

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	6/2014/0033/DM
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of wind turbine with a maximum tip height of 19.9 metres with associated infrastructure comprising concrete foundation and underground cable (Location 50 metres North West of previously approved turbine (Ref 6/2013/0317/DM))
<b>NAME OF APPLICANT:</b>	Mr. Edward Wright
<b>ADDRESS:</b>	Jobs Lodge Farm, Woodland, Bishop Auckland, County Durham, DL13 5NJ
<b>ELECTORAL DIVISION:</b>	Evenwood ED
<b>CASE OFFICER:</b>	Steve Teasdale Planning Officer 03000 261055 <a href="mailto:steve.teasdale@durham.gov.uk">steve.teasdale@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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**SITE:**

1. Jobs Lodge Farm is situated 1km to the north west of the village of Woodland and 500m south of Hamsterley Forest. The farm is presently unoccupied, largely due to the poor condition of the farmhouse. It is however in agricultural use, mainly sheep farming.

**PROPOSAL:**

2. To erect a 15KW Kingspan KW15 turbine with a three blade rotor of 9.8 metres diameter, mounted on a 15 metre monopole mast. The turbine would have a maximum upright vertical tip height of 19.9 metres. No ancillary buildings or structures are proposed. The installation would be sited on agricultural land approximately 200 metres west of the nearest farm building and 270 metres from the farmhouse. The turbine would be connected to the farm by an underground cable.
3. The current proposal follows an earlier proposal for a similar turbine 50 metres to the south east. That application was approved but the turbine has not yet been installed. It is clear from the supporting documents that the current proposal does not replace the previous one, with a potential for two similar turbines in close proximity if the current application is approved.
4. The application would normally be dealt with under delegated powers, but is put forward for consideration by South West Area Planning Committee at the request of Woodland Parish Council who object to the proposal.

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## **PLANNING HISTORY**

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5. 6/2013/0317/DM - Erection of one wind turbine with a maximum tip height of 19.9 metres with associated infrastructure comprising concrete foundation and underground cable - APPROVED

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following elements of the NPPF are considered most relevant to this proposal:
7. *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.
8. *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.

### **LOCAL PLAN POLICY:**

9. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application:
10. *GD1 General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area and satisfy the criteria in the policy.
11. *ENV1 Protection of the Countryside* - Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan.
12. *ENV8 Development affecting a protected wildlife species* - Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate,

planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.

13. *C6 Development of renewable energy sources* - Proposals for the development of renewable energy sources, including single wind turbines, will be permitted where they do not result in unacceptable harm to the character and appearance of the area, the amenity of occupants of nearby residential property, the ecology of the area, areas of archaeological importance and the performance of military radar or military low flying operations.
14. *ENV2 Development Within or Adjacent to the North Pennines AONB* - Within and adjacent to the North Pennines Area of Outstanding Natural Beauty, as indicated on the proposals map, development will only be permitted where it protects the landscape quality and natural beauty of the designated area.
15. *ENV3 Development Within or Adjacent to an Area of High Landscape Value* - Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.

#### **EMERGING POLICY:**

16. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public later this year. In accordance with paragraph 216 of the NPPF, 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. To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
17. Policy 18 – Local Amenity - In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of: noise; vibration; odour; dust; fumes and other emissions; light pollution; overlooking; visual intrusion and visual dominance; loss of light or loss of privacy.
18. Policy 19 – Air Quality, Light and Noise Pollution - All development will be expected to prevent unacceptable levels of noise pollution to both existing and new development by good design. Development within areas sensitive to noise such as the North Pennines AONB, in or close to open countryside, within the setting of heritage assets, close to residential properties or to areas or features important for nature conservation will be given particular attention. Planning applications for development with the potential to result in significant noise either individually or in combination with other proposals should be accompanied by an assessment of the likely impact.
19. Policy 21 – Renewable and Low Carbon Energy - Renewable energy development in appropriate locations will be supported in order to achieve targets for new energy generating capacity and CO<sub>2</sub> reduction. In determining planning applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits.
20. Policy 22 – Wind Turbine Development - Planning permission will be granted for the development of wind turbines, unless there would be significant harm, individually or

cumulatively, to the amenity of local communities or nearby residents, wildlife, landscape character, aviation safety, or heritage assets.

