

Objection and request for further information under Regulation 25

For the attention of: Mr James Dalgleish, Case Officer, Rossendale Borough Council (planning@rossendalebc.gov.uk)

And of: Development Management, Rochdale Borough Council (development.management@rochdale.gov.uk)

Copied to: Planning Casework Unit, Ministry of Housing, Communities and Local Government (pcu@communities.gov.uk)

Application: Construction and operation of 17 wind turbines with a maximum height to the tip of the blade of 180 metres, land at and adjacent to Scout Moor Wind Farm, Rossendale and Rochdale

References: Rossendale 2025/0267; Rochdale 25/00680/FUL

From: County Councillor Tom Pickup, Padiham and Burnley West division, Lancashire County Council

Date: 24 August 2026

Capacity and interest. This objection is made in a personal capacity and as the elected member for the division named above. It is not made on behalf of Lancashire County Council and does not represent the county council's corporate position. My interest is a direct one. Of the 205 named settlement points that would see turbines of both this scheme and Calderdale Energy Park, 62 lie in the Lancashire county area, and they include places in and around the division I represent. They are listed at Appendix B.

Status of this document. It is a formal objection to both applications and a request that the councils exercise their power under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Every legal and policy citation, and every statement about a designated site, has been checked against the primary source. Where I have corrected my own earlier text I have said so at section 15 rather than absorb it silently, so that officers can see the working and test it.

1. Summary

Rossendale's adopted Local Plan requires cumulative impacts to be "fully assessed to the satisfaction of the Council" before a wind farm can be supported. No such assessment exists for this application and the second scheme. Calderdale Energy Park, 34 turbines to 200 metres, now sits 15.7 kilometres away with every turbine coordinate published. It appears nowhere in the Environmental Statement, nowhere in Chapter 16, and on none of the cumulative figures.

That is not a criticism of the applicant's work in 2025. Chapter 16 set its cumulative data cut-off at February 2025 and Calderdale Energy Park did not reach the Planning Inspectorate's register until 1 September 2025. It is a statement about what the councils are now being asked to decide on.

The request: that both councils require further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, comprising a cumulative landscape and visual assessment that includes Calderdale Energy Park, and that neither council determines the application until it has been provided, publicised and considered.

This does not ask the councils to begin something new. Natural England's response of 23 January 2026 is headed "FURTHER INFORMATION REQUIRED" and asks to be re-consulted once it is obtained. The councils' own commissioned reviewer, JBA Consulting, recommended further information in May 2026. A further information exercise is already under way. This objection asks that it cover the one topic where the Environmental Statement concedes significant adverse effects and where no independent review has been commissioned at all.

The timing is not a technicality, because of how the Regulations are framed. Regulation 26(2) forbids either council from granting permission unless it is satisfied that its reasoned conclusion on significant effects "is up to date". Regulation 18(4)(b) requires the statement to include "the information reasonably required for reaching a reasoned

conclusion on the significant effects". A cumulative chapter that stopped looking in February 2025 cannot satisfy either test in August 2026, and no amount of care in the original work changes that.

This objection encloses an independent cumulative zone of theoretical visibility for the two schemes, because none exists in the public domain. **702 km² of land would see turbines of both schemes.** On the strictest reading, 560 km² would have both inside a single photomontage frame of the kind national guidance requires an applicant to produce.

2. The development plan already requires this

This is the primary ground, and it goes to the merits rather than to procedure.

2.1 Rossendale

Rossendale Local Plan 2019 to 2036, adopted 15 December 2021, Policy ENV7 'Wind Turbines' supports a commercial wind farm within an Area of Search only if a list of criteria is "addressed to the satisfaction of the Local Planning Authority". Four of those criteria matter here. The first is cumulative:

The proposal would not result in unacceptable visual clutter in combination with other existing structures, with cumulative impacts fully assessed to the satisfaction of the Council

The plan's own explanation of that criterion, at paragraph 262, is explicit about why it is there:

In parts of the Borough there has been cumulative visual impact, including with adjacent schemes outside Rossendale. Different heights and designs of turbine can have discordant visual effects.

Calderdale Energy Park is an adjacent scheme outside Rossendale. It is a different height and a different design: 200 metres to tip against this application's 180 metres and the existing wind farm's 100 metres. It is the case Policy ENV7 was written for.

Paragraph 266 adds that in judging whether a development can be accommodated in the landscape the Council's own wind energy study directs attention to "landscape character, potential for landscape or visual harm, sensitive siting, design, additional mitigation / landscape enhancement and cumulative impact", and that "Applicants will be expected to take into account the latest Good Practice guidance produced by or on behalf of the Council on assessing the Landscape Impacts of Wind Turbines".

The other three ENV7 criteria are dealt with at grounds 12.6, 12.7 and 12.8 below: peat depth, recreational assets, and the impacts identified by the local community.

2.2 Rochdale

The Rochdale development plan is set out in the applicant's own Environmental Statement at paragraph 11.21: Places for Everyone (adopted 21 March 2024), the Rochdale Core Strategy (adopted 19 October 2016), saved policies of the Rochdale Unitary Development Plan (2006), and the Greater Manchester minerals and waste plans.

Places for Everyone Policy JP-G1 'Landscape Character' is the most recently adopted landscape policy applying to the Rochdale part of this site, and the applicant cites it itself at paragraph 11.22. It provides:

Development within a Landscape Character Type, as shown on Figure 8.1, should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to: ... Views and perceptual qualities.

"Views and perceptual qualities" of an upland skyline cannot be responded to on evidence that leaves out a 34 turbine scheme 15.7 kilometres away in the same view.

Rochdale Core Strategy Policy P2 sets out measures for protecting and enhancing character, landscape and heritage. It is the policy the Secretary of State weighed in the 2017 decision on this moor, discussed at section 11 below.

Rochdale Core Strategy Policy G3 sets criteria for renewable and low carbon energy and, for wind, adds that 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 if the planning impacts identified by affected local communities have been fully

addressed. Two things must be said about G3 in fairness. Its "suitable area" limb and its "backing of the community" limb both originate in the Written Ministerial Statement of 18 June 2015, which the National Planning Policy Framework published on 17 August 2026 lists among the statements that "no longer represent up-to-date government policy". The weight to be given to G3 is therefore arguable, and I do not press it as a decisive ground. I record it because it is part of the development plan and section 38(6) requires it to be addressed one way or the other, not passed over.

