

Application Number:	2011/363	Application Type:	Full
Proposal:	Erection of 4 wind turbines (34.2m high) and associated access track	Location:	Land to east of Scar End Farm, Off Burnley Road, Weir
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21 February 2012
Applicant:	The Green Company (Europe) Ltd	Determination Expiry Date:	7 March 2012
Agent:			

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	YES
Other (please state):	

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

RECOMMENDATION(S)
Approve, subject to the S.106 Obligation and Conditions referred to in Section 9 of the report.

APPLICATION DETAILS

1. SITE

Scar End Farm is situated in the Countryside to the south-east of the settlement of Weir.

The complex of buildings at the farm is situated on the rising land to the east side of the River Irwell, comprising of : a farmhouse/converted barn of traditional design/materials; other buildings, of varying age/design, which are/were last used for agricultural purposes and as a farm shop/café.

Historically access to the farm from Burnley Road (A671) was from the north via Weir Lane. However, in 2005 permission was granted for the construction of the private road now used as the principal access to the farm. This single-track tarmaced road departs from Burnley Road at a point approximately 75m south of the settlement boundary, then descends down a slope to a bridge over the River Irwell, climbs up a slope to run on a N-S axis along the route of Public Footpath No 337 and through the middle of the complex of buildings at Scar End Farm to the north; Public Footpath No 337 forms part of the Irwell Sculpture Trail. From the complex of buildings at Scar End Farm Public Footpath No 324 extends eastwards up the steeply-sloping land to the moor-top, then runs south-east away from the deep gully it has run alongside to join the wider footpath network connecting to Sharneyford to the SE, the Rossendale Way to the E and Burnley Way to the NE.

From the settlement of Weir and Burnley Road to the south of it the complex of buildings at Scar End Farm can presently be viewed, and a conifer plantation is to be seen on the land to the rear rising steeply up to the moor-top, the deep gully on the south side of the plantation also open to public view. From the settlement the turbines will be viewed over the top of the plantation. From Burnley Road to the south of the settlement the turbines will be seen over the deep gully, with the access track also open to view. From Burnley Road to the north of the settlement the turbines will be viewed over the plantation, but at greater distance and with high voltage electricity pylons and their connecting cables a prominent feature in the foreground.

The red-edged application site embraces the private road, yard in the middle of the complex of buildings at Scar End Farm, land to the east over which Public Footpath No 324 runs and (after this footpath has turned SE) crosses to the north side of the gully and extends eastwards over the moor-top for a further 400m.

2. RELEVANT PLANNING HISTORY

2005/105 - Construction of a new vehicular access
Approved

2006/355 - Holiday Park comprising 20 tourists lodges SE side of Plantation
Refused & dismissed on Appeal

3. THE PROPOSAL

The application seeks permission for four 50kW wind turbines with a 30 year design-life. As initially submitted the turbines were to have a height of 37m to hub and 47.5m to blade-tip, but the scheme has now been amended so they will have a height of 24.6m to hub and 34.2m to blade-tip.

The turbines will stand in a line, having gaps of 80m-105m between them, with an adjacent mono-pitched roofed building of 2.5m x 3m x 2.4m in height to house the transformer required for export of the electricity generated to the national grid. Each of the turbines will have 3 blades and be mounted on a free-standing column, all to have an off-white non-reflective finish. Each turbine will be supported by a concrete foundation of approximately 6m x 6m in area and 1m in depth. At the foot of each turbine will be an area of hardstanding, measuring

approximately 15m x 15m, with a 5m wide road to be constructed between them and extending down to the complex of buildings at Scar End Farm.

The Applicant has indicated that none of the construction traffic would make use of Weir Lane, instead making use of the existing private road of approximately 450m in length, construction of which was permitted by Planning Permission 2005/105. It envisages that, following formation of the new hardstandings and 550m length of new road, digging out and pouring of the concrete for the turbine foundations would take a fortnight. Components for the turbines would be delivered by lorries of no more than 40ft long and off-loaded in the existing yard serving the complex of buildings at Scar End Farm. Following a 4-week break for the concrete to 'cure' erection of the turbines would take a week, requiring use of a 35T road-going crane. Once the turbines are brought into use there is generally a need for them to be visited every 3-6 months for maintenance checks and for an annual service.

In support of the proposal the Applicant states that :

- National and Development Plan policies are supportive of electricity generation by renewable means, and this project will assist the Council meet its own and national targets for renewable energy.
- This project will have environmental and economic benefits in that it will help reduce carbon emissions.
- The proposal is located on disused former grazing land. It will have no adverse impact on any biodiversity resources - this is not an area of deep peat, nor itself or close to any other land specifically designated for its ecological value. A Badger Survey accompanies the application and concludes that the proposal will not impact upon badgers.
- The proposal will not adversely impact upon cultural or heritage assets.
- The site has been the subject of previous mine-working, but the Coal Risk Assessment Report shows it to be capable of accommodating the proposed development.
- The turbines are far enough away from residential properties to not cause any noise disturbance or shadow flicker, evidenced by the submitted Noise Assessment report and other documentation accompanying the application.
- It is recognised that the turbines will be visible as a result of being in an elevated position - this is necessary to get the wind speeds - but will not be incongruous, set in the landscape with other infrastructure (ie electricity pylons) and will not impact detrimentally on residential or outdoor recreational activity, evidenced by the submitted photomontages displaying the visual appearance of the turbines from key visual receptors.
- It is acknowledged that there are existing wind farm developments to the north and south, but the proposed development is sufficiently distant from them not to have unacceptable cumulative impact.
- It is not envisaged that the project will have a detrimental impact upon public rights of way.
- It is willing to offer a community benefit of £750 per turbine per annum and also 1kW of solar pv for a village hall or school or other suitable community building; this offer is significantly greater than the recommended community benefit, as agreed with the Government by RenewableUK (the trade body of the UK wind & marine renewable industries), which is £1,000 per annum per MW capacity during the lifetime of the wind farm.

