

Planning Committee

A meeting of Planning Committee was held on Wednesday, 7th December, 2011.

Present: Cllr Robert Gibson (Chair); Cllr Jim Beall, Cllr Mark Chatburn, Cllr Gillian Corr, , Cllr Jean Kirby, Cllr Paul Kirton, Cllr Alan Lewis, Cllr Ken Lupton (Vice Cllr John Gardner), Cllr David Rose, Cllr Andrew Sherris, Cllr Michael Smith, Cllr Norma Stephenson and Cllr Mick Stoker.

Officers: C Straughan, B Jackson, A Glossop, M Chicken, P Shovlin, J Roberts, H Smith, A Mindham, S Smith (DNS); J Butcher, P K Bell (LD).

Also in attendance: Applicant, Members of the Public and Cllr A Stephenson.

Apologies: Cllr John Gardner and Cllr Stephen Walmsley.

1 Declarations of Interest

There were no interests declared.

2 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.**

Consideration was given to a report on planning application - 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.

The application was previously determined by Planning Committee on the 2nd March 2011. Members granted planning permission subject to conditions and a Section 106 Agreement. Subsequently the Council had received a claim for Judicial Review challenging the Council's decision and, having considered the grounds of the challenge and case law, officers concluded that one of the grounds of challenge would result in the quashing of the decision notice. In the circumstances therefore the Council had consented to judgement that the decision notice be quashed, on limited grounds; and that decision notice was quashed by order of the High Court dated 15th November 2011. In light of the order to quash, the application required a re-determination afresh by Planning Committee. The report superseded that previously considered by the Planning Committee.

Planning permission was sought for the erection of a wind farm at Lambs Hill, Stillington consisting of four wind turbines with a maximum height to blade tip from ground level of 125m, together with the associated development of meteorological masts, a control building, access tracks, crane pads, site compounds, underground electrical cabling and other ancillary development.

A total of 69 representations were received to the application of which 43 raise objection to the scheme and 20 offer support for the scheme, with the remainder offering comment. Objections to the scheme related mainly to the visual impact

of the turbines on the surrounding landscape and residential properties, the potential cumulative impact with other wind farm schemes, impact on residential and public amenity, economic and environmental matters. Comments of support related to the generation of renewable energy tackling climate change, meeting our targets, reducing energy importing, the fact that the resource would never run out, creating employment opportunities for the area and benefits for the community.

Within Planning Policy Statement 22 – Renewable Energy and the Regional Spatial Strategy, Government had set targets for the UK for 20% of energy to be from renewable energy by 2020 whilst the European Union had set a 15% target for the same date. Whilst these were targets, they were not ceiling levels. The Tees Valley had its own targets based on these percentages and to date of the meeting had not yet achieved the target figures.

The impact of the wind farm had been considered against national and development plan policy and all material planning considerations including the impact on the landscape, residential properties and settlements, ecology, highway safety, the Stillington Forest Park and the environment in general (including cumulative impacts). There were no outstanding objections (subject to the imposition of conditions) from consultees with responsibility for air traffic safety, ornithology, archaeology, cultural heritage, pollution, noise disturbance, highway safety or microwave links.

Whilst it was acknowledged that there was a major local impact on the landscape, the Head of Technical Services considered that, based on currently operational and consented wind farms within the area, this impact would be acceptable although he had noted that were other proposed schemes within the area developed then there may be an unacceptable cumulative impact with the landscape being dominated by wind farms as a result. Although submitted information had allowed for a cumulative assessment of wind farms to be made, it was considered that the proposal needed to be determined based on the existing and currently approved schemes within the area.

The Head of Technical Services had considered the Environmental Statement in respect to construction traffic, abnormal load movements and operational traffic against the need to ensure the scheme was achievable without undue detrimental impact on highway safety. Based on the details as submitted, the traffic impact was considered to be acceptable although conditions were recommended to ensure adequate control was achieved of such matters.

The Local planning authority was responsible for evaluating the Environmental Statement and all other environmental information to ensure it addressed all of the relevant environmental issues and that the information was presented accurately, clearly and systematically. It was considered that the authority had in its possession all relevant environmental information about the likely significant environmental effects of the project sufficient to make a decision whether to grant planning permission.

The environmental information included representations received and the comments from consultees had been carefully considered together with all the relevant material planning considerations. Taking all matters into account, although the proposed wind farm would have a major impact on the landscape

within the local area and would affect the views from some properties as well as having other impacts, these were consistent with impacts of the majority of wind farms, and the issue arising was not simply whether the scheme had an impact but the extent of the impact, whether it was confined to a local area and the detail of the effects, taking into account potential mitigation. Taking into account the assessments within the report, the impacts of the proposed wind farm were considered to be in accordance with national, regional and local planning guidance, being limited to a local area.