A question rather than an assertion. Rossendale and Rochdale have both been told, in objections circulating on this application, that saved Rochdale UDP Policy EM/14 'Wind Power Developments' requires regard to cumulative impact and intervisibility with schemes "whether within Rochdale or in neighbouring local authority areas". I raised that policy in the first edition of this objection. On checking, I cannot verify at source that EM/14 survives as a saved policy. The Inspector who reported on the 2015 Scout Moor applications listed the relevant Rochdale policies and recorded that the council's own consideration "refers to some UDP policies that have been replaced"; EM/14 appears nowhere in that 206 page report, nowhere in the Secretary of State's decision letter, and nowhere in this applicant's policy list at paragraph 11.22. **Rochdale Borough Council is asked to confirm the current status of Policy EM/14 and, if it is saved, to apply it.** I do not rely on it. The cumulative case above does not need it.

2.3 Section 38(6)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Neither council can conclude that cumulative impacts have been fully assessed to its satisfaction, or that development responds to the views and perceptual qualities of the landscape character type, while the largest scheme in the vicinity is absent from the assessment. The policy test cannot be applied on the evidence before them.

3. National policy, stated fairly

An objection that ignores what national policy says would waste the councils' time.

The National Planning Policy Framework published on **17 August 2026** applies to the determination of this application. Policy W3 provides that in considering proposals for renewable and low carbon energy development "substantial weight should be given to" the benefits for energy security, economic development and the transition to a net zero future. That is a higher bar than the "significant weight" that preceded it. Policy W3(2) provides that applicants are not required to demonstrate need, and that where proposals come forward outside areas identified as suitable in the development plan "their acceptability should be assessed against the national decision-making policies in this Framework, taken as a whole".

I accept what follows from that.

1. The renewable energy benefits of this scheme attract substantial weight.
2. Nothing turns on whether any part of the site is inside or outside a designated suitable area. That is no longer a national policy gateway.
3. The 2015 Written Ministerial Statement, which required community backing, is superseded. Arguments resting on it, including part of the reasoning in the 2017 decision on this moor, no longer carry the weight they did.

What does not follow is that landscape and visual harm has stopped mattering. Policy N2 requires development proposals to "Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside". The development plan test in Policy ENV7 is untouched by any of this, and section 38(6) still applies. Substantial weight for the benefits is a reason to be sure the harm is measured properly before it is weighed, not a reason to weigh it on incomplete evidence. A planning balance struck on a cumulative assessment that stopped in February 2025 is not a planning balance at all.

4. Why this bears on the only significant harm the applicant admits

Chapter 17 summarises every effect assessed and marks each Significant or Not Significant. Read across both tables, the applicant identifies four significant adverse residual effects and no others:

Effect	Stage	Residual effects recorded
Changes in landscape character and features	Construction and operation	"Moderate / minor adverse, Moderate adverse", rising to "Major adverse" in operation
Changes in views and visual amenity	Construction and operation	"Moderate / minor adverse, Major Adverse" in construction; "Negligible adverse" through to "Major adverse" in operation
Night-time landscape and visual effects	Operation	"Moderate / minor adverse" through to "Major / moderate adverse"
Loss or disturbance to potential or unknown buried archaeological remains	Construction	"Negligible to major adverse"

Each carries both symbols in the significance column, meaning the range is significant in part. Every other row in Tables 17.1 and 17.2, across ecology, ornithology, transport, built heritage, hydrology, peat, noise and shadow flicker, is marked Not Significant.

On the applicant's own case the entire adverse planning weight of this scheme sits in landscape and visual effects. That is precisely and only the topic on which no cumulative assessment was carried out.

5. What Chapter 16 actually did, and what it missed

Chapter 16 is the Assessment of Cumulative Effects. Its methodology is thorough, and that is what makes the gap visible.

The search area was 45 kilometres, not 20. Paragraph 16.38 sets the search areas as "Landscape and visual: 45km search area for other wind turbine projects over 50m in height and 15km for other types of development". Chapter 11 paragraph 11.35 separately records that at EIA Scoping "the potential for significant cumulative effects would be contained within a 20km radius". Calderdale Energy Park at 15.7 kilometres is inside both.

The searched sources included the Planning Inspectorate. Paragraph 16.34 lists the databases searched, among them the "Planning Inspectorate online register of projects". Paragraph 16.35 adds that "online registers of projects of other nearby / relevant local authorities were also reviewed ... (e.g. Bury Council, Hyndburn Borough Council and Blackburn-with Darwen and Calderdale Council)".

So the applicant searched the two registers on which Calderdale Energy Park would appear.

The cut-off was February 2025. Paragraph 16.36: "The 'cut off' date used to identify Cumulative Projects and the associated available documentation was February 2025." That is seven months before Calderdale Energy Park reached the Planning Inspectorate's register on 1 September 2025.

Twelve schemes further away were assessed. Table 16.1 lists 22 wind turbine schemes within the 45 kilometre search area, out to Delway Cheese at 42 kilometres. Twelve of them are listed at a greater distance than the 15.7 kilometres separating the nearest turbine of each scheme here: Doughty at 17km, Ovenden Moor at 20km, Promised Land at 32km, Hazlehead at 33km, Spicer Hill, Royd Moor and Blackstone Edge at 34km, West Pimbo, Cliffs Farm and Pimbo Road at 35km, Causeway Bridges at 39km, Delway Cheese at 42km. Table 16.1 measures from the Assessment Boundary while the 15.7 kilometres above is turbine to turbine, so the comparison understates the point: from the Assessment Boundary, Calderdale Energy Park is nearer still.

Calderdale Energy Park appears on none of the figures. Chapter 11 paragraph 11.34 says that scoping and pre-planning wind farms not carried into the detailed assessment have their locations "noted in Figures 11.3 and 11.4". I have examined both figures.

- Figure 11.3, Cumulative Search Area, dated June 2025, distinguishes "Operational" from "In Planning" schemes across 45 kilometres. The only scheme shown as In Planning is Pimbo Road, 35 kilometres to the south-west. Walshaw Moor, clearly labelled on the base mapping immediately north of Hebden Bridge, carries no marker of any kind.
- Figure 11.4, Cumulative Location Plan, covers 20 kilometres and its key has a single category, "Operational". It has no In Planning category at all. Walshaw Moor falls inside the 20 kilometre ring and again carries no marker.