4. POLICY CONTEXT

National Policy

PPS1	Sustainable Development & Climate Change Supplement
PPS4	Economic Growth
PPS5	Historic Environment
PPS7	Rural Areas
PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPG14	Unstable Land
PPG17	Open Space, Sport & Recreation
PPG21	Tourism
PPS22	Renewable Energy & Companion Guide
PPS23	Pollution Control
PPG24	Noise
PPS25	Flood Risk

Development Plan Policies

Regional Spatial Strategy for the NW (2008)

DP1-9	Spatial Principles
RDF2	Rural Areas
W1	Strengthening the Regional Economy
W6	Tourism & the Visitor Economy
RT2	Managing Travel Demand
RT4	Management of the Highway Network
RT9	Walking and Cycling
EM1	Environmental Assets
EM2	Remediating Contaminated Land
EM3	Green Infrastructure
EM5	Integrated Water Management
EM7	Minerals Extraction
EM17	Renewable Energy

RBC Core Strategy DPD (2011)

AVP1	Bacup, Stacksteads, Britannia & Weir
Policy 1	General Development Locations & Principles
Policy 9	Accessibility
Policy 14	Tourism
Policy 17	Green Infrastructure
Policy 18	Biodiversity, Geodiversity & Landscape Conservation
Policy 19	Climate Change & Low Carbon & Zero Carbon Sources of Energy
Policy 20	Wind Energy
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)	
Lancashire Co Co	'Landscape Strategy for Lancashire' (2000)
Julie Martin Associates	'Landscape Capacity Study for Wind Energy Development in the South Pennines' (2010)
Maslen Environmental	'Renewable and Low Carbon Energy Study' (2010)
Rossendale BC	'Rossendale Tourism Study' (BE Group 2010)

5. CONSULTATION RESPONSES

RBC (Env Health)

No objection in principle.

Having regard to the Noise Impact Assessment submitted by 24 Acoustics dated 1/12/11 there are no objections in relation to noise on this application. However, if the application is approved it is recommended that a condition is attached stating that the noise level of the wind turbines is not to exceed the noise limits for both quiet daytime and night time periods as given in the ETSU-R-97 (Assessment and Rating of Noise from Wind Farms) guidance.

Nor does it have a concern that shadow-flicker will be caused to the occupiers of any building.

LCC (Highways)

In respect of the initial proposal for turbines of 47.5m in height it had objection to the application on highway grounds. Whilst satisfied that the private access road off Burnley Road to Scar End Farm has good sightlines in both directions, it was concerned that it was not of adequate width to allow a HGV carrying a 40 foot container to turn into if a HGV or other smaller vehicle was turning out. Nor was there within the application red-edged application site the land necessary to provide a temporary widening of the access road to a minimum of 8 metres wide for a distance of 20 metres.

The Applicant has since reduced the height of the intended turbines to 34.2m and, in order to address the Highway Authority's concern, has proposed a system of signal control at the junction/along the access road to be deployed and operated for all crane and artic movements on and off site, along with any cement or Type 1 deliveries.

The Highway Authority is satisfied that, subject to a condition requiring submission and approval of a detailed scheme, this enables it to **withdraw its objection**.

With respect to other matters, it advises as follows :

- The wheels of the vehicles must be cleaned before leaving the site, to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
- Any damage to the highway caused by the construction vehicles, which includes the grass verge on Burnley Road must be reinstated by the Highway Authority at the cost of the applicant.
- Footpath 337 runs along the private access road and footpath 324 runs to the south of the site whereby the HGV's will be travelling. Appropriate warning notices must be displayed along the routes before the works commence and be maintained during the works to warn pedestrians of the potential dangers. The signs must be removed once the works have been completed.
- Bridleway 111 lies approximately 700 metres to the north east of the site. Having regard to Section 56 of the Companion Guide to PPS 22 and *British Horse Society's suggested a 200 metre exclusion zones around bridle paths*, there is no concern about the proximity of the turbines frightening horses.
- Todmorden Old Road (unclassified) lies approximately 500m to the south of the site and Burnley Road (A671) lies approximately 700m to the west of the site. Companion

Guide to PPS 22 - Planning for Renewable Energy states : *“Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others’ safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now a large number of wind farms adjoining or close to road networks and there has been no history of accidents at any of them”*. The shadow flicker report plan supplied with the application shows that there will be no shadow flicker from the turbines on any adjacent highways or bridleways.

LCC (Ecology)

Comment that the applicant does not appear to have submitted adequate site-specific ecological information in support of this application, other than their assessment of potential impacts on badgers.

