

DELEGATED

AGENDA NO 5

PLANNING COMMITTEE

DATE 13 NOVEMBER 2013

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

12/1762/VARY

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: 18th October 2012

Update Report

Additional comments have been received from three residents. These are summarised below;

Mr T Kirby, Bishopton Crossings.

"I denounce the ploy of the applicant, who are attempting to change the Planning Permission granted to them on a split decision and who are even now suggesting that though the very essence of the original Condition 45 was to protect those residents most likely to be affected by the now generally accepted hazard of turbine noise, they wish us to believe that their motive for the change is based purely on the technicalities of implementation. It is now doubtless that they are not unnaturally finding that the tide has turned and that the real reason for wishing to change the PP is that they now ACCEPT the noise hazard may occur and their backers are sensibly keeping a distance away for fear of losses incurred in the future. The applicant should be modifying the views of their backers and shareholders....not trying to bend the intent of an elected council doing its best to protect its residents.

Susie Bean, Jasper grove, Stillington.

If the developers are so confident Amplitude Modulation (AM) does not occur why do they need to remove Condition 45 in the first place?

I have read the Planning Officers report and it seems criminal to me to state that Condition No.45 should be removed as Banks are unable to find a scientific method of measuring the noise. The information that Banks have provided has been suspect from the start, with misleading statements (which have gained them censure from the Advertising Standards Authority) regarding the amount of electricity that can be generated and the number of jobs it will provide. Jobs that will be short term and will end after construction. That along with the letters posted to the villagers promising several "benefits" to the village should the construction go ahead, underline their deceitful manner.

The detrimental noise impact of AM has been experienced at many existing Wind Farm sites to the cost of the people living in close proximity, and this information is well documented on the internet whether Banks Group wish to acknowledge it or not. In some areas people have in fact moved out of properties, whilst in other cases it has also been linked to ill health. We already have an excellent view of the Wind Farm at Sedgefield. The noise and view of the 4 turbines is going to seriously affect our house price, surrounding environment and enjoyment of the area. The thought of having to listen to the constant noise from the turbines

is very depressing. The prevailing westerly winds mean that the village will take the brunt of the constant drone/AM of the turbines.

The Planning Officers report states that "evidence in relation to this is still developing" with reference to the AM, I have no desire to become a guinea pig in this experiment. Can you explain what will happen when people are experiencing excessive noise from the turbines?

Sadly I fear it will be too late, so we will be the ones left with the problem. For this reason alone Condition No.45 should not be removed.

The report also indicates that the monitoring should be left up to the Wind Turbine Operator and that the Local Authority need have nothing to do with it! The local planning authority are supposed to be there to protect the local environment and community, not rubber stamp or even ignore the wanton destruction of our landscape, in order that a Developer can line his/her own pockets with the ridiculous grants they gain from our hard earned cash in the guise of government grants.

The proposed access road leading to Turbine No. 4 is a disgrace and unnecessary. Why do they have to plough through fields and destroy part of the Forest Park that members of the community planted years ago? A considerable amount of time and effort has been put into the park by Villagers since then. Sparrow Hawks nested this year in the part of the forest which they will destroy when constructing the access road to Turbine No 4. The Sparrow hawks will now be driven away, which may be a small mercy as Wind Turbines have been shown to kill such birds of prey as well as Owls, Buzzards and Kestrels.

So why are they being allowed to put miles of maintenance roads in when they could use a road closer to the turbine in the industrial estate? The area is a sanctuary for wildlife. The fields which are affected regularly have deer, birds of prey, and a multitude of wildlife, all of which will be driven away or killed by the construction and daily use of the turbines.

We moved to Stillington from a City to enjoy rural life, only to have it destroyed by a company building something we don't need. It has already been demonstrated using information from existing wind farms, that this is not a sustainable or "clean" source of energy. The carbon footprint produced during the manufacturing process of just one of the blades of the turbine will never be recouped in its entire lifetime. Not to mention the fact that we have a nuclear power station supplying plenty of electricity only a couple of miles away. It has been shown that Wind energy is not the big green answer to clean energy and there is increasing evidence that Wind Farms are detrimental to our environment, even though companies such as Banks will disagree and try to mislead the public. Other councils in the UK have stopped Wind farm applications due to their detrimental impact on the countryside and tourism.

How is the councils position affected by the recent United Nations legal tribunal which "ruled that the UK Government acted illegally by denying the public decision-making powers over their approval and the "necessary information" over their benefits or adverse effects.

The new ruling, agreed by a United Nations committee in Geneva, calls into question the legal validity of any further planning consent for all future wind-farm developments based on current policy, both onshore and offshore" (The Independent, 27th August 2013).

How does this affect the current planning consent for Lambs Hill ? It calls into question the legal validity of any further planning consent for all future wind-farm developments based on current policy??

