

**Bullamore Wind Farm Decision Notice**

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**NOTICE OF DECISION**

**Application No. 08/04984/FUL**

Date: 10 December 2010

**TOWN AND COUNTRY PLANNING ACT 1990**  
**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**PROPOSAL:** Siting of 4no 132m high wind turbines, associated works and a new vehicular access  
**LOCATION:** O S Field 0058,6375,4300 And 0001 Land South Of A684 Northallerton North  
Yorkshire  
**APPLICANT:** Novera Energy Plc

Hambleton District Council, being the Planning Authority for the purposes of the above application which was received on 19 December 2008, having considered the following policies:

PPS1: Delivering Sustainable Development (& Companion Guide)  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPS22: Renewable Energy (& Companion Guide)  
PPG24: Planning & Noise

ENV5 of the Regional Spatial Strategy

CP1: Sustainable Development  
CP2: Access  
CP4: Settlement Hierarchy  
CP16: Protecting and Enhancing Natural and Man-Made Assets  
CP17: Promoting High Quality Design  
CP18: Prudent Use of Natural Resources  
CP21: Safe Response to Natural and Other Forces

DP1: Protecting Amenity  
DP3: Site Accessibility  
DP9: Development outside Development Limits  
DP29: Archaeology  
DP30: Protecting the Character and Appearance of the Countryside  
DP31: Protecting Natural Resources, Biodiversity and Nature Conservation  
DP32: General Design  
DP34: Sustainable Development  
DP42: Hazardous and Environmentally Sensitive Operations

and taken into account the following reasons:

The development hereby approved will contribute to meeting Hambleton's renewable energy generation target of 40MW by 2010 and 90MW by 2021 without causing unacceptable harm to, in particular, the amenity of local residents and landscape and visual character, in accordance with the provisions of PPS22, policy ENV5 of the Regional Spatial Strategy and policies CP18 and DP34 of the Hambleton Local Development Framework.

The Environmental Impact Assessment was found to be carried out in accordance with the appropriate regulations, following consultation about its scope with the Council and other interested parties.

In determining the application for planning permission, numerous technical issues including: noise; low frequency noise; shadow flicker; ecology; archaeology and cultural heritage; traffic, transport and highway safety; construction/decommissioning; aviation and radar; ice throw and surface water have been examined in full by the local planning authority. Subject to the following conditions, it is considered that the windfarm will not cause unacceptable harm to the local environment and its sensitive receptors.

In light of the above considerations the Council resolved **GRANT** planning permission subject to the following conditions:

### 1. Commencement

The development hereby permitted shall be begun within five years of the date of this permission.

**Reason:** To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

### 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.

<b>Plan Reference Number</b>	<b>Date on Plan</b>
Figure 1.1 Site Location	19 December 2008
Figure 3.1 Wind Farm Layout	19 December 2008
Figure 3.5 Typical Crane Hardstanding	19 December 2008
Figure 3.6a Typical Access Track Design	19 December 2008
Figure 3.6b Typical Access Track Drainage Design	19 December 2008
Figure 3.6c Site Access (Western)	19 December 2008
Figure 3.6d Site Access (Eastern)	19 December 2008
Figure 3.9 Typical Control Building and Compound	19 December 2008

**Reason:** To ensure that the development is undertaken in a form appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, CP18, DP30, DP32 & DP34.

### 3. Period of Permission – 25 years

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

**Reason:** In order to adequately control the impact of the turbines and their associated infrastructure on the landscape, in accordance with policies CP16 and DP30 of the Hambleton Local Development Framework.

#### **4. Turbine Positioning (Micro Siting)**

Notwithstanding details hereby approved, the wind turbines and their associated access tracks shall be sited within 50m of the positions indicated on Figure 3.1 (Wind Farm Layout) of Volume II of the Environmental Statement in accordance with a final scheme of siting to be previously submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the local planning authority.

