

PLANNING APPLICATIONS COMMITTEE

19th October, 2011

PRESENT - Councillor Baldwin (in the Chair); Councillors L. Haszeldine, Johnson, Knowles, Landers, Lee, Long, D. Lyonette, Macnab, Regan, Stenson and J. Taylor. (12)

APOLOGIES – Councillors Cossins. (1)

OFFICERS – Roy Merrett, Development Manager, Adrian Hobbs, Planning Officer, Stephen Pollock, Environmental Health Officer and Harry Alderton, Highways Engineer, within Services for Place and Andrew Errington, Lawyer (Planning), within Resources Group.

PA42. DECLARATION OF INTERESTS – Councillor D. Lyonette declared a personal and prejudicial interest due to him being Chair of the Durham Tees Valley Airport Consultative Committee and left the meeting.

PA43. PROCEDURE – The Assistant Director of Resources representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

RESOLVED – That the procedure be noted.

PA44. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

11/00160/FUL - Moor House, Barmpton, Darlington. Erection of 6 wind turbines, one anemometer mast plus associated access tracks, crane pad and control building.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), one hundred and seventy four letters and e-mails of objection, eight letters of support, the objections of the Ward Member, the local Member of Parliament, East and West Newbiggin Parish Council, Bishopston Parish Council, Great Stainton Parish Council, Little Stainton Parish Council, Sadberge Parish Council, Morden Parish Council, Stillington and Whitton Parish Council, Seven Parishes Action Group, Durham Tees Valley Airport and Campaign to Protect Rural England, the concerns of the Ramblers Association, English Heritage and One North East and the comments of Natural England, the Environment Agency Stockton Borough Council, the Highways Engineer, the Highways Agency, the BBC, the Environmental Health Officer and Durham County Council Landscape Section that had been received and the views of Mr. Hancock, applicant, Mr. Rankin, an objector, Mrs. Ulliyart and Mr. Plant, supporters, Mrs. Dickinson, Mr. Mackenzie, Mrs. Wise and Mr. Wood, Parish Members and Councillor B. Jones, Ward Members whom Members heard).

The Development Manager reported that a letter had been received from legal representatives of Durham Tees Valley Airport confirming that the Airport's objection to the scheme was withdrawn subject to the following condition :-

‘No turbine shall be erected unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Durham Tees Valley Airport, for the mitigation of the anticipated impacts of the development on the operation of the Durham Tees Valley primary surveillance radar and associated air traffic management operations and that scheme has been implemented. The development shall thereafter be carried out and operated in accordance with approved scheme’.

The Development Manager advised that on this basis the proposed development was being recommended for approval. The airport’s representative had confirmed that they were content that the condition would protect all impacts on radar and air traffic management operations arising from the proposal.

In relation to noise members were advised that the causes of excessive amplitude modulation (EAM) were not well understood, science was in its infancy. There was uncertainty as to whether EAM would occur and if it did whether it would amount nuisance and disturbance. There would be insufficient evidence to refuse the planning application on EAM grounds and therefore to do so would be unreasonable. There was discussion about condition 22 and the accompanying note. Some changes to the wording were agreed with a view to ensuring that any problem, should it be identified, be tackled quickly.

RESOLVED - That subject to the applicants entering into a Section 106 Agreement relating to off site habitat and biodiversity improvements and the provision of a financial contribution to allow for a landscaping scheme on land to the rear of properties in Little Stainton to help filter views of the proposed turbines, the development be permitted with the following conditions (including clarifications and amendments in accordance with Committee decision) :-

Time Limits

- (a) The development hereby permitted shall be begun before the expiration of five years of the date of this decision.
Reason - Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (b) The planning permission hereby granted shall be for a temporary period only, to expire 25 years after the first commercial export of electricity from the site. Written confirmation of the date of commercial electricity export shall be provided to the Local Planning Authority within one month after the event.
Reason - To provide certainty over the duration of the development.

Approved Drawings

- (c) Unless otherwise required by conditions attached below, this permission shall relate to the following drawings: PA01,PA02,PA03,PA04,PA05,PA06,PA07,PA08,PA09 AND PA10.
Reason - For the avoidance of doubt as to what has been approved.