No Scoping Opinion was ever issued. Paragraph 16.8 records that the EIA Scoping Report went to both councils on 16 December 2024 and that, as at May 2025, "no Scoping Opinion has been received". Paragraph 16.11 adds that "No further consultation with RMBC, RBC or other statutory agencies has been undertaken / completed during the preparation of this Chapter beyond that undertaken as part of the EIA Scoping process."

The cumulative scope of this Environmental Statement has therefore never been scrutinised by either council. That matters twice over. It means Regulation 25 is the first and only opportunity to do at determination what was not done at scoping. It also means the statement cannot claim the protection of Regulation 18(4)(a), which allows a statement to be based on the most recent scoping opinion, because there is no scoping opinion to be based on.

6. What has happened since the cut-off

Calderdale Energy Park is a proposed wind farm of up to 34 turbines, 32 of them to 200 metres to blade tip and two to 150 metres, on Walshaw Moor north of Hebden Bridge. It is a Nationally Significant Infrastructure Project and will be decided by the Secretary of State. Its progress is a matter of public record on the Planning Inspectorate's website, reference EN0110023:

Date	Step
February 2025	Scout Moor II cumulative data cut-off (ES para 16.36)
Early April 2025	Cumulative data cut-off stated in Chapter 11 (para 11.35)
2 July 2025	Scout Moor II application received by Rossendale
7 August 2025	Scout Moor II application validated
1 September 2025	Calderdale Energy Park EIA Scoping Report submitted to the Planning Inspectorate
6 October 2025	Natural England scoping response
10 October 2025	Scoping Opinion adopted by the Secretary of State, 778 pages
22 October 2025	Lancashire County Council scoping response (published by PINS 28 October)
6 November 2025	Scout Moor II determination deadline passes
19 March 2026	Section 35 direction issued by the Secretary of State
8 April 2026	Section 46 notice; statutory consultation opens; Preliminary Environmental Information Report published, including Table 4-1, a schedule of all 34 turbines with eastings, northings, foundation levels and tip heights

Date	Step
8 July 2026	Statutory consultation closes
17 August 2026	A new National Planning Policy Framework is published
Expected November 2026	Development Consent Order application to be submitted

Chapter 11 paragraph 11.34 excludes from detailed assessment those schemes "which have little or no fixed proposals". That test no longer describes Calderdale Energy Park. It now has a published coordinate, foundation level and height for every one of its 34 turbines. Those are the figures used below.

The gap runs both ways. The Secretary of State's Scoping Opinion for Calderdale Energy Park does not mention Scout Moor II anywhere in its 778 pages. Calderdale Metropolitan Borough Council has already told the Planning Inspectorate that the proposed 45 kilometre visibility radius lacks justification and that the assessment "should consider a wider cumulative search (i.e. 60 km) or targeted long-range checks".

No consultee has raised it. I have read all 41 consultee responses on the Rossendale file. Not one mentions Walshaw Moor or Calderdale Energy Park. Several do press the cumulative question in the terms available to them: Hyndburn Borough Council asks that Rossendale "give due regard to the adverse impacts on Hyndburn, including cumulative effects, and ascribe appropriate weight to the harm arising", and the National Trust raised cumulative impact in relation to the existing Scout Moor wind farm. The consultees are alive to cumulative effects. They have not been told about this one.

7. The gap is not incidental to the assessment. It is load-bearing

This is the point I would ask officers to test first, because it can be checked in an afternoon against the applicant's own text.

Chapter 11 reaches Not Significant at receptor after receptor by reasoning about how much of the view wind development occupies. The recurring formula is that the turbines would appear "across a small part of the wider panorama", or as "an extension to the influence of wind energy development on a distant part of the skyline within a wider panorama", or as "an intensification of wind energy development across a small part of the background within a much wider panorama where operational wind turbines are a characteristic feature".

That reasoning is legitimate. It is also arithmetic, and the arithmetic changes when a second scheme of 34 turbines to 200 metres enters the same panorama. Across the overlap mapped at section 9, the median angular separation between the two schemes is 28.3 degrees. For a receptor inside the overlap, the two schemes are not in different views. They are in the same view, and the proportion of that view occupied by wind development is not the proportion the Environmental Statement assessed.

The councils are not being asked to assume that any particular Not Significant conclusion would flip. They are being asked to notice that the conclusions were reached by a method whose central variable has changed, and that no one has recalculated it.

8. A further information exercise is already under way

This objection does not ask the councils to start something new. It asks them to add one topic to an exercise they have already begun.

Natural England's position is that further information is required. Its response of 23 January 2026 is headed "FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON THE WIDER SCOUT MOOR AREA, INCLUDING SECTIONS OF DEEP PEAT", sets out three categories of information it needs, and states: "Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained."

Natural England has not yet been able to reach a view on the landscape and visual case. Its comments on that topic are expressly "preliminary and advisory in nature, reflecting the absence at this stage of a complete suite of assessment documents, including final site photography, figures, visualisations, and a full LVIA. As such, further comments may be provided as additional information becomes available."

It also identifies the Forest of Bowland National Landscape, "approximately 16 km to the north", and the Peak District National Park, "approximately 17 km to the southeast", and advises that the concept of setting "is a critical consideration and should be fully addressed within the emerging LVIA". Calderdale Energy Park, at 15.7 kilometres, is nearer than either.

The councils have commissioned independent technical review, and it has recommended further information. JBA Consulting was instructed by Rossendale and Rochdale Borough Councils on 23 October 2025 and reported in May 2026. Its summary of findings "highlights areas where further clarification, or additional information would be of benefit to fully determine the significance of potential impacts", and it recommends that "further information and justification should be provided in relation to the proposed infrastructure layout and peat / hydrological related impacts". Metrica Environmental Consulting was separately commissioned by Rossendale to review the shadow flicker chapter, "highlighting where further clarification is required".

No equivalent review of Chapter 11 or Chapter 16 appears on the file. The councils have bought independent scrutiny of hydrology, hydrogeology and peat, and of shadow flicker. Both of those topics are marked Not Significant in the applicant's own summary tables. Landscape and visual effects, the only topic where the Environmental Statement concedes significant adverse effects, has no independent review on the public file, and its cumulative chapter rests on a February 2025 cut-off. If such a review has been commissioned and is not yet published, the councils are invited to say so, and to ensure that its scope includes Calderdale Energy Park.

