

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0293/DM
FULL APPLICATION DESCRIPTION:	Installation of two 500kw wind turbines with ancillary development including access tracks and crane pads
NAME OF APPLICANT:	Mr G Hirst and Mr D Morgan
SITE ADDRESS:	Land south of Harap Road, Garmondsway, Fishburn
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Andrew Inch, Team Leader – Strategic Team 03000 261155, andrew.inch@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The nature of the application site is open countryside consisting of agricultural land serving Trimdon House Farm and West House Farm. The land slopes gently down from north to south. The landscape contains mature hedgerow field boundaries and hedgerow trees, along with man-made features which include two 400kV electricity lines and associated pylons. The application site lies at a distance of around 1.25km from the nearest properties on Salvin Terrace in Fishburn and 1.6km from the nearest properties in Trimdon Village. There a number of other isolated dwellings and farmsteads in the area, with nearest being at West House Farm, some 450m from the nearest part of the application site.

Proposals

2. The proposal is for the erection of two wind turbines, to generate electricity for Trimdon House Farm and West House Farm. The turbines would be approximately 400 metres apart, the southerly one being 200 metres to the north east of West House Farm, and the other being 150 metres due south of Harap Road.
3. The turbines would each have 500kw output, and would be mounted on towers to give a 50 metre hub height and a swept diameter of 54 metres. The ground to tip height would therefore be 77 metres. The northernmost turbine would be installed at 140 metres above sea level, and the southernmost installed at 120 metres above sea level, approximately 20 metres and 40 metres (respectively) lower than Harap Road.
4. The application is referred to committee at the request of the former Elected Division Member, Councillor Brookes, as at the time of submission the application site was within the Trimdon Electoral Division, however, following a change to the Electoral Division boundaries in May 2013, the site is now within the Sedgefield Electoral Division.

PLANNING HISTORY

5. Previous screening opinions for single turbine proposals at these locations concluded that Environmental Statements would not be required due to the magnitude and environmental impact of the proposals. There is no other planning history associated with this proposal, although West House Farm does have an operational airstrip and associated buildings, with a history of related planning permissions.
6. In March 2011, a screening opinion (2010/0366/SC) under the EIA regulations was issued, in which it was confirmed that a single 67m high wind turbine in the approximate position of the proposed turbine closest to West House Farm, would not constitute EIA development. Any subsequent application need not therefore be accompanied by an Environmental Statement.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. One of the twelve core principles is support for the transition to a low carbon future in a changing climate, and encouragement for the use of renewable resources. Paragraph 98 advises that when determining applications, local planning authorities should not require applicants to demonstrate need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application (unless material considerations indicate otherwise) if its impacts are acceptable.
10. *NPPF Part 1 – Building a strong, competitive economy* - Paragraph 19 outlines that significant weight should be placed on the need to support economic growth through the planning system.
11. *NPPF Part 3 – Supporting a Prosperous Rural Economy*. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
12. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an

appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

13. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
14. *NPPF Part 11 – Conserving and Enhancing the Natural Environment* – The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
15. *NPPF Part 12 – Conserving and Enhancing the Historic Environment* – Local Planning Authorities should have a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets, recognising that these are an irreplaceable resource and conserving them in a manner appropriate to their significance.

The above represents a summary of the NPPF, but the full text may be accessed at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; consultation and pre-decision matters; design; flood risk and coastal change; health and well-being; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; renewable and low carbon energy; transport assessments and statements; tree preservation orders and trees in conservation areas; and use of planning conditions. The advice on renewable and low carbon energy includes detailed advice on particular considerations for wind development and includes a recent update following a Written Ministerial Statement on 18th June 2015.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (SBLP)

17. *Policy E1 (Maintenance of Distinctive Landscape Character)* seeks to encourage the maintenance of distinctive landscape areas including the southern and eastern lowlands around Sedgefield.
18. *Policy E11 (Sites of Nature Conservation Interests)* seeks to safeguard sites of nature conservation interest.
19. *Policy E15 (Tree Protection)* specifies that development proposals are expected to retain woodland, important groups of trees, copse and hedgerows wherever possible and replace any trees which are lost.
20. *Policy E18 (Preservation and enhancement of Conservation Area)* seeks to preserve and enhance the character and appearance of the Borough's Conservation Areas.

21. *Policy D1 (Layout and Design of New Development)* sets out a range of principles that are to be applied when considering the layout and design of new development including that the layout and design of new development takes into account the site's natural and built features and its relationship to adjacent land uses and activities and assisting in achieving the objectives of the conservation of energy.

RELEVANT EMERGING POLICY:

The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

<http://www2.sedgefield.gov.uk/planning/SBCindex.htm> (*Sedgefield Borough Local Plan*)
<http://durhamcc-consult.limehouse.co.uk/portal/planning/> (*County Durham Plan*)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Fishburn Parish Council* object to the application, stating that they haven't previously objected to wind turbine applications or indeed to this application when it was first submitted, however, they consider that this proposals would now tip the balance and that Fishburn would be surrounded by turbines. They advise that the clear message from their community is that they do not want any further wind turbine development. Concerns are also raised in respect of the safe operation of Fishburn Airfield.

24. *Ministry of Defence (Defence Infrastructure Organisation)* initially objected to the proposals, but that objection has subsequently been withdrawn following this submission of additional information.

25. *Highway Authority* considers the scheme to be acceptable subject to the imposition of planning conditions relating to the construction phase.

26. *Durham Tees Valley Airport* initially objected to the application, however, following discussions with the applicants, they have withdrawn their objection and advise that their concerns in relation to aviation safety would be addressed through the imposition of planning conditions relating to mitigation measures.

