

DELEGATED

AGENDA NO 3

PLANNING COMMITTEE

DATE 7th December 2011

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

UPDATE REPORT

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.

Following the production of the main report the following matters have been considered further and are reported as follows;

For information purposes, confirmation has been received that the applicant has changed from Lambs Hill Wind Farm Limited to the registered name of Banks Renewables (Lambs Hill Wind Farm) limited.

The applicant has requested that the time period for commencement be extended from 3 years to 5 years in order to take into account the protracted nature of getting a scheme such as this through to the commencement stage including delays from the point at which turbine orders are placed and the work involved to discharge relevant conditions. Extending the time period for commencement is a matter which has generally been encouraged by Government and there is no known material planning considerations which would suggest it should be resisted. A revised condition 1 is recommended as detailed at the end of this report.

The Head of Technical Services has requested the wording for Condition 12 be marginally amended to refer to highway structures in reference to assessment of existing condition surveys and future repair works. A revised condition 12 is recommended as detailed at the appendices of this report.

Following additional consideration of the recommended condition to control Amplitude Modulation (condition 45 and para 256 of main report), the condition and informative note relative are amended as detailed in the appendix 1 of this report.

Three submissions of support have been received from persons unable to attend committee. These have been appended to this report in full. (Appendix 2) although raise no new material considerations.

The Head of Technical Services has advised as a point of clarity that the consideration of the visual impact of the wind farm includes the ancillary elements as detailed within the proposal.

Wind Monitoring Masts

Detailed within the proposals section of the main report, and detailed in Appendix ref's 9 and 10. The two temporary 80m monitoring masts proposed are slender in nature and are considered to be a minor part of the scheme and would only have a minor visual impact on surrounding views, for a relatively short period of time. This temporary structure would be viewed at a distance or from moving vehicles. Condition 39 requires their removal after

18 months from their initial erection. The 60m lattice mast proposed as part of the development is less than half the height of the turbines and below the hub height of the turbines. It is expected that this structure would be constructed from narrow section steel or similar and would be viewed at distance as a fixed structure, similar to the temporary 80m masts. Any views from residential properties and from travellers, in particular those in moving vehicles in the surrounding area, would be filtered by the topography and the existing vegetation and man made features which would afford a degree of screening. Although a typical detail and height of the mast have been detailed, it is considered appropriate to add a further condition to control its final detail. A condition has been recommended. See appendix 1 of this report.

Control Building Detail and Construction Compound

The typical control building detail and construction compound as detailed at para's 13 – 19 and Appendix 5 and 7 of the main report are both shown set behind the existing hedge adjacent to the north side of the highway which runs between Old Stillington and Stillington. These are agricultural in scale, well related to the highway and set away from the housing associated with Stillington and Old Stillington. The proposed site benefits from existing landscaping. It is considered that their visual impact would be limited and as a result of the construction compound being a temporary feature. Conditions 28 and 29 of the main report require schemes to be agreed within with the Local Planning Authority in respect to the final detail for both the control building and the construction compound. It is expected that the control building would have a form of a field barn of similar, thereby being generally in keeping with its rural location. In view of these matters it is considered that the control building and construction compound would be acceptable.

Condition 27 of the main report seeks to limit the construction hours to 8am to 6pm Mon – Fri and 9am to 1pm on Saturdays. Work outside of these hours for abnormal works would require specific agreement with the Local Planning Authority. In view of this it is considered that the construction compound and its associated impacts would be adequately controlled to limit the impact on residential and other amenity.

Internal Access Tracks and Crane Pad

The internal access tracks are detailed as being constructed of crushed stone which is common for a farm track. The tracks follow hedge lines in part with some sections crossing open field. It is considered that these would generally be in keeping with their rural setting.

A crane pad is detailed adjacent to each turbine base and these are to be constructed of similar material to the access tracks (crushed stone). These are ground level interventions, constructed of appropriate materials for the setting. The pads would generally not be visible from views currently afforded from the surrounding properties and highway network and would also benefit from screening by agricultural crop growth. The tracks would also provide a benefit for improved access for the active farming of the land. For these reasons the impact of these tracks is considered to be limited. The detailing of the internal access tracks is provided for within Condition 13 of the main report.

The access track from the southern access crosses Public Right of way footpath 5, this has been considered and there is no material impact on the Public Right of Way. It is necessary that the PROW will remain open and unobstructed to allow members of the public to use at all times.

Conclusion / Recommendation

In view of all of the above, it is considered that the details referred to above are either acceptable or can be adequately controlled by condition / Informative as referenced within this report. As such, it is recommended that the application be determined as per the recommendation within the main report and subject to the changes brought about by this report.

Financial Implications – As detailed in main report.

Environmental Implications – As detailed in main report..

Legal Implications – As detailed in main report.

Community Safety Implications – As detailed in main report..

Human Rights Implications – As detailed in main report.

Background Papers - As detailed in main report.

