

CUBICO UK DEVELOPMENTS LIMITED
SCOUT MOOR II WINDFARM
INDICATIVE PLANS AND MICRO-SITING CONDITIONS
ADVICE NOTE

1. INTRODUCTION

- 1.1 CMS Cameron McKenna Nabarro Olswang LLP (“**CMS**”) has been instructed by Cubico UK Developments Limited (“**Cubico**”) to advise in connection with the Scout Moor II Windfarm generally, and specifically on:
- 1.1.1 the use of “illustrative” plans within a planning application;
 - 1.1.2 the lawfulness of planning conditions that allow for the final positioning or “micro-siting” of wind turbines and related infrastructure¹ following the approval of the grant of planning permission for the Scout Moor II windfarm; and
 - 1.1.3 the lawfulness of planning conditions that allow for the approval of the detailed design of wind farm scheme components (including turbines, substation, access tracks, construction compounds and fencing) following the approval of the grant of planning permission for the Scout Moor II windfarm.
- 1.2 Some of the plans submitted with the planning application have been marked “illustrative only” pending completion of procurement and final engineering.
- 1.3 The assessment of the development proposals is proceeding based on a “Rochdale Envelope” parameters-based assessment of environmental impacts, which allows for detailed changes to be made to the final design and layout of the scheme proposals, provided they do not exceed the parameters of the envelope assessed.
- 1.4 This Advice Note proceeds on the basis that final details will be formally approved later, and that any micro-siting, either of the turbines themselves or of the related infrastructure, will take place within the confines of the assessed Rochdale Envelope.
- 1.5 In order to finally define the development, details settled following the grant of planning permission need to be submitted to the local planning authority. This will likely entail the submission of detailed plans for formal approval.
- 1.6 The final micro-siting of defined elements of development may be agreed before the works are completed or carried out in accordance with a “micro-siting protocol” agreed at an earlier stage. Conditions allowing for either of these permutations are possible.
- 1.7 Whilst this Advice Note has been prepared for and on the instructions of Cubico, CMS is also aware of Cubico’s intention to share it with Rossendale Borough Council and Rochdale Borough Council and consents to this on the strict proviso that no duty of care is owed by CMS to either Council or to any other third party with whom this Advice Note may be shared.

¹ Elements such as the substation, access tracks, construction compound and fencing

2. EXECUTIVE SUMMARY

- 2.1 The submission of plans indicating the maximum parameters of the development and / or providing details on an “indicative” or “illustrative” basis is orthodox for development of this nature (where final design is subject to matters of procurement and matters of detailed engineering) and is an approach endorsed by the Courts.
- 2.2 Micro-siting is the mechanism that allows minor adjustments to be made to the detailed layout of a wind farm to reflect engineering issues and / or specific ground conditions. It is not a mechanism to allow wholesale changes to the entire development.
- 2.3 Planning conditions permitting micro-siting are lawful.
- 2.4 Government guidance on the Rochdale Envelope explains how uncertainty on specific details can be adequately addressed through a parameters-based environmental assessment, whilst still allowing sufficient flexibility to enable delivery of a proposed development.
- 2.5 Model conditions in Scotland and in Wales expressly provide for micro-siting of both turbines and related tracks and other infrastructure.
- 2.6 Micro-siting conditions were also used in the last wave of onshore windfarms in England and notably the conditions attached to the first Scout Moor windfarm permission also included micro-siting of final details.
- 2.7 Putative conditions for the previous extension proposals at Scout Moor proposed by the local planning authorities also envisaged micro-siting planning conditions.
- 2.8 CMS can see no reason why the development should not proceed towards determination based on illustrative plans (that are consistent with the parameter plans used for creating a Rochdale Envelope) or why micro-siting should not be dealt with through suitably worded planning conditions in relation to the Scout Moor II proposals.

