

DELEGATED

AGENDA NO

PLANNING COMMITTEE

DATE 1st July 2009

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

09/0736/EIS

**Land on South Side, Seamer Road, Hilton
Revised application for erection of 3 no. wind turbines together with
associated crane pads, access tracks, site compound, control building,
meteorological mast and access to public highway.**

Expiry Date 27th July 2009

UPDATE REPORT

Additional Comments received and summarised as follows:

Cllr David Harrington

This application has not changed despite National Grid withdrawing their objection. A significant number of concerns which I have received relate to the separation distances between the turbines to the nearby overhead power lines, the adopted highway and nearby homes. I share the deep concern of the community that National Grid/Broadview have agreed, if planning approval is given, to use this development as a test case to monitor turbulence. I understand that currently wind turbines exist in the UK that are as close, if not closer to National Grid equipment that could be used provide the necessary data regarding the impact of turbulence. Given all what science/technology can do, surely computer modelling and other methods can be explored to predict the impact of turbulence at this site? The circumstances surrounding National Grid withdrawing their objection is unclear and for an organisation that originally submitted a representation expressing "serious concern" to withdraw this in favour of supporting a live test case is exceptionally alarming.

Bearing in mind that I was part of the Planning Committee that refused the original application, I cannot understand how the local highway network and the village of Hilton could be acceptably mitigated should this application be approved. I fully support the objection comments submitted by residents and the excellent representations made by SHWAG and the local Parish and Town Councils of Hilton and Ingleby Barwick. I believe this application should be refused as it is contrary to Policy GP1 of the adopted local plan for Stockton-on-Tees.

Cllr Ken Dixon

Objects.

Would like to know who will be culpable if anything goes wrong with the scheme in respect to turbulence on the overhead lines in terms of health and well being and damage caused and disruption to the local road networks.

Notes that there is great concern over the National Grid's withdrawn comments.

Cannot support anything that will have a possible affect on the health and well being of the residents of Maltby, Hilton and Ingleby, will have a detrimental effect on the local traffic network, wildlife and be a blot on the landscape and questions whether, were this not a test case (in respect to the comments of the national grid) would it have still gone for approval.

Durham Tees Valley Airport

Confirm there has been no material change to the number or locations of the proposed turbines and confirm that the no objection letter dated 26th August 2008 still stands.

Government Office North East (GONE)

We are happy to advise on specific questions of national policy or process but it would be inappropriate to comment on this application in view of our role, as we must not prejudice the Secretary of States Role. The Council will need to consider whether they wish to consult the SofS formally of the application in accordance with one or more of her Statutory Directions, if it is minded to grant planning permission, so that she may consider whether she should intervene.

Urban Design Highways

The supplementary information regarding positioning of wind turbines has been considered and comments are as follows:

The developer states that the guidance contained within the Companion Guide to PPS22 is clear on the positioning of turbines issue and that by following this guidance they would not unduly compromise highway safety.

The Highways Agency has prepared a Spatial Planning Advice Note that relates to strategic road network and is not relevant for the secondary road network. The strategic road network has a considerably different role in the nation's transport infrastructure than a lightly trafficked rural road such as the Hilton to Seamer Road. The strategic road network carries significant numbers of traffic, usually travelling at high speed, with a larger proportion of HGVs and other large vehicles and accommodating a significant amount of high speed manoeuvres. They also tend to accommodate higher proportions of drivers who are not familiar with the road or their surroundings. The implications for congestion, road closures and reduced capacity on the strategic road network has major implications in terms of financial costs and the Highways Agency has a responsibility to reduce such occurrences as much as possible. The potential implications of a wind turbine adversely affecting the highway network, no matter how slight this potential is (as explained in the Companion Guide to PPS22 and other documentation), are therefore considerably different when comparing the strategic and local road networks. Turbines are built to European Design Standards, in the unlikely event a turbine failed adjacent to this location, it does not follow that, it will adversely affect highway safety. Adjacent to a major trunk road, highway safety is more likely to be adversely affected due to the possibility of multiple vehicle accidents, hence the requirement of a larger safety margin. It is the responsibility of the developer to ensure that appropriate risk assessments are carried out to ensure the safe operation of the turbines. The Hilton to Seamer Road is lightly trafficked and the majority of vehicles using it do not travel at inappropriate speeds (as has been demonstrated by recent traffic surveys).

Drivers using this road would tend to be familiar with the highway and the immediate surroundings and would have good visibility in order to see the turbines travelling in both directions.

The proposed turbines are located a minimum of maximum tip height (125m) plus 10% (138m) away from the Hilton to Seamer Road. This is fully in line with the advice in paragraph 53 of Technical Annex: Wind in the Companion Guide to PPS22 which states that "Although a wind turbine erected in accordance with best engineering practice should be a stable structure, it may be advisable to achieve a set-back from roads and railways of at least fall over distance, so as to achieve maximum safety." This is therefore acceptable.