Another concern is the concrete legacy that these turbines leave. The access tracks will permanently scar the landscape, but what about the concrete bases of the actual turbines. Who is going to be responsible for removing the concrete bases which will be the size of two Olympic swimming pools beneath each turbine? Who is going to clean up the area when the

turbines lifespan/government interest ends? So is the local government (i.e. the taxpayer) going to pay out hundreds of thousands to fix the mess? I doubt local council has the money for this.

Carol Huitson

Given the very short time that we have had to look at your conclusions and the new information that you have added which has led you to your findings I would suggest that at the least you defer this application to allow proper representation using the new information.

As you know Banks have already been granted by this committee, planning permission for the installation of the wind turbines at Lambs Hill, so we do question why, if there is no issue of Amplitude Modulation (as they keep informing us) why they would seeking/need to remove a condition that has been put there to protect residents – we can only assuming that they are trying to protect themselves as they know there will be a problem . It seems to us that they are trying to ignore industry statements/arguments that AM is rare just so that they can proceed with the removal of this condition – one which was put there to protect us but unfortunately would damage them, financially.

I think this committee should consider the long term implications that the removal of this condition would have on residents if AM is a problem. Banks have time and time again been shown to provide inaccurate/misleading information most recently have been subject to censure from the Advertising Standards Agency for publicising misleading information with regards to the potential power generation from Lambs Hill, so why would they change their tact on something which is of far more significance and would hurt them financially.

Stockton Borough Council Planning Committee should for once step up to the mark and protect the people that they represent by refusing this revised application. We are not stopping them from developing the site and should Banks wish to proceed with this development they should do using the original granted permission. If the committee is swayed by the misleading information provided by Banks then we think that each and every committee member should be personally held accountable for their actions when they have inflicted a lifetime of misery on residents.

Material Planning Considerations

The matters detailed within the additional representations has been taken into account within the main report and there is no new information within these comments which requires additional considerations.

Recommendation:

That the application be determined in accordance with the recommendation within the main report.

Corporate Director of Development and Neighborhood Services

Contact Officer Mr. Andrew Glossop, 01642 527796

Email address andrew.glossop@stockton.gov.uk

Financial Implications, This application is recommended for approval without control over a certain type of noise which it is considered cannot be definitively said, will occur at the site. Conditions are recommended which deal with general noise and an Environmental Management Plan would exist to deal with other noise causing harm / detriment should it occur. The Local Authority would not have ultimate control of action taken under the Environmental Management Plan and as such, should noise occur which needs addressing which is not dealt with by either the recommended conditions or the Environmental Management Plan, then there may be a requirement for action to be taken under Statutory Nuisance Legislation at the cost to the authority.

Environmental Implications – Within this report consideration has been given to all environmental implications of the proposed scheme including pollution, amenity, ground conditions, nature conservation and ornithology, health and safety, heritage, visual, landscape matters as well as climate change and renewable energy.

Legal Implications – There are no known legal implications in determining this application.

Community Safety Implications – Within this report consideration has been given to implications in respect to community safety including the impact of traffic and transportation of goods, the operation of the turbines and the use of surrounding Public Rights of Way as well as impacts relating to residential properties. Impacts are considered to be acceptable taking into account policy and the existence of approval for a wind farm under application 10/2549/EIS.

Human Rights Implications – The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impact on residential properties and their occupiers as well as visitors to the area and other relevant parties responsible for, or with interests in, the immediate and surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where it is considered necessary to do so, with an overall account being taken of the approval granted under 10/2549/EIS and the limited changes being proposed.

Background Papers

Planning Policy Statement 5: Planning for the Historic Environment Practice Guide
Planning for Biodiversity and Geological Conservation – A guide to good practice
DCLG Planning Practice Guidance for Renewable and Low Carbon Energy – July 2013
Adopted Stockton on Tees Local Plan (June 1997)
Stockton on Tees Core Strategy Development Plan
Stockton on Tees Supplementary Planning Documents
SBC Landscape Character Study
ODPM Circular 06/2005 Biodiversity and Geological Conservation
Wind Farm Development and Landscape Capacity studies – East Durham and Tees Plain and the Addendum
UK Renewable Energy Strategy
North East Regional Renewable Energy strategy (on behalf of The North East Assembly)
DECC – 2050 Pathways Analysis
Onshore Wind Energy Planning Conditions Guidance Note – RaB and BERR
Update of Shadow Flicker Evidence Base, Final Report – PB / DECC
Salford University (on behalf of DEFRA) – Research into Aerodynamic Modulation of Wind Turbine Noise: Final Report July 2007.
Environmental Protection Agency: Guidance Note on Noise Assessment of Wind Turbine Operations at EPA Licensed Sites.
IoA – A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.
European Convention of Human Rights 1950

Ward and Ward Councilor

WARD	Western Parishes
Ward Councillor	A Stephenson