Decommissioning

- (d) Not later than six months before the date on which the planning permission hereby granted expires, all wind turbines, ancillary equipment, buildings, crane platforms and access roads shall be dismantled and removed from the site and the land reinstated to

its former condition in accordance with a scheme to be submitted to the Local Planning Authority for written approval prior to the commencement of development. The scheme to be submitted shall include the dismantling and removal of all turbines, equipment, buildings, and access roads above existing ground levels and the removal of turbine bases and crane platforms to a depth of one metre below existing ground levels.

Reason - To provide certainty over the duration of the development, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (e) If any of the turbines hereby permitted ceases to be operational for a continuous period of 6 months, or such period of time as may otherwise be agreed in writing by the Local Planning Authority, all of its above ground elements plus one metre of each turbine base and associated crane pad below ground level, as well as any access track that directly serves it, shall be removed within the ensuing period of not more than six months, or as may otherwise be agreed in writing by the Local Planning Authority, and the land reinstated to its former condition.

Reason - To ensure that the development is carried out in an efficient manner, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Layout and Appearance

- (f) Development shall not commence until details of the surface finish of the access tracks and crane bases have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To mitigate the visual impact of the development, , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (g) Development shall not commence until full details of the turbines, including make, model, power rating, design, external finish and colour, hub height, turbine base to tip height, blade measurements, existing site levels and finished site levels, including the finished level of each turbine base, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To mitigate the visual impact of the development , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy

- (h) The maximum height of the wind turbines hereby permitted when measured from the existing ground level to blade tip in vertical position, shall be no greater than 125 metres.

Reason - For the avoidance of doubt.

- (i) Development shall not commence until full details of the site control building, including details of the materials and colours to be used on its external surfaces and security fencing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity.

- (j) All of the turbine blades shall rotate in the same direction in relation to their horizontal axis.

Reason - To mitigate the visual impact of blade movement.

- (k) The turbines shall be located in the positions shown on drawing PA03 unless otherwise agreed in writing by the Local Planning Authority and then no nearer to any residential

property than the nearest turbine is currently shown in relation to that property in the proposed layout.

Reason - For the avoidance of doubt.

Cabling

- (l) All electrical cabling between the individual wind turbines and the on-site control building shall be located underground. Thereafter, the excavated ground shall be reinstated to its former condition within three months of the commissioning of the wind turbines.

Reason - To mitigate the visual impact of the development, , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Construction Works

- (m) Development shall not commence until details of the site compound, temporary structures and temporary security fencing to be used in connection with the construction of the development together with detailed proposals for the restoration of the site compound and any other land associated with temporary structures have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details. Within six months of the commissioning of the wind farm, the compound, temporary structures, temporary security fencing and ancillary materials shall be removed and the ground restored to its previous condition in accordance with the approved details. For the purposes of this condition, commissioning shall mean the date upon which the grid connection to the wind farm is first energised.

Reason - In the interests of visual amenity, , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (n) Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include details relating to surface water drainage, the prevention of silt-laden run-off, the treatment of sediment-laden water, site lighting, fuel, oil and chemical storage, and dust management. Development shall not take place except in accordance with the approved Construction Method Statement.

Reason - In the interests of protecting the amenity of neighbouring occupiers and the environment, , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (o) Site establishment and civil and electrical ground works (including roads, foundations, substation, site control building) shall only take place between the hours of 08:00 – 18:00 on Mondays to Fridays inclusive, 08:00 – 13:00 hours on Saturdays, with no such work on a Sunday or Bank Holiday working unless otherwise approved in writing by the Local Planning Authority.

Reason - In the interests of protecting the amenity of neighbouring occupiers and the environment, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (p) Turbine delivery and erection shall only take place between the hours of 08:00 – 22:00 on Mondays to Fridays inclusive, 08:00 – 13:00 hours on Saturdays, with no such work on a Sunday or Bank Holiday unless otherwise approved in writing by the Local Planning Authority following a request by the Police and Highways Agency.

