and that risks to raw water quality were managed during construction. Subsequently UU was satisfied with the peat depth mapping, and later suggested the imposition of a detailed planning condition.[191]

273. The Coal Authority advised that the site lies within a defined Development High Risk Area, where shallow coal mine workings may require ground improvement and/or stabilisation, and suggested matters to be included in a planning condition.

[190] CD1.20 and CD1.22, but are set out in full in CD2.1, CD2.2, CD2.4 and CD2.5.
[191] CD2.4s and ID57.

274. The Environment Agency (EA) has no objection in principle subject to measures to protect groundwater, flood risk and ecology. The EA suggested planning conditions for piling or any other deep foundation designs, and that no development take place until a Moorland Restoration Plan, to include long-term design objectives, management responsibilities and maintenance schedules for all restored areas, had been approved.

275. The Health and Safety Executive had no comments at the planning stage.

276. The National Grid and Electricity North West have no objection.

277. CPRE maintains its objection given the significant visual impact of the proposal and its impact on wildlife and the experience of the countryside by residents and visitors. It added that if SMWF1 had been tested against current national and local planning policy it would not have been permitted. The ES refers to peat habitat as in a very poor condition, but this description depreciates the true habitat and landscape value at the location, which is enjoyed by many for the recreational value and rural landscapes it offers.

278. Edenfield Village Residents Association considers that there are more than enough turbines on Scout Moor, which has been damaged. Conditions were suggested, including a Section 106 obligation to provide funds for environmental and other improvements in Edenfield and Turn.

279. The Holcombe Society objected because of the serious adverse impact on the regionally important amenity areas of Scout Moor and Peel Tower, the health impact of wind farms, and that the 'Community Benefit Fund' is undeliverable.

280. The Prickshaw and Broadley Fold Conservation Area Committee objected on the grounds of cumulative development, visual impact, loss of Green Belt and Common Land, effects on the moorland and the socio-economic consequences of the development.

281. The Forest of Rossendale Bridleways Association expressed concern about the safety of suggested routes for horse riders.

282. The Lancashire Badger Group objected pending further information about setts near to proposed turbines, but had no objection to working with the applicant provided due consideration was made for badgers.

283. The Pennine Soaring Club, which uses Fecit Hill, objected for health and safety reasons concerning their activities near to horse riders.

284. The Pennine Mountain Bike Association highlighted the importance of upland areas as a recreational resource, and commented that any development that reduced current access or degraded the upland environment would damage the local economy.

285. The Rossendale Harriers objected because turbines would be too close to PRoW, which could put the future of fell races in doubt. Concern was also expressed about horse riders avoiding the area and the effects on the local economy, and for the setting of Waugh's Well given the proximity of PT6.

286. The Rossendale Ramblers consider that the area has been damaged too much already, and that new turbines should be located elsewhere.

287. The British Horse Society advised that it was taking a pragmatic position in not objecting to the proposal, given the proposed improvements to bridleways, which would need to be secured by a Section 106 obligation setting out the details and confirming payment by the applicant.

RBC appointed specialist consultants to independently review the application. These are summarised as follows.

288. JBA Consulting undertook a Hydrogeology Review. This expressed concern about turbines located within 50 m of water courses, but where necessary would require rigorous working practices. Later references to a 30 m buffer around watercourses should apply to the edge of the working area not the centre of the turbines. More information was required about the effects on private water supplies. Monitoring of flow in water courses was important because if rewetting of moorland resulted in higher levels of runoff this could make flood risk worse downstream.

289. The MRMP represents a large amount of activity on site over many years, and possibly the whole area for the MRMP should have been included in the application area. The MRMP is clearly a very significant contribution to the environmental status of the blanket peat on site, and should have a number of very positive environmental benefits, both for the peatland on site and the runoff water quality (specifically Dissolved Organic Carbon and colour) and possibly water quantity from the site. The MRMP has the possibility of improving the overall baseline environmental status of the blanket bog on site to a situation better than at present.[192]

290. Hepworth Acoustics completed a technical review of the ES noise chapter. This found that the noise assessment indicated that the wind farm could operate within ETSU limits, albeit marginally at Cowpe Hall Farm, and that mitigation measures would be necessary. Further analysis was needed to determine whether the daytime fixed lower limit should be below 40 dB for certain locations given that the limit specified in the planning permission for SMWF1 is 35 dB. Revised calculations with the removal of the proposed Rooley Moor scheme indicated that the 35 dB could be applied to all but 3 of the assessment locations. Further investigations showed that with noise mitigation measures cumulative noise levels could be controlled to achieve the lower ETSU daytime limit. It was noted that it would be some time before a Government statement on planning control of amplitude modulation (AM) would be available.[193]

291. The Greater Manchester Ecology Unit found that the proposal would not directly affect any statutorily designated nature conservation sites, but would affect local wildlife sites of blanket bog on peat substrates, a Priority Habitat, that can act as a carbon store or sink. A screening assessment determined that the construction and operation of a large-scale wind farm at Scout Moor would not have any significant impacts on the special nature conservation interest of the South Pennine Moors SAC/SPA, which is located some 9 km from the site. The proposal would not have any significant effect on protected

[192] CD2.3g and CD2.6d.
[193] CD2.3e and 3f, CD2.6b and 6c.

or priority species. A further survey for badgers would be necessary prior to construction.

292. The Unit was confident that potential constraints on the implementation of the MRMP were capable of being overcome. If successfully implemented the MRMP would result in the enhancement and positive management of some 900 ha of land. The impacts could be minimised to an acceptable level and significant enhancements could be achieved, providing that the works were undertaken in strict accordance with the submitted plans. The benefits for birds would compensate for any potential displacement caused by habitat loss or disturbance. Sufficient mitigation and compensation for harm to birds could be secured such that any harm caused to upland bird populations using the site would not be significant.[194]

293. A Review of Built heritage impact assessment by Grover Lewis Associates Ltd concluded that there would be limited effects. However, the ES under-calibrated the magnitude of effect on the Grade II* listed Church of St Nicholas with St John at Newchurch, and gave insufficient weight to the contribution that its setting makes to the significance of the asset.[195] The nearest turbine would be just over 2 km from the church. PT5, PT6 and PT7 would be prominent in views affecting the setting of the church. The effect of SMWF2 would be of moderate rather than negligible significance, albeit amounting to less than substantial harm in terms of the *Framework*.

294. From Cloughfold Conservation Area PT5, PT6 and PT7 would be the most prominent, and would result in a low magnitude of change, giving rise to a low significance of effect, which would not be significant in EIA terms, and less than substantial harm for the purposes of the *Framework*.

295. Waugh's Well and the remains of Fo Edge farm were not considered in the ES, but were assessed in FEI.1. The proximity of PT5, PT6 and PT7 would affect the setting of these non-designated assets. The turbines would form a dominant backdrop, and have an overwhelming presence, which could diminish the appreciation and enjoyment of these assets, leading to a low to moderate significance of effect to a non-designated heritage asset of low heritage significance.

296. These adverse impacts would arise principally because of the prominence of the 115 m high turbines on rising land north-west of Cowpe Moss in the linear northern extension to SMWF1. The July 2015 Review states that "Mitigation of these effects cannot practically be achieved other than by removal, relocation of the most prominent turbines, namely T5, T6 and T7".[196]

[194] CD2.3b and CD2.6f.
[195] CD2.3d page 14 includes Plate 1 which shows the view south from elevated ground north of the church, with modern housing in front of the church and the moorland backdrop behind. VP8 from the churchyard gives an indication of the likely scale and prominence of the proposed turbines.
[196] CD2.6a. The effects of the now proposed reduction in the height of PT5, PT6 and PT7 to 100 m is considered in C/PG/1 August 2016 and summarised at paragraph 132 of this report.

297. The Greater Manchester Archaeological Advisory Service pointed out some deficiencies in the Written Scheme of Investigation, but provided that the proposed scheme of archaeological works demonstrated that remains of national significance could be retained *in situ* through micro-siting, there were no grounds for raising an archaeological objection to the development.[197]

298. A Landscape and Visual Impact Assessment Review was undertaken by LUC. This concluded that in accordance with the advice in the *South Pennines Wind Energy Landscape Study* there is scope for additional wind turbines on Scout Moor, but that SMWF2 is not acceptable in landscape and visual terms, and mitigation was suggested to reduce these effects to a level of acceptability.

299. It was suggested that further design refinement should focus on the following turbines that integrate less well with SMWF1. PT5, PT6 and PT7 are consistently problematic in views to the north and north-east, and appear notably more prominent in views than other turbines, such as PT8 and PT9. A reduction in hub height of around 20 m was recommended. The proximity of PT7 and PT8 to the Pennine Bridleway would have significant visual effects, and these turbines should be set back further from the Bridleway, with no closer micro-siting. PT10 is problematic in lower lying views in the settled valley to the west, as it would encroach downhill, creating an effect of turbines 'spilling out' of the moorland plateau, and should be relocated or removed. PT11 at the head of New Gate Brook valley would be seen in framed views looking up the valley from the area around Newgate Farm and the A680, and so should be relocated or removed. After decommissioning of SMWF1 PT10, PT11, PT14 and PT15, in addition to PT16, would appear as outliers in many views, and so their removal at that stage should be considered.[198]

300. LUC acknowledged that FEI.1 sets out technical and environmental constraints on the relocation of turbines, but considered that further design work to reduce the heights of PT5, PT6 and PT7, along with finding alternative locations for PT10 and PT11, potentially in the Cowpe Moss area and well offset from the moorland edge, would enable it to advise that the scheme would be acceptable in landscape and visual terms.[199]

Inquiry stage

301. There were 16 written submissions from others who did not appear at the Inquiry, which are summarised as follows.

Written submissions objecting to the proposed development (6)

302. John Newcombe objected to the proposal on behalf of the Prickshaw and Broadley Fold Conservation Area (P&BFCA), which is an example of an historic Pennine hamlet and textile community.[200] The Conservation Area Appraisal states that the settlement lies within an almost unspoilt rural setting, albeit with some large pylons, with picturesque views overlooking Rochdale,

[197] CD2.3a.
[198] CD2.3h.
[199] CD2.6e.
[200] WR7 is a summary of the views of all 42 members of the Conservation Area Committee and updates the objection letter dated 8 February 2016 in the light of FEI.2, SoCG, PIN and Proofs of Evidence. The Committee's final submission is at ID32.3.

Whitworth and Scout Moor. Although the proposed development would not be readily visible from within the P&BFCA any additional extension to SMWF1 would have an adverse effect on the integrity of this heritage asset. In summary there is concern about the following:

a) The development forming one huge industrial wind farm with unacceptable cumulative effects when viewed along with other nearby wind farms. There are 28 wind farm developments within 6 miles (10 km) of the proposed development, and an outstanding proposal at Bamford Road.[201]

b) Scout Moor sits in the middle of a heavily populated urban area, for which the moors provide a 'green lung'. The uplands around urbanisations are becoming a wind farm landscape and not a landscape with wind farms – a tipping point has been reached. The proliferation of smaller single turbines in the locality has been greatly influenced by the existence of SMWF1.

c) The number and size of turbines should be considered along with the timescale for the development. SMWF1 has been operational since 2008 and that proposal was a concern to local communities long before then. If SMWF2 is granted permission and became operation in 2018, with decommissioning, the overall effect would be that Scout Moor would be lost for a period of not less than 37 years and perhaps exceeding 40 years. This would be an unacceptable legacy for local children.

d) PT2-PT9 would be much closer to towns and villages. PT11 would have an overwhelming effect on Turn. The centre of Ramsbottom would be just 2.1 miles (3.4 km) from PT10 and PT11, which would be 15 m higher than ET13 and ET24. The location and proximity to adjacent urban areas would be unacceptable.

e) An unacceptable visual effect would result from near, middle, distant and very distant locations in every direction, and this has been understated by the applicant. SMWF1 is highly visible to commuters and visitors using the busy M60/M61/M627 motorway network. FEI.2 acknowledges a significant visual effect on recreational users, with adverse effects on users of approximately 3 km of the Pennine Bridleway, and 6.5 km of the Rossendale Way. The applicant has not satisfied the community that the proposed 38% increase in the size of SMWF1 would not break the 'tipping point' here.

f) ET26 already adversely affects Waugh's Well, both visually and audibly. Construction of PT5, PT6, PT7, PT12, PT13 and PT14 would, along with ET26, completely envelop Waugh's Well, so that it would no longer be a peaceful and tranquil place of reflection. This well-known and much loved undesignated heritage asset would be seriously compromised. Rooley Moor Road, also known as 'The Cotton Famine Road', is highly visible from the M627 into Rochdale, and nothing should further undermine the visual integrity of this heritage asset. Furthermore, the P&BFCA would be prejudiced by cumulative development. The WMS dated 6 June 2013 states that great care should be taken to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impacts of proposals on views of their setting.

[201] Appeal Ref:APP/B2355/W/16/3152975. The site for this proposed 48 m high turbine was indicated to the Inspector at the site visit.

g) PT6, PT7, PT8 and PT9 would be sited within 400 m of PRoW. Cumulative development would prejudice the integrity of the Pennine Bridleway National Trail (and part of the MTL) and the Rossendale Way.

h) The creation of a total of approximately 10.8 miles (17 km) of roads, together with the permanent concrete bases for 42 turbines, plus other infrastructure, would be detrimental to the many heritage features on the moors, including the Cotton Famine Road.[202] Toxic concrete turbine bases would be there forever. Damaging materials would be imported to the site for road construction and cabling.

i) The development would all but stop any meaningful agricultural activity and there would be no professionally controlled grazing.

j) It is difficult to understand how SMWF2 with its infrastructure, embedded alien material and enduring presence could possibly 'conserve and enhance the natural environment'. The MRMP is a critical part of these applications. Attempts to use the HEF from SMWF1 for moorland drainage work have met nothing but red tape and obstacle. Any extension of the 'dead-zone' that is SMWF1 would further deteriorate wildlife amenity and resident and visiting wildlife populations. The moor has managed itself in the past and does not require a 42 turbine wind farm to 'improve the parts of the moor occupied by the scheme'. The applicant has exaggerated the extent of overgrazing. There is nothing to indicate how much the MRMP would cost or sources of funding, and it would need strict controlling. Expectations as to what a Conservation Ranger could achieve in controlling illegal off-road vehicles are optimistic. The MRMP is not deliverable and should be disregarded. SMWF2 would not be the saviour for this moorland habitat, but would be the cause of its further destruction.

k) The new roads would totally destroy amenity value for walkers, cyclists, equestrians and naturalists, seriously prejudicing the ability to "connect with nature".

l) Hundreds of thousands of cubic metres of alien material embedded in the peat moorlands would not improve the quality of the land.

m) Hardstanding, turbine bases and other permanent infrastructure would further deteriorate the natural peat content, which in turn would pose an unacceptable flood risk in times of heavy rainfall.

n) The network of roads would be either impossible or extremely expensive to police effectively – merely enhancing the ease of access for fly tipping, illegal off road biking and other damaging activities.

o) The local economy would not gain a net financial benefit. Homeowners would not benefit, and the development proposed would have severe detrimental financial consequences for every 1% fall in adjacent property values. An exception to the norm that the effect on property values is not a planning issue should apply here because the potential overall socio-economic consequences may be disastrous to the medium-term economic future of nearby towns and villages.

[202] More details about estimated imported materials are included at paragraph 6.8 of WR7 and further comment is included in Mr Newcombe's email dated 13 October 2016 at ID62 and email dated 21 October 2016 at ID57.

p) The existing 100 m turbines intrude on the integrity of the Green Belt. The adverse visual impact of the taller proposed turbines would be more extreme. The *Guidance* refers to authorities planning positively to enhance the beneficial use of the Green Belt, to retain and enhance landscape, visual amenity and biodiversity. The development is contrary to policies concerning the preservation of natural assets and open space, including Green Belt, and to the central policy on the protection of adjacent Green Belt land. There is no clear demarcation line here to indicate where the Green Belt begins and ends. Green Belt and Common Land should be considered together, and the applicant has underestimated the impact. In determining whether very special circumstances exist the Conservation Area Committee endorses the evidence of Dr Steve Davison concerning climate change and energy security. For the reasons set out in j) above the proposed restoration of severely degraded peat moorland via a MRMP does not result in 'very special circumstances'.

q) The scheme would require a separate request to deregister Common Land used extensively by the farming community, walkers and equestrians – the proposal pays no regard to the value of the Common Land, does not accord with legislation designed to protect Common Land, is against the interests of the neighbourhood, and against the public interest.

r) The contribution to low carbon energy from the additional 16 turbines is immeasurably small compared to national targets – there is sufficient built and consented onshore wind energy for 2020.

s) The application of public funds to this development would not represent good value for money and would benefit the developer ahead of the taxpaying public who must bear the cost of onshore wind farm subsidies.

t) A 42 turbine wind farm in close proximity to dwellings is a serious prospect. Caution should be exercised regarding the noise and amplitude modulation (AM) concerns of the communities close to the enlarged wind farm. Given that there is ongoing research into the health effects of AM, the applicant has failed to provide convincing data to support its assertions that AM noise would not be a problem here. No construction should take place until all risks have been adequately identified. If the scheme is approved conditions should be imposed so that no turbine is within 1.5 km of any dwelling.[203] The suggested AM condition does not go far enough.

u) Local communities do not want this development, for which there is virtually no community support. Complaints against RMBC for how it has dealt with turbine applications have been upheld. RBC was highly dependent on the financial gains from business rates and profits from developing land in public ownership. Neither authority took adequate notice of the wishes of the local communities. RMBC approved the application because it was responsible for just two of the proposed 16 additional turbines and, crucially, that those two were infill turbines which, although damaging to the Green Belt, would not extend the overall footprint of the extended wind farm. The RBC application is contrary to Policy 14 Tourism, Policy 17 Green Infrastructure, Policy 18 Biodiversity and Landscape, Policy 19 Climate Change and Policy 20 Wind Energy.

[203] Mr Newcombe's email dated 21 October 2016 at ID57.

The many disadvantages far outweigh any advantage to the proposed development. The applicant has failed to satisfy the planning concerns of local communities.

303. Concerning the WMS, local communities do not want any more wind farm development on diminishing rural open space. The planning impacts have not been fully addressed to the satisfaction of local communities. Turning to the transitional arrangement of the WMS, firstly regarding consultation, it is questionable whether the applicant has fulfilled this requirement, given its refusal to engage with the residents of Turn, and to provide evidence of visual impact from key locations, in a timely and proportionate manner. Neither has the applicant addressed the planning impacts identified by affected communities. The second part of the transitional arrangement concerns local community backing for the proposal, which does not exist here.

304. In Appeal Ref:APP/B3030/W/15/3003130 for four 130 m high turbines at Newark Road, Hawton, the Inspector acknowledged that local planning authorities are elected by locals to represent their views and can be expected to determine the 'resolved' view of the community having considered views for and against a proposal. But he did not think that this is what the WMS intended, as it would not provide for any meaningful appeal process. The Inspector concluded that the planning impacts as identified by the affected communities included both local objections and wider support for RE, and that these should be included in the overall planning balance to assess whether material concerns resulted in unacceptable harm. However, the Secretary of State found the adverse impacts to be limited, but concluded that some had not been addressed, and so found that the transitional provisions within the WMS had not been satisfied and gave substantial weight to this conflict.

305. Mr Carloni noted that the proposed 16 turbines would be approximately 1,200 m from his property and he objected to the proposal on the grounds of visual impact, devaluation of his property and noise effects on health.[204]

306. Mrs B O'Connor reported an incident on Scout Moor where her 'traffic proof' horse panicked when she was riding towards a turbine and went off the access track into the bog. The horse shied at the noise from the next turbine, she had to dismount to pass the third turbine, and had to return via an alternative route.[205]

307. John Boys agrees with the submissions to the Inquiry made by Mr Trivett, and opposes the development on visual amenity grounds. The use of renewables has to be tempered by consideration for the loss of public amenity. The Valley from Whitworth down to Haslingden has been increasingly affected by views of turbines. From his property he can see between 30 to 40 turbines, and these applications would add more. The scheme would see an over-development of wind turbines adjacent to a residential area, and that the aggregate loss of visual amenity would have an overbearing impact.[206]

[204] WR11.
[205] ID18.
[206] ID27.

308. Jane Lees refers to the effects of building Crook Hill wind farm on drainage, erosion and soil conditions, where new access tracks have made it easier for illegal off-road bikes, and disturbance resulted to an old Council landfill site.[207]

309. A letter from RBC regarding the discharging of conditions for construction of the turbines at Sheephouse Farm indicates that work started before the application was made, and that the turbines had been erected by the time RBC responded. RBC's response to the submissions included that "Given the stage to which the development has progressed to approve the submitted reports is superfluous".

310. Andrea Harwood considers that there are too many turbines on Scout Moor and queries why they could not be put on Saddle Worth Moor, which is vast and uninhabited.[208]

Written submissions in support of the proposed development (10)

311. Mrs CE Peat is the Regional Bridleway Officer for the North West for the British Horse Society and Secretary of the Forest of Rossendale Bridleways Association and supports the applications for the following reasons. The bridleway network has decreased to unsustainable levels forcing riders onto busy roads. Rossendale has a mere 25 miles (40 km) of definitive bridleway out of 400 miles (640 km) of PRoW, and desperately needs more off-road routes. Notwithstanding concerns about the efficiency of turbines and their visual appearance, objecting to turbines as a horse rider has had negligible impact on the decisions. Far more serious objections on other grounds have been dismissed, so it was futile to keep complaining about the effects on horses. For that reason, the applicant was approached about concessions for horse riders if they did not object. Riders living to the east and north of Scout Moor are landlocked from the Common.[209]

312. Newer larger turbines move more slowly and are not considered to be a threat to horses at all compared to the smaller ones, and the fear from riders now is a perceived danger, rather than an actual one. Riders not confident enough to use the section of the MTL near to the proposed turbines could take advantage of the recent upgrade from footpath to bridleway along Royds Road.[210] Riders interested in accessing the Common would be offered association days to accustom their horses to the turbines in a non-threatening environment. The threat of illegal motor bike use of the concessionary bridleway could be countered by measures put in place to prevent such access. The proposed holding pen could have a locked gate with horse riders given keys. Motorcyclists would be unlikely to use this access if they would have to contend with horse stiles and locked gates, all in sight of nearby houses. The proposed Conservation Ranger would also hopefully deter bikes.

313. The moor is in a poor state, both from water erosion and also from illegal motor bike use. The moorland regeneration plan, with an area at a time taken out of use for access and grazing to allow natural flora and fauna to

[207] ID55.1.
[208] WR14.
[209] WR12.
[210] This route is shown on the attachment to WR12.

regenerate, is desperately needed as the peat bog is degenerating and collapsing with so much erosion. Without further development of the site this much needed regeneration programme is unlikely to happen.

314. David Rispin supports the applications, in particular the concessionary bridleway access. Riding routes have been slowly disappearing and riding on roads is too dangerous. More off-road riding is needed and the concessionary route would be a valuable addition. Many horses do not cope well with turbines, but the new turbines are quieter and less objectionable to horses for some reason. Erosion to the moor from water, previous construction works and motorbikes need addressing, and the regeneration plans are an important part of the applications.[211]

315. Kay Bruce supports the plans on the basis that they include bridleway rights to allow horse riders to access the Common from Turn. The bridleway network at present is fragmented and somewhat lacking. There are only 25 miles (40 km) of definitive routes in Rossendale, which do not link up well. The expansion plans would greatly benefit all non-motorised users, particularly horse riders. Horses, generally, can be familiarised with wind turbines thus eliminating problems for their riders.[212]

316. Pat Tough does not object to the applications on the understanding that they include concessionary bridleway rights to allow horse riders to access the Common from Turn and nearby places, such as Edenfield and Ramsbottom. Whilst not agreeing with the damage to the environment and to the problems likely on the MTL, the scheme would provide for more off-road riding.[213]

317. Sally Baker is concerned that the voice of most residents may be overlooked in the response to a more outspoken minority of objectors. The turbines look perfectly fine in the landscape. Given the obvious necessity of cleaner RE sources it is difficult to understand the opposition.[214]

318. Marianne Rushton keeps horses and considers that the proposed concessionary bridleway rights would allow horse riders to access the Common from Turn. This would give riders from this area a much needed link to the Pennine Bridleway. The scheme should be supported subject to confirmation of these concessionary routes.[215]

319. Lisa Hindle stated that clean energy is extremely important and the turbines are really important because they provide cheap RE. Many people are in support of the turbines, but not able to attend the Inquiry.[216]

320. Kelly Lawson was affected by floods in 2015 and expects that the proposed extension to the wind farm would lead to further investment in moorland restoration, and that flooding issues would be addressed. Any slight disturbance in the short term would be short lived and outweighed by the longer term benefits of clean and green energy. The moorland and pathways

[211] WR13.
[212] WR15.
[213] WR16.
[214] ID7.
[215] ID13.
[216] ID16.

are in desperate need of attention to preserve them for future use. Objections to the scheme at the Inquiry are not a true representation of the wider community. The existing turbines have caused no harm. People would rather see further turbines than that fracking, for example, be allowed within Rossendale Valley. A lot of people feel that the turbines are an opportunity for the Valley to thrive and prosper. They would be an education opportunity for local schools.[217]

321. Bryan Farlow regularly walks on Holcombe Moor and Scout Moor Range and is a member of the Royal Society of St George, which flies the flag of St George from the top of Peel Tower on St George's Day. The tower is open for visitors on that day and extracts from the 'comment book' for 2009-2011 are included in the submission. Many of the comments refer to the wonderful view. None refer to the wind farm, which opened in 2008.[218]

322. Peter Boys works for a local construction company and considers that the UK needs to plug the shortfall in supply of electricity. Fossil fuel generating plants and the distribution network are inefficient because of transmission losses. In the absence of any other form of generation in the short term, we owe it to future generations to support RE, and in this instance SMWF2. Wind energy has been around the region for almost 25 years, without apparent serious detriment to the environment of these installations. The loss of industries over the past 30 years has left Rossendale struggling to survive. Wind farms have not impacted on property prices in the main habitable areas of the valley, and appear to add to the local economy. The elected Council can be entrusted to ensure the sites are handled sensitively, with minimal damage to the local ecology, as well as improvements to it.[219]

[217] ID28.
[218] ID51.
[219] ID58.

Conditions and obligations

323. RBC/RMBC and the applicant reached agreement about the imposition of planning conditions in the event that the applications were approved.[220] Interested persons and local residents made representations about possible conditions at the Inquiry and these, and other suggestions, were discussed at a without-prejudice discussion about possible planning conditions, which took place towards the end of the Inquiry.[221] The main points from this discussion are outlined as follows.

324. There was discussion about whether a five or three year commencement period should apply. Interested persons questioned why the normal three years would not be appropriate here. The applicant advised that implementation would follow a separate statutory process under the Commons Act regarding an exchange of common land, which would only be initiated after the grant of planning permission. It was also suggested by objectors that construction should commence no later than 12 months after any deregistration of Common Land, but not to exceed the original five year period.

325. Many local residents are concerned about provisions for the removal of the turbines and infrastructure after any temporary permissions had expired, and whether sufficient resources would remain to undertake the restoration of the site. Some considered that the applicant should enter into provisions for a bond to ensure restoration in compliance with the *Guidance*. Submissions included a request for an inflation linked bond with five yearly reviews. The applicant considered that these would be unnecessary and that the matter could be addressed by a planning condition. RBC/RMBC were satisfied that as the restoration condition would be triggered whilst the wind farm was still operational, the local planning authorities would have sufficient control, and that the turbines would still have considerable value at that stage that could be recovered if necessary to ensure restoration.

326. The SoCG refers to a disagreement about the need to impose a condition to control amplitude modulation (AM) of wind turbine noise.[222] However, the parties agreed at the Inquiry to the imposition of an AM condition. Some objectors commented that a safe AM condition could not be put in place at present, pending a Government policy compliant scheme of regulation. Others thought that a condition should require no turbine to be within 1.5 km of any dwelling. In checking compliance with noise conditions it was suggested that the onus should be on the operator, and that monitoring should continue throughout the life of the scheme, for both 'normal' operating noise and AM. It was argued that the compliance testing condition suggested by the applicant should be modified to allow monitoring at seven sites. The need for an infrasound condition to be considered was also suggested.

327. Concern was also expressed about the enforcement of complex conditions. A local resident considers that both Councils have a poor track record of supporting the community in enforcing or addressing complaints. In one case

[220] ID60.
[221] ID25.1, ID29, ID48, ID57 and ID63.
[222] SoCG paragraph 12.2.

pre-conditions were not properly discharged.[223] It was suggested that an annual sum be dedicated to Council staff for monitoring conditions, and that the costs of managing any non-compliance should be borne by the operator.

328. Funding for controlling off-road vehicles, and the need for two rangers, was raised. Some considered that the size of the MRMP fund should be increased to a meaningful figure, and £10m was suggested. Reservations were also expressed about the lack of any mechanism in the suggested MRMP condition to measure progress, or how to deal with a lack of progress. The applicant considers that the MRMP would comply with the tests for conditions.[224]

329. A more detailed hydrology condition was suggested by United Utilities. There were also some references to the community benefit fund, but it was made clear at the Inquiry that this would not be a matter for the planning system.

330. There was some discussion about the need for a condition to require repair of damage to public highways from construction vehicles, or whether this would be covered by the provisions of Section 59 of the Highways Act.[225]

331. Local residents considered that construction and vehicle movements at 0700 hours would be intrusive, particularly for the residents of Turn, and suggested that normal construction hours should be from 0800 to 1800 hours. The applicant disagreed because this could extend the overall construction period. RBC/RMBC considered the suggested period of 0700-1900 to be reasonable, and there was anecdotal evidence that restrictions had proved to be acceptable in the construction of SMWF1. In addition, it was noted that approval of a Traffic Management Plan could take into account the times of the 'school run' and other peak times for local traffic.

332. It was suggested that a condition be imposed to require the turbines to rotate at the same speed, but it was explained at the Inquiry that rotation speed is dependent upon wind speed, which would vary across both SMWF1, and SMWF2 if permitted.

333. My observations about the suggested conditions are set out in the Conclusions section of this report.

[223] ID55.2.
[224] ID54.
[225] ID56.

Conclusions

Preliminary matters

334. The following conclusions are based on the written submissions, the evidence given at the Inquiry, and my inspections of the site and its surroundings. In this section the figures in parenthesis [ ] at the end of paragraphs indicate source paragraphs from this report.

335. I am satisfied that the ES and FEI reasonably comply with the requirements of the EIA Regulations. In considering the applications, and in making the recommendations below, I have taken into account the Environmental Information. In doing so I have come to a different view about the significance of, and weight to be given to, some environmental effects from that set out in the ES/FEI. [2,6,35]

336. Whether the applications should be determined on the basis of the amendments to the proposed development suggested at the Inquiry is a matter for the Secretary of State. However, it seems to me that the amended scheme would not be a substantially different proposal to that which was before RBC/RMBC, and there is no evidence to indicate that dealing with the applications on the basis of the suggested amendments would be prejudicial to the interests of any persons or parties. The effects of the suggested amendments have been the subject of consultation, representations and consideration at the Inquiry.

337. Given the nature of the reduction, in height and longevity of some turbines, and its containment within the *Rochdale* envelope already assessed, further environmental information would not be required to enable the amended applications to be determined. There was no objection to the consideration of the amended proposal by anyone at the Inquiry. In these circumstances, dealing with the applications on the basis of the amended scheme would reasonably accord with the *Wheatcroft* principles.[226] If the Secretary of State agrees, the suggested amendments could be required by imposing appropriate planning conditions to any grant of planning permission. [9,10,38,39]

338. If the Secretary of State deals with the applications on the basis of the suggested amendments, then separate descriptions for each application, to properly reflect the development for that part of the scheme and local authority, would provide greater clarity. The separate descriptions for the amended scheme agreed by the applicant and RBC/RMBC at the Inquiry refer to, amongst other things, construction and operation of 11 turbines with a maximum height of 115 m and three turbines up to 100 m high for the RBC application, and construction and operation of two turbines with a maximum height of 115 m for the RMBC application. The full text of the agreed descriptions is set out in Annex C1, Annex C2 and Annex C3 of this report. [11,12]

[226] *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another* [1982] 43 P. & C.R. 233 at CD10.7.

