Report to the Cabinet Member for Economic Development, Environment and Planning
Report submitted by Executive Director for Environment
Date: 11 December 2012

Electoral Divisions affected:
Rossendale South,
Rossendale East, and
Whitworth

Part I

Proposed Scout Moor Wind Farm extension and related Planning Performance Agreement with Peel Energy, Rossendale Borough Council and Rochdale MBC (Appendices 'A' and 'B 1-2' refer)

Contact for further information:
Richard Camp, 01772 532965, Environment Directorate
richard.camp@lancashire.gov.uk

Executive Summary

Peel Energy, the current owner and operator of the Scout Moor Wind Farm, is seeking to expand the existing wind farm of 26 turbines. The proposal would potentially more than double the current operating capacity which is currently one of the largest in England with an installed capacity of 65MW. The majority of the extended site lies within Lancashire (Rossendale BC) with the remainder in Rochdale MBC. The County Council is one of 3 host authorities (the others being Rossendale BC and Rochdale MBC). Host authorities are strongly encouraged to submit a Local Impact Report to the National Infrastructure Directorate (NID) which will determine the application.

Having had regard to the 'duty to cooperate', officers' preference is for the host authorities to enter into a Planning Performance Agreement with Peel Energy. This will require the 3 authorities and Peel Energy to work together with the aim of providing a coordinated and agreed approach to the development of the evidence base that will support the application. The PPA will allow costs associated with the proposal to be recovered from Peel Energy.

The Local Impact Report will provide the County Council with the opportunity to comment formally and independently to the NID on the merits or otherwise of the proposal. The final Terms of Reference for the PPA will follow similar models (e.g. Walney wind farm extension and North West Coastal Connections) and will make clear that any decisions by local authorities would not be prejudiced or fettered by the existence of the PPA.
Recommendation

The Cabinet Member for Economic Development, Environment and Planning is asked to agree that the County Council enters into a PPA in connection with the application by Peel Energy for Development Consent Order under the Planning Act 2008, for the extension of the Scout Moor wind farm, subject to acceptable terms being approved by the Executive Director for Environment, in consultation with the Cabinet Member for Economic Development, Environment and Planning.

Background and Advice

Peel Energy, the current owner and operator of the Scout Moor Wind Farm, is seeking to expand the existing wind farm of 26 turbines. This is currently one of the largest wind farms in England with an installed capacity of 65MW and has been in operation since 2008. The proposal would potentially more than double the current operating capacity by installing new turbines within the existing site and by extending the wind farm to the north and east. The majority of the extended site lies within Lancashire (Rossendale BC) with the remainder in Rochdale MBC.

Given the scale of the proposal it will be submitted to the National Infrastructure Directorate (NID) and determined by the Secretary of State for Energy and Climate Change. The County Council is one of 3 host authorities (the others being Rossendale BC and Rochdale MBC), and it is encouraged to fulfil certain responsibilities including the submission of a Local Impact Report (LIR). Peel intends to formally submit an application in late 2013, at which time the NID will formally invite the County Council, Rossendale and Rochdale, to submit their Local Impact Report(s). The proposal will then be examined over the summer of 2014, with a decision expected in the autumn of 2014.

Peel's timetable has been significantly put back over the summer. This has largely been caused by another wind farm proposal being put forward by Coronation Power on the same site. The competing proposal is smaller (below the NID threshold) and covers the eastern part of Peel's site on an area known as Rooley Moor. It is for 18 turbines, 3 of which are located in Lancashire. Coronation Power has submitted a formal Scoping Opinion to Rochdale MBC which the County Council's Head of Planning has responded to. Appendix 'A' identifies the location of the two proposals.

Public consultations

The Government's emphasis is very much on 'front loading' the process, so that the formal application can be dealt with, within the prescribed deadlines. Peel is therefore conducting a series of pre-submission consultations with communities and stakeholders. The initial awareness raising stage is complete and included Peel Energy making a presentation to LCC members at a 'Bite Size' briefing session in November 2011. As well as making a significant contribution to meeting regional and national renewable energy targets, Peel also points out the benefits in terms of:

- support for local businesses
support for improved education and recreation
- extending existing funding for peat habitat restoration (existing scheme of £500k)
- providing a Community Benefit Fund
- encouraging community ownership through a co-operative fund

As the proposal develops it will be important to ensure that the benefits highlighted by Peel Energy are brought forward.

Two further public consultations are proposed prior to the proposal being submitted to NID. The first is likely to take place in Spring 2013 and will put forward a draft scheme which will consider the various options. The second consultation, likely in Autumn 2013, will be concerned with finalised scheme.