21. Policy 39 - Landscape Character - Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the objectives of the County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape and the work of local landscape partnerships.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

22. *Woodland Parish Council* – The proposal has the potential to introduce a harmful, new and incongruous feature into a tranquil landscape – a landscape which is sensitive to development (and particularly to development of this type, form and scale). The cumulative impact of both turbines needs to be considered as do other turbines in the area including an application for a 5 turbine windfarm within 2.2km of the site.
23. Insufficient site-specific information has been provided to satisfactorily conclude that the proposed development would not result in unacceptable noise, which could harmfully impact upon the tranquility of the area.
24. This proposal is contrary to paragraph 120 & 121 of the National Policy Framework as a coal mining risk assessment has not identified that the development is safe, appropriate for its location or suitable for this use having regard to its former coal mining use. The proposed development would result in unacceptable harm to the character of the landscape, by reason of its position, size and form, which would result in a highly visible development, which would dominate its surroundings.
25. Woodland Parish Council believes this to be an inadequate application, lacking specific information in several significant areas. We maintain that this lack alone is sufficient to refuse this application. Coupled with this we believe that the proposal, in any case, when viewed alongside the existing planned development, would be unsuitable for this location. We strongly recommend that this application be refused.
26. *North Pennines AONB Partnership* – Considers that the cumulative visual impact if both turbines are installed would be likely to adversely impact upon the AONB and fail to comply with local plan policies ENV2 and GD1. It is also considered that the proposal does not comply with Policy RE8 of the North Pennines AONB Planning Guidelines.
27. *Mod Defence Estates* - No objection to the proposal subject to the usual confirmation of commencement and completion of development, the height of construction equipment and precise turbine positions.
28. *Highways Authority* – No objections.

### **INTERNAL CONSULTEE RESPONSES:**

29. *Environmental Health Section (Pollution Control)* – No objections in principle, but conditions recommended to set noise limits for both the proposed turbine and the cumulative noise emissions if both turbines are installed.
30. *Landscape Section* – No objections subject to suitable turbine colour. The turbines are modest in size and will not have a significant visual impact. The addition of another turbine will not result in a significant cumulative impact as they are small, associated with the farm buildings and sufficiently far from roads or other dwellings.
31. *Public Rights of Way Section* – Expressed concerns about the proximity of the turbine to public footpath no.2 (Woodland). The proposal has been amended to ensure that the turbine is 25 metres clear of the footpath, 5 metres greater than the topple distance.
32. *Planning Policy Section* – No objection to the proposal in principle as it is considered to meet the aims and objectives of the NPPF. It is recommended however that issues such as landscape, visual and environmental impact, ecology, and public safety are given full consideration.

#### **PUBLIC RESPONSES:**

33. There has been one objection received from the Hamsterley and Upper Gaunless Action Group (HUGAG). The objection is on three main grounds; the failure to provide information about benefit; the failure to recognise the landscape issues raised by this proposal, particularly the cumulative impact; and the failure to provide an ecological statement to consider the impact on birds and bats.

#### **APPLICANTS STATEMENT:**

34. The application relates to the installation of a single Kingspan KW15-15kw wind turbine to generate electricity for Jobs Lodge Farm. The wind speed at Jobs Lodge Farm is 6.64 metres/second (yearly average) the turbine is therefore expected to produce 44,000 KWh annually, this represents 100% of the needs at Jobs Lodge. The turbine will enable the property at Jobs Lodge to have a zero carbon footprint. Using Carbon Trust [www.carbontrust.co.uk](http://www.carbontrust.co.uk) figures of 545gm/KWh generated, therefore 44,000 KWh x 545gm = 23.98 tonnes of carbon emissions saved. This will contribute towards the Carbon Emissions Reduction Target (CERT) as outlined by the Department of Energy & Climate Change.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. 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 considerations including representations received, it is considered that the main planning issues in this instance relate to principle of development; landscape and visual impact including potential cumulative impact from two turbines; residential amenity issues such as overbearing impact, noise and shadow flicker; impact on nature conservation; and aviation safety.