27. *Newcastle International Airport* have advised that given the scale and significant distance of the proposal from the Airport it is considered that the development would not result in any detriment to the safe operations of the Airport, and therefore they have no objection.

28. *The Civil Aviation Authority* has not commented on the application.

INTERNAL CONSULTEE RESPONSES:

29. *The Landscape Section* has provided detailed comments on the likely physical and visual impacts of the proposed development upon landscape character, designated landscapes, local settlements and residential amenity. The conclusions reached are set out in the planning considerations below.
30. *The Environmental Health Section* has advised that following the submission of a revised noise impact assessment carried out following the availability of further sound power level information from the manufacturer, they have no objection to the proposals subject to the imposition of a range of planning conditions covering the construction and operational phases.
31. *The Ecology Section* has considered in detail the submitted Ecological Assessment, and advise that it covers the majority of the species at risk, and that they are satisfied with the methodology and results of the assessment, noting that account is taken of both possible bat roosts and commuting/foraging routes, and that the turbines appear to be located sensitively with these species in mind. No objection is therefore raised, subject to mitigation measures being agreed prior to commencement and a condition to protect breeding birds during vegetation clearance.
32. *The Design and Historic Environment Section* considers that insufficient information has been provided with the application to understand fully the impact on both designated and non-designated heritage assets.
33. *The Archaeology Section* advises that there are records of two known below ground archaeological assets within 140-520m of the northern turbine, and are interpreted, based on form, as being of Iron Age in date. In addition, within a radius of 3km are 3 Scheduled Monuments: Garmondsway, Bishop Middleham and Coxhoe, however, it is considered that the turbines would not have an impact on their settings as per the recently published setting guidance produced by English Heritage. Therefore, there is no objection to the application, however, given the existence of a number of heritage assets in close proximity, if planning permission is granted it should be subject to suitable conditions which require the developer to record and advance understanding of the significance of the heritage asset before it is lost.

PUBLIC RESPONSES:

34. The application has been publicised by way of site notice display in the local area and by way of individual letters to some 200 properties in the local area, principally to a number of properties in Fishburn.
35. As a result of the public consultation, there have been eight letters of objection received from local residents. The grounds of objection include visual impact of the development, cumulative visual impact of several wind farm developments in the area, a greater emphasis should be placed on offshore windfarm development, noise impact, safety of users of the nearby airstrip, and impact upon wildlife.
36. Six letters of support have been received from local residents who consider that wind turbines play an important part in reducing carbon emissions and fighting climate change, and that they do not impact as badly on the landscape as pylons or power stations.
37. *Durham Bird Club* note that an independent survey found Corn Bunting corpses to be present on the site and as such, they consider that a full Corn Bunting survey needs to be carried out at this site, as they are in serious decline in County Durham.

38. *The Campaign to Protect Rural England (CPRE)* is principally concerned by the potential effects on the landscape and tranquillity. In landscape terms although they note the landscape is of medium sensitivity and could accommodate a small medium-small wind farm, there is potentially little unconstrained land with low separation distances to settlements and the Butterwick/Walkway wind turbines and cumulative impacts could therefore be unacceptably high. They consider also that there will be a resultant 'turbine aspect' when driving along the A177, and together with the cumulative effects, they consider the application should be refused.

APPLICANTS STATEMENT:

39. Planning permission for two 500kW wind turbines on land to the south of Harap Road is sought to enable the applicants to reduce the carbon emissions and energy bills of their farms and businesses and to increase self sufficiency in terms of electricity production. The turbines will also provide an important additional source of income for existing rural businesses.

40. It is estimated that the wind turbines will generate 2,628MWh of electricity per year, representing an annual carbon saving of 1,366.56 tonnes of CO₂. The installation consists of two EWT Directwind54 wind turbines, installed on 46m masts, to give hub heights of 50m, and 54m blade diameters giving total ground to tip heights of 77m.. Associated development comprises permanent access tracks and crane pads.

41. The wind turbines will be located in agricultural fields to the south of Harap Road, west of the village of Trimdon and east of the A177. Turbine 1 would be located approximately 185m south of Harap Road, whilst Turbine 2 would be located approximately 400m south of Turbine 1. The application site is located approximately 2km from the centre of Trimdon, and approximately 1.6km north east of the centre of Fishburn. The area is rural in nature and the site is located upon land which rises to the north, with Turbine 1 being located at an altitude of approximately 140m AOD, and Turbine 2 at 120m AOD. The closest major road to the site is the A177 to the west, approximately 950m away. The nearest town to the site is Sedgefield, approximately 4km to the south.

42. The turbine specification and mast height have been chosen after taking into account existing landscape characteristics and the energy generating capacity of the turbines along with other site constraints.

43. The applicants feel that in order to use this technology to the best of its ability the most efficient turbines available should be installed, whilst remaining conscious of landscape impact. The energy generation from the EWT Directwind54 installed on 46m masts make the turbines economically viable and environmentally sound in this location. Any impact on the character and visual appearance of the landscape is outweighed by the benefits of this proposal, including the annual carbon saving of 1,366.56 tonnes, which adds up to 34,164 tonnes of CO₂ over the lifetime of the wind turbines.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

44. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance are the principle, landscape

and visual impacts, impact upon residential amenity, impact upon nature conservation, aviation safety, highway safety, and degree of community support.