9. The evidence

Because no assessment of the two schemes together exists, one has been carried out and is submitted with this objection.

9.1 Method

Item	Value
Terrain model	OS Terrain 50, the national bare earth digital terrain model, 50m cells, Open Government Licence, edition of 29 May 2026
Grid	112km by 112km, EPSG:27700, 2,240 by 2,240 cells
Observer eye height	2.0m
Refraction coefficient	k = 0.075
Study radius	45km from each scheme, matching both applicants' own stated radius
Basis	Blade tip. A single visible blade tip counts as visible
Scout Moor II turbines	17, all to 180m tip, positions from ES Chapter 4 Table 4.1
Calderdale turbines	34, of which 32 to 200m tip and two to 150m, positions and foundation levels from PEIR Table 4-1

Every turbine coordinate was checked line by line against the applicants' own tables and matches exactly, including the two Calderdale turbines at 150 metres rather than 200. Turbine ground levels agree with OS Terrain 50 to within

five metres in every case, mean difference 0.2 metres. Appendix A gives the full method, the checks against published summit heights, and the file hashes.

9.2 Results

Measure	Area
Land with theoretical visibility of one or more Scout Moor II turbines	2,578 km ²
Land with theoretical visibility of one or more Calderdale turbines	2,107 km ²
Land with theoretical visibility of turbines of both schemes	702 km²
Land seeing at least ten turbines of each scheme	371 km ²
Maximum combined turbines theoretically visible from a single point	51 of 51

205 named settlement points fall inside the overlap, of which 62 are in the Lancashire county area. They are listed at Appendix B.

9.3 How much of the overlap is one view rather than two

Cumulative effects carry different weight depending on whether an observer sees both schemes at once or has to turn. Across the overlap the median angular separation between the two schemes is 28.3 degrees, and three quarters of the overlap is within 47.6 degrees.

Threshold	Basis	Area with both schemes inside it
53.5 degrees	Single photomontage frame. NatureScot, Visual Representation of Wind Farms, version 2.2, February 2017, paragraph 113: photomontages for an Environmental Statement have a horizontal field of view of 53.5 degrees and a vertical field of view of 18.2 degrees	560 km ²
90 degrees	One segment of the baseline panorama under the same guidance, presented on a single A1 page	650 km ²
Any separation	Combined successive effects included	702 km ²

The conclusion does not depend on where the line is drawn. Even on the strictest test, 560 km² of land would have both wind farms inside a single photomontage frame of the kind an applicant is required to produce.

9.4 Verification, and where this analysis and the applicant disagree

Calderdale PEIR Table 12-9 lists 99 settlements with the theoretical visibility predicted at each, and records 23 of them as having no theoretical visibility at all. Twenty-two appear in the OS Open Names national gazetteer, and at all twenty-two this model also returns zero turbines visible at the gazetteer point. The twenty-third, Walk Mill, is not in the gazetteer and has been excluded rather than positioned by hand.

That is the check that matters most, because a false positive would overstate the overlap, and the model produces none at any of the twenty-two.

The model does not agree with Table 12-9 everywhere. At several settlements at middle distance to the west, among them Hapton, Altham, Higham, Rishton and Huncoat, it predicts more Calderdale turbines visible than Table 12-9 states. The cause cannot be resolved from the published documents, which give a narrative summary rather than the underlying data.

That disagreement is disclosed rather than argued. Where the applicants have published a figure, this objection uses theirs. The analysis is relied on only for the overlap between the two schemes, which neither applicant has published at all.

9.5 Limitations

This is a bare earth model. No screening by buildings, walls, hedges or woodland is included, so the mapped area is the theoretical maximum and not what a person would actually see. A single blade tip counts as visible. Scout Moor II turbine positions carry a 50 metre micrositing allowance. Calderdale Energy Park's turbine positions are not yet fixed and its access routes are not yet chosen. Scout Moor II's Environmental Statement does not publish foundation levels, so ground levels for that scheme are taken from the terrain model, whereas Calderdale's come from the applicant's own table.

The method, the code and the input data are available to officers and to any consultee, so that every figure above can be checked or reproduced independently.

10. The legal tests

10.1 What is not being argued

It is settled that an environmental statement is not to be judged by perfectionist standards. In *R (Blewett) v Derbyshire County Council* [2003] EWHC 2775 (Admin) Sullivan J said this, at paragraph 41:

In an imperfect world it is an unrealistic counsel of perfection to expect that an applicant's environmental statement will always contain the "full information" about the environmental impact of a project. The Regulations are not based upon such an unrealistic expectation. They recognise that an environmental statement may well be deficient, and make provision through the publicity and consultation processes for any deficiencies to be identified so that the resulting "environmental information" provides the local planning authority with as full a picture as possible. There will be cases where the document purporting to be an environmental statement is so deficient that it could not reasonably be described as an environmental statement as defined by the Regulations ... but they are likely to be few and far between.

This objection does not contend that the Scout Moor II Environmental Statement fails that test, and it is not a threatened challenge to validation. It relies on the passage the other way round. Sullivan J's point is that the Regulations expect statements to be deficient in places, and provide a mechanism for curing the deficiency at the publicity and consultation stage so that the environmental information as a whole gives the authority as full a picture as possible. That is the stage this application is at, and that is what this objection is for.

That has a practical bearing on this objection. Regulation 2(1) defines "environmental information" as "the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development". The zone of theoretical visibility at section 9 is therefore not merely an objector's opinion. It is a representation duly made about the environmental effects of the development, and so forms part of the environmental information the councils are required to examine under regulation 26(1)(a). And Regulation 25 exists for the space between a statement that is valid and a statement that is complete enough to decide on. That is the space this application now occupies.

10.2 Regulation 25

Regulation 3 provides that a planning authority "must not grant planning permission ... for EIA development unless an EIA has been carried out in respect of that development".

Regulation 25(1) provides the mechanism. Where an authority is of the opinion that, "in order to satisfy the requirements of regulation 18(3) and (4), it is necessary for the statement to be supplemented with additional information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development described in the application in order to be an environmental statement", it "must notify the applicant ... in writing accordingly, and the applicant ... must provide that additional information".