The proposed development had been considered in the context of the Environmental Statement and its associated impacts, in particular in respect to traffic and transport, noise, landscape and visual, wildlife, ground conditions, cultural heritage, safety, surrounding settlements and residential amenity and aviation. The impacts of the proposal had been considered against national, regional and local planning guidance and whilst it was considered the erection of wind turbines of the scale proposed would have an impact on many of the above referenced matters and in particular on the character and appearance of the landscape, the Planning Officer considered that the impacts were acceptable for the reasons cited within the main body of the report. It was considered however, that a wide range of conditions were required to be imposed in order to adequately control and mitigate the impacts of the development.

The consultees that had been notified and the comments that had been received were detailed within the report.

With regard to publicity a total of 15 site notices were erected at strategic points around the periphery of the site adjacent to highways and within key settlements, a press notice had been placed in a local newspaper as well as in excess of 800 letters of consultation being sent to residents of properties at Stillington, Whitton, Redmarshall, Carlton, Thorpe Thewles, Bishopton, Foxton, Shotton, Bishopton Crossing, as well as to Parish Councils, including areas outwith Stockton Borough. A total of 45 letters of objection, 20 letters of support and 6 letters of general comments were received. The details of who had sent the letters, a summary of the objections and the comments of support were detailed within the report.

With regard to planning policy the relevant national planning statements, relevant policies within the Regional Spatial Strategy (RSS), local planning policy and a Ministerial Statement from Greg Clark were detailed within the report.

The report then detailed the following material planning considerations:-

- * General Principal of Development
- * Renewable Energy Targets
- * Traffic, Transport and Highway Safety
- * Impact on the Character of the Landscape
- * Noise
- * Nature, Conservation and Ornithology including the Stillington Forest Park
- * Cultural and Archaeology
- * Aviation
- * Wind Turbine Icing

- * Shadow Flicker
- * Radion and Microwave Communications including Television link interference
- * Other Material Planning Considerations

The Planning Officers report concluded that the proposed development had been considered in the context of the Environmental Statement, consultee and consultation responses, its associated impacts and all other environmental information / impacts, in particular in respect to traffic and transport, noise, landscape and visual, wildlife, ground conditions, cultural heritage, safety, surrounding settlements and residential amenity and aviation. The impacts of the proposal had been considered against national, regional and local planning guidance and whilst it was considered the erection of wind turbines of the scale proposed would have an impact on many of the above referenced matters and in particular on the character and appearance of the landscape, it was considered that the impacts were acceptable for the reasons cited within the main body of the report. It was considered however, that in order to adequately control and mitigate the impacts of the development that a wide range of conditions were required to be imposed.

The Planning Officer considered that the proposals accorded with the guidance of PPS 1, PPS 4, PPS 5, PPS 7, PPS9, PPG 13, PPS 22, PPS 23, PPG 24, PPS 25, Regional Spatial Strategy Policies 39, 40 and 41 and Saved Local Plan Policy EN4 and EN30, Core Strategy Policies CS3 and CS10, although they were contrary to saved Local Plan Policy EN13.

Members were presented with an update report that outlined that following the production of the main report the following matters had been considered further and were reported as follows:-

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

The applicant had 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 was a matter which had generally been encouraged by Government and there was no known material planning considerations which would suggest it should be resisted. A revised condition 1 was recommended as detailed within the report.

The Head of Technical Services had 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 was recommended and attached to the update 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 were amended and attached to the update report.

Three submissions of support had been received from persons unable to attend

the meeting and these were attached to the update report in full although they raised no new material considerations.

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

The update report gave further detailed information on:-

- * Wind monitoring masts
- * Control Building Detail and Construction Compound
- * Internal Access Tracks and Crane Pad

The update report concluded that the details referred to were either acceptable or could be adequately controlled by condition / informative as referenced within the report. As such, it was recommended that the application be determined as per the recommendation within the main report and subject to the changes brought about by the update report.

The applicant, objectors and a supporter of the application were in attendance at the meeting and were given the opportunity to make representation.

The applicant outlined that he was disappointed to be back at Committee and not actually getting on with building the wind farm due to the administrative error. The applicant felt that the Planning Officers report was very detailed but wanted to raise the following additional points:-

- * His company had built wind farms in Yorkshire and some of the parts of the wind turbines had been built in the UK providing much needed jobs
- * Siemens were proposing to build a factory in Hull that would produce some of the parts of the wind turbines, again providing much needed jobs
- * The scheme would help the green economy
- * With regard to the shadow flicker the scheme will have a computer module in that the turbines will talk to each other and will turn off at certain times within the day to prevent shadow flicker on local residents homes

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their objections / comments could be summarised as follows:-