The information submitted supports the application and confirms that appropriate consideration to the siting of the wind turbines has been given.

SHWAG

The local action group SHWAG have raised concerns in respect to conditions being recommended in respect to the following:

- Noise
- Micro siting
- Construction Traffic Mitigation
- Abnormal Loads – Dry Run
- Construction hours of operation
- De-commissioning – 25 years
- Turbine removal after 12 months of in-operation
- Television Interference
- Noise Condition
- National Grid Monitoring
- Turbine in-operation Data

SHWAG believe the wording to be ineffective and consider further clarification is required in respect to what the conditions are attempting to achieve.

Additional comments raised in respect to the impact of the development on the landscape and the views from the national park, specifically referencing the comments provided by Natural England.

Additional comments in respect to protected species, questioning whether Natural England are objecting in respect to Great Crested Newts, why they don't mention the impacts of wind turbine turbulence on bats and whether the LPA will require post installation bat surveys.

Additional information from Applicant

Additional information has been submitted by the applicant in respect to the impact of the wind turbines on the surrounding highway. Comments are summarised as follows;

The guidance on wind turbines provided by the Highways Agency in their Spatial Planning Advice Note relates specifically to the strategic road network throughout England, not the local road network (where they're not the relevant authority). It is important to note that this guidance was first issued in draft in April 2007 and finalised in June 2007 and we presume it was known about by NYCC Highways when they considered the first application. Broadview were aware of the guidance when designing the wind farm layout and given its particular relevance to the

strategic road network correctly used the prevailing guidance in the Companion Guide to PPS22 (quoted below).

I am not aware of the guidance provided by the Highways Agency being applied to a local road. Clearly, the strategic road network has a considerably different role in the nation's transport infrastructure than a lightly trafficked local road (such as the Hilton to Seamer Road). The strategic road network carries significant numbers of traffic, usually travelling at high speed, with a larger proportion of HGVs and other large vehicles and accommodating a significant amount of high speed manoeuvres. They also tend to accommodate higher proportions of drivers who are not familiar with the road or their surroundings. The implications for congestion, road closures and reduced capacity on the strategic road network has major implications in terms of financial costs and the Highways Agency has a responsibility to reduce such occurrences as much as possible. The potential implications of a wind turbine adversely affecting the highway network, no matter how slight this potential is (as explained in the Companion Guide to PPS22 and other documentation), are therefore considerably different when comparing the strategic and local road networks.

The proposed turbines are located a minimum of maximum tip height (125m) plus 10% (138m) away from the Hilton to Seamer Road. This is fully in line with the advice in paragraph 53 of Technical Annex: Wind in the Companion Guide to PPS22 which states that "Although a wind turbine erected in accordance with best engineering practice should be a stable structure, it may be advisable to achieve a set-back from roads and railways of at least fall over distance, so as to achieve maximum safety."

I do not see any special circumstances which would lead to this advice being set aside in favour of the very specific guidance provided by the Highways Agency for the strategic road network. The Hilton to Seamer Road is lightly trafficked and vehicles using it do not travel at high speeds (as has been demonstrated by recent traffic surveys). Drivers using this road would tend to be familiar with the highway and the immediate surroundings and would have prior warning of the presence of the turbines travelling in both directions.

We've looked over a number of appeal decisions which deal with wind turbines and highway safety issues. None of the decisions we have come across deal specifically with the issue of distance from the highway network, but tend to deal with the issue of driver distraction and general highway safety. It is clear from reading these decisions, which also summarise evidence given at public inquiries, that evidence suggests that erecting turbines adjacent to the highway network does not increase the rate of accidents. This, for example is clearly stated in appeal decisions at Knabs Ridge, Kettleasing, Harrogate (APP/E2734/A/04/1161332) and at land south-west of the A14 between Boxworth and Conington (APP/W0530/A/05/1190473).

At Knabs Ridge, the Inspector rejected concerns on highway safety on the grounds that there was no evidence that wind farms near main roads lead to increased accident rates and that there had been no objection from the highways authority. The road in question here was the A59, a busy main road with an accident level above the national average for this type of road.

At Boxworth, the Inspector had a sustained objection from the Highways Agency about the potential for additional driver distraction to reduce highway safety on the A14, part of the strategic road network and one of four roads in the east of England considered to be of national and international importance. At the time of the appeal

the A14's average weekday flow near the appeal site was over 61,000 vehicles, 27% being HGVs (the average for trunk roads being 8-19%) with the road operating appreciably over its theoretical capacity. The road had a high total of accidents and warning signs were erected on the road to inform divers of the specific accident risk. There was a particular concern over the inadequacy of certain junctions onto the A14 in the vicinity of the appeal site. In this case the Inspector found that in the "very particular circumstances" of this case the potential for additional driver distraction could "exceptionally" have a harmful impact on road safety. The nature of this case shows a set of circumstances (strategic road network, strong Highways Agency objection, road with large traffic flows, high number of accidents, flows well beyond capacity and inadequate junctions) where wind turbines have been found to have a harmful impact on highway safety. I am not aware of a similar case anywhere else.