339. There are no suggested planning conditions or obligations linking the two applications. However, the applicant states that the part of the scheme within RMBC would not be capable of coming forward (commercially) without the elements of the scheme located with RBC, but acknowledges that the part of the scheme in RBC could be completed without undertaking the part within RMBC. Whether a scheme was commercially viable might depend upon many factors, and a current unfavourable view by an applicant about commercial viability would not be a sound basis for refusing planning permission.

340. In the circumstances where PT15 and PT16 were dependent upon infrastructure located within the part of the scheme in RBC, there might be ways of securing this infrastructure other than by a grant of planning permission for the RBC application. This might just mean that the scheme in the RMBC application could not be implemented without additional requirements that might themselves require approval, such as a grid connection. But that would be so here in any event, because of the requirement to deal with Common Land under a separate jurisdiction. However, given the applicant's view about commercial viability this was not a matter that was explored at the Inquiry. [11,14,36]

341. It seems to me, that neither the applicant's current views about commercial viability, nor the fact that an approved scheme might require additional infrastructure, and further approvals/consents, need rule out the possibility of granting planning permission for the RMBC application in the event that the RBC application was refused. The applications are not procedurally linked in any way, and so there are, subject to the Secretary of State's findings about the planning merits of the proposals, four possible outcomes here; both applications approved, both applications refused, the RBC application approved but the RMBC application refused, and the RMBC application approved but the RBC application refused.

342. The permission for SMWF1 expires in 2034 and planning conditions would then require decommissioning and site restoration. Concern was expressed that these existing turbines might be repowered or that the time period would be extended, so that Stage 2 would be unlikely to ever be reached. However, any such future proposals would be a matter for the respective local planning authorities in the first instance, having regard to all relevant considerations and policy that applied at that time. Determination of the current applications should not be influenced by speculation about the future of SMWF1. The decisions should be made on the basis that for the remaining years of SMWF2's 25 year lifetime, beyond decommissioning of SMWF1 in 2034, Stage 2 would occur. [89,193,213,232,265(12)]

343. Stage 2 would comprise PT1-PT15 in the un-amended scheme, and PT1-PT9 and PT12-PT14 in the amended scheme, provided that both the RBC and RMBC applications were permitted and fully implemented. If the RBC application was permitted and the RMBC application refused, Stage 2 would consist of PT1-PT14 in the un-amended scheme, and PT1-PT9 and PT12-PT14 in the amended scheme. If the RMBC application was permitted and the RBC application refused, Stage 2 would consist only of PT15 in the un-amended scheme, and there would be no turbines in the amended scheme.

Main considerations

344. The matters about which the Secretary of State particularly wishes to be informed for the purposes of considering these applications, along with other matters that the Inspector considers might be relevant here, are as follows.

(1) Whether the proposed development conflicts with policy to protect the Green Belt and the effects of the proposed development on the openness of the Green Belt and upon the purposes of including land within it.

(2) The effects of the proposed development, in combination with other existing or proposed wind turbines, on the character and appearance of the area.

(3) The effects of the proposed development, in combination with other existing or proposed wind turbines, on the local amenity and the living conditions of nearby residents, with particular reference to;

(i) outlook,
(ii) noise,
(iii) shadow flicker,
(iv) health and well-being.

(4) The effects of the proposed development on biodiversity.

(5) The effects of the proposed development on heritage assets.

(6) Other considerations, including the effects of the proposed development on;

(i) Public Rights of Way (PRoW),
(ii) highway safety,
(iii) drainage and flood risk,
(iv) duration and reversibility of the scheme,
(v) and any other considerations.

(7) The contribution of the proposed development towards the generation of energy from renewable sources and meeting the challenge of climate change.

(8) The planning balance, and if the development is inappropriate in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

(9) The extent to which the proposed development would be in accordance with the development plan for the area.

(10) The extent to which the proposed development would be in accordance with the *National Planning Policy Framework (*the *Framework)* and *Planning Practice Guidance (*the *Guidance)*.

(11) The extent to which the proposed development is consistent with the Written Ministerial Statement (WMS) on local planning made by the Secretary of State for Communities and Local Government on 18 June 2015.

(12) Whether any permissions should be subject to any planning conditions or obligations and, if so, the form that these should take.

345. The remainder of this report addresses the matters outlined above, dealing separately with each application where necessary. My recommendations are based on these findings.

Green Belt

346. The designated Green Belt extends to the east, south and west of the site. About 179 ha of the application site lies within the Green Belt. Of the 26 existing turbines that comprise SMWF1, 15 are located with the Green Belt, all within that part of the Green Belt that lies within RMBC. [4]

347. In the RBC application the elements of the proposed development that would be within the Rossendale part of the Green Belt comprise underground cabling and the continued use of existing access tracks. These would be essentially engineering operations or local transport infrastructure that would preserve the existing openness of the Green Belt. No case was argued at the Inquiry that, contrary to the agreed position of the main parties, the RBC part of the proposed scheme would constitute inappropriate development in the Green Belt. These works and activities would not materially affect the openness of the Green Belt. There is no reason to find that the RBC application is inappropriate development, or that it would conflict with local or national policy concerning the Green Belt. [42,109]

348. In the RMBC application the scheme would involve development that is not included in the exceptions set out in paragraph 89 of the *Framework,* and paragraph 90 does not apply. The advice in the *Framework* that elements of many RE projects will comprise inappropriate development applies in this case to PT15 and PT16. The part of the scheme in RMBC would be inappropriate development in the Green Belt. The *Framework* states that when located in the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The *Framework* provides that substantial weight should be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. RochdaleCS Policy G4 has similar aims and provisions. [42]

349. PT15 and PT16, although vertical structures, would together with their associated equipment and infrastructure, have a significant adverse effect on the openness of the Green Belt. The resultant encroachment into the countryside would be at odds with one of the purposes of the Green Belt. [42,110,302p]

350. The RMBC part of the proposal would be inappropriate development in the Green Belt. Furthermore, it would be at odds with one of the purposes of the Green Belt, and would erode its openness. The development proposed in the RMBC application would, therefore, harm the Green Belt. I consider in the following sections of this report whether this part of the proposal would result in any other harm, and then have regard to other considerations, so as to provide the necessary information for the Secretary of State to undertake the balancing exercise outlined above for inappropriate development in the Green Belt to establish whether very special circumstances exit. [182]

Character and appearance

351. The 410.85 ha site lies between the urban areas of Rochdale, Bury, Blackburn/Accrington and Halifax, with the Manchester conurbation to the south. A ring of smaller valley settlements includes Edenfield and Ramsbottom to the west, Rawtenstall and Bacup to the north, Whitworth to the east and

Norden to the south-east. The site is about 2.7 km from the M66, and is broadly encircled by the A56/A680 to the west and south, the A671 to the east, and the A681 to the north. Other wind farms in the locality, some 7 km to 8 km from the site, include large turbines (higher than 100 m) at Reaps Moss, Todmorden, Hyndburn and Crook Hill. [24,28]

352. GLVIA3 recognises that cumulative landscape and visual impact assessment could focus on either additional effects of the scheme being assessed on top of the cumulative baseline, or the combined effects of all the past, current and future proposals together with the scheme being assessed.[227] Both should be evaluated here because Scout Moor is recognised as a distinctive part of the local landscape, where incremental and combined effects would need to be considered in Stage 1. The significance of landscape and visual effects is derived from the magnitude of change and the sensitivity of receptors. Those using PRoW for recreational purposes are considered to have high sensitivity. [45,119,250]

353. The site lies within the Southern Pennines National Landscape Character Area (NCA36), which is described as a complex area of large sweeping uplands dissected by valleys, often with reservoirs, and strongly associated with industrial activity. It adds that extensive and memorable views of the open moorland contrast with the densely built mill towns enclosed in the valleys. In a more detailed and local assessment it is within part A1 of LCT A: High Moorland Plateaux, which is characterised as a large scale sweeping open landscape with strong skyline ridges and expansive views offering a sense of remoteness, isolation and wildness. SMWF1 has had a significant effect on this landscape, and now forms part of the baseline for the assessment of future proposals for turbines during Stage 1, in what has become a 'landscape with wind farms'. [29,114,115,118]

354. The construction of turbine bases and access tracks would have some effect on the landscape fabric, but would directly affect only a small part of the moor. Approved construction methodology could minimise this impact, and if significant weight is given to the benefits of the MRMP then the landscape fabric of an extensive area of moorland would be improved. I deal with the MRMP in more detail later. In any event, the likely effects of the turbines on the landscape character and visual amenity of the area would be of much more consequence than the likely impact on the fabric of the landscape.

355. The *Landscape Capacity Study for Wind Energy Developments in the South Pennines* by Julie Martin Associates (JMA2010) notes that the area's open moorland, distinctive skylines and relative wildness have already been significantly affected by SMWF1, that the northern and western part of the moorland plateau and fringe are not of the highest landscape quality because of disused hard rock quarries on higher ground, and identifies potential scope for further wind energy development that would not result in major additional impacts. The *South Pennines Wind Energy Landscape Study* by Julie Martin Associates and LUC (JMA2014) reiterated that some limited extension of existing wind farms may be acceptable in landscape terms, in the western part of A1 around Scout Moor only. But this was subject to detailed considerations

[227] CD6.1 paragraph 7.18.

of landscape, visual and other environmental impacts, and compliance with design guidance. The evidence submitted for the Inquiry provides a detailed basis for assessing landscape and visual impact in relation to a specific scheme. [43,114-116]

356. The site has a broadly domed landform that offers views across the surrounding valleys to nearby and distant hills. Additional tall turbines in this elevated location would be visible over a wide area. This is apparent from the Zone of Theoretical Visibility (ZTV). The ZTV does not make any allowance for the screening effects of land cover, such as vegetation or buildings. Views from within 10 km of the site would be most important because from these areas the difference between the existing 26 turbine wind farm and the proposed 42 turbine scheme would be more apparent than in more distant views, where the expanded wind farm might appear more generally as part of a wider pattern of wind farms located on elevated areas.[228] The ZTV for Stage 1 is shown at Figure 7.4a, and indicates extensive areas to the north, west and south where SMWF2 would be likely to be visible.[229] The removal of PT16 in the un-amended scheme at Stage 2 would make little difference to the ZTV.[230]

357. The applicant's LVIA acknowledges that some of the proposed turbines would result in visual changes that would form either a prominent or conspicuous change in the quality and character of views, resulting in significant adverse visual effects. It concludes that the new or additive visibility of SMWF2 would result in significant adverse visual effects in close range views from VP15, VP8, VP3, VP5, VP9, VP10, VP1 and VP6.[231] From more distant vantage points a significant additive adverse visual effect is predicted for VP17, VP16, VP7, VP18, VP19, VP26 and VP28.[232] For combined visual effects the LVIA states that SMWF2 would be the principle contributor to significant adverse visual effects from vantage points to the north-west, north and north-east, including VP3, VP5, VP7-VP10, VP19, VP26 and VP28. Whereas SMWF1 is considered to be more responsible for combined visual effects from the west, east and south, including VP1, VP6, VP11, VP13, VP15, VP16, VP17, VP18, VP20, VP22, VP25 and VP30.[233]

358. JMA2014 is an important consideration in determining these applications because it provides a broader context for assessing the likely effects of large turbines.[234] The study identifies some scope for extension of SMWF1, but this is qualified, in a landscape that JMA2014 describes as extremely sensitive and highly valued. The area around Scout Moor was described as detached from the main Pennine ridge, and found to be of lesser landscape quality, scenic quality and natural heritage interest than other parts of the LCT, although it remains highly sensitive in terms of skylines and settings, visibility and views. The following deals separately with the effects of the scheme on landscape character and visual amenity, with respect to each of the applications. [115]

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[228] Of the 29 representative viewpoints 21 are located within 10 km of the turbines.
[229] CD1.3(1).
[230] Figure 7.4c at CD1.3(1).
[231] Viewpoint locations are shown on Figures 7.5b, 7.5c and 7.6a of CD1.3(1).
[232] CD1.2 pages 123-128.
[233] CD1.2 pages 129-131.
[234] JMA2014 pages 25-30.

359. I deal first with the effects of the RBC application on landscape character. The part of the scheme included in RBC would extend the influence of wind energy development beyond that of the footprint of SMWF1 and would locally change the open character of the north-western part of the moor in the vicinity of Cowpe Moss and Cowpe Low. This would be particularly apparent in the vicinity of the steeply sloping northern moorland edge above Boarsgreave. Earthworks remaining from the historic workings of Cragg Quarry are a feature on this skyline, but with time these have softened into the local landscape. The projection of the wind farm into this part of the moor would be apparent from VP9 where PT7, PT8 and PT9 would extend beyond the existing footprint of SMWF1. The same would be so from VP19 where PT7, PT8, PT9, PT10 and PT12 would project into an undeveloped part of the moor. From VP7, PT5-PT9 and PT12 would extend the wind farm further across this open northern part of the moor. The same effect would be apparent from VP16, VP17 and VP18, with the proposed turbines extending the influence of the wind farm a considerable distance towards Cowpe Lowe. [46,240,244]

360. The 'Constraints' for LCT A identified by JMA2014 include the extensive open access land and commons, which provide rare opportunities for large nearby urban populations to enjoy relative wildness and tranquillity – qualities that wind energy development may damage. There is considerable evidence from the Inquiry that this is a valued landscape because of its openness, tranquillity and attractive views into the lower valleys. The proposed turbines along the spur that extends from Moss Top to Black Hill would impact adversely on these characteristics of the area. I consider that the applicant overestimates the existing significance of SMWF1 on this area, and so understates the likely additive effect of this part of SMWF2 on the landscape character of the area. The applicant acknowledges that SMWF2 would, in combination with SMWF1, have a major/moderate adverse and significant effect upon the 'South Pennine Moors' character area, but finds a non-significant additive effect. In my judgement, the incremental effect on this character area would also be major/moderate adverse and significant. [45,251,253]

361. However, I agree with the applicant's findings about the effects of the RBC application on the adjoining character areas 'Scout Moor and Shore Moor Fringe' and 'Irwell (Ramsbottom, Rawtenstall and Bacup)', where SMWF2 would have some effect on the valley slopes associated with Boarsgreave, Cowpe and to the east of Edenfield, primarily due to the increased prominence of turbines on the skyline. The additive effect on landscape character of these areas would be moderate adverse and non-significant. But I note that the applicant accepts that the increased prominence of turbines on the skyline above Bacup and Newchurch would result in a localised major/moderate and significant adverse effect on the landscape (VP8). In combination with SMWF1 the effect would be major/moderate adverse and significant for 'Scout Moor and Shore Moor Fringe', and moderate adverse and non-significant for 'Irwell (Ramsbottom, Rawtenstall and Bacup)'.

362. Taking all the landscape character evidence into account, I find that the proposal for SMWF2 within RBC would have an adverse effect on the landscape resource of major/moderate significance. I turn next to consider the visual effects for the RBC application. [47,210]

363. JMA2014 with respect to 'Skylines and settings' states that the sharp edges of the high moorland plateaux are highly sensitive because they are extremely prominent visually, and often form highly valued backdrops to the settlements in the valleys. Some of the proposed turbines would be prominent and intrusive features on the skyline above the settlements to the north of the site. From VP3 PT5, PT6 and PT7 would be seen on the skyline. These proposed turbines, along with PT3, PT4, PT8 and PT9, would be prominent on the long ridgeline in views from VP5. The same would be so from VP8 for PT2-PT8. The reduction in height of PT5, PT6 and PT7 in the amended scheme from 115 m to 100 m would make a small, but from most vantage points insignificant, difference to how these turbines would be seen in prominent skyline locations.[235] [120,121]

364. SMWF2 would introduce views of turbines where none currently exist of SMWF1 turbines. These areas are shown shaded pink on ES Figure 7.5c.[236] But this does not convey the full extent of the difference in visual impact. From some vantage points, only the blade tips of existing turbines are currently seen, whereas the proposed turbines would be far more prominent. This is apparent from VP5. However, VP10 is identified as being within an area where PT5-PT9 would introduce views of turbines where no SMWF1 turbines can currently be seen. These would be particularly prominent on the skyline above the settlements. This harmful effect would remain in Stage 2 after the decommissioning of SMWF1. The part of the scheme proposed in RBC would conflict with the guidance in JMA2014 about safeguarding skylines. [48,242]

365. The 'Discussion on landscape sensitivity' in JMA2014 notes that land of highest sensitivity occurs on the edges of the plateaux where scale comparisons are most easily made and turbines are most prominent visually. Such distinctive skylines are identified as a 'Constraint'. It was evident from my site visits that the topographic break of slope associated with the moorland edge is an area of higher susceptibility to wind energy development. Some of the proposed turbines would appear to spill off the moor, and their siting and height would dominate the scale of the local topography.

366. This would be particularly apparent for PT11, which would dwarf the valley of New Gate Brook in views from the area around Turn.[237] The wireframe for Scout Barn Farm indicates how PT11 would be seen set down from the top of the moor, sited in the centre of this valley, and dominating the scale of the local topography.[238] PT8, PT9, PT10 and PT12 are set down from the top of the moor and would appear in views from VP7 and VP16 to be extending the wind farm down the slopes of the moor towards the settlements in the valley.[239] The applicant acknowledges that PT10 could not be relocated because of nearby steep slopes, which indicates its proximity to this visually important edge of the moor. The extent to which PT12 would appear to be set

[235] The wireframes for viewpoints in CD1.19(2) show the difference between the original scheme and with reduced tip height for PT5, PT6 and PT7.
[236] CD1.3(1).
[237] The visualisation at APP/BD/3 shows PT11 from Newgate Farm.
[238] Figure 6 Residential Assessment Property 106 Appendix 7.6 at CD1.5(1). Figure 4 Residential Assessment Property 103 depicts the same effect from a different perspective.
[239] CD1.11 Figure 2.7 Appendix 2.2.

down off the edge of the moor and on the valley slopes that extend down towards Scout Moor Brook is apparent from VPC.[240] [299,302d]

367. I do not consider that the proposed layout would integrate well with SMWF1 during Stage 1 because some turbines would be set close to the edge of the moor, contrary to the 'Key considerations' identified for LCT A in JMA2014, which include setting large turbines well back from steep moorland edges, generally by at least 400 m, to minimise visibility and avoid undue intrusion on skylines as perceived from valley settlements below. I consider that the proposed turbines sited near to the edge of the moor would have an adverse visual effect of major significance. [49]

368. 'Key considerations' identified for LCT A in JMA2014 include avoiding locations close to prominent knolls that occur on some moorland summits, for example Scout Moor, and locations where turbines would interrupt popular panoramic views from the escarpment edge and long distance paths. PT9 would be sited close to the junction of the Pennine Bridleway and the Rossendale Way, where it would be intrusive in views down towards the Edenfield valley and beyond (VP2).[241] PT12 would also impair panoramic views down into the valley from parts of the Rossendale Way.[242] FEI.1 identified that SMWF2 would have an adverse visual effect on users of the Pennine Bridleway and MTL for approximately 3 km. This might be a small part of the overall experience of those walking or riding long distance routes, but it would nonetheless colour their view about an important part of this well publicised PRoW, and diminish their appreciation of the moorland landscape. [49]

369. From VPC at Waugh's Well, and along this part of the Rossendale Way, PT8 and PT9 would stand in front of Cowpe Lowe.[243] They would tower above this prominent knoll, significantly reducing its importance as a local landscape feature. The siting of PT5-PT9 along the ridge would adversely impact on views across the edge of the moor, where it slopes steeply down to Cowpe Reservoir, from well used vantage points along the National recreational route (VPB).[244] Again the reduction in height of PT5, PT6 and PT7 in the amended scheme would make little difference to how these turbines would dominate the moorland edge. This part of SMWF2 would conflict with the advice in JMA2014 about the effects of large turbines on prominent knolls and panoramic views.

370. Other turbines would be less intrusive. PT13, PT4, PT3, PT2, PT1 and PT14 would be largely contained within the footprint of SMWF1 in Stage 1, and would be confined to the upper reaches of the Scout Moor Brook valley, where ET26, ET23 and ET20 already have some influence on how this part of the moor is perceived. PT14 would be prominent on the upper slopes of Higher Hill, but would be seen in the context of ET12 and ET16. PT1, PT2, PT3 and PT4 would extend the wind farm along Moss Top, but would be set well back from the northern edge of the moor, and in some views would be seen in association with ET21 and ET25. I consider that during Stage 1 these turbines would be reasonably integrated within an expanded wind farm on Scout Moor.

[240] ID31.
[241] VP2 is at Figure 2.9 Appendix 2.3 CD1.11.
[242] ID31.
[243] VPC is at Figure 2.20 Appendix 2.4 CD1.11.
[244] VPB is at Figure 2.15 Appendix 2.4 CD1.11.

In Stage 2 PT1-PT4, PT13 and PT14 would be seen in most views as a compact group of 115 m high turbines located in a central part of the moor. However, PT13 would be sited on the other side of Scout Moor Brook valley, above the reservoir, and so could from some vantage points appear as an outlier. Nevertheless, PT1-PT4, PT13 and PT14 would have a considerably reduced, albeit significant, adverse visual impact compared with the other turbines proposed for the RBC site. [50]

371. I am satisfied that SMWF2 would have no significant effects on the nearest nationally designated landscapes, which are the Peak District National Park, the Yorkshire Dales National Park, and the Forest of Bowland AONB. However, the LVIA identified a significant visual effect, and combined landscape character effect, on two locally designated landscapes at Heightside House and Whitaker Park, and for an area of National Trust land at Holcombe Moor known as the Stubbins Estate. But it was apparent from my site visits that for each of these assets the harm would be likely to be minor. The effect on Whitaker Park is evident from VP15, and at a distance of about 3 km to 3.5 km the additional turbines on the skyline, which would not appear as high as the existing turbines, would have little impact on the appreciation of the park. Heightside House is located further from SMWF2 than VP8, and the distant turbines would not significantly harm the house or its setting. VP17 and VP18 are indicative of views from the Stubbins Estate. Given the available wide panoramic views there would be no significant effect from SMWF2 on the landscape character of the Estate. [25,44,265(12)]

372. Overall, I find that with high sensitivity receptors, such as those using local PRoW and in nearby settlements, and a medium/high magnitude of change, for both the additive and combined effect on visual amenity from the part of SMWF2 located in RBC, the visual effect would be adverse and of major/moderate significance during Stage 1. But those turbines close to the edge of the moor would have an adverse visual effect of major significance. During Stage 2 the adverse visual effects described above would persist in the un-amended scheme. In the amended scheme, the harm from PT10 and PT11 would be removed in Stage 2, but that resulting from the siting of PT5-PT9 and PT12 would remain, and would in my judgement be of major significance.

373. I turn next to the effects of the RMBC application, which in the amended scheme would only endure during Stage 1. PT15 and PT16 would be largely contained within the footprint of the existing wind farm, and would be consistent with the character of SMWF1. This part of Scout Moor is more affected by the influence of SMWF1 turbines, and I do not consider that it would meet the requirements of a valued landscape for the purposes of applying the *Framework*. The proposed turbines would, therefore, have little effect on the landscape character of the area, other than adding marginally to the density of turbines in this part of the South Pennine Moors character area. However, they would not alter any of its significant characteristics. PT15 and PT16 and associated infrastructure would have a negligible additive and in-combination effect on the South Pennine Moors, and nearby character areas, during Stage 1. Overall, this part of the proposal would have an adverse effect of negligible significance on the local landscape. In Stage 2, PT15 would remain in the un-amended scheme, where it would retain some association with PT1 and PT14. In this scenario, I do not consider that PT15 would significantly add to the harm to the local landscape.

374. In terms of visual effects for the RMBC application, views of PT15 and PT16 from VP1 would include SMWF1, and the proposed additional turbines would integrate with little loss of visual permeability through the existing wind farm. In views from vantage points to the east, south and west of PT16 the proposed addition would have no greater impact on Knowl Hill than ET1, ET2 and other existing turbines that already affect views of this prominent knoll (VP6). PT15 and PT16 would not be visible from VP3, VP5, VP7, VP10 or VP15. PT15 would be seen in more distant views from the north (VP19), where it would appear as part of SMWF1, and it would be seen near to ET25 when viewed from VP8 and VP9. [50,180]

375. I consider that the RMBC part of the proposal would have an adverse additive and combined visual effect of minor significance during Stage 1. Any adverse impact of PT16 would only apply to Stage 1, as it would be removed in Stage 2 for both the un-amended and amended schemes. PT15 would remain in the un-amended scheme during Stage 2. It would be seen in a central part of the moor, away from its edge, and in the context of PT14 and PT1-PT3 in views from the east (VP1). From the south PT15 would appear as an eastern outlier of SMWF2 at Stage 2 (VP6), but from the west it would be seen near to and behind PT14 and PT1 (VP16). Overall, I consider that in this Stage 2 scenario PT15 would have a localised visual effect of minor significance.

Conclusions on character and appearance

376. There is considerable local concern about the proliferation of wind turbines in the wider area. Many objectors expressed the view that a tipping point had been reached and that the cumulative effect of more turbines would have an unacceptable impact. However, other large turbines in the locality are some distance from Scout Moor. The turbine proposed at Bamford Road would be sited well to the south of SMWF2 and in a different character area. In terms of cumulative effects, SMWF2 when considered in conjunction with all of the baseline and proposed schemes, would not in my judgement result in any significant adverse cumulative landscape or visual impacts with other existing or proposed wind energy schemes, other than those outlined above that would arise because of its relationship with SMWF1. [45,57,108,119,122,180,192, 200,208,209,223,239,268,277,278,302abe,307,310]

377. I consider that the applicant and RBC/RMBC have understated the likely harm to the character and appearance of the area that would result from the part of SMWF2 located within RBC. The adverse effect on both landscape character and visual amenity would be of major/moderate significance, and a factor that weighs significantly against granting planning permission for the RBC application, whether un-amended or amended. However, the proposed development within RMBC, given the relationship of PT15 and PT16 with SMWF1, and their removal at the same time in the amended scheme, would have a negligible impact on landscape character, and only a minor and localised visual effect. The same would apply to PT15 if the scheme was not amended, provided that the RBC application was approved. If the amendment was not accepted, and the RBC application refused, then Stage 2 would comprise solely PT15, which would by itself have a significant adverse effect on both the landscape character and visual amenity of the area. [123,125]

Local amenity and living conditions

Residential outlook

378. In considering deprivation of outlook in relation to a wind farm scheme, it is useful to ask whether the presence of turbines, by reason of their number, size, layout, proximity and movement, would have such an overwhelming and oppressive impact on the outlook from a dwelling and its amenity space that they would result in unsatisfactory living conditions, and so would unacceptably affect amenities and the use of land and buildings which ought to be protected in the public interest. The applicant's residential visual amenity assessment for dwellings within 1.15 km of the proposed turbines recorded a significant additive and combined effect for 35 of the 107 properties assessed. The most affected would be Newgate Farm and Scout Barn Farm, with a very large magnitude of change combined effect identified for Higher Red Lumb Farm during Stage 1. [40,51,126,265(8)]

379. The occupiers consider that PT11 would dominate Newgate Farm. At a distance of 773 m the turbine would be seen in an elevated position above this property. Its blade tip would appear higher than that of the existing turbines. Clear views would exist from the well-used outdoor dining area to the south of the house, which adjoins a small sitting room and kitchen, and from the access drive to the dwelling. However, the property has an attractive outlook in other directions. Given the separation distance, I do not consider that the visual impact and presence of PT11 would be so dominating and overbearing that it would result in unsatisfactory living conditions and unacceptably affect amenities at Newgate Farm that ought to be protected in the public interest. [52,233]

380. PT11 would be prominent in some views around the dwelling and its access track at Scout Barn Farm. However, at a distance of about 1 km the effect would not be overwhelming or overbearing. [53]

381. In views from Higher Red Lumb Farm PT16, at a distance of about 0.9 km, would appear no higher than ET1. There are views of nine existing turbines from the rear elevation and amenity space at Higher Red Lumb Farm which faces north. PT16 would be seen on the skyline in an elevated position, and in combination with existing turbines a high magnitude of change in outlook was recorded in the LVIA. However, given the context in which PT16 would be seen, along with the separation distance, I do not consider that SMWF2 would harm the outlook from this property so as to result in unsatisfactory living conditions or unacceptably affect amenities that ought to be protected in the public interest. [54]

382. The applicant is willing to accept a condition which would prevent turbine micro-siting that would locate PT11 nearer to either Newgate Farm or Scout Barn Farm, or PT16 nearer to Higher Red Lumb Farm. This would ensure that the scheme would be consistent with the evidence before the Inquiry. [27]

383. I was able to make a reasonable assessment of the likely relationship between nearby properties and the proposed turbines on the basis of the submitted documentation, including the wireframes, along with my observations on accompanied and unaccompanied site visits to the area. It is clear from this material that the outlook from some dwellings and their

amenity space would be significantly altered by the siting and height of the proposed turbines. References to other decisions and separation distances are not of much assistance, as so much depends on local circumstances, such as the specific configuration of the turbines, orientation and layout of dwellings, topography and vegetation.

384. I have had regard to all the representations, but it was clear from my site visits that the outlook from other dwellings in the wider area, and from other dwellings within settlements, not specifically addressed in this section of the report, would not be materially affected by SMWF2. In my judgement, the proposed turbines would not result in an overwhelming or oppressive impact on the outlook from nearby dwellings or their associated amenity space that would result in unsatisfactory living conditions. The proposal would not, by reason of deprivation of outlook, unacceptably affect local amenities and the use of land and buildings which ought to be protected in the public interest. [55]

Wind turbine noise

385. The *Guidance* states that ETSU should be used when assessing and rating noise from wind energy developments. The *Noise Policy Statement for England* (NPSE) is also relevant. This aims through the effective management and control of noise, within the context of Government policy on sustainable development, to avoid significant adverse impacts on health and quality of life, mitigate and minimise adverse impacts on health and quality of life, and where possible, contribute to the improvement of health and quality of life. [23]

386. ETSU is not to be interpreted as statute or applied inflexibly, especially as the document describes a framework for the measurement of wind farm noise and gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens of developers or local authorities. EN-3 provides that where the correct methodology has been followed and a wind farm shown to comply with ETSU recommended noise limits, the decision maker may conclude that it will give little or no weight to adverse noise impacts from the operation of the wind turbines.

387. Dr Yelland is critical of some of the methodology used by the applicant's noise consultant to determine background noise levels, such as the positioning of noise meters in relation to nearby sources of road traffic noise. However, I do not consider that the judgements made by the professionals in undertaking this assessment were unreasonable, or would be likely to result in a level of uncertainty that undermined the validity of the background noise measurements. While it was not ideal that background measurements from Acre Nook were used to represent Newgate Farm, the evidence does not point to any likely significant difference in background noise levels that would bring the proposed development into conflict with reasonable ETSU limits. The variations suggested by Dr Yelland would be unlikely to lead to different outcomes that would undermine the overall integrity of the ETSU assessment or result in significantly different ETSU noise limits. Furthermore, there are no grounds to find that the proposed layout of turbines would be so crowded that

some margin below the ETSU limit should be reserved to accommodate increased noise emissions resulting from turbulent inflow. [58,59,60,161-6]

388. No reference is made in the IoA GPG to ISO 9613 Table 5 concerning estimated accuracy. However, Dr Yelland indicated that some weight has been given to Table 5 provisions for uncertainty in appeal decisions. Nevertheless, in the absence of clarity about what the IoA GPG intended, it is not unreasonable to work on the basis that it linked uncertainty with the ground factor used. It seems to me that if the IoA GPG had intended to apply the 3 dB uncertainty specified in Table 5, in addition to the ground factor, it would have specifically said so, because of the likely significance of such uncertainty to the outcome of ETSU assessments. If I am wrong about this, I do not consider that provision for Table 5 uncertainty would be sufficient to bring the proposal into conflict with the aims of the *Noise Policy Statement for England* regarding significant adverse impacts on health and quality of life. With regard to the submissions about a valley correction, I do not consider that there is any convincing topographical evidence to indicate a requirement for a + 3 dB valley correction for any properties in the vicinity of Fecit Farm or Newgate Farm, or to make any other allowance for these properties in setting ETSU limits on account of the local topography. [169,170]

389. The noise limits set out in ETSU are fixed limits within the range of 35-40 dB during the day and 43 dB during the night, or 5 dB above the prevailing background level, whichever is the greater. The actual value chosen within the 35-40 dB range depends upon three factors: the number of dwellings in the neighbourhood of the wind farm, the effect of noise limits on the number of kWh generated, and the duration and level of exposure. Taking these factors into account here, I consider that a lower fixed limit of 35 dB would be appropriate during the day. This would be consistent with limit imposed on SMWF1, and there is no evidence to justify a different day time lower limit for SMWF2. I am satisfied that this limit could be achieved, albeit with some curtailment, involving the operation of turbines in low noise mode. Dr Yelland argues that this would mean that at some wind speeds and directions turbines would operate at the noise limit for a greater percentage of time, and so residents would experience the maximum allowed noise for longer. But ETSU sets limits and does not apply any restriction on how long noise emissions could be maintained at that level. [167,168]

390. Local residents refer to amplitude modulation (AM) and consider that caution should be exercised given that there has been no Government endorsement of the Institute of Acoustic's findings about AM. However, the applicant and RBC/RMBC now accept that it would be appropriate here to impose an AM condition, and have agreed its wording. I consider that this would be a reasonable approach given the evidence now available about AM. Some argued that the precautionary principle would justify the imposition of a condition so that no turbine was within 1.5 km of any dwelling. I find no basis for doing so, particularly as the *Guidance* states that otherwise acceptable RE developments should not be ruled out through inflexible rules on buffer zones or separation distances. [69,198,246,302t]

391. Dr Yelland considers that the real wind turbine noise problem is excessive amplitude modulation (EAM), but that the observed excess is not entirely modulation of audible noise. He argues that it is infrasound below 10 Hz.