It confirms the site is not statutorily designated because of its biological interest. Nor does it have reason to doubt what is stated in the Design & Access Statement about the site not being located within an area of deep peat and its claim that the scheme *“can be carried out without having an adverse impact on existing ecological or hydrological features or assets of value”*. However, the applicant does not appear to have submitted adequate site-specific ecological information to substantiate this claim, other than in respect of potential impacts on badgers.

The submitted Design & Access Statement fails to comprehensively set out and consider biodiversity planning policy. Section 14 of their DAS appears to suggest the proposals comply with Natural England guidance relating to bats because the turbines are not within 50m of trees or hedges. It would wish consideration to be given to the possibility that bats may use the nearby ravine feature for foraging/commuting or disused mine shafts in this area for roosting. Similarly the DAS does not adequately address potential ornithological impacts and whether the area may be suitable to support species vulnerable to wind turbine (collision/displacement) impacts. It would be appropriate for the applicant to submit further information to demonstrate that the proposals will not result in significant impacts on bird populations in this area and to inform the need for mitigation and compensation.

Lancashire Badger Group

Comment that their members are aware of badger activity not far from the application site and would not wish development permitted that is harmful to this protected species.

Rosendale Ramblers

Object. The proposed development will seriously reduce the amenity value of Public Footpath No 337 and No 324 with regard to noise, visual intrusion and flicker.

Coal Authority

The Coal Authority initially objected to the proposal in the absence of a more thorough investigation of the implications of the proposed development having regard to past mining working in the area. As a consequence the Applicant commissioned a Coal Mining Risk Assessment upon which the Coal Authority comments as follows :

“The Coal Mining Risk Assessment is based on appropriate and up-to-date coal mining information and correctly identifies that the application site has been subject to past

underground coal mining at shallow depth and that surface coal mining operations have taken place in the locality.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development to require the site investigation works recommended within the Coal Mining Risk Assessment be undertaken prior to commencement of the development.

The condition should also ensure that, in the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings and/or surface mine backfill to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of the development.

*The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meet the requirements of PPG14 in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Accordingly, The Coal Authority is able to **withdraw its objection** to the proposed development subject to the imposition of the above condition.”*

Environment Agency

No objection in principle, but have the following comments :

1. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management, to mimic natural drainage systems and retain water on or near the site.
2. With respect to turbine foundations and need for ground stabilisation to accommodate them, the developer has the responsibility not to cause pollution to groundwater or surface water and will be adequately addressed through the mineworking condition recommended by the Coal Authority.
3. With respect to the bridge over the River Irwell to be used by construction traffic, the developer would need to liaise with the landowner to determine any weight restrictions. If they do wish to alter the bridge this would require the Environment Agency's prior written Consent. Any permission should carry the following note for the applicant's attention : Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the main river watercourse, the River Irwell.

Calderdale Council

Comment that the main effect on Calderdale Council will be the cumulative effect with regard to the proposed development in combination with the existing and consented wind farms at Hambledon Hill, Coal Clough, Reaps Moss, Todmorden Moor, Crook Hill and Scout Moor.

Clearly this area is coming under increasing pressure and may be reaching saturation point. Calderdale assumes the proposal will be assessed against the Julie Martin 'Landscape Capacity Study for Wind Energy Development in the South Pennines'.

Rochdale MBC

No objection, but indicate that this Council should consider the cumulative impact of allowing this scheme on long-distance views (particularly from Rochdale) when taken together with the existing developed Scout Moor wind farm site and approved wind farm on Crook Hill; it suggests that the proposal be assessed in relation to the 'Landscape Capacity Study for Wind Energy Development in the South Pennines' by Julie Martin Associates.

Ministry of Defence

No objection to construction of 4 turbines of the siting proposed at 46.6m to blade-tip.

6. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published on 7/10/11, 9 site notices were posted on the 4/10/11 and approaching 270 neighbours were notified by letter.

Comments have been received from 340, objecting to the originally-submitted scheme for 4 turbines of 47.5m in height. These letters/emails are largely from residents of properties within and around the settlement of Weir and are variants of a standard letter objecting for the following reasons :

- Government policy document PPS22 requires that developers of wind farms demonstrate that "They do not have a significant impact (either alone or cumulatively on the character and value of the natural and urban landscape". This they have not done.
- The Scar End turbines would themselves have significant visual impact, as well as having significant cumulative impact.
- The intended access road is inadequate, its junction with Burnley Road dangerous due to poor visibility and above the farm will require the road to zigzag up the steep gradient in a highly obtrusive manner.
- For many residents of Weir, looking east over Scar End to the forest and moor beyond is the only direction in which they have a pleasant rural aspect and uninterrupted skyline. For residents of properties fronting Todmorden Road, Scout Moor already occupies most of the visible skyline to the South & West, whilst 125m-high turbines are proposed on Todmorden Moor to the South & East and on Crook Hill to the South.
- The proposal will cause harm to the wide variety of animals that use the nearby plantation as their home and injury to migrating birds.
- Turbine noise could give them and others difficulty getting to sleep at up to 900m. There is a Bill going through the House of Lords requiring turbines of 25m-50m in height to be at least 1km from the nearest residential property. Also concerned about noise disturbance from lorries associated with construction.

- Studies have linked noise and flicker from turbines with anxiety, stress & epilepsy related illnesses. Question the adequacy of the UK government's noise regulation requirements.