The two limbs it points to are both engaged.

Regulation 18(3)(f) requires an environmental statement to include "any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected". Schedule 4 paragraph 5(e) requires a description of the effects resulting from "the cumulation of effects with other existing and/or approved projects", and paragraph 5 provides that the description "should cover the direct effects and any indirect, secondary, cumulative ... effects of the development".

Regulation 18(4)(b) requires an environmental statement to "include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment". This limb is not qualified by whether a project is existing or approved. It asks a single question: is the information there.

Calderdale Energy Park is neither existing nor approved, so Schedule 4 paragraph 5(e) taken alone would not compel its inclusion, and the Environmental Statement's own definition at paragraph 16.5 describes in-combination effects by reference to "other existing or approved projects". If that were the whole of the applicant's methodology, this part of the argument would fail, and I would say so.

It is not the whole of it. Paragraph 16.41 sets out the criteria actually used to define the list of Cumulative Projects, and they extend well beyond existing and approved schemes. They include "Applications with a resolution to grant planning permission", "Applications submitted, which have the potential to be determined prior to the determination of the Project for Assessment", "Applications which have been refused but subject to an appeal not yet determined", and:

Projects of a pertinent scale, which has been determined using professional judgment but informed by their scale, perceived impact or complexity. This includes projects that fall under the definitions of Schedule 1 and 2 development set out within the EIA Regulations.

The applicant then applied those criteria. Table 16.1 carries a category heading "Awaiting determination", under which it lists Pimbo Road, a single turbine 35 kilometres to the south-west that had not been determined.

So the position is this. A single undetermined turbine at 35 kilometres was assessed. A 34 turbine Schedule 1 scheme to 200 metres at 15.7 kilometres, closer than twelve of the twenty-two schemes in Table 16.1, was not. Nothing in the applicant's own criteria explains that difference. The February 2025 cut-off does, and a cut-off is a working assumption, not a policy test.

On the Regulation 18(4)(b) limb the answer is plainer still, because that limb does not turn on any definition the applicant chose. The information reasonably required to reach a reasoned conclusion on the cumulative landscape and visual effects of this development is not in the statement, because it did not exist when the statement was written.

10.3 Regulation 26, and why the date matters

Regulation 26(1) requires the authority, when determining the application, to "examine the environmental information" and to "reach a reasoned conclusion on the significant effects of the proposed development on the environment".

Regulation 26(2) then provides:

The relevant planning authority ... must not grant planning permission or subsequent consent for EIA development unless satisfied that the reasoned conclusion referred to in paragraph (1)(b) is up to date, and a reasoned conclusion is to be taken to be up to date if ... it addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development.

This is the provision the councils will have to satisfy themselves about at the moment of decision, and it is the reason the passage of time since February 2025 is not a technicality. The duty bites at the point of decision, not at validation. Either council would have to record, in writing, that a cumulative landscape and visual conclusion drawn before Calderdale Energy Park existed as a proposal is up to date in August 2026 or later. On the material now available I do not see how that finding could be made.

10.4 The Habitats Regulations, a second and separate route

This is raised as a question to be answered, not as an assertion of harm, and the distance figures are put first because they matter.

The Scout Moor site is **not** within a European site. The Inspector who reported on the 2015 applications recorded at paragraph 25 that "The South Pennine Moors Special Protection Area (SPA) lies about 9.3 km to the east of the site", and at paragraphs 291 and 401 that the then proposal "would not directly affect any statutorily designated nature conservation sites" and that a screening assessment found 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". Nothing in this objection disputes those findings as they stood in 2017.

Two things have changed since then.

The first is the scheme. This application is for 17 turbines to 180 metres, not 16 to 115, with correspondingly larger foundations, tracks and drainage on peat. Natural England's response of 23 January 2026 is headed "FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON THE WIDER SCOUT MOOR AREA, INCLUDING SECTIONS OF DEEP PEAT", and JBA Consulting recommends further information on peat and hydrological impacts. Whatever the 2015 screening concluded, it was a screening of a different and smaller development, and the councils' own advisers are asking for more.

The second is Calderdale Energy Park. Walshaw Moor lies within the South Pennine Moors SAC, the South Pennine Moors Phase 2 SPA and the South Pennine Moors SSSI, and Natural England has told the Planning Inspectorate that the scheme's scoping report "does not demonstrate that a sufficient level of detail will be provided" on the ecohydrology of the South Pennine Moors Special Area of Conservation, with hydrological impacts likely to affect structure and function "in a wide area".

Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 requires a competent authority, before giving consent for a plan or project "which is likely to have a significant effect on a European site ... either alone or **in combination with other plans or projects**", to make an appropriate assessment of the implications for the site in view of its conservation objectives. Regulation 63(2) entitles the authority to require the applicant to provide "such information as the competent authority may reasonably require for the purposes of the assessment", and regulation 63(5) permits consent only after the authority has ascertained that the project will not adversely affect the integrity of the site.

The in-combination limb is a separate statutory duty from the EIA cumulative assessment, it is expressed in mandatory terms, and it is not limited to existing or approved projects.

I do not assert that a likely significant effect arises here, alone or in combination. That is a matter for the councils on Natural England's advice, and it turns on hydrological evidence I do not hold. What I do say is that the question has to be asked and answered on the current facts, and that the answer does not appear on the public file. The councils are asked to confirm what screening under regulation 63 has been carried out for this application, which other plans and projects the in-combination limb considered, whether Calderdale Energy Park was among them, and whether Natural England has been asked.

10.5 Who else can close this gap

The councils are the only bodies able to close it. Calderdale Energy Park will be examined by the Planning Inspectorate from next year and Scout Moor II will by then in all likelihood have been determined. If neither process considers the two together, no process ever will.

11. The Secretary of State has decided a cumulative case on this moor before

On 6 July 2017 the Secretary of State determined two called-in applications for an extension to this wind farm: references APP/B2355/V/15/3139740 (Rossendale 2015/0112) and APP/P4225/V/15/3139737 (Rochdale 15/00395/FUL), made by Scout Moor Wind Farm Expansion Limited after an eight day inquiry held from 11 October

2016. The proposal was for

16 turbines at 115 metres to blade tip, alongside the existing 26 turbines at 100 metres.