- * The wind turbines would have a detrimental visual impact on the area
- * The views from local residents properties would be spoilt
- * The wind turbines would have an overbearing impact on local residents properties
- * The Planning Inspector would decide the Durham County Council planning

application

- * The detrimental noise impact the wind turbines would have local residents properties
- * The development should not be about meeting government targets and the wind turbines would spoil a beautiful environment
- * The impact would be far greater than that outlined in the Planning Officers report and the Planning Officer has changed his opinion on this issue since the writing of the last report in March 2011
- * The local residents were just custodians of the land and the land would be passed on to the next generation
- * The applicant had misled the local residents and Planning Officers
- * Low level noise can travel for miles
- * One of the children of an objector suffered from visual spatial disorder and the wind farm would have a detrimental impact on her
- * Trees would not provide a screen to the wind farm as they would not be tall enough
- * The wind farm would not create any local jobs or give local people any cheap energy
- * The creation of local jobs was not a material planning consideration
- * The technology to stop shadow flicker has not been developed yet
- * One of the objectors children suffered from epileptic fits and because of the shadow flicker the objector felt the wind farm would have a detrimental impact on him
- * The site is totally unsuitable for a wind farm
- * The Borough already has its fair share of wind farms and industry

A supporter of the application from a local engineering firm was in attendance at the meeting and outlined that he may tender for some of the works involved in the wind farm and if he won the tender it would be a much needed boost for his firm.

The Development Services Manager outlined that all of the issues raised by the objectors had previously been raised by the objectors and had been addressed in the report.

Clarification was asked of the supporter of application that his firm would tender for works involved in the development of the wind farm and if that would help create/secure jobs for his firm. The supporter of the application confirmed this was the case.

As the issue of job creation had been raised Members were reminded that job creation was not a material planning consideration.

Members then discussed the application at length. Members made the following comments both in favour and against the application:-

- * The applicant had said they could resolve the shadow flicker issues with computer technology and that should be factored into their decision.
- * The quashing of the original decision was because of an administration error and not because the original decision of the Planning Committee had been questioned.
- * The Borough already has it's fair share of wind farms
- * The wind farm would require connection to the grid and the two applications should have come before Members at the same time for them to consider.
- * The north of the UK has a lot more wind farms than the south of the UK and therefore the decision of the Planning Committee should be deferred to allow Planning Officers to request that central government carry out a regional survey of wind farms.
- * The Tees Valley already has enough industry and a further nuclear power plant is to be built in the area.
- * The wind farm will cause a detrimental impact on residential amenity and will have a detrimental visual impact.
- * The Committee is constrained by planning law and therefore the application should be approved.
- * Concern over the health issues of two of the children of the objectors.
- * It is a planning condition that the applicant has to submit a scheme that prevents shadow flicker or the application will not proceed.

The Development Services Manager reported that there was already a condition in the Planning Officers report that covered the shadow flicker situation.

The officers recommendation was then put to the Committee.

RESOLVED that planning application 10/2549/EIS be approved subject to the following conditions and Informatives:-

CONDITIONS:

01. Time Period For Commencement

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

2. Approved Plans

The development hereby approved shall be in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority.

HJB/749/PA10	received on the 30th September 2010.
HJB/749/PA11	received on the 30th September 2010.
HJB/749/PA17	received on the 30th September 2010.
HJB/749/PA18	received on the 30th September 2010.
HJB/749/PA19	received on the 30th September 2010.
HJB/749/PA20	received on the 30th September 2010.
HJB/749/PA21	received on the 30th September 2010.
HJB/749/PA22	received on the 30th September 2010.
HJB/749/PA23	received on the 30th September 2010.
HJB/749/PA24	received on the 30th September 2010.
HJB/749/PA25	received on the 30th September 2010.
HJB/749/74	received on the 24th December 2010.

CONDITIONS: PRE COMMENCEMENT

03. Contaminated Land Survey

No development hereby approved shall be commenced until a scheme relating to contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail a preliminary risk assessment, site investigation and results, mitigation works and verification plan. The development shall be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

04. Surface Water Drainage

No development hereby approved shall be commenced until a scheme for the provision of a surface water drainage system, including a means of attenuation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how surface water run-off shall be prevented from entering the highway or affecting rail infrastructure, detailing long term management responsibilities and timing of works. Development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

05. Foundations

No development hereby approved shall be commenced until a scheme to assess the risks posed and possible impacts of pouring concrete foundations directly on top of the Magnesian Limestone principal aquifer has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail mitigation of risks where appropriate and the development shall be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

06. Phased Archaeological Work

Unless otherwise agreed in writing by the Local Planning Authority, no development hereby approved shall take place within the application site

boundary until a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall detail a phased programme of archaeological work including:

- An assessment of significance;
- Research questions;
- A programme and methodology of site investigation and recording;
- A programme for post investigation assessment;
- Provision for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
- Post investigation assessment;
- Provision made for analysis, publication and dissemination of results and archive deposition has been secured; and
- Timing for each part of the programme

Where important archaeological remains exist provision should be made for their preservation in situ. The development shall be undertaken in strict accordance with the details of the approved Written Scheme of Investigation and programme of archaeological work.

07. Turbine and transformer cabinet positioning (Micro siting)

Notwithstanding details hereby approved, the wind turbines and their associated transformers shall be sited within 50m of the positions indicated on plan ref: HJB/749/PA17 issue A2 entitled 'proposed site layout' in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority. The final scheme of siting shall maintain a minimum gap of 90m between Footpath Stillington 05 and the base of Turbine T1. The scheme will be considered by the Local Planning Authority in conjunction with consultees including the MoD, Durham Tees Valley Airport, the National Grid, the Joint Radio company Limited and Natural England.