Reason - In the interests of protecting the amenity of neighbouring occupiers and the environment , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (q) Turbine testing and adjustment activities prior to commissioning shall only take place between the hours of 08:00 – 22:00 on any day.

Reason - In the interests of protecting the amenity of neighbouring occupiers and the environment , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Operational Noise

- (r) The rating level of noise emissions from the combined effects of the wind turbines, (including the application of any tonal penalty) when assessed in accordance with the attached Notes, shall not exceed the values set out in the tables below. For any noise sensitive property not specified in the tables below the noise limits for the nearest geographical location listed in the tables shall apply.

Between 23:00 and 07:00 hours (Noise Level in dB $L_{A90, 10min}$):

	Wind Speed at 10 m height (m/s)									
Location	3	4	5	6	7	8	9	10	11	12
H1 Mount Pleasant Farm	43.0	43.0	43.0	43.0	43.0	44.2	46.7	49.2	51.5	53.6
H2 Carr House	43.0	43.0	43.0	43.0	43.0	43.0	44.8	47.1	49.3	51.3
H3 Dale House Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.9	47.9	49.7	51.3
H4 Burdon Grange Bungalow	43.0	43.0	43.0	43.0	43.0	43.0	43.7	45.4	47.1	48.6
H5 Barmpton	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.7	44.8
H6 Little Ketton Farm	43.0	43.0	43.0	43.8	46.4	49.1	51.7	54.3	56.8	59.0
H7 Copper Garth	43.0	43.0	43.0	43.7	45.9	48.0	50.0	52.0	53.8	55.5
H8 Burdon Grange	43.0	43.0	43.0	43.0	43.0	43.0	43.7	45.4	47.1	48.6

At all other times (Noise Level in dB $L_{A90, 10min}$):

	Wind Speed at 10 m height (m/s)									
Location	3	4	5	6	7	8	9	10	11	12
H1 Mount Pleasant Farm	39.1	40.3	41.6	42.9	44.3	45.8	47.5	49.4	51.6	53.9
H2 Carr House	40.1	41.0	42.1	43.2	44.5	45.8	47.3	48.9	50.5	52.3
H3 Dale House Farm	45.0	45.0	45.0	45.0	45.0	45.9	47.3	48.8	50.3	51.9
H4 Burdon Grange Bungalow	39.7	40.6	41.6	42.6	43.7	44.9	46.1	47.4	48.7	50.1
H5 Barmpton	39.2	40.2	41.2	42.2	43.1	44.0	44.9	45.7	46.6	47.4
H6 Little Ketton Farm	41.7	43.5	45.3	47.2	49.1	51.1	53.2	55.2	57.3	59.4
H7 Copper Garth	42.1	44.0	45.8	47.3	48.7	50.1	51.4	52.7	54.1	55.7
H8 Burdon Grange	39.7	40.6	41.6	42.6	43.7	44.9	46.1	47.4	48.7	50.1

Reason - In the interests of protecting the amenity of neighbouring occupiers , and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (s) Within 28 days of a written request by the Local Planning Authority, following the receipt by the Local Planning Authority of a complaint, the wind farm operator shall supply a written report from a consultant approved by the Local Planning Authority, providing a detailed assessment of level of noise emissions from the wind farm at the complainant's property following the procedures described in the attached Notes.

Reason - In the interests of protecting the amenity of neighbouring occupiers, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (t) The wind farm operator shall continuously log wind speed, wind direction and power generation data for each wind turbine. Within 28 days of a written request by the Local Planning Authority, following the receipt by the Local Planning Authority of a complaint, the wind farm operator shall supply such wind speed, wind direction and power generation data for each wind turbine as may be set out in the Local Planning Authority's written request.

Reason - In the interests of protecting the amenity of neighbouring occupiers, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (u) No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with conditions 18-20 above) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made during the construction, operation and decommissioning of the wind farm and liaison with the Local Planning Authority.