Individual letters/emails refer also to :

- On-shore wind turbines not being sustainable as they are not an efficiency & reliable method of electricity generation and bring so little benefit for the local community compared with their environmental harm.
- Will add to the blight of numerous electricity pylons in the area.
- Sun flickering on the turbine blades may be a danger, spooking one of the many horses ridden daily on the local roads and bridleways. British Horse Society guidance suggests turbines stand a distance of not less than 3 times their height from a bridleway, with a 200m minimum.
- The existing access track between Burnley Road and the complex of buildings at Scar End Farm will not be able to take the construction traffic such as its levels down to/up from the river and near 90degree bends.
- What is to stop construction traffic using Dog Pits Lane or other access routes.
- Part of the existing access track is within their ownership and would not wish it widened or the adjacent walls/fences/drainage channels altered without their consent.
- Is there any guarantee the trees in the plantation between their property and the turbines will remain as a visual/noise screen.
- Does the submitted noise report take proper account of the way noise travels on the wind, given that the turbines will continue to operate at wind speeds up to 31mph.
- Concerned about the stability of the land upon which the turbines are proposed due to past mining and a fault-line nearby.
- The applicant did not actively consult the local community before submitting the application.
- Concerned about impact of the proposal on badgers and bats.
- Lack of information about the cabling that will be required between the turbines and the National Grid.
- Can interfere with TV reception.
- Devalue properties.
- Enjoyment of walking open moors will be diminished by the intrusion into this wild landscape - Scout Moor is such an eyesore.

There has also been a letter/email of support for the proposal, on the basis that erection of

wind turbines is preferable to building of nuclear reactors.

Following reduction of turbine height from 47.5m to 34.2m the Council re-consulted the nearest 75 neighbours. No materially different or additional comments have been received

7. ASSESSMENT

It should be noted that freight vehicles currently operate from the site without traffic management restrictions and therefore this is over and above normal requirements for the Scar End Farm and the Freight Services that operate from the Farm Complex.

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Landscape and Visual Amenity
- 3) Neighbour Amenity
- 4) Access/Parking
- 5) Wildlife/Ecology
- 6) Community Benefit

Principle

PPS1 promotes the “*development of renewable energy resources*” as a key principle in ensuring the delivery of sustainable development. PPS7, setting out Government policy in relation to the countryside, states that Local Authorities should “*provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22*” when determining planning applications for development.

PPS22 sets out guidelines for Local Authorities dealing with renewable energy applications. It states that :

“Increased development of renewable energy sources is vital to facilitating the delivery of the Government’s commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government’s sustainable development strategy :

- *social progress which recognises the needs of everyone - by contributing to the nation’s energy needs, ensuring all homes are adequately and affordably heated;*
- *Effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;*
- *Prudent use of natural resources – by reducing the nation’s reliance on ever-diminishing supplies of fossil fuels; and*
- *Maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in*

the development of new technologies....”

Para. 1 iv advises that *“The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission”*.

Para. 1 vi of PPS22 states: *“Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small”*, but adds in Para. 1 viii that development proposals should demonstrate *“any environmental, economic and social benefits”* as well as *“how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures”*.

In terms of locational considerations, PPS22 recognises that *“most renewable energy resources can only be developed where the resource exists and where economically feasible”*. It sets greater store by the protection of sites of national and international importance for nature and heritage conservation than for local landscape and local nature conservation designations.

Paragraph 20-22 relate most particularly to wind farms :

20. *“Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and the number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future de-commissioning of turbines.*

21. *Planning authorities should also take into account the cumulative impact of wind generation projects.....*

22. *Renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources – for example, traffic). Local planning authorities should ensure that renewable energy developments have been located and designed in such a way as to minimise increases in ambient noise levels.....The 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development.”*

Consistent with Government guidance, the policies of the Regional Spatial Strategy and Council’s recently-adopted Core Strategy are supportive of renewable energy generation projects.

RSS policy EM17 requires that *“Local planning authorities should give significant weight to the wider environmental, community and economic benefits of proposals for renewable energy schemes...”*. The supporting text of RSS policy EM17 adds that *“Microgeneration has the potential to play a significant role in moving towards the Government’s objective of sustainable, reliable and affordable energy for all...”* Although small, the proposed turbines will contribute to regional targets specified in policy EM17 of the RSS for electricity provided from renewable sources, and targets in Policy 19 of the Council’s Core Strategy.

Policy 20 of the Core Strategy (“Wind Energy”) provides guidance and criteria for assessing planning applications of this nature. The policy places emphasis on ensuring that landscape character is not adversely affected (in line with the 2010 Julie Martin Associates study) by wind energy developments. A thorough assessment should be carried out of the implications of the proposed scheme on local landscape character, longer distance views and any potential cumulative effects with other wind energy developments. Core Strategy Policy 20 also places emphasis on avoiding damage to peatlands by wind energy developments.

Policy 19 of the Core Strategy states that all types of renewable and low carbon energy generation proposals will be given positive consideration provided that they can demonstrate that:

- a) They do not have a significant visual, noise, odour or other impact on local residents and sensitive users.
- b) They do not adversely impact key land resources, areas of ecological, geological or geomorphological value, cultural heritage or biodiversity assets.
- c) They do not have a significant impact (either alone or cumulatively) on the character and value of the natural or urban landscape.
- d) Their contribution to carbon emissions reduction and other community benefits outweigh other considerations.