Dr Yelland refers to anecdotal evidence about the effects of infrasound on animals, but accepted at the Inquiry that these cases would need further investigation. On the available evidence, I do not consider that it would be appropriate to impose noise conditions that included an agreed infrasound limit, because as Dr Yelland acknowledges, there is not yet any guidance to protect neighbours from infrasound. [186,171-3,246]

392. The proposed Higher Moss turbine if constructed would not significantly add to the likely turbine noise at Fecit Farm. Noise from the proposed turbines would be audible at nearby homes at times. It would sometimes be heard at levels significantly above background levels. However, the imposition of planning conditions could minimise adverse impacts. The expert evidence indicates that the scheme could operate within acceptable ETSU limits. [127,197,232,236, 265(20)]

393. If the Secretary of State is minded to approve the RMBC application, but to refuse the RBC application, then the parties should be consulted to devise an amended noise condition that would provide for limits that relate only to the noise emissions from PT15 and PT16 in combination with noise from any existing or permitted turbines at that time.

Wind turbine shadow flicker

394. There is local concern about the effects of shadow flicker from turbine blades. However, this has here been the subject of extensive modelling. I am satisfied that the results demonstrate that the scheme could proceed without unacceptable impact, subject to a condition setting out an appropriate protocol. [56, 232,265(2)]

Health and well-being

395. Dr Woods raised concerns about the health effects of wind turbine noise, and particularly the effects of EAM on sleep disturbance. Noise induced annoyance can adversely impact on the health and well-being of residents, but there is no convincing evidence about what level of turbine noise or degree of AM would result in an unacceptable health impact. The current position is that ETSU takes a balanced approach in ensuring a reasonable degree of protection for wind farm neighbours without unreasonable restrictions on wind farm development. The evidence Dr Woods presented to the Inquiry is thoughtful and measured, and I have no doubt that it reflects the anxiety of the local community about health effects. However, given the current policy, it does not justify a need for an environmental health assessment to be undertaken prior to the determination of these applications. Subject to the suggested conditions concerning AM and noise monitoring, I find no basis for applying the precautionary principle on health grounds. [67,174-176,305]

396. Use of Scout Moor for recreation and relaxation was considered by some objectors to be important for the health and amenity of local residents. It was submitted that further enclosures on the moor would adversely impact on these benefits. However, the addition of SMWF2 to SMWF1, and its retention in Stage 2, would still provide for large areas of the open moor to be experienced and enjoyed, as a foil to the nearby built up settlements. I find no basis for health grounds to weigh significantly against the proposal. [183]

Conclusions on local amenity and living conditions

397. The evidence indicates that the effects of the proposed turbines on the outlook of nearby occupiers, along with likely shadow flicker, health fears, and any disturbance or disruption during construction, operation or decommissioning, would not have a significant adverse effect on the living conditions of local residents. Noise would be audible at times, especially when background levels are low, but there is evidence that the scheme could accord with ETSU, which is a matter to be weighed in the overall planning balance in determining whether the proposal would be acceptable.

Biodiversity

398. In considering the likely effects of SMWF2 on wildlife and nature conservation it is necessary to deal with the likely effects of constructing and operating the turbines, along with the likely impact of the MRMP, which is an integral part of the proposal. I deal with these separately, although there is some overlap insofar as some elements of the MRMP, for parts of the application site, would include treatment of areas adversely affected by the proposed construction works. At the Inquiry the effects of the proposed development on biodiversity focussed on the likely impact of constructing such large structures in an area that contains peat and blanket bog, along with what weight should be given to the Moorland Restoration and Management Plan (MRMP).

399. The effectiveness of measures to safeguard peat during construction was questioned at the Inquiry. It was argued that the topography of Scout Moor would make peat restoration difficult because it would not be possible to raise the water table, as has been done in the successful restoration of commercial peat areas on flat ground. Many objectors considered that the proposed construction would have the potential to repeat the damage to peat that occurred with the construction of SMWF1, and that there were no guaranteed outcomes. There is clearly uncertainty about the effectiveness of some management practices, which are acknowledged in the MRMP in some instances to be experimental. [73,224,238,243,254,255,302j]

400. There is some disagreement between local objectors and the applicant's ecology expert about the extent to which the moor has been adversely affected in the past by overgrazing, air pollution, fires, construction activity and off-road vehicles. There is also a dispute about its likely prospects for recovery without further intervention and active management. What is evident is that large areas of the moor are damaged, and that some areas affected by the construction of SMWF1 have not been successfully restored. This is clear from one of the objectives of the MRMP, which is to restore areas of damage caused by SMWF1 that have still not recovered fully. [72,214,219,221,247,277,313]

401. In terms of construction and operation the proposal would not directly affect any statutorily designated nature conservation sites, or have any significant effects on protected or priority species. It would not have any significant impacts on the special nature conservation interest of the South Pennine Moors SAC/SPA, which is located some 9 km from the site. The Greater Manchester Ecology Unit assessed the potential displacement of birds caused by habitat loss or disturbance, but considers that sufficient mitigation and compensation

for any harm to upland bird populations using the site could be secured, such that any harm caused to birds would not be significant. Natural England (NE) stated that it had no concerns regarding impacts on designated sites, protected landscapes or species. The evidence before the Inquiry demonstrates that the operational turbines would be unlikely to have a significant adverse impact on birds, bats or other wildlife. However, NE stated that the proposal would have a direct and potential indirect negative impact on areas of blanket bog, an Annex 1 priority habitat under the EC Habitats Directive, and highlighted the need for appropriate mitigation. [199,265(10),282,264(11), 290,291,292]

402. NE advised, with respect to the potential negative impact on areas of blanket bog, for the authorities determining the applications to be satisfied, prior to their determination, that there would be no significant negative impact on this habitat. Greater Manchester Ecology Unit considers that potential constraints on the implementation of the MRMP are capable of being overcome, and if successfully implemented it would result in the enhancement and positive management of some 900 ha of land. The Unit concluded that the impacts could be minimised to an acceptable level and significant enhancements could be achieved, providing that the works were undertaken in strict accordance with the submitted plans. Similar advice was provided by NE, stating that the ES and the MRMP provided the necessary detail to give confidence that the impacts could be minimised to an acceptable level, but only provided that the works were undertaken in strict accordance with the submitted plans, secured by enforceable conditions or legal undertaking. The National Trust considers it vital that the efficacy of restoration and management should be assured, along with a mechanism to secure implementation. [265(11),265(12),292]

403. It seems to me that a construction methodology for SMWF2 could employ improved techniques for working with peat that have been devised since the construction of SMWF1. There is local concern about the importation of alien materials onto the moor that would not be removed on decommissioning. However, this would largely comprise concrete, and there is no convincing evidence that concrete from SMWF1 has had a deleterious impact on moorland habitats. Subject to appropriate conditions and strict enforcement, I am satisfied that there would be a reasonable prospect that SMWF2 could be constructed without serious consequences for biodiversity. This finding would be consistent with the views of NE and the Greater Manchester Ecology Unit. [71,129,181,219,220,302i,]

404. Turning to the MRMP, its main provisions and implementation strategy are summarised in Annex D of this report. The benefits of the MRMP were disputed at the Inquiry. There is local concern about uncertain financial commitments to the MRMP and whether resources would be available to undertake what is proposed, along with reservations about how any breach of conditions would be determined. Many objectors consider that the MRMP is not deliverable, should be disregarded, and should not have been given any weight by RBC/RMBC in considering the applications. This is disputed by the local authorities. They submit that it should be awarded substantial weight because the peat acts as a carbon store, and is an important ecological resource of principal importance for the purpose of conserving biodiversity under Section 41(1) of the Natural Environment and Rural Communities Act

2006. These provisions (taken together with the duty imposed by Section 40), require authorities, in making their decisions, to have regard to the purpose of conserving biodiversity, and in particular to take steps to further the conservation of this habitat. [70,128,131,183,190,209,221,224,238,243, 254,255,265(22),302j]

405. No Section 106 planning obligations are proposed, and all matters regarding the proposed moorland restoration and management are intended to be dealt with by planning conditions. The implementation of a scheme of moorland restoration and management, including the erection of fencing, is an integral part of the proposal, notwithstanding that some elements of the MRMP would not require planning permission. However, the MRMP includes some 487 ha of land that lies outside the RBC and RMBC application sites. [15,33]

406. The suggested Conditions would provide that the development only be undertaken in accordance with those parts of the MRMP that relate to the local planning authority's area, and that the MRMP be implemented in accordance with the MRMP Implementation Strategy. They add that no electricity should be exported until certain provisions have been met, including approval of the area for the reduction of stock grazing and evidence that the level has reduced in accordance with the provisions of the MRMP.

407. I queried whether the suggested conditions would meet the six tests. The applicant submitted a written response, which is at ID54. This in summary provides that the conditions respond directly to the *Framework's* requirements regarding biodiversity, and that it would be necessary to impose the conditions, even if none of the provisions in the MRMP required planning permission, to control a part of the proposed development. The applicant adds that the scheme does not depend upon the MRMP to achieve a positive planning balance, but that it would provide an avenue, irrespective of any enhancement, whereby adverse impacts of the scheme could be reasonably mitigated without reducing the RE benefits of the scheme. [15,74]

408. The *Framework* states that planning conditions should only be imposed where they are: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The description of the proposed development includes reference to the MRMP, and so conditions might be necessary to give effect to what is described in the applications. But any planning permission would only apply to the area edged red on Figure 5.1. The MRMP covers a much larger area. Furthermore, a condition might be valid if some mitigation of adverse impacts was necessary in order to make the development acceptable in planning terms. However, it is not clear that all that the MRMP proposes could be properly considered to be mitigation of adverse impacts arising from SMWF2. [289]

409. The section on Key Questions in the *Guidance* concerning the relevance of a condition to the development to be permitted refers to whether it is fairly and reasonably relate to the development, which must be justified by the nature or impact of the development permitted. It adds that a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development. Even if the suggested MRMP conditions would be necessary to give effect to the description of the proposed development, it

would not be appropriate to impose such a condition to deal with pre-existing problems arising from the construction of SMWF1.

410. In my view the suggested MRMP conditions would not pass the tests because they would require moorland management outside the red line of the application site that would not mitigate the harm arising from the development of SMWF2. In addition, it would require measures to restore areas of damage caused by SMWF1 that have still not recovered fully. This would remedy a pre-existing problem not created by the proposed development, and so would be contrary to the *Guidance*. Furthermore, the *Guidance* states that any proposed condition that fails to meet any of the six tests should not be used, and that this applies even if the applicant suggests it or agrees on its terms. I do not consider that the suggested MRMP conditions could be imposed because they would not meet the Secretary of State's policy tests.

411. If the Secretary of State concurs that it would not be appropriate to impose the suggested MRMP conditions then the claimed benefits of the MRMP could not be given any weight in determining the applications. But if the Secretary of State finds that the MRMP conditions would satisfy the policy requirements for valid planning conditions, then it would be necessary to consider how effective the MRMP would be in managing the moor to achieve biodiversity benefits.

412. If the Secretary of State shares the concerns of local objectors about the experimental nature of some of the practices proposed in the MRMP, and the uncertainties about its funding and outcomes, then the benefits of the MRMP should attract little or moderate weight. The MRMP states that the programme would be iterative and guided by experience and wider research, with a range of intervention measures selected for different areas of the moor, based on current best practice and experience, but noting that some of the measures have not been used for long and there is sometimes a dearth of research results demonstrating their efficacy on a longer term basis. It seems to me that the uncertainties inherent in such a process would limit considerably the weight that should be given to the claimed benefits of the MRMP.

413. On the other hand, if the Secretary of State finds that the MRMP would be an effective mechanism to achieve the claimed biodiversity benefits, then that would warrant giving it substantial weight. However, I do not consider that such a weighting would be justified. The Moorland Restoration and Management Plan Implementation Strategy is intended to provide clarity about the mechanisms and approval process associated with the implementation of the MRMP, and states that some restoration measures would need to be kept under review to ensure that they were effective as possible having regard to local conditions and any changes over time. It adds that a Steering Group would consider any changes needed to Phase 1 to improve its chances of successful restoration over the remaining period of the phase, and at the end of Phase 1 performance would be reviewed with recommendations for the implementation of future phases. In practice this might be a sensible way to deal generally with moorland management. But that is a different task to specifying measures to mitigate harm from the proposed development that could be imposed in binding planning conditions. It seems to me that there would be considerable scope for any implementation here to fall far short of

achieving the MRMP's objectives and mitigating harm, whilst not resulting in any enforceable breach of the suggested conditions.

Conclusions on biodiversity

414. The construction work proposed to erect the additional turbines clearly has the potential to impact adversely upon sensitive moorland habitat. Local objectors' concerns about adequate restoration are well founded, given that some areas of peat damaged by the construction of SMWF1 have not fully recovered. Nevertheless, there is scope to learn from past experience about working successfully in areas of peat, and construction techniques and practices have improved since the development of SMWF1. Subject to strict controls and enforcement of an approved construction management plan and restoration measures, I am satisfied that construction of SMWF2 could be achieved without any major harm to biodiversity in the short term, or significant harm in the long term.

415. Taking all the above into account, it seems to me that there is strong evidence that the construction and operation of the proposed turbines would not be likely to have a significant adverse effect on biodiversity. But for the reasons set out above, I am not convinced that the claimed biodiversity benefits of the MRMP can be given much weight in determining these applications. However, the weight to be attributed to the benefits of the MRMP in the planning balance is a matter for the Secretary of State, which I return to later in this report.

Heritage assets

416. Historic England (HE) does not consider that the level of harm to heritage assets is sufficient to justify an objection on the grounds of impact on the historic environment. However, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the setting of listed buildings. Section 72 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The application site does not lie within the boundary of any conservation area, but the Secretary of State is invited by the applicant and RBC/RMBC to determine the applications as though Section 72 applies with full statutory force, because Section 70(2) of the 1990 Act requires that regard be given to any other material considerations. This would seem to be a judicious approach to take in the circumstances that apply here. In addition, the *Framework* includes policies about the weight to be given to any harm to heritage assets. [25,75,78, 265(14)]

417. Planning conditions, which could include a scheme of archaeological investigation, along with a micro-siting allowance, could safeguard archaeological interests. This would be particularly so for siting the proposed mast. If the MRMP is given significant weight it would help to control the erosion of peat, with benefits for the preservation of any paleo-environmental or archaeological evidence within the peat profile. [83,267,297]

418. In the RBC application, the setting of the Grade II* listed Church of St Nicholas with St John at Newchurch makes a positive contribution to the significance of the asset, and includes long views across the valley and Cowpe

Lowe to Scout Moor. SMWF2 turbines would appear on the skyline behind the church in some views, and notwithstanding modern development in its immediate vicinity, this would to some extent adversely affect the setting of the church.[245] However, this effect would be lessened to some extent with reduced height for PT5, PT6 and PT7 in the amended scheme. The significance of effect would be at the low end of the moderate to low category for the listed church, and would amount to less than substantial harm in terms of the *Framework.* But nonetheless a consideration that should be given considerable weight and importance in the planning balance having regard to the Section 66 duty. [76,240]

419. Peel monument is a grade II listed building in a prominent elevated position some 4.5 km to 6.5 km from the proposed turbines. In the extensive setting of the monument SMWF2 would not compete with its intended visual prominence, and would not result in any significant harm to the heritage significance of this asset. [77,186,279,321]

420. Significant features of Cloughfold Conservation Area include the views in a south-westerly direction towards Scout Moor, taking in the open landscape, which shows the effects of past stone quarrying. PT4, PT5, PT6 and PT7 would be viewed as additional modern infrastructure in combination with other modern elements within a part of the conservation area's wider setting, but the degree of harm would be slight or negligible. The effect would be even further reduced if PT5, PT6 and PT7 were 100 m high.[246] The significance of effect would be low for Cloughfold Conservation Area, and would amount to less than substantial harm in terms of the *Framework.* [79,240]

421. Waugh's Well and the remains of Fo Edge Farm are undesignated, but have an historical association with the poet Edwin Waugh. They are of local heritage significance, partly because of their isolated location on the moor. PT6 would be about 160 m to the east of Waugh's Well. ET26 is prominent in views to the south-west from these assets and their setting. However, the proximity of PT5, PT6 and PT7 to the east would adversely affect the setting of these non-designated assets.[247] The turbines would form a dominant backdrop, and have an overwhelming presence, which would diminish the appreciation and enjoyment of these local assets. Reducing turbine height to 100 m would do little to ameliorate this adverse impact given their proximity. Local objectors give high importance to Waugh's Well, but it seems to me that this is overstated. In terms of heritage significance, for the purposes of applying national policy, I find that SMWF2 would have a low to moderate significance of effect for these non-designated heritage assets, which are of low heritage significance. Nevertheless, this harm is to be weighed in the planning balance. [82,186,224,240,265(21),285,302f]

422. The proposed development would be some 4 km to 6 km to the east of Holcombe Conservation Area. At this distance SMWF2 would be seen in combination with SMWF1 during Stage 1, along with other modern elements in the landscape. This would also be so for any views from Ramsbottom

[245] CD2.3d page 14 Plate 1 and VP8.
[246] CD19(3) Figure 8.2.
[247] Wireframes at ID31.

Conservation Area. Given the separation distance, I consider that the character and appearance of these conservation areas would be preserved in both Stage 1 and Stage 2. [185,212]

423. There is concern about PT6, PT7, PT8 and PT9 impinging upon the tramway leading from Rooley Moor Road to Cowpe. The scheme would result in some harm to the setting of this undesignated heritage asset, but this would be of minor significance. The development would to some extent affect the undesignated remains of Cragg Quarry, but the earthworks could be safeguarded by appropriate conditions concerning micro-siting and the implementation of an approved programme of archaeological work. [83,204,267]

424. Overall, the proposed development in the RBC application would result in some harm to the setting of a listed building, but would preserve both the character and appearance of conservation areas in the wider vicinity, and have a minor effect on undesignated assets. Any effects on heritage assets would, at worst, result in an adverse impact of low to moderate significance. This would be less than substantial harm for the purposes of applying the *Framework*, but nonetheless would need to be balanced against the public benefits of the proposal.

425. In the RMBC application, the proposed turbines would not significantly affect the setting of any listed buildings. Rural views of and from Prickshaw and Broadly Fold Conservation Area (P&BFCA) make a positive contribution to its heritage significance. But given the very limited degree SMWF2 would be visible in views from, or including, the conservation area, the magnitude of change would be minor or negligible. I find that the proposal would have a neutral effect, and so would preserve both the character and appearance of P&BFCA. [80,280,302,302f]

426. Rooley Moor Road is known as the Cotton Famine Road because of its association with the blockade of Southern States during the American Civil War. It is of some local heritage significance, but remains undesignated. It was considered for scheduling in 2012, however it did not meet HE's criteria. The closest proposed turbine would be about 1.5 km from the road and it was apparent from my site visits that SMWF2 would not result in any significant harm to this asset. [81,204,241,245,302h]

427. FEI.2 concluded that there would be no significant cumulative construction or operational historic environment effects from PT15 and PT16. The evidence before the Inquiry supports this finding. I consider that the RMBC application would result in a negligible impact on nearby heritage assets. The low level of effect on non-designated assets would not significantly weigh in the balanced judgement required by paragraph 135 of the *Framework*. [84]

Conclusions on heritage

428. The RBC application would result in some harm to the setting of a listed building, but would preserve both the character and appearance of conservation areas. The effects of the RBC scheme on heritage assets would result in an adverse impact of low to moderate significance. The RMBC application would result in a negligible impact on nearby heritage assets. Overall, the less than substantial harm to designated assets falls to be weighed

against the public benefits of the scheme (paragraph 134), and the low level of effect on non-designated assets should weigh in the balanced judgement required by paragraph 135 of the *Framework*.

Other considerations

PRoW and equestrian access

429. Much of the site is open access land, with other footpaths and bridleways in the vicinity. These include the Mary Towneley Loop (MTL), a 76 km circular bridleway forming part of the Pennine Bridleway. The Rossendale Way passes through the western and northern parts of the site, and the Rochdale Way crosses its south-western part. SMWF2 would alter the experience for those walking or riding parts of the local PRoW network, especially along the Rossendale Way and Pennine Bridleway. The impact on such sensitive receptors is a matter that has been factored into the assessment of visual effects in the section of this report concerning the character and appearance of the area, and so should not be double counted.

430. The construction of additional access tracks would make movement across parts of the moor easier for those who preferred walking or riding on made tracks. A new route along the ridge from PT2-PT7 would be significant in this regard. The changes proposed would be seen as beneficial to some people, but others would consider that additional tracks detracted from their overall experience of walking or riding on the moor. Some consider that turbines would be too close to the National Trail. This again raises issues about the character of the area. In terms of access, I do not consider that much weight should be given to any recreational benefits of the additional access tracks proposed. The harm to the users of PRoW is a matter already taken into account in my conclusions about the character and appearance of the area. [85,182,204,224,265(15),26,284,286,302g,302k,320]

431. Different views were expressed at the Inquiry about the effects of large turbines on horses. Lancashire County Council suggested that turbines should be set back 200 m from bridleways. Some riders consider that the newer and larger turbines are quieter and less objectionable to horses, and believe that the fear from riders now is a perceived danger, rather than an actual one. Others cite cases where horses have been badly affected by the movement of turbine blades. Clearly there will be horses that will not become accustomed to the proximity of such large moving structures, and there will be riders who, for whatever reason, would prefer to avoid riding near to turbines. For those riders SMWF2 would adversely impact on their enjoyment of the moor. PT7, PT8 and PT9 are particularly cited in this regard. It is difficult to assess the likely effects of this on local tourism. However, it seems to me that those equestrians who did not like riding near turbines would probably already avoid the area because of SMWF1, and that SMWF2 would make little difference to the overall contribution of horse riding to the local tourist economy. [202,203,208,229,230,268,267,281,285,306,312,314,315]

432. There is a difference of opinion in the local equestrian community about the likely benefits of the proposed improvements to the local bridleway network, compared to the likely harm from SMWF2 turbines to users of the existing bridleways. The RBC application includes the creation of a permissive bridleway in the vicinity of the A680 at Turn. There is some support from the

equestrian community for the addition of this bridleway link to the moor, but local concern about a new access opening up opportunities for miss-use by illegal off-road vehicles. The applicant is content to accept removal of this element from the proposal, if this is considered appropriate. However, I am satisfied that a suitable planning condition could be imposed that would address the requirements for horse riders, while precluding use by motor vehicles. The proposed bridleway link to the moor would be a useful addition to the off-road network for equestrians. If the Secretary of State grants planning permission for the RBC application, then I do not consider that the proposed permissive bridleway at Turn should be rejected. [7,32,37, 85,182,195,196,201, 227,264,312,314,315,316,318]

433. The Pennine Soaring Club is concerned about their activities at Fecit Hill affecting the safety of equestrians using the proposed permissive bridleway. However, I do not consider that this would be a significant risk that would warrant rejecting the proposed improved access to the moor for equestrians. Risk of fire or blade throw from the turbines would pose an insignificant risk for users of PRoW. [215(3),264,283]

434. An alternative route for part of the MTL is also proposed in the RBC application. NE advised that it had no objection in principle to provision of an alternative equestrian route, but had some unresolved concerns about localised gradients, surfacing and traffic. This route along Royds Road is now the subject of a Definitive Map Modification Order to create a bridleway. It would for some riders, who considered its surface and slopes to be acceptable for horses, provide an alternative route for those concerned about riding the MTL closer to large turbines than the SMWF1 turbines. [32,37,117,264(11),312]

435. The measures proposed in the RBC application to enhance equestrian access would be beneficial mitigation that would for some riders provide a measure of compensation for any impairment of their enjoyment of existing bridleways as a result of the proximity of SMWF2 turbines. With appropriate publicity, I do not consider that the additional routes would be confusing for equestrians. A suggested planning condition would require approval and implementation of an access for recreation strategy, which could address such matters. Overall, I find that the proposed development would be likely to have a neutral impact on the use of Scout Moor by equestrians. [203,228,231,287,311]

436. Fell running was considered to be at risk because the proposed turbines would be sited too close to PRoW. SMWF2 would add to any such harm that already arises from SMWF1. However, it seems to me that if SMWF1 has not deterred fell runners, then it would be unlikely that the addition of SMWF2 would do so to any significant extent. Furthermore, I am not convinced that this is a consideration that should be separately weighed against the proposal, in addition to the effects on sensitive users of PRoW that has already been taken into account in my conclusions about the effects on the character and appearance of the area. [225,265(21),285]

Highway safety

437. Access to the site would be via the existing access off the A680 to Marshall's Quarry, which was used for the construction of SMWF1. The local road network already accommodates large vehicles associated with the quarry.

Construction traffic would not add significantly to the overall use of these roads. Local objectors have reservations about controlling construction traffic. But this is a matter that could be addressed by strict enforcement of an appropriate construction and traffic management plan. I find no highway safety grounds against the proposal. [31,87]

Drainage flood risk and water quality

438. There is local concern that the construction of SMWF2 and its permanent infrastructure would exacerbate runoff from Scout Moor. Other representations from those who have been affected by flooding from runoff from the moor consider that the proposed moorland restoration would, if the MRMP is given weight, help to reduce flood risk. The EA has no objection in principle subject to measures to protect groundwater, flood risk and ecology. United Utilities has suggested detailed conditions to manage risks to water quality. There is evidence from the relevant authorities that with strict controls the proposed development could be constructed and operated in such a way as to minimise any adverse effects on the local hydrology. I am satisfied that drainage and flood risk could be reasonably addressed by the imposition of appropriate planning conditions, and that measures could be secured to maintain water quality. On that basis, I find no grounds for giving much weight to any likely harm by reason of drainage or flood risk. [88,187,214,246,267,272,274,288,302m,308,320]

Duration and reversibility

439. EN-3 advises that the length of time the development would be operational is a material consideration. Permission is sought for a period of 25 years for both applications. But PT10 and PT11 in the RBC application, along with PT15 and PT16 in the RMBC application, would be removed earlier with the decommissioning of SMWF1 in the amended scheme. The development would be temporary, but GLVIA3 considers that for this period any harm to the landscape would be long term. However, it would be practical to reverse the effects on both the character and appearance of the area, and the Green Belt, within a generation. The *Guidance* advises that conditions can require the site to be restored to its previous use. Conditions could in this case ensure that decommissioning reversed significant harmful landscape and visual effects. The duration and reversibility of the development is a material consideration, but the loss of openness for the Green Belt, and the landscape harm, would affect residents and visitors for a long time. I do not therefore consider that the limited duration and reversibility of the development are factors that should be given much weight in the planning balances that apply here. [40,89,124,232,241,302c,]

Other issues

440. The proposal would result in some socio-economic benefits, primarily from the construction of the wind farm. There would also be some direct and indirect economic benefits to the wider economy. However, there is local concern that economic considerations do not properly weigh the economic value of the well-being of the community. Some local supporters would welcome the local investment that would result from SMWF2, but it seems to me that the impact on the local economy would be limited, and not a factor that weighed heavily in the planning balance. [160,205,320]

441. Objectors argue that the enhanced network of roads would be difficult to police and result in easier access for fly-tipping and illegal off-road vehicles. Expectations about what a Ranger could achieve in controlling off-road vehicles were considered to be optimistic. Nevertheless, if the MRMP is given weight in the planning balance by the Secretary of State, then the presence of a Ranger on Scout Moor would assist in deterring such anti-social behaviour. [86,130,183,199,207,222,302j,302n,308,314]

442. Aviation safety interests were raised concerning nearby radar installations. However, both the MoD and NATS are content to deal with this by condition. Subject to the imposition of appropriate conditions there is no reason to find against the proposal on aviation safety grounds. The Met Office has secured a legal agreement concerning mitigation for any impact on its weather radar at Hameldon Hill. [265(3),265(19),270,271]

443. The area contains shallow coal mine workings which might require stabilisation. Geo-technical stability is a matter that could be addressed by planning conditions. [273]

444. The long-running dispute between Mr Ross and the adjoining owner is a private matter for the respective landowners. This is not a consideration that should influence the Secretary of State's determination of the applications. However, the relevant planning considerations raised by Mr Ross are addressed elsewhere in my conclusions. [13,88,187]

445. Some objectors raised concerns about the effects of SMWF2 on property values, and argued that an exception to the norm that this would not be a material planning consideration would be justified here because of the overall socio-economic consequences of SMWF2. Others noted that wind farms have not impacted on property prices in the main habitable areas of the valley. I find no grounds for including the likely effects on property prices as a material consideration in the planning balance. [265(2),302o,305,322]

446. Benefits of the proposed land exchange to the Common, in terms of its size, are claimed by the applicant. Others consider that the development would adversely affect grazing on the Common. However, any exchange would be pursuant to other legislation intended to preserve the overall utility of the Common. As such, any increase in the area of the Common should not be regarded as a benefit in the planning balance that applies here. Overall, I consider that SMWF2 should be considered to have a neutral effect on the Common. [14,41,105,181,302i,302q]

447. Doubts were raised at the Inquiry about RBC's consideration of the application because the local authority would benefit financially from the proposed development. However, there is no evidence that such an immaterial consideration influenced the Members in coming to their judgement about the proposal. The suggestions by objectors about a conflict of interest should not affect the weight given to RBC's decision to approve the application had it been in a position to do so. No other issue in this regard now arises as the matter is before the Secretary of State. [7,92,177,178,235,265(9)]

Renewable energy (RE) and climate change

448. The 14 turbine RBC application scheme, with an installed capacity of 32.2 MW, would annually generate electricity the equivalent of that needed for 18,864 homes, and would result in 962,500 tonnes of likely carbon dioxide savings. For the amended scheme, which would reduce SMWF2 to 12 turbines after decommissioning of SMWF1 (Stage 2), with an installed capacity of 27.6 MW, the electricity generation and carbon dioxide savings would be, for the remaining years of the permission, the equivalent of that used by 16,169 homes and 875,000 tonnes. [34]

449. The two turbine RMBC application scheme, with an installed capacity of 4.6 MW, would annually generate electricity the equivalent of that used by 2,695 homes, and would result in 137,500 tonnes of likely carbon dioxide savings. But this would only be so for Stage 1 in the amended scheme as these turbines would be removed in Stage 2. In the un-amended scheme the output would be halved as one turbine would remain. [34]

450. Objectors refer to turbine reliability, inefficiency and the intermittency of electricity generation. It was argued that without storage technology the need for back up generation would utilise fossil fuels, and adversely affect grid stability and efficiency. Alternatives such as biomass were suggested. There is also concern about the public cost of subsidies for onshore wind development. Others consider that there is currently sufficient operational and consented wind capacity to meet RE targets, which are already higher than required by the Paris agreement. It was also suggested that adding SMWF2 turbines would, for some wind directions, reduce the efficiency of SMWF1 turbines, and *vice versa*. Many considered that SMWF2 would make an insignificant contribution to national energy generation, and would be inconsequential in terms of carbon emission savings and the likely effect on global temperature. Dr Davison raised the issue of global commitment, and that the UK's unilateral measures would only lead to further fuel poverty and the export of more energy intensive manufacturing jobs overseas. [191,194,199,215(2-10),216,217,256,264,302rs]

451. The applicant considers that there is a strong need for this development, notwithstanding the relatively modest contribution it would make to Government targets. RBC/RMBC consider that the local area should maximise its potential to contribute to the supply of RE, subject only to being possible to address the impacts of the development. They argue that the contribution of SMWF2 should not be dismissed as trivial or futile. Supporters referred to the need for clean and green RE, and to secure local energy supplies. Some see the development as an educational opportunity for local schools. [93,99,133,263,265(15),317,319,320,322]

452. It seems to me that some of these objections to SMWF2 are fundamentally objections to Government energy policy. Current policy provides for a contribution from on-shore wind in the overall energy mix for the UK. Taking all the above into account, it is evident that both the RBC scheme and the RMBC scheme would make a significant contribution towards the generation of RE, and so would assist in meeting local and national targets. Any resultant adverse effects on the efficiency of SMWF1, or harm to grid stability, would be of marginal significance relative to the additional RE benefits generated by

SMWF2. Notwithstanding the global position regarding RE, the proposals would reduce greenhouse gas (GHG) emissions and provide energy security, which are important public benefits. The RE generation that would result from SMWF2, given its wider environmental and energy security benefits is a consideration that weighs significantly in favour of granting planning permission. [97,134-136]

Planning balance – RBC application

453. The planning balance in the RBC application is a straight forward weighing of the benefits of the scheme against the harm. This is a matter of judgement. However, the balancing exercise should be made within the context of Government policy on sustainable development.