Reason - To ensure a satisfactory development and to safeguard residential amenity, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

- (v) On the written request of the local planning authority, following a complaint to it considered by the local planning authority to relate to regular fluctuation in the turbine noise level (amplitude modulation), the wind farm operator shall at its expense employ an independent consultant approved in writing by the local planning authority to undertake the additional assessment outlined in Guidance Note 5 to ascertain whether amplitude modulation is a contributor to the noise complaint as defined in Guidance Note 5. If the said assessment confirms amplitude modulation to be a contributor as defined in Guidance Note 5, the local planning authority shall request that within 28 days of the completion of the noise recordings referred to in Guidance Note 5, the developer shall submit a scheme to mitigate such effect that will be designed to solve the problem as it occurs and which will need to be approved by the Local Planning Authority. Following the written approval of the scheme by the local planning authority the scheme shall be activated forthwith and thereafter retained.

Reason - In the interests of protecting the amenity of neighbouring occupiers, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Highways

- (w) Prior to the commencement of the development hereby permitted, a Traffic Management Plan shall be submitted to and approved in writing by the local planning authority and the Highways Agency. The Traffic Management Plan shall include details of all roadways (temporary or otherwise) including standard of construction, visibility splays, relocation of existing road signs, reduction in levels adjacent to the proposed access point and appropriate signage to be used for the conveyance of construction materials, plant and equipment. The Traffic Management Plan shall confirm the routes to be used for transportation of abnormal loads both during construction of the turbines and during their decommissioning. The Traffic Management Plan shall include a road condition survey of the roadways to be used for the conveyance of construction materials, both pre and post construction. The Management Plan shall include a procedure for approval of the temporary removal of highway furniture. The development shall be carried out in accordance with the approved Traffic Management Plan unless otherwise approved in writing by the local planning authority.

Reason - In the interests of highway safety, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Archaeology

- (x) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:
- (i) the proper identification and trial trench evaluation of the extent, character and significance of archaeological remains within the application area in accordance with a brief issued by the County Durham Archaeology Section; the evaluation is to be undertaken following the approval of planning permission,
 - (ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase; a report on the results is to be submitted to the planning authority;
 - (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
 - (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
 - (v) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works."

Reason - To comply with policies CS3 and CS14 of the Darlington Local Development Framework Core Strategy.

as the site may potentially contain features of local archaeological importance.

- (y) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason - To comply with policies CS3 and CS14 of the Darlington Local Development Framework Core Strategy.

as the site may potentially contain features of local archaeological importance.

- (z) A copy of any and all analysis, reporting (evaluation and post-excavation and/or final reports), publication or archiving required as part of the above mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason - To comply with policies CS3 and CS14 of the Darlington Local Development Framework Core Strategy.

as the site may potentially contain features of local archaeological importance.

Ecology - Badgers

- (aa) No development shall take place unless in accordance with the mitigation detailed within Chapter 7 of Moor House Environmental Statement AESL February 2011 including, but not restricted to adherence to spatial restrictions (no setts are within 50m of a turbine or access track); undertaking confirming surveys as stated (Table 7.8, Table 7.9); adherence to precautionary working methods (method statement provided should be agreed with local authority before planning permission granted); implementation of a monitoring scheme (paragraph 7.166).

Reason - To conserve protected species and their habitat, and in accordance with policies CS3 and CS15 of the Darlington Local Development Framework Core Strategy.

Ecology - Birds

- (bb) No development shall take place unless in accordance with the mitigation detailed within the Moor House Environmental Statement AESL February 2011, including, but not restricted to:

- (i) Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to works (7.156 of Moor House Environmental Statement AESL February 2011.)

- (ii) A breeding bird monitoring scheme implemented following construction (section 7.167).

Reason - To conserve protected species and their habitat, and in accordance with policies CS3 and CS15 of the Darlington Local Development Framework Core Strategy.

Ecology - Bats

- (cc) No development shall take place unless in accordance with the mitigation detailed within the protected species report Table 7.8 of the Moor House Environmental Statement AESL February 2011, including, but not restricted to undertaking confirming surveys as stated; adherence to precautionary working methods; post-construction monitoring (section 7.165).

Reason - To conserve protected species and their habitat, and in accordance with policies CS3 and CS15 of the Darlington Local Development Framework Core Strategy.