A recent appeal decision from January 2009 at the Queen Elizabeth Hospital, King's Lynn, Norfolk (APP/V2635/A/08/2088527) dealt with a proposal to site a wind turbine with a maximum blade tip height of 80m. The appeal was dismissed on the grounds of potentially harming biodiversity relating to birds. The turbine was however found to be acceptable with regards to highway safety - it is located 84m from an 'A' Class road (A149). The Inspector concluded that while the turbine would attract interest, motorists are routinely distracted by a wide variety of objects and events and that he was unaware of any evidence that demonstrates that a wind turbine is likely to become a potential hazard in terms of driver distraction. This turbine is located substantially closer to the highway than the proposed turbines at Seamer, next to a busier and higher class of road. In terms of overall height and distance to the road the turbine had a similar stand-off of tip height + 10%.

I hope the above information helps to put into the perspective the assessment of wind turbines on highway safety and highlights that the issues regarding the application proposal have been addressed in a robust and appropriate way. As you're aware, neither of the two local highways authorities nor the Highways Agency, as strategic highways authority, have objected to the proposed wind farm.

An additional 17 letters of objection and 19 letters of support have been received in respect to this proposed development although some of these are repetition of standard layouts already submitted. The majority of comments of support and objection have been detailed within the main report. Additional comments are as follows;

- Despite more than 20,000 turbines in Germany and 6000 in Denmark, neither of these countries has closed down a single conventional power station or reduced CO2 Emissions.

Petition – High Moor Farm Stables, Seamer Road, Maltby

A petition (15 Signatures) has been received objecting to the proposed wind farm. The grounds for objection are that the well being of horses stabled at High Moor Farm will be adversely affected by both visual intrusion and noise from the proposed development (the farm is down wind of the turbines) and concern is raised over safety when riding on the local roads believing that drivers will be distracted by the proposed turbines or shadow flicker generated by them.

MATERIAL CONSIDERATIONS

Turbine height and Set back distances

The action group SHWAG have questioned the calculation of the turbines fall over distance of turbine height to blade tip + 10%. Officers consider the turbine height to blade tip to be the turbines hub height + the rotor radius and the maximum height for the proposed turbines is 125m to blade tip.

Boy Hill Pylon Inquiry

Objectors raised issue of a previous Public Enquiry held in 1995 in respect to the provision of Pylons being installed within close proximity to the application site which cited the importance of the local landscape indicating that the overhead line diversion would be less severe in terms of landscape and visual impact if it were to avoid the higher ground around Boy Hill.

The siting of electricity pylons is a different consideration to that of a Wind Farm as they serve a different purpose and have different requirements.

Guidelines on line routing were formulated in 1959 by Sir William Holford, later these became known as HOLFORD RULES, NGC continue to employ them as a basis of the company's approach to transmission line routing. When routing transmission lines great care to avoid high ground is taken by applying the Holford rules e.g.

- *Prefer moderately open valleys with woods where the apparent height of towers will be reduced, and views of the line will be broken by trees.*
- *Choose tree and hill backgrounds in preference to sky backgrounds wherever possible; and when the line has to cross a ridge, secure this opaque background as long as possible and cross obliquely when a dip in the ridge provides an opportunity. Where it does not, cross directly, preferably between belts of trees.*

Whilst the location of both transmission lines and wind farms should aim to minimise their visual impacts, wind farms have a requirement to be in areas where there is a good wind resource which generally is on higher and more open ground.

Wind Farms require consideration under different Policies and criteria to that of a pylon route in 1995. The findings of the Boy Hill Pylon Enquiry is therefore not considered to be binding on Stockton Borough Council in determining this application. Officers have considered the impacts on the landscape as required by the relevant guidance and policies and remain to be of the opinion that adequate consideration has been given to all material planning considerations in this regard.

Risk Assessments

The local Action Group believe that adequate risk assessments have not been carried out and that these are required in order to fully consider this proposal, citing the HSE and their comments / responses.

The HSE have advised the Local Planning Authority that they can only get involved once the site becomes a work place and that they would require risk assessments in respect to the work place. It is therefore not considered necessary to deal with the work place risks as part of this consideration as separate appropriate legislation is in place to deal with this. The HSE further advised that risk to health and safety still requires consideration in the planning process and the HSE guides the Local Planning Authority to guidance of PPS 22. On matters of safety PPS 22 advises that

distances between occupied buildings and turbines required due to noise / visual impacts will normally exceed that required for safety requirements advising a distance of turbine height to blade tip + 10% is often used as a safe separation distance. With respect to roads and railways, PPS 22 states it may be advisable to achieve a set back distance of at least fall over distance so as to achieve maximum safety.