454. With an installed capacity of 32.2 MW in Stage 1, and 27.6 MW in Stage 2 of the amended proposal, this scheme would make a significant contribution to RE targets and towards the reduction of GHG. This would accord with the Government's policy on climate change. It would also provide additional energy security. These are important public benefits, which should be given significant weight. The development would also have some benefits to the local and wider economy. However, for the reasons set out above, I have found that no weight should be given to the biodiversity and other benefits of the MRMP.

455. Considerable importance and weight should be given to the desirability of preserving the setting of listed buildings. However, the less than substantial harm to designated assets in the RBC scheme would be outweighed by the public benefits of the scheme (*Framework* paragraph 134), and the low level of effect on non-designated assets does not weigh much in the balanced judgement required by paragraph 135. I find that the public benefits of the RE generated by the scheme would far outweigh any harm to heritage assets. But I do not consider that the overall benefits would be sufficient to also outweigh the harm I have identified to the character and appearance of the area. EN-3 recognises that the landscape and visual effects will only be one consideration to be taken into account and that these must be considered alongside the wider environmental, economic and social benefits that arise from RE projects. However, the RBC scheme would have an adverse impact of major/moderate significance on the landscape character and visual amenity of the area. This is a consideration that weighs heavily against the proposal.

456. It is also necessary to determine how any noise impact should be taken into account in the overall balancing exercise. The scheme could operate within ETSU limits, which were formulated on the basis of a balancing exercise. Furthermore, the NPSE aims are to be applied in the context of policy on sustainable development. So the benefits of the RE generated by the scheme are a relevant matter. Taking all these considerations into account, I find that the proposal, insofar as noise is concerned, would not unacceptably harm the amenities of any neighbouring properties, and that this is not a consideration that weighs against the proposal.

457. Taking all these considerations into account, and weighing the benefits of the scheme against the likely harm, my judgement is that the planning balance falls against granting planning permission for the RBC application.

458. If the Secretary of State gives moderate weight to the benefits of the MRMP then the overall weighing of planning benefits against harm would be more finely balance. But in my judgement, would still fall against granting planning permission for the RBC application because of the overall environmental harm. However, if the Secretary of State awards substantial weight to the benefits of the MRMP, then that might be sufficient to tip the balance in favour of granting planning permission. As outlined above, the weight to be given to the MRMP is a matter for the Secretary of State, taking into account all the relevant evidence.

Planning balance – RMBC application

459. The planning balance for the RMBC application involves determining whether very special circumstances exist, having regard to relevant Green Belt policy. With an installed capacity of 4.6 MW in Stage 1 this scheme would make a significant contribution to RE targets and towards the reduction of GHG. This would accord with the Government's policy on climate change. It would also provide additional energy security. These are important public benefits, which should be given significant weight. The development would also have some benefits to the local and wider economy. However, for the reasons set out above, I have found that no weight should be given to the biodiversity and other benefits of the MRMP.

460. There is significant local objection to the proposal, but also some support. The weight of representations for and against the scheme is not a consideration that can be factored into the Green Belt balancing exercise. The development would be temporary and reversible, but this just means that both the harm and the benefits would be time limited. Duration and reversibility are not factors that should be given much weight in determining whether very special circumstances exist.

461. There is no convincing evidence that the part of SMWF2 proposed within RMBC would have any significant adverse effects on any listed buildings, conservation areas or undesignated heritage assets. Any such impacts would be far outweighed by the public benefits of the scheme. Taking into account the combined effects on outlook, of shadow flicker and likely noise, PT15 and PT16 would not have a significant adverse effect on the living conditions of any nearby residents. I have found that the harm to the character and appearance of the area would be minor and localised, given that the local context in Stage 1 would include nearby SMWF1 turbines.

462. The proposal is inappropriate development that would by definition harm the Green Belt. The turbines would, to some extent, have an adverse impact on the openness of the Green Belt. As a further intrusion into this part of the countryside, they would be at odds with one of the purposes of the Green Belt. Harm to the Green Belt is the most significant negative factor in the balancing exercise that applies here. The other harm I have identified is localised and limited.

463. The significant weight to be given to the RE benefits of the scheme weighs heavily in favour of the proposal. Paragraph 91 of the *Framework* provides that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. In my judgement, these benefits would be sufficient to clearly outweigh the harm to the Green Belt and any other harm. Taking all the above into account for

the RMBC application on its own merits, I find that the 'other considerations' in this case clearly outweigh the harm I have identified, and the very special circumstances necessary to justify the development exist. Were the Secretary of State to find that significant material weight should be given to the benefits of the MRMP then the overall planning balance would fall even more favourably on the side of granting planning permission for the RMBC application.

Development plan

464. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the applications to be decided having regard to the development plan, and to be determined in accordance with it, unless material considerations indicate otherwise.

465. In the RBC application, the proposal would conflict with Policy 20 of the Rossendale Local Plan Part 1: Core Strategy Development Plan Document: The Way Forward (2011-2026), which was adopted in 2011 (RossendaleCS) because it would have an unacceptably harmful impact on the landscape character and value of the area, based on the most up to date studies and assessments. The evidence before the Inquiry does not demonstrate, where negative impacts cannot be removed solely through site selection, that any impacts can be satisfactorily mitigated.

466. The proposal would not accord with Policy 18, which seeks to avoid any harmful impacts on all aspects of the natural environment, and expects landscape character to be safeguarded and enhanced. Negative effects on landscape character are here unavoidable, and I do not consider that suitable measures would be provided to mitigate these, or that full compensatory provision would be secured where mitigation was not possible. That part of SMWF2 in RBC would also be at odds with Policy 1 concerning maintaining Rossendale's distinctive environment.

467. However, the proposal would gain some support from Policy 19 concerning renewable power, and the scheme would contribute to meeting at least 25% of the energy needs of the Borough by 2026. Insofar as the proposal would support the rural economy and its communities, the scheme would accord with Policy 21. Subject to appropriate conditions the proposal would not conflict with Policy 14 concerning tourism or Policy 17 regarding green infrastructure. Nevertheless, in my judgement, the breaches of relevant RossendaleCS policies would be sufficient to bring the proposal into conflict with the development plan when read as a whole. [16,17,18,106,137-139,302u]

468. In the RMBC application, the development plan includes Rochdale Core Strategy, which was adopted on 19 October 2016 (RochdaleCS), along with saved policies of the Rochdale Unitary Development Plan, which was adopted in 2006 (UDP). I have found that very special circumstances exist here, and so that part of SMWF2 in RMBC would comply with RochdaleCS Policy G4 concerning the Green Belt.

469. Subject to the imposition of appropriate planning conditions, I am satisfied that PT15 and PT16 could be constructed and operated so as to ensure that the development did not cause unacceptable harm to peatlands. Notwithstanding my findings about the MRMP, appropriate conditions could encourage the restoration and responsible management of peatlands. On this basis, I find that

the scheme would reasonably comply with Policy G1. With appropriate conditions the scheme would accord with Policy G6, which seeks to enhance green infrastructure, including protecting and enhancing land management to support water management and carbon storage in the South Pennine uplands. The same would apply regarding Policy G7, which aims to increase the value of biodiversity, and for the South Pennine Moors to maintain and enhance peatland habitats.

470. I find no conflict with Policy G8 about managing water resources, or with UDP Policies EM/7 concerning flood risk and EM/8 protecting surface and ground water. The proposal would not entirely accord with Policy P2, which sets out measures for protecting and enhancing character, landscape and heritage. Determining the significance of any conflict with Policy P2 should have regard to EN-3, which notes that some harm is inevitable from large turbines. The RMBC proposal would gain support from Policy G3 concerning renewable energy development, given that suitable areas are yet to be identified in an Allocations DPD. For the reasons set out in the next section of this report, I find that this part of the SMWF2 scheme would accord with national policy about delivering sustainable development, and so would comply with RochdaleCS Policy SD1. Overall, I find that the RMBC application would accord with the development plan when read as a whole. [19,20,106,140-142]

National Planning Policy Framework and Guidance

471. Core planning principles in the *Framework* support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources, for example by the development of RE. Supporting the delivery of RE is central to the economic, social and environmental dimensions of sustainable development. Other core principles recognise the intrinsic character and beauty of the countryside, along with conserving and enhancing the natural environment, and conserving heritage assets in a manner appropriate to their significance. The *Framework* notes that the planning system should contribute to and enhance the local environment by protecting and enhancing valued landscapes. It also provides that a proposal for RE should be approved if its impacts are, or could be made, acceptable. This is a matter to be judged, not in some absolute sense, but in the context of the *Framework's* overall objectives for sustainable development.

472. The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the *Framework,* require a balancing exercise be performed for each application to weigh the benefits of the proposed development against its disadvantages. The *Framework* explains that all communities have a responsibility to help increase the supply of green energy, but the *Guidance* notes that this does not mean that the need for RE automatically overrides environmental protections and the planning concerns of local communities. [98,99,143]

473. In the RBC application I do not consider that the encouragement given in the *Framework* for RE is sufficient here to outweigh the harm to both the intrinsic character and beauty of this part of the countryside and to heritage assets. The scheme would not contribute to and enhance the local environment by protecting and enhancing a valued landscape. I have found that the planning balance falls against the proposal. Taking all material considerations into account, I do not consider that the proposed RBC scheme

would be acceptable in this location. Furthermore, there are no grounds here, having regard to paragraphs 18-219 of the *Framework*, to find that the proposal would be sustainable development. The proposal would, therefore, conflict with the provisions of the *Framework* and the *Guidance*.

474. The *Framework* provides for very special circumstances in the Green Belt. For the reasons set out above, the balance in the RMBC application falls in favour of the proposal, and I consider that very special circumstances exist. The evidence submitted demonstrates that the impacts of the RMBC scheme could be made acceptable. I do not consider that the scheme would result in any significant harm to a valued landscape. I find, therefore, that the proposal would accord with the requirements for sustainable development set out in the *Framework*. The paragraph 14 presumption in favour of sustainable development applies here because the proposal would accord with the development plan. In addition, the proposal would accord with the provisions of the *Guidance*.

Written Ministerial Statement (WMS)

475. The WMS transitional arrangements apply here, and so local planning authorities can find the proposal acceptable if, following consultation, they are satisfied that it has addressed the planning impacts identified by affected local communities and therefore has their backing. It is evident that Inspectors have interpreted the WMS in different ways, but clear that the Secretary of State has consistently applied significant or substantial weight to any conflict with the WMS. [22,304,257]

476. The fact that RBC and RMBC resolved to approve the applications does not necessarily mean that the proposal complies with the WMS. As elected representatives of the Boroughs, this endorsement by Council Members is an important material consideration, but not determinative in this regard. Elected Parish Councils and other local authorities also represent local views, and some object to the scheme. [108,211,249,268,269]

477. The Secretary of State has given a direction that the applications be referred to him, instead of being dealt with by the local planning authorities. Therefore, it falls to the Secretary of State to come to a planning judgement, having regard to all the circumstances here, about compliance with the WMS. In doing so, the WMS does not prevent the Secretary of State from exercising his legitimate discretion, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Many local residents argued that the WMS meant that "local people have the final say". They considered that the scheme did not address their concerns. But this is not a justification for attributing decisive weight to the particular views of some local people, because that would fetter the Secretary of State's discretion in determining the applications on their planning merit. [144-149,199,206,211,215(1), 218,235,248,258,302u,]

478. There is some criticism about the effectiveness of the consultation exercise undertaken to inform local residents about the proposed development. However, the Secretary of State now has the benefit of the Inquiry proceedings, in addition to all the previous submissions and representations about the proposal. The Inquiry provided an opportunity for all interested persons or parties, local groups and residents to fully understand the proposal and its likely effects, and to make submissions or representations about these

matters. These views are summarised in this report. There are now no grounds to find conflict with the WMS because of inadequate consultation. [101,184,226,235,248,303]

479. The WMS refers to 'affected local communities', and so it is necessary to consider to whom this would apply in each application. Large turbines have the potential to affect an extensive area. Significant combined effects of SMWF2 were identified in the applicant's LVIA for visual receptors at VP35, a distance of some 14 km. Therefore, what is considered to be 'local' would be unlikely to be just the immediate vicinity. Affected communities here could extend beyond the boundaries of RBC and RMBC. Furthermore, there may be some justification for taking into account an even wider community, where RE gains from SMWF2 would result in climate change benefits that would accrue not only nationally, but for the world. Nevertheless, the WMS focuses on 'local' communities, and so it would be reasonable here to include communities within some 10 km of the site for the purposes of applying the WMS.[248] For the RBC application the affected communities would be largely located to the north, west and south of the site, for the RMBC application (PT15 and PT16) the affected communities would lie more to the east and south. There are both supporters and objectors to the applications within these areas. If objectors are taken to represent the views of affected communities, then RBC/RMBC invite the Secretary of State to conclude that the planning impacts identified have been addressed. [102,103,150-153]

480. The Concise Oxford Dictionary states that 'address' means 'direct one's attention to', and so the WMS requires the determining authority to apply consideration, or care, to the planning impacts identified by affected local communities. The part of the WMS that provides "and therefore has their backing" to my mind means that if the Secretary of State is satisfied that the proposal has appropriately addressed the planning impacts identified by affected local communities, as a consequence, it would have their backing. However, if the Secretary of State takes a different view, and finds that the 'backing' part of this sentence should be given a meaning detached from the 'addressed' part, then it would be necessary to devise some method for gauging and weighing levels of support and objection from the documented representations and submissions outlined in this report. This would be no easy task. There is no guidance about how it might be done, and nothing in the WMS that implies compliance with it would be dependent upon the outcome of some form of referendum or plebiscite. Even if the Secretary of State were to find, for either of the applications, that the 'backing' was not sufficient to comply with the WMS, that need not be determinative.

481. Interpretation of policy is ultimately a matter of law, but on my reading of the WMS, compliance could be achieved, notwithstanding outstanding objections from affected local communities about adverse planning effects that would remain despite the implementation of mitigation measures. Some Inspectors have referred to this as part of an overall planning balance to assess whether material concerns resulted in unacceptable harm. A scheme which did not give proper consideration or care to the adverse impacts on affected communities may be likely to result in unacceptable harm, but might not always do so. It seems to me that a balancing exercise is required to

[248] As shown on Figure 7.6 of APP/BD/4.

assess whether a proposal would accord with the WMS, and what would constitute reasonable care and attention in dealing with adverse impacts would be a matter to be decided in each case.

482. If the Secretary of State agrees with the above, then he would need to decide, as a matter of planning judgement, if he is satisfied that the proposal has appropriately directed attention, consideration and care, to the planning impacts identified by affected local communities. If it has done so, then the proposal would have the backing of affected local communities, and so would comply with the WMS. If the Secretary of State is not so satisfied, then the resultant conflict with the WMS would weigh substantially against the proposal. However, as outlined above, this would, by itself, fall short of amounting to determinative or decisive weight, in the sense that conflict with the WMS would always be fatal to a proposal. Compliance with the WMS needs to be determined for each application.

483. In the RBC application, I have found that the proposal would result in significant adverse visual effects. In particular, the additive cumulative impact of PT5, PT6 and PT7, and to a lesser extent PT8 and PT9, along with PT10 and PT11, would harm the appearance of the area for local receptors to the north and west of Scout Moor. I do not consider that the mitigation proposed would be sufficient to address the concerns of these affected communities. I find that the RBC application would not accord with the transitional arrangement in the WMS, and that this conflict weighs heavily against granting planning permission.

484. In the RMBC application, the issues raised by affected local communities include harm to the Green Belt, adverse landscape and visual impact, along with harm to heritage assets. However, I have found that, in considering the Green Belt issue, very special circumstances exist. This is a strong indication that these matters have been adequately addressed. PT15 and PT16 would be sited amongst the SMWF1 turbines and, in the amended scheme, would be removed when SMWF1 was decommissioned. They would have little impact on the character and appearance of the area. PT15 and PT16 would not add significantly to the impact of SMWF1 on historic Rooley Moor Road, or on nearby conservation areas. None of the other issues raised by affected communities are of sufficient substance to bring the proposal into conflict with the WMS. I find that this application would comply with the transitional arrangement in the WMS.

485. However, if the Secretary of State comes to a different conclusion about compliance with the WMS, a question would then arise about whether that conflict would be fatal to the granting of permission, or whether the conflict with the WMS and resultant harm should then be weighed in revisiting the overall planning balance. The latter could potentially result in a grant of planning permission if the benefits outweighed the revised harm. If compliance with the WMS is determinative, then the application, in this scenario, should be refused, even if the Secretary of State were to find that very special circumstances exist, because of the substantial weight to be given to the conflict with the WMS. On the other hand, if conflict with the WMS should go back into the planning balance, I consider that, in this case, there would still be strong grounds for granting planning permission because of the considerable RE benefits of PT15 and PT16 relative to the overall level of harm.

Conditions and obligations

486. No planning obligations have been submitted. RBC/RMBC and the applicant reached agreement about possible conditions at the Inquiry. Interested persons and local residents considered that modified and additional conditions would be necessary if the applications were approved. I have considered the need for conditions and their wording in the light of the advice contained in the *Guidance*.[249] [323-332]

487. A commencement period of five years would be appropriate here because of the need to obtain other approvals relating to the use of Common Land (Condition 1).

488. A condition would be required to specify that the permitted development was temporary and for a 25 year period (Condition 2). Decommissioning and site restoration would be necessary in accordance with an approved timetable, and for any turbines that failed to operate (Conditions 3 and 4). Conditions would be necessary to remove PT16 in Annex 2 on the decommissioning of SMWF1, and in this regard to give effect to the amended schemes in Annex 3 and Annex 4. These would be necessary to define the temporary permission and secure restoration in the interests of the appearance of the area.

489. Otherwise than as set out in any decision and conditions, it would be necessary that the development was carried out in accordance with the approved plans, so that it was consistent with the development assessed at the Inquiry (Condition 5). The height of turbines and size of blades would need to be specified to accord with the dimensions of the turbines assessed in the landscape evidence (Condition 6). Details of finishes and colour would need to be approved in the interests of the appearance of the area (Condition 7). So too would the details of the substation, electrical switchgear and anemometer mast (Conditions 8 and 9). Electrical cabling would need to be underground for similar reasons (Condition 10).

490. A traffic management plan would need to be approved in the interests of highway safety. Damage to the public highway during construction is a matter to be dealt with under the Highways Act, but a planning condition could require a scheme to restore any damage done to the highway and public rights of way to be approved by the local planning authority (Condition 11).

491. A construction method statement and environmental management plan would also need to be approved in the interests of the amenity of the area (Conditions 12 and 13). Details for new access tracks and footpath links would need to be approved as the applications do not contain sufficient details (Condition 14).

492. Restricted times for construction work and associated traffic would need to be imposed to safeguard the amenity of the area (Condition 15). I consider that the times agreed by the applicant and RBC/RMBC would offer a

[249] The Condition numbers in this section apply to Annex E1. The numbering of conditions differs in Annex E2, Annex E3 and Annex E4, but the reasons given for imposing conditions also apply to the corresponding conditions in the other annexes.

reasonable balance between local amenity and the need for a developer to undertake construction efficiently.

493. A programme of archaeological work would need to be approved and implemented in the interests of local heritage (Condition 16). The grid coordinates for the turbines and meteorological mast would need to be specified, along with micro-siting provisions, to ensure that siting accorded with the evidence considered at the Inquiry (Condition 17). For safety reasons the dates of commencement and completion of construction, along with the location of turbines, would need to be provided to the relevant authorities (Condition 18). For air safety reasons, radar mitigation schemes would need to be approved and implemented (Conditions 19, 20 and 21). A protocol for the assessment and remediation of shadow flicker would need to be approved to safeguard residential amenity (Condition 22). Wildlife surveys would need to be updated prior to construction for nature conservation reasons (Condition 23).

494. Many objectors expressed reservations about the adequacy of the MRMP to achieve its stated objectives, and I have set out above my concerns about the validity of the suggested conditions. However, if the Secretary of State determines that the MRMP condition would comply with the relevant legal and policy tests then it should be imposed in the form suggested. If not, a compliant version would need to be devised if Conditions 24, 25 and 26 were imposed on any grant of planning permission.

495. An access for recreation strategy would need to be approved and implemented in the interests of safeguarding local recreation and equestrian activities (Condition 27). For the RBC application (Condition 28) provision would need to be made for the details of the horse enclosure and permissive bridleway to be approved and implemented if the Secretary of State were to include this as part of the proposed development. There is insufficient detail in the application about the proposed enclosure.

496. A local employment procurement strategy would be necessary in the interests of the local economy (Condition 29). Measures to safeguard groundwater and to provide for drainage would be necessary in the interests of water quality and flood risk (Conditions 30–33). Planning conditions would be necessary to confirm coal mining and geo-technical conditions on the site for safety reasons (Conditions 34 and 35).

497. Measures to investigate and alleviate any electro-magnetic interference from the turbines would be necessary to safeguard local residential amenity (Condition 36). Conditions to deal with turbine noise would be necessary for similar reasons, including the imposition of ETSU limits along with guidance notes, the regulation of amplitude modulation, and noise monitoring (Conditions 37-39). There is sufficient evidence to justify the imposition of an AM condition, but no convincing grounds to require any specific buffer or set back from dwellings. The compliance testing and monitoring conditions agreed by the applicant and RBC/RMBC would reasonably safeguard the residential amenity of nearby occupiers. On the evidence before the Inquiry there is no justification for imposing a condition to deal with infrasound.

498. There is much local concern about the funding of site restoration after the decommissioning of turbines, and many objectors consider that it would be necessary to require a substantial bond to ensure adequate finance was available to fund this work in the future. However, there is no guidance or policy to indicate that a bond would be required for the proposed development. Practice in other cases has been to rely on restoration conditions. This would accord with the *Guidance* about the use of conditions. Furthermore, EN-3 notes that onshore wind turbines can be decommissioned relatively easily and cheaply. I do not consider that there are any particular circumstances here that would warrant a requirement for a bond. If the Secretary of State comes to different conclusion about the need for a restoration bond, and grants planning permission for either or both schemes, then it would be necessary to go back to the parties to devise a suitable mechanism for a bond, either by means of a planning condition or planning obligation. This was not a matter that was considered at the Inquiry in the necessary detail to recommend an appropriate mechanism. [91,188,189,191,209,325,247]

499. Local residents have some grounds for their reservations about the ability of the local authorities to enforce complex planning conditions. However, there is also evidence, with regard to wind turbine noise, that compliance testing has been appropriately undertaken. In imposing planning conditions that satisfy the relevant tests it should be assumed that they would be properly enforced. In any event, if the Secretary of State considered it expedient to do so he could issue an enforcement notice. I find no grounds here for doubting the ability of the local authorities to take appropriate action if imposed conditions were breached, and no basis for setting up a funding arrangement for the operator to contribute financially to the monitoring of conditions by the local authorities. [68,90,90,187,309,322,327]

Overall conclusions

500. There is considerable local opposition to the proposed development, which is evident from the written representations and the submissions made at the Inquiry, but also some support for the scheme. One of the aims of national planning policy is to strengthen local decision making.[250] However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons. The applications therefore fall to be determined on their respective planning merits. [252,265(22),317,319,320]

501. In the RBC application the proposed development would result in significant harm to the character and appearance of the area. It would also, to some extent, harm heritage assets. EN-1 states that without significant amounts of new large-scale energy infrastructure, the objectives of the Government's energy and climate change policy cannot be fulfilled, and that it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. However, whilst the *Framework* seeks an increase in the supply of green energy, the *Guidance* notes that the need for RE does not automatically override environmental protections and the planning concerns of local communities. [94-96]

[250] *National Planning Policy Framework* Annex 1: Implementation.

502. In my judgement, the RE and other benefits would not be sufficient to outweigh the likely harm from the RBC element of SMWF2. Notwithstanding the support the proposal derives from EN-1, the balance here falls against granting planning permission for the RBC application. This part of the scheme would conflict with the development plan, and would not gain support from the *Framework*. Furthermore, I have found that it would not accord with the WMS. All other matters raised in evidence have been taken into account, but there is nothing to outweigh the main considerations that lead to my conclusion that the RBC application should be refused.

503. In the RMBC application I have found that the planning balance would fall in favour of granting planning permission, and that very special circumstances exist for the purposes of applying Green Belt policy. The proposal would accord with the development plan and would be sustainable development in accordance with the provisions of the *Framework*. Furthermore, in my assessment, subject to the imposition of appropriate planning conditions, it would reasonably comply with the WMS. All other matters raised in evidence have been taken into account, but there is nothing to outweigh the main considerations that lead to my conclusion that the RMBC application should be granted planning permission subject to conditions.

Recommendations

504. I recommend that the applications be determined on the basis of the amended scheme considered at the Inquiry. Furthermore, if the Secretary of State is minded to do so, then I recommend that the descriptions of the proposed development for Application A: APP/B2355/V/15/3139740 (RBC application Ref.2015/0112) and Application B: APP/P4225/V/15/3139737 (RMBC application Ref.15/00395/FUL) be altered to the text set out in, respectively, Annex C2 and Annex C3, of this report.

505. However, if the Secretary of State determines the applications on the basis of the original un-amended proposal, then the description of the development would remain as set out on the application forms, as shown in the bullet points at the start of this report, or as set out in Annex C1 of this report. In this scenario, if the Secretary of State were minded to grant planning permission for Application A or Application B, then it is recommended that the suggested conditions in Annex E1 and Annex E2 of this report, respectively, should apply.

506. If the Secretary of State grants planning permission for Application A: APP/B2355/V/15/3139740 (RBC application Ref.2015/0112), then I recommend that he does not reject the proposed permissive bridleway. However, the relevant bullet point in the description of the proposed development, along with the suggested planning condition, should be deleted if the Secretary of State rejects the proposed permissive bridleway.

507. I recommend that Application A: APP/B2355/V/15/3139740 (RBC application Ref.2015/0112) be refused for the reasons set out above. However, if the Secretary of State disagrees with my recommendation, and is minded to grant planning permission, Annex E3 to this report lists planning conditions that I consider should be attached to any permission granted for the amended scheme.

508. I recommend that Application B: APP/P4225/V/15/3139737 (RMBC application Ref.15/00395/FUL) be granted planning permission subject to conditions. The conditions set out in Annex E4 of this report are recommended if both the RBC application is approved and the MRMP conditions are considered to be valid. However, if the Secretary of State agrees that planning permission should be granted, I recommend that he consult the parties to consider revised provisions for the MRMP and its implementation, so that any conditions imposed ensured that their requirements were fairly and reasonably related to the development and justified by the nature or impact of the development permitted. If the Secretary of State is minded to approve Application B, but to refuse Application A, the parties should be consulted to devise an amended noise condition that provided for limits related only to the noise emissions from PT15 and PT16 in combination with noise from any existing or permitted turbines at that time.

John Woolcock
Inspector

ANNEX A - APPLICATION PLANS

The following plans apply to both the RBC and the RMBC applications, with the exception of the plans for the mast, substation and permissive bridleway, which would be located within RBC.

Figure 4.1	Application Site and Administrative Boundaries
Figure 5.1a	Proposed Layout (Master Plan)
Figure 5.1b	Proposed Layout North Inset
Figure 5.1c	Proposed Layout West Inset
Figure 5.1d	Proposed Layout East Inset
Figure 5.1e	Proposed Layout South Inset
Figure 5.8	Retained Infrastructure Between 2034 and c2042
Figure 5.10	The Proposed Anemometer Mast
Figure 5.11b	The Proposed Substation Elevations
Figure 5.14	Proposed New Permissive Bridleway
Figure 5.15	Proposed Connection between New and Existing Access Tracks

ANNEX B – RULINGS BY INSPECTOR

Ruling day 1 of the Inquiry

In response to Mr Ross's request that I hear his evidence on oath I ruled that it would not be necessary to do so, particularly as if his evidence was given on oath it would be necessary to hear all other witnesses on oath, and given the relevant planning matters at issue in these applications this would not be appropriate for these proceedings. I added that the standard of proof at this Inquiry was not the same as that which would apply to a court of law.

Ruling day 3 of the Inquiry

In response to written submissions to the Inquiry by Mr Ross the applicant submitted a witness statement by Mr Harvey. Mr Ross requested that Mr Harvey be required to attend the Inquiry to answer questions about his statement. I heard submissions about this request at the Inquiry and, having regard to the written submissions along with the oral arguments for and against calling Mr Harvey, ruled as follows.

It is evident that there is a dispute about drainage between adjoining landowners and that the documents submitted make reference to a nuisance action. It seems to me that the matters addressed in the witness statement concern a private dispute between the respective landowners, and that I have not seen or heard anything to indicate that this is also likely to be a matter of public interest with which the planning system should be concerned. Therefore I do not consider that the matters at issue in the witness statement are likely to assist the Secretary of State in determining these applications on their planning merit. That does not mean that the matters raised in Mr Ross's submissions regarding management and restoration of the application site are not material to the Inquiry, particularly as site restoration is a matter referred to in Government guidance. Evidence about this would be relevant and this would be discussed in the without-prejudice Inquiry session about suggested planning conditions.

I ruled that it would not be necessary in these circumstances to require Mr Harvey to attend the Inquiry and I declined to do so.

ANNEX C – DESCRIPTION OF PROPOSED DEVELOPMENT FOR AMENDED SCHEME

Annex C1 Identical description for both applications

The construction and operation of 13 no. wind turbines with a maximum height to the tip of the blade of 115 metres (above ground level) and 3 no. wind turbines with a maximum height to the tip of the blade of 100 metres (above ground level) (turbines T15 and T16 (both 115 m high above ground level) to be located in Rochdale and the remaining 14 turbines to be located in Rossendale) for a temporary period of up to 25 years together with:

• the installation of associated ancillary infrastructure (new and upgraded vehicular access tracks, crane pads, underground electrical cabling, sub-station and compound, drainage infrastructure and temporary construction compound);

• the installation of an anemometer mast of a maximum height of 60 metres for temporary period of 25 years;

• the retention of those elements of ancillary infrastructure associated with the existing Scout Moor Wind Farm which it is necessary to retain on site post-2034 to enable the operation and maintenance of the proposed wind turbines for a period of up to 25 years from the date of their first exportation of electricity to the national electricity grid network;

• the implementation of a scheme of moorland restoration and management (MRMP) including the erection of fencing (without compliance with condition 10 of the consents granted for the existing Scout Moor Wind Farm (reference GBDC/003/00005c-02)) pursuant to the provisions of Section 36 of the Electricity Act 1989 and Section 90 (2) of the Town and Country Planning Act 1990;[251]

• the erection of stock proof fencing, gates and stock holding pen in association with the creation of a permissive bridleway; and

[the above bullet point should be deleted if the Secretary of State rejects the proposed permissive bridleway]

• the formation of paths for pedestrians and horse-riders to link existing and proposed wind farm access tracks to existing Public Rights of Way (PROW).