Ward and Ward Councilor

WARD Western Parishes

Ward Councilor A Stephenson

01. Time Period For Commencement

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

12. Construction Traffic Mitigation

Unless otherwise agreed in writing by the Local Planning Authority, no development hereby approved shall commence unless the developer has undertaken the following steps and not less than one month has expired from their completion:

- *submission to the Local Planning Authority of a plan of the routes within the administrative boundary of Stockton on Tees to be used by both Heavy Goods Vehicles and Abnormal Load Vehicles associated with the transportation of goods to site required as part of this development;*
- *submission to the Local Planning Authority in writing or other agreed form of the results of carriageway and footways inspections using Detailed Visual Survey (DVI) survey techniques which will enable the processing of the data through the Local Highway Authorities accredited UKPMS system. All work to be undertaken by accredited inspectors in agreement with the Local Planning Authority; and*
- *a joint visual inspection with the Local Authority to monitor and assess the condition of the highways and associated structures on the selected route of construction traffic.*

Once agreed, all Heavy Goods Vehicles and Abnormal Load Vehicles shall use only the agreed routes, unless otherwise agreed in writing by the Council.

Development hereby approved shall not commence until the developer has agreed a scheme in writing with the Local Planning Authority which details how any damage to the highway or associated structures caused by the traffic associated with the development shall be repaired, made good or mitigated at the applicant's expense. The approved details shall specify the time period within which repair works shall be undertaken.

The development hereby approved shall not be brought into operation until such time as the developer has submitted to the Local Planning Authority in writing, or other agreed form, for prior approval, the results of carriageway and footways inspections undertaken following completion of the construction of the development. These inspections shall be undertaken using Detailed Visual Survey (DVI) survey techniques which will enable the processing of the data through the Local Highway Authorities accredited UKPMS system. All inspection work shall be undertaken by accredited inspectors in agreement with the Local Planning Authority. Any works to the carriage way or footpaths identified by the submitted details as being required shall be undertaken in accordance with the approved scheme at the applicant's expense.

Reason: In order to ensure the impacts of transport movements associated with the construction phase of the development are adequately mitigated where necessary in accordance with the requirements of Planning Policy Statement 22: Renewable Energy.

45. Condition - Amplitude Modulation

On the written request of the Local Planning Authority, following a written or formal complaint

to it considered by the Local Planning Authority to relate to Amplitude Modulation (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) the wind farm operator shall within 28 days of that written request and at its own expense employ an independent consultant approved in writing by the Local Planning Authority to undertake the assessment described in Note 5 at Informative 2 attached to this planning permission ('Note 5'). The objective of the assessment shall be to ascertain whether AM caused as a result of the wind turbines is a significant contributor to the noise complaint as defined there. This assessment shall be commenced within this 28 day period unless otherwise agreed in writing with the Local Planning Authority and completed within such further period as the Local Planning Authority shall agree in writing. The survey results and associated assessment will be submitted in writing to the Local Planning Authority within 14 days of the completion of the assessment and if his analysis indicates to the independent consultant that AM caused as a result of the wind turbines is a significant contributor to the noise complaint as defined in Note 5, his assessment shall so inform the Local Planning Authority in writing.

If the said assessment confirms AM caused as a result of the wind turbines to be a significant contributor as defined in Note 5, the Local Planning Authority shall request that the developer shall submit to the Local Planning Authority for its approval in writing a scheme to mitigate such effect. That scheme may provide for the installation and operation of additional apparatus for the monitoring of conditions when AM occurs and the shutting down of the turbines during such conditions; and it shall include measures for the enforcement of the scheme including the timescale for its implementation. The wind farm shall be operated thereafter in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt the wind farm operator is obliged to comply with the obligation described in this condition for the duration of the planning permission, to be enforced by the Local Planning Authority in the normal way.

Reason: In order to protect residential and other amenity in the area in accordance with the guidance contained within PPS22.

Informative 2 Note 5:

Where the Local Planning Authority requires an assessment of AM in accordance with Condition 45 the complainant to the Local Planning Authority shall be provided with a switchable noise recording system by the independent consultant in order to initiate recordings of the turbine noise at times and locations when they consider that AM may occur. Such recordings which shall include an audio recording shall allow for analysis of the noise in one-third octave bands from 50Hz to 10kHz at intervals of 125 milliseconds (the effects of AM are normally associated with impacts experienced inside properties or at locations close to the property - such as patio or courtyard areas- and their assessment therefore necessarily differs from the free-field assessment methodologies applied elsewhere in these Notes).

AM will be a significant contributor to a noise complaint if, over a period of 6 months following the installation of the switchable noise recording system, the complainant records 5 or more occurrences of Significant AM in separate 24 hour periods. Amplitude modulation caused by factors not related to the wind farm shall be discounted from the assessment where appropriate evidence is detailed.

'Significant AM' is defined for this purpose as instances where the following characteristics apply:

- a) A change in the measured L Aeq, 125 milliseconds turbine noise level of more than 3 dB (represented as a rise and fall in sound energy levels each of more than 3 dB) occurring within a 2 second period.
- b) The change identified in (a) above shall not occur less than 5 times in any one minute period provided the L Aeq, 1 minute turbine sound energy level for that minute is not below 28dB.
- c) The changes identified in (a) and (b) above shall not occur for fewer than 6 minutes in any hour.

New Condition Pre commencement – Wind Monitoring Mast Details

Wind Monitoring Mast Details

Notwithstanding details hereby approved, the 60m wind monitoring mast shall not be erected until a scheme of its detail and appearance has been submitted to and approved in writing by the Local Planning Authority. The mast shall be erected in accordance with the approved details and shall be in position for a period no greater than the wind farm itself.

Reason: In the interests of and landscape and visual impacts in accordance with guidance contained within Core Strategy Policy CS3.

Appendix Ref: 2 : Submissions of support from persons unable to attend committee