Taking into account the turbines being in excess of 400m away from occupied buildings and in excess of turbine height from roads, then it is considered to accord with the relevant safety guidance within PPS 22. The sites surroundings in respect to the road network is not considered to be of a nature (relatively low trafficked and relatively open road with limited junctions) which would require a greater distance to be imposed.

Noise

Objectors have questioned noise data and assessment including the amount of data being collected (one week of usable data) and the positions that the applicant used for the collection of the raw data as they believe it has failed to take into account the nearest dwelling (Seamer Grange Farm approx. 625m away). Objectors have cited an appeal decision in respect to the adequacy of noise assessments.

The Councils Environmental Health Officers have indicated that there are commonly problems related to collection of noise data, especially when taken in the open air. Affected data should be noted and discarded which appears to have happened in this case. The Councils Environmental Health Officer has also commented in respect to the selection of locations for measuring noise, advising that proximity is not the only indicator of a suitable monitoring point as this does not necessarily reflect the potential exposure from a group of turbines whilst monitoring sites such as working farms will often have higher background noise levels than nearby quiet residential receptors. The Councils Environmental Health Officer is of the opinion that the background noise measurements were undertaken in accordance with ETSU-R-97 which is an assessment protocol specified by the government (and with the IOA bulletin recommendations which is an enhancement of the ETSU-R-97 requirements), that suitable sites were chosen.

In order to advise members in respect to noise levels and the recommended condition to limit the overall noise generated (based on noise assessments undertaken at the nearest receptors / properties) a table taken from PPS22 of guide line noise levels is illustrated below. For information, the noise level limits from the condition as recommended by the Council's Environmental Health Officer range from 39.3 at a wind speed of 3m/s to 58.5 at a wind speed of 12 m/s based on the changes in the existing background noise levels at these locations. (PPS 22 has not specified a wind speed in reference to the noise levels associated with the table below).

Table 1 Noise generated by wind turbines compared with other everyday activities

Source/Activity	Indicative Noise Level dB(A)
Threshold of Pain	140
Jet aircraft at 250 m	105
Pneumatic drill at 7 m	95
Truck at 30 mph at 100 m	65
Busy general office	60
Car at 40 mph at 100 m	55
Wind farm at 350 m	35–45
Quiet bedroom	20
Rural night-time background	20–40
Threshold of hearing	0

Additional objection received which discusses wind turbine use in other countries has not reduced the number of conventional power stations or reduced CO2 emissions are noted however, this is very limited information and as such could be interpreted out of context. Furthermore, this application requires consideration against the planning policies relevant to this country.

Impact on Highway

Based on additional comments from the Head of Technical Services, the positioning of the turbines in respect to the road is considered to be acceptable, being in accordance with the guidance of PPS22. Comments made by objectors in respect to the comments of NYCC suggesting the turbines should be turbine height +50m away from the highway network are noted, however, these reference the Highways Agency's Policy for Trunk Roads where the nature of the highway, amount of traffic and its speed raise different issues to be considered. The Highways Agencies policy is not considered to be relevant to the road which runs through the application site.

Impact on stabled horses

The petition in respect to horses stabled at Moor Farm are noted. It is considered that adequate spacing has been achieved between the turbines and nearby properties whilst the impact of the turbines in respect to the potential for driver distraction has also been considered against the guidance of PPS22.

Impact on Protected Species

The additional comments from SHWAG are noted in respect to Great Crested Newts and Bats. It is considered that the response from Natural England has been adequately considered within the main report and adequate mitigation in respect to protected species can be achieved.

Impact on the Landscape

The additional comments from SHWAG are noted, however, officers remain to be of the opinions as detailed within the main report in respect to the impact of the proposed development on the landscape.

Conditions

The comments received in respect to conditions is noted and further detailing of conditions has taken place. The revised list of conditions is attached to this report and supersedes all those listed within the main report.

The rating level of noise emissions from the combined effects of the wind turbine generators when measured and calculated in accordance with “*The Assessment and Rating of Noise from Wind Farms, ETSU-R-97*” published by ETSU for the (former) Department of Trade and Industry shall not exceed the values set out below. Where there is more than one property at a location, the noise limits apply to all properties lawfully in existence at the time of granting this permission, at that location

During night-time hours of 2300-0700 [Noise level $L_{A90,10mins}$ dB] :-

Location	Measured Wind speed m/s (at 10m height)									
	3	4	5	6	7	8	9	10	11	12
Coldpool	43.0	43.0	43.0	43.0	43.0	44.8	46.9	49.0	51.1	53.3
Low Fields	45.0	45.0	45.0	45.0	45.0	45.0	45.0	47.2	49.7	52.3
Boy Hill	43.0	43.0	43.0	43.0	44.1	46.2	48.5	51.0	53.6	56.4
Middleton Lodge	43.0	43.0	43.0	43.0	43.0	44.7	46.6	48.6	50.7	52.9
Greenfield	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.1	44.7	46.4
Well Lane	43.0	43.0	43.0	43.0	43.0	43.0	44.8	47.2	49.7	52.3