[251] Condition 10 of GBDC/003/00005c-02 states that the access tracks to, and all areas around, the turbine bases shall remain unfenced, and that access for members of the public, and commoners and their grazing stock, shall over and along the access tracks and over the area the turbine bases shall be allowed during the lifetime of the permission.

Annex C2 Separate description for RBC application

The construction and operation of 11 no. wind turbines with a maximum height to the tip of the blade of 115 metres (above ground level) and 3 no. wind turbines with a maximum height to the tip of the blade of 100 metres (above ground level) for a temporary period of up to 25 years together with:

• the installation of associated ancillary infrastructure (new and upgraded vehicular access tracks, crane pads, underground electrical cabling, sub-station and compound, drainage infrastructure and temporary construction compound);

• the installation of an anemometer mast of a maximum height of 60 metres for temporary period of 25 years;

• the retention of those elements of ancillary infrastructure associated with the existing Scout Moor Wind Farm which it is necessary to retain on site post-2034 to enable the operation and maintenance of the proposed wind turbines for a period of up to 25 years from the date of their first exportation of electricity to the national electricity grid network;

• the implementation of a scheme of moorland restoration and management (MRMP) including the erection of fencing (without compliance with condition 10 of the consents granted for the existing Scout Moor Wind Farm (reference GBDC/003/00005c-02)) pursuant to the provisions of Section 36 of the Electricity Act 1989 and Section 90 (2) of the Town and Country Planning Act 1990;

• the erection of stock proof fencing, gates and stock holding pen in association with the creation of a permissive bridleway; and

[the above bullet point should be deleted if the Secretary of State rejects the proposed permissive bridleway]

• the formation of paths for pedestrians and horse-riders to link existing and proposed wind farm access tracks to existing Public Rights of Way (PROW).

Annex C3 Separate description for RMBC application

The construction and operation of 2 no. wind turbines with a maximum height to the tip of the blade of 115 metres (above ground level) for a temporary period of up to 25 years together with:

• the installation of associated ancillary infrastructure (new and upgraded vehicular access tracks, crane pads, underground electrical cabling and drainage infrastructure);

• the retention of those elements of ancillary infrastructure associated with the existing Scout Moor Wind Farm which it is necessary to retain on site post-2034 to enable the operation and maintenance of the proposed wind turbines for a period of up to 25 years from the date of their first exportation of electricity to the national electricity grid network; and

• the implementation of a scheme of moorland restoration and management (MRMP) including the erection of fencing (without compliance with condition 10 of the consents granted for the existing Scout Moor Wind Farm (reference GBDC/003/00005c-02)) pursuant to the provisions of Section 36 of the Electricity Act 1989 and Section 90 (2) of the Town and Country Planning Act 1990.

ANNEX D – INSPECTOR'S NOTE ON SOME OF THE KEY POINTS IN THE MRMP

Moorland Restoration and Management Plan
included at ES Appendix 5.2

1. The MRMP is intended to improve the condition of the moorland, restore any areas disturbed constructing SMWF2, further the restoration of areas remaining damaged by the construction of SMWF1, and provide the foundations for the longer term maintenance of the MRMP area. The three-pronged approach includes active interventions to restore bare, eroding and gullying peat, control of off-road vehicles, and stock control so that grazing levels support restoration objectives.

2. For a number of reasons the moorland within the MRMP has over the years become severely degraded. The objectives of the MRMP would be to;

- re-establish better quality vegetation and habitat
- restore bare peat, gullying and erosion as far as is possible
- improve water quality through reduction of dissolved organic carbon (DOC) and sediment
- improve catchment hydrology by restoring a higher water table
- facilitate the diversification of acid grassland vegetation
- restore areas affected by construction of SMWF2
- restore areas of damage caused by SMWF1 that have still not recovered fully

3. The MRMP (pages 14-32) documents investigations undertaken for the ES, ground conditions and identifies remedial measures.

4. The restoration management plan includes a grazing package of acceptable measures negotiated with the graziers, which has two main elements; a general reduction of grazing across the MRMP area, and exclusion of grazing in fenced areas for five years in order for remedial restoration measures to be undertaken. The erection of fencing would require Commons Act consent. Site factors have been taken into account in calculating desirable stocking levels. Monitoring would be used to demonstrate the efficacy of stocking levels against the quality of the vegetation in the MRMP area.

5. A full-time Conservation Ranger, employed by the operator of the turbines for the 25 year life-span of the development, would be responsible for building strong relationships with the local communities and recreational users, and working closely with active graziers. Other duties would include monitoring the implementation of the MRMP, surveillance of fencing, stocking levels, and off-road vehicles.

6. Restoration measures would focus on stabilising bare peat to limit erosion, re-wetting the peat rill and gully damming and encouraging re-vegetation of damaged and bare ground, as shown on MRMP Figure 13. Five indicative Target Restoration Areas A-E are shown on Figure 8 for a systematic rolling programme, the order of which would be based largely on ecological and hydrological considerations. The programme would be iterative and guided by experience and wider research. A range of intervention measures has been selected for different areas of the moor, based on current best practice and experience. However, some of the measures have not been used for long and there is sometimes a dearth of research results demonstrating their efficacy on a longer term basis. Prior to implementation a further site assessment would be needed as the original survey was in 2010-11.

Remedial and restoration measures, which would be phased, would themselves lead to other works depending on how they function and this in turn often depends on the weather conditions over a period of time. The MRMP includes a preliminary range of measures and areas to which each would be applied (pages 48-63).

7. For the MRMP to be sustainable for the lifetime of the wind farm and beyond, longer-term management and aftercare are required. Regular monitoring and management updates would be shared with different stakeholders, including relevant authorities. How best to manage fire risk would be developed as part of the MRMP Management Plan. Monitoring of vegetation and hydrology is proposed (pages 67-70).

Moorland Restoration and Management Plan Implementation Strategy
Included at APP/PA/2 Appendix 1

1. This is intended to provide clarity about the mechanisms and approval process associated with the implementation of the MRMP, given that some restoration measures would need to be kept under review to ensure that they were effective as possible having regard to local conditions and any changes over time, including to best practice and/or guidance for the restoration of peatlands.

2. The first step would be to reduce the sheep flock over the 898 ha MRMP area in accordance with the numbers and agreements set out in the MRMP. The second step would reassess the measures needed to restore the condition of the peat and to progress implementation. The third step is the appointment of the Conservation Ranger.

3. Peatland restoration works would be divided into 5 phases each lasting for 5 years. Phase 1 would comprise;

- all restoration measures outside the proposed fenced areas,
- peat translocation and restoration of holes in the peat blanket using peat and vegetation derived from construction, and
- peatland restoration measures within some of the fenced plots

4. The fenced areas for each of the 5 phases, ranging in area from 39.59 ha to 55.64 ha, are shown on Figure 1 of the MRMP Implementation Strategy. These would be adjusted if only the RBC part of the MRMP was implemented.

5. A Steering Group would consider any changes needed to Phase 1 to improve its chances of successful restoration over the remaining period of the phase. At the end of Phase 1 performance would be reviewed with recommendations for the implementation of future phases.

6. All phases would be carried out in accordance with the Detailed Design Protocol included at Schedule 1. This sets out provisions for;

- aerial photographic surveys,
- site reassessment to identify, amongst other things, how many dams of different sorts would be required,
- seeding peat pans,
- identifying areas for Geojute application,
- areas for heather brash and *Sphagnum* inoculation,

- identifying the most suitable type of dams
- identifying new gullies or bare peat areas, along with appropriate dam construction using either heather bales, coir rolls, plastic piping, stone dams or wingwalls
- track recovery
- the need for larch brashings or similar
- the analysis of data to provide areas, numbers and locations for restoration measures for each phase
- detailed specification of works with techniques deemed appropriate for that phase
- monitoring success or otherwise
- implementation by specialist contractors with a good track record in similar work

ANNEX E – SUGGESTED PLANNING CONDITIONS

There are two sets of suggested conditions for each application depending upon the Secretary of State's determination about dealing with the applications on the basis of the amended scheme.

Annex E1
RBC application - Version of Conditions if amended scheme not accepted

Annex E2
RMBC application - Version of Conditions if amended scheme not accepted

Annex E3
RBC application - Version of Conditions if amended scheme accepted

Annex E4
RMBC application - Version of Conditions if amended scheme accepted

Annex E1 Proposed Conditions (1-39) as agreed with Rossendale Borough Council for the un-amended scheme

In the following Conditions:

The 'First Export Date' means the date when the turbine generators forming part of the development hereby permitted have first supplied electricity to the national grid on a commercial basis save for the purposes of testing.

'ES' means the Environmental Statement dated March 2015

'MRMP' means the Moorland Restoration and Management Plan included in ES Appendix 5.2

'MRMP Implementation Strategy' means the Moorland Restoration and Management Plan Implementation Strategy dated 7 September 2016

'ECoW' means Ecological Clerk of Works

'MoD' means Ministry of Defence

The 'Noise Condition' for the purposes of these Conditions and Guidance Notes is Condition 39.

1. The development hereby permitted shall commence before the expiration of five years from the date of this permission. Written confirmation of the Commencement of Development shall be provided to the local planning authority no later than one week after the event.

2. The development hereby permitted shall be removed in accordance with Condition 3 below after a period of 25 years from the First Export Date. Written notification of the First Export Date shall be given to the local planning authority no later than one calendar month after the event.

3. Not later than 12 months before the expiry of the 25 year period referred to in Condition 2, a Decommissioning and Site Restoration Scheme shall be submitted to the local planning authority for approval in writing. The Scheme shall include a timetable for completion of all works and shall be informed by relevant ecological surveys and make provision for;

   a) the removal of the turbines and the associated above ground equipment and infrastructure and turbine foundations to a depth of at least one metre below the ground;

   b) the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land from which the turbines and any ancillary equipment and structures have been removed;

   c) earth moving and soil replacement;

d) the decommissioning effects on flora and fauna along with the restoration of the landscape;

e) reinstatement of public rights of ways, paths and footpaths; and

f) monitoring and remedial actions.

The approved Scheme shall be implemented within 12 months of either the expiry of the 25 year period referred to in Condition 2 or the local planning authority's approval of the Scheme, whichever is the later, and shall be completed in accordance with the approved timetable.

4. If any of the turbines hereby permitted fail to operate for a continuous period of 12 months following the First Export Date, not due to it being under repair or replacement, then the local planning authority shall be notified in writing within one month of the end of the 12 month period.

   Within one month of the notification a Partial Decommissioning Scheme or a Scheme for Repair shall be submitted to the local planning authority for its written approval. If the Scheme is for decommissioning then it shall include a method statement and timetable for the dismantling and removal of the relevant turbine and associated above ground works and foundations to a depth of at least one metre below ground; a Traffic Management Plan; and a method statement and timetable for any necessary restoration works following removal of the relevant turbine. The Scheme shall thereafter be implemented in accordance with the approved details and timetable.

5. Subject to the Conditions attached to this permission, including arrangements for micro-siting and any details approved pursuant to Conditions, the development shall be carried out in accordance with the following approved plans and documents:

   ES/001 (Application Site and Administrative Boundaries);

   ES/002 (Proposed Layout – Masterplan);

   ES/003 (Proposed Layout North Inset);

   ES/004 (Proposed Layout West Inset);

   ES/004a (Proposed Layout South Inset);

   ES/005 (Proposed Layout East Inset);

   ES/012 (Retained Infrastructure between 2034 and 2042);

   ES/019 (Proposed Permissive Bridleway);

   ES/020 (Proposed Connections between the New and Existing Access Tracks).

6. The turbines hereby permitted shall have three blades which shall rotate in the same direction. The overall height of the turbines shall not exceed 115 m to the tip of the blades when the turbine is in the vertical position and the rotor diameter of the blades shall not exceed 85 m.

7. No turbine shall be erected on site until details of the finish and colour of the turbines, together with transformer locations have been submitted to and approved in writing by the local planning authority. No name, sign, symbol or

logo shall be displayed on any external surfaces of the turbines other than those required to meet statutory health and safety requirements. The development shall thereafter be carried out and operated in accordance with the approved details.

8. The construction of the substation building and associated compound shall not commence until details of the external appearance, dimensions, layout, external electrical switchgear and materials for the building and any associated parking area, details of associated fencing and landscaping and details of surface and foul water drainage from the building have been submitted to and approved in writing by the local planning authority. The construction of the substation building and any associated parking area, fencing and landscaping shall be carried out in accordance with the approved details.

9. Prior to the commencement of the construction of the anemometer mast full details of the mast shall be submitted to and approved in writing by the local planning authority. The construction of the anemometer mast shall thereafter be carried out in accordance with the approved details.

10. All electrical cabling between the individual turbines and between the turbines and the control building shall be installed underground.

11. No development shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include proposals for;

    a) a pre-construction highway condition survey including public rights of way;

    b) the routeing of construction traffic;

    c) the timing of delivery vehicle movements including turbine component delivery vehicles;

    d) the management and design of junctions to and crossings of the public highway and other public rights of way;

    e) the management of the site entrance from the public highway;

    f) temporary warning signs and any temporary or permanent works, including locations, required in the public highway to enable the construction of the development;

    g) mechanisms required for the transportation of abnormal loads to the site;

    h) details of a banksman to escort abnormal loads to the site;

    i) the levels and timing of development traffic to minimise effects on Edenfield village and its community;

    j) details of arrangements for off-road car parking facilities within the Edenfield Community Centre during the period of construction of the development hereby permitted; and

k) details of the site manager who would be the main contact for the public during the construction period.

The Plan shall be implemented as approved by the local planning authority.

Following the completion of the development a scheme to restore any damage done to the highway(s) and public rights of way as a result of the development (in accordance with the pre-condition survey(s)) shall be submitted to and approved in writing by the local planning authority.

12. No development shall commence until a Construction Method Statement (hereinafter CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the following;

a) details of the phasing of construction works;

b) the provision of parking, loading and unloading, and manoeuvring areas for vehicles within the site;

c) the methods of working to be employed in the construction of the cable trenches, crane pads and foundation works;

d) site illumination during the construction period;

e) the siting and details of wheel washing facilities;

f) the cleaning of the entrance to the site and the adjacent public highway and the sheeting of all heavy goods vehicles taking spoil or construction materials to or from the site to prevent spillage or deposit of any materials on the highway;

g) the method of disposal of foul drainage and sewage;

h) dust management;

i) details of emergency procedures;

j) the disposal of surplus materials;

k) details of how the construction compound and associated construction works will be reinstated, including a timetable for completion of the post construction restoration and reinstatement works;

l) proposals for the restoration of the site following the completion of the development; and

m) a Construction Noise Management Plan including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out and any necessary mitigation measures.

The construction of the development shall be carried out in accordance with the approved CMS, subject to any variations approved in advance in writing by the local planning authority.

13. No development shall commence until a Construction and Environmental Management Plan, prepared in accordance with the details contained in ES Volume 3 Technical Appendix 5.1, has been submitted to and approved in writing by the local planning authority. The development shall be implemented thereafter in accordance with the approved Plan or any updated version approved in advance in writing by the local planning authority.

14. Prior to the commencement of construction of the footpath links to the existing public rights of way as shown on ES Figure 5.15, plans confirming the method of construction and surfacing for each section of new access track, along with a timetable for the implementation of the same, shall be submitted to and approved in writing by the local planning authority. The access tracks shall thereafter be constructed as approved.

15. Construction work and any associated traffic movements to or from the site shall only take place between the hours of 07.00 to 19.00 Mondays to Fridays inclusive and the hours of 07.00 to 14.00 on Saturdays with no such work or associated traffic movements on a Sunday or Public Holiday. Outwith these specified hours development on the site shall be limited to turbine erection, maintenance, pouring of concrete, emergency works and dust suppression, unless otherwise approved in advance in writing by the local planning authority. Where emergency works are required written notification shall be given to the local planning authority within 48 hours of their occurrence.

16. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority. The Scheme shall include;

    a) the programme and methodology of site investigation and recording which shall include a timetable for reporting the findings to the local planning authority;

    b) provision for post investigation assessment, reporting and dissemination;

    c) provision to be made for deposition of the analysis and records of the site investigation; and

    d) any requirement for an Archaeological Watching Brief.

    The Scheme shall be implemented as approved by the local planning authority.

    A report of the findings from any archaeological site works shall be submitted to the local planning authority in accordance with the approved timetable.

17. The turbines and the Meteorological Mast hereby permitted shall be erected at the following grid co-ordinates:

Turbine	Easting	Northing
PT1	383554	418607
PT2	383503	418870
PT3	383334	419048
PT4	383196	419238
PT5	383123	419453
PT6	383015	419661
PT7	383002	419926
PT8	382762	420060
PT9	382511	420193
PT10	383554	418607
PT11	382029	419066
PT12	382155	418466
PT13	382362	419463
PT14	382679	419109
Meteorological Mast	382500	420400

Notwithstanding the terms of this Condition the turbines and other infrastructure hereby permitted may be micro-sited within 30 m, save that;

a) no turbines or other infrastructure may be micro-sited within the 30 m buffer zone shown on ES Volume 2B Figure 13.1; and

b) turbines PT7, PT8 and PT9 shall not be erected any closer to the Pennine Bridleway/Mary Towneley Loop than their location detailed on the approved plans; and

c) turbine PT11 shall not be micro-sited any closer to the residential properties known as Newgate and Scout Barn Farm.

A plan showing the actual position of the turbines on the site along with tracks, hard standings, access areas, infrastructure routes, borrow pits etc. shall be submitted to the local planning authority within three months of the First Export Date.

18. Written confirmation of;

a) the date of commencement of construction;

b) the date of completion of construction;

c) the maximum height of construction equipment; and

d) the latitude and longitude of each wind turbine

shall be provided to the local planning authority and the MoD no later than one week after each event.

19. No development shall commence on site unless and until a Radar Mitigation Scheme has been submitted to and approved in writing by the local planning authority to address the impact of the development upon air safety. Before approving the Scheme, the local planning authority shall consult the MoD as to the Scheme's suitability and shall take into consideration the MoD's views as to whether the Scheme adequately addresses the MoD's concerns regarding the impact of the development upon air safety.

    In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

20. No turbines shall become operational unless and until all measures required by the approved Radar Mitigation Scheme have been implemented and the local planning authority has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.

    In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

21. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the local planning authority in order to avoid the impact of the development on the Primary Radar of the Operator located at Manchester and St Annes and associated air traffic management operations.

    No blades shall be fitted to any turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with the approved Scheme.

    For the purpose of this Condition:

    'Operator' means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under Sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of Section 40 of that Act).

    'Primary Radar Mitigation Scheme' or 'Scheme' means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Manchester and St Annes primary radar and air traffic management operations of the Operator.

22. Prior to the First Export Date a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of and remedial measures to alleviate shadow flicker in the event of any valid complaint to the local planning authority from the owner or occupier of any building which lawfully exists or had planning permission at the date of this permission. Operation of the turbines shall take place in accordance with the approved protocol, subject to any variations approved in advance in writing by the local planning authority.

23. No development shall commence until areas requiring surveys have been identified on a plan and a specification for checking surveys for nests of breeding birds and badger setts on the development site, to be carried out by a qualified ecologist, has been submitted to and approved in writing by the local planning authority. The specification shall include the methodology for the surveys and a timetable for the checking surveys and submission of a report detailing the results of the surveys.

A report detailing survey results and identifying any mitigation measures required as a result of the surveys for any construction works, work forming part of the MRMP or clearance of vegetation between 1 March and 31 August shall also be submitted to and approved in writing by the local planning authority prior to any site preparation and construction work commencing. The specification and mitigation measures shall be implemented as approved under the supervision of a suitably qualified ECoW, details of whom shall first be submitted to and approved in writing by the local planning authority.

24. The development hereby permitted shall only be undertaken in accordance with those parts of the MRMP that relate to the local planning authority's area. The MRMP shall be implemented in accordance with the MRMP Implementation Strategy. Written notification of the date of implementation of the MRMP shall be given to the local planning authority no later than one calendar month after the event.

25. No electricity shall be exported, save for the purposes of testing, from the development hereby permitted until;

a) a full time Conservation Ranger has been appointed and is in post;

b) a plan showing the area over which it is proposed to reduce the level of stock grazing has been submitted to and approved in writing by the local planning authority (hereinafter the approved stock reduction area);

c) evidence has been provided to the local planning authority that the level of stock grazing has been reduced in accordance with the provisions of the MRMP within the approved stock reduction area;

d) the local planning authority has confirmed in writing that the evidence submitted to it under c) is satisfactory; and

e) the restoration and remediation measures within the local planning authority's area have been commenced in accordance with the MRMP Implementation Strategy.

A Conservation Ranger shall be employed at the site until the application site is decommissioned and the restoration works completed.

26. No later than each of the sixth, eleventh, sixteenth and twenty-first anniversaries of the date of implementation of the MRMP the developer shall submit to the local planning authority a report identifying the progress made with the MRMP. The report shall include details of any design modifications to the MRMP measures that have been made in accordance with the detailed design protocol contained at Schedule 1 of the MRMP Implementation Strategy.

27. Prior to commencement of construction of the 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 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 turbines;

b) the programme of wind farm familiarisation days which are to be made available to local stables, liveries and horse owners; and

c) a liaison mechanism between the turbine operator and successors in title and recreational users over the life of the development.

The Strategy shall thereafter be implemented in accordance with the approved details prior to the First Export Date.

28. No works to implement the horse enclosure, associated fencing and the permissive bridleway proposed adjacent to the A680 are to be undertaken until details of the measures to deter unauthorised vehicular access to the route and to minimise health and safety risks to horse riders have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

[Condition 28 should be omitted if the Secretary of State rejects the permissive bridleway]

29. No development shall take place until a Local Employment Procurement Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall 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 approved Strategy and any amendments to the Strategy shall be approved in advance in writing by the local planning authority.

30. Prior to the commencement of development details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the local planning authority. The details shall include sufficient information to determine that no resultant unacceptable risk to groundwater would arise. Construction of the development shall be carried out in accordance with the approved details.

31. No development shall commence until a Surface Water Sustainable Drainage Scheme (hereinafter SWSDS) has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The SWSDS shall include, as a minimum;

a) measures to ensure that no surface water from the site discharges directly into the public sewer (save for surface water from the substation building and/or the construction compound which may discharge at an attenuated rate directly into the public sewer provided that it is demonstrated to be necessary having had regard to the surface water hierarchy contained in the Planning Practice Guidance and subject to the prior approval in writing of the local planning authority in consultation with United Utilities);

b) information about the design storm period and intensity (1 in 30 and 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;

c) measures to ensure and evidence that the surface water run-off from the development hereby permitted will not exceed the pre-development run-off rate;

d) details of an assessment of site conditions, to include site investigation, and test results to confirm infiltration rates;

e) details of any water quality controls to be implemented;

f) a programme for the implementation of the SWSDS, including any phasing; and

g) a strategy and programme for any ongoing maintenance and the implementation of any remedial work and/or mitigation measures required for the lifetime of the development hereby permitted.

The SWSDS shall be implemented as approved and shall be retained, managed and maintained until the development hereby permitted is decommissioned.

32. No development shall commence until a strategy in respect of surface and groundwater quality monitoring (hereinafter Monitoring Strategy) to be undertaken during the pre-construction, construction and operational phases of the development hereby permitted has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The Monitoring Strategy shall include, as a minimum;

a) details of an assessment of site conditions, to include site investigation, in order to validate the baseline conditions referred to in ES Volume 1 Chapters 13 and 14 and to inform the monitoring methodologies referred to in b) below;

b) details of methodologies to be adopted in respect of water quality monitoring, groundwater monitoring and water table monitoring, such methodologies to include appropriate locations for monitoring stations (as approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities), and to be prepared in accordance with ES Volume 1 paragraphs 13.210 – 13.217 and paragraphs 14.297 – 14.300, together with ES Volume 3 Technical Appendices 5.1, 5.2 and 13.4;

c) a programme for the monitoring undertaken at approved locations during the pre-construction, construction and operational phases of the development hereby permitted, along with a timescale for the provision to the local planning authority, the Environment Agency and United Utilities of an analysis of the data collected, such analysis to be prepared by an independent hydrological consultant (whose appointment shall be approved in writing by the local planning authority) and to include, as a minimum;

i. the data collected and results of the monitoring undertaken;
ii. a review of water quality and the condition of the water supply and hydrological regime across the site; and
iii. any remedial work and/or mitigation measures required to address any identified deterioration in water quality and/or change in condition of the water supply and hydrological regime across the site;

d) a strategy and programme for the implementation of any remedial work and/or mitigation measures identified as being necessary by the independent hydrological consultant's analysis referred to in c) above.

The Monitoring Strategy shall be implemented as approved during the pre-construction, construction and operational phases of the development hereby permitted.

33. No development shall commence until a Water Quality Management Scheme (hereinafter WQMS) has been submitted to and approved in writing by the local planning authority. The WQMS shall initially include the submission of a Baseline Methodology Assessment, which shall set out a methodology for determining when water quality deteriorates to an unacceptable level. It shall also include the methodology for an assessment of water quality in private water supplies at specific locations which have previously been approved by the local planning authority and a timetable for carrying out the assessment which shall be prior to any disturbance of the site (including disturbance caused by investigative pre-construction works). This will form the baseline data for the site and shall be submitted to and approved in writing by the local planning authority prior to any disturbance on the site.

In the event that the baseline assessment identifies that the development hereby permitted has the potential to impact on the water quality in private supplies the initial assessment shall be expanded upon to include the following details, which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:

a) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW throughout the construction period. The timetable shall be linked to specific construction activities which have the greatest potential impact on water quality. This data shall be made available at the request of a statutory undertaker within one working day of the request.

b) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW until the turbines are fully decommissioned and the site restored. This data shall be made available at the request of a statutory undertaker within one working day of the request.

c) A timetable for the submission of Water Supply Quality Update Reports (hereinafter WSQUR) to be submitted to the local planning authority until the turbines are decommissioned fully. The first WSQUR shall be submitted within one year of the First Export Date and a final WSQUR shall be submitted to the local planning authority within one year after the decommissioning of the turbines has been completed. The report should include 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.

The WQMS shall be implemented as approved.

In the event that the water quality deteriorates to an unacceptable level, as determined in accordance with the approved Baseline Methodology Assessment, as a direct result of the development hereby permitted, full details of the suggested mitigation measures along with their timescale for implementation shall be submitted to and approved in writing by the local planning authority. Thereafter the mitigation measures shall be completed in accordance with the approved details and timescale for implementation.

34. No development shall commence until investigation works have been undertaken by the developer to confirm coal mining conditions on the site. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, then works for the construction of the turbines and associated infrastructure in an area affected by such remedial works shall not commence until such works have been undertaken.

35. Prior to commencement of 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 set out in ES Technical Appendix 13.3. 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.

36. Prior to the First Export Date a scheme providing for a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this Condition as a building within Use Class C3 and C4 of the Use Classes Order 1987) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the local planning authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the scheme which has been approved in advance in writing by the local planning authority, with the permission of the owner.

37. No turbine shall be brought into operation before a scheme for the assessment and regulation of Amplitude Modulation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented for the lifetime of the development and shall be in general accordance with the final report of the Institute of Acoustics Amplitude Modulation Working Group and results of the DECC-commissioned Research into Human Response to the Amplitude Modulated Component of Wind Turbine Noise.

38. Prior to the First Export Date the turbine operator shall submit to the local planning authority, for written approval, a Scheme for measuring the noise emissions from the turbines including the quantification of any Amplitude Modulation components. The Scheme shall be prepared by a consultant approved in writing by the local planning authority. The objective of the Scheme shall be to test and confirm compliance with the noise limits specified at Tables 1 and 2 of the Noise Condition for a range of wind speeds and wind directions and the degree of Amplitude Modulation present. The Scheme shall require noise measurements to be made at no fewer than three or more than four locations. Measurements shall be undertaken in accordance with the Scheme as approved and shall be commenced within one month of the First Export Date, and shall terminate when compliance with the noise limits has been demonstrated and notice of confirmation of compliance given in writing by the local planning authority.

39. The rating level of noise immissions from the combined effects of the turbines (including the application of any tonal penalty) when determined in accordance with the Guidance Notes attached 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 turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1d. These data shall be retained for a period of not less than 24 months. The turbine operator shall provide this information in the format set out in Guidance Note 1e 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 turbine 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 turbine operator shall, at its expense, employ a consultant approved by the local planning authority to assess the level of noise immissions from the turbines 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 this Condition, the turbine 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 approved in writing by the local planning authority due to location-specific factors.

f) The turbine 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 two 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 approved 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 1e 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 1a 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 turbines is required pursuant to Guidance Note 4c, the turbine 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 m/s (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
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 m/s (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	382002	417663
Acre Nook	381177	418414
New Hall	380809	419673
Lench Fold	383085	421058
Cowpe Hall Farm	383796	420285
Higher Mount Pleasant	381583	420563
Waterworks House	385784	416342
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 and C4 of the Town and Country Planning (Use Classes) Order 1987 which lawfully exists or had planning permission at the date of this planning permission.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the Noise Condition. They further explain the Noise Condition and specify the methods to be employed in the assessment of complaints about noise immissions from turbines. The rating level at each integer wind speed is the arithmetic sum of the turbine 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 $L_{A90,10min}$ 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: 2014 (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 turbine 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 $L_{A90,10min}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1d, including the power generation data from the turbine control systems.

d. To enable compliance with the conditions to be evaluated, the turbine 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 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 approved in writing by 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.

e. Data provided to the local planning authority in accordance with the Noise Condition shall be provided in comma separated values in electronic format.

f. 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 Guidance Note 1d.

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 2b.

b. Valid data points are those measured in the conditions specified in the 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 2b, values of the $L_{A90,10min}$ 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) approved in writing by the local planning authority in accordance with Guidance Note 1d, 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 turbine noise level at each integer speed.

Guidance Note 3

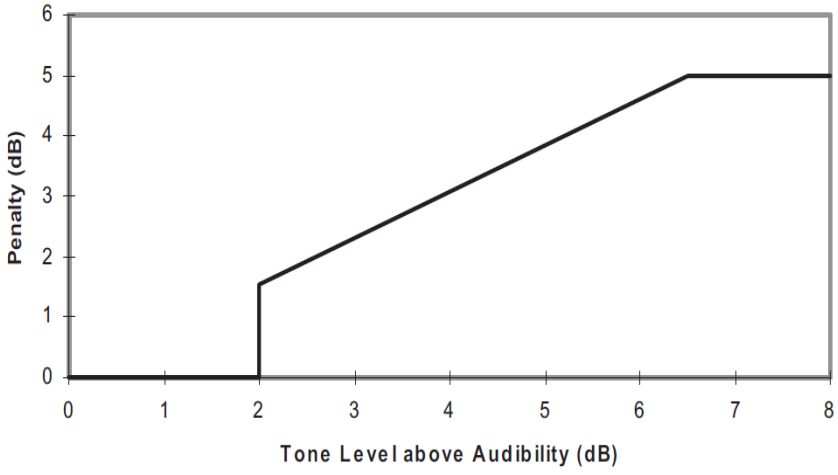
a. Where, in accordance with the approved assessment protocol under paragraph d) of the Noise Condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

b. For each 10-minute interval for which $L_{A90,10min}$ data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during two minutes of each 10-minute period. The two-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 two-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 two-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 m/s 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 Condition 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 turbine noise immission only.

d. The turbine operator shall ensure that all necessary 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 4c. If the number of turbines to be turned off is less than the total number of turbines on the site then this shall be approved in advance in writing by 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 4d 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 turbine 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:

$$L_1 = 10\log[10^{L_2/10} - 10^{L_3/10}]$$

g. The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived turbine 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 Noise Condition 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 Noise Condition 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 Noise Condition.

Annex E2 Proposed Conditions (1-37) as agreed with Rochdale Metropolitan Borough Council for the un-amended scheme

In the following Conditions:

The 'First Export Date' means the date when the turbine generators forming part of the development hereby permitted have first supplied electricity to the national grid on a commercial basis save for the purposes of testing.