**Reason:** To provide marginal scope for micro siting whilst ensuring the development does not differ materially from the submitted proposal in order to provide adequate spacing from nearby features in the interests of safety, in accordance with policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.

#### **5. Turbine Size, Colour and Design**

Prior to the erection of the wind turbines and meteorological mast hereby approved, full details of the design, siting, dimensions, lighting, colour and finish shall be submitted to and approved in writing by the local planning authority. The turbines shall not exceed 132m in height to tip of the blade. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of aviation safety and landscape impacts in accordance with policies CP16 and DP30 of the Hambleton Local Development Framework and guidance contained within Planning Policy Statement 22 (PPS22).

#### **6. Connection Building**

Prior to the commencement of development, the applicant will provide full details of the location and design of the connection building and any other associated works, including details of external surface coverings and roofing materials, for the written approval of the local planning authority. The connection building shall be constructed in accordance with these approved details.

**Reason:** In order to adequately control the visual impact of the connection building on the landscape, in accordance with policies CP16 and DP30 of the Hambleton Local Development Framework.

#### **7. Impact on Radar**

No construction of a wind turbine shall commence unless and until the local planning authority has approved in writing a Radar Mitigation Scheme.

No turbines shall become operational unless and until all measures required by the approved Radar Mitigation Scheme have been carried out and thereafter the developer shall comply with all other obligations contained within the Radar Mitigation Scheme.

For the purposes of this condition, "Radar Mitigation Scheme" means a scheme designed to mitigate the impact of the development upon the Watchman Primary Surveillance Radar at RAF Leeming and the air traffic control operations of the MOD, that rely on the radar, as at the date of the Radar

Mitigation Scheme. The Radar Mitigation Scheme will set out the appropriate measures to be implemented to that end.

**Reason:** In the interests of aviation safety in accordance with guidance contained within PPS22 and CP1 of the Hambleton Local Development Framework.

## **8. Aviation Lighting**

Prior to the erection of any wind turbines hereby approved a scheme of aviation lighting shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall detail the position, type and luminance of lighting and timing and a method statement for reporting any known failure of the lighting to the Ministry of Defence. The development shall be carried out with the approved scheme and shall be operated and maintained for the life of the wind farm unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of aviation safety in accordance with guidance contained within PPS22 and CP1 of the Hambleton Local Development Framework.

## **9. Ministry of Defence Notification**

The Ministry of Defence shall be notified in writing, a minimum of 4 weeks in advance of the date construction on site commences, including: timing for the erection of each turbine; the date construction on site ceases; the maximum height of construction equipment and the latitude and longitude of each turbine. Each submission of details shall be accompanied by the site address, grid co ordinates and local planning authority's Planning Application reference number.

**Reason:** In order to inform individuals responsible for aviation safety within the area in accordance with guidance contained within PPS22 and Policy CP1 of the Hambleton Local Development Framework.

## **10. Ice Formation Prevention**

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

**Reason:** In order to ensure adequate safety in specific conditions in accordance with guidance contained within PPS22 and Policy CP1 of the Hambleton Local Development Framework.

## **11. Surface Water Drainage**

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

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies CP21 and DP43 of the Hambleton Local Development Framework.

## **12. Archaeology**

Prior to the commencement of the development hereby approved, a phased programme of archaeological work shall be implemented in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ unless otherwise approved in writing by the local planning authority.

**Reason:** The site is of archaeological interest in accordance with policies CP16 and DP29.

## **13. Landscaping Scheme, Implementation and Management**

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. The development shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the local planning authority.

**Reason:** In order to ensure a high quality of development in accordance with Policy CP17 & DP33 of the Hambleton Local Development Framework.

## **14. Storage of Potentially Polluting Goods**

Any facilities for the storage of oils, fuels or chemicals shall be operated in accordance with current Environment Agency guidance. Prior to the commencement of development details of the location and design of such storage facilities shall be submitted to and approved in writing by the local planning authority, and shall thereafter be operated in accordance with the approved details.