He **refused** the Rossendale application and was minded to grant the Rochdale application for the two turbines within the existing footprint. On character and appearance he agreed with the Inspector that:

the proposal includes an area that is a valued landscape because of its openness, tranquillity and attractive views into the lower valleys

and that the turbines sited near to the edge of the moor:

would have a significant adverse effect on the landscape character and visual amenity.

On the planning balance he found that the renewable energy benefits attracted significant weight, but that:

the overall benefits of the scheme would not be sufficient to also outweigh the harm identified to the character and appearance of the area, which attracts significant weight against the proposal.

Four things must be said about the weight of that decision, and I put them all.

1. **The policy context has changed.** Part of the 2017 reasoning rested on the transitional arrangements in the 2015 Written Ministerial Statement, which is superseded, and on the Rossendale Core Strategy of 2011, which the 2021 Local Plan has replaced. That reduces the weight of the WMS limb to nothing. It does not touch the landscape findings, which were reached under section 38(6) against the development plan of the day.
2. **The application is different.** This is 17 turbines at 180 metres, not 16 at 115, and the layout is not the same layout.
3. **The direction of the difference is not favourable to the applicant.** The scheme now proposed is 65 metres taller per turbine than the one refused as significantly harmful to landscape character, and 80 metres taller than the existing farm.
4. **The decision shows a cumulative case on this moor can be, and has been, taken to Secretary of State level.** The 2017 decision letter records the two councils, the same moor, the same landscape character type, and a Secretary of State willing to call the applications in. The Planning Casework Unit is again on notice.

The existing wind farm's dimensions, which matter to any cumulative judgment, are now sourced three times over and agree: 26 turbines at 100 metres to blade tip and 65 MW, in the applicant's own Table 16.1, in Rossendale's Development Control Committee report of 1 September 2015 at paragraph 1.7, and in the Inspector's Report of 3 April 2017 at paragraph 2. The Non-Technical Summary at paragraph 3.11 states the existing farm is due to be decommissioned in 2033, three years after this one would begin operating.

12. Grounds of objection

12.1 Conflict with Policy ENV7 and with Policy JP-G1. Cumulative impacts have not been fully assessed, so Rossendale cannot be satisfied of the criterion its own plan requires, and neither council can conclude that the development responds to the views and perceptual qualities of the landscape character type. For the reasons at sections 2, 5 and 7, and on the evidence at section 9.

12.2 Landscape and visual effects on the applicant's own conclusions. ES Chapter 17 Tables 17.1 and 17.2 record ranges of residual effect extending to Major Adverse for both changes in landscape character and changes in views and visual amenity, at construction and in operation, each marked significant in part. These are the applicant's findings, not an objector's characterisation.

12.3 Night-time effects. ES Chapter 11 paragraph 11.480 records that the mitigated lighting scheme agreed with the Civil Aviation Authority "will comprise a single 2,000 candela steady red light mounted on the nacelle of eight of the 17 turbines (T1, T3, T5, T7, T10, T12, T13 and T15)", dimming under paragraph 11.481 "to a nominal intensity of 200 candela during periods of 'good' meteorological visibility in excess of 5km". At Catley Lane Head the applicant finds at paragraph 11.501 that "c. five lights would be a noticeable as a new feature within the upland moors in views

north, which is currently devoid of light across this outlook", while noting that existing light sources in views south "would reduce the contrast with the baseline to some extent". Even with those qualifications it concludes at paragraph 11.502 that the result is "a Major / Moderate adverse effect, which is considered to be Significant". No assessment exists of night-time lighting on the two schemes together.

12.4 Buried archaeology. Table 17.1 records loss or disturbance to potential or unknown buried archaeological remains as "Negligible to major adverse", marked significant in part.

12.5 Scale relative to the existing wind farm. The existing farm is 26 turbines at 100 metres to blade tip, triple-sourced as set out at section 11. This proposal is for turbines at 180 metres to tip, close to twice that height, and is proposed to operate for three years alongside the existing farm before its decommissioning in 2033.

12.6 Peat depth is not reported against the criterion the policy uses. Policy ENV7 requires, as a criterion in its own right, that "No development is proposed on areas of peat of over 40cm depth", and provides that larger turbines may be considered on the High Moorland Plateau Areas of Search only "provided areas of deep peat (over 40cm depth) and blanket bog are avoided". The Non-Technical Summary at paragraph 5.67 reports that "More than 75% of the Project for Assessment is located on areas with <1m of peat depth". A threshold of one metre is not the threshold the policy sets. The councils are asked to confirm whether the peat depth data before them is reported against the 40 centimetre threshold Policy ENV7 uses and, if it is not, how the criterion can be applied. Natural England's response of 23 January 2026 requires further information on precisely this subject, and JBA Consulting recommends further information and justification on peat and hydrological impacts.

12.7 Recreational assets. Policy ENV7 requires that "The impact on recreational assets is assessed and impacts on key routes such as the Pennine Bridleway and Rossendale Way are avoided or if this is not possible, mitigated". Chapter 11 paragraph 11.78 records that "A large area of Rooley Moor and Knowl Moor coincides with open access land and the Pennine Bridleway (Rooley Moor Road) runs through the Assessment Boundary", and Chapter 4 confirms turbines on both sides of Rooley Moor Road with a single track crossing point. The councils are asked to record whether avoidance was achieved or whether the policy's fallback of mitigation is being relied on, and to say so in terms.

12.8 Impacts identified by the local community. Policy ENV7's first criterion is that "The impacts identified by the local community have been taken into account and fully addressed". This criterion sits in the adopted development plan and is a matter for the councils under section 38(6), whatever the position on the superseded 2015 Written Ministerial Statement from which its wording derives. 121 comments stand on the Rossendale file. The cumulative impact with Calderdale Energy Park cannot have been identified by the community, because the community has not been told of it.

12.9 The in-combination limb under the Habitats Regulations has not been shown to have been applied. This is advanced as a question for the councils and Natural England rather than as an assertion of harm. The South Pennine Moors SAC and SPA lie about 9 km east of the site and the 2015 screening found no significant impacts, but the scheme is now materially larger, Natural England requires further information on deep peat, and Calderdale Energy Park sits within the European site itself. For the reasons at section 10.4.