3. USE OF ILLUSTRATIVE PLANS

- 3.1 Where plans accompany a planning application, they are generally incorporated into the planning permission, and any departure from those approved plans would require a further application to be made later to replace those plans (for example through applications made under s.96A or s.73 of the Town and Country Planning Act 1990).
- 3.2 For the reason given above, it can be helpful to refer to plans that are marked as “illustrative” or “indicative” that help explain the proposals, but by virtue of the description they are not formally incorporated into the permission so as to define the final position. To ensure that the *final* design is formalised a planning condition would be imposed that requires the further detail to be submitted later, to ensure that it is clear what has been approved.
- 3.3 The submission of plans providing details on an indicative or illustrative basis is an orthodox approach for development of this nature where final design is subject to matters of procurement and matters of detailed engineering and ground conditions.
- 3.4 It has been established that the reserving of details to a later stage is not restricted to outline planning permissions but may also arise in connection with applications for full planning permission.
- 3.5 Such an approach was endorsed in *R. v Flintshire County Council and Another Ex Parte Somerfield Stores Limited* [1998] P.L.C.R. 336.

3.6 In *Somerfield*, Carnwath J held:

“In this case the application is somewhat ambiguous in that it refers to itself as an application for full permission but indicates that landscaping is a matter which is to be considered later. The developer and the local authority say that they acted pursuant to Circular 1/85 paragraph 39. That is a paragraph dealing with conditions reserving matters other than the standard “reserved matters” provided for in the general development order. That says:

Where necessary, however, a local planning authority may also, when granting a full or outline planning permission, impose a condition requiring that details of a specified aspect of the development which is not fully described in the application (e.g. the provision of car parking spaces) be submitted for approval before the development has begun ... In the case of a full permission such a condition can relate to details (such as landscaping) which might have been reserved matters had the application been made in outline. The applicant has the same right of appeal to the Secretary of State under section 36 if he cannot get the authority's approval, agreement or consent to matters reserved under such a condition as he has in respect of applications for approval of reserved matters.

As I said in the Chieveley case, the Act itself in section 78(1)(b), and the General Development Order in Article 24, recognised that conditions requiring subsequent approval do not only arise in the context of reserved matters, as strictly defined, and that the authority may require the reservation of other matters in the exercise of their general power to impose conditions. That is recognised in paragraph 39. More significantly in the present context, that paragraph advises that, even in the context of an application seeking full permission, it is open to the local planning authority to leave some of the detail of matters such as landscaping to be settled later, without turning it into an outline permission.

Mr Purchas suggested that the Circular may be wrong in law in this respect. He relies on what I said in Chieveley at page 1153. I there pointed out that the distinction between the statutory “reserved matters” and other matters appeared to be that:

The defined reserved matters are regarded as comprising the essential elements of the scheme.

I continued:

The criterion is not whether such matters are reserved in the permission but whether they are reserved in the application. This is made explicit by the GDO, and by the time limit provisions of the Act ... It would be contrary to the scheme, if the authority could unilaterally reserve such matters for subsequent approval, without having gone through the specific procedures in the Act and the order. Unless the application and the plans accompanying it are treated as definitive, members of the public and of the council are likely to be misled as to what they are being asked to consider.

In Chieveley I was not dealing with landscaping and I was not asked to consider the effect of paragraph 39 of the Circular. However, I see nothing wrong with the advice given in that paragraph and I see nothing inconsistent between that and what I said in Chieveley . The Circular recognises that even in a full application, it may be sensible to leave some matters of detail to be addressed later.

I agree that it would be inconsistent with the statutory scheme for the local planning authority on an application for full planning permission, unilaterally to withdraw landscaping from

consideration altogether and treat it as a reserved matter. But that is not what they did. As I read the planning permission, they clearly treated it as an application for full planning permission...” (emphasis added)

- 3.7 The use of conditions requiring further details was considered more recently by Strachan J in *R v East Suffolk District Council ex parte Barry Zins* [2020] EWHC 2969 (Admin):

“122. I agree with the submissions made by Mr Green on behalf of the Defendant that there is nothing unusual, but more importantly, nothing unlawful in principle in imposing a condition on a planning permission which requires the submission of further details for future approval in this way (see eg R v Flintshire CC, ex p Somerfield Stores Ltd [1998] PLCR 336 at 345F-347A and R (Hayes) v Wychavon DC [2014] EWHC 1987 (Admin), [2019] PTSR 1163, at paragraphs 13 and 15)”. (emphasis added)

- 3.8 The critical questions for local planning authorities are:

- 3.8.1 is the development adequately described so that it is clear what is being applied for; and
- 3.8.2 has sufficient information has been provided to assess the likely significant environmental impacts for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regs”); and
- 3.8.3 do they have sufficient control over the approval of the final details once available.