**Reason:** To prevent pollution of the water environment in accordance with guidance contained within Planning Policy Statement 23 and Policy CP1 of the Hambleton Local Development Framework.

## **15. Site Cabling and Connection**

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

**Reason:** In order to limit the impact of the development on the character and appearance of the surrounding landscape in accordance with policies CP16 and DP30 of the Hambleton Local Development Framework.

## **16. Decommissioning**

Unless a further permission is granted, not later than 12 months before the end of the period of this permission, as defined by condition 3 of this permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the management and timing of any works and a Traffic Management Plan to address traffic issues during the decommissioning period. The decommissioning and site restoration shall be completed, in accordance with the approved scheme, within 24 months of the end of the period of the permission.

**Reason:** In order to adequately control the impact of the turbines and their associated development on the landscape in accordance with policies CP16 and DP30 of the Hambleton Local Development Framework.

#### **17. Turbine removal after 12 months inaction**

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

**Reason:** To ensure turbines are removed at the end of their operational life in accordance with policies CP1, CP16, DP1 and DP30 of the Hambleton Local Development Framework and guidance contained within PPS22.

#### **18. Television Interference**

Before the turbines hereby approved are brought into commission, a scheme for mitigating any interference with domestic television reception shall be submitted to the local planning authority for approval. For the purposes of this condition “any interference” means any interference which can reasonably be attributed to the operation of the turbines hereby permitted. The development shall be carried out in accordance with the approved scheme.

**Reason:** In the interests of protecting local amenity in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework.

#### **19. Shadow Flicker**

Prior to the commencement of the development hereby permitted, a scheme to satisfactorily alleviate the incidence of ‘shadow flicker’ at any affected premises shall be submitted to and approved by the local planning authority. That scheme shall include details of the siting of photocells and the measures to control, re-orientate or shut down particular turbines during the conditions when shadow flicker could occur. Unless otherwise approved in writing, any turbine producing ‘shadow flicker effects’ at any dwelling shall be shut down and the blades remain stationary until the conditions causing those ‘shadow flicker effects’ have passed. The scheme shall be implemented as approved.

**Reason:** In the interests of protecting local amenity in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework.

#### **20. Noise Condition**

The rating level of noise immissions from the combined effects of the wind turbine generators, when measured and calculated in accordance with “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97” published by ETSU for the Department of Trade and Industry and the attached guidance notes, shall not exceed the values set out below. Where there is more than one property at a location the noise limits apply to all properties at that location. This condition does not apply at any property which does not lawfully exist or have planning permission at the time this permission is granted.

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

Location (Easting, Northing grid coordinates)	Measured wind speed (m/s) at 10 metre height within the site averaged over 10 minute periods									
	3	4	5	6	7	8	9	10	11	12
$L_{A90}$ Decibel Levels										
Hill House (439559, 496375)	43	43	43	43	47	51	54	57	60	61
Winton Manor Farm (financially Involved) (440136, 496475)	45	45	45	45	45	45	47	50	53	55
Properties proximate to Winton Manor Farm with no financial involvement (440457, 496604)	43	43	43	43	43	44	47	50	53	55
Winton House (440979, 496577)	43	43	43	43	43	46	49	52	55	58
Stank Hall (440495, 495535) and Stank Farm (440301, 495199) ( both financially Involved)	45	45	45	45	45	45	49	52	54	56
Close Farm (financially Involved) (439527, 495269)	45	45	45	45	45	46	49	52	55	57
Properties proximate to Close Farm with no financial involvement (439086, 495475)	43	43	43	43	43	46	49	52	55	57
The Banks (438776, 495907)	43	43	43	43	44	48	52	56	59	62
Properties proximate to Stank Hall (440495, 495535) and Stank Farm (440301, 495199) with no financial involvement including Stank Hall Bungalow (440504, 495459)	43	43	43	43	43	45	49	52	54	56