#### **Principle of development**

36. This proposal is for a small scale single domestic wind turbine at Jobs Lodge Farm, Woodland. Planning permission was granted on 6<sup>th</sup> January 2014 for a similar turbine in this locality. It has not been installed, but the grant of planning permission

for the current application would potentially result in the installation of two wind turbines in close proximity to each other to the west of the farm buildings.

37. Teesdale Local Plan Policy C6 presumes in favour of renewable energy developments where they would not cause unacceptable harm to the character and appearance of the area, local residential amenity, ecology, archaeology and the performance of military radar or low flying operations, in addition to meeting the requirements of other relevant policies and guidance.
38. These aims and requirements are largely reflected in policies 21 and 22 of the emerging County Durham Plan.
39. The overall acceptability therefore depends on meeting a number of detailed requirements, which will be addressed below, however in considering the general principle of renewable energy development, regard must be given to the presumption in favour of sustainable development set out in the NPPF. In particular, one of the NPPF core planning principles (in paragraph 17) is to support the transition to a low carbon future and encourage the development of renewable energy. This is emphasised in chapter 10, and paragraph 98 states that 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. Further, local planning authorities are told to approve the application if its impacts are (or can be made) acceptable, unless other material considerations indicate otherwise.
40. The site lies outside of the AONB and is not therefore an area of any particular constraint for wind turbine development. The principle of wind turbine development in this location, (even allowing for the cumulative impact of two turbines) is therefore considered to be in accordance with the relevant planning policies, and given the very strong policy support for renewable energy development and the presumption in favour of sustainable development, this is considered to carry significant weight in the weighing up exercise against other considerations of landscape, environmental, amenity, and other issues which will be explored further.

### **Landscape and Visual Impact**

41. Wind turbines by reason of their height, moving blades and often isolated siting in the countryside, will always have some visual impact upon the landscape within which they are located. The degree of impact however, depends on the size and number of the turbines, and the character of the landscape.
42. The application site lies approximately 500m outside the North Pennines AONB, but within an area of high landscape value. Local Plan Policy ENV2 is permissive of development adjacent to the AONB where it does not detract from the area's special character, and Policy ENV3 is similarly permissive of such development within the ALV where the landscape impact is acceptable.
43. The turbine would be mounted on a slim line mast of 15m height with a three blade rotor of 9.8 metres diameter and an overall tip height of 19.9m. It would therefore be a relatively small physical structure in the landscape. Whilst the landscape is quite open, the turbine would be seen against the backdrop of Hamsterley Forest, and several mature trees lie between the farmstead and the turbine site. There would also be no ancillary buildings or structures associated with it. The Council's Landscape Section note that other than from footpaths close to the site the turbine

would only be seen from local roads at distances of more than 600m. At this distance the turbine would not be a significantly intrusive feature in the landscape. It is relevant that the Council has already approved the same size and type of turbine at the site and has therefore already accepted that such a turbine would not have a strong negative impact on the local landscape character of the designated ALV and adjoining AONB.