Policy 18 of the Core Strategy seeks to avoid any harmful impacts of development on all aspects of Rossendale’s natural environment. The policy states that current and future biodiversity and geodiversity assets will be given full and appropriate protection, and enhanced where possible. With particular relevance to this application, the policy requires any proposal to “*Safeguard and enhance landscape character, in accordance with the most up-to-date landscape character assessment*”. Where negative effects on landscape character are unavoidable, suitable measures will be required to mitigate any negative impacts. The Council will require that full compensatory provision is made where mitigation is not possible.

The Draft National Planning Policy Framework (published in July 2011) supports the delivery of renewable and low carbon energy, and instructs LPAs to “*apply the presumption in favour of sustainable development and not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions*”. The Draft NPPF goes on to state that LPAs should “*approve the application if its impacts are (or can be made) acceptable*”.

Thus, the thrust of national and development plan policies are supportive of wind energy generation projects and the proposed scheme would make a useful contribution towards meeting targets for renewable energy generation. The impacts of the proposal are considered below.

Landscape and Visual Amenity

The Julie Martin Associates ‘Landscape Capacity Study for Wind Energy Developments in the South Pennines’ (2010), which was produced for this and neighbouring Councils and forms part of the Evidence base for our Core Strategy, categorises the proposed site as a ‘*Moorland Fringes / Upland Pastures*’ character area within the ‘*South Pennine Moors*’ capacity area. The overall sensitivity assessment for the ‘*Moorland Fringes / Upland Pastures*’ category is ‘*High*’ (p62), due to “*its close relationship to the adjoining open moorland plateaux, as well as its small scale, complex land cover, wide visibility, high scenic quality, natural and cultural heritage features, and national or regionally important recreational interests.*”

The capacity assessment for the 'South Pennine Moors' (p92) states that "Much of this area is currently a 'landscape with no wind farms or infrequent wind farms', representing a strategy of conservation, and this is appropriate given the strategic importance and value of this core area of the South Pennines". The study goes on to add "The western part of the area [which concerns this application] is a 'landscape with wind farms', representing a landscape strategy of change. Further development here could easily tip the balance to a 'wind farm landscape' i.e. the creation of a fundamentally new landscape character, and should therefore be avoided'. Care must therefore be taken when approving wind energy applications in this area that a threshold is not crossed from a strategy of accommodation within the landscape (of wind turbines) to one of landscape change – i.e. the creation of a fundamentally new landscape character.

At a proposed total height of approximately 34.2m (reduced from 47.5m), the four proposed turbines fall into the classification "Small" (25-60m to blade tip) as categorised in the JMA Study, and with 4 turbines would be classed as a "Small Wind Farm" in terms of numbers.

Accordingly, careful consideration needs to be given to the visual effects of the proposal on the skyline and landscape character when viewed from the surrounding network of Public Rights of Way, properties and the more densely settled areas around Weir and Sharneyford. The visual impact should be assessed taking into account any nearby trees, properties, structures and overhead power lines and the proposal should be sited appropriately to reduce its impact. Any potential 'shadow flicker' effects on nearby properties should be taken into account and mitigated.

Given the sensitivity of this area as identified by the JMA Study, a decision needs to be made as to whether the four new wind turbines can be accommodated within the existing landscape or would tip the balance and thereby create a 'wind farm landscape' in this western part of the South Pennine Moors capacity area. In arriving at this decision consideration needs to be given to the proposed development itself and to the proximity of the extant approvals for Reaps Moss, Todmorden Moor and Crook Hill wind farms and other smaller turbines in the vicinity, and the operational Coal Clough wind farm. Cumulative impacts against the more distant Scout Moor wind farm should also be considered; operators of Scout Moor Wind Farm have proposed its expansion plans, but this is at an early stage.

In terms of shorter-distance views - those from within and around the settlement of Weir, including those from Burnley Road (between Deerplay & Higher Broad Clough) and the part of the Irwell Sculpture Trail paralleling it - I would advise as follows in respect of the Landscape and Visual impact. The proposed turbines will appear in views for their full height and be, at least in part, on the skyline. Accordingly, they will be seen by many people, but the judgement to be made is whether they (alone or cumulatively with other turbines) will cause unacceptable harm. As a result of the reduction in turbine height from 47.5m to 34.2m they will be of broadly similar height to high-voltage electricity pylons within the area (although the rotation of blades means they draw the eye rather more). From Burnley Road near the Deerplay the turbines are at such a distance they will form a small part of the view, and be viewed beyond 2 lines of high-voltage electricity pylons and their associated cables. As the turbines are in a line at 90degrees to Burnley Road they will appear from the settlement of Weir, and Burnley Road south of it, as a reasonably tight cluster. Accordingly, I am satisfied that they will be seen 'within the landscape' and cannot be said to create a 'windfarm landscape' as viewed by people within this area, either alone or cumulatively. From the southern half of the settlement, and just to the south of it, the proposed access road rising up from the complex of buildings at Scar End Farm on to the moor-top will be visible to a greater

degree than the farm track/ tractor ruts presently to be seen here. However, I do not consider the additional visual intrusion this will give rise to tip the balance against the proposal.

