

APPLICATION NO	PA/2010/0328
APPLICANT	Mr A Gauntt
DEVELOPMENT	Planning permission to remove condition 24 of planning application WF/2004/0092 dated 28/02/2008 (Turbines not in use below wind speed of 4 metres/sec) and to vary condition 26 (to include wind speeds below 4 metres/sec)
LOCATION	Land at Medge Hall, Crook O Moor Bridge, Medge Hall, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle Town Council Significant public interest

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS21 (Renewable Energy) says that proposals for renewable energy developments will be permitted providing that any detrimental effects on features or interests of acknowledged importance, including local character and amenity, are outweighed by environmental benefits, and that proposals include details of associated developments, including access roads and other ancillary works.

Planning Policy Statement 22 (Renewable Energy) and its Companion Guide: This document refers to all matters relating to wind farm development and other renewable energy proposals, and advises that noise from wind farms should be assessed against guidance provided in the ETSU publication (1997).

CONSULTATIONS

Highways: No objections.

East Midlands Airport: No objections.

Doncaster Metropolitan Borough Council (as neighbouring authority): Confirm, following discussions with the office of the Secretary of State, that it is the role of the local planning authority to consider variations to conditions imposed on a planning permission originally determined by the appropriate Secretary of State.

TOWN COUNCIL

'...make rigorous objection to the application as follows:

1. Condition 24 (Noise Levels) was described as one of the most important, at the nine week public inquiry re said windfarm, with the inspector emphasising (and EON agreeing his decision) the MAXIMUM NOISE LEVELS as set out in his decision.
2. The type of turbine at that time had not been finalised, hence the decision to opt for the VESTA V90 is irrelevant to the inspector's decision.
3. It was suspected by several attendees at the inquiry, that whilst EON readily agreed the inspector's decision on noise levels they would seek to increase such prior to construction. Sadly their suspicions have proved correct.
4. A plus, re our objection, is that as you attended the nine week inquiry you validate the inspector's determination that the agreed speed/noise levels were final.

Although there are only ten families living in the hamlet of Medgehall it is imperative that North Lincolnshire Council's Planning Committee protect their quality of life as was the PUBLIC ENQUIRY INSPECTOR'S INTENTION.'

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. Three letters and a petition from Medge Hall residents containing 24 signatures have been received objecting to the development on the following grounds:

- The council, as local planning authority, has no authority to deal with this application – it should be considered by the Secretary of State, as was the original application for the proposal.
- The existing condition should be retained as recommended by the inspector and duly approved by the Secretary of State in the interests of protecting the amenities of local residents.
- No evidence has been provided to support the change in turbine specification.
- Information submitted with the application is factually incorrect.
- To allow changes to noise levels will impact upon wildlife in the area.

ASSESSMENT

Following a public inquiry, on 28 November 2008 the Secretary of State granted permission for the erection of 22 wind turbines with a maximum height to tip of 125 metres with associated compounds and access tracks.

Three of these turbines are situated within the administrative area of North Lincolnshire Council, to which this application relates, and the balance of the site is located within Doncaster Metropolitan Borough Council's administrative area, who have already determined a similar planning application.

The planning permission that has been granted contains a number of conditions, including conditions to control noise, specifically condition 24 which does not permit the use of the turbines at wind speeds below 4 metres per second measured at a height of 10 metres. The purpose of the condition is to ensure that the turbines do not operate when wind speeds are

at their lowest and the noise from the turbines is likely to be higher than the noise from the wind. This application seeks to remove condition 24 of the planning permission which would allow the operation of the turbines at wind speeds below 4 metres per second. At the time of the original application for the wind farm and the subsequent public inquiry, the proposed turbines considered in the noise assessment were the Nordex N90 type. The applicant now proposes to install a Vestas V90 wind turbine which has different noise characteristics.

The noise assessment that accompanied the original application was undertaken in accordance with the Assessment and Rating of Noise from Wind Farms commonly referred to as the ETSU document (1997).