- 3.9 Here there is no doubt about the nature or extent of the development for which permission is being sought. The maximum parameters of what may be constructed have been assessed through the environmental statement using a Rochdale Envelope approach. Planning conditions present an appropriate mechanism for the approval of final details.

4. WHAT IS A “ROCHDALE ENVELOPE”?

- 4.1 The Rochdale Envelope is a well understood concept in infrastructure consenting and is encapsulated in the Planning Inspectorate Guidance for “Nationally Significant Infrastructure Projects – Advice Note Nine: Rochdale Envelope”² (“PINS Guidance”).

- 4.2 Whilst Scout Moor II is not being promoted as an NSIP the legal principles are the same.

- 4.3 At paragraph 1.2 the PINS Guidance says this:

“The ‘Rochdale Envelope’ approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty...”

- 4.4 At paragraph 4.5 the PINS Guidance examples are given of the sorts of information that may not be available at the time of a request for a “Scoping Opinion” under the EIA Regs:

“For example, in relation to offshore wind farms, detailed information that may not be available at the time of making the request for a Scoping Opinion could include:

- *type and number of turbines;*

² Nationally Significant Infrastructure Projects - Advice Note Nine: Rochdale Envelope - GOV.UK

- *foundation type (this may depend upon the height and type of turbine and the seabed conditions);*
- *location of the export cable route (whether this is buried or on the seabed);*
- *location of the landfall point;*
- *the definitive location of any onshore substation;*
- *location of the grid connection point;*
- *construction methods and timing; or*
- *re-powering.*

4.5 The PINS Guidance goes on to explain how this uncertainty may be addressed (whilst allowing for flexibility) through a parameters-based assessment.

4.6 Similarly, Department for Energy Security & Net Zero National Policy Statement for Renewable Energy Infrastructure (EN-3) December 2025 provides the following:

“Flexibility in the project details

2.12.39 *In many cases, not all aspects of the proposal may have been settled in precise detail at the point of application. Such aspects may include:*

- *Dimensions of turbines, including hub height and rotor diameter;*
- *Type, number and generating capacity of wind turbines;*
- *The precise location, configuration and spacing of turbines and associated infrastructure;*
- *The need and size for external cabins adjacent to the wind turbines to house transformers.*

2.12.40 *Guidance on how applicants should manage flexibility is set out at Section 2.6 of this NPS and in Section 4.3 of EN-1.*

Micro-siting

2.12.41 *Micro-siting provides developers with flexibility to accommodate any unforeseen events, such as the discovery of previously unknown deep peat or heritage assets that it would be preferable to leave in situ.*

2.12.42 *The required micro-siting tolerance should be determined on a case-by-case basis. Where the applicant requests micro-siting the applicant should factor this tolerance into the EIA and should assess a worst-case scenario¹¹²*

¹¹² *In relation to uncertainty about routing details of the project, applicants should have regard to the concept of the ‘Rochdale Envelope’, as established in R v Rochdale Metropolitan Borough Council, ex parte Tew [2000] Env. L.R. 1 and subsequent caselaw*

4.7 Therefore, provided that the final locations of the turbines and related infrastructure are within the parameters assessed, those final locations may be refined through additional plans and secured through suitable micro-siting conditions after the grant of planning permission.

4.8 For the avoidance of doubt the impacts of micro-siting have been expressly addressed in the environmental statement for the planning application (see chapter 2 of the Environmental Statement) evidencing a robust approach to the assessment of impacts and a “reasonable worst

case” assessment of the effects of the final micro-siting of wind turbines and related infrastructure.