08. Turbine and transformer cabinet type and size

No development shall commence until full details of the design, siting, dimensions, finish and colour of the turbines and their associated transformer cabinets have been submitted to and approved in writing by the Local Planning Authority. The turbines shall not exceed an overall height to tip of blade when installed of 125m above ground level with an overall rotor diameter of 92.5m. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

09. Access track positioning

Notwithstanding details hereby approved, the proposed access tracks shall be sited within 10m of the positions indicated on plan ref: HJB/749/PA17 Issue A2 entitled 'Proposed site layout' in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority.

10. Access track through Forest Park

Notwithstanding details hereby approved, no development shall be commenced until a scheme for the construction of the access track through the Stillington Forest Park has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall detail the specification of the track to be constructed, its precise location and associated running width, mitigation works and removal works where required and timescales for all works to be undertaken. The access track shall be completed in accordance with the agreed scheme.

11. MoD and DTVA Notification

The Ministry of Defence and Durham Tees Valley Airport shall be notified in writing at the addresses below, of the following, a minimum of 4 weeks in advance of the commencement of development:

- The date construction on site is to commence, including timing for the erection of each turbine;
- The maximum height of construction equipment; and
- The latitude and longitude of each turbine.

The Ministry of Defence and Durham Tees Valley Airport shall also be notified in writing at the addresses below, of the following, within 2 weeks following the completion of the development:

- The date construction on site ceased.

Each of these notifications shall include reference to the site address, grid coordinates of the turbines and the Local Planning Authority's Planning Application reference number.

Address: MoD
Safeguarding Wind Energy
Defence Estates
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL, and;
DIO-Safeguarding-Wind@mod.uk

Address DTVA
Senior Air Traffic Engineer
Durham Tees Valley Airport
Darlington
Co. Durham
DL2 1LU

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.

13. Construction Traffic Management Plan

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

- Site information
- Programming
- Traffic disruption, speed control, road works co-ordination
- Temporary widening, running surfaces, narrow lanes, visibility
- Internal access tracks
- All statutory utility services that may need protecting or diverting
- Temporary safety barriers and safety zones
- Routes for emergency vehicles, diverted vehicles, diverted pedestrians
- Abnormal Load Movements
- Vehicle recovery and incident management
- Temporary Traffic Regulation Order's, signing, lighting, vehicle waiting areas
- Detailed layout of the Traffic Management scheme
- Consultation
- Operational hours

Throughout the construction phase, the Construction Traffic 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.

14 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 occurrence. 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.

15. Scheme to retain the highway in a clean state

Notwithstanding details hereby approved and prior to commencement of the development on site, details of measures to be employed to prevent the egress of mud, water and other detritus onto the highway and to remove any such substance from the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

16. Detailed site operation method statement

No construction, decommissioning or removal work as part of the development hereby approved 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 but not be restricted to details of foundations, hard standing, site access tracks, drainage, construction compound, soil handling and storage and fencing. It shall indicate how it has had regard to wildlife surveys undertaken and specify any mitigation measures proposed, including the timing of any work. It shall also demonstrate that any works that abut the highway including adopted verges are to be carried out in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) latest edition. The development shall be undertaken in strict accordance with the approved method statement unless otherwise agreed in writing with the Local Planning Authority.

17. Landscaping scheme, implementation and maintenance

Notwithstanding details hereby approved and prior to the commencement of works on site a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details including the species, numbers and locations of planting, timescales for implementation and a maintenance schedule for a minimum period of five years. The development shall be carried out in accordance with the approved scheme.

18. Forest Park Improvement Scheme

No development hereby approved shall be commenced until a scheme of improvements to the Stillington Forest Park has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the improvements to be made and timescales for their implementation and shall include but not be restricted to the provision of new paths, fencing, hedgerows, tree planting and nest boxes. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved scheme and the associated timing of works.

19 Lighting scheme

Notwithstanding details hereby approved all fixed lighting to be erected or used

as part of either the construction or operational phases of the development, shall be erected and operated in accordance of a scheme to be first submitted to and approved in writing by the Local Planning Authority. Any scheme should demonstrate how the impacts of lighting on the landscape and on the operational railway line shall be minimised in respect to intensity, number, direction and colour.

20. Aviation (a)

No development hereby approved shall commence until a detailed scheme for the provision to air traffic controllers of Durham Tees Valley Airport ('the Airport') of additional radar information in respect of aircraft and other radar returns over or within 3 nautical miles of the boundary of the application site has been submitted to and approved in writing by the Local Planning Authority and all approvals considered necessary by the Local Planning Authority for the installation, testing and operation of the requirements of the approved detailed scheme have been granted in writing on its behalf. The detailed scheme shall;

- Provide for data supplied by primary radar ('the additional radar') other than the primary radar located at the airport to be fully compatible with the radar data processing system used by the airport; and
- Demonstrate that the scheme when operational will ensure that any radar returns from the development will not be displayed to air traffic controllers of the airport and will not otherwise adversely affect the air traffic control at the airport. 'Additional radar information' means information from a primary radar optimised in order to be interpreted or combined with information from the primary radar (watchman) located at the airport.