Principle

45. The Regional Spatial Strategy (RSS) for the North East has now been revoked. The RSS provided targets for renewable energy generation in the region. The sub-regional renewable energy target for County Durham given in the RSS was 82MW installed renewable energy capacity by 2010. At the time of writing the County has around 167.88MW of renewable electricity operational with a further 30.47MW approved. This will meet around 72% of County Durham's household electricity consumption or 27% of the County's overall electricity consumption. County Durham's 2010 target has been exceeded by a substantial margin and the aspiration to double that target by 2020, included in the emerging County Durham Plan, has already been achieved. While the RSS targets were 'thresholds' and not 'ceilings', the performance to date in Durham indicates that sufficient sites were found to meet those targets and that there is no need to approve sites found to be environmentally unacceptable.
46. The Sedgefield Borough Local Plan is silent in relation to renewable energy development, and as such, in determining the application consideration needs to be given to whether any adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF and whether any specific policies in the framework indicate development should be restricted.
47. One of the twelve core principles of the NPPF is support for the transition to a low carbon future in a changing climate and encouragement for the use of renewable resources, for example, by the development of renewable energy. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be) made acceptable.
48. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG includes advice more specifically relevant to wind turbine development including an updated section following a Written Ministerial Statement dated 18th June 2015. This includes advice that planning permission should only be approved for wind farm development where it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. A specific section of this report is dedicated to this guidance.
49. In summary, it is clear that national planning policy guidance generally supports renewable energy schemes. Measured against this, the proposal is considered acceptable in principle, and a demonstration of need for the turbine is not required.

Landscape and Visual Impact

Landscape Capacity

50. The proposed turbines would be located within an area identified in the now revoked RSS as a 'broad area of least constraint', as informed through evidence contained in

the *Landscape Appraisal for Onshore Wind Development (GONE 2003)*. This document is considered to be a material consideration in the determination of this application, and which identifies the application site area as belonging to the 'Limestone Escarpment and Ridge' landscape type, and thus assessed as being of medium sensitivity to wind energy development. In particular, a medium-small scale development typology should be adopted which would be more likely to fit with the scale and pattern of the landscape. Turbines with an overall height of 77m would be classified as being of the small scale range in terms of turbine height.

51. The turbines would be located on the southern ridge of an escarpment away from the more sensitive scarp and vale topography to the north, and in an area of sloping and undulating terrain already containing man made feature such as high voltage electricity lines and pylons, mobile phone masts, A1(M) motorway and Thrislington Quarry. As such, the location and scale of the proposed turbines would be generally consistent with the findings of the landscape appraisal. Building on the findings of the GONE document is the *Wind Farm and Landscape Capacity Study: East Durham Landscape and Tees Plain (ARUP, 2008)*. The ARUP Report subdivides the study area into landscape zones assessed in terms of sensitivity and appropriate wind farm typology. The application site lies within zone 11, assessed as being of medium sensitivity and suited to a small-medium small (4-6 turbines) wind farm typology. The areas suitability, as highlighted by CPRE, for further wind farm development is assessed as being 'none/limited' and described as follows: There are no existing turbines within the zone. In principle, the landscape could have the capacity to accommodate small medium small-scale development (4-6 turbines) However, the constraints map indicates that there is potentially little unconstrained land. The separation distances from the nearby Trimdon Grange in Zone 8 are low (1.5 to 3km) and relatively low (4 to 5.5km) from the large Butterwick/Walkway complex and cumulative impacts, particularly in the Trimdon area, could therefore be unacceptably high. The number of turbines proposed and noting their overall height is such that the two turbines proposed, would be well within the typology considered appropriate for the area, notwithstanding cumulative impacts.

Landscape Impacts

52. The proposed turbines would be widely visible across the southern part of the East Durham Limestone Plateau and the northern Tees Plain. To the north and north-east in the rolling terrain of the northern escarpment and central plateau, visibility would be relatively patchy due to the screening effects of topography, and of woodlands in the Wingate area. To the south across the escarpment dip-slope and adjacent areas of the Tees Plain, the turbines would be more continuously visible. They would also be visible from the eastern valley terraces of the Wear Lowlands around Bowburn/Tursdale and more generally from the western valley terraces and the spurs and valleys of the coalfield to the west.
53. The escarpment ridge forms the skyline in views from most of these landscapes and the proposed turbines would be visible on or close to the skyline in most views. The ridge is crossed by two 400 KV overhead services with large 50m high pylons which also figure on the skyline in most views. These would assimilate the turbines to some degree. The scale of the impact on the character of the landscape would be heavily influenced by distance. In views from across the Wear Lowlands to the north-west and the Tees Plain in the south at distances of greater than around 4km, the turbines would be seen as small features on the skyline in close association with the existing pylons. Views are typically panoramic and taking in visually complex settled landscapes. Turbine clusters and pylons are already common skyline features and as such, the additional impact of the proposed turbines in these views would be low.

54. At closer distances, largely within the landscape of the Limestone Escarpment, the turbines would be more notable features and would be prominent elements in the landscape within around 4km and dominant elements within around 1.5km, although again, the existing pylons have a substantial impact on the character of the landscape in this area. Their presence is such that the introduction of two 77m turbines (54m hub height) would not involve a significant change in character, and they would help assimilate the turbines visually to some degree. It is therefore considered that whilst adding to the visual clutter of tall structures which erodes the rural character of the area to some degree, the turbines would not, overall, be out of scale or out of keeping with the local landscape.