This document is a Government recognised model for measuring noise from wind turbines.

The applicant has submitted a revised noise assessment that considers the turbines now proposed (Vestas V90) which provides a greater understanding of the effects of both noise and wind shear from the turbines.

The noise assessment seeks to show whether the proposed noise levels from the turbines at speeds of less than 4 metres per second will be lower than the minimum noise levels secured at nearby properties through condition 26 on the original permission.

Procedurally, permission was granted by the Secretary of State for the Department of Business, Enterprise and Regulatory Reform (DEBRR) under Section 36 of the Electricity Act 1989. Following the grant of planning permission by DEBRR all subsequent matters in relation to the submission of schemes and discharge of the planning conditions are devolved down to the local planning authority for their consideration. As such it falls to the local planning authority to consider the appropriateness of this proposal.

The determining issue is whether or not the change in turbine type warrants changing the conditions that are attached to the planning permission which will in effect allow the turbines to operate in a different wind regime. The updated noise assessment submitted by the applicant has been carried out in accordance with the Government recognised ETSU 1997 model using both the latest noise data for the Vestas V90 wind turbine and the most recent best practice guidelines. This assessment has been considered by the council's Environmental Protection team and has been found to be a sound assessment of the situation. The noise assessment shows that apart from the case of Medge Hall, the predicted shear adjusted turbine noise levels at all nearby residential properties at all wind speeds are below the daytime noise limits approved under the original permission. The assessment also shows that the predicted wind turbine noise levels at nearby residential properties during night-time are below those approved on the original permission at all wind speeds, including those below 4 metres per second.

In the case of Medge Hall, mitigation is required for wind speeds under 7 metres per second during daylight hours (7am to 11pm). It is therefore proposed to shut down the nearest two turbines to Medge Hall (turbines 20 and 21) during daytime hours when wind speeds are below 7 metres per second when measured at a height of 10 metres. This will be secured through a variation to the original planning condition (24) and is detailed in planning condition 23 below.

Noise monitoring results to be submitted within three months of the commissioning of the wind farm, as secured through planning condition 24 below, will ensure that the wind farm is operating within the specified noise limits as detailed in planning condition 25 below.

In conclusion, a change in the type of wind turbine and a greater knowledge of the levels of noise from wind farms has shown that operation of the turbines at wind speeds of less than 4 metres per second will not harm the amenity of nearby residents. It has, however, been shown that noise levels will be slightly higher during the daytime at Medge Hall and to overcome this, the original condition 24 will be varied to ensure that the nearest two turbines, that is turbines 20 and 21, are shut down at wind speeds of less than 7 metres per second as detailed in planning condition 23 below.

It should be noted that the conditions recommended for this permission take account of condition compliance that has already been agreed pursuant to applications made to North Lincolnshire Council as planning authority previously.

RECOMMENDATION Grant permission subject to the following conditions:

1.
This permission is for a period not exceeding 25 years from the date the development is first connected to the electricity grid, such date to be notified to the local planning authority not later than one month from the making of such connection.

Reason

The wind farm is only intended to be in operation for a period of up to 25 years.

2.
The development shall be carried out in accordance with Figure 2.1 of the Supplementary Environmental Information dated January 2006, provided that micro-siting of turbines, access tracks, and access crossings of drains or ditches, is permissible up to 50 metres from their identified location (by reference to their grid co-ordinates), subject to:

- (a) the turbines not being located within 300 metres of the boundary of the Thorne and Hatfield Moors SPA;
- (b) compliance with the noise conditions set out below;
- (c) such micro-siting being notified to and approved in writing by the local planning authorities prior to construction of the turbines to be micro-sited.

Reason

To ensure that the development is carried out in full accordance with the approved details.

3.
The blades of all the wind turbines shall rotate in the same direction.

Reason

In the interests of local amenity.

4.
No turbines shall be located within 20 metres of the top of the bank of any drain or ditch.

Reason

To ensure that any drains and ditches are unaffected by the development.

5.