'ES' means the Environmental Statement dated March 2015

'MRMP' means the Moorland Restoration and Management Plan included in ES Appendix 5.2

'MRMP Implementation Strategy' means the Moorland Restoration and Management Plan Implementation Strategy dated 7 September 2016

'ECoW' means Ecological Clerk of Works

'MoD' means Ministry of Defence

The 'Noise Condition' for the purposes of these Conditions and Guidance Notes is Condition 37.
[which is the same as Condition 39 of Annex E1 but not repeated here]

1. The development hereby permitted shall commence before the expiration of five years from the date of this permission. Written confirmation of the Commencement of Development shall be provided to the local planning authority no later than one week after the event.

2. The development hereby permitted shall be removed in accordance with Condition 3 below after a period of 25 years from the First Export Date. Written notification of the First Export Date shall be given to the local planning authority no later than one calendar month after the event.

3. Not later than 12 months before the expiry of the 25 year period referred to in Condition 2, a Decommissioning and Site Restoration Scheme shall be submitted to the local planning authority for approval in writing. The Scheme shall include a timetable for completion of all works and shall be informed by relevant ecological surveys and make provision for;

   a) the removal of the turbines and the associated above ground equipment and infrastructure and turbine foundations to a depth of at least one metre below the ground;

   b) the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land from which the turbines and any ancillary equipment and structures have been removed;

   c) earth moving and soil replacement;

d) the decommissioning effects on flora and fauna along with the restoration of the landscape;

e) reinstatement of public rights of ways, paths and footpaths; and

f) monitoring and remedial actions.

The approved Scheme shall be implemented within 12 months of either the expiry of the 25 year period referred to in Condition 2 or the local planning authority's approval of the Scheme, whichever is the later, and shall be completed in accordance with the approved timetable.

4. No later than 12 months before works commence to decommission the Existing Scout Moor Wind Farm Development a Decommissioning and Site Restoration Scheme in respect of turbine PT16, hereby permitted, shall be submitted to and approved in writing by the local planning authority. This Scheme shall be supported by ecological surveys which have been undertaken to inform the Scheme.

   The Scheme shall also include the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land where the turbines and any ancillary equipment and structures have been removed.

   Not later than one month from the date on which the last turbine of the Existing Scout Moor Wind Farm Development is removed from the site turbine PT16 and the associated above ground equipment and turbine foundations to a depth of at least one metre below the ground shall be removed in accordance with the approved Scheme. That part of the site thereafter shall be restored in accordance with the approved Scheme within 12 months of the removal of turbine PT16.

   In this Condition 'Existing Scout Moor Wind Farm Development' means the existing wind farm the subject of Consent GDBC/003/00005C-02 dated 25 May 2005 and any subsequent variation of this Consent.

5. If any of the turbines hereby permitted fail to operate for a continuous period of 12 months following the First Export Date, not due to it being under repair or replacement, then the local planning authority shall be notified in writing within one month of the end of the 12 month period.

   Within one month of the notification a Partial Decommissioning Scheme or a Scheme for Repair shall be submitted to the local planning authority for its written approval. If the Scheme is for decommissioning then it shall include a method statement and timetable for the dismantling and removal of the relevant turbine and associated above ground works and foundations to a depth of at least one metre below ground; a Traffic Management Plan; and a method statement and timetable for any necessary restoration works following removal of the relevant turbine. The Scheme shall thereafter be implemented in accordance with the approved details and timetable.

6. Subject to the Conditions attached to this permission, including arrangements for micro-siting and any details approved pursuant to Conditions, the development shall be carried out in accordance with the following approved plans and documents:

   ES/001 (Application Site and Administrative Boundaries);

   ES/002 (Proposed Layout – Masterplan);

   ES/003 (Proposed Layout North Inset);

   ES/004 (Proposed Layout West Inset);

   ES/004a (Proposed Layout South Inset);

   ES/005 (Proposed Layout East Inset);

   ES/012 (Retained Infrastructure between 2034 and 2042);

   ES/020 (Proposed Connections between the New and Existing Access Tracks).

7. The turbines hereby permitted shall have three blades which shall rotate in the same direction. The overall height of the turbines shall not exceed 115 m to the tip of the blades when the turbine is in the vertical position and the rotor diameter of the blades shall not exceed 85 m.

8. No turbine shall be erected on site until details of the finish and colour of the turbines, together with transformer locations have been submitted to and approved in writing by the local planning authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines other than those required to meet statutory health and safety requirements. The development shall thereafter be carried out and operated in accordance with the approved details.

9. All electrical cabling between the individual turbines and between the turbines and the control building shall be installed underground.

10. No development shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include proposals for;

    a) a pre-construction highway condition survey including public rights of way;

    b) the routeing of construction traffic;

    c) the timing of delivery vehicle movements including turbine component delivery vehicles;

    d) the management and design of junctions to and crossings of the public highway and other public rights of way;

    e) the management of the site entrance from the public highway;

    f) temporary warning signs and any temporary or permanent works, including locations, required in the public highway to enable the construction of the development;

    g) mechanisms required for the transportation of abnormal loads to the site;

h) details of a banksman to escort abnormal loads to the site;

i) the levels and timing of development traffic to minimise effects on Edenfield village and its community;

j) details of arrangements for off-road car parking facilities within the Edenfield Community Centre during the period of construction of the development hereby permitted; and

k) details of the site manager who would be the main contact for the public during the construction period.

The Plan shall be implemented as approved by the local planning authority.

Following the completion of the development a scheme to restore any damage done to the highway(s) and public rights of way as a result of the development (in accordance with the pre-condition survey(s)) shall be submitted to and approved in writing by the local planning authority.

11. No development shall commence until a Construction Method Statement (hereinafter CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the following;

a) details of the phasing of construction works;

b) the provision of parking, loading and unloading, and manoeuvring areas for vehicles within the site;

c) the methods of working to be employed in the construction of the cable trenches, crane pads and foundation works;

d) site illumination during the construction period;

e) the siting and details of wheel washing facilities;

f) the cleaning of the entrance to the site and the adjacent public highway and the sheeting of all heavy goods vehicles taking spoil or construction materials to or from the site to prevent spillage or deposit of any materials on the highway;

g) the method of disposal of foul drainage and sewage;

h) dust management;

i) details of emergency procedures;

j) the disposal of surplus materials;

k) details of how the construction compound and associated construction works will be reinstated, including a timetable for completion of the post construction restoration and reinstatement works;

l) proposals for the restoration of the site following the completion of the development; and

m) a Construction Noise Management Plan including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out and any necessary mitigation measures.

The construction of the development shall be carried out in accordance with the approved CMS, subject to any variations approved in advance in writing by the local planning authority.

12. No development shall commence until a Construction and Environmental Management Plan, prepared in accordance with the details contained in ES Volume 3 Technical Appendix 5.1, has been submitted to and approved in writing by the local planning authority. The development shall be implemented thereafter in accordance with the approved Plan or any updated version approved in advance in writing by the local planning authority.

13. Prior to the commencement of construction of the footpath links to the existing public rights of way as shown on ES Figure 5.15, plans confirming the method of construction and surfacing for each section of new access track, along with a timetable for the implementation of the same, shall be submitted to and approved in writing by the local planning authority. The access tracks shall thereafter be constructed as approved.

14. Construction work and any associated traffic movements to or from the site shall only take place between the hours of 07.00 to 19.00 Mondays to Fridays inclusive and the hours of 07.00 to 14.00 on Saturdays with no such work or associated traffic movements on a Sunday or Public Holiday. Outwith these specified hours development on the site shall be limited to turbine erection, maintenance, pouring of concrete, emergency works and dust suppression, unless otherwise approved in advance in writing by the local planning authority. Where emergency works are required written notification shall be given to the local planning authority within 48 hours of their occurrence.

15. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority. The Scheme shall include;

a) the programme and methodology of site investigation and recording which shall include a timetable for reporting the findings to the local planning authority;

b) provision for post investigation assessment, reporting and dissemination;

c) provision to be made for deposition of the analysis and records of the site investigation; and

d) any requirement for an Archaeological Watching Brief.

The Scheme shall be implemented as approved by the local planning authority.

A report of the findings from any archaeological site works shall be submitted to the local planning authority in accordance with the approved timetable.

16. The turbines hereby permitted shall be erected at the following grid co-ordinates:

Turbine	Easting	Northing
PT15	383290	418287
PT16	384156	418418

Notwithstanding the terms of this Condition the turbines and other infrastructure hereby permitted may be micro-sited within 30 m, save that;

a) no turbines or other infrastructure may be micro-sited within the 30 m buffer zone shown on ES Volume 2B Figure 13.1; and

b) the turbine PT16 shall not be micro-sited any closer to the residential property known as Higher Red Lumb Farm.

A plan showing the actual position of the turbines on the site along with tracks, hard standings, access areas, infrastructure routes, borrow pits etc. shall be submitted to the local planning authority within three months of the First Export Date.

17. Written confirmation of;

a) the date of commencement of construction;

b) the date of completion of construction;

c) the maximum height of construction equipment; and

d) the latitude and longitude of each wind turbine

shall be provided to the local planning authority and the MoD no later than one week after each event.

18. No development shall commence on site unless and until a Radar Mitigation Scheme has been submitted to and approved in writing by the local planning authority to address the impact of the development upon air safety. Before approving the Scheme, the local planning authority shall consult the MoD as to the Scheme's suitability and shall take into consideration the MoD's views as to whether the Scheme adequately addresses the MoD's concerns regarding the impact of the development upon air safety.

In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

19. No turbines shall become operational unless and until all measures required by the approved Radar Mitigation Scheme have been implemented and the local planning authority has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.

In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

20. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the local planning authority in order to avoid the impact of the development on the Primary Radar of the Operator located at Manchester and St Annes and associated air traffic management operations.

    No blades shall be fitted to any turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with the approved Scheme.

    For the purpose of this Condition:

    'Operator' means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

    'Primary Radar Mitigation Scheme' or 'Scheme' means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Manchester and St Annes primary radar and air traffic management operations of the Operator.

21. Prior to the First Export Date a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of and remedial measures to alleviate shadow flicker in the event of any valid complaint to the local planning authority from the owner or occupier of any building which lawfully exists or had planning permission at the date of this permission. Operation of the turbines shall take place in accordance with the approved protocol, subject to any variations approved in advance in writing by the local planning authority.

22. No development shall commence until areas requiring surveys have been identified on a plan and a specification for checking surveys for nests of breeding birds and badger setts on the development site, to be carried out by a qualified ecologist, has been submitted to and approved in writing by the local planning authority. The specification shall include the methodology for the surveys and a timetable for the checking surveys and submission of a report detailing the results of the surveys.

    A report detailing survey results and identifying any mitigation measures required as a result of the surveys for any construction works, work forming part of the MRMP or clearance of vegetation between 1 March and 31 August shall also be submitted to and approved in writing by the local planning authority prior to any site preparation and construction work commencing. The specification and mitigation measures shall be implemented as approved under the supervision of a

suitably qualified ECoW, details of whom shall first be submitted to and approved in writing by the local planning authority.

23. The development hereby permitted shall only be undertaken in accordance with those parts of the MRMP that relate to the local planning authority's area. The MRMP shall be implemented in accordance with the MRMP Implementation Strategy. Written notification of the date of implementation of the MRMP shall be given to the local planning authority no later than one calendar month after the event.

24. No electricity shall be exported, save for the purposes of testing, from the development hereby permitted until;

a) a full time Conservation Ranger has been appointed and is in post;

b) a plan showing the area over which it is proposed to reduce the level of stock grazing has been submitted to and approved in writing by the local planning authority (hereinafter the approved stock reduction area);

c) evidence has been provided to the local planning authority that the level of stock grazing has been reduced in accordance with the provisions of the MRMP within the approved stock reduction area;

d) the local planning authority has confirmed in writing that the evidence submitted to it under c) is satisfactory; and

e) the restoration and remediation measures within the local planning authority's area have been commenced in accordance with the MRMP Implementation Strategy.

A Conservation Ranger shall be employed at the site until the application site is decommissioned and the restoration works completed.

25. No later than each of the sixth, eleventh, sixteenth and twenty-first anniversaries of the date of implementation of the MRMP the developer shall submit to the local planning authority a report identifying the progress made with the MRMP. The report shall include details of any design modifications to the MRMP measures that have been made in accordance with the detailed design protocol contained at Schedule 1 of the MRMP Implementation Strategy.

26. Prior to commencement of construction of the 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 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 turbines;

b) the programme of wind farm familiarisation days which are to be made available to local stables, liveries and horse owners; and

c) a liaison mechanism between the turbine operator and successors in title and recreational users over the life of the development.

The Strategy shall thereafter be implemented in accordance with the approved details prior to the First Export Date.

27. No development shall take place until a Local Employment Procurement Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall 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 approved Strategy and any amendments to the Strategy shall be approved in advance in writing by the local planning authority.

28. Prior to the commencement of development details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the local planning authority. The details shall include sufficient information to determine that no resultant unacceptable risk to groundwater would arise. Construction of the development shall be carried out in accordance with the approved details.

29. No development shall commence until a Surface Water Sustainable Drainage Scheme (hereinafter SWSDS) has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The SWSDS shall include, as a minimum;

a) measures to ensure that no surface water from the site discharges directly into the public sewer (save for surface water from the substation building and/or the construction compound which may discharge at an attenuated rate directly into the public sewer provided that it is demonstrated to be necessary having had regard to the surface water hierarchy contained in the Planning Practice Guidance and subject to the prior approval in writing of the local planning authority in consultation with United Utilities);

b) information about the design storm period and intensity (1 in 30 and 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;

c) measures to ensure and evidence that the surface water run-off from the development hereby permitted will not exceed the pre-development run-off rate;

d) details of an assessment of site conditions, to include site investigation, and test results to confirm infiltration rates;

e) details of any water quality controls to be implemented;

f) a programme for the implementation of the SWSDS, including any phasing; and

g) a strategy and programme for any ongoing maintenance and the implementation of any remedial work and/or mitigation measures required for the lifetime of the development hereby permitted.

The SWSDS shall be implemented as approved and shall be retained, managed and maintained until the development hereby permitted is decommissioned.

30. No development shall commence until a strategy in respect of surface and groundwater quality monitoring (hereinafter Monitoring Strategy) to be undertaken during the pre-construction, construction and operational phases of the development hereby permitted has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The Monitoring Strategy shall include, as a minimum;

a) details of an assessment of site conditions, to include site investigation, in order to validate the baseline conditions referred to in ES Volume 1 Chapters 13 and 14 and to inform the monitoring methodologies referred to in b) below;

b) details of methodologies to be adopted in respect of water quality monitoring, groundwater monitoring and water table monitoring, such methodologies to include appropriate locations for monitoring stations (as approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities), and to be prepared in accordance with ES Volume 1 paragraphs 13.210 – 13.217 and paragraphs 14.297 – 14.300, together with ES Volume 3 Technical Appendices 5.1, 5.2 and 13.4;

c) a programme for the monitoring undertaken at approved locations during the pre-construction, construction and operational phases of the development hereby permitted, along with a timescale for the provision to the local planning authority, the Environment Agency and United Utilities of an analysis of the data collected, such analysis to be prepared by an independent hydrological consultant (whose appointment shall be approved in writing by the local planning authority) and to include, as a minimum;

i. the data collected and results of the monitoring undertaken;
ii. a review of water quality and the condition of the water supply and hydrological regime across the site; and
iii. any remedial work and/or mitigation measures required to address any identified deterioration in water quality and/or change in condition of the water supply and hydrological regime across the site,

d) a strategy and programme for the implementation of any remedial work and/or mitigation measures identified as being necessary by the independent hydrological consultant's analysis referred to in c) above.

The Monitoring Strategy shall be implemented as approved during the pre-construction, construction and operational phases of the development hereby permitted.

31. No development shall commence until a Water Quality Management Scheme (hereinafter WQMS) has been submitted to and approved in writing by the local planning authority. The WQMS shall initially include the submission of a Baseline Methodology Assessment, which shall set out a methodology for determining when water quality deteriorates to an unacceptable level. It shall also include the methodology for an assessment of water quality in private water supplies at specific locations which have previously been approved by the local planning authority and a timetable for carrying out the assessment which shall be prior to any disturbance of the site (including disturbance caused by investigative pre-construction works). This will form the baseline data for the site and shall be submitted to and approved in writing by the local planning authority prior to any disturbance on the site.

In the event that the baseline assessment identifies that the development hereby permitted has the potential to impact on the water quality in private supplies the initial assessment shall be expanded upon to include the following details, which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:

a) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW throughout the construction period. The timetable shall be linked to specific construction activities which have the greatest potential impact on water quality. This data shall be made available at the request of a statutory undertaker within one working day of the request.

b) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW until the turbines are fully decommissioned and the site restored. This data shall be made available at the request of a statutory undertaker within one working day of the request.

c) A timetable for the submission of Water Supply Quality Update Reports (hereinafter WSQUR) to be submitted to the local planning authority until the turbines are decommissioned fully. The first WSQUR shall be submitted within one year of the First Export Date and a final WSQUR shall be submitted to the local planning authority within one year after the decommissioning of the turbines has been completed. The report should include 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.

The WQMS shall be implemented as approved.

In the event that the water quality deteriorates to an unacceptable level, as determined in accordance with the approved Baseline Methodology Assessment, as a direct result of the development hereby permitted, full details of the suggested mitigation measures along with their timescale for implementation shall be submitted to and approved in writing by the local planning authority. Thereafter the mitigation measures shall be completed in accordance with the approved details and timescale for implementation.

32. No development shall commence until investigation works have been undertaken by the developer to confirm coal mining conditions on the site. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, then works for the construction of the turbines and associated infrastructure in an area affected by such remedial works shall not commence until such works have been undertaken.

33. Prior to commencement of 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 set out in ES Technical Appendix 13.3. 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.

34. Prior to the First Export Date a scheme providing for a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this Condition as a building within Use Class C3 and C4 of the Use Classes Order 1987) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the local planning authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the scheme which has been approved in advance in writing by the local planning authority, with the permission of the owner.

35. No turbine shall be brought into operation before a scheme for the assessment and regulation of Amplitude Modulation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented for the lifetime of the development and shall be in general accordance with the final report of the Institute of Acoustics Amplitude Modulation Working Group and results of the DECC-commissioned Research into Human Response to the Amplitude Modulated Component of Wind Turbine Noise.

36. Prior to the First Export Date the turbine operator shall submit to the local planning authority, for written approval, a Scheme for measuring the noise emissions from the turbines including the quantification of any Amplitude Modulation components. The Scheme shall be prepared by a consultant approved in writing by the local planning authority. The objective of the Scheme shall be to test and confirm compliance with the noise limits specified at Tables 1 and 2 of the Noise Condition for a range of wind speeds and wind directions and the degree of Amplitude Modulation present. The Scheme shall require noise measurements to be made at no fewer than three or more than four locations. Measurements shall be undertaken in accordance with the Scheme as approved

and shall be commenced within one month of the First Export Date, and shall terminate when compliance with the noise limits has been demonstrated and notice of confirmation of compliance given in writing by the local planning authority.

37. 'Noise Condition'

[If the Secretary of State is minded to approve Application B, but to refuse Application A, then the Noise Condition as agreed at the Inquiry would not be appropriate, and the parties would need to be consulted to devise an amended noise condition that provided for limits related only to the noise emissions from PT15 and PT16 in combination with noise from any existing or permitted turbines at that time.]

Annex E3 Proposed Conditions (1-40) as agreed with Rossendale Borough Council for the amended scheme

In the following Conditions:

The 'First Export Date' means the date when the turbine generators forming part of the development hereby permitted have first supplied electricity to the national grid on a commercial basis save for the purposes of testing.

'ES' means the Environmental Statement dated March 2015

'MRMP' means the Moorland Restoration and Management Plan included in ES Appendix 5.2

'MRMP Implementation Strategy' means the Moorland Restoration and Management Plan Implementation Strategy dated 7 September 2016

'ECoW' means Ecological Clerk of Works

'MoD' means Ministry of Defence

The 'Noise Condition' for the purposes of these Conditions and Guidance Notes is Condition 40.
[which is the same as Condition 39 of Annex E1 but not repeated here]

1. The development hereby permitted shall commence before the expiration of five years from the date of this permission. Written confirmation of the Commencement of Development shall be provided to the local planning authority no later than one week after the event.

2. The development hereby permitted shall be removed in accordance with Condition 3 below after a period of 25 years from the First Export Date. Written notification of the First Export Date shall be given to the local planning authority no later than one calendar month after the event.

3. Not later than 12 months before the expiry of the 25 year period referred to in Condition 2, a Decommissioning and Site Restoration Scheme shall be submitted to the local planning authority for approval in writing. The Scheme shall include a timetable for completion of all works and shall be informed by relevant ecological surveys and make provision for;

   a) the removal of the turbines and the associated above ground equipment and infrastructure and turbine foundations to a depth of at least one metre below the ground;

   b) the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land from which the turbines and any ancillary equipment and structures have been removed;

   c) earth moving and soil replacement;

d) the decommissioning effects on flora and fauna along with the restoration of the landscape;

e) reinstatement of public rights of ways, paths and footpaths; and

f) monitoring and remedial actions.

The approved Scheme shall be implemented within 12 months of either the expiry of the 25 year period referred to in Condition 2 or the local planning authority's approval of the Scheme, whichever is the later, and shall be completed in accordance with the approved timetable.

4. No later than 12 months before works commence to decommission the Existing Scout Moor Wind Farm Development a Decommissioning and Site Restoration Scheme in respect of turbines PT10 and PT11, hereby permitted, shall be submitted to and approved in writing by the local planning authority. This Scheme shall be supported by ecological surveys which have been undertaken to inform the Scheme.

   The Scheme shall also include the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land where the turbines and any ancillary equipment and structures have been removed.

   Not later than one month from the date on which the last turbine of the Existing Scout Moor Wind Farm Development is removed from the site turbines PT10 and PT11 and the associated above ground equipment and turbine foundations to a depth of at least one metre below the ground shall be removed in accordance with the approved Scheme. That part of the site thereafter shall be restored in accordance with the approved Scheme within 12 months of the removal of turbines PT10 and PT11.

   In this Condition 'Existing Scout Moor Wind Farm Development' means the existing wind farm the subject of Consent GDBC/003/00005C-02 dated 25 May 2005 and any subsequent variation of this Consent.

5. If any of the turbines hereby permitted fail to operate for a continuous period of 12 months following the First Export Date, not due to it being under repair or replacement, then the local planning authority shall be notified in writing within one month of the end of the 12 month period.

   Within one month of the notification a Partial Decommissioning Scheme or a Scheme for Repair shall be submitted to the local planning authority for its written approval. If the Scheme is for decommissioning then it shall include a method statement and timetable for the dismantling and removal of the relevant turbine and associated above ground works and foundations to a depth of at least one metre below ground; a Traffic Management Plan; and a method statement and timetable for any necessary restoration works following removal of the relevant turbine. The Scheme shall thereafter be implemented in accordance with the approved details and timetable.

6. Subject to the Conditions attached to this permission, including arrangements for micro-siting and any details approved pursuant to Conditions, the development shall be carried out in accordance with the following approved plans and documents:

   ES/001 (Application Site and Administrative Boundaries);

   ES/002 (Proposed Layout – Masterplan);

   ES/003 (Proposed Layout North Inset);

   ES/004 (Proposed Layout West Inset);

   ES/004a (Proposed Layout South Inset);

   ES/005 (Proposed Layout East Inset);

   ES/012 (Retained Infrastructure between 2034 and 2042);

   ES/019 (Proposed Permissive Bridleway);

   ES/020 (Proposed Connections between the New and Existing Access Tracks).

7. The turbines hereby permitted shall have three blades which shall rotate in the same direction. The overall height of the turbines numbered as PT1, PT2, PT3, PT4, PT8, PT9, PT10, PT11, PT12, PT13 and PT14 as identified on Fig 5.1 of the June 2016 Further Environmental Information shall not exceed 115 m to the tip of the blades when the turbine is in the vertical position. The overall height of the turbines numbered as PT5, PT6 and PT7 as identified on Fig 5.1 of the June 2016 Further Environmental Information shall not exceed 100 m to the tip of the blades when the turbine is in the vertical position. The overall rotor diameter of all of the blades shall not exceed 85 m.

8. No turbine shall be erected on site until details of the finish and colour of the turbines, together with transformer locations have been submitted to and approved in writing by the local planning authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines other than those required to meet statutory health and safety requirements. The development shall thereafter be carried out and operated in accordance with the approved details.

9. The construction of the substation building and associated compound shall not commence until details of the external appearance, dimensions, layout, external electrical switchgear and materials for the building and any associated parking area, details of associated fencing and landscaping and details of surface and foul water drainage from the building have been submitted to and approved in writing by the local planning authority. The construction of the substation building and any associated parking area, fencing and landscaping shall be carried out in accordance with the approved details.

10. Prior to the commencement of the construction of the anemometer mast full details of the mast shall be submitted to and approved in writing by the local planning authority. The construction of the anemometer mast shall thereafter be carried out in accordance with the approved details.

11. All electrical cabling between the individual turbines and between the turbines and the control building shall be installed underground.

12. No development shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include proposals for;

a) a pre-construction highway condition survey including public rights of way;

b) the routeing of construction traffic;

c) the timing of delivery vehicle movements including turbine component delivery vehicles;

d) the management and design of junctions to and crossings of the public highway and other public rights of way;

e) the management of the site entrance from the public highway;

f) temporary warning signs and any temporary or permanent works, including locations, required in the public highway to enable the construction of the development;

g) mechanisms required for the transportation of abnormal loads to the site;

h) details of a banksman to escort abnormal loads to the site;

i) the levels and timing of development traffic to minimise effects on Edenfield village and its community;

j) details of arrangements for off-road car parking facilities within the Edenfield Community Centre during the period of construction of the development hereby permitted; and

k) details of the site manager who would be the main contact for the public during the construction period.

The Plan shall be implemented as approved by the local planning authority.

Following the completion of the development a scheme to restore any damage done to the highway(s) and public rights of way as a result of the development (in accordance with the pre-condition survey(s)) shall be submitted to and approved in writing by the local planning authority.

13. No development shall commence until a Construction Method Statement (hereinafter CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the following;

a) details of the phasing of construction works;

b) the provision of parking, loading and unloading, and manoeuvring areas for vehicles within the site;

c) the methods of working to be employed in the construction of the cable trenches, crane pads and foundation works;

d) site illumination during the construction period;

e) the siting and details of wheel washing facilities;

f) the cleaning of the entrance to the site and the adjacent public highway and the sheeting of all heavy goods vehicles taking spoil or construction materials to or from the site to prevent spillage or deposit of any materials on the highway;

g) the method of disposal of foul drainage and sewage;

h) dust management;

i) details of emergency procedures;

j) the disposal of surplus materials;

k) details of how the construction compound and associated construction works will be reinstated, including a timetable for completion of the post construction restoration and reinstatement works;

l) proposals for the restoration of the site following the completion of the development; and

m) a Construction Noise Management Plan including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out and any necessary mitigation measures.

The construction of the development shall be carried out in accordance with the approved CMS, subject to any variations approved in advance in writing by the local planning authority.

14. No development shall commence until a Construction and Environmental Management Plan, prepared in accordance with the details contained in ES Volume 3 Technical Appendix 5.1, has been submitted to and approved in writing by the local planning authority. The development shall be implemented thereafter in accordance with the approved Plan or any updated version approved in advance in writing by the local planning authority.

15. Prior to the commencement of construction of the footpath links to the existing public rights of way as shown on ES Figure 5.15, plans confirming the method of construction and surfacing for each section of new access track, along with a timetable for the implementation of the same, shall be submitted to and approved in writing by the local planning authority. The access tracks shall thereafter be constructed as approved.

16. Construction work and any associated traffic movements to or from the site shall only take place between the hours of 07.00 to 19.00 Mondays to Fridays inclusive and the hours of 07.00 to 14.00 on Saturdays with no such work or associated traffic movements on a Sunday or Public Holiday. Outwith these specified hours development on the site shall be limited to turbine erection, maintenance, pouring of concrete, emergency works and dust suppression, unless otherwise approved in advance in writing by the local planning authority. Where emergency works are required written notification shall be given to the local planning authority within 48 hours of their occurrence.

17. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority. The Scheme shall include;

    a) the programme and methodology of site investigation and recording which shall include a timetable for reporting the findings to the local planning authority;

    b) provision for post investigation assessment, reporting and dissemination;

    c) provision to be made for deposition of the analysis and records of the site investigation; and

    d) any requirement for an Archaeological Watching Brief.

    The Scheme shall be implemented as approved by the local planning authority.

    A report of the findings from any archaeological site works shall be submitted to the local planning authority in accordance with the approved timetable.

18. The turbines and the Meteorological Mast hereby permitted shall be erected at the following grid co-ordinates:

Turbine	Easting	Northing
PT1	383554	418607
PT2	383503	418870
PT3	383334	419048
PT4	383196	419238
PT5	383123	419453
PT6	383015	419661
PT7	383002	419926
PT8	382762	420060
PT9	382511	420193
PT10	383554	418607
PT11	382029	419066
PT12	382155	418466
PT13	382362	419463
PT14	382679	419109
Meteorological Mast	382500	420400

    Notwithstanding the terms of this Condition the turbines and other infrastructure hereby permitted may be micro-sited within 30 m, save that;

    a) no turbines or other infrastructure may be micro-sited within the 30 m buffer zone shown on ES Volume 2B Figure 13.1; and

    b) turbines PT7, PT8 and PT9 shall not be erected any closer to the Pennine Bridleway/Mary Towneley Loop than their location detailed on the approved plans; and

c) turbine PT11 shall not be micro-sited any closer to the residential properties known as Newgate and Scout Barn Farm.

A plan showing the actual position of the turbines on the site along with tracks, hard standings, access areas, infrastructure routes, borrow pits etc. shall be submitted to the local planning authority within three months of the First Export Date.

19. Written confirmation of;

a) the date of commencement of construction;

b) the date of completion of construction;

c) the maximum height of construction equipment; and

d) the latitude and longitude of each wind turbine

shall be provided to the local planning authority and the MoD no later than one week after each event.

20. No development shall commence on site unless and until a Radar Mitigation Scheme has been submitted to and approved in writing by the local planning authority to address the impact of the development upon air safety. Before approving the Scheme, the local planning authority shall consult the MoD as to the Scheme's suitability and shall take into consideration the MoD's views as to whether the Scheme adequately addresses the MoD's concerns regarding the impact of the development upon air safety.

In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

21. No turbines shall become operational unless and until all measures required by the approved Radar Mitigation Scheme have been implemented and the local planning authority has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.

In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

22. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the local planning authority in order to avoid the impact of the development on the Primary Radar of the Operator located at Manchester and St Annes and associated air traffic management operations.

No blades shall be fitted to any turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with the approved Scheme.

For the purpose of this Condition:

'Operator' means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

'Primary Radar Mitigation Scheme' or 'Scheme' means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Manchester and St Annes primary radar and air traffic management operations of the Operator.

23. Prior to the First Export Date a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of and remedial measures to alleviate shadow flicker in the event of any valid complaint to the local planning authority from the owner or occupier of any building which lawfully exists or had planning permission at the date of this permission. Operation of the turbines shall take place in accordance with the approved protocol, subject to any variations approved in advance in writing by the local planning authority.

24. No development shall commence until areas requiring surveys have been identified on a plan and a specification for checking surveys for nests of breeding birds and badger setts on the development site, to be carried out by a qualified ecologist, has been submitted to and approved in writing by the local planning authority. The specification shall include the methodology for the surveys and a timetable for the checking surveys and submission of a report detailing the results of the surveys.

A report detailing survey results and identifying any mitigation measures required as a result of the surveys for any construction works, work forming part of the MRMP or clearance of vegetation between 1 March and 31 August shall also be submitted to and approved in writing by the local planning authority prior to any site preparation and construction work commencing. The specification and mitigation measures shall be implemented as approved under the supervision of a suitably qualified ECoW, details of whom shall first be submitted to and approved in writing by the local planning authority.