Self-evidently, the turbines and the access track formed from the complex of buildings up to the moor-top will impinge on the recreational enjoyment of users of Public Footpath No 324. However, the completed development neither requires closure or diversion of this footpath and there are many other footpaths around the area enabling this particular footpath to be avoided should people so wish. Accordingly, the proposal is not considered to cause such harm to the experience of those using the area for recreational purposes that refusal of the application would be warranted.

In terms of longer-distance views, the siting of the 4 turbines now being proposed are sufficiently westwards of those proposed at Todmorden Moor and Reaps Moss, and to be sufficiently smaller in height and lower in level, they will not - alone or cumulatively - significantly affect the experience of someone spending a day or half-day moving on foot or horse on long-distance recreational routes running broadly N/NW to S/SE to the east of the site (eg Burnley Way on to Rossendale Way; Pennine Bridleway; Pennine Way), creating or contributing significantly to a seemingly un-broken line of moor-top turbines. For the same reasons I am satisfied that the Scar End turbines will not significantly harm the visual amenities of properties in settlements further afield than Weir or strung out along Todmorden Road, Sharneyford. The turbines will be visible from Heald Top Farm, approximately 750m to the east, which is accessed from Todmorden Road (via Flower Scar Lane) and on the Rossendale Way. However, the 2 lines of high-voltage electricity pylons and their associated cables here will remain far in a way the more important visual intrusion.

In conclusion, the Landscape and Visual impact of the proposal is not such as to warrant refusal of the application.

Neighbour Amenity

Besides the issue of visual impact for neighbours (considered in the preceding section), it is necessary to consider the proposal in relation to other impacts, most notably noise and shadow-flicker.

Paragraph 44 of the Companion Guide to PPS22 states :

“Well specified and well designed wind farms should be located so that increases in ambient noise levels around noise sensitive developments are kept to acceptable levels with relation to existing background noise. This would normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any existing noise sensitive development so that noise from the turbines would not normally be significant. Noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise.”

In operation wind turbines can generate two types of noise :

- a) Mechanical Noise – from the gearbox, generator and other parts of the drive train; &
- b) Aerodynamic Noise – generated by the action of the rotating blades as they pass through the air.

With respect to Mechanical Noise Para 42 of the Companion Guide to PPS22 states : *“Careful design at the development stage of a wind turbine can eradicate this source of noise such that most modern wind turbines do not exhibit tonal noise within the measured/audible noise emissions”*. With respect to Aerodynamic Noise it states : *“The level of noise from the source is determined by the speed of the blades as they pass through the air. This in turn is determined by the rotor diameter and the rate of rotation. Tip design for blades have improved*

resulting in reductions in high frequency noise emissions from this source”.

PPS22 states that the 1997 report by ETSU for the Department of Trade & Industry should be used to assess and rate noise from wind energy development. It sets out a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours.

After review of the originally-submitted documentation, the Applicant was requested to submit additional information to demonstrate that the turbines, individually and together, would not generate noise in excess of the noise limits recommended by ETSU. On the basis of the latest Noise Assessment Report for the four 50kW turbines now proposed (rather than the 100kW turbines originally intended) the Council’s Environmental Health Unit is satisfied that an appropriate list of residential properties ringing the site has been identified to provide the background noise levels and model noise levels with the addition of the proposed turbines.

The Environmental Health Unit is now satisfied that the proposed scheme would be compliant with the ETSU recommendations so long as the turbines accord with the noise characteristics provided by the turbine manufacturer. It recommends any permission is conditioned to ensure the turbines operate in a manner that is ETSU compliant at all times.

Under certain combinations of geographical position and time of day, the sun may pass behind the rotor of a wind turbine and cast a shadow over neighbouring properties. Shadow-flicker will happen only within a building and only when the sun is low in the sky, the blades are rotating, and the sun/turbine/property window are in line. As a general rule of thumb residential properties must also be within ten rotor diameters (ie 192m) of the turbine and must lie within 130degrees either side of north, relative to the turbine. The Environmental Health Unit concurs with the Applicant that there are properties that could be affected by shadow-flicker.

The scheme is considered acceptable in terms of neighbour amenity.

Access/Parking

LCC Highways advises that none of the loads required for construction of the proposed development is of a size/weight to require special routing arrangements &/or police escort when being delivered to the site. It is also satisfied that the local highway network can accommodate the additional traffic.

It has not raised objection to use of the private drive by construction traffic by reason of the standard of the junction or implications for the public rights of way traffic will pass over, subject to agreement upon the system of traffic management to be put in place to avoid conflict between vehicles near the junction with Burnley Road and with users of the footpaths.

I concur with its view that any permission should also be the subject of condition to ensure provision of a wheel-wash to prevent construction vehicles running mud onto the highway.

Wildlife/Ecology

The land upon which the 4 turbines are to be erected, along with the new length of track/crane-pads required for their construction, has not been nationally or locally designated/protected for its biological interest or geodiversity. It is improved rough-grazing, and is not ‘deep’ peat bog or covered with the vegetation associated with ‘intact’ peat bog.

Whilst the application is accompanied by documentation to demonstrate that the development

can proceed without undue harm to badgers (although construction will require care), LCC Ecology is not satisfied that the applicant has fully demonstrated that the proposal will not harm bats or birds and the opportunities maximised for enhancement of the adjacent land as habitat for them.