21 Aviation (b)

The wind farm hereby approved shall not commence operation until the equipment required in accordance with the scheme approved in accordance with condition 20 has been installed, tested and become operational. Any variation to the approved scheme, including its implementation, shall not take place except with the prior written consent of the Local Planning Authority.

22 Checking Surveys- Badgers

Checking surveys shall be carried out immediately prior to works commencing on site to ensure no Badger Setts have been established on site. If Setts are established or badgers are found to be foraging over the site, no works shall be undertaken until an impact assessment and suitable mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme. Should works on site cease for any period over 1 month then further checking surveys shall be undertaken and evidence from those surveys shall be similarly submitted to and approved in writing before the resumption of works on site by the Local Planning Authority.

23 Protected species, ecology and ornithology

Unless otherwise agreed in writing with the Local Planning Authority, no development hereby approved shall commence until an Environmental Action Plan (EAP) has been submitted to and approved in writing by the Local Planning Authority. The EAP shall be based on Section 7 of the 'Lambs Hill Environmental Statement, September 2010, relating to mitigation, compensation and enhancement measures. It shall include but not be restricted to detailing timing and spatial restrictions, provision of mitigation including protective

fencing, habitat enhancements in advance, careful working practices in relation to amphibians, micro siting of turbines, undertaking confirming surveys, adherence to precautionary working methods and appointment of persons responsible for overseeing operations. The development shall be undertaken in accordance with the approved scheme.

24 Protected Species

No development shall take place otherwise than in accordance with the mitigation measures detailed within Section E of the protected species report 'Lambs Hill Wind Farm, Bat and Barn Owl Report, AESL, Summer 2010'. Those measures shall include but not be restricted to: maintenance of a 50m buffer from the nearest part of the rotor swept path to a habitat feature (trees, hedges, waterways), adherence to precautionary working methods and adherence to timing restrictions.

25 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 to and approved in writing by 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 a qualified engineer at the expense of the wind farm operator and the results shall be submitted in writing to the Local Planning Authority within 28 days of the conclusion of the investigation. Should any impairment to the television reception be determined to be attributable to the wind farm operation on the basis of the baseline study, such impairment shall be mitigated within 3 months from such determination in accordance with the approved scheme of mitigation.

CONDITIONS: DURING CONSTRUCTION

26 Vegetation clearance timings

All site vegetation clearance shall avoid the bird breeding season (beginning of March to end of August), unless otherwise agreed in writing by the Local Planning Authority and subject in any event to a checking survey being undertaken by a qualified ecologist immediately prior to the clearance works being undertaken.

27 Construction hours of operation and construction traffic movements

Notwithstanding details hereby approved, all construction operations on site associated with this development (including delivery of materials onto 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 there shall be no working on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

No development hereby approved shall be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the transport routes to site for delivery vehicles. The scheme shall make provision for the routing of vehicles and timing of vehicle movements: to avoid passing along Morrison Street and the associated William Cassidi school

between 8.30 and 9.15 a.m. and 3.00 and 4.00 p.m. Monday to Friday; and to avoid passing through Stillington Forest Park outside of the hours 8.30 a.m. to 5.30 p.m. Monday to Friday and at any time on Saturdays or Sundays. The scheme shall be complied with for the duration of the construction phase of the development unless otherwise agreed in writing with the Local Planning Authority.

28 Temporary site compound

Prior to the site compound being constructed on site, a plan to a scale of 1:500 shall be submitted to the Local Planning Authority showing its location and layout, indicating 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. Unless otherwise agreed in writing with the Local Planning Authority, the compound and all associated features shall be removed from the site 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).

29 Control building

The control building and its associated compound shall be constructed in accordance with a scheme 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, any fencing and the surface material of the compound area. The development shall be carried out in accordance with the approved details.

30 Site cabling and connection

All electrical cabling between the individual turbines and the on-site control 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

31 Ice detection equipment

Prior to the erection of any turbine hereby approved, details of a scheme for the detection of blade icing and mitigation of its impacts shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

32 Controlling Dust and Debris

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.

33 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.

34 Foundation Piling

There shall be no piling of foundations or foundations using penetrative methods unless first agreed in writing with the Local Planning Authority.

35 Wind turbine noise assessment

Unless the REpower MM92 2MW wind turbine with a hub height of 78m is installed at all positions hereby approved for wind turbines, prior to the erection of any turbines, a noise assessment shall be submitted to and agreed in writing by the Local Authority which demonstrates that the predicted noise levels for the final choice of wind turbine to be installed at the site shall not exceed the values set out in Tables 1 and 2 of condition 40.

36. Shadow Flicker

Prior to any turbine blades being attached to the turbine towers/hubs and rotated, a written scheme detailing mitigating systems and a protocol to deal with the occurrence of shadow flicker shall be submitted to and approved in writing by the local planning authority. The scheme shall also set out a shadow flicker protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures. Operation of the turbines shall take place in accordance with the approved scheme and protocol unless the local planning authority gives its prior written consent to any variations.