At all other times:-

Location (Easting, Northing grid coordinates)	Measured wind speed (m/s) at 10 metre height within the site averaged over 10 minute periods									
	3	4	5	6	7	8	9	10	11	12
<b>L<sub>A90</sub> Decibel Levels</b>										
Hill House (439559, 496375)	41	42	44	46	48	51	53	56	59	-
Winton Manor Farm (financially Involved) (440136, 496475)	45	45	45	45	45	47	49	51	53	-
Properties proximate to Winton Manor Farm with no financial involvement (439086, 495475)	40	41	42	43	45	47	49	51	53	-
Winton House (440979, 496577)	44	44	45	46	47	49	51	53	57	-
Stank Hall (440495, 495535) and Stank Farm (440301, 495199) ( both financially Involved)	45	45	45	45	45	47	49	52	55	-
Close Farm (financially Involved) (439527, 495269)	45	45	45	45	45	48	51	54	57	-
Properties proximate to Close Farm with no financial involvement (439086, 495475)	38	39	41	43	45	48	51	54	57	-
The Banks (438776, 495907)	40	41	42	44	47	49	52	54	57	-
Properties proximate to Stank Hall (440495, 495535) and Stank Farm (440301, 495199) with no financial involvement including Stank Hall Bungalow (440504, 495459)	39	41	42	43	45	47	49	52	55	-

Note: The geographical coordinates 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.

In the event of a complaint being received in writing by the local planning authority alleging noise nuisance at a residential property or properties due to the wind turbines, the wind farm operator shall, at its expense, employ an independent consultant approved by the local planning authority to measure and assess the level of noise immission from the wind farm at the location of the complainant's property following the procedures described in the attached guidance notes. If no suitable measurement location at the complainant's property can be found a suitable proxy location will be

sought and approved by the local planning authority. Where the complaint relates to a location that is not specified in the tables listed above, the relevant noise limits shall be those for the nearest property listed in the tables above. The results of the independent consultant's assessment shall be submitted to the local planning authority within two months of the date of notification of complaint unless an extension is approved in writing with the local planning authority. The operator of the development shall be under no obligation to follow the procedure set out in this condition where the complaint relates to a dwelling house more than three kilometres from the nearest wind turbine generator.

**Reason:** In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework.

## **21. Wind Speed, Wind Direction and Power Generation Data**

The wind farm operator shall commence to log wind speed and wind direction data and power generation for each wind turbine from the date the wind farm becomes operational, by a method to be first agreed in writing with the local planning authority prior to First Export Date and thereafter monitor such data continuously throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months and shall include the arithmetic mean wind speed in metres per second and the arithmetic mean wind direction in degrees from north for each 10 minute period synchronised with Greenwich Mean Time.

At the written request of the local planning authority the recorded data relating to a standardised height of 10m above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint shall be made available. Wind speeds at the standardised height of 10m shall be derived either by direct measurement of 10m height wind speeds or derived by calculation from measurements of wind speed at other heights or derived by calculation from the power output of the turbines by a method to be agreed by the local planning authority prior to commencement of the development.

**Reason:** In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework.

## **22. Turbine Inaction Data**

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

**Reason:** In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework.

## **23. Noise Monitoring Programme**

Prior to the development commencing, a noise monitoring programme shall be submitted to and approved in writing by the local planning authority. The noise monitoring programme shall cover the operation of the development to verify that the noise criteria in condition 20 are being met. This programme shall specify the locations, from which noise will be measured, the frequency of monitoring, the equipment details and the sampling techniques/methodology. The results of any monitoring carried out in accordance with the programme shall be made available to the local planning authority immediately following its completion. Should the results indicate that further monitoring or a

revision of the approved noise monitoring programme is required, the wind farm operator shall undertake to carry this out.

**Reason:** In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework.

#### **24. Habitat Management Plan**

Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted in consultation with Natural England and submitted to and approved in writing by the local planning authority. The habitat management and enhancement plan will consider the following issues:-

- great crested newt monitoring and enhancement measures;
- pre-construction badger surveys;
- provision for bat roost tree surveys if tree removal is unavoidable;
- hedgerow enhancement and re-instatement within the site;
- safeguarding of breeding birds during construction and decommissioning; and
- minimisation of impacts to valuable habitats.