All cables from the turbines to the substation and the connection from the substation to the national grid shall be underground as per cable trench and circuit layout drawings 8416-TB-ME-2001 to 207.

Reason

To ensure the satisfactory appearance of the development.

6.

No turbine blades shall oversail any established public right of way existing at the date of commencement of development.

Reason

To ensure that users of the public right of way are unaffected by the development.

7.

The proposed substation shall be built in accordance with the details shown on building layout reference 104714-401 and the materials used shall be Hanson County Red Smooth for the bricks and Marley Eternit Ashmore Smooth Grey for the roof tiles.

Reason

To ensure the satisfactory appearance of the development.

8.

The colour of the turbine tower, nacelle, hub and blades shall be RAL 7035 (light grey).

Reason

To ensure the satisfactory appearance of the development.

9.

The hard-standings shall be built in accordance with the details shown on J1087 115 Turbine Installation Area, unless otherwise approved in writing by the local planning authority.

Reason

To ensure the satisfactory appearance of the development.

10.

The development shall be carried out in accordance with the details shown on Ref 104714-350 Rev2, Ref 104714-351 and Ref 104714-352.

Reason

To ensure that drains and ditches are unaffected by the development.

11.

The development shall be carried out in accordance with the Ground Monitoring Proposal, 1087 S002 dated May 2009, unless otherwise approved in writing by the local planning authority.

Reason

To protect the groundwater hydrology.

12.

The development shall be carried out in accordance with the Written Scheme of Investigation for Archaeology 1087-S003 dated May 2009, unless otherwise approved in writing by the local planning authority.

Reason

To ensure that any archaeological remains present are preserved, either by being left in situ or recorded before they are damaged or destroyed.

13.

Unless otherwise approved in writing with the local planning authority, the development shall be carried out in accordance with Revision B of the Traffic Management Plan dated November 2010.

Reason

In the interests of highway safety.

14.

Except in an emergency, no vehicle traffic delivering road stone and aggregates required for the construction of the development shall be routed via Coulman Street or Church Balk, Thorne unless otherwise agreed by the local planning authority, in consultation with the local highway authority.

Reason

To protect residential amenity.

15.

Unless otherwise approved in writing with the local planning authority, the development shall be carried out in accordance with Revision 1 of the Construction Management Plan dated 3rd March 2011.

Reason

To minimise disturbance to residents in the vicinity of the windfarm.

16.

The development shall be carried out in accordance with the Tween Bridge Microwave and Telecommunication Survey dated 5 August 2009.

Reason

To ensure that the development does not affect TV reception in the area.

17.

Any hedgerow to be removed as a result of construction activity shall be cleared during the period between 1 September and 28 February in the subsequent year and where any replacement is required, it shall be replaced during the first possible planting season November-March following the removal.

Reason

In the interests of the amenity of the area.

18.

Except with the prior written approval of the local planning authority, exceptionally noisy operations such as soil stripping and replacement and any screening barrier formation and removal shall only be carried out between the hours of 0830-1730 hours on Mondays to Fridays; 0930-1300 hours on Saturdays and at no time on Sundays or Bank and National Holidays except with the prior written consent of the local planning authority.

Reason

To protect residential amenity.

19.

The 'A' weighted equivalent continuous free field noise level (L Aeq, T) attributable to the construction activity, measured at, or projected to, any noise sensitive properties, or at equivalent positions agreed with the local planning authority, shall not exceed:

- (i) 70 db(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of soil baffle mounds (maximum 8 weeks duration);
- (ii) 55 dB (A) in any one hour period at any noise sensitive property during all other construction activities.

Reason

To protect residential amenity.

20.

Unless otherwise agreed in writing with the local planning authority, deliveries to and from the site and the loading or unloading of raw materials during the construction phase of the development shall be restricted to the hours of: 0800-1800 hours Mondays to Fridays; 0800-1300 hours Saturdays and at no time on Sundays or Bank and National Holidays.

Reason

To protect residential amenity.

21.