At all other times:-

Location	Measured Wind speed m/s (at 10m height)									
	3	4	5	6	7	8	9	10	11	12
Coldpool	39.3	39.8	40.7	42.0	43.6	45.4	47.4	49.4	51.4	53.3
Lowfields	45.0	45.0	45.0	45.0	45.0	45.0	45.6	47.8	50.1	52.5
Boy Hill	40.8	40.9	41.7	43.3	45.4	47.8	50.5	53.3	56.0	58.5
Middleton Lodge	40.4	40.2	40.7	41.7	43.3	45.2	47.3	49.6	52.0	54.3
Greenfield	40.1	40.0	40.4	41.0	41.9	43.0	44.2	45.5	46.8	48.2
Well Lane	36.0	37.0	38.2	39.7	41.5	43.5	45.6	47.8	50.1	52.5

In the event of a substantiated complaint being received in writing by the local planning authority alleging noise nuisance at a residential property or properties due to the wind turbines, the wind farm operator shall, at its expense, employ an independent consultant approved by the local planning authority to measure and assess the level of noise imission from the wind farm at the location of the complainants property following the procedures described in the above guidance (if no suitable measurement location at the complainants property can be found a suitable proxy location will be sought and agreed with the Local Planning Authority).. Where the complaint related to a location that is not specified in the tables listed above, the relevant noise limits shall be those for the nearest property listed in the tables above. The results of the independent consultant’s assessment shall be provided to the local planning authority within two months of the date of notification

of complaint unless otherwise extended in writing with the local planning authority. The operator of the development shall be under no obligation to follow the procedure set out in this condition where the complaint relates to a dwelling house more than three kilometres from the nearest wind turbine generator.

Not later than the commencement of the operation of the wind farm, the wind farm operator shall commence to log wind speed and wind direction data by the method to be approved by the local planning authority and thereafter monitor such data continuously throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months. This wind data shall include the arithmetic mean wind speed in metres per second (ms^{-1}) and the arithmetic mean wind direction in degrees from north for each 10 minute period synchronised with Greenwich Mean Time. At the request of the local planning authority the recorded data relating to a standardised height of 10 m above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint shall be made available to it. Wind speeds at the height of 10 m shall be obtained by direct measurement. At the request of the local planning authority the wind farm operator shall provided within 28 days a list of ten-minute periods during which any one or more of the turbines was not in normal operation. This information will only be required for periods during which noise monitoring was undertaken in accordance with conditions attached to this permission. 'Normal operation' is defined in the guidance notes referred to above.

Human Rights

It is intrinsic within the consideration of a planning application that a balance must be struck between the rights of those making the application and those who may be affected by it. The local planning authority has considered the potential impact on neighbours and others who may be affected by the application and in determining the application in accordance with planning legislation and policy have considered the human rights of all concerned and acted proportionately.

Comprehensive and revised list of conditions

COMMENCEMENT – within 5 years from date of approval

The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (As amended).

APPROVAL – 25 Years

The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the wind turbines to the electricity grid network (the First Export Date). Written confirmation of the First Export Date shall be provided to the Local Planning Authority within 1 month of the First Export Date.

Reason: In order to adequately control the impact of the turbines and their associated development on the landscape.

CONDITIONS: PRE COMMENCEMENT

SURFACE WATER DRAINAGE – Environment Agency & Highways

No development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage system, including a means of attenuation to no more than existing discharge rates, has been approved by the Local Planning Authority. The scheme shall include details of how surface water run off shall be prevented from entering the highway and long term management responsibilities. The scheme shall be implemented before the construction of impermeable surfaces which are to drain into the approved drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

PHASED ARCHAEOLOGICAL WORK – Tees Archaeology

No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ.

Reason: The site is of archaeological interest.

TURBINE POSITIONING (Micro siting)

Notwithstanding details hereby approved, the wind turbines and their associated access tracks shall be sited within 50m of the positions indicated on plan ref: 5396B-07-N-075 Issue 2, Figure 2.7 of Part 3 of the Environmental Statement Addendum in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority. Turbines T2 and T4 shall not be micro-sited any closer to either the adjacent overhead power line or the adjacent highway (Hilton

/ Seamer Road) as detailed on plan ref: 5396B-07-N-075 Issue 2, Figure 2.7 unless approved in writing by the Local Planning Authority.

Reason: To provide marginal scope for micro siting whilst ensuring the development does not differ materially from the submitted proposal in order to provide adequate spacing from nearby features in the interests of safety.