CONDITIONS: POST CONSTRUCTION

37 Decommissioning – 25 Years

Notwithstanding details hereby approved and unless a renewal permission is granted for the scheme by the Local Planning Authority, the turbines hereby permitted shall cease exporting electricity following a period not exceeding 25 years from the date that electricity from the development is first exported into the electricity grid.

The site will be decommissioned within 12 months of its 25 year operational period in accordance with a scheme of decommissioning which has first been submitted to and approved in writing by the Local Planning Authority. The scheme of decommissioning shall detail all parts of the development including tracks, cables, hardstanding, buildings, turbines and masts, whether they are to be removed or retained on site, remediation and reinstatements works as required and any other relevant details. The scheme of remediation shall be submitted prior to the expiration of the 25 year operational period of the wind farm.

38 Turbine removal after 12 months in-operation

Unless otherwise agreed in writing with the Local Planning Authority, if any wind turbine ceases to be operational for a continuous period of 12 months it shall be dismantled and removed from the site within a period of 9 months from the end of that 12 month period and the immediate location of the turbine shall be restored in accordance with a scheme of remediation and reinstatement to be first submitted to and approved in writing by the Local Planning Authority before the end of the 9 months period referred to. The scheme shall include details of all highway or landscape features affected by the decommissioning For the purposes of this condition a period of in-operation shall include periods where the wind turbine is operating beyond the approved noise limits as detailed by the noise emission limitations condition hereby imposed.

39 80m Met Mast - removal

Unless otherwise agreed in writing with the Local Planning Authority, the two 80m masts approved as part of this permission shall be removed from site within 18 months following their initial erection.

40 Noise Immission limitations

The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) shall not, when calculated in accordance with Notes 1–4 at Informative 2 attached to this planning permission, exceed the values set out in Table 1 or Table 2 below (as appropriate).

Noise limits for dwellings (defined for the purposes of these noise conditions as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exist or had planning permission at the date of this permission but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables, unless otherwise agreed in writing by the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings are listed in Tables 1 and 2 below

Table 1: Between 23:00 and 07:00 hours (Noise Level in dB L_{A90, 10min}):

Location (easting, northing grid co-ordinates)	Wind speed (m/s) at 10m height measured within the site averaged over 10m minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Foxton (436313, 524722)	43	43	43	43	43	43	43	43	46	49	52	55
Stillington (437099, 523425)	43	43	43	43	43	43	43	43	43	44	47	49
Old Stillington (436392, 522789)	43	43	43	43	43	43	43	47	49	52	53	53
The Whins (435168, 523576)	43	43	43	43	43	43	43	43	43	46	48	50
Moor House Farm (435082, 524082)	43	43	43	43	43	43	43	44	47	50	53	54
Foxton Farm (435993, 524794)	43	43	43	43	43	43	43	43	43	44	47	50

Table 2: At all other times (Noise Level in dB L_{A90, 10min}):

Location (easting, northing grid co-ordinates)	Wind speed (m/s) at 10m height measured within the site averaged over 10m minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Foxton (436313,	35	35	35	37	38	40	43	45	47	50	52	54

524722)												
Stillington (437099, 523425)	35	35	35	36	37	38	40	42	44	46	49	52
Old Stillington (436392, 522789)	35	35	35	37	39	42	45	48	51	54	56	58
The Whins (435168, 523576)	36	37	37	39	40	41	43	44	46	47	48	49
Moor House Farm (435082, 524082)	35	35	35	35	37	39	42	45	47	48	49	49
Foxton Farm (435993, 524794)	35	35	35	35	36	37	39	41	43	45	48	50

Note: The geographical coordinate references set out in these Tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

41 Noise a

Within 28 days from the receipt of a written request from the Local Planning Authority and following a complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with Notes 1-4 at Informative 2 attached to this planning permission. The Local Planning Authority may specify in writing any location or locations at which the assessment measurements are to be taken to contain a tonal component.

Reason: In the interests of the living conditions of occupants of nearby properties in accordance with the requirements of Planning Policy Statement 22: Renewable Energy.

42 Noise b

The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority unless that period is otherwise extended in writing by the Local Planning Authority.

43. Noise c

Wind speed, wind direction and power generation data shall be continuously logged in accordance with Note 1 at Informative 2 attached to this planning permission and shall be retained for a period of not less than 12 months. The operator shall provide to the Local Planning Authority in writing such of this data as it may request in writing within 21 days of such request.

44. Noise d

No development shall take place until the wind farm developer / operator has notified the Local Planning Authority of a nominated representative to act as a point of contact for local residents (in connection with conditions 40 and 41)

together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have the responsibility for liaison with the Local Planning Authority in relation to any complaints made about noise and any other matters arising during construction, operation and decommissioning of the wind farm.

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.

46. Turbine in-operation 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 Notes at Informative 2 to this permission.