Unless otherwise agreed in writing with the local planning authority, construction activities shall be restricted to the hours of: 0800-1800 hours Mondays to Fridays; 08.00-1300 hours Saturdays and at no time on Sundays or Bank and National Holidays.

Reason

To protect residential amenity.

22.

Broadband noise reversing alarms (white noise alarms) shall be used on all vehicles that require audible alarms.

Reason

To protect residential amenity.

23.

Turbines 20 and 21 as indicated on drawing reference [GTI Rev B] shall not be used for power generation at derived 10m height wind speeds below 7m/sec during the daytime

hours (0700 to 2300 hours). The 10m height wind speeds shall be derived as described in Informative Number 2.

Reason

To protect residential amenity.

24.

An initial noise assessment shall be undertaken and the results submitted to the local planning authority within three months of commissioning of the wind farm to compare the actual noise levels with the developer's predicted noise levels. Measurements shall take place at the properties identified in the tables referred to in condition 25 below.

Reason

To protect residential amenity.

25.

The noise level emitted by the turbines shall not exceed the following levels, measured as a 10 minute LA90 at the following locations:

South Moor / Sandmoor / Orchard Farm

Wind Speed ms ⁻¹	0700-2300	2300-0700
4	41.8	44.8
5	43.6	46.2
6	45.6	47.6
7	47.6	48.8
8	49.7	50.1
9	51.6	51.2
10	53.4	51.5
11	53.4	51.5
12	53.4	51.5

Allotments

Wind Speed ms ⁻¹	0700-2300	2300-0700
4	41.7	43.0
5	43.1	43.0
6	44.5	43.0
7	45.6	43.5
8	46.5	44.7
9	46.9	46.5
10	46.8	49.1
11	46.8	50.8
12	46.8	50.8

Dairy Farm

Wind Speed ms ⁻¹	0700-2300	2300-0700
4	41.1	43.0
5	42.5	43.0
6	43.8	43.3
7	45.0	44.3
8	46.0	45.4
9	46.8	46.9
10	47.3	48.7
11	47.5	49.9
12	47.5	49.9

Medge Hall

Wind Speed ms ⁻¹	0700-2300	2300-0700
4	37.0	43.0
5	37.0	43.0
6	39.4	43.0
7	43.0	43.0
8	47.3	47.1
9	52.1	54.7
10	57.6	56.9
11	57.6	56.9
12	57.6	56.9

Reason

To protect residential amenity.

26.

The noise levels emitted by the turbines shall be measured as a 10 minute LA90 and compared with the limits given in condition 25. Where noise levels at residential properties are found to be in excess of the noise limits when investigated in accordance with the procedure detailed in ETSU-R-97, the operator shall take remedial action in conjunction with the local planning authority as appropriate. When noise limits are breached due to a specific combination of wind speed and direction, the wind turbine control program will be configured to shut down the offending turbine or take other remedial action to constrain the turbines within the noise limits. The noise levels specified in condition 25 above shall also apply to all other dwellings not listed above which lawfully exist or have planning permission, for construction at the date of this permission. The noise limits shall be derived from the tables in condition 25 above for dwellings or sites closest to the other dwellings in question and having pre-established background noise levels at the dwellings set out in the table.

Reason

To protect residential amenity.

27.

The development shall be carried out in accordance with the approved Nightjar Monitoring Protocol dated 29 April 2010, unless the local planning authority gives their written consent to any variation.

Reason

To protect any nightjars on the site.

28.

The development shall be carried out in accordance with the approved Habitat Management Plan dated 15 October 2009.

Reason

To ensure that the ecological interests of the site are maintained in accordance with policy ENV43 of the Doncaster Unitary Development Plan.

29.

The wind farm shall not commence operation until the works and other requirements of the approved additional radar scheme and RHADS User Requirements Document have been constructed, installed, effected, tested and become operational and any further necessary approvals for the same, including the regulatory approval of the Civil Aviation Authority,

have been obtained, all to the satisfaction of the local planning authority in consultation with the airport operator. Any variation to the approved scheme, including implementation, shall not take place except with the prior written consent of the local planning authorities.