“Use of Micro-siting

2.93 *A micro-siting allowance of 50m is proposed to allow flexibility in the locations of the wind turbines and other infrastructure as these are subject to further engineering and design work.*

2.94 *Alongside these micro-siting allowances there are a series of identified environmental constraints which preclude the wind turbines and associated infrastructure from being located within certain areas of the micro-siting allowances where these overlap. Therefore, there are limits / controls on where turbines and other infrastructure can be located.*

2.95 *Where appropriate to the technical topic / effect being assessed, the influence of the micro-siting allowance and the environmental constraints has been considered. This is reported in Technical Chapters 6 – 15.”*

5. WHAT IS MICRO-SITING?

5.1 Nature Scotland provides a helpful description of micro-siting in the context of windfarms:

“2.32 Micro-siting is the siting of wind turbines in small incremental distances and is used at two main stages of wind farm development:

– firstly, during the design stage to ensure that turbine layout is satisfactory from key viewpoints and achieves the design objectives. It can also be used to maximise the screening benefits of landform or landcover from key viewpoints

– secondly, during the construction phase of a project, where previously unexpected conditions are encountered on site. This may happen, for example, where a turbine needs to be located away from an area of peat that is deeper than predicted.

2.33 ...Micro-siting is usually covered by a planning condition which limits this to 50-100m from the consented turbine location.”

5.2 Micro-siting is therefore the process to determine the final position of turbines and related infrastructure to reflect physical circumstances on site.

6. MODEL CONDITIONS IN SCOTLAND

6.1 In February 2025, the Scottish Government published “Onshore Wind Standard Conditions for Section 36 Consent and Deemed Planning Permission”³ (“**Scottish Standard Conditions**”).

6.2 The Scottish Standard Conditions includes the following for micro-siting:

“12. Micro-siting

(1) All wind turbines, buildings, masts, areas of hardstanding, associated infrastructure and tracks shall be constructed in the locations shown on plan reference [●] and at the grid references for the turbines set out in [●]. The locations of wind turbines, buildings, masts, [energy storage facility], areas of hardstanding and tracks may be adjusted by

³ [Standard+Onshore+Wind+Conditions+-+February+2025.docx](#)

micro-siting within the redline boundary shown on plan reference [●]. Any such micro-siting is subject to the following restrictions unless otherwise approved in advance in writing by the Planning Authority:

- (a) [no wind turbine, building, mast or hardstanding shall be moved more than XXm from the position shown on plan reference [●] and at the grid references set out in [●]];*
 - (b) [no access track shall be moved more than XXm from the position shown on plan reference [●] and at the grid references set out in [●]];*
 - (c) [No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) has a greater overall impact on peat than the original location];*
 - (d) [no infrastructure other than as required for a water course crossing shall be micro-sited to within 5015 metres of a water course].;*
 - (e) No wind turbine foundation shall be positioned higher than [●] metres Above Ordnance Datum (AOD) than the position for that turbine shown on the Site Layout Plan;*
 - (f) [no micro-siting shall take place which will bring the infrastructure closer to [●] .as shown on plan [●].*
- (2) All micro-siting permissible under this condition shall be submitted to, and approved in writing by the Ecological Clerk of Works (“ECoW”) in advance of any works or development associated with the micro-siting request being implemented.*
 - (3) No later than six months after the Date of First Commissioning, an updated site layout plan showing the final position of all wind turbines, buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority. The plan shall also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority’s approval, as applicable.*

Reason: *to control environmental impacts while taking account of local ground conditions.”*

6.3 It also includes the following relating to the approval of the detailed design of wind farm scheme components:

“8. Design of Wind Turbines

- (1) No turbines shall be erected until details and specification of the proposed wind turbines, (including the size, make and model, power rating and sound power levels, nameplate generating capacity, type, external finish and colour) any anemometry masts and all turbine associated apparatus have been submitted to and approved in writing by the Planning Authority.*
- (2) For the avoidance of doubt the scale of the turbines shall not exceed the parameters assessed in the EIA Report and set out in the description of the Development at Annex I.*
- (3) The submission shall demonstrate that all wind turbine blades shall rotate in the same direction.*