TURBINE SIZE, DESIGN AND COLOUR

No development shall commence until full details of the design, siting dimensions lighting, finish and colour of the turbines and Metrological mast hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The turbines shall not exceed 80m in height to the hub, with each blade not exceeding 45m in length and the overall height to tip of blade not exceeding 125m. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of aviation safety and landscape impacts.

AVIATION LIGHTING – MoD

Prior to the erection of any wind turbines hereby approved a scheme of Aviation lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the position, type and luminance of lighting and timing and a method statement for reporting any known failure of the lighting to the both the MoD and Durham Tees Valley Airport. The development shall be carried out with the approved scheme and shall be operated and maintained for the life of the wind farm unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of aviation safety.

MoD and DTVA NOTIFICATION

Both the Ministry of Defence and Durham Tees Valley Airport shall be notified in writing, a minimum of 4 weeks in advance of the following at the addresses below; The date construction on site commences, including timing for the erection of each turbine,

- The date construction on site ceases,
- The maximum height of construction equipment,
- The latitude and longitude of each turbine.

Each submission of details shall be accompanied by the site address, grid co ordinates and Local planning Authority's Planning Application reference number.

Reason: In order to inform individuals responsible for aviation safety within the area.

Address: MoD
DE Operations North Safeguarding Wind Energy
Kingston Road
Sutton Coldfield
B75 7RL

Address DTVA
Mr Phil Holmes
Senior Air Traffic Engineer
Durham Tees Valley Airport

Darlington
Co. Durham
DL2 1LU

CONSTRUCTION TRAFFIC MITIGATION – videographic survey

The developer shall submit to the local planning authority a videographic survey of the routes to be used for the construction of the turbines within the administrative boundary of Stockton on Tees. The videographic survey shall be submitted one month prior to the commencement of development and a joint visual inspection shall be arranged with the local highway authority prior to commencement. The applicant shall secure means by which any damage or required works to the highway shall be repaired/made good – at the applicant’s expense in accordance with the written approval of the highway authority in respect to timing for repair works to be undertaken.

Reason: In order to ensure the transport phase of the construction works does not unduly affect the highway network.

CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include but not be restricted to detailing the following;

- *Site information*
- *Programming*
- *Traffic disruption*
- *Visibility*
- *Temporary widening*
- *Running surfaces*
- *Narrow lanes*
- *Temporary Safety barriers and Safety zones*
- *Routes for emergency vehicles*
- *Routes for diverted vehicles*
- *Non motorised users*
- *Abnormal Load Movements*
- *Operational hours*
- *Vehicle recovery*
- *Incident management*
- *Temporary TRO’s*
- *Signing*
- *Consultation*
- *Detailed layout of Traffic Management scheme*
- *Speed control/Co-ordination with other road works*
- *Off highway parking for vehicles waiting to access the site.*
- *Temporary lighting*

Throughout the construction phase, the Construction Management Plan shall be implemented in accordance with the approved details, and any changes to the plan shall only be permitted by prior written consent from the Local Planning Authority.

Reason: In the interests of highway safety and free flow of traffic on the Strategic Road Network in accordance with the requirements of Policy GP1 of the Stockton on Tees Local Plan.

ABNORMAL LOADS – DRY RUN

Notwithstanding details hereby approved, prior to commencement of the development, a 'dry run' for transporting the abnormal loads to the site shall be carried out. The Local Planning Authority shall be informed in writing of timing of the dry run 6 weeks prior to its operation. A written statement of the findings of the dry run shall be submitted in writing to the Local Planning Authority prior to any commencement of development on site. Any additional works identified as being required by the Local Planning Authority as a result of the dry run shall be carried out in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority prior to commencement on site.

Reason: In order to address any unforeseen impacts of transporting the Abnormal Loads to site.

WHEEL WASH FACILITY

Notwithstanding details hereby approved and prior to commencement on site, wheel washing facilities shall be installed at the site in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall remain in place and operational throughout the construction phase of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure site debris does not affect highway safety in accordance with saved Policy GP1 of the Stockton on Tees Local Plan.

NATIONAL GRID – MONITORING

No development hereby approved shall commence until a scheme for monitoring the effect of wind turbulence from the wind turbines on the National Grid Overhead Line adjacent to the application site has been submitted to and approved by the Local Planning Authority. The Approved scheme shall be implemented in complete accordance with the approved details and maintained during the life of the Turbine operation on the site unless prior written approval from the Local Planning Authority has first been obtained.

Reason: In order to allow an assessment to be undertaken which details the impacts of the wind turbines on adjacent infrastructure.

ICE FORMATION PREVENTION

Before the development, hereby approved, is commenced on site details of a scheme for the detection and mitigation of blade icing, shall be submitted to, and approved in writing by, the Local Planning Authority. The measures set out in the approved scheme shall be followed at all times.