Reason

To ensure that the development does not affect the operation of the airport.

30.

The wind turbines shall not be illuminated unless the local planning authorities give their written consent. Details of the illumination shall be submitted for approval before such works are undertaken.

Reason

To protect the visual amenity of this rural area.

31.

Within one month of the commissioning of the wind farm, the local planning authority shall be notified in writing of the date of commissioning.

Reason

To establish a date of commencement for the development and to assist in the effective monitoring of the site.

32.

Within 12 months of the end of the 25 year period, all wind turbines, ancillary, equipment and buildings (but excluding access tracks) shall be dismantled to 1.2m below ground level (or as otherwise agreed in writing with the local planning authority) and removed from the site and the land shall be restored, in accordance with a decommissioning, restoration and after-care scheme to be submitted for the approval of the local planning authority no later than 1 year prior to the expiry of the 25 year period referred to above. The decommissioning process shall proceed in accordance with the approved scheme unless the local planning authority gives their written consent to any variation.

Reason

To ensure that the site is appropriately restored.

33.

Operation of the turbines shall take place in accordance with the Shadow Detection System General Description Class 1 2009-05-26, unless the local planning authority gives its prior written consent to any variations.

Reason

To protect residential amenity.

34.

The development shall be carried out in accordance with the Mine Subsidence, Tilt and Starin Calculations J1087-C004 BO1 (revised 19-05-10 BO2) and Mining Movement and Foundation Summary Report J1087 R006 dated January 2010 (revised 20-05-10 B03) unless the local planning authority gives its written consent to any variation.

Reason

To ensure the stability of the ground.

35.

If any turbine ceases to be operational for a continuous period of 12 months, it shall be dismantled and removed from the site and that part of the site shall be restored in accordance with details approved in writing in a scheme to be submitted to the local planning authority no later than 2 months after the expiration of the said period of 12 months.

Reason

To ensure that the site is restored.

36.

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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason

To protect the groundwater.