Visual Impacts

Impacts on settlements

55. *Fishburn*: The turbines would be visible from properties on the western edge of the village at distances as close as 1km, but would not be generally visible from within it. The turbines would not dominate the village or its setting, but would be dominant features from the northern and western approaches to the village by road. However, like Trimdon, the turbines would be prominent from the footpath network to the west, and the village is affected by Butterwick/Walkway on its eastern side in the same way.
56. *Trimdon Village*: The turbines would be visible from properties on the western edge of the village at distances of around 1.5km, but not generally within it. In those views in which they would be visible, the view is heavily dominated by the aforementioned two major 400KV overhead power lines and associated pylons in close proximity. The turbines would not dominate the village or its setting, but would be prominent features from the western and southern approaches to the village by road and they would appear prominent features in views from much of the public footpath network serving the community to the west of the village, in the same way that the Butterwick/Walkway complex is a feature in views from the footpath network to the east.
57. *Trimdon Grange*: The turbines would be visible from a small number of properties on the southern edge of the village at distances of around 2.5km, but not generally from within it, and therefore would not dominate the village or its setting. They would be prominent features from the western and southern approaches to the village by road. They would be prominent but not dominant features in views from some of the public footpath network west of the village, from where the Trimdon Grange windfarm is already a dominant feature.
58. *Bishop Middleham*: the turbines would be visible from properties on the northern edge of the village, at distances of less than 2km, but not generally from within the village, and as such, the turbines would not dominate the village or its setting. The turbines would be prominent but not dominant features from the eastern approach to the village by road, and would similarly be prominent but not dominant features in views from some of the public footpath network to the north of the village.
59. Therefore, whilst the turbines would become obvious and prominent features in the landscape, they would not be unduly dominant on any of the surrounding villages.

Cumulative landscape impact

60. The proposed turbines would have cumulative impacts with other operational sites in the vicinity, in particular with the Trimdon Grange and Butterwick/Walkway wind farms as well as the single proposed wind turbine at Low Raisby Farm. In order to assess the extent of cumulative impacts, consideration has been given to the interrelationship between existing, consented and proposed turbines. In particular, this focuses on the zone of potential prominence, 50 times tip height, the area within which existing/approved turbines may be relatively prominent features in the landscape, and

the zone of potential dominance, 20 times tip height, this being the area within which existing/approved turbines may be relatively dominant features and where the landscape and visual impacts of wind turbines would be at their greatest and corresponds to what is occasionally referred to as a 'wind farm landscape'. Although broadly indicative only and subject to local factors affecting visibility and visual impact, they do show the lack of visual crossover between the existing wind farm clusters at present, whereas in respect of the proposed turbines, there would be a coalescence of the zones of potential dominance between the Trimdon Grange and proposed turbines, whilst the Butterwick/Walkway and proposed turbines would almost coalesce. This would clearly lead to a more continuous tract of wind farm landscape across the area generally.

61. In respect of Trimdon Grange, the area most susceptible to high levels of cumulative visual impact is the area between the two, which includes a number of relatively sensitive receptors including the Raisby Way, West Lane and Harap Road, along with a number of footpaths. Both developments would be prominent or dominant in the same view from parts of the area although because of the valley landform Trimdon Grange would have higher impacts on the southern flanks of the valley with the proposed turbines affecting the northern flanks. The breadth and complexity of the main ridge is such that it can be difficult to relate the proposed site to the Trimdon Grange wind farm, and while this would reduce the inter-visibility to some degree the reality is that once the turbines are constructed they would be generally visible throughout the area, in particular the northernmost proposed turbine.
62. In wider views of the area, the two would often be seen in conjunction with each other but there wouldn't be a particularly strong relationship between them and the overall effect would be of a general straggle of development across the escarpment. This is compounded by the layout of the proposed turbines, with one being on the ridge-top and the other on lower ground. Clearly, whether this would result in a level of cumulative impact that is unacceptable is somewhat subjective. On balance, the fact that the turbines would be read together in wider views, appearing almost as a single scheme and an intensification of the Trimdon Grange wind farm as opposed to a new and distinct wind farm spreading across the landscape.
63. The proposed turbine at Low Raisby Farm would effectively read as part of the Trimdon Grange group and would not have a significant material effect in terms of cumulative impacts.
64. In respect of the Butterwick/Walkway complex, the area most susceptible to high levels of cumulative visual impact is the area between the two, which includes Fishburn. Approaching Fishburn along Harap Road the turbines would be dominant features in views in which the Butterwick/Walkway complex is already very prominent. As noted above, the impacts of the proposed turbines within the villages would generally be low, but the development would lead to a situation where the countryside to both the east and west of the village would be dominated by wind development. This would be appreciated from the roads and rural footpaths serving those communities. Therefore, whilst there would be a leaning towards the creation of a wind farm environment, the cumulative effects would not, on balance, be so significant as to warrant resisting the scheme.

Impact on designated landscapes

65. The site does not carry any national or local landscape designation. The nearest area of land designated as an Area of High Landscape Value (AHLV) lies around 4.3km to the north-east in the Old Wingate Area. The turbines would be visible from parts of the AHLV but in association with overhead services on the southern skyline, but impacts on the special character of the heavily wooded AHLV would be low. The

turbines would also be visible from parts of the Wear Valley AHLV some 6.5km to the northwest at its nearest point. The turbines would be visible in association with overhead services on the southern skyline but impacts on the special character of the AHLV would be low.

66. The Wear Valley AHLV also contains a number of Historic Parks and Gardens including several which appear on English Heritage's Register of Parks and Gardens of National Interest. The proposed turbines would not be visible from the nearest (Croxdale) but would be visible from the northern part of Burn Hall and much of Brancepeth Castle. The turbines would be visible as small feature on the skyline at distances of over 10km, and the turbines would not feature in any formal vistas. As such, the impacts on these designated landscapes would be considered low.

Impact on heritage assets

67. The Landscape Section observes that approximately 30 metres of the northern turbine and 20 metres of the southern turbine would be visible on the horizon when viewing Durham Cathedral from Wharton Park. This would approximate to about half the rotor diameter appearing above the Coxhoe Bank Plantation, and as such, they would be small but noticeable skyline features.

68. However, the turbines would be some 12Km away, in a setting where there are electricity pylons with a height of some 50 metres, carrying two 400Kv electricity lines. In order to be clearer about this issue, the applicant has been asked to supply additional photomontages to demonstrate what, if any, visual impact there would be on the distant landscape settings of the cathedral. Having now received these, the Landscape Section is of the opinion that the level of impact would be low and it is considered that the proposal would not be harmful to the setting of the Durham World Heritage Site.