Reason: In order to ensure adequate safety in specific conditions

DETAILED METHOD STATEMENT – site operations

No construction, decommissioning or removal work as part of the development hereby permitted shall commence until a detailed Method Statement for working practices has been submitted to and approved in writing by the local planning

authority. The statement shall include details about foundations, hard standing, site access tracks, drainage, construction compound, soil handling and storage. It shall also indicate how it has had regard to wildlife surveys undertaken and shall specify any mitigation measures proposed, including the timing of any work. All such work shall be carried out in accordance with the approved details.

Reason: In order to adequately control the construction phase of development and its impacts on the surrounding area.

TEMPORARY SITE COMPOUND

Prior to the commencement of development, a plan to a scale of 1:500 shall be submitted to the local planning authority showing the location of the temporary site compound or compounds required in connection with the construction of the development. Each plan shall indicate the location of the buildings, car parking, and boundary fencing. Thereafter any temporary site compound at the site shall be constructed in accordance with the approved plans. All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 9 months after the date when electricity is first exported from the wind turbines to the electricity grid network (the First Export Date).

Reason: In order to adequately control the appearance of the development.

CONDITIONS: DURING CONSTRUCTION

CONTROL BUILDING

The control building and its associated compound shall be constructed in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the siting, dimensions, appearance and external finishes of the building, the fencing and the surface material of the compound area. The development shall be carried out in accordance with the approved details.

Reason: In order to adequately control the appearance of the development.

CONSTRUCTION HOURS OF OPERATION

Notwithstanding details hereby approved, all construction operations on site including decommissioning or removal work and delivery of materials on site, but excluding activities associated with abnormal loads, shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to limit the impact of construction traffic and site operations on the amenity of the surrounding area in accordance with saved Policy GP1 of the Stockton on Tees Local Plan.

DUST SUPPRESSION FROM VEHICLES

All vehicles leaving the site which are transporting loads from which dust and debris may be produced shall be fully sheeted prior to leaving the site.

Reason: In order to prevent the emission of blown dust and debris from impacting on highway safety in accordance with the requirements of saved Policy GP1 of the Stockton on Tees Local Plan.

STORAGE OF POTENTIALLY POLLUTING GOODS

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

PROTECTED SPECIES

No development shall take place unless in accordance with the mitigation detailed within the following documents unless otherwise agreed in writing with the Local Planning Authority;

- *Seamer Wind Farm Environmental Statement dated 8 August 2008 and relevant Appendices, (author Broadview);*
- *Environmental Statement Addendum March 2009 and relevant Appendices, (author Broadview); and*
- *Additional Ecology Information enclosed within TNEI's letter dated 19 May 2009.*

Works shall include but not be restricted to adherence to timing and spatial restrictions; provision of mitigation and habitat enhancements in advance, micro siting of turbines, undertaking confirming surveys, adherence to precautionary working methods and adherence to lighting restrictions.

Reason: To conserve protected species and their habitat in accordance with Policies GP1 and EN4 of the Stockton on Tees Local Plan and the guidance contained within ODPM Circular 06/2005.

SITE CABLING AND CONNECTION

All electrical cabling between the individual turbines and the on-site connection building shall be located underground in accordance with details to be submitted to and agreed in writing by the local Planning Authority. Thereafter the excavated ground shall be reinstated to its former condition within 6 months of the commissioning of the wind turbines to the satisfaction of the Local Planning Authority

Reason: In order to limit the impact of the development on the character and appearance of the surrounding landscape in accordance with Saved Policy GP1 of the Stockton on Tees local Plan.

CONDITIONS: POST CONSTRUCTION

DECOMMISSIONING

Unless a further permission is granted, not later than 12 months before the end of the period of this permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management and timing of any works and a Traffic Management Plan to address traffic issues during the decommissioning period. The decommissioning and site restoration shall be completed, in accordance with the approved scheme, within 24 months of the end of the period of the permission.

Reason: In order to adequately control the impact of the turbines and their associated development on the landscape.

TURBINE REMOVAL AFTER 12 MONTHS INOPERATION

If any of the turbines hereby permitted ceases to operate for a continuous period of 12 months (unless such cessation is due to the turbine being under repair or replacement) then a scheme for the decommissioning and removal of the turbine and any ancillary equipment and structures relating solely to that turbine, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall be implemented within 12 months of the date of its approval by the Local Planning Authority.

Reason: To ensure turbines are removed at the end of their operational life.

TELEVISION INTERFERENCE

Prior to the commencement of development, a baseline television reception study in the area shall be undertaken by a qualified television engineer and submitted in writing to the Local Planning Authority with a scheme of works to mitigate the effects of the development on domestic television signals in the area. Any claim by a person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind farm, shall be investigated by an independent qualified engineer approved by the Local Planning Authority, at the expense of the wind farm operator and the results shall be submitted in writing to the Local Planning Authority within 1 month of the claim. Should any impairment to the television reception be determined as attributable to the wind farm operation on the basis of the baseline study, such impairment shall be mitigated within 2 months in accordance with the approved scheme of mitigation.