Thereafter, the approved scheme shall be implemented to the satisfaction of the local planning authority.

**Reason:** To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.

#### **25. Ecological Clerk of Works**

Prior to development commencing the applicant will appoint an independent ecological clerk of works/environmental manager, approved by the local planning authority. The terms of this appointment should be submitted for the approval of the local planning authority and shall include that the appointment shall be for the period of the wind farm construction and for the subsequent restoration of the site after construction, and again from the commencement of decommissioning until the completion of the restoration of those parts of the site to be restored in accordance with the conditions of this consent; and that she or he will have sufficient authority on and off-site to oversee and identify action, including any temporary stoppage of works, to ensure natural heritage interests are safeguarded.

**Reason:** To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.

#### **26. Hours of Construction, Decommissioning & Deliveries**

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

**Reason:** In order to limit the impact of construction traffic and site operations on the amenity of the surrounding area in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework.

## **27. Temporary Construction Site Accesses**

Notwithstanding the submitted details included in the application there shall be full location and construction details of the proposed accesses submitted to the local planning authority. Such details shall be approved and shall then be implemented in accordance with the approved details before any work commences on the proposed turbine project.

Before the development is first brought into use the highway verge shall be fully reinstated in accordance with the scheme approved in writing by the local planning authority.

Once the construction phase of the project has been completed the accesses shall be returned to their original condition unless otherwise agreed with the local planning authority.

**Reason:** In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

## **28. Eastern Access for Accessing Traffic Only**

The eastern access shall only be utilised for the purposes of entering the site only. No vehicles shall use this access shown on Figure 3.6d (Site Access - Eastern) to leave the site to gain access to the A684 unless traffic management measures that have been approved by the local planning authority.

**Reason:** In the interests of highway safety in accordance with Policy CP2 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

## **29. Visibility Splays**

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 215m measured along both channel lines of the major road (A684) from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of highway safety in accordance with Policy CP2 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

## **30. Precautions to Prevent Debris on the Highway**

There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the local planning authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the local planning authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the local planning authority agrees in writing to their withdrawal.

**Reason:** In order to ensure site debris does not affect highway safety in accordance with policy CP2 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

### **31. Highway Condition Survey**

Unless otherwise approved in writing by the local planning authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the local planning authority. Details shall be submitted to the local planning authority to ensure that any damage that is caused by the vehicles associated with the project is rectified at the expense of the developer within a reasonable timescale prescribed by the local planning authority. Once the details are agreed they shall be adhered to during the construction phase of the project.

**Reason:** In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

### **32. Highway Structures & Buried Services Survey**

Before the development commences a highway structure survey shall be undertaken to ensure that any highway structures (bridges, culverts etc), any structures belonging to other bodies or any buried services will not be adversely affected by the abnormal loads that will be required to service the development. The survey shall record the current condition of any highway structures under the construction route. The survey and any measures that are required to protect any structures or services shall be submitted to and agreed with the local planning authority. Any measures that are required shall be implemented before the development commences.

**Reason:** In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

### **33. On-site Parking, On-site Storage and Construction Traffic during Development**

Unless approved otherwise in writing by the local planning authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the local planning authority for the provision of:

- (i) on-site parking capable of accommodating all staff, visitors and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

**Reason:** To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

## **34. Routing of Construction Traffic**

Unless otherwise approved in writing by the local planning authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes and all necessary traffic management measures to be used by the abnormal loads and the HCV construction traffic have been submitted to, and approved in writing by, the local planning authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

**Reason:** In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13.

### **INFORMATIVES**

#### **1. Re: Condition 27**

These works may include replacing carriageway, kerbs, footways, cycleways and verges to the proper line and level. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The local area office of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this condition.