69. There are three Scheduled Monuments within 3km of the site at Garmondsway, Coxhoe and Bishop Middleham, however, it is considered that given the topography and distances involved, there would be no adverse affect on the setting of the monuments. Similarly, whilst there are conservations areas at Trimdon Village and Bishop Middleham within 3km of the site of the turbines, it is considered, notwithstanding the Design and Conservation Section's view, that the turbines would be sufficient distance away so as to ensure that the character and appearance of the aforementioned conservation areas would not be affected, and would, accordingly, be preserved, in compliance with Local Plan Policy E18. It is therefore considered that there would be no harm to the significance of designated heritage assets, and the scheme accords with the NPPF in this regard.

Residential amenity

Dominance

70. There are few residential properties close to the proposed turbines. The nearest non-involved properties are at West House Farm (460m), Catley Hill House (680m) and Trimdon House Lodge (880m). At West House Farm, there would be around 450m to the nearest turbine (around 6 x tip height) and 750m from the more distant turbine. There are habitable rooms on the eastern elevation of the property with views towards the nearest turbine taking in the working farmyard and outbuildings. There are attractive panoramic views to the south and west of the property looking away from the turbines. In views towards the turbines the more distant turbine would be screened in summer and obscured in winter by intervening mature trees. The nearest turbine would be partially visible above an intervening farm building, and in the

circumstances, it is considered that the turbines would not be overbearing from this property. No objections have been raised by the occupiers of the property.

71. Catley Hill House would have relatively direct views of the turbines from habitable rooms and gardens. Trimdon House Lodge would have views towards the turbines from first floor windows; views from ground floor vantage points would be screened by vegetation. The latter two properties are a sufficient distance (more than 8 and 11 times turbine height, respectively) that the turbines would not be significantly overbearing in terms of their impacts.

Noise

72. The NPPF at paragraph 123 requires that local planning authorities consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents.
73. The PPG recommends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB (A) above background noise for both day and night-time periods. The now cancelled PPS24, former national planning guidance in relation to noise, advised that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is not intended that there should be no perceptible noise at the nearest properties, rather the 5dB (A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be exposed to it. The ETSU guidance also recommends that both day and night time lower fixed limits can be increased to 45dB(A) where the occupier of the affected property has some financial involvement in the wind farm.
74. During the course of the application, the turbine manufacturers provided new technical noise information based on the installation of such turbines elsewhere. The modelling suggests that the proposed wind turbine will not exceed the relevant ETSU-R-97 noise limits at any of the nearest residential dwellings, with nos.19 and 20 South Terrace most affected, experiencing noise levels of 34.98dB at wind speeds of 10m/s. The Council's Environmental Health Officers have been consulted on the application and have raised no objections to the scheme, subject to appropriately worded planning conditions being imposed on planning permission.
75. It is considered therefore that the development would comply with the noise levels established in the ETSU-R-97 guidelines, and such compliance could be ensured by condition. It is considered that any detrimental effect on local residents through noise associated with the proposed wind turbine would not be sufficient to refuse planning permission.

Shadow Flicker

76. Under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker', and only occurs inside buildings where the flicker appears through a window.
77. A property must be within 10 rotor diameters of the turbine, some 540m in this case, in order to experience shadow flicker. The applicant has identified that the most likely affected properties would be those at West House Farm itself (which is around 475m and 550m from the proposed turbines), which could potentially experience shadow

flicker affects up to 30 hours annually. However, this would be a worst case scenario affect and takes no account of the large farm buildings and trees between the turbines and the properties. If shadow flicker does occur, it is considered that agreed measures would provide appropriate mitigation, the most suitable being computer programming to cease operation at times when shadow flicker would occur.

78. Subject to the use of appropriate conditions, it is considered that any detrimental effect on local residents through incidences of shadow flicker would not be sufficient to refuse planning permission.

Nature conservation

79. The Ecology Section has advised that they have considered in detail the submitted Ecological Assessment which accompanies the application and have raised no objections to the proposal noting their satisfaction with the methodology and results of the assessment. Conditions are, however, suggested to flesh out the broad mitigation strategy, which includes additional bat roosts and reduction of maintenance of hedgerows to make them more attractive for bats to forage away from the turbines and a condition to protect breeding birds during any vegetation clearance. The proposals are therefore considered to accord with advice contained in the NPPF.

80. Whilst an objection has been received from Durham Bird Club, specifically in relation to the impact and need for survey work in relation to Corn Bunting, it is considered that as the species is not especially protected in law, and bearing in mind the safeguards through the aforementioned condition, it would not be necessary to require additional survey work in relation to this specific species of bird, and this view is supported by the Ecology Section.

Aviation

81. Due to the height of the turbines consultation was undertaken with both Newcastle and Durham Tees Valley Airports, as well as the Ministry of Defence. The Ministry of Defence and Newcastle Airport raised no objection to the proposed turbines. However, Durham Tees Valley Airport initially raised objections, citing concerns that there is already a significant amount of wind turbines in the area, and any additional turbines would drastically increase the amount of radar clutter in the area which can be distracting for air traffic controllers, therefore posing a risk to aviation safety. The applicants have, however, engaged with the airport, in an attempt to address their concerns. Accordingly, the airport has now withdrawn their objection, subject to the imposition of two planning conditions relating to the agreement and implementation of a mitigation strategy. Subject to these matters being addressed by condition, it is considered that the proposed wind turbines would not pose a risk to aviation safety.

82. No response has been received from Fishburn Airfield, however, it is noted that the owners of the airfield are also the applicants.