44. However, because there is an extant planning permission for a similar turbine close by, the potential for the presence of two turbines has been considered. The objections received are concerned about the cumulative impact of two turbines side by side, but little account appears to have been given to the small scale of the turbines. In this case, the two 19.9m to tip Kingspan KW15 turbines would be located approximately 50 metres apart and approximately 200 metres to the west of the farmstead. Photomontages have been submitted that show the landscape setting of the two turbines from two viewpoints and do not raise any concerns over the potential impact. In those images, when viewed from the south, the turbines would appear to be close together. When viewed from the north east, they would be seen to the east of a block of trees and farm buildings against the backdrop of forestry and moorland to the south west. The Council's Landscape Section considers that the two turbines together will not have a significant visual impact, or effect on the landscape character. The turbines are small in size, remain associated with the farm buildings, are sufficiently far from local roads and would not result in significant cumulative impact. The colour of the turbine will however be an important factor in helping to reduce the visual impact. The Council's Landscape Section have very carefully assessed other similar turbines in the Teesdale area and have arrived at the conclusion that the least visual impact is created by the use of dark colours in the finish of the turbine. The proposal includes a finished colour of Squirrel Grey (RAL7000) or darker, and this is considered acceptable in this respect.
45. The application for a wind farm of 5 turbines at Windy Bank is noted, but it has yet to be approved and is in any case not comparable to this proposal. The Windy Bank turbines would be over 100m in height. Over the separation distance between the sites of in excess of 2 miles the small size of the proposed turbines would not be associated cumulatively with the Windy Bank proposal if approved.
46. The objections made by the AONB Partnership refer to Policy RE8 of their Planning Guidelines, which states "Select the size of wind turbine based on the needs of the primary user and the capacity of the local landscape rather than seeking to maximize output." If installed, the two turbines would have a combined generating capacity of up to 30kW. If this were to be delivered by a single turbine, it would be much larger, typically installed on a 20 – 25 metre high mast, and with a rotor diameter of around 12 metres, the ground to tip height would be in the order of 26 to 31 metres, some 6 to 11 metres higher than the proposed turbine. This would be likely to have a much greater impact on the landscape and would be more visible from the AONB. It is therefore considered that on balance, the potential installation of two smaller turbines would be more likely to comply with this policy than a single turbine of greater height and rotor diameter.
47. The size of the proposed turbine and its colour and siting are therefore considered appropriate and in accordance with Local Plan Policies ENV2, ENV3, GD1 and C6 in respect of landscape impact, as well as the NPPF and policies 21, 22 and 39 of the emerging County Durham Plan in this respect.

### **Impacts on Residential Amenity**

48. The main effects on amenity to consider with wind turbines are separation distances, noise, shadow flicker and electromagnetic interference.

*Separation distances:*

49. There are no nationally prescribed minimum separation distances between wind turbines and existing developments. Previous guidance in PPS22 stated that plans may include criteria that set out the minimum separation distances between different types of renewable energy projects and existing developments. The PPS22 Companion Guide refers to a fall over distance (i.e the height of the turbine to the tip of the blade) plus 10% which is often used as separation distance between wind turbines and occupied buildings on safety grounds.
50. The nearest neighbouring residential properties are Pikestone Farm and Cust Barn Cottages which lie approximately 750m to the south and south east respectively of the proposed turbine site, well beyond the fall over distance mentioned above. Wind turbines can however be perceived to be overbearing from residential properties, but this tends to be in cases of much larger non domestic turbines. No public objections on such grounds have been received. Notwithstanding this, the effect on the view from a property is not normally a material planning consideration. Simply being able to see a turbine from a particular window or part of the garden or a house is not therefore sufficient reason to find the visual impact unacceptable. The test is whether, viewed objectively in the public interest, a property would become a wholly unattractive place in which to live (rather than simply less attractive, but not necessarily uninhabitable). In this case the proposed turbine would be almost 40 times the distance of the turbine height from the nearest neighbouring dwelling. In addition, the turbine would have a slim line post and a blade rotor diameter of just 9.8 metres. Even with two turbines of this height, the impact at the distance involved is unlikely to be overbearing on the occupants of that neighbouring property, or any others further away. Neighbouring properties would not therefore become uninhabitable as a result of the overbearing effect of this turbine or even the presence of a second similar turbine being installed close together.

*Noise:*

51. Wind turbines should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable limits with regard to existing background noise. This will normally be achieved through good design of the turbine and through allowing sufficient distance between the turbine and any noise-sensitive development so that noise from the turbine will not normally be significant. Noise levels from domestic scale wind turbines are however generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by background noise. Micro wind turbines especially are low noise producing and the small diameter blades do not produce the swooshing noise that can be associated with large turbines. There is also no evidence that ground transmitted low frequency noise is at a sufficient level to be harmful to human health.
52. The nearest neighbouring residential properties are approximately 750m to the south and south east of the proposed turbine site and these would be the only properties that could potentially experience any noise impact from the proposed turbine. However, taking into account the separation distance to these nearest sensitive receptors and the technical noise data submitted with the application, it is considered that the proposed turbine would not generate noise levels that would cause unacceptable harm to the living conditions of those residents. The noise data submitted with the application indicates that beyond a distance of 100 metres from the turbine, noise is unlikely to exceed background levels, and together with intervening buildings and trees, it is very unlikely that there would be any noise