47 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.

INFORMATIVES

Informative 1 – Summary reasons and policies

The text below provides a summary of the reasons and policies reflecting a decision to grant planning permission in accordance with Officers' recommendation.

The merits of the wind farm development hereby permitted has been considered against relevant national, regional and local planning policies as detailed below and all material planning considerations. The Council has had regard to all relevant environmental information, including that contained within the Environmental Statement and Addendum, consultee and consultation responses. The impacts of the development that the Council has considered in that context include: impact on the landscape, residential properties and settlements, archaeology, ornithology and ecology, highway safety, grid connection, the Stillington Forest Park, pollution, noise and disturbance, air traffic safety, communication links, health and safety and the environment in general including the cumulative impacts of the scheme.

The development hereby permitted will make a modest yet valuable contribution towards the regional 2020 target for the production of energy from renewable resources. Whilst it is considered that the scheme will, on the other hand, have a major local adverse impact on the character and appearance of the landscape as well as impacts on residential amenity, the public right of way network, the Stillington Forest Park, heritage features and ecology, it is considered that those impacts are acceptable taking into account that their significance is generally limited to a local area, that there are mitigating circumstances in some instances, and that planning conditions are hereby imposed to limit and regulate specific impacts.

The Council has therefore concluded that the proposal accords with the national and development plan policies as listed below.

Planning Policy Statement 1: Delivering sustainable development and companion guide Planning and Climate Change
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 5 Planning and the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Guidance 13: Transport
Planning Policy Statement 22: Renewable Energy & Companion Guide
Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk.

Regional Spatial Strategy (RSS)
Policy 39 - Renewable energy generation
Policy 40 - Planning for renewables
Policy 41 - Onshore Wind Development

Stockton on Tees Local Plan – Saved Policies
EN4 - Sites of Nature Conservation Importance
EN30 – Sites of Archaeological Interest

Stockton on Tees Core Strategy Development Plan Policies
CS3 – Sustainable Living and Climate Change
CS10- Environmental Protection and Enhancement

It is considered that the scheme is contrary to the guidance contained within saved Local Plan Policy EN13 - Limits to Development, however, it is not considered that the breach of Local Plan Policy EN13 has a significance in the determination of this application as the development plan needs to be considered as a whole and Core Strategy Policy CS3 is a more detailed and up to date policy which makes provision for this relatively new form of development.

Informative 2- Noise Conditions

These notes form part of conditions 40-45 as detailed above. They further explain these conditions and specify the methods to be deployed in the assessment of complaints about noise immissions from the wind farm. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

NOTE 1

- a) Values of the LA90,10min noise statistic shall be measured at the complainant’s property using a sound level meter of EN 60651/BS EN 60804 Type 1, or EN 61672 Class 1 quality (or the replacement thereof) set to measure using a fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This shall be calibrated in accordance with the procedure specified in BS 4142:1997 (or the replacement thereof). These measurements shall be made in such a way that the requirements of Note 3 shall also be satisfied.
- b) The microphone should be mounted at 1.2 - 1.5 m above ground level, fitted with a two layer windshield (or suitable alternative approved in writing from the Local Planning Authority), and placed outside the complainant’s dwelling. Measurements should be made in “free-field” conditions. To achieve this the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground at a location that shall be agreed with the Local Planning Authority.
- c) The LA90,10min measurements shall be synchronised with measurements of the 10-minute arithmetic mean average wind speed as measured within the wind farm site at a height of 10 metres and with operational data, including power generation information for each wind turbine, from the turbine control systems of the wind farm.

d) The wind farm operator shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10 minute periods at a height of 10 metres unless otherwise requested by the Local Planning Authority to enable compliance with the conditions to be evaluated. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary. It is this measured 10m height wind speed data which is correlated with the noise measurements of Note 2(a) in the manner described in Note 2(c).

NOTE 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the Local 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.

(b) Valid data points are those that remain after all periods during rainfall have been excluded. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Note 1(c) and is situated in the vicinity of the sound level meter.

(c) A least squares, "best fit" curve of a maximum 2nd order polynomial or otherwise as may be agreed with the local planning authority shall be fitted between the measured mean wind speed (as defined in Note 1 paragraph (d)) plotted against the measured LA90,10min noise levels. The noise level at each integer speed shall be derived from this best-fit curve.

NOTE 3

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

a) For each 10-minute interval for which LA90,10min data have been obtained as provided for in Note 1, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods shall 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 as described in Section 2.1 on pages 104 – 109 of ETSU-R-97 shall be reported.

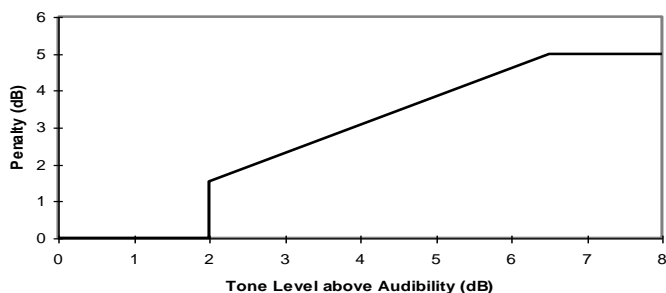
b) For each of the 2-minute samples the margin above or below the audibility criterion of the tone level difference L_{tm} (Delta L_{tm}), shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

c) The margin above audibility shall be 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, a value of zero audibility shall be substituted.