#### **2. Re: Condition 28**

It is accepted that this access is required for the abnormal loads to access and egress the site as this is stated within the information that accompanies the application. This should be under a suitable traffic management scheme that shall be agreed in advance with the Highway Authority. At all other times the access should only be used to access (but not egress) the site because of the substandard visibility to the west.

#### **3. Re: Condition 32**

There is also a strategic pipeline that provides ethylene through a high pressure pipeline that runs under the A684 between Ellerbeck and the A19 junction. Therefore the requirements of SABIC UK should be sought in relation to this. Another of SABIC UK's pipelines runs beneath the A19 further north between the Rountons and Crathorne junctions.

#### **4. Re: Condition 34**

Restrictions with may be imposed with regard to traffic movements to and from the site if it becomes apparent that the traffic associated with the development has an adverse impact on the construction route. This may be applied during the morning and afternoon peak flows.

#### **5. Guidance Notes Relating to Noise Conditions**

These notes are to be read with the noise conditions. They further explain the noise conditions and specify the methods to be deployed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best fit curve described in Note 2 of these Guidance Notes and the additional tonal penalty for tonal noise applied in accordance with Note 3.

## Note 1

(a) Values of the  $L_{A90,10min}$  noise statistic shall be measured at the approved measurement location using a sound level meter of BS EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 standard (or the equivalent UK adopted standard in force at the time of the measurements) 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). The sound level meter shall be calibrated in accordance with the procedure set out in Note 1(b).

(b) The entire sensitivity of the acoustical and electrical systems which make up the sound level meter shall be checked during a compliance measurement survey which shall be accomplished by applying an acoustic calibrator conforming to BS EN 60942 (or the equivalent UK adopted standard in force at the time of the measurements) to the microphone to check the sensitivity of the sound level meter system before and after the period of measurements and at intermediate intervals of not more than 7 days. The difference in the noted sensitivities of the measurement system shall be recorded and the difference shall not exceed 1 dB during the compliance measurement survey period. The performance of the sound level meter shall have been verified to ensure it is operating in accordance with BS EN 60651/BS EN 60804 Type 1, or BS EN 61672-1 Class 1 standard (other equivalent UK adopted standard in force at the time of the measurements) within the preceding 24 months prior to any periods during which data is obtained. The performance of the acoustic calibrator used to check the sensitivity of the acoustical and electrical systems which make up the sound level meter shall have been verified to ensure it is operating in accordance with BS EN 60942 (or the equivalent UK adopted standard in force at the time of the measurements) within the preceding 12 months prior to any periods during which data is obtained. Verification of the sound level meter and the acoustic calibrator shall be undertaken by a calibration laboratory which is accredited by the United Kingdom Accreditation Service to undertake such testing to ensure the verification results are traceable to national standards for sound in air defined by the National Physical Laboratory.

(c) The microphone shall be 1.27cm ( $\frac{1}{2}$ " ) in diameter and shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two layer windshield or suitable equivalent system. The two layer windshield or suitable equivalent system shall be approved in writing by the Local planning authority prior to the commencement of measurements. The microphone shall be fitted with the approved windshield and shall be placed outside the complainant's dwelling and be not more than 35 metres from it. The microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements. The measurements shall be undertaken at the approved alternative representative measurement location.

(d) The  $L_{A90,10min}$  measurements shall be synchronised with measurements of the 10-minute wind speed, wind direction, rainfall and power generation data from the turbine control systems of the wind farm.

(e) To enable compliance with the noise condition to be evaluated, the wind farm operator shall continuously log the arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean wind speed measured, at 10m height together with the arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. The 10 metre wind speed measurement location shall be submitted to the local planning authority for its prior written approval. All 10-minute periods shall commence on the hour and in 10 minute increments thereafter synchronised with Greenwich Mean Time but corrected to reflect British Summer Time as necessary.

