

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CMA/5/31
FULL APPLICATION DESCRIPTION:	Erection of 5 no. wind turbines with a maximum tip height of 115m and associated buildings and works
NAME OF APPLICANT:	EDF Energy Renewables
ADDRESS:	Sheraton Hill and Hulam Farms, Sheraton, Hutton Henry, County Durham
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Henry Jones, Senior Planning Officer 03000 263960, henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of 6.6 hectares of land at Sheraton Hill and Hulam Farms to the north of the settlement of Sheraton and to the east of Hutton Henry and the A19. Land within the application site comprises of an existing access road (Bellows Burn Lane), agricultural land associated with the farms, agricultural buildings and residential properties at the Hulam farmstead. The Bellows Burn watercourse crosses the application site at a point within its far south.
2. Sections of Footpath No. 14, Bridleway No. 1 and Bridleway No. 13 (all Sheraton with Hulam) all cross the application site. In addition Footpath No. 3 (Nesbitt), Footpath No. 9 Byway No. 18, Bridleway No. 20 and Bridleway No. 10 (all Sheraton and Hulam) are all within the immediate vicinity of the application site. The locally designated Easington Area of High Landscape Value is partly located within the application site. A small section of the application site (to the east of turbine 5) also includes the Hesleden Dene Local Wildlife.
3. In addition there are a host of local and statutory landscape, heritage and ecological land designations also located within relative close proximity to the application site. The submitted planning application through its assessment of landscape, heritage and ecological impacts, identifies a comprehensive list of such sites.
4. With regards to landscapes of the highest status of protection, the North Yorkshire Moors National Park is located approximately 25km to the south of the application site whilst the North Pennines Area of Outstanding Natural Beauty is located approximately 32km to the west of the application site.

5. Also of particular note are sections of the designated Heritage Coast (approximately 3km east) and sections of this Durham coastline are also designated as a National Nature Reserve (NNR), Local Nature Reserve, RAMSAR site, Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).
6. The Castle Eden Dene NNR, SAC and SSSI are located approximately 2.4km to the north of the application site. Hart Bog SSSI is located approximately 300m to the south-east of the application site and Hulam Fen SSSI is located approximately 600m to the north. The Hulam Reed Swamp Local Wildlife Site is located approximately 400m to the north-west of the application site. Hesleden Dene Ancient Woodland is located approximately 400m east of the application site.
7. A range of heritage assets are located within relative close proximity to the application site. Castle Eden Conservation Area is located approximately 822m from the application site. The closest listed buildings to the application site are those at Hutton House (Grade II) approximately 400m to the west and a grouping of 4 no. buildings/structures at Nesbitt Hall (all Grade II) approximately 620m to the east. Sheraton Deserted Medieval Village, a scheduled monument, is located approximately 450m to the south of the application site whilst a further scheduled monument, the Deserted Medieval Village at Castle Eden, is located approximately 2km to the north of the application site. Approximately 2km to the north of the site, a registered Park and Garden of Special Historic Interest is located at The Castle, Castle Eden.
8. The application is a cross boundary planning application as part of the application site is located within County Durham and part of the application site is located within Hartlepool Borough.

The Proposal

9. Planning permission is sought for the erection of 5 no. wind turbines, associated buildings and works.
10. The proposed turbines themselves would each have a maximum tip height of 115m, hub height of 69m with a rotor diameter of 92m. Turbines 1 and 2 would be located to the north-east of the Hulam farmstead and turbines 3, 4 and 5 to the east of the Sheraton Hill farmstead. A lattice type anemometry mast of 70m in height is also proposed, to be located in close proximity to turbine 3. This mast would be permanent.
11. Adjacent to each turbine a transformer would be sited within a housing of approximately 2m x 1.5m x 3m. The turbines would be sited on reinforced concrete foundations with a diameter of approximately 17m and a depth of approximately 3.5m. Each turbine would require a crane hardstanding to be built adjacent to the turbine foundation and each of these would cover approximately 40m x 25m.
12. A temporary construction compound is also proposed to accommodate portacabins (site offices, welfare facilities, toilets), storage containers for tools and equipment, storage areas for plant, material and components and sufficient parking. This compound would be located adjacent to the Hulam farmstead. The compound would be 50m wide by 50m in length.