**Proposed Planning Performance Agreement**

Wind farm proposals necessitate detailed survey and technical studies. In order for the authorities to provide coordinated and timely responses to the various consultations, significant resources, both in terms of officer time and in commissioning consultants on specific topic areas, will be required. After initial discussions with officers at Rochdale MBC and Rossendale BC and having regard to the 'duty to cooperate', officers' preference is for the host authorities to enter into a Planning Performance Agreement with Peel Energy. The aim of the PPA is to provide a coordinated and agreed approach to the development of the evidence base contained within the applicant's Environmental Statement up to the submission of the Local Impact Report. The PPA will allow costs incurred by the local authorities in dealing with such a large and complex proposal to be recovered from Peel Energy.

The host authorities have produced a PPA Heads of Terms and a management structure (see Appendix B). These have been agreed in principle by the Peel Board. The proposed PPA identifies officers allocated to specific roles and work responsibilities within the overall structure.

The main elements of the PPA are:-

- **PPA Steering Group**

  This will be made up of senior management from the 3 host authorities, representatives from Peel Energy and Turley Associates, and the PPA Lead Officer. The Steering Group will be the decision making body for the PPA and responsible for the submission of technical responses to NID and the overall management and delivery of the PPA. Steering Group members will take the lead on engaging with Councillors within their own authority.

- **PPA Lead Officer**

  The PPA Lead Officer will act on behalf of the 3 authorities and be a single point of contact for the three authorities and the applicant. They will be responsible for the day to day management of the PPA, preparing technical responses to NID and
drafting Statements of Common Ground. Rossendale BC has volunteered to assume this role.

- Specialist Lead Officer

Each topic area identified within the Environmental Scoping report has been assigned a Specialist Lead Officer. This covers in excess of 20 topic areas. Developing an agreed evidence base relating to these topic areas forms the basis of the PPA. Each Specialist Lead Officer will be responsible for acting on behalf of the 3 authorities and liaising with the applicant's consultants in developing the evidence base. The County Council has agreed to take the lead on the following topic areas, landscape, highways, recreation, shadow flicker and minerals planning.

The authorities will be able to claim staff costs from Peel for their time and expenses related to the PPA according to an agreed charging schedule. The expected staff input relating to each topic area ranges between 3 – 10 working days over the life of the PPA. The PPA is expected to be formalised by the end of 2012 and will continue up until the submission of the LIR which is expected to be in late 2013.

The outcome of the PPA will be an agreed evidence base and the preparation of a series of Statements of Common Ground covering as many of the topic areas as possible. These will form the basis of the Local Import Report. It should be made clear, however, that the Local Impact Report provides the County Council with the opportunity to take a view and comment formally and independently to the NID on the merits or otherwise of the proposal. The PPA should not, therefore, be regarded as a means by which the developer can influence the decision by paying for the means by which it is administered. The final Terms of Reference for the PPA will follow similar models, for example, Walney wind farm extension and North West Coastal Connections, and will make clear that any decisions by local authorities would not be prejudiced or fettered by the existence of the PPA.

Provided that the Terms of Reference of the final PPA are acceptable to the Executive Director for Environment, in consultation with the Cabinet Member for Economic Development, Environment and Planning, it is proposed that the County Council enters into a PPA in connection with the application by Peel Energy for development consent for the Scout Moor Extension project.

Consultations

N/A.

Implications:

This item has the following implications, as indicated:

Risk management

No significant risks have been identified in relation to the proposals contained within this report.
Complex applications often involve dealing with inadequate and/or conflicting pieces of supporting evidence. This can make decision making more difficult and require significant officer time in resolving issues relating to the evidence base. Without the PPA in place the resultant scheme may have negative effects on Lancashire and not maximise potential benefits. It may also result in large unplanned additional costs imposed on the County Council which may affect service delivery.

**Financial**

The PPA is a means by which the County Council (and other local planning authorities affected by the proposals) can participate and engage in a positive way with the developer and reach a fully informed view on the local impacts of the proposals.

The PPA would not fund the County Council (and other local planning authorities affected by the proposals) to make its own representations on the application by Peel Energy for a DCO.

**Legal**

A PPA does not fetter the participating Authorities in the view they take on the merits of a proposal.

**Equality and Diversity**

The PPA allows the County Council (and other local planning authorities affected by the proposals) to be properly resourced to ensure the views and concerns of local communities are given voice within the planning process which is essential given that the ultimate decision on Peel Energy’s proposal will be made at a national level.

**List of Background Papers**

<table>
<thead>
<tr>
<th>Paper</th>
<th>Date</th>
<th>Contact/Directorate/Tel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Reason for inclusion in Part II, if appropriate

N/A.