- (4) *Thereafter the wind turbines, any anemometry masts and all associated apparatus shall be constructed and operated in accordance with the details approved under part (1) and shall be maintained in the free from external rust, staining or discolouration, until such time as the Development is decommissioned unless otherwise agreed in writing by the Planning Authority.*

Reason: *To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.*

9. Design of Sub-station and ancillary development

- (1) *There shall be no Commencement of Development on the sub-station until final details of the location, layout, external appearance, dimensions, and surface materials of the substation and control room buildings, any above ground electrical equipment, associated compounds, construction compound, boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the sub-station shall not exceed the parameters assessed in the EIA Report.*
- (2) *Thereafter, the substation and control room buildings, any above ground electrical equipment, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under part (1).*

Reason: *To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.”*

7. MODEL CONDITIONS IN WALES

- 7.1 Similarly, on 25 July 2025, the Welsh Government issued a guidance document “Developments of national significance (DNS): model conditions”⁴ (“**Welsh Guidance**”).
- 7.2 The Welsh Guidance document includes a number of conditions related to the subject of micro-siting:

“7. Micro-siting

No development (excluding pre-construction site investigations) shall commence until a micro-siting protocol has been submitted to and approved in writing by the Local Planning Authority. The micro-siting protocol will allow for the variation of the turbines and associated infrastructure of up to [50 m] in any direction subject to the minimisation of impacts on environmental constraints. The protocol shall be implemented as approved.

Reason: *In the interests of biodiversity in accordance with [policy / policies] [nos] of [plan].*

8. Alternative Micro-siting (where protocol considered acceptable at application stage)

The wind turbines and other infrastructure hereby permitted may be micro-sited within [50 m] of the positions shown on the [Site Layout Plan] and a plan showing the final position of the turbines and other infrastructure forming part of the development shall be submitted to the relevant Local Planning Authority within one month of the First Export Date.

⁴ [Developments of national significance \(DNS\): model conditions \[HTML\] | GOV.WALES](#)

Reason: *In the interests of biodiversity in accordance with [policy / policies] [nos] of [plan].*

Note: Whilst the above conditions states 50 m allowance for micro-siting, this would be site specific based on the circumstances of the site.

- 7.3 It also includes the following conditions relating to the approval of the detailed design of the windfarm scheme components:

“6. Turbine details

The wind turbines shall be of a [three bladed configuration] and shall not exceed an overall height of [] m. The turbines shall not display any prominent name logo, symbol, sign or advertisements on any external surface. The turbines shall not be illuminated (other than for aviation safety purposes). All turbine blades shall rotate in the same direction. The turbines shall be erected and thereafter retained for the lifetime of the development in accordance with colour and finish details that shall first be approved in writing by the Local Planning Authority.

Reason: In the interests of [visual amenity and the amenity of neighbouring residents] in accordance with [policy / policies] [nos] of [plan].

9. Submission of further details

Prior to their installation, details of [CCTV equipment, lighting, fencing, external finishes of buildings] shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: *In the interests of [...] in accordance with [policy / policies] [nos] of [plan].”*

8. PREVIOUS PRACTICE IN ENGLAND

- 8.1 The original Scout Moor Electricity Act consent was subject to conditions that permitted micro-siting of a number of details, as well as the approval of the detailed design of scheme components:

- (4) *Notwithstanding the details submitted with the application, the turbines shall be sited within +/- 40 metres of the grid co-ordinates stated in Figure 7 of the Environmental Statement submitted with the application for which permission is now granted, in positions to be agreed in writing by the two local planning authorities.*
- (6) *No development shall take place until details of the size, design and external appearance of the turbines (which shall have a semi-matt finish) have been submitted to, approved in writing by and deposited with the two local planning authorities. The development shall be carried out in accordance with the approved details.*
- (7) *No development shall take place until details of the size, design and external appearance of the substation building have been submitted to, approved in writing by and deposited with the local planning authority. The development shall be carried out in accordance with the approved details.*
- (8) *Notwithstanding the details submitted with the application, construction of any of the turbine masts or of the substation shall not be begun until the means of vehicular access thereto have been constructed in accordance with plans and specifications that have first been submitted to, approved in writing by and deposited with the two local planning authorities. The plans and specifications shall include details of both*

temporary and permanent works in accordance with the Construction Method Statement to be approved and implemented under Condition (11).