Ecology – Habitat Mitigation/Enhancements

(dd) Development shall not commence until a strategy for landscape and biodiversity mitigation has been submitted to and approved in writing by the planning authority. The strategy for landscape mitigation shall be based upon the proposals set out in drawing ES07 and shall demonstrate the means by which the landscape and biodiversity of the area will be protected and enhanced. The strategy for landscape mitigation shall include the following:

- (i) On and off-site planting including hedgerow and hedgerow tree planting.
- (ii) Provision of enhanced field margins
- (iii) Enhancement of Catkill Lane
- (iv) A programme of phasing for the landscape mitigation works contained in the strategy
- (v) Provision for the ongoing care and maintenance of the works during the life of the development

The development shall not be carried out or operated except in accordance with the approved scheme of landscape mitigation, phasing and maintenance management.

Reason - To mitigate the landscape and biodiversity effects of the development and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

TV Reception

(ee) Prior to the commencement of the development hereby permitted, a scheme shall be submitted and approved in writing by the Local Planning Authority setting out the protocol for the assessment of television interference in the event of any complaints, including the remedial measures to be taken within six months of commissioning. Operation of the wind turbines shall not take place except in accordance with the approved protocol.

Reason - To mitigate any interference with electromagnetic transmissions, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Aviation

(ff) No turbine shall be erected unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Durham Tees Valley Airport, for the mitigation of the anticipated impacts of the development on the operation of the Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations and that scheme has been implemented. The development shall thereafter be carried out and operated in accordance with the approved scheme.

Reason - To mitigate interference with radar and air traffic management operations, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Shadow Flicker

- (gg) Prior to the commissioning of the development hereby approved, a scheme to alleviate the incidence of shadow flicker at any affected property shall be submitted to and approved in writing by the Local Planning Authority. At the request of the occupant of the affected property which existed prior to the grant of planning permission an assessment will be carried out to verify whether shadow flicker is occurring. If it is demonstrated to be occurring, the turbines producing shadow flicker shall be programmed to be shut down during the conditions which cause the shadow flicker effects. The development shall be carried out in accordance with the approved details.

Reason - In the interests of the amenity of neighbouring residential properties, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Ice Throw

- (hh) The turbines shall not be operated except in accordance with a scheme detailing measures to minimise the potential for ice throw from turbine blades to impact on the safe use of public highways and rights of way adjoining the development which has first been submitted to and approved in writing by the Local Planning Authority.

Reason - To minimise any impact on the safe use of public rights of way near the development.

Environmental Management Plan

- (ii) Prior to the commencement of any works, a revised Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details relating to:

- (i) the prevention of silt-laden run-off;
- (ii) the treatment of sediment-laden water;
- (iii) site lighting;
- (iv) the location of contractors compounds and the parking and storage of related vehicles and machinery;
- (v) fuel, oil and chemical storage;
- (vi) surface water drainage;
- (vii) the protection of private water supplies
- (viii) the means of construction of any watercourse crossings;
- (ix) staff facilities and drainage;
- (x) the prevention of mud and debris being tracked onto local roads;
- (xi) dust management;
- (xii) works to the public highway;
- (xiii) fencing and security
- (xiv) concrete management
- (xv) details of the re-instatement of the ground, post-construction.
- (xvi) the protection of wildlife habitats
- (xvii) the management of operational turbine noise (including any amplitude modulation)

(xviii) procedures for the periodic review of the Environmental Management Plan
Development shall be carried out in compliance with the approved Environmental Management Plan, unless otherwise approved in advance in writing by the local planning authority.

Reason - In the interests of protecting the amenity of neighbouring occupiers and the environment and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

Public Footpaths

- (jj) Before development commences, a permissive path shall be created as shown on the plans submitted to the Local Planning Authority on 7th October, 2011 (ref: [HJB/TA721/99a.](#)) and thereafter retained unless otherwise agreed with the Local Planning Authority.

Reason - In the interests of protecting the amenity of users of the local footpath network, and in accordance with policy CS3 of the Darlington Local Development Framework Core Strategy.

NOTE FOR THE ECOLOGY CONDITIONS

The developer may need to obtain a Natural England licence prior to commencement of works.