Highway safety

83. The Highway Authority has advised that they have no objection in principle to the erection of the two wind turbines, however, they would require the imposition of a number of planning conditions which relate to the construction phase in terms of the delivery of the turbines to site, the provision of an appropriate visibility splay at the junction with the C23 in relation to the northernmost turbine, and the provision of scheme for passing places on the access road to West House Farm from the A177. The proposal would therefore comply with Policy D1 of the Local Plan.

TV and other Communication Interference

84. Due to the operation and scale of wind turbines, schemes have the potential to interfere with analogue TV signals. The applicant has carried out an assessment in accordance with adopted practice in this regard. The assessment has concluded that a large number of properties, based on a worst case scenario, could potentially have their TV signals affected by the proposed development.
85. It should be noted that loss of TV reception is most likely to be an issue for properties using analogue signals. As roll-out of digital services in the area was completed in 2012 this is considered to not be an issue. For those houses currently using satellite or cable TV there would be no significant impacts to TV reception. Nevertheless, should it be demonstrated that the wind turbine has an adverse effect on television reception; the applicant would undertake suitable mitigation measures, at its expense, to return reception to its pre-development quality. Such measures would include re-aligning existing aerials, fitting a booster unit to the aerial, or supply of a cable or satellite service. The use of an appropriate planning condition can be attached to any grant of planning permission to ensure such mitigation occurs.

Degree of Community Support

86. A Written Ministerial Statement (WMS) made 18th June 2015 set out new considerations to be applied to wind energy development. The PPG has also been updated to reflect the content of the WMS. Where an application was already valid at the point of this new guidance emerging then transitional provisions apply. The guidance advises that with regards to this application local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. The PPG advises that whether the proposal has the backing of the affected local community is a planning judgement for the local authority. No definition as to what constitutes the affected local communities is provided.
87. It should be noted that there has been no change to the NPPF as a result of the Ministerial Statement, therefore this remains the primary source of national policy for onshore wind energy development. Accordingly, very significant weight must be attached to Part 10 of the NPPF, and in comparison less weight afforded to the WMS and PPG, although they are material considerations.
88. Based upon the public responses received on the application, there are eight letters of objection and six letters of support, together with a letter of objection from Fishburn Parish Council outlining community opposition. The matter of community support is therefore relatively finely balanced and in the context of the area is not in itself a significant level of public interest in the application. Accordingly, the weight to be given to the matter of community support or otherwise is perhaps reduced overall on this basis.
89. In any event, it is considered that the objections raised have either been addressed within the application submission or in the opinion of officers would not result in any significantly harmful impacts that would warrant refusal of the application. It is therefore considered that in the absence of any overwhelming opposition or support for the proposals, and officers being satisfied that relevant matters are appropriately addressed, that the matter of community support should not be a decisive factor in this particular case.

CONCLUSION

90. It is concluded that the development would not have significant adverse physical impacts on the fabric of the landscape, and although widely visible, impacts would fall largely on the landscape of the limestone escarpment ridge. It is accepted that the proposed turbines would be prominent skyline features, but they would be seen in close association with major overhead services and they would not be out of scale or out of keeping with the local landscape. The proposals would have visual impacts on some Areas of High Landscape Value and registered Historic Parks and Gardens, but those impacts would be low and would not bring the proposals into conflict with policy.
91. It is acknowledged that there are existing windfarm developments in the area, particularly to the south east. Whilst the proposal would contribute to the cumulative visual impact, the addition of two turbines of smaller scale than the Walkway and Butterwick Moor developments is considered to not be significant in this respect. Similarly, it is acknowledged that the proposed turbines would lie close to a number of settlements but would not dominate their visual environment. The proposal is also considered unlikely to contribute in a significant way to the cumulative visual impact of windfarm developments in this part of the County.
92. The proposal has attracted a range of public responses, both objections and support, but is relatively finely balanced and is not in its own right considered a decisive factor. Meanwhile, it is considered unlikely that there would be any impact upon residential amenity, and mitigation is proposed for protected wildlife species. There are no objections on grounds of aviation safety, subject to appropriate conditions. The proposal is therefore considered to be in accordance with the NPPF and relevant Local Plan policies.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of Commissioning of the Development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: To define the consent.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

<i>Plan Reference Number</i>	<i>Date received</i>
Site Location Plan	1 st August 2011
1000900 Rev 01 General Arrangement	1 st August 2011
Turbine 1 Location Plan (1/2500)	1 st August 2011
Turbine 2 Location Plan (1/2500)	1 st August 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy D1 of the Sedgefield Borough Local Plan.

3. Not later than 3 months from the date that the planning permission hereby granted expires, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land reinstated in accordance with a scheme of decommissioning to be submitted to, and approved beforehand by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

4. If any wind turbine generator(s) hereby permitted ceases to operate for a continuous period of 3 months then, a scheme for the decommissioning and removal of the wind turbine generator(s) and any other ancillary equipment and structures relating solely to that generator(s), shall be submitted to and agreed in writing by the Local Planning Authority within 2 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 1 month of the date of its agreement in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

5. The development hereby permitted shall not be begun unless and until a wind farm mitigation scheme, which is designed to mitigate at all times the impacts of the development on the operation of Durham Tees Valley Airport primary surveillance radar and associated air traffic management operations has been submitted to and approved in writing by the local planning authority.

No turbine hereby permitted shall be operated unless and until the measures required by the approved wind farm mitigation scheme to be completed before operation of the turbines have been completed and the local planning authority has provided written confirmation of this.

The development shall not thereafter be operated otherwise than in strict accordance with the approved wind farm mitigation measures, and such mitigation measures as agreed shall remain in place for the operational life of the development.