(f) Data provided to the local planning authority in accordance with condition 21 or 22 shall be provided in comma separated values in electronic format. (g) For the purposes of condition 22, 'normal operation' is defined as all times other than times when one of more wind turbines are rendered non-operational by loss of connection to the electricity grid network; maintenance or repair work; application of emergency trips or alarms; or having been switched off or disconnected for any reason. In the interests of commercial confidentiality no information is required to be provided for individual turbines or on the nature of any abnormality or for any period during which noise monitoring is not taking place.

## **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). Measurements should also be made over a sufficient period to provide valid data points throughout the range of wind speeds, wind directions and times of day considered by the local planning authority to 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 the following data have been excluded:

(i) All periods during rainfall

(ii) All periods during which the measurement position is not within 45 degrees of being downwind of any turbine

(iii) All periods during which turbine operation was not normal.

(c) A least squares "best fit" polynomial curve of an order deemed appropriate by the independent consultant shall be fitted to the data points and used to define the wind farm noise level at each integer wind speed.

## **Note 3**

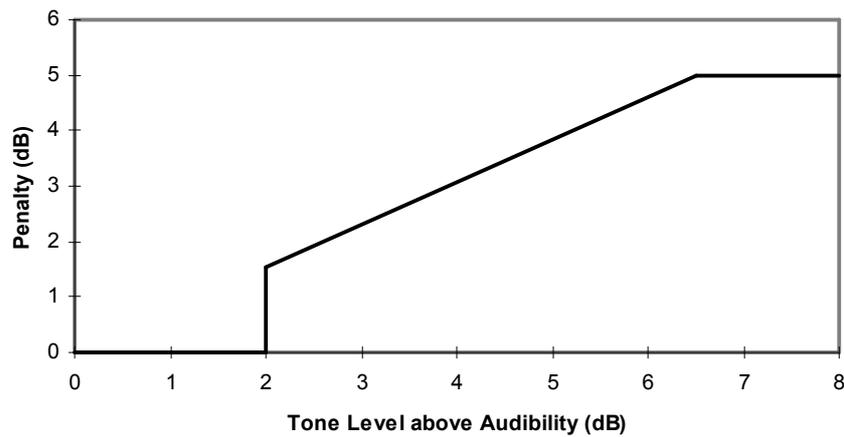
(a) Where, in the opinion of the independent consultant, wind farm noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component a tonal penalty shall be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which  $L_{A90,10min}$  data have been determined to be valid in accordance with Note 2 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 uncorrupted data are available ("the standard procedure"). Where uncorrupted 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 the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility ( $L_{ta}$ ) shall be calculated in accordance with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-1997. (d) The tone level above audibility ( $L_{ta}$ ) shall be plotted against 10 metre height wind speed for each of the 2-minute samples. For samples for which the tone level was below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used.

(f) The tonal penalty shall be derived from the average tone level above audibility of the tone according to the figure below.



**Note 4**

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 above at each integer wind speed.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) In the event that the rating level of noise at the dwelling to which a complaint relates is higher at any wind speed than the limit(s) set out in the Tables attached to the conditions or the noise limits determined in accordance with condition 20 for a complainant’s dwelling which is not listed in the tables attached to the conditions, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rated level relates to wind turbine noise immission only. This further assessment shall be submitted to the local planning authority within 42 days of the submission of the independent consultant’s assessment in accordance with condition 20, unless otherwise extended in writing by the local planning authority.

(d) The wind farm operator shall ensure that both the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(i) Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise ( $L_3$ ) at each integer wind speed.

(ii) The wind farm noise ( $L_1$ ) at this speed shall then be calculated as follows where  $L_2$  is the measured level with turbines running but without the addition of any tonal penalty:

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

(iii) The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise  $L_1$  at that integer wind speed.

(iv) If the rating level at any integer wind speed after adjustment for background noise contribution at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits determined in accordance with condition 20 for a complainant’s dwelling

which is not listed in the tables attached to the conditions then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits determined in accordance with condition 20 for a complainant's dwelling which is not listed in the tables attached to the conditions then the development fails to comply with the condition.



Maurice Cann  
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