NOTES FOR THE NOISE CONDITIONS

These notes are to be read with Conditions 18-20. They further explain these conditions and specify the methods to be deployed in the assessment of complaints about noise emissions from the wind farm.

Note 1

Values of the $L_{A90, 10min}$ noise statistic should be measured at the complainants property, using a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the procedure specified in BS 4142:1997 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

The microphone should be mounted at 1.2 – 1.5 m above ground level, fitted with a two layer windshield or suitable equivalent approved by the Local Planning Authority, and placed outside the dwelling. Measurements should be made in “free-field” conditions, so that the microphone should be placed at least 3.5 m away from the building façade or any reflecting surface except the ground.

The $L_{A90, 10min}$ measurements should be synchronised with measurements of the 10-minute arithmetic average wind speed and with operational data from the turbine control systems of the wind farm.

To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10-minute periods by direct measurement of 10 m height wind speeds at a location within the application site to be agreed by the Local Planning Authority prior to commencement of the development.

Note 2

The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements should provide valid data points for the range of wind speeds, wind directions, times of day and turbine operations requested by the Location Planning Authority. In specifying such conditions the Local Planning Authority shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise. Upon its request the wind farm operator shall provide all of the data collected under Condition 2 to the Location Planning Authority.

Valid data points are those that remain after data during all periods of rainfall have been excluded.

A least squares, “best fit” curve of a maximum 2nd order should be fitted to the data points and define the rating level at each integer speed.

Note 3

Where, in the opinion of the Local Planning Authority noise emissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure should be used.

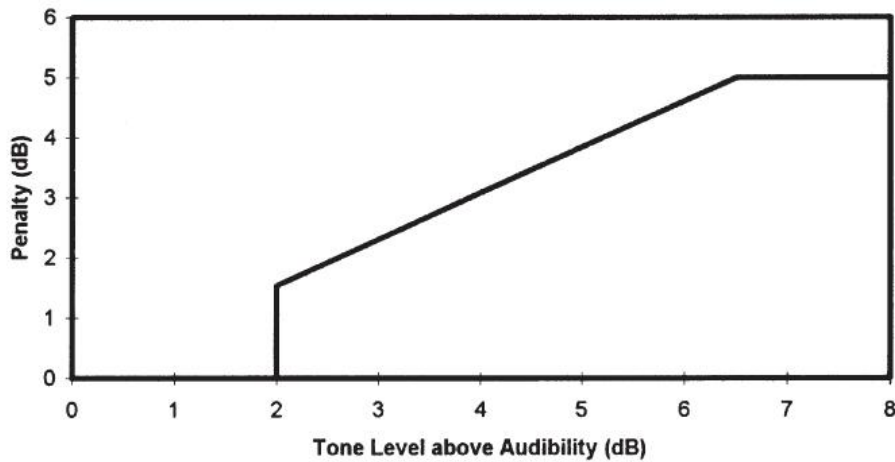
For each 10-minutes interval for which $L_{A90,10min}$ data have been obtained as provided for in Note 1 a tonal assessment is performed on noise emissions during 2-minutes of each 10-minute period. The 2-minute periods should be regularly spaced at 10-minute intervals provided that uninterrupted clean data are available. Where clean data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from standard procedure shall be reported.

For each of the 2-minute samples the margin above or below the audibility criterion of the tone level difference, ΔL_{tm} , should be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97 “The assessment and rating of noise from wind farms”, DTI September 1996.

The margin above audibility is plotted against wind speed for each of the 2-minute samples. For samples for which the tones were below the audibility criterion or no tone was identified, substitute a value of zero audibility.

A linear regression should then be performed to establish the margin above audibility at the assessed windspeed for each integer wind speed. If there is no apparent trend with the wind speed then a simple arithmetic average shall be used.

The tonal penalty is derived from the margin above audibility of the tone according to the figure below. The rating level at each wind speed is the arithmetic sum of the wind farm noise level, as determined from the best fit curve described in Note 2, and the penalty for tonal noise.