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

e) The tonal penalty shall be derived from the margin above audibility of the

tone according to the figure below. The rating level at each wind speed shall be calculated as 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 wind farm noise level (including the inclusion of a tonal penalty applied in accordance with Note 3) is above the limit set out in Condition 40, measurements of the influence of background noise shall be made to determine whether or not there is a breach of condition. This may be achieved by repeating the steps in Note 1 & 2 with the wind farm switched off in order to determine the background noise, L3, at the assessed wind speed. The wind farm noise at this wind speed, L1, shall then be calculated as follows, where L2 is the measured wind farm noise level at the assessed wind speed with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{\frac{L_2}{10}} - 10^{\frac{L_3}{10}} \right]$$

The rating level shall be re-calculated by adding the tonal penalty (if any) to the derived wind farm noise L1. If the re-calculated rating level lies at or below the values set out in Condition 40 no further action is necessary. If the rating level exceeds the values set out in Condition 40 the development is in breach of condition.

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.

Informative 3- Network Rail

a) Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

b) Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rails Asset Protection Engineer.

c) Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Engineer to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

d) Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land should be kept open at all times during and after the development.

Network Rail advises that they are required to recover all reasonable costs associated with facilitating these works.

f) Excavation works near to railway line

Network Rail has requested that prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be agreed with them and that works shall only be carried out in accordance with the approved details. Where

development may affect the railway, consultation with the Asset Protection Engineer should be undertaken. The method statement will need to be agreed with:

Asset Protection Engineer Team
Network Rail (London North Eastern)
Floor 1B
George Stephenson House
Toft Green
York
Y01 6JT

Informative 4 - National Grid

The National Grid has advised that a Major Accident Hazard Pipeline (MAHP) high pressure gas pipeline runs through the application site with turbines in close proximity and access tracks passing over the pipeline. There are certain requirements that will be required in respect to work around the pipeline, providing an impact slab above the pipeline to protect it from construction traffic, details of cable routing and other similar matters. National Grid advised that the developer consult the Technical Specification HS(G) 47 "Avoiding Danger from Underground Services", further details can be found in their specification for Safe Working in the vicinity of National Grid high pressure gas pipeline and associated installations - requirements for third party : T/SP/SSW22.

National Grid will also need to ensure that access to their pipelines is maintained during and after construction, that pipelines are normally buried to a depth of 1.1 metres or more below, and that ground cover above pipelines should not be reduced or increased. Some guidance can be found on the UK Onshore Pipeline Operators Associations website www.ukopa.co.uk).

It is strongly recommended that prior to commencement of any part of this development or any pre commencement site works, that any developer contacts the National Grid direct and fully discusses and agrees in writing with the National Grid the impact of their proposals on the National Grid's apparatus, namely the high pressure gas pipeline and a scheme of mitigation, timing and supervision as deemed appropriate. The contact dealt with in respect to this application was:

Sarah Robinson,
Policy Support Officer,
Land and Development Group,
National Grid,
Warwick,
sarah.robinson2@uk.ngrid.com

Informative 5 - Environment Agency

a) Turbine Foundations

The proposed turbines are above the Magnesian Limestone principal aquifer and lie within the source protection zone of an important public water supply. Any concrete foundations placed at depth may come into direct contact with this important ground water reserve.

b) Watercourses

The applicant should note that any proposal to divert or culvert a watercourse

within the site will require the prior written permission of the Environment Agency under the Land Drainage Act 1991.

c) Culverting works

The applicant is advised to seek advice from the Environment Agency regarding any necessary permits required for culverting existing ditches.

Informative 6 - Teesmouth Bird Club – Bird Monitoring

A request has been made for the applicant to undertake bird monitoring over a 5 year period following the wind farm commencing operation. The applicant is directed to Teesmouth Bird Club should they wish to undertake this survey work in order to agree the survey parameters.

Informative 7 – New Entrant Trainees

The applicant is advised that it should use reasonable endeavours for ten per cent (10%) of the workforce on the job site for the development (excluding specialist jobs such as site manager, agent, resident engineer, turbine erection crew and specialist electrical crew) to be new entrant trainees whom are residents of Stockton and the Tees Valley in discussions with the Councils Labour Market Co-ordinator.

3 Local Development Framework Steering Group Minutes

RESOLVED that the minutes from the Local Development Framework Steering Group held on 4th October 2011 be noted.

4 1. Appeal - Mr Chris Morgan - Land Parcel At 443990 514012 Blair Avenue Ingleby Barwick - 11/0113/FUL - APPEAL DECISION - ALLOWED WITH CONDITIONS AND COSTS DECISION - REFUSED.

RESOLVED that the appeals be noted.