Reason: In the interests of aviation safeguarding having regards to Planning Practice Guidance Paragraph 017 Reference 5-017-20140306. Required to be pre-commencement so as to ensure that the mitigation measures are implemented and effective prior to the erection of the turbine.

6. No development shall take place until full details of mitigation measures outlined within section 8.7 of the Environmental Appraisal (Land South of Harap Road Wind Turbine Development) by Myriad CEG dated July 2011 have been submitted to and agreed in writing. Development shall take place thereafter in full accordance with the detailed mitigation measures agreed.

Reason: To conserve protected species and their habitats in accordance with section 11 of the NPPF. Required to be pre-commencement so as to ensure that the mitigation measures are implemented and effective prior to any works commencing.

7. No on site vegetation clearance shall be undertaken during the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.

Reason: To conserve protected species and their habitats in accordance with section 11 of the NPPF.

8. All works during the construction phase shall be carried out in accordance with the requirements of BS 5228, 2009: Code of Practice for Noise and Vibration Control on

Construction and Open Sites and, excluding the erection of the wind turbine, shall be restricted to the following permitted hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 08:00 to 13:00 hours

With no permitted working on Sundays and Bank Holidays.

Outside of these hours works at the site shall be restricted to emergency works and dust suppression, and approved in writing by the Local Planning Authority. The Local Planning Authority shall be informed in writing of emergency works within three working days prior to being carried out.

Reason: In order to prevent noise disturbance in accordance with Policy D1 of the Sedgefield Borough Local Plan.

9. No development shall commence until details of the proposed works during the construction phase of the development including a schedule for the works shall be submitted to and approved by the Local Planning Authority including any mitigation measures to be carried out to prevent disturbance to noise sensitive receptors. Such scheme as agreed shall be adhered to at all times during the construction phase.

Reason: In order to prevent noise disturbance in accordance with Policy D1 of the Sedgefield Borough Local Plan. Required to be pre-commencement so as to ensure that the mitigation measures are implemented and effective prior to any works commencing.

10. The wind turbines installed shall be positioned in accordance with the site layout plan submitted with the application and positioned in accordance with the following grid reference coordinates: Turbine No 1: Easting 435045 and Northing 533476 and Turbine No 2: Easting 435071 and Northing 533066.

Reason: In order to prevent noise disturbance in accordance with Policy D1 of the Sedgefield Borough Local Plan.

11. The rating level of noise emissions from the operation of the wind turbines (including the application of any tonal penalty in accordance with the methodology detailed in ETSU-R-97) at the location of the sensitive receptors at Catley Hill House (NSR1), Trimdon House Lodge (NSR2), Trimdon House (NSR3), Residential dwellings at Stobart Terrace, Fishburn (NSR4), Camp House (NSR5) and West House Farm (NSR6) shall not exceed a maximum noise level (LA90, 10 min) of 35.5 dB (A) at all wind speeds from 2 to 10 m/s when measured at a height of 10m during both the night-time period (23:00 to 07:00) and during quiet day-time periods.

Reason: In order to prevent noise disturbance in accordance with Policy D1 of the Sedgefield Borough Local Plan.

12. Within a period of 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedure as detailed in ETSU-R-97: The Assessment & Rating of Noise from Wind Farms for the investigation for dealing with complaints of noise from wind turbines including applying a penalty for any tonal element to the noise in accordance with the methodology as detailed in ETSU-R-97. The written request from the Local Planning Authority shall include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason: In order to prevent noise disturbance in accordance with Policy D1 of the Sedgefield Borough Local Plan.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work as defined in a specification prepared by the County Durham Archaeology Team. It will require:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by geophysical survey, and where necessary, tested by trial trenching, in accordance with a brief issued by the County Durham Archaeology Section; the evaluation is to be undertaken following the approval of planning permission;
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii) proposals for a mitigation strategy to include the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The specification will be confirmed in a written scheme of investigation which is submitted by the developer, and approved in writing by, the Local Planning Authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

Reason: In order to safeguard archaeological interests and to comply with paragraphs 128 and 141 of the NPPF. Required to be pre-commencement so as to ensure that the mitigation measures are agreed and implemented and effective prior to any works commencing.

14. Prior to any turbine becoming operational, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication.

Reason: In order to safeguard archaeological interests and to comply with paragraph 141 of the NPPF.

15. No development shall take place until a vehicle swept path analysis in relation to the abnormal load delivery route within County Durham, namely the A689, A177, C23 and C24, including the new access onto the C23 Harap Road and any widening to the existing access onto the A177 from West House Farm, must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with Policy D1 of the Sedgefield Borough Local Plan. Required to be pre-commencement so as to ensure that the mitigation measures are agreed and implemented and effective prior to any works commencing.

16. No development shall take place until 4 x 215 metres junction sight visibility splay has been constructed in both directions at the new access onto the C23 Harap Road.

Reason: In the interests of highway safety and to comply with Policy D1 of the Sedgefield Borough Local Plan. Required to be pre-commencement so as to ensure that the mitigation measures are agreed and implemented and effective prior to any works commencing.

17. No development shall take place until a scheme for 3 no. passing places on the private access track from the A177 up to West House Farm has been submitted to and approved in writing by the Local Planning Authority. The 3 no. passing places must be constructed and made available for use prior to the construction works associated with Turbine 2 commencing, and retained thereafter.

Reason: In the interests of highway safety and to comply with Policy D1 of the Sedgefield Borough Local Plan. Required to be pre-commencement so as to ensure that the mitigation measures are agreed and implemented and effective prior to any works commencing.

18. No development shall take place until a Schedule of Street Furniture to be taken down, set aside and re-erected along the route of the abnormal load delivery load route has been submitted to and approved in writing by the Local Planning Authority. Development shall take place thereafter in accordance with the agreed scheme.