impact upon the nearest residents. The lack of objection from the Council's Pollution Control Section supports this conclusion, but a condition is nevertheless recommended in accordance with the methodology detailed in the ETSU-R-97 guidelines for small or single turbines. (ETSU-R-97 is a DTI document recommended by PPS22 for the assessment of wind turbine noise, and the methodology is broadly based on British Standard (BS) 4142 which relates to industrial noise and residential properties). This suggests that the rating level of noise from the operation of the turbine shall not exceed a maximum noise level (LA90,10mins) of 35dB at wind speeds from 4 to 10m/s at 10m height. The possibility of two consented turbines has been taken into account in recommending a noise condition.

53. The Pollution Control Section has no objections to the proposal, and has recommended the imposition of a condition which specifies maximum noise emissions for both the proposed single turbine and the possible cumulative noise emissions from two turbines.

*Shadow flicker:*

54. Shadow flicker is the effect of the sun passing behind the rotors of a moving wind turbine and casting a shadow or "flicker". Further discussion and guidance on this matter is contained in the PPS22 Companion Guide (paragraphs 73-78).

55. The National Policy Statement for Renewable Energy Infrastructure (EN-3) advises that the potential significance of the effect is dependent on a range of factors and that research and computer modelling demonstrating that there is unlikely to be a significant impact at distances greater than 10 rotor diameters.

56. Ten rotor diameters is equivalent to 100 metres. Due to the distance and aspect of the turbine in relation to neighbouring properties, it is not considered that shadow flicker would be an issue in this instance.

*Electromagnetic interference:*

57. This phenomenon is usually associated with large scale utility wind turbines, and not with small domestic scale types such as the applicant proposes. Whilst there is no specific information in the application relating to this, it is noted that the turbine complies with a number of international standards. Again, the turbine would be located some distance from sources that could be sensitive to electromagnetic interference. Analogue television signals can be susceptible to such interference, but following the switch to digital transmissions in the region, this would not be an issue.

58. It is therefore considered that the proposal would not have an unacceptably harmful impact on the residential amenities of neighbours. This accords with Local Plan policies GD1 and C6.

Ecology

59. Bats are a protected species and the presence of protected species is a material consideration. The local planning authority (LPA) must discharge its duty under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 and also be satisfied that the derogation tests are met when deciding whether to grant planning permission for a development which could harm a protected species.

60. The objections suggest that the application should have assessed the impact on bats. Circular 06/2005 notes that there should be a principle of proportionality applied to the need for ecology surveys and surveys should only be required where there is a clear likelihood of species being present or affected.

61. Although this proposal could potentially result in two turbines at the site, the turbines are small in height and do not represent major development. There is very little suitable habitat or foraging potential around the immediate area of the turbine site. The most relevant significant habitat feature for bats in this case is considered to be the woodland to the north. There is Natural England standing advice for small scale turbine development like the proposal. The siting of the turbine meets Natural England's Technical Advice Note TIN051 in that the rotor tips would not be less than 50 metres from the woodland. While some bat collision risk remains, the level of risk is considered to be low and so the number of potential fatal collisions is unlikely to ever be so great that the favourable conservation status of the local bat population would not be retained. On this basis it would not be proportionate to seek further survey work. A Natural England license will not be required in this case and the LPA can discharge its duty under the Habitat Regulations.

62. The proposal therefore accords with Local Plan policies C6, ENV8 and GD1, as well as with NPPF chapter 11.

#### Aviation Safety

63. All wind turbine proposals are subject to consultation with National Air Traffic Services (NATS) and/or the Ministry of Defence (MoD).

64. The nearest airports to the site are Durham Tees Valley and Newcastle Airports. Both are beyond the consultation range for this proposal. The MoD has confirmed that there is no objection to the proposed development.