12.10 Construction traffic. ES Chapter 6 paragraph 6.74 gives a peak, in month 10 of a 24 month programme, of "up to 262 daily movements (136 Car / LGV and 126 HGV journeys)". Paragraph 6.14 confirms the assessed route includes the B6527 between the A56 and Edenfield and the A680 Rochdale Road from Edenfield to the Scout Road junction. The mitigation offered at paragraph 6.13 is a Construction Traffic Management Plan secured by condition which "will set access routes to and from site to avoid unnecessary trips through Edenfield as far as is possible". A qualifier of that kind is not an enforceable standard, and the councils are asked to consider whether a routing condition in those terms could be monitored or enforced at all.

Not advanced as grounds. For completeness, the Environmental Statement assesses harm to the heritage significance of Conservation Areas, listed buildings, registered parks and gardens and non-designated assets as Moderate adverse or less, and marks every one of those rows Not Significant. Those findings are recorded here because they bear on the duties in section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 and on the less than substantial harm balance in national policy. They are not put forward as significant effects, because the applicant does not assess them as such.

13. A matter for the councils to check

The application as registered describes turbines with "a maximum height to the tip of the blade of 180 metres (above ordnance datum)". The Environmental Statement at paragraph 4.143 describes "up to 180m to tip height, up to 149m rotor diameter and a hub height of up to 105m", which is 180 metres above ground level. Paragraph 11.78 puts the moorland plateau at "approximately about 375m AOD to 430m AOD", so a tip height of 180 metres above ordnance datum would be below ground level.

This is raised as a question rather than a ground of objection, because it may be a drafting slip every reader has passed over. The councils are asked to confirm whether the registered description is correct, whether the Rochdale description matches, and whether the statutory publicity accurately described the development advertised.

14. Request

1. To require further information under Regulation 25, comprising a cumulative landscape and visual impact assessment that includes Calderdale Energy Park, prepared to the same standard as the assessment of the scheme in isolation, and covering night-time effects as well as daytime.
2. That any such assessment be carried out from viewpoints agreed with both councils in advance, to include viewpoints from which both schemes are seen, and that the viewpoint schedule be published when it is agreed rather than with the finished assessment. The 205 settlement points at Appendix B, and the underlying grid, are offered to help identify candidates. This matters because the choice of viewpoints determines what a cumulative assessment can find, and it is the one step that cannot be repaired later.
3. Not to determine the application until that further information has been provided, publicised under Regulation 25(3) and considered.
4. To record, when the application is reported, how the requirement in Regulation 26(2) that the reasoned conclusion be up to date is satisfied on a cumulative chapter with a February 2025 cut-off.
5. To confirm what in-combination assessment under regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 has been carried out, and whether Calderdale Energy Park was included in it.
6. To confirm whether Calderdale Energy Park is shown on Figures 11.3 or 11.4, as paragraph 11.34 of the Environmental Statement indicates it should be.
7. To confirm the current status of saved Rochdale UDP Policy EM/14, as raised at section 2.2.
8. To confirm whether peat depth is reported anywhere in the environmental information against the 40 centimetre threshold used by Policy ENV7.
9. To confirm the position on the registered description at section 13.
10. To report the application to committee rather than determine it under delegated powers.
11. To record this objection on both the Rossendale and the Rochdale files.
12. To re-consult Natural England, Historic England, Lancashire County Council, Burnley Borough Council, Hyndburn Borough Council and Calderdale Metropolitan Borough Council on any cumulative assessment provided, none of whom has so far commented on a scheme they were not told about.

This objection is copied to the Planning Casework Unit because the Secretary of State's decision on whether to call in the application will, on the Unit's own account, follow the committee report and recommendation. The adequacy of the environmental information is directly relevant to that decision, and the Secretary of State has called in and determined applications on this moor before.

I would be glad to provide the underlying data, the code and the full-resolution figures to officers on request, and to make them available to any consultee.

I request the opportunity to speak at committee.

Yours sincerely

County Councillor Tom Pickup Padiham and Burnley West division Lancashire County Council

24 August 2026

15. What changed in this edition

This objection was first submitted on 22 August 2026. Every legal and policy citation was re-checked against the primary source on 24 August 2026. Two corrections and five additions follow, recorded here so that officers can see exactly what has moved.

Corrections to my own earlier text

- **Regulation 25(1) was misquoted.** The first edition said the test was framed by reference to "regulation 18(2) and (3)". The provision as in force refers to regulation 18(3) and (4). The corrected reading is stronger, because regulation 18(4)(b) asks only whether the information reasonably required is present.
- **Reliance on Rochdale UDP Policy EM/14 has been withdrawn.** I could not verify at source that it survives as a saved policy, and there is evidence pointing the other way. The Rochdale limb is now argued on Places for Everyone Policy JP-G1 and Rochdale Core Strategy Policy P2, both of which the applicant's own Environmental Statement cites. The status of EM/14 is asked of the council rather than asserted.
- **The Habitats Regulations ground has been corrected and narrowed.** The second edition said the Assessment Boundary "sits on and adjacent to the South Pennine Moors, a European site". That was wrong. "South Pennine Moors" is both a landscape character area, which the site does fall within, and a European site, which lies about 9 km to the east. The 2017 Inspector's Report records a screening assessment finding no significant impacts on the SAC and SPA. Section 10.4 now states those facts first, expressly declines to assert that a likely significant effect arises, and asks the councils a question instead.
- **The claim that the applicant's methodology "expressly extends to schemes in planning" was asserted rather than sourced, and the Environmental Statement contains wording that cuts the other way.** Paragraph 16.5 defines in-combination effects by reference to existing or approved projects. Section 10.2 now puts that wording up front, and then relies on paragraph 16.41, which sets out the selection criteria actually used, and on Table 16.1's "Awaiting determination" category, which contains a single undetermined turbine at 35 kilometres.

Additions

- Regulation 26(2), the duty not to grant permission unless the reasoned conclusion is up to date, at section 10.3.
- Regulation 63(1) of the Habitats Regulations, the in-combination test, at section 10.4.
- The Secretary of State's decision of 6 July 2017 refusing 16 turbines at 115 metres on this moor, at section 11.
- National policy stated fairly, including the National Planning Policy Framework of 17 August 2026 and its Policy W3 direction that substantial weight be given to renewable energy benefits, at section 3.
- Three further Policy ENV7 criteria that the evidence does not presently allow the councils to apply: peat depth against the 40 centimetre threshold, recreational assets, and impacts identified by the local community, at grounds 12.6 to 12.8.
- The passage from *Blewett* is now quoted in full at section 10.1 rather than paraphrased, because Sullivan J's point is that the Regulations expect deficiencies to be cured at the publicity and consultation stage, which is what this objection is doing.
- The definition of "environmental information" in regulation 2(1), which brings the enclosed analysis within what the councils must examine under regulation 26(1)(a), at section 10.1.