25. The development hereby permitted shall only be undertaken in accordance with those parts of the MRMP that relate to the local planning authority's area. The MRMP shall be implemented in accordance with the MRMP Implementation Strategy. Written notification of the date of implementation of the MRMP shall be given to the local planning authority no later than one calendar month after the event.

26. No electricity shall be exported, save for the purposes of testing, from the development hereby permitted until;

a) a full time Conservation Ranger has been appointed and is in post;

b) a plan showing the area over which it is proposed to reduce the level of stock grazing has been submitted to and approved in writing by the local planning authority (hereinafter the approved stock reduction area);

c) evidence has been provided to the local planning authority that the level of stock grazing has been reduced in accordance with the provisions of the MRMP within the approved stock reduction area;

d) the local planning authority has confirmed in writing that the evidence submitted to it under c) is satisfactory; and

e) the restoration and remediation measures within the local planning authority's area have been commenced in accordance with the MRMP Implementation Strategy.

A Conservation Ranger shall be employed at the site until the application site is decommissioned and the restoration works completed.

27. No later than each of the sixth, eleventh, sixteenth and twenty-first anniversaries of the date of implementation of the MRMP the developer shall submit to the local planning authority a report identifying the progress made with the MRMP. The report shall include details of any design modifications to the MRMP measures that have been made in accordance with the detailed design protocol contained at Schedule 1 of the MRMP Implementation Strategy.

28. Prior to commencement of construction of the 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 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 turbines;

b) the programme of wind farm familiarisation days which are to be made available to local stables, liveries and horse owners; and

c) a liaison mechanism between the turbine operator and successors in title and recreational users over the life of the development.

The Strategy shall thereafter be implemented in accordance with the approved details prior to the First Export Date.

29. No works to implement the horse enclosure, associated fencing and the permissive bridleway proposed adjacent to the A680 are to be undertaken until details of the measures to deter unauthorised vehicular access to the route and to minimise health and safety risks to horse riders have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

[Condition 29 should be omitted if the Secretary of State rejects the permissive bridleway]

30. No development shall take place until a Local Employment Procurement Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall 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 approved Strategy and any amendments to the Strategy shall be approved in advance in writing by the local planning authority.

31. Prior to the commencement of development details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the local planning authority. The details shall include sufficient information to determine that no resultant unacceptable risk to groundwater would arise. Construction of the development shall be carried out in accordance with the approved details.

32. No development shall commence until a Surface Water Sustainable Drainage Scheme (hereinafter SWSDS) has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The SWSDS shall include, as a minimum;

a) measures to ensure that no surface water from the site discharges directly into the public sewer (save for surface water from the substation building and/or the construction compound which may discharge at an attenuated rate directly into the public sewer provided that it is demonstrated to be necessary having had regard to the surface water hierarchy contained in the Planning Practice Guidance and subject to the prior approval in writing of the local planning authority in consultation with United Utilities);

b) information about the design storm period and intensity (1 in 30 and 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;

c) measures to ensure and evidence that the surface water run-off from the development hereby permitted will not exceed the pre-development run-off rate;

d) details of an assessment of site conditions, to include site investigation, and test results to confirm infiltration rates;

e) details of any water quality controls to be implemented;

f) a programme for the implementation of the SWSDS, including any phasing; and

g) a strategy and programme for any ongoing maintenance and the implementation of any remedial work and/or mitigation measures required for the lifetime of the development hereby permitted.

The SWSDS shall be implemented as approved and shall be retained, managed and maintained until the development hereby permitted is decommissioned.

33. No development shall commence until a strategy in respect of surface and groundwater quality monitoring (hereinafter Monitoring Strategy) to be undertaken during the pre-construction, construction and operational phases of the development hereby permitted has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The Monitoring Strategy shall include, as a minimum;

a) details of an assessment of site conditions, to include site investigation, in order to validate the baseline conditions referred to in ES Volume 1 Chapters 13 and 14 and to inform the monitoring methodologies referred to in b) below;

b) details of methodologies to be adopted in respect of water quality monitoring, groundwater monitoring and water table monitoring, such methodologies to include appropriate locations for monitoring stations (as approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities), and to be prepared in accordance with ES Volume 1 paragraphs 13.210 – 13.217 and paragraphs 14.297 – 14.300, together with ES Volume 3 Technical Appendices 5.1, 5.2 and 13.4;

c) a programme for the monitoring undertaken at approved locations during the pre-construction, construction and operational phases of the development hereby permitted, along with a timescale for the provision to the local planning authority, the Environment Agency and United Utilities of an analysis of the data collected, such analysis to be prepared by an independent hydrological consultant (whose appointment shall be approved in writing by the local planning authority) and to include, as a minimum;

i. the data collected and results of the monitoring undertaken;
ii. a review of water quality and the condition of the water supply and hydrological regime across the site; and
iii. any remedial work and/or mitigation measures required to address any identified deterioration in water quality and/or change in condition of the water supply and hydrological regime across the site;

d) a strategy and programme for the implementation of any remedial work and/or mitigation measures identified as being necessary by the independent hydrological consultant's analysis referred to in c) above.

The Monitoring Strategy shall be implemented as approved during the pre-construction, construction and operational phases of the development hereby permitted.

34. No development shall commence until a Water Quality Management Scheme (hereinafter WQMS) has been submitted to and approved in writing by the local planning authority. The WQMS shall initially include the submission of a Baseline Methodology Assessment, which shall set out a methodology for determining when water quality deteriorates to an unacceptable level. It shall also include the methodology for an assessment of water quality in private water supplies at specific locations which have previously been approved by the local planning authority and a timetable for carrying out the assessment which shall be prior to any disturbance of the site (including disturbance caused by investigative pre-construction works). This will form the baseline data for the site and shall be submitted to and approved in writing by the local planning authority prior to any disturbance on the site.

In the event that the baseline assessment identifies that the development hereby permitted has the potential to impact on the water quality in private supplies the initial assessment shall be expanded upon to include the following details, which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:

a) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW throughout the construction period. The timetable shall be linked to specific construction activities which have the greatest potential impact on water quality. This data shall be made available at the request of a statutory undertaker within one working day of the request.

b) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW until the turbines are fully decommissioned and the site restored. This data shall be made available at the request of a statutory undertaker within one working day of the request.

c) A timetable for the submission of Water Supply Quality Update Reports (hereinafter WSQUR) to be submitted to the local planning authority until the turbines are decommissioned fully. The first WSQUR shall be submitted within one year of the First Export Date and a final WSQUR shall be submitted to the local planning authority within one year after the decommissioning of the turbines has been completed. The report should include 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.

The WQMS shall be implemented as approved.

In the event that the water quality deteriorates to an unacceptable level, as determined in accordance with the approved Baseline Methodology Assessment, as a direct result of the development hereby permitted, full details of the suggested mitigation measures along with their timescale for implementation shall be submitted to and approved in writing by the local planning authority. Thereafter the mitigation measures shall be completed in accordance with the approved details and timescale for implementation.

35. No development shall commence until investigation works have been undertaken by the developer to confirm coal mining conditions on the site. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, then works for the construction of the turbines and associated infrastructure in an area affected by such remedial works shall not commence until such works have been undertaken.

36. Prior to commencement of 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 set out in ES Technical Appendix 13.3. 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.

37. Prior to the First Export Date a scheme providing for a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this Condition as a building within Use Class C3 and C4 of the Use Classes Order 1987) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the local planning authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the scheme which has been approved in advance in writing by the local planning authority, with the permission of the owner.

38. No turbine shall be brought into operation before a scheme for the assessment and regulation of Amplitude Modulation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented for the lifetime of the development and shall be in general accordance with the final report of the Institute of Acoustics Amplitude Modulation Working Group and results of the DECC-commissioned Research into Human Response to the Amplitude Modulated Component of Wind Turbine Noise.

39. Prior to the First Export Date the turbine operator shall submit to the local planning authority, for written approval, a Scheme for measuring the noise emissions from the turbines including the quantification of any Amplitude Modulation components. The Scheme shall be prepared by a consultant approved in writing by the local planning authority. The objective of the Scheme shall be to test and confirm compliance with the noise limits specified at Tables 1 and 2 of the Noise Condition for a range of wind speeds and wind directions and the degree of Amplitude Modulation present. The Scheme shall require noise measurements to be made at no fewer than three or more than four locations. Measurements shall be undertaken in accordance with the Scheme as approved

and shall be commenced within one month of the First Export Date, and shall terminate when compliance with the noise limits has been demonstrated and notice of confirmation of compliance given in writing by the local planning authority.

40. ‘Noise Condition’

Annex E4 Proposed Conditions (1-37) as agreed with Rochdale Metropolitan Borough Council (RMBC) for the amended scheme

In the following Conditions:

The 'First Export Date' means the date when the turbine generators forming part of the development hereby permitted have first supplied electricity to the national grid on a commercial basis save for the purposes of testing.

'ES' means the Environmental Statement dated March 2015

'MRMP' means the Moorland Restoration and Management Plan included in ES Appendix 5.2

'MRMP Implementation Strategy' means the Moorland Restoration and Management Plan Implementation Strategy dated 7 September 2016

'ECoW' means Ecological Clerk of Works

'MoD' means Ministry of Defence

The 'Noise Condition' for the purposes of these Conditions and Guidance Notes is Condition 37.
[which is the same as Condition 39 of Annex E1 but not repeated here]

1. The development hereby permitted shall commence before the expiration of five years from the date of this permission. Written confirmation of the Commencement of Development shall be provided to the local planning authority no later than one week after the event.

2. The development hereby permitted shall be removed in accordance with Condition 3 below after a period of 25 years from the First Export Date. Written notification of the First Export Date shall be given to the local planning authority no later than one calendar month after the event.

3. Not later than 12 months before the expiry of the 25 year period referred to in Condition 2, a Decommissioning and Site Restoration Scheme shall be submitted to the local planning authority for approval in writing. The Scheme shall include a timetable for completion of all works and shall be informed by relevant ecological surveys and make provision for;

   a) the removal of the turbines and the associated above ground equipment and infrastructure and turbine foundations to a depth of at least one metre below the ground;

   b) the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land from which the turbines and any ancillary equipment and structures have been removed;

   c) earth moving and soil replacement;

d) the decommissioning effects on flora and fauna along with the restoration of the landscape;

e) reinstatement of public rights of ways, paths and footpaths; and

f) monitoring and remedial actions.

The approved Scheme shall be implemented within 12 months of either the expiry of the 25 year period referred to in Condition 2 or the local planning authority's approval of the Scheme, whichever is the later, and shall be completed in accordance with the approved timetable.

4. No later than 12 months before works commence to decommission the Existing Scout Moor Wind Farm Development a Decommissioning and Site Restoration Scheme in respect of turbines PT15 and PT16, hereby permitted, shall be submitted to and approved in writing by the local planning authority. This Scheme shall be supported by ecological surveys which have been undertaken to inform the Scheme.

   The Scheme shall also include the management and timing of any works together with a Traffic Management Plan to address likely traffic impact issues during the decommissioning period and restoration measures for the land where the turbines and any ancillary equipment and structures have been removed.

   Not later than one month from the date on which the last turbine of the Existing Scout Moor Wind Farm Development is removed from the site turbines PT15 and PT16 and the associated above ground equipment and turbine foundations to a depth of at least one metre below the ground shall be removed in accordance with the approved Scheme. That part of the site thereafter shall be restored in accordance with the approved Scheme within 12 months of the removal of turbines PT15 and PT16.

   In this Condition 'Existing Scout Moor Wind Farm Development' means the existing wind farm the subject of Consent GDBC/003/00005C-02 dated 25 May 2005 and any subsequent variation of this Consent.

5. If any of the turbines hereby permitted fail to operate for a continuous period of 12 months following the First Export Date, not due to it being under repair or replacement, then the local planning authority shall be notified in writing within one month of the end of the 12 month period.

   Within one month of the notification a Partial Decommissioning Scheme or a Scheme for Repair shall be submitted to the local planning authority for its written approval. If the Scheme is for decommissioning then it shall include a method statement and timetable for the dismantling and removal of the relevant turbine and associated above ground works and foundations to a depth of at least one metre below ground; a Traffic Management Plan; and a method statement and timetable for any necessary restoration works following removal of the relevant turbine. The Scheme shall thereafter be implemented in accordance with the approved details and timetable.

6. Subject to the Conditions attached to this permission, including arrangements for micro-siting and any details approved pursuant to Conditions, the development shall be carried out in accordance with the following approved plans and documents:

   ES/001 (Application Site and Administrative Boundaries);

   ES/002 (Proposed Layout – Masterplan);

   ES/003 (Proposed Layout North Inset);

   ES/004 (Proposed Layout West Inset);

   ES/004a (Proposed Layout South Inset);

   ES/005 (Proposed Layout East Inset);

   ES/012 (Retained Infrastructure between 2034 and 2042);

   ES/020 (Proposed Connections between the New and Existing Access Tracks).

7. The turbines hereby permitted shall have three blades which shall rotate in the same direction. The overall height of the turbines shall not exceed 115 m to the tip of the blades when the turbine is in the vertical position and the rotor diameter of the blades shall not exceed 85 m.

8. No turbine shall be erected on site until details of the finish and colour of the turbines, together with transformer locations have been submitted to and approved in writing by the local planning authority. No name, sign, symbol or logo shall be displayed on any external surfaces of the turbines other than those required to meet statutory health and safety requirements. The development shall thereafter be carried out and operated in accordance with the approved details.

9. All electrical cabling between the individual turbines and between the turbines and the control building shall be installed underground.

10. No development shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include proposals for;

    a) a pre-construction highway condition survey including public rights of way;

    b) the routeing of construction traffic;

    c) the timing of delivery vehicle movements including turbine component delivery vehicles;

    d) the management and design of junctions to and crossings of the public highway and other public rights of way;

    e) the management of the site entrance from the public highway;

    f) temporary warning signs and any temporary or permanent works, including locations, required in the public highway to enable the construction of the development;

    g) mechanisms required for the transportation of abnormal loads to the site;

h) details of a banksman to escort abnormal loads to the site;

i) the levels and timing of development traffic to minimise effects on Edenfield village and its community;

j) details of arrangements for off-road car parking facilities within the Edenfield Community Centre during the period of construction of the development hereby permitted; and

k) details of the site manager who would be the main contact for the public during the construction period.

The Plan shall be implemented as approved by the local planning authority.

Following the completion of the development a scheme to restore any damage done to the highway(s) and public rights of way as a result of the development (in accordance with the pre-condition survey(s)) shall be submitted to and approved in writing by the local planning authority.

11. No development shall commence until a Construction Method Statement (hereinafter CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the following;

a) details of the phasing of construction works;

b) the provision of parking, loading and unloading, and manoeuvring areas for vehicles within the site;

c) the methods of working to be employed in the construction of the cable trenches, crane pads and foundation works;

d) site illumination during the construction period;

e) the siting and details of wheel washing facilities;

f) the cleaning of the entrance to the site and the adjacent public highway and the sheeting of all heavy goods vehicles taking spoil or construction materials to or from the site to prevent spillage or deposit of any materials on the highway;

g) the method of disposal of foul drainage and sewage;

h) dust management;

i) details of emergency procedures;

j) the disposal of surplus materials;

k) details of how the construction compound and associated construction works will be reinstated, including a timetable for completion of the post construction restoration and reinstatement works;

l) proposals for the restoration of the site following the completion of the development; and

m) a Construction Noise Management Plan including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out and any necessary mitigation measures.

The construction of the development shall be carried out in accordance with the approved CMS, subject to any variations approved in advance in writing by the local planning authority.

12. No development shall commence until a Construction and Environmental Management Plan, prepared in accordance with the details contained in ES Volume 3 Technical Appendix 5.1, has been submitted to and approved in writing by the local planning authority. The development shall be implemented thereafter in accordance with the approved Plan or any updated version approved in advance in writing by the local planning authority.

13. Prior to the commencement of construction of the footpath links to the existing public rights of way as shown on ES Figure 5.15, plans confirming the method of construction and surfacing for each section of new access track, along with a timetable for the implementation of the same, shall be submitted to and approved in writing by the local planning authority. The access tracks shall thereafter be constructed as approved.

14. Construction work and any associated traffic movements to or from the site shall only take place between the hours of 07.00 to 19.00 Mondays to Fridays inclusive and the hours of 07.00 to 14.00 on Saturdays with no such work or associated traffic movements on a Sunday or Public Holiday. Outwith these specified hours development on the site shall be limited to turbine erection, maintenance, pouring of concrete, emergency works and dust suppression, unless otherwise approved in advance in writing by the local planning authority. Where emergency works are required written notification shall be given to the local planning authority within 48 hours of their occurrence.

15. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority. The Scheme shall include;

a) the programme and methodology of site investigation and recording which shall include a timetable for reporting the findings to the local planning authority;

b) provision for post investigation assessment, reporting and dissemination;

c) provision to be made for deposition of the analysis and records of the site investigation; and

d) any requirement for an Archaeological Watching Brief.

The Scheme shall be implemented as approved by the local planning authority.

A report of the findings from any archaeological site works shall be submitted to the local planning authority in accordance with the approved timetable.

16. The turbines hereby permitted shall be erected at the following grid co-ordinates:

Turbine	Easting	Northing
PT15	383290	418287
PT16	384156	418418

Notwithstanding the terms of this Condition the turbines and other infrastructure hereby permitted may be micro-sited within 30 m, save that;

a) no turbines or other infrastructure may be micro-sited within the 30 m buffer zone shown on ES Volume 2B Figure 13.1; and

b) the turbine PT16 shall not be micro-sited any closer to the residential property known as Higher Red Lumb Farm.

A plan showing the actual position of the turbines on the site along with tracks, hard standings, access areas, infrastructure routes, borrow pits etc. shall be submitted to the local planning authority within three months of the First Export Date.

17. Written confirmation of;

a) the date of commencement of construction;

b) the date of completion of construction;

c) the maximum height of construction equipment; and

d) the latitude and longitude of each wind turbine

shall be provided to the local planning authority and the MoD no later than one week after each event.

18. No development shall commence on site unless and until a Radar Mitigation Scheme has been submitted to and approved in writing by the local planning authority to address the impact of the development upon air safety. Before approving the Scheme, the local planning authority shall consult the MoD as to the Scheme's suitability and shall take into consideration the MoD's views as to whether the Scheme adequately addresses the MoD's concerns regarding the impact of the development upon air safety.

In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

19. No turbines shall become operational unless and until all measures required by the approved Radar Mitigation Scheme have been implemented and the local planning authority has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.

In this Condition 'Radar Mitigation Scheme' means a scheme designed to mitigate the impacts of the development upon the operation of the Primary Surveillance Radar at Warton Aerodrome (the Radar) and the air traffic operations of the MoD which are reliant upon the Radar. The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar.

20. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the local planning authority in order to avoid the impact of the development on the Primary Radar of the Operator located at Manchester and St Annes and associated air traffic management operations.

    No blades shall be fitted to any turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with the approved Scheme.

    For the purpose of this Condition:

    'Operator' means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

    'Primary Radar Mitigation Scheme' or 'Scheme' means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Manchester and St Annes primary radar and air traffic management operations of the Operator.

21. Prior to the First Export Date a written scheme shall be submitted to and approved in writing by the local planning authority setting out a protocol for the assessment of and remedial measures to alleviate shadow flicker in the event of any valid complaint to the local planning authority from the owner or occupier of any building which lawfully exists or had planning permission at the date of this permission. Operation of the turbines shall take place in accordance with the approved protocol, subject to any variations approved in advance in writing by the local planning authority.

22. No development shall commence until areas requiring surveys have been identified on a plan and a specification for checking surveys for nests of breeding birds and badger setts on the development site, to be carried out by a qualified ecologist, has been submitted to and approved in writing by the local planning authority. The specification shall include the methodology for the surveys and a timetable for the checking surveys and submission of a report detailing the results of the surveys.

    A report detailing survey results and identifying any mitigation measures required as a result of the surveys for any construction works, work forming part of the MRMP or clearance of vegetation between 1 March and 31 August shall also be submitted to and approved in writing by the local planning authority prior to any site preparation and construction work commencing. The specification and mitigation measures shall be implemented as approved under the supervision of a

suitably qualified ECoW, details of whom shall first be submitted to and approved in writing by the local planning authority.

23. The development hereby permitted shall only be undertaken in accordance with those parts of the MRMP that relate to the local planning authority's area. The MRMP shall be implemented in accordance with the MRMP Implementation Strategy. Written notification of the date of implementation of the MRMP shall be given to the local planning authority no later than one calendar month after the event.

24. No electricity shall be exported, save for the purposes of testing, from the development hereby permitted until;

a) a full time Conservation Ranger has been appointed and is in post;

b) a plan showing the area over which it is proposed to reduce the level of stock grazing has been submitted to and approved in writing by the local planning authority (hereinafter the approved stock reduction area);

c) evidence has been provided to the local planning authority that the level of stock grazing has been reduced in accordance with the provisions of the MRMP within the approved stock reduction area;

d) the local planning authority has confirmed in writing that the evidence submitted to it under c) is satisfactory; and

e) the restoration and remediation measures within the local planning authority's area have been commenced in accordance with the MRMP Implementation Strategy.

A Conservation Ranger shall be employed at the site until the application site is decommissioned and the restoration works completed.

25. No later than each of the sixth, eleventh, sixteenth and twenty-first anniversaries of the date of implementation of the MRMP the developer shall submit to the local planning authority a report identifying the progress made with the MRMP. The report shall include details of any design modifications to the MRMP measures that have been made in accordance with the detailed design protocol contained at Schedule 1 of the MRMP Implementation Strategy.

[It is recommended that the Secretary of State consult the parties to consider revised provisions for the MRMP and its implementation in relation to Conditions 23, 24 and 25.]

26. Prior to commencement of construction of the 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 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 turbines;

b) the programme of wind farm familiarisation days which are to be made available to local stables, liveries and horse owners; and

c) a liaison mechanism between the turbine operator and successors in title and recreational users over the life of the development.

The Strategy shall thereafter be implemented in accordance with the approved details prior to the First Export Date.

27. No development shall take place until a Local Employment Procurement Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall 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 approved Strategy and any amendments to the Strategy shall be approved in advance in writing by the local planning authority.

28. Prior to the commencement of development details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the local planning authority. The details shall include sufficient information to determine that no resultant unacceptable risk to groundwater would arise. Construction of the development shall be carried out in accordance with the approved details.

29. No development shall commence until a Surface Water Sustainable Drainage Scheme (hereinafter SWSDS) has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The SWSDS shall include, as a minimum;

a) measures to ensure that no surface water from the site discharges directly into the public sewer (save for surface water from the substation building and/or the construction compound which may discharge at an attenuated rate directly into the public sewer provided that it is demonstrated to be necessary having had regard to the surface water hierarchy contained in the Planning Practice Guidance and subject to the prior approval in writing of the local planning authority in consultation with United Utilities);

b) information about the design storm period and intensity (1 in 30 and 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;

c) measures to ensure and evidence that the surface water run-off from the development hereby permitted will not exceed the pre-development run-off rate;

d) details of an assessment of site conditions, to include site investigation, and test results to confirm infiltration rates;

e) details of any water quality controls to be implemented;

f) a programme for the implementation of the SWSDS, including any phasing; and

g) a strategy and programme for any ongoing maintenance and the implementation of any remedial work and/or mitigation measures required for the lifetime of the development hereby permitted.

The SWSDS shall be implemented as approved and shall be retained, managed and maintained until the development hereby permitted is decommissioned.

30. No development shall commence until a strategy in respect of surface and groundwater quality monitoring (hereinafter Monitoring Strategy) to be undertaken during the pre-construction, construction and operational phases of the development hereby permitted has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities.

The Monitoring Strategy shall include, as a minimum;

a) details of an assessment of site conditions, to include site investigation, in order to validate the baseline conditions referred to in ES Volume 1 Chapters 13 and 14 and to inform the monitoring methodologies referred to in b) below;

b) details of methodologies to be adopted in respect of water quality monitoring, groundwater monitoring and water table monitoring, such methodologies to include appropriate locations for monitoring stations (as approved in writing by the local planning authority in consultation with the Environment Agency and United Utilities), and to be prepared in accordance with ES Volume 1 paragraphs 13.210 – 13.217 and paragraphs 14.297 – 14.300, together with ES Volume 3 Technical Appendices 5.1, 5.2 and 13.4;

c) a programme for the monitoring undertaken at approved locations during the pre-construction, construction and operational phases of the development hereby permitted, along with a timescale for the provision to the local planning authority, the Environment Agency and United Utilities of an analysis of the data collected, such analysis to be prepared by an independent hydrological consultant (whose appointment shall be approved in writing by the local planning authority) and to include, as a minimum;

i. the data collected and results of the monitoring undertaken;
ii. a review of water quality and the condition of the water supply and hydrological regime across the site; and
iii. any remedial work and/or mitigation measures required to address any identified deterioration in water quality and/or change in condition of the water supply and hydrological regime across the site,

d) a strategy and programme for the implementation of any remedial work and/or mitigation measures identified as being necessary by the independent hydrological consultant's analysis referred to in c) above.

The Monitoring Strategy shall be implemented as approved during the pre-construction, construction and operational phases of the development hereby permitted.

31. No development shall commence until a Water Quality Management Scheme (hereinafter WQMS) has been submitted to and approved in writing by the local planning authority. The WQMS shall initially include the submission of a Baseline Methodology Assessment, which shall set out a methodology for determining when water quality deteriorates to an unacceptable level. It shall also include the methodology for an assessment of water quality in private water supplies at specific locations which have previously been approved by the local planning authority and a timetable for carrying out the assessment which shall be prior to any disturbance of the site (including disturbance caused by investigative pre-construction works). This will form the baseline data for the site and shall be submitted to and approved in writing by the local planning authority prior to any disturbance on the site.

In the event that the baseline assessment identifies that the development hereby permitted has the potential to impact on the water quality in private supplies the initial assessment shall be expanded upon to include the following details, which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:

a) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW throughout the construction period. The timetable shall be linked to specific construction activities which have the greatest potential impact on water quality. This data shall be made available at the request of a statutory undertaker within one working day of the request.

b) A timetable for the monitoring of the water quality at the approved locations along with an analysis of the data by the approved ECoW until the turbines are fully decommissioned and the site restored. This data shall be made available at the request of a statutory undertaker within one working day of the request.

c) A timetable for the submission of Water Supply Quality Update Reports (hereinafter WSQUR) to be submitted to the local planning authority until the turbines are decommissioned fully. The first WSQUR shall be submitted within one year of the First Export Date and a final WSQUR shall be submitted to the local planning authority within one year after the decommissioning of the turbines has been completed. The report should include 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.

The WQMS shall be implemented as approved.

In the event that the water quality deteriorates to an unacceptable level, as determined in accordance with the approved Baseline Methodology Assessment, as a direct result of the development hereby permitted, full details of the suggested mitigation measures along with their timescale for implementation shall be submitted to and approved in writing by the local planning authority.

Thereafter the mitigation measures shall be completed in accordance with the approved details and timescale for implementation.

32. No development shall commence until investigation works have been undertaken by the developer to confirm coal mining conditions on the site. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, then works for the construction of the turbines and associated infrastructure in an area affected by such remedial works shall not commence until such works have been undertaken.

33. Prior to commencement of 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 set out in ES Technical Appendix 13.3. 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.

34. Prior to the First Export Date a scheme providing for a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this Condition as a building within Use Class C3 and C4 of the Use Classes Order 1987) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the local planning authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the scheme which has been approved in advance in writing by the local planning authority, with the permission of the owner.

35. No turbine shall be brought into operation before a scheme for the assessment and regulation of Amplitude Modulation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented for the lifetime of the development and shall be in general accordance with the final report of the Institute of Acoustics Amplitude Modulation Working Group and results of the DECC-commissioned Research into Human Response to the Amplitude Modulated Component of Wind Turbine Noise.

36. Prior to the First Export Date the turbine operator shall submit to the local planning authority, for written approval, a Scheme for measuring the noise emissions from the turbines including the quantification of any Amplitude Modulation components. The Scheme shall be prepared by a consultant approved in writing by the local planning authority. The objective of the Scheme shall be to test and confirm compliance with the noise limits specified at Tables 1 and 2 of

the Noise Condition for a range of wind speeds and wind directions and the degree of Amplitude Modulation present. The Scheme shall require noise measurements to be made at no fewer than three or more than four locations. Measurements shall be undertaken in accordance with the Scheme as approved and shall be commenced within one month of the First Export Date, and shall terminate when compliance with the noise limits has been demonstrated and notice of confirmation of compliance given in writing by the local planning authority.

37.'Noise Condition'

[If the Secretary of State is minded to approve Application B, but to refuse Application A, then the Noise Condition as agreed at the Inquiry would not be appropriate, and the parties would need to be consulted to devise an amended noise condition that provided for limits related only to the noise emissions from PT15 and PT16 in combination with noise from any existing or permitted turbines at that time.]

PROOFS OF EVIDENCE and WRITTEN REPRESENTATIONS

Applicant

APP/DB/1 Summary Proof of Evidence of David Bell
APP/DB/2 Proof of Evidence of David Bell
APP/DB/3 Appendices to Proof of Evidence of David Bell
APP/DB/4 Rebuttal Proof of Evidence of David Bell
APP/DB/5 Supplementary Note of David Bell in relation to the Rochdale Core Strategy Examination Report

APP/BD/1 Summary Proof of Evidence of Brian Denney
APP/BD/2 Proof of Evidence of Brian Denney
APP/BD/3 Appendices to Proof of Evidence of Brian Denney
APP/BD/4 Compilation of drawings and photomontages at A3

APP/HK/1 Written Statement of Helena Kelly BSc MCIFA
Associate Director The Environment Partnership (TEP) Ltd
APP/HK/2 Appendices to Written Statement of Helena Kelly

APP/AM/1 Written Statement of Dr Andrew McKenzie
APP/AM/2 Rebuttal Statement of Dr Andrew McKenzie
APP/AM/3 Further Rebuttal Statement of Dr Andrew McKenzie

APP/PA/1 Written Statement of Penny Anderson BSc(Hons) MSc CEcol FCIEEM
Penny Anderson Associates Ltd
APP/PA/2 Appendices to Statement of Penny Anderson
APP/PA/3 Rebuttal Statement of Penny Anderson
APP/PA/4 Further Rebuttal Statement of Penny Anderson
APP/PA/5 Penny Anderson's rebuttal in relation to the email from Prickshaw and Broadley Fold Conservation Area Committee 13 October 2016 (ID32)

APP/CN/1 Commons Note

Rossendale Borough Council and Rochdale Metropolitan Borough Council

C/HK/1 Summary Proof of Evidence of Helen Kent
C/HK/2 Proof of Evidence of Helen Kent

C/MvG/1 Summary Proof of Evidence of Marc van Grieken
C/MvG/2 Proof of Evidence of Marc van Grieken

C/PG/1 Written Statement of Philip Grover BA(Hons) BTP Dip Arch (Cons) MRTPI IHBC
Director Grover Lewis Associates Ltd

C/PB/1 Written Statement of Paul Bassett BSc MSc FIOA
Technical Director Hepworth Acoustics Ltd

Other representations

Written representations at Inquiry stage – Red Folder.