Note 4

If the rating level is above the limit set out in the conditions, measurements of the influence of background noise should be made to determine whether or not there is a breach of condition. This may be achieved by repeating the steps in Note 2, with the wind farm switched off, and determining the background noise at the assessed wind speed, L_3 . The wind farm noise at this speed, L_1 , is then calculated as follows where the L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log [10^{L_2/10} - 10^{L_3/10}]$$

The rating level is re-calculated by adding the tonal penalty (if any) to the derived wind farm noise L_1 . If the rating level lies at or below the values set out in the conditions then no further action is necessary. If the rating level exceeds the values set out in the conditions then the development fails to comply with the conditions.

Note 5 (to be read in conjunction with Condition 22)

Amplitude Modulation (AM) is the regular variation of the broadband aerodynamic noise caused by the passage of the blades through the air at the rate at which the blades pass the turbine tower. ETSU-R-97, “The Assessment and Rating of Noise from Wind Turbines”, assumes that a certain level of AM (blade swish) is intrinsic to the noise emitted by the wind turbine and may cause regular peak to trough variation in the noise of around 3 dB and up to 6 dB in some circumstances. The noise assessment and rating framework recommended in ETSU-R-97 fully takes into account the presence of this intrinsic level of AM when setting acceptable noise limits for wind farms.

Where the local planning authority considers the level of AM may be at a level exceeding that envisaged by ETSU-R-97, they may require the operator to appoint an approved independent consultant to carry out an assessment of this feature under Condition 22. In such circumstances, the complainant(s) shall be provided with a switchable noise recording system by the independent consultant and shall initiate recordings of the turbine noise at times and locations when significant amplitude modulation is considered to occur. Such recordings shall be undertaken in accordance with a methodology to be agreed in writing by the Local Planning Authority. The effects of amplitude modulation are normally associated with impacts

experienced inside properties or at locations close to the property, such as patio or courtyard areas. For this reason the assessment of the effect necessarily differs from the free-field assessment methodologies applied elsewhere in these Guidance Notes.

If, over a period of 6 months, commencing at a time of the first occasion at which the local planning authority records an amplitude modulation event, the complainant fails to record 5 occurrences of significant amplitude modulation, in separate 24 hour periods, then its existence as a contributor to the noise complaint shall be excluded. If, however, the independent consultant, on analysis of the noise recordings, identifies that amplitude modulation is a significant contributor to the noise complaint then the local planning authority shall be informed in writing.

Informative

The applicant is advised that works are required within the public highway to construct new access road and adjust level of verges, and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.A.Ward 01325 388743) to discuss this matter

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the following policy framework together with the environmental statement submitted with this planning application and further environmental information gained and material considerations set out in this report.

Relevant Government Guidance including PPS1 – Delivering Sustainable Development and its supplement : Planning and Climate Change. Planning Policy Statement 7 Sustainable Development in Rural Areas . Planning Policy Statement 22 – Renewable Energy and the Companion Document. Planning Policy Guidance 24 – Planning and Noise

Relevant Core Strategy Policies including CS3 : Promoting Renewable Energy; CS14: Promoting Local Character and Distinctiveness and CS15: Protecting and Enhancing Biodiversity and Geodiversity

Other Relevant Planning Policy Documents : Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain, ARUP 2008.

Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain: Addendum, ARUP,2009.

This amended wind farm proposal would make a reduced contribution towards the overall supply of renewable energy compared with the original proposal for 10 turbines, but still contribute towards reaching regional and national targets in terms of energy production. There is very strong and consistent National policy support for renewable energy projects.

In terms of visual impact, the proposed wind turbines due to their scale and design will undoubtedly have an impact on the landscape, and will be highly visible features in the locality. Any impacts the proposed development will have on the wider landscape including the cumulative impact of the development however are considered to be commensurate with the benefits the turbines will provide in terms of the production of renewable energy.

With respect to aviation interests the airport confirmed it was content that a suitably worded condition could be applied in order protect all impacts on radar and air traffic management operations arising from the proposal.

In relation to noise there was uncertainty as to whether excessive amplitude modulation (EAM) would occur and if it did whether it would amount to nuisance and disturbance. The relevant condition should be designed to ensure that any problem, should it be identified, be tackled quickly.