A figure considered and not included

A wireline showing both schemes inside a single 53.5 degree frame was drawn and tested from Grimsargh, whose angular separation matches the median across the overlap. It is not enclosed. At true angular scale, from a viewpoint at that distance, both arrays are small, and a figure that overstated their scale by using anything other than true angular scale would not be worth having. The code is available with the rest of the analysis if officers want to reproduce it. Figure 1 carries the point that matters, which is extent rather than appearance.

Sources checked on 24 August 2026

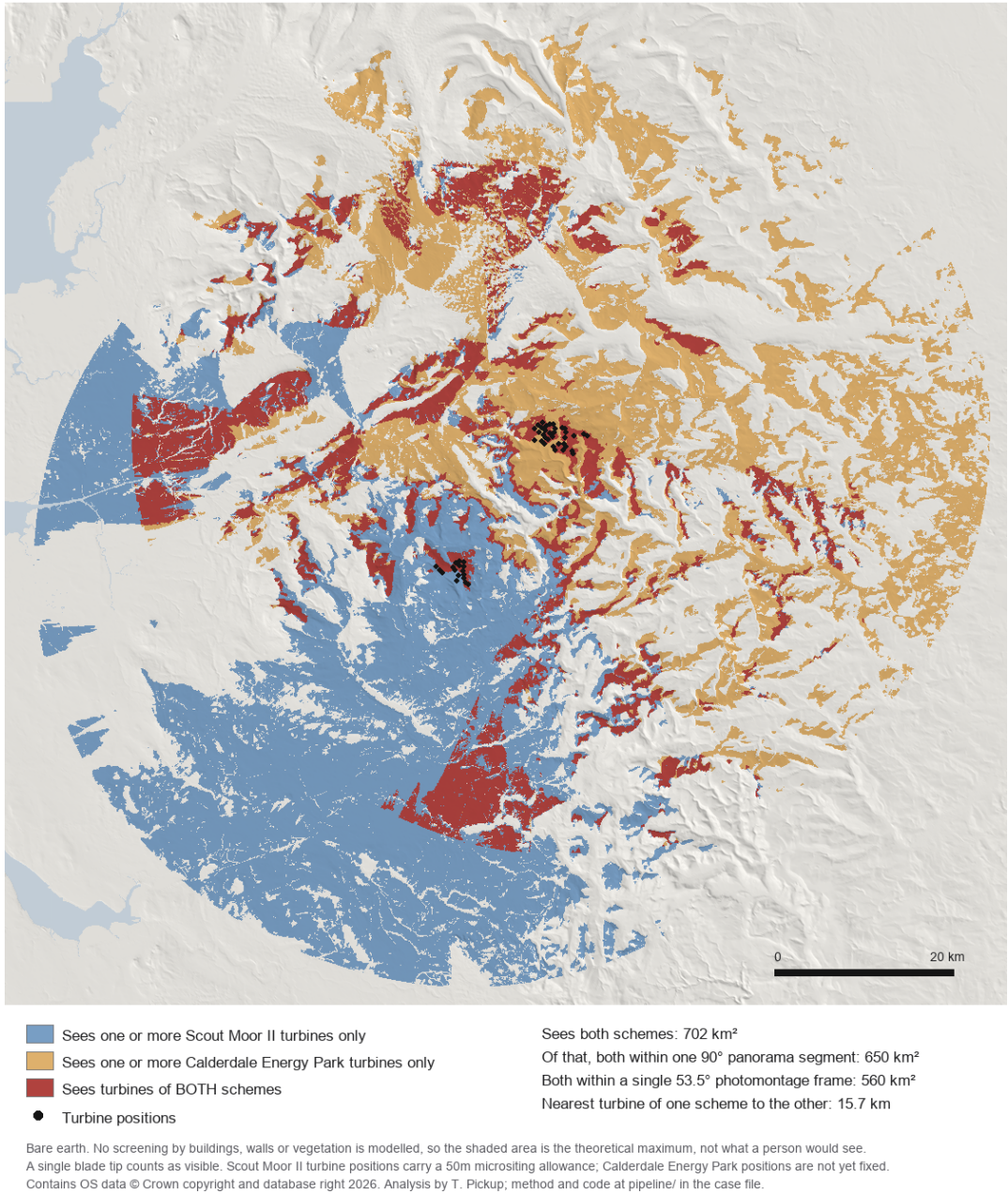
legislation.gov.uk for regulations 3, 18, 25 and 26 of SI 2017/571, regulation 63 of SI 2017/1012, regulation 2(1) of SI 2017/571, and section 38 of the Planning and Compulsory Purchase Act 2004 as amended on 25 March 2026 with the savings in SI 2026/169; gov.uk for the National Planning Policy Framework of 17 August 2026 and for the Scout Moor decision letter and Inspector's Report of 2017; Rossendale Borough Council for the adopted Local Plan written statement; Greater Manchester Combined Authority for the adopted Places for Everyone plan; and the Rossendale planning portal for the current status of application 2025/0267, which on that date remained "Pending Consideration" with no committee date set.

Enclosures Figure 1: cumulative zone of theoretical visibility Appendix A: method note, verification and reproducibility Appendix B: settlements within the overlap

Figure 1

The cumulative zone of theoretical visibility submitted with this objection. No equivalent figure exists in either applicant's documents. Method, verification and limitations are at Appendix A and at section 9 above.

**Figure 1 702 km² would see both wind farms.
Neither applicant has assessed them together.**
Zone of theoretical visibility, blade tip, Scout Moor II (17 turbines to 180m) and Calderdale Energy Park (34 turbines, 32 to 200m)
OS Terrain 50 bare earth DTM at 50m | observer eye 2.0m | refraction k = 0.075 | study radius 45km from each scheme
Grid: 112km x 112km, EPSG:27700. Turbine positions from the applicants' own documents.



Full resolution figure, the method note at Appendix A and the settlement list at Appendix B accompany this objection.