Other written submissions by Interested Persons submitted prior to the Inquiry

WR1	Written Statement and Appendices 1-20 of Tom Whitehead on behalf of community groups
WR2	Written Statement of Dr Falmai Binns on behalf of Holcombe Society
WR3	Written Statement of Alan Rawsterne on behalf of Rooley Moor Neighbourhood Forum
WR4	Written Statements of Irene Pope on behalf of Rochdale Bury Bridleways Association
WR5	Written Statement of Geoff and Bev Rigby
WR6	Written Statement of Dr Steve Davison
WR7	Written Statement of John Newcombe on behalf of Prickshaw and Broadley Fold Conservation Area Committee
WR8	Written Statement Addendum and Comments of Dr John Yelland on behalf of a local resident
WR9	Written Statement and Appendices of Dr Chris Woods
WR10	Written Statement of Nigel Morrell on behalf of Norden Area forum
WR11	Objection from Mr Carloni
WR12	Written Statement of Mrs CE Peat British Horse Society Regional Bridleway Officer for the North West
WR13	Letter from David Rispin
WR14	Email from Andrea Harwood
WR15	Email from Kay Bruce
WR16	Email from Pat Tough

APPEARANCES

FOR THE APPLICANT:

Andrew Newcombe QC	Instructed by Peter Nesbit Eversheds LLP
He called	
Brian Denney BA(Hons) DipLA CMLI CENV MIEMA	Landscape and Environmental Planning Director Pegasus Group Ltd
Dr Andrew McKenzie PhD BSc FIOA	Director Hayes McKenzie Partnership Ltd
David Bell BSc(Hons) DipUD MCIHT MRTPI	Director Planning and Development Jones Lang LaSalle

FOR ROSSENDALE BOROUGH COUNCIL and ROCHDALE METROPOLITAN BOROUGH COUNCIL:

Timothy Leader of counsel	Instructed by Claire Birtwistle Legal Services manager RBC and Mark Robinson Assistant Director RMBC
He called	
Marc van Grieken ingenieur FLI	MVGLA Ltd
Helen Kent BA(Hons) MSc Dip Urban Planning MRTPI	Associate Director LUC (Land Use Consultants)

INTERESTED PERSONS:

Dr John Yelland MA DPhil(Oxon) MInstP FIET AMASA MIOA	Independent consultant commissioned by a local resident.
Dr Chris Woods MBChB MRCGP	Local resident and GP
John Batchelor	Local resident
Nigel Morrell	Chair Norden Area Forum
Dr Falmai Binns	Representing the Holcombe Society and Chair of the Bury Rural Inequalities Forum
Peter Ross	Local resident
Anne McKown	Local resident
David Trivett	Local resident
Dr Michael Lee	Local resident
Heather Massie	Local resident
Christine Alty	Local resident
Christine Thomas	Local resident
Cllr Peter Winkler	RMBC

Cllr James Garside	RMBC
Cllr Michael Holly	RMBC
Cllr Ian Bevan	Bury MBC
Cllr Cheetham	RBC
Dr Steve Davison	Local resident
Stuart Davies	Local resident
Cath Hignett	Local resident
Irene Pope	Chairman of Rochdale Bury Bridleways Association
Carl Bell	Director Whitaker Museum
Geoff Rigby	Local resident
Pat Kurpas	Local resident
Dr Alan Heyworth	Local resident
Kathy Fishwick	Local resident
John Ireland	Ramsbottom Heritage Society
Alan Rawsterne	Local resident and Trustee of Rooley Moor Neighbourhood Forum
Peter Wood	Local resident
Tom Whitehead MRTPI	Representing some local community groups

Representatives of the applicant, planning officers from RBC and RMBC, interested persons and local residents joined in the discussion about suggested planning conditions

DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

Document	1	Copy of notification letter about the Inquiry and list of those notified.
Document	2	Opening statement on behalf of the applicant.
Document	3	Opening statement on behalf of RBC/RMBC, including photographs of flooding.
Document	4	Definitive Map Modification Order 2015 concerning upgrading Royds Road through to Hardman Drive from footpath to bridleway. [submitted by applicant]
Document	5.1	Witness Statement of David Harvey. [submitted by applicant]
	5.2	Attachments pages 1-33.
Document	6.1	Summary of financial reporting on potential income from the Scout Moor Wind Farm. [submitted by RBC]
	6.2	Bundle of RBC documents concerning finance.
Document	7	Email from Sally Baker in support of the applications.
Document	8	List of matters raised by Secretary of State and Inspector with references to ES and Proofs of Evidence. [submitted by applicant]
Document	9	Written statement and bundle of documents submitted by Mr Ross objecting to the applications. Including Final statement on decommissioning and restoration of the proposed Scout Moor Wind Farm Extension, dated 26 October 2016.
Document	10	Consent for Wind Turbine Generating Station at Scout Moor Department of Trade and Industry 23 May 2005. [Requested by Inspector]
Document	11	Press Release Two Decades of Deception of Wind Turbine Noise Independent Noise Working Group. [submitted by applicant]
Document	12	Reports & Publications Wind Turbine Noise Chris Heaton-Harris MP for Daventry. [submitted by applicant]
Document	13	Email from Marianne Rushton dated 7 October 2016 expressing conditional support for the applications
Document	14.1	Letter from David Trivett dated 14 October 2016 objecting to the proposed development.
	14.2	Letter dated 17 October 2016 in support of objection.
	14.3	Final statement dated 27 October 2016.
Document	15	Email from Cllr Bevan dated 16 October 2016 objecting to the proposed development.
Document	16	Email from Lisa Hindle dated 17 October 2016 in support of the proposed development.
Document	17.1	Land at Knabs Ridge Appeal Ref:APP/E2734/A/04/1161332.
	17.2	Low Spinney Farm Appeal Ref:APP/F2415/A/09/2109745.
	17.3	Spaldington Airfield Appeal Ref:APP/E2001/A/10/2137617 and 2139965.
Document	18	Letter from Mrs B O'Connor dated 17 October 2016 read out at Inquiry by Irene Pope.
Document	19	Note from RBC/RMBC and applicant regarding description of proposed development. [requested by Inspector]

Document	20.1	Statement of Dr Binns on behalf of the Holcombe Society and Bury Rural Inequalities Forum.
	20.2	Note concerning constitution and membership of the Holcombe Society.
	20.3	Postcard of Peel Tower and old photograph of Scout Moor.
	20.4	Email dated 27 October 2016 and attachments concerning Mr Bell's evidence.
Document	21	Statement with attachments of John Batchelor.
Document	22.1	Statement of Nigel Morrell on behalf of the Norden Area Forum.
	22.2	Moorland restoration in the Peak District National Park Research Note No7.
Document	23.1	Statement of Anne McKown.
	23.2	Wind farm decommissioning: A detailed approach to estimate future costs in Sweden Dissertation by John McCarthy.
	23.3	Closing submission and attachments dated 26 October 2016.
Document	24	Statement of Dr Michael Lee.
Document	25.1	Statement of Heather Massie.
	25.2	Supplementary note of Heather Massie.
Document	26	Wireframe from footpath near Chapel Hill Farm. [requested by Interested Persons and supplied by the applicant]
Document	27	Letter dated 19 October 2016 of objection from John Boys.
Document	28	Letter dated 19 October 2016 from Kelly Lawson in support of the applications.
Document	29	Email dated 18 October 2016 from Dr Yelland re noise conditions.
Document	30	Statement dated 13 October 2016 of Dr Chris Woods.
Document	31	Wireframes from Waugh's Well with turbine numbers indicated. [requested by Inspector]
Document	32.1	Email dated 13 October 2016 from John Newcombe P&BFCA to PINS re MRMP.
	32.2	Email dated 26 October 2016 to PINS concerning information regarding visual impact.
	32.3	Final submissions dated 27 October 2016.
Document	33	Statement of Christine Thomas.
Document	34.1	Statement of Alan Rawsterne dated 20 October 2016.
	34.2	Email dated 22 October 2016 regarding conditions and additional evidence.
Document	35	Statement of Cllr James Gartside.
Document	36	Statement of Cllr Winkler.
Document	37	Statement of Cllr Ian Bevan.
Document	38	Statement of Dr Steve Davison.
Document	39	Statement of Kathy Fishwick.
Document	40.1	Statement and attachments of Stuart Davies.
	40.2	Attachments.
	40.3	Photographs.
Document	41	Statement of Cath Hignett.
Document	42	Statement of Irene Pope on behalf of Rochdale Bury Bridleways Association.
Document	43	Statement of Geoff Rigby.
Document	44	Statement of Pat Kurpas.
Document	45	Statement of Dr Alan Heyworth.
Document	46	Statement of Cllr JD Cheetham.

Document	47	Statement of John Ireland on behalf of Ramsbottom Heritage Society.
Document	48	Questions about suggested conditions by Mr Whitehead and Mr Batchelor.
Document	49	Postcard - Peel Tower. [submitted by RBC/RMBC]
Document	50.1	Fecit Farm & Bungalow Noise Conditions Compliance Assessment Hayes McKenzie 19 July 2012. [submitted by applicant]
	50.2	Chapter 7 Noise Scout Moor Wind Farm Environmental Statement.
Document	51.1	Statement of Bryan Farlow in favour of the applications.
	51.2	Extracts from 'comment book' at Peel Tower.
	51.3	Photographs.
Document	52	Note on energy generation estimates and carbon dioxide savings. [Requested by Inspector and submitted by applicant]
Document	53	Statement and photographs shown at Inquiry by Peter Wood.
Document	54	Note re MRMP Condition(s). [submitted by applicant]
Document	55.1	Hill farming at Shawforth and the impact of the Crook Hill wind farm by Jane Lees January 2016.
	55.2	Letter from RBC dated 26 July 2016 concerning erection of turbines at Sheephouse Farm prior to discharge of conditions.
Document	56	Section 59 Highways Act 1980 recovery of expenses due to extraordinary traffic. [submitted by applicant]
Document	57	Bundle of other emails and notes raising questions for the discussion about suggested planning conditions from; Dr Chris Woods, Dr Steve Davison, Miss HM Massie, Dr Binns, Anne McKown, John Newcombe, Peter Ross, Shoosmiths LLP on behalf of United Utilities, Alan Rawsterne, Peter Wood, Cllr Gartside and Cllr Holly.
Document	58	Statement of Peter Boys in support of the applications.
Document	59	Email dated 27 October 2016 from Tom Whitehead concerning GMSF and draft Policy GM10 The Uplands.
Document	60	Suggested planning conditions agreed by applicant and RBC/RMBC.
Document	61	Addendum to SoCG concerning distances between turbines and dwellings. [requested by Inspector]
Document	62	Email dated 28 October 2016 from John Newcombe concerning rebuttal of Penny Anderson's evidence.
Document	63	Closing submissions by representative of interested persons.
Document	64	Closing submissions on behalf of RBC and RMBC.
Document	65	Closing statement on behalf of the applicant.

CORE DOCUMENTS

Application and Related Documents

CD1.1 Application Forms and Covering Letters (March 2015)
CD1.2 Environmental Statement dated March 2015 – Volume 1: Main Text
CD1.3 Environmental Statement dated March 2015 – Volume 2a: Landscape Figures [Comprising 2 Folders]
CD1.4 Environmental Statement dated March 2015 – Volume 2b: Other Figures
CD1.5 Environmental Statement dated March 2015 – Volume 3: Technical Appendices [Comprising 3 Folders]
CD1.6 Environmental Statement dated March 2015: Non-Technical Summary
CD1.7 Planning Application Drawings dated April 2015
CD1.8 Planning Statement dated March 2015
CD1.9 Design and Access Statement dated March 2015
CD1.10 Statement of Community Engagement dated March 2015
CD1.11 Further Environmental Information and Appendices dated June 2015
CD1.12 Revised Further Environmental Figure 4.1 (July 2015)
CD1.13 Additional Assessment of Effects relating to Noise (July 2015)
CD1.14 Revised Tables and Assessment Charts relating to Noise (August 2015)
CD1.15 Note relating to Bridleways (August 2015)
CD1.16 Note relating to Wind Turbine Syndrome prepared by Hayes McKenzie (August 2015)
CD1.17 Aviation Report prepared by WPAC (August 2015)
CD1.18 Aveillant Report on Wind Turbine Mitigation (September 2015)
CD1.19 Further Environmental Information dated June 2016 Volumes 1, 2, 3 and 4

Council Committee Reports/Minutes

CD1.20 Officer Report to Rossendale Borough Council Development Control Committee
CD1.21 Minutes of Rossendale Borough Council Development Control Committee Meeting of 1 September 2015
CD1.22 Officer Report to Rochdale Metropolitan Borough Council Planning and Licensing Committee
CD1.23 Minutes of Rochdale Metropolitan Borough Council Planning and Licensing Committee Meeting of 21 September 2015
CD1.24 Officer Report to Rochdale Township Planning Sub Committee

Call-in/PINS documents and Statements of Case

CD1.25 Secretary of State Call-in Letter of 30 November 2015
CD1.26 Call-in Inquiry Start Letter of 11 December 2015
CD1.27 Fixed Bespoke Programme
CD1.28 Applicant Statement of Case (April 2016)
CD1.29 RBC and RMBC Statement of Case (April 2016)
CD1.30a Pre-Inquiry Meeting Notes (11 May 2016)

CD1.30b Pre-Inquiry Note (19 August 2016)
CD1.31 Statement of Common Ground as agreed between the Councils and the Applicant

Consultation Responses

CD2.1 Consultation Responses to Original Application to Rossendale Borough Council, including:
- CD2.1a BAE Systems (29 April 2015)
- CD2.1b British Horse Society (26 May 2015)
- CD2.1c Bury Metropolitan Borough Council – Development Management Team (21 May 2015)
- CD2.1d Calderdale Metropolitan Borough Council – Development Management (7 May 2015)
- CD2.1e Edenfield Village Residents Association (13 May 2015)
- CD2.1f Electricity North West (8 May 2015)
- CD2.1g Environment Agency (15 May 2015)
- CD2.1h Health and Safety Executive (29 April 2015)
- CD2.1i Highways England (30 April 2015)
- CD2.1j Historic England (18 May 2015)
- CD2.1k Lancashire Badger Group (27 May 2015)
- CD2.1l Lancashire County Council – Ecology (29 April 2015)
- CD2.1m Lancashire County Council – Flood Risk Management (21 May 2015)
- CD2.1n Lancashire County Council – Highways (26 June 2015)
- CD2.1o Manchester Airport (15 May 2015)
- CD2.1p Met Office (23 June 2015)
- CD2.1q National Grid (6 May 2015)
- CD2.1r National Trust (5 June 2015)
- CD2.1s NATS NERL (29 April 2015)
- CD2.1t Natural England (28 May 2015)
- CD2.1u Pennine Mountain Bike Association (18 May 2015)
- CD2.1v Rossendale Harriers Athletics Club (1 June 2015)
- CD2.1w Rossendale Ramblers (3 May 2015)
- CD2.1x The Coal Authority (18 May 2015)
- CD2.1y United Utilities (19 May 2015)
- CD2.1z Valley of Stone Greenway Project Team (28 April 2015)

CD2.2 Consultation Responses to Original Application to Rochdale Metropolitan Borough Council, including:
- CD2.2a Environment Agency (15 May 2015)
- CD2.2b Historic England (21 May 2015)
- CD2.2c Manchester Airport (29 April 2015)
- CD2.2d Manchester Airport (15 May 2015)
- CD2.2e Manchester Airport (23 June 2015)
- CD2.2f National Trust (5 June 2015)
- CD2.2g NATS NERL (April 2015)
- CD2.2h Natural England (28 May 2015)
- CD2.2i Prickshaw and Broadley Fold Conservation Area Committee (26 May 2015)
- CD2.2j Rochdale Borough Council – Highways (Undated)
- CD2.2k Rochdale Borough Council – PROW (20 April 2015)
- CD2.2l The Coal Authority (28 April 2015)

CD2.2m United Utilities (19 May 2015)

CD2.3 Councils' Professional Consultants' Responses to Original Application, including:
CD2.3a Greater Manchester Archaeological Advisory Service (UoS) (29 April 2015)
CD2.3b Greater Manchester Ecology Unit – RBC (5 June 2015)
CD2.3c Greater Manchester Ecology Unit – RMBC (5 June 2015)
CD2.3d Grover Lewis Associates (June 2015)
CD2.3e Hepworth Acoustics (20 May 2015 – Incorrectly dated 2014)
CD2.3f Hepworth Acoustics (29 June 2015 – Incorrectly dated 2014)
CD2.3g JBA Consulting (12 June 2015)
CD2.3h Land Use Consultants (LUC) (May 2015)

CD2.4 Consultation Responses to Further Environmental Information of June 2015 to Rossendale Borough Council, including:
CD2.4a Calderdale Metropolitan Borough Council – Development Management (22 July 2015)
CD2.4b CPRE Lancashire (7 July 2015)
CD2.4c Electricity North West (10 July 2015)
CD2.4d Environment Agency (22 July 2015)
CD2.1e Forest of Rossendale Bridleways Association (21 July 2015)
CD2.4f Lancashire Badger Group (11 July 2015)
CD2.4g Lancashire County Council – Flood Risk Management (21 July 2015)
CD2.4h Lancashire County Council – Heritage (27 August 2015)
CD2.4i Manchester Airport (22 July 2015)
CD2.4j Manchester Airport (28 August 2015)
CD2.4k Ministry of Defence (17 August 2015)
CD2.4l Ministry of Defence (9 November 2015)
CD2.4m National Trust (14 July 2015)
CD2.4n NATS NERL (30 June 2015)
CD2.4o NATS NERL (23 July 2015)
CD2.4p Natural England (23 July 2015)
CD2.4q Rochdale Borough Council (18 August 2015)
CD2.4r The Coal Authority (30 June 2015)
CD2.4s United Utilities (29 June 2015)

CD2.5 Consultation Responses to Further Environmental Information of June 2015 to Rochdale Metropolitan Borough Council, including:
CD2.5a CPRE Lancashire (15 July 2015)
CD2.5b Calderdale Metropolitan Borough Council – Development Management (22 July 2015)
CD2.5c Manchester Airport (22 July 2015)
CD2.5d Manchester Airport (12 August 2015)
CD2.5e Manchester Airport (28 August 2015)
CD2.5f Ministry of Defence (21 August 2015)
CD2.5g Ministry of Defence (18 September 2015)
CD2.5h NATS NERL (23 July 2015)
CD2.5i RMBC – Environmental Health (2 July 2015)
CD2.5j RMBC – Environmental Health (19 August 2015)

CD2.5k United Utilities (29 June 2015)

CD2.6 Councils' Professional Consultants' Responses to Further Environmental Information of June 2015, including:
- CD2.6a Grover Lewis Associates (July 2015)
- CD2.6b Hepworth Acoustics (10 July 2015)
- CD2.6c Hepworth Acoustics (7 August 2015)
- CD2.6d JBA Consulting (7 July 2015)
- CD2.6e Land Use Consultants (LUC) (July 2015)
- CD2.6f Greater Manchester Ecology Unit (20 August 2015)

CD2.7 Third Party Representations submitted in support to Rossendale Borough Council (57 representations)

CD2.8 Third Party Representations submitted in support to Rochdale Metropolitan Borough Council (36 representations)

CD2.9 Third Party Representations submitted in objection to Rossendale Borough Council (152 representations)

CD2.10 Third Party Representations submitted in objection to Rochdale Metropolitan Borough Council (32 representations)

CD2.11 Third Party Representations submitted neutrally to Rossendale Borough Council (1 representation)

The Development Plan and Other Local Planning Authority Documents

Rossendale Borough Council

CD3.1 Rossendale Local Plan Part 1: Core Strategy Development Plan Document: The Way Forward (2011 – 2026) (adopted 8 November 2011)

CD3.2 Rossendale Local Plan: Saved Policies (1995)

CD3.3 Joint Lancashire Minerals & Waste Core Strategy Development Plan Document (adopted February 2009)

CD3.4 Joint Lancashire Minerals & Waste – Site Allocations and Development Management (adopted September 2013)

CD3.5 Representations made by Peel in relation to the consultations on the draft stages of the Rossendale Core Strategy

Rochdale Metropolitan Borough Council

CD3.6 Rochdale Borough Unitary Development Plan: Saved Policies (adopted June 2006)

CD3.7 The Greater Manchester Minerals Plan (adopted April 2013) (Extracts)

CD3.8 Rochdale Borough: Publication Core Strategy (January 2013)

CD3.9 Rochdale Borough: Schedule of Proposed Minor Amendments (November 2015)

CD3.10a Rochdale Borough: Schedule of Main Modifications to the Rochdale Core Strategy (March 2016)

CD3.10b Email dated 7 October 2016 concerning adoption of Core Strategy on 19 October, Report on the Examination and Publication Core Strategy.

CD3.11 Rochdale Borough: The Energy and New Development SPD (May 2008)

CD3.12 Representations made by Peel in relation to the consultations on the draft stages of the emerging Rochdale Core Strategy
CD3.13 Rochdale Metropolitan Borough Council Climate Change Adaptation Supplementary Planning Document (June 2012)
CD3.14 Rochdale Metropolitan Borough Council Wind Power Developments Supplementary Planning Guidance (June 1998)

Other

CD3.15 Julie Martin Associates for Burnley, Bury, Calderdale, Kirklees, Rochdale and Rossendale Councils: Landscape Capacity Study for Wind Energy Developments in the South Pennines (January 2010)
CD3.16 Julie Martin Associates and LUC for Rossendale, Burnley, Calderdale, Kirklees and Barnsley Councils: South Pennines Wind Energy Landscape Study (October 2014)
CD3.17 Maslen Environmental for Pendle, Burnley, Rossendale, Calderdale and Kirklees Councils: Renewable and Low Carbon Energy Study (September 2010)
CD3.18 SQW for Lancashire County Council: Renewable Energy Target Setting and Policy Development (March 2012)
CD3.19 SQW for Lancashire County Council: Taking Forward the Deployment of Renewable Energy (July 2011)
CD3.20 SQW for Lancashire County Council: Lancashire Sustainable Energy Study (March 2011)
CD3.21 Julie Martin Associates: Landscape Guidance for Wind Turbines up to 60m (January 2013)

National Planning Policy and Guidance

CD4.1 National Planning Policy Framework (March 2015)
CD4.2 Overarching National Policy Statement for Energy EN-1 (July 2011)
CD4.3 National Policy Statement for Renewable Energy Infrastructure EN-3 (July 2011)
CD4.4 Written Ministerial Statements relating to Local Planning and Onshore Wind issued by the Department of Energy and Climate Change and the Department for Communities and Local Government on 6 June 2013
CD4.5 National Planning Practice Guidance (online resource) (6 March 2014) (Extracts) http://planningguidance.planningportal.gov.uk/
CD4.6 Written Ministerial Statement relating to Local Planning issued by the Department for Communities and Local Government on 18 June 2015

Renewable Energy Policy

CD5.1 DECC: The UK Renewable Energy Roadmap (2011)
CD5.2 DECC: The UK Renewable Energy Roadmap Update (2012)
CD5.3 DECC: The UK Renewable Energy Roadmap Update (2013)
CD5.4 European Commission – Press Release (22 January 2014)
CD5.5 European Commission – Renewable Energy Progress Report (2015)
CD5.6 DECC: Onshore Wind Direct and Wider Economic Impacts (2012)

CD5.7 DECC: Digest of United Kingdom Energy Statistics (June 2015) Extract – Chapter 6
CD5.8 DECC: Public Attitudes Tracking Survey – Wave 17 (April 2016)
CD5.9 'Leaked' Letter of 29 October 2015 from Amber Rudd in relation to EU 2020 Renewables Target
CD5.10 Amber Rudd Speech on a New Direction for UK Energy Policy (18 November 2015)
CD5.11 Committee on Climate Change, the UK's Fifth Carbon Budget 'The Next Step towards a Low Carbon Economy' (November 2015)
CD5.12 EU 2030 Energy and Climate Change Policy
CD5.13 UN Paris Agreement (12 December 2015)

The following available electronically only

CD5.14 DECC Statement on Ending Subsidies for Onshore Wind (June 2015)
CD5.15 Department of Trade and Industry The Energy Challenge: Energy Review (July 2006)
CD5.16 Department of Trade and Industry Meeting the Energy Challenge: A White Paper on Energy (May 2007)
CD5.17 HM Government The UK Renewable Energy Strategy (July 2009)
CD5.18 HM Government National Renewable Energy Action Plan for the United Kingdom (July 2010)
CD5.19 HM Government Planning our Electric Future – A White Paper for Secure, Affordable and Low-Carbon Electricity (July 2011)
CD5.20 IPCC Fifth Assessment Report on Climate Change 2014 – Mitigation of Climate Change (2014)

Landscape and Visual

CD6.1 Landscape Institute and Institute of Environmental Management and Assessment – Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)
CD6.2 Scottish Natural Heritage – Siting and Designing Wind Farms in the Landscape, Version 2 (May 2014)
CD6.3 Scottish Natural Heritage – Visual Representation of Wind Farms: Good Practice Guidance, Version 2.1 (December 2014)
CD6.4 Scottish Natural Heritage – Guidance: Assessing the Cumulative Impacts of Onshore Wind Energy Developments (March 2012)
CD6.5 Natural England – An Approach to Landscape Character Assessment (2014)
CD6.6 Countryside Agency and Scottish Natural Heritage – Landscape Character Guidance for England and Scotland: Topic Paper 6, Techniques and Criteria for Judging Capacity and Sensitivity (2004)
CD6.7 Countryside Agency and Scottish Natural Heritage – Landscape Character Guidance for England and Scotland: Topic Paper 9, Climate Change and Natural Forces – The Consequences for Landscape Character (2003)
CD6.8 Landscape Institute – Landscape Architecture and the Challenge of Climate Control (October 2008)
CD6.9 Landscape Institute – Photography and Photomontage in Landscape and Visual Impact Assessment: Advice Note 01/11 (2011)
CD6.10 National Character Area profile: 36. Southern Pennines, Natural England (2014)

CD6.11 National Character Area profile: 54. Manchester Pennine Fringe, Natural England (2013)
CD6.12 Lancashire County Council: A Landscape Strategy for Lancashire – Landscape Character Assessment (December 2000)
CD6.13 Lancashire County Council: A Landscape Strategy for Lancashire – Landscape Strategy (December 2000)
CD6.14 Natural England Making Space for Renewables (2010)

Cultural Heritage

CD7.1 Historic England – Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans (July 2015)
CD7.2 Historic England – Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (July 2015)
CD7.3 Historic England – Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (July 2015)
CD7.4 Historic England – Climate Change and the Historic Environment (2008)
CD7.5 Historic England – Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008)
The following available electronically only
CD7.6 Planning (Listed Buildings and Conservation Areas) Act (1990)

Noise

CD8.1 ETSU-R-97: The Assessment and Rating of Noise from Wind Farms (1996)
CD8.2 Institute of Acoustics – A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise (May 2013) and Supplementary Guidance Notes 1 – 6
CD8.3 DEFRA: Noise Policy Statement for England (March 2010)
CD8.4 ISO9613: Acoustics - Attenuation of Sound During Propagation Outdoors - Part 2: General method of calculation (1996)
CD8.5 A Method for Rating Amplitude Modulation in Wind Turbine Noise – UK Institute of Acoustics Amplitude Modulation Working Group Final Report (August 2016)

Wind Farm Application and Appeal Decisions

CD9.1 Enifer Downs (APP/X2220/A/08/2071880)
CD9.2 Burnthouse Farm (APP/D0515/A/10/2123739)
CD9.3 Stone Park Farm, Stafford (APP/Y3425/A/14/2212769)
CD9.4 Newport Pagnell (APP/Y0435/A/14/2227711)
CD9.5 Lillyhall (APP/H0900/A/14/2224323)
CD9.6 French Farm (APP/J0540/V/14/2220136)
CD9.7 Razors Farm (APP/H1705/A/13/2205929)
CD9.8 Hawton (APP/B3030/A/12/2183042)
CD9.9 Carland Cross Wind Farm (APP/D0840/A/09/2103026)
CD9.10 Land at Church Farm, Southoe (Common Barn) Wind Farm (APP/H0520/A/12/2188648)

CD9.11 Land Between Bozeat, Lavendon and Harrold (Nun Wood Wind Farm) (APP/Y0435/A/10/2140401; APP/K0235/A/11/2149434; APP/H2835/A/11/2149437)
CD9.12 Starbold Wind Farm (APP/J3720/A/13/2193579)
CD9.13 Holme-on-Spalding Moor Wind Farm (known as River Valley Wind Farm) (APP/E2001/A/13/220781)
CD9.14 Beech Tree Farm Wind Farm (APP/K1128/A/08/2072150)
CD9.15 Earls Hall Farm Wind Farm (APP/P1560/A/08/2088548)
CD9.16 Burnham-on-Sea Wind Farm (APP/V3310/A/06/2031158)
CD9.17 Sixpenny Wood (APP/E2001/A/09/2101851)
CD9.18 Cleek Hall (APP/N2739/A/12/2172629)
CD9.19 Chelveston Renewable Energy Park (APP/G2815/A/11/2160078)
CD9.20 Watford Lodge (APP/Y2810/A/11/2153242)
CD9.21 Streetwood (Bussey's Loke) (APP/L2630/A/13/2207755)
CD9.22 Masters Pit (Alaska Wind Farm) (APP/B1225/A/11/2161905)
CD9.23 Extracts from:
Biggleswade, Langford (APP/P0240/A/11/2150950)
Middlemoor (ELEC/2005/2004 – GDBC/001/00245C)
Carsington Pastures (APP/P1045/A/07/2054080)
Low Spinney (APP/F2415/A/09/2109745)
Spaldington (APP/E2001/A/10/2137617)
Airfield Farm, Podington (APP/K0235/A/09/2108506)
CD9.24 Newbald Lodge (APP/E2001/A/14/2217703)
CD9.25 Black Brow Farm (APP/G0908/A/14/2224912)
CD9.26 Scout Moor s36 (GDBC/003/00005C-02) (Inspector's Report Only)
CD9.27 Fox Covert Newark Road Hawton (APP/B3030/W/15/3003130)
CD9.28 South Staffordshire College (APP/C3430/A/10/2132289)
CD9.29 Land at Hook Moor (APP/N4720/A/10/2121279)
CD9.30 Land to the west of Blidworth Lane Rainworth (Lindhurst Windfarm Mansfield Nottingham) (06/01014/FULM) Committee Report 18 October 2007
CD9.31 Baillie s36 (IEC/3/105/3) Extracts
CD9.32 Anderby Creek Langham (APP/D2510/A/10/2130539) Extracts

Judgments

CD10.1 (*1) East Northamptonshire District Council (2) English Heritage (3) National Trust v (1) Secretary of State for Communities and Local Government (2) Barnwell Manor Wind Energy Limited* [2013] EWHC 473 (Admin)
CD10.2 *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) Secretary of State for Communities and Local Government* [2014] EWCA Civ 137
CD10.3 *Bedford Borough Council v Secretary of State for Communities and Local Government, Nuon UK Ltd* [2012] EWHC 4344 (Admin)
CD10.4 *R (The Forge Field Society & Ors) v Sevenoaks District Council* [2014] EWHC 1895 (Admin)
CD10.5 *Suffolk Coastal DC v (1) Hopkins Homes Ltd (2) Secretary of State for Communities and Local Government/Richborough Estates Partnership LLP v (1) Cheshire East BC (2) Secretary of State for Communities and Local Government* [2016] EWCA Civ 168

CD10.6 *Forest of Dean DC v (1) Secretary of State for Communities and Local Government (2) Gladman Developments Ltd* [2016] EWHC 421
CD10.7 *Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another* [1982] 43 P. & C.R. 233
CD10.8 *West Berkshire District Council and Reading BC v Department for Communities and Local Government* [2015] EWHC 2222
CD10.9 *West Berkshire District Council and Reading BC v Department for Communities and Local Government* [2016] EWHC Civ 441

Miscellaneous

CD11.1 British Horse Society – Scottish Wind Farm Advice Note (April 2010)
CD11.2 British Horse Society – Wind Turbine Experiences Survey 2012
CD11.3 British Horse Society – Advice Note 'Wind Turbines and Horses: Guidance for Planners and Developers' (August 2015)
CD11.4 British Horse Society – Advice Note 'Riders and Carriage Drivers' (August 2015)
CD11.5 British Horse Society – Wind Farm Familiarisation Video (Feb 2013)

Legislation (available electronically)

CD12.1 Electricity Act 1989
CD12.2 Town and Country Planning Act 1990
CD12.3 Planning and Compulsory Purchase Act 2004
CD12.4 Commons Act 2006
CD12.5 The Natural Environment and Rural Communities (NERC) Act 2006
CD12.6 Climate Change Act 2008
CD12.7 The Energy Act 2008
CD12.8 Planning Act 2008
CD12.9 Environmental Impact Assessment (England) Regulations 2011
CD12.10 The Energy Act 2013

Additional documents
CD13.1 Report on the Examination into the Rochdale Core Strategy (22 August 2016) extracts
CD13.2 RA Perkins, MJ Lotinga, B Berry, CJ Grimwood and SA Stansfeld: A review of research into human response to the amplitude modulated component of wind turbine noise and development of a planning control method for implementation in the UK – Proceedings of the Institute of Acoustics Vol.38 Pt.1 September 2016
CD13.3 *Jones v Mordue* [2015] EWCA Civ 1243
CD13.4 Land to the north-west of Swinford (APP/F2415/A/09/2096369)