Reason: In the interests of highway safety and to comply with Policy D1 of the Sedgefield Borough Local Plan. Required to be pre-commencement so as to ensure that the mitigation measures are agreed and implemented and effective prior to any works commencing.

REASONS FOR THE RECOMMENDATION

1. It is considered that the proposal would accord with continuing national objectives of reducing carbon emissions without unacceptable impact upon the visual qualities of the landscape, residential amenities or wildlife species protected by law, and as such, the proposals are considered to comply with the NPPF and Policies E1, E18 and D1 of the Sedgefield Borough Local Plan 1996 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004).
2. In particular the development was considered acceptable on balance having regard to the affects on the setting of the Durham Castle and Cathedral World Heritage Site, the impacts on nearby dwellings and adjacent settlements and the amenities of their residents.
3. Whilst it is acknowledged that there is some opposition to the proposed scheme, it is considered that the visual impacts both singularly and cumulatively are such that the landscape can absorb them without significant harm to its character, whilst issues of noise and wildlife impact can be satisfactorily controlled through the imposition of appropriate planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive

manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Planning Practice Guidance

Sedgefield Borough Local Plan 1996

County Durham Plan (Draft Submission)

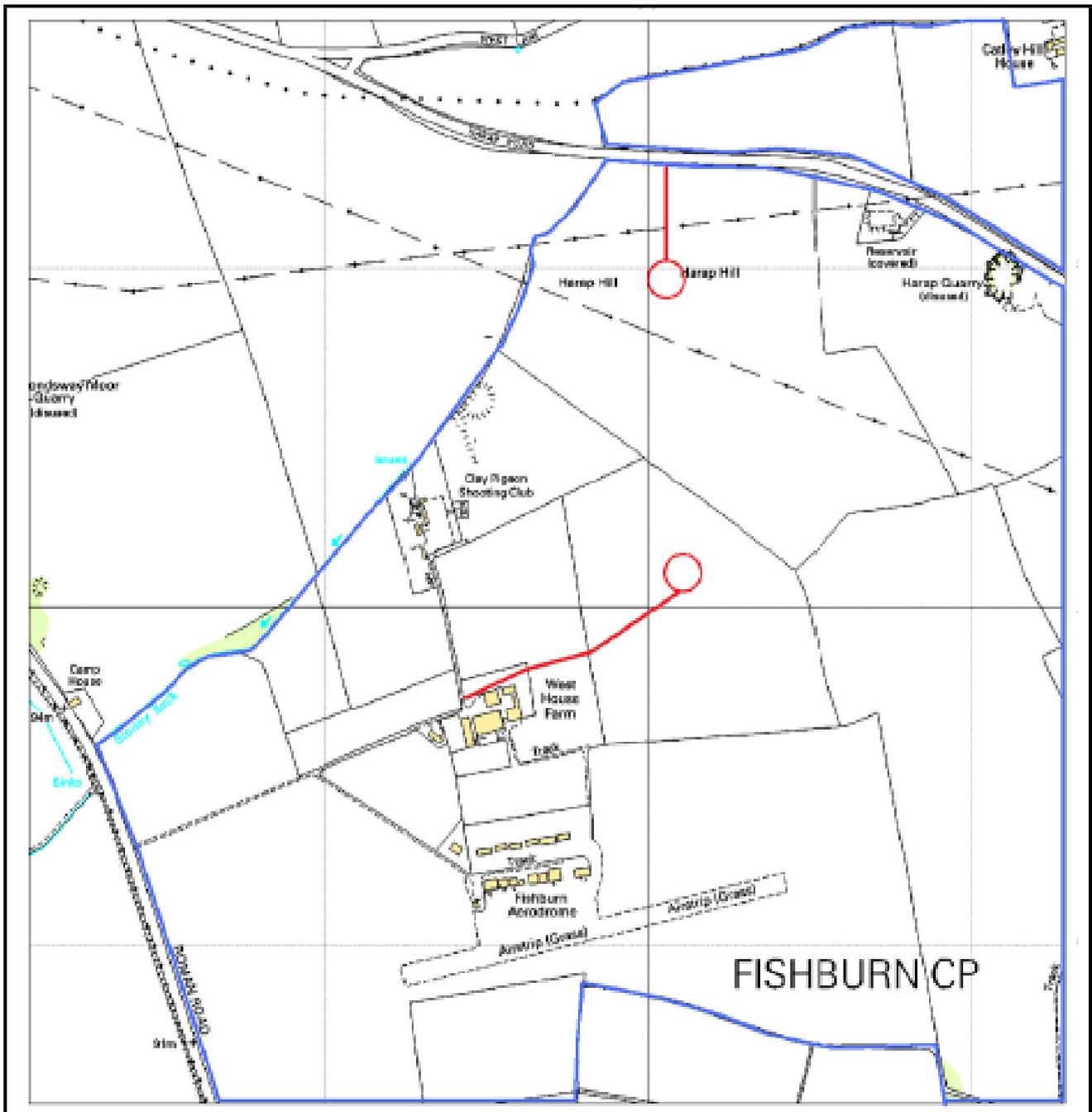
Wind Farm and Landscape Capacity Study: East Durham Landscape and Tees Plain (ARUP, 2008).

Landscape Appraisal for Onshore Wind Development (GONE 2003),

Responses from MoD Estates, Highway Authority, Durham Tees Valley Airport, Newcastle International Airport

Internal Responses from Landscape Section, Environmental Health Section, Ecology Section, Design and Historic Environment Section and Archaeology Section

Public Consultation Responses including CPRE and Durham Bird Club



Planning Services

Installation of two 500kw wind turbines with ancillary development including access tracks and crane pads on Land south of Harap Road, Garmondsway, Fishburn (7/2011/0293/DM)

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Comments

Scale NTS