I do not disagree with this assessment. However, it needs to be acknowledged that the proposed turbines and access track are sufficiently far from the nearby plantation for this not to be a concern. I am also mindful that when the applicant reduced the height of the turbines from 47.5m to 34.2m they did not adjust their intended sitings. This being the case there is some scope for micro-resitings of the turbines that will serve to draw them closer together and in the process avoid turbine foundations/hardstandings having so great an effect on particular flora/fauna within the field they are to occupy and away from the plantation/disused mine shafts LCC Ecology consider may be used by wildlife for roosting and the ravine feature that may be used for foraging/commuting.

Accordingly, before construction commences it is considered appropriate to require further ecological surveys and assessments to be undertaken to inform decisions upon micro-resiting and measures of mitigation/enhancement to be undertaken within and bounding the site.

Community Benefit

The Applicant has indicated that they are willing to offer a community benefit of £750 per turbine per annum and also 1kW of solar pv for a village hall or school or other suitable community building

They say this offer is significantly better than the community benefit RenewableUK (the trade body of the UK wind & marine renewable industries) agreed with the Government. However, if there is to be certainty that it will be paid, and on how the monies are to be spent, the appropriate course is for the Applicant to complete a S.106 Obligation. This they have not yet done.

8. SUMMARY REASON FOR APPROVAL

The proposed development will make a useful contribution to renewable energy generation and, subject to the proposed conditions and an accompanying S.106 Obligation in respect of the Community Benefit, will not itself or cumulatively with other existing or permitted wind turbines detract to an unacceptable extent from Landscape and Visual Amenity, Neighbour Amenity, Wildlife/Ecology, or Highway and Pedestrian Safety. The proposal has been considered most particularly in relation to PPS1/ PPS7/ PPS9 / PPG13 / PPS22, Policies DP1-9 / RDF2 / RT4 / EM1 / EM17 of the Regional Spatial Strategy, and Policies 1 / 14 / 17 / 18 / 20 / 24 of the Council's Core Strategy DPD (2011).

9. RECOMMENDATION

Approval, subject to :

- The Applicant entering into a S.106 Obligation in respect of their Community Benefit offer.
- The Conditions below.

CONDITIONS

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

Reason for Condition:

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

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

Reason for Condition:

To allow the local planning authority to verify that all conditions precedent have been complied with before the beginning of development and to allow the local planning authority to properly monitor the implementation of the permission in accordance with PPS1/PPS7/PPS9/PPS22, Policy EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

To ensure the site can be restored properly in the interests of visual amenity and local ecology, in accordance with PPS1/PPS7/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

The application is for a 25 year period and the condition is required to ensure that the turbines are removed at the end of this period in a way that does not cause harm to road safety and amenity and

that the land is reinstated in an acceptable manner in the interests of visual amenity and in the interests of the local ecology, in accordance with PPS1/PPS7/PPS9/PPG13/PPS22, Policies RT4/EM1/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

- 5 No development shall be begun until a Construction Traffic Management Method Statement has been submitted to and approved in writing by the local planning authority. The Construction Traffic Management Method Statement shall include details relating to:-
- (a) construction vehicle routing and timing of lorry movements to/from the site;
 - (b) the management of the private access track from/including the junction with Burnley Road and including the Public Footpaths it follows/crosses;
 - (c) the timing of delivery vehicle movements including turbine component delivery vehicles;
 - (c) temporary warning signs and systems of vehicle control
 - (e) proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement required.

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

Reason for Condition:

In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with PPG13, Policies RT4/EM1/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

- 6 No development shall begin until a Construction Method Statement, describing works, including temporary works, to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:
- (a) a scheme for the provision and operation of vehicle cleaning measures to prevent mud/loose material being carried on to Burnley Road.
 - (b) the excavation, handling, storage, management and replacement of excavated soils and peat (including details of the volumes to be excavated and the peat excavation practices to be utilised);
 - (c) details of how the areas of the application site are to be drained;
 - (d) details of all fuel, oil, concrete and chemical storage facilities (together with details of how they are to be brought on to and removed from the site);
 - (e) details of the design and construction methods of the access track and pollution prevention measures to be implemented, to ensure that there are no polluting discharges from tracks and disturbed areas;
 - (f) details of the nature, type and quantity of materials to be imported on site for backfilling operations or construction/improvement of access tracks (together with details of where and how such materials are to be stored on site);
 - (g) the management of groundwater and surface water. The surface water drainage of this development shall be designed in accordance with the Sustainable Drainage Systems (SuDS) principle where possible.
 - (i) the construction period and the sequence of development;
 - (j) the construction of on-site access tracks and their drainage, wind turbine foundations (including the findings of the additional ground stability investigations and stabilisation works required) and the erection of wind turbines and all other development to be carried out under this permission, including the construction compound;
 - (k) all mitigation measures to protect wildlife (including vegetation and nesting birds), habitats and hydrology and for sediment control;
 - (l) a scheme for a detailed geotechnical investigation to fully determine the nature of the subsoil and bedrock geology in the locality of proposed infrastructure;
 - (m) details of how any concrete mixing is to be carried out on the site (including details of the

importation and storage of its raw materials; details of the washing of the plant, equipment and machinery to be used and how the washings would be dealt with;
(n) measures for the protection/reinstatement of any boundary walls on or adjacent to the site..
The development shall be carried out in accordance with the approved Construction Method Statement.