65. Due to the scale and location of the proposed turbine it is considered that it would not have implications for aviation safety. This accords with Local Plan policy C6.

#### **Other matters**

66. The Parish Council has noted that the area has historically been mined for coal and has suggested there is no evidence submitted with the application to show that the development is safe.

67. The application is however supported by a Coal Mining Report and Risk Assessment, which note that the site is within the boundary of a former opencast site with potential for variable ground conditions that would require further investigation to determine foundation design. Because of the considerable distance of the proposed turbine from any neighbouring properties and the sufficient fall over clearance to public footpaths, together with the fact that the development is not habitable, it would be reasonable to apply a condition requiring further ground investigation and any potential mitigation if required.

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## **CONCLUSION**

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68. The proposal represents development which is acceptable under Policies GD1, ENV1, ENV2, ENV3, ENV8 and C6 of the Teesdale District Local Plan 2002, Chapters 10 and 11 of the NPPF, and Policies 18, 19, 21 and 22 of the emerging County Durham Plan. The potential cumulative impacts of two small wind turbines being installed have been considered, together with reasons for objection raised by the Parish Council, HUGAG and the AONB Partnership, but it is concluded that they would not be of such magnitude to justify refusal of planning permission for a second small scale wind turbine.

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## RECOMMENDATION

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

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

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

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

Plan Reference Number	Date received
Site Location Plan	7th May 2014
Amended Proposed Block Plan	7th May 2014
Elevations of KW15 turbine and 15 metre tower	4th February 2014
Kingspan KW15 Planning Support Document	4th February 2014

*Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policies ENV2, ENV3 and GD1 of the Teesdale District Local Plan 2002.*

3. Notwithstanding the information shown on the submitted application, the finishing colour of the wind turbine shall be Squirrel Grey (RAL 7000).

*Reason: In order to protect the character of the landscape in accordance with Policies GD1, ENV2 and ENV3 of the Teesdale District Local Plan 2002.*

4. If the approved wind turbine ceases to operate for a continuous period of 12 months, or if it is otherwise no longer required for the generation of electricity, it shall be removed in its entirety from the site and the land shall be restored to its condition immediately prior to the development taking place within 3 months of removal.

*Reason: In order to protect the countryside from unnecessary development in the interests of preserving the character and appearance of the Area of Outstanding Natural Beauty and Area of High Landscape Value in accordance with Policies ENV2 and ENV3 of the Teesdale District Local Plan 2002.*

5. The rating level of noise emissions from the operation of the wind turbine (including the application of any tonal penalty in accordance with the methodology detailed in ETSU-R-97) at the location of the nearest sensitive receptors shall not exceed the following maximum noise levels (LA90, 10 min) at all wind speeds from 4 to 10 m/s when measured at a height of 10 m;

- 29dB(A) - Pike Stone
- 29dB(A) - Cust Barn
- 40 dB(A) - Jobs Lodge

In the event that the wind turbine approved under reference 6/2013/0317/DM is installed, commissioned and brought into operation, the cumulative maximum noise levels shall apply;

- 35dB(A) - Pike Stone
- 35dB(A) - Cust Barn
- 45dB(A) - Jobs Lodge

*Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Teesdale District Local Plan 2002.*

6. All electrical cabling between the turbine and Jobs Lodge shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 3 months of the commissioning of the wind turbine to the satisfaction of the local planning authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and ENV3 of the Teesdale District Local Plan 2002.*

7. No development shall commence until intrusive site investigation works have been carried out to establish whether there are coal mining legacy issues which require remedial work to ensure the safety and stability of the proposed development. A detailed site investigation report including any recommendations shall be submitted to and approved by the Local Planning Authority before development commences. Where such remedial work is required, no development shall commence until those remedial works have been carried out.