8.2 When Rochdale Borough Council considered the previous proposals for the extension of Scout Moor (under ref 15/00395/FUL) it recommended the following conditions:

7. *Plans confirming the method of construction for each section of new access track hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the turbine access tracks first taking place. Construction of new 'floating' and 'cut' access tracks and widening of any existing access tracks shall be completed in accordance with the details provided in Figure 5.9 of the Environmental Statement. The development shall be undertaken in accordance with the approved details and the construction of the tracks shall thereafter be retained as such throughout the lifetime of the development.*
8. *Plans confirming the detailed design of the wind turbine foundations and crane pads to be utilised at each turbine location hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the wind turbine foundations and crane pads. The development shall thereafter be undertaken in accordance with the approved details and be retained as such throughout the lifetime of the development.*

Reason: In the interests of visual amenity, ecological and landscape protection and to accord with policies G/EM/12, EM/14, G/NE/1, NE/2, NE/3, NE/4, G/NE/5 and NE/6 of the Rochdale Unitary Development Plan and policy contained within the National Planning Policy Framework.

9. *The wind turbines, access tracks and other ancillary infrastructure shall be erected at or within 30 metres in any direction of the locations shown in Figures 5.1b, 5.1c and 5.1d of the Environment Statement dated March 2015 and hereby approved. For the avoidance of doubt the micro-siting of any aspect of the development shall not lead to an increase in the area of ground covered by the development. An 'as constructed' site layout plan shall be submitted to the Local Planning Authority within 6 months of the completion of construction.*

Reason: In the interests of ecological, environmental and landscape protection, to allow for minor adjustments dependent on ground conditions and to accord with policies G/EM/12, EM/14, G/NE/1, NE/2, NE/3, NE/4, G/NE/5 and NE/6 of the Rochdale Unitary Development Plan and policy contained within the National Planning Policy Framework."

8.3 When Rossendale Metropolitan Borough Council considered the previous proposals for the extension of Scout Moor (under ref 2015/0112) it recommended the following conditions in relation to micro-siting and the approval of detailed design:

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

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

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

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

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

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

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

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

Reason: In the interests of design and visual amenity. ”

9. CONCLUSION

9.1 It can be seen that:

- 9.1.1 The submission of plans indicating the maximum parameters of the development and / or providing details on an indicative or illustrative basis is orthodox for development of this nature (where final design is subject to matters of procurement and matters of detailed engineering) and is an approach endorsed by the Courts.
- 9.1.2 Planning conditions permitting micro-siting and the approval of detailed design of scheme components (in accordance with the parameters established by the Rochdale Envelope approach in the original application) in relation to wind farm development are lawful (and may encompass both the turbines themselves and related infrastructure).
- 9.1.3 The use of such conditions provides local planning authorities with sufficient control over the finally built development.

- 9.1.4 The Rochdale Envelope approach to EIA development confirms that specific details can be adequately addressed through a parameters-based environmental assessment, whilst still allowing sufficient flexibility to enable delivery of a proposed development.
- 9.1.5 Model conditions in Scotland and in Wales expressly provide for micro-siting of both turbines and related tracks and other infrastructure, as well as detailed design of scheme components.
- 9.1.6 Such conditions were also used in the last wave of onshore windfarms in England and notably the conditions attached to the first Scout Moor windfarm permission included micro-siting allowances and conditions relating to the approval of details.
- 9.1.7 Putative conditions for the previous extension proposals at Scout Moor proposed by the local planning authorities also envisaged such planning conditions.

10. SUMMARY

10.1 In summary:

- 10.1.1 it is appropriate for certain plans and other material to be submitted on an illustrative basis; and
- 10.1.2 there is no reason why certain matters of detail may not be the subject of subsequent approval or why micro-siting should not be dealt with through suitably worded planning conditions in relation to the Scout Moor II proposals where environmental impacts have been the subject of parameters-based assessment and where the nature of the development can clearly be understood.

CMS Cameron McKenna Nabarro Olswang LLP

21 November 2025