13. The development would be connected to the local electricity distribution network. The grid connection would be subject to a separate consenting process under Section 37 of the Electricity Act 1989 if required. Electrical power from the turbine transformers would be transferred to the electricity distribution system through switchgear unit(s).
14. Two control buildings are required to house high voltage switchgear, metering and other control equipment. The larger of the control buildings would be 18.4m in length, 7.5m in width and 5.9m in height. This compound would be located adjacent to the Hulam farmstead. The second, smaller control building would be 10m in length, 7.5m in width and 5.8m in height and would be located adjacent to Bellows Burn Lane to the east of the Sheraton Hill farmstead. Cables, to be laid underground, connecting these control buildings to each turbine would be necessary and approximately 5.1km of cable trenches would be required for this development.
15. Bellows Burn Lane would provide the main access for the whole development and this access would be upgraded. Turbines 3, 4 and 5 would each be accessed from Bellows Burn Lane itself though with a new section of access track laid. The Bellows Burn would be required to be crossed to provide the access for turbine 4. Turbines 1 and 2 would be accessed via new tracks located off the existing route to Hulam Farm which would also require an upgrade.

Construction

16. The construction period for the development would take approximately 12 months. Preliminary works include carrying out a site survey and preparation, construction of site entrance, access tracks and passing places. Construction of control building, site compound, turbine foundations, crane pads and erection of the anemometry mast would follow. Excavation of trenches for cable laying and connection of on-site distribution and communication cables would follow before turbine delivery and erection.

Decommissioning

17. The development has been designed to have an operational life of 25 years and at the end of this period it would need to be decommissioned. The application states that a decommissioning plan would be prepared and agreed with the Local Planning Authority. Based upon current best practice guidance the applicant states that this decommissioning would involve removal of all above ground structures, removal of all underground structures to at least one metre below ground level with any structures beneath this level to be left in situ. Landowners would be given the option to retain the access tracks for their own purposes.
18. Of the five wind turbines proposed four are within County Durham with only turbine one within Hartlepool and the vast majority of the above mentioned development is within the County Durham boundary. Hartlepool Borough Council is therefore separately considering the development with regards to their district.
19. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and subsequently submitted details and that arising from statutory consultations and other responses.
20. The application is being presented to the County Planning Committee as the development comprises of more than two wind turbines with an output of greater than 1.5MW.

PLANNING HISTORY

21. In April 2011 planning permission was granted for the erection of an anemometry mast for a temporary period of three years.
22. A range of planning permissions also exist for the agricultural and equestrian related developments at the Hulam and Sheraton Hill farmsteads though these are considered of little relevance to the development proposal.
23. Hartlepool Borough Council is currently considering an application for the proposed development.

PLANNING POLICY

NATIONAL POLICY

24. 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’.
25. 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.
26. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
27. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
28. *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.

29. *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, recognizing 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.
30. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

31. 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 including of most relevance to this application a dedicated section on renewable and low carbon energy.

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

LOCAL PLAN POLICY:

The District of Easington Local Plan (December 2001) (DELP)

32. *Policy 1 – General Principles of Development.* States that due regard will be given to the provisions of the development plan in the determination of planning applications. Account will be taken of accordance with the principles of sustainable development together with community and local economy benefits. Accordance with high standards of location, design and layout will also be required.
33. *Policy 3 – Protection of the Countryside.* This policy defines development limits. Development outside settlement boundaries will be considered to be within the countryside. Such development will be considered to be inappropriate unless allowed for by other Local Plan policies.
34. *Policy 7 – Protection of Areas of Highway Landscape Value.* This policy seeks to protect areas of high landscape value and development which adversely affects their character, quality or appearance will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.
35. *Policy 14 – Protection of Special Areas of Conservation.* Development which is likely to adversely affect such a site will only be approved where there is no alternative solution and there are reasons of an over-riding national interest. In cases where a priority habitat or species may be affected development will only be approved where it is necessary for reasons of human health or public safety or beneficial consequences of primary nature conservation importance arise.

36. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* This policy states that development which is likely to adversely affect a notified site of special scientific interest will only be approved where there is no alternative solution and the development is in the national interest.
37. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* This policy states that development likely to adversely affect such a site will only be approved where there is no alternative solution within the county or district (as appropriate) and the development is in the national interest.
38. *Policy 17 – Identification and Protection of Wildlife Corridors.* This policy states that development which would adversely affect a wildlife corridor or a wildlife link will only be approved where compensatory features are provided which would maintain the integrity of the corridor or link