*Reason: To ensure the safety and stability of the development and to accord with Policy GD1 of the Teesdale District Local Plan 2002.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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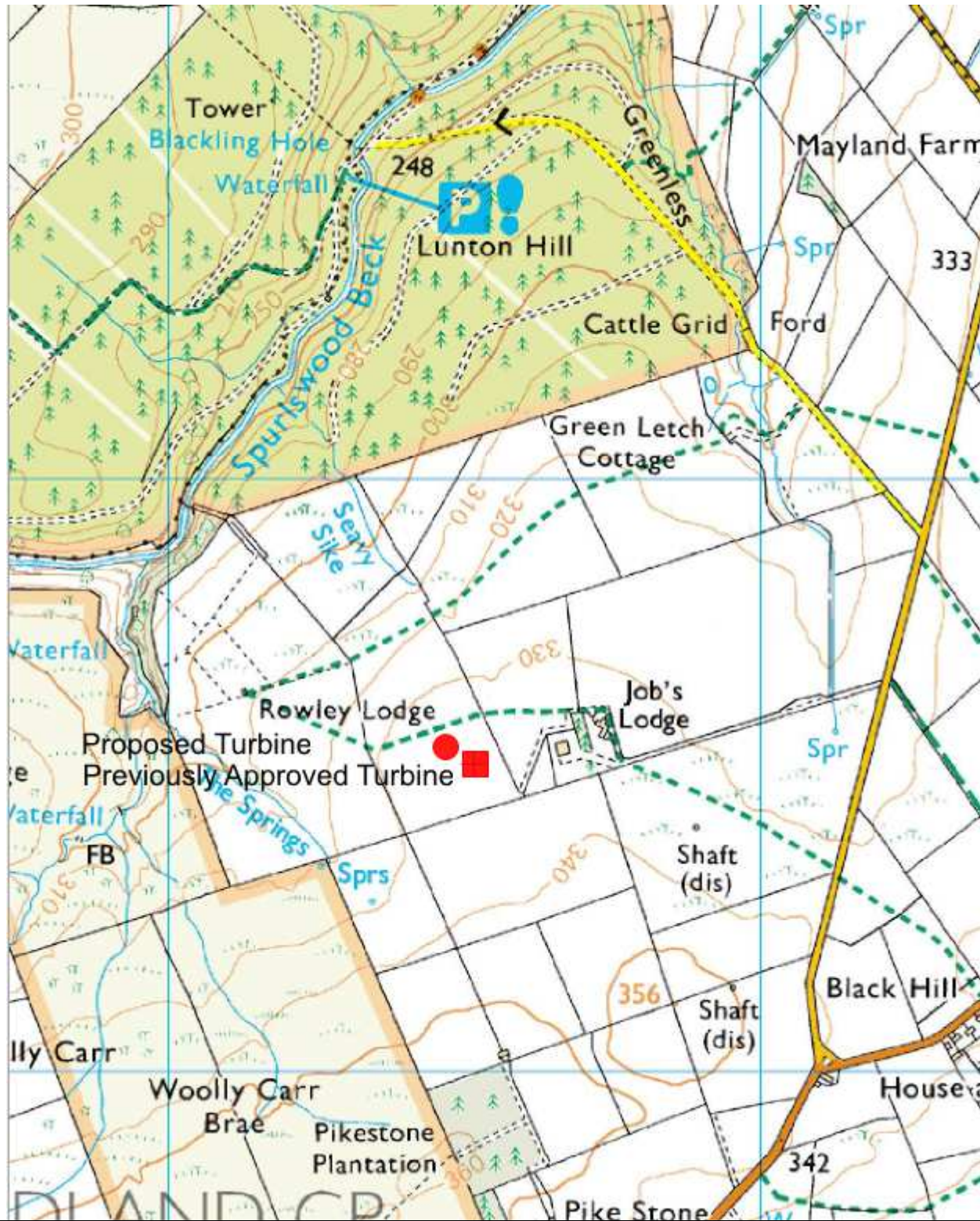
The local planning authority has engaged with the applicant in a proactive manner by seeking amendments to the scheme in the interests of public safety.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Teesdale District Local Plan 2002  
County Durham Plan (submission version)  
Consultation responses and representations received



**Planning Services**

Application ref. 6/2014/0033/DM  
 Land at Jobs Lodge Farm, Woodland,  
 Bishop Auckland, Co.Durham

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**Comments**

**Date September 2014**

**Scale NTS**