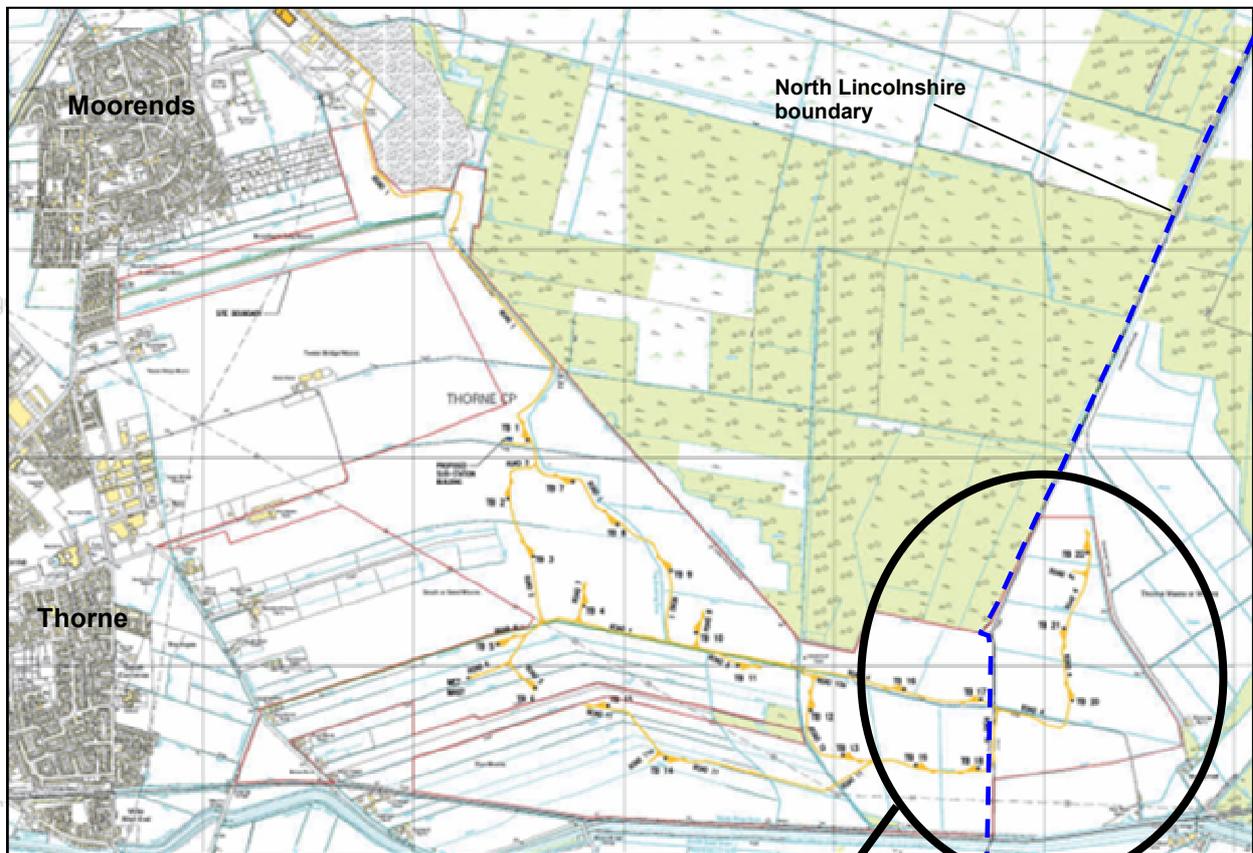
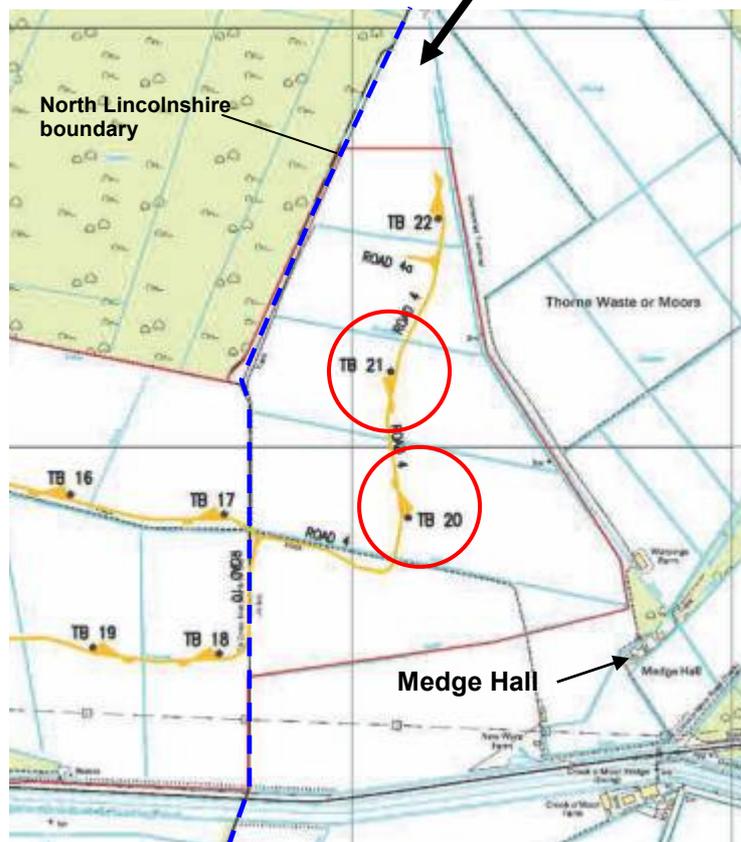


Fig. 1—Location plan with detailed view of turbines 20 and 21 (see planning condition 23).



Drawing Title: 2010/0328

OS Grid Ref:

Drawn by

Scale: Not to scale

Date: 14/06/2011



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