Reason: In the interests of protecting local amenity in accordance with saved Policy GP1 of the Stockton on Tees Local Plan.

NOISE CONDITION

The rating level of noise emissions from the combined effects of the wind turbine generators when measured and calculated in accordance with “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97” published by ETSU for the Department of Trade and Industry shall not exceed the values set out below. Where there is more than one property at a location the noise limits apply to all properties at that location

During night-time hours of 2300-0700 [maximum Noise level La90,10minsdB]:-

Location	Standardised Wind speed m/s (at 10m height)									
	3	4	5	6	7	8	9	10	11	12
Cold pool	43.0	43.0	43.0	43.0	43.0	44.8	46.9	49.0	51.1	53.3

Low fields	45.0	45.0	45.0	45.0	45.0	45.0	45.0	47.2	49.7	52.3
Boy Hill	43.0	43.0	43.0	43.0	44.1	46.2	48.5	51.0	53.6	56.4
Middleton Lodge	43.0	43.0	43.0	43.0	43.0	44.7	46.6	48.6	50.7	52.9
Greenfield	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.1	44.7	46.4
Wall Lane	43.0	43.0	43.0	43.0	43.0	43.0	44.8	47.2	49.7	52.3

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At all other times:-

Location	Standardised Wind speed m/s (at 10m height)									
	3	4	5	6	7	8	9	10	11	12
Coldpool	39.3	39.8	40.7	42.0	43.6	45.4	47.4	49.4	51.4	52.3
Lowfields	45.0	45.0	45.0	45.0	45.0	45.0	45.6	47.8	50.1	52.5
Boy Hill	40.8	40.9	41.7	43.3	45.4	47.8	50.5	53.3	56.0	58.5
Middleton Lodge	40.4	40.2	40.7	41.7	43.3	45.2	47.3	49.6	52.0	54.3
Greenfield	40.1	40.0	40.4	41.0	41.9	43.0	44.2	45.5	46.8	48.2
Wall Lane	36.0	37.0	38.2	39.7	41.5	43.5	45.6	47.8	50.1	52.5

In the event of a complaint being received in writing by the Local Planning Authority alleging noise nuisance at a residential property or properties due to the wind turbines, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to measure and assess the level of noise emission from the wind farm at the location of the complaints property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to the local planning authority) following the procedures described in the above guidance. Where the complaint related to a location that is not specified in the tables listed above, the relevant noise limits shall be those for the nearest property listed in the tables above. The results of the independent consultant's assessment shall be provided to the Local Planning Authority within two months of the date of notification of complaint unless otherwise extended in writing with the Local Planning Authority. The operator of the development shall be under no obligation to follow the procedure set out in this condition where the complaint relates to a dwelling house more than three kilometres from the nearest wind turbine generator.

Should noise levels referred to in this condition be exceeded, the wind turbine operator shall take steps forthwith, to ensure that noise emissions from the wind farm are reduced to the prescribed noise levels or below.

Reason: In order to safeguard the amenity of nearby properties.

WIND SPEED DATA

The wind farm operator shall commence to log wind speed and wind direction data from the date the wind farm becomes operational, by a method to be first agreed in writing with the Local Planning Authority and thereafter monitor such data continuously throughout the period of operation of the wind farm (unless otherwise agreed in writing with the Local Planning Authority). This data shall be retained for a period of not less than 12 months and shall include the arithmetic mean wind speed in metres per second (ms⁻¹) and the arithmetic mean wind direction in degrees from north for each 10 minute period synchronised with Greenwich Mean Time.

At the written request of the Local Planning Authority the recorded data relating to a standardised height of 10 m above ground level and relating to any periods during

which noise monitoring took place or any periods when there was a specific noise complaint shall be made available. Wind speeds at the standardised height of 10 m shall be derived either by direct measurement of 10 m height wind speeds or derived by calculation from measurements of wind speed at other heights or derived by calculation from the power output of the turbines by a method to be agreed by the Local Planning Authority prior to commencement of the development.

Reason: In order to safeguard the amenity of nearby properties.

TURBINE INOPERATION DATA

At the written request of the Local Planning Authority the wind farm operator shall provide, within 28 days from the date of request, a list of ten-minute periods during which any one or more of the turbines was not in normal operation. This information will only be required for periods during which noise monitoring was undertaken in accordance with conditions attached to this permission. 'Normal operation' is defined in the guidance notes referred to above.

Reason: In order to safeguard the amenity of nearby properties.

NO ADVERTISEMENTS AND BLADE ROTATION

No advertisements other than safety or information notices shall be displayed anywhere on the turbine structures and the turbine blades shall all rotate in the same direction.

Reason: In order to adequately control the appearance of the development.