Reason for Condition:

In the interest of visual & neighbour amenity, highway & pedestrian safety, preventing pollution, and safeguarding ecological interests, in accordance with PPS1/PPS5/PPS7/PPS9/PPG13/PPS22/PPG24/PPS25, Policies RT2/RT4/EM1/EM3/EM5/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

- 7 Before the erection of the wind turbines details of their design, specification and colour shall be submitted to and approved in writing by the Local Planning Authority; each turbine is to have a maximum height of 34.2m to blade-tip above the ground and shall not bear any logo or other form of advertisement. All turbine blades shall rotate in the same direction.

Reason for Condition:

In the interests of visual amenity, in accordance with PPS1/PPS7/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

In the interests of visual amenity and safeguarding protected species, in accordance with PPS1/PPS7/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

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

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

Reason for Condition:

In the interests of safeguarding the ecological interests of the site and to avoid or mitigate any ground water pollution, in accordance with PPS9/PPS22/PPS23, Policies EM5/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

In order to protect the terrestrial TV and radio reception in the local area, in accordance with PPS1/PPS3 and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

- 13 The rating level of noise emissions from the combined effects of the wind turbine generators shall not exceed 35 dB(A) L90, 10 minutes or the prevailing background noise level plus 5 dB(A), whichever is the greater value, between 0700 and 2300 hours; and shall not exceed 43 dB(A) L90, 10 minutes or the prevailing background noise level plus 5 dB(A), whichever is the greater value between 2300 and 0700 hours at any legal residential properties that were in existence at the date of the grant of planning permission. The rating level of noise emissions shall be calculated from the measured noise level of the wind turbine generators in operation at the development site for which permission is granted, plus a correction to account for any tonal components, and in accordance with the procedures set out in pages 102 to 108 of the Assessment and Rating of Noise from Wind Farms (ETSU-R-97).

Reason for Condition:

To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policies 1 /

24 of the Council's Core Strategy DPD (November 2011).

- 14 If requested by the local planning authority, the operator of the wind farm shall, at its expense, employ an independent consultant approved by the local planning authority, to measure and assess the level of noise emissions from the wind turbine generators at locations to be specified by the local planning authority and otherwise following procedures set out in pages 102 to 108 of The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)' The operator will arrange for the wind turbines not to be operated as may be necessary for the purposes of the investigation. The operator shall carry out this investigation and report to the local planning authority within 8 weeks of such a request or such other period as the local planning authority agrees. If or where the rating level of noise emissions is in excess of those specified in condition 13 the operator shall immediately take such action as may be necessary, including ceasing to operate any or all of the turbines, so as to comply with condition 13 at all times.

Reason for Condition:

To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

To safeguard local residential amenities, in accordance with PPS1/PPS3/PPG24 and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

- 16 No development shall take place until a scheme for ecological mitigation, to be called the Habitat Management Scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall remain in place until the wind turbines have been decommissioned and the land restored in accordance with Condition 4. The objective of the scheme shall be the management and, where possible, the enhancement of the ecological and wildlife habitats of the site and its surrounds. The Habitat Management Scheme shall provide for:
- (a) provision for restoring the habitats under the control of the operator or owner(s) of the land, and the maintenance and monitoring of the hydrology of the habitats;
 - (b) monitoring of habitats, plant, bird and mammal species the year preceding the commencement of development and at yearly intervals for the subsequent 5 years and at 5-yearly intervals thereafter, in order to inform an ongoing management programme;
 - (c) a review of the scheme at 5 yearly intervals by the local planning authority and provision for the scheme to be modified to achieve its objectives

Reason for Condition:

In order to ensure a satisfactory reinstatement of the peat/soil resources of the site and its associated wildlife habitats, in accordance with PPS1/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial

Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

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

Reason for Condition:

To safeguard these protected species, in accordance with PPS1/PPS9/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).

- 18 Development shall not be begun until a Private Water Supply Protection Plan has been submitted to and approved in writing by the local planning authority. This shall include details relating to:-
- (a) the establishment of baseline data to adequately characterise the quality and quantity of water provided by any private water supply that may be affected by the development;
 - (b) the mitigation measures for the protection of private water supplies where a risk is identified;
 - (c) the facility to notify the developer of a concern about a possible deterioration in water quality or quality arising from the development;
 - (d) the provision of alternative suitable and sufficient water supplies on a temporary and/or permanent basis in the event of any interruption or adverse change caused by the development in the quantity or quality of water previously enjoyed;
 - (e) the arrangements for undertaking sampling, measurement and analysis of private water supplies before and during construction, up to 6 months after construction has been completed, during and after any water pollution or interruption incident that may arise during construction works and subsequently, and at other times at the request of the local planning authority.
- The Private Water Supply Protection Plan, as approved, shall thereafter be implemented and maintained at the developers/operators own expense.

Reason for Condition:

In order to maintain a secure and adequate quantity/quality of water supply to all properties with private water supplies that may be affected by the development, in accordance with PPS1/PPS3/PPS4/PPS22, Policies EM1/EM17 of the Regional Spatial Strategy (2008) and Policies 1 / 24 of the Council's Core Strategy DPD (November 2011).