

DELEGATED

AGENDA NO 5

PLANNING COMMITTEE

DATE 2 MARCH 2011

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES

10/2549/EIS

Land West Of Stillington, Stockton on Tees

Erection of 4 No. wind turbines (max height 125m) and associated infrastructure to include anemometer masts, access roads, crane pads, control building, substation and temporary construction compound.

Expiry Date 6th January 2011

UPDATE REPORT

Since the production of the Committee Report it is noted that there are a number of minor details within the report which need amending or clarifying. These are as follows;

- Note 2a of the informative relating to noise conditions (page 15 of main report) should refer to condition 43 and not condition 4.
- The table showing renewable energy position for the Tees Valley at para. 133 needs to reflect updated advice given from adjoining authorities. An application has submitted but not yet validated for the Newbiggin Site at Darlington for 3 x 2MW turbines, the Royal Oak and Corus On shore approvals were subject to S106 Agreements which have not been signed to date.
- The table in para 297 should read as follows;

a. Table 9.3 Significance of Impact

Magnitude	High	Minor	Minor	Moderate	Major	Major
	Medium	Minor	Minor	Minor	Moderate	Major
	Low	Not significant	Not significant	Minor	Minor	Moderate
	Negligible	Not significant	Not significant	Not significant	Not significant	Minor
		Negligible	Local/ Low	Regional/ Medium	National/ High	International/ Very High
		Importance/Sensitivity				

- The final table in para 263 should read as follows;

Table 14.1 of the Environmental Statement.

Maximum theoretical Shadow Flicker Occurrence at assessment locations.

Assessment Location	Frequency of Shadow Occurrence (days/year)	Max Hours Shadow per Day	Mean Hours of Shadow per Day	Total Theoretical Hours per Year
H1 – Foxtan Farm	0	0	0	0
H2 – South Farm	0	0	0	0
H3 – West Street, Stillington	38	0.48	0.38	14.3
H4 – The Whins	98	0.68	0.47	46.4
H5 – Oaklea	38	0.5	0.39	14.7
H6 – Moor House Farm	46	0.52	0.41	18.7

Correspondence

Five additional letters of correspondence have been received. These are summarised as follows;

Phil Wilson MP

Has been contacted from the spokesperson for people living at Bishopton Crossings and advises of their concerns over the cumulative effects of wind farms in the area, that it will impact on the unspoilt rural outlook, that it will devalue their homes making it impossible to retire to a more convenient location in later years. It is advised that the BBC filmed near to the site recently looking at unusual fungi in the area. Mr Wilson further advises that he has been made aware of one a child living there who has serious spatial awareness problems.

Additionally, residents here believe that they are suffering disadvantage as they live on the border of 3 authorities and are concerned that their voices have not been heard despite the closeness of the proposed sites to their homes.

They have asked for the total refusal of planning permission for the Lambs Hill development, however, the alternative scenario is that if plans proceed that the Lambs Hill scheme be relocated at least 1 km further east towards the industrial estate as there is already an access road through the estate.

CPRE Durham Branch

The CPRE is greatly concerned about the potential cumulative effect of wind farms in this area and the procedural difficulties facing any local planning authorities (and the IPC) when successive neighbouring applications are made or scoping exercises are carried out. It is my understanding that the current status of applications is as follows;

- A1 wind farm – withdrawn but likely to be replaced with a much larger one.
- Moorhouse – Refused but ability for appeal remains.
- Lambs Hill Stockton – currently being considered.
- Newbiggin – An application is anticipated imminently.

All of these are close to Foxtan and there proximity to one another is a material planning consideration whether an application has been made or not.

Reference is made to NPPG6 which recognises that the cumulative impact of neighbouring wind farms may in some cases be relevant.

Amplitude Modulation is not mentioned within the report and this has recently been considered in a law case (Hulme v S of S). Can it be clarified that amplitude modulation will categorically not be an issue here or that a similar condition should be considered depending on the court of appeal judgement due on the Hulme v Secretary of State Case.

Mr Cleary – 26 Whitton Grove Stillington

As an agricultural worker for a lot of years I have seen many changes that we accept as a way of life and before my time in hamlets and villages in the countryside you would find wind mills and water mills and every season straw stacks in fields which were acceptable and necessary.

But as time went on we received pylons throughout England which locals had no say over, even though necessary. At least a wind turbine compared to a pylon is more pleasing to the eye.

TAG Energy Solutions, Haverton Hill, Billingham

TAG have recently secured financing to create a £20 million facility at Haverton Hill which will enable TAG to deliver the foundation and transition pieces for both on and off shore wind turbines. This facility has the potential to create up to 400 jobs in the borough of Stockton and is now well advanced. The creation of this facility will mean that Teesside becomes the first area to host a major renewable energy component manufacturing plant in the UK and one of only a handful in Europe. This will represent a major boost for the renewable energy industry in Stockton and the Tees Valley. TAG will have the opportunity to tender for the contract to supply wind turbine foundations for this scheme which would be an important contract for TAG and an important showcase for the region.

Mr P Bence – The Old Vicarage, Bishopton

Objects to the scheme due to cumulative clutter, excessive height, proximity to dwellings and the tactics used by the applicant, such as cold calling and sending out letters claiming support.

Material Planning Considerations

A number of the points raised have already been considered within the main report.

Comments raised by the CPRE are noted and it is confirmed that the cumulative impact of surrounding wind farms or proposed wind farms within the area has been assessed. However, this has not included all those which are not yet within the planning system and nor is it considered appropriate to as the likelihood of these coming forward is unknown. It is considered that due regard has been made of the cumulative impacts of wind farms.

With regard to Amplitude Modulation (AM), this is the generation of noise from specific conditions and is difficult to predict. Taking into account the proximity of the site to residential properties, the Councils Environmental Health Officer considers that a condition can sufficiently address this matter were it to occur. An additional condition is therefore recommended.

The comments made by TAG are noted although do not affect the material planning considerations detailed within the main report.

RECOMMENDATION

That the application be approved in accordance with the main report subject to the addition of the condition below and the amendment to the informative note as detailed within this report.

Condition - Amplitude Modulation

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. Following the written approval of the scheme and the timescale for its implementation by the local planning authority the scheme shall be activated forthwith and thereafter retained.

Reason: In order to protect residential and other amenity in the area.

Informative Note 5

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 45. 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 allow for analysis of the noise in one-third octave bands from 50Hz to 10kHz at intervals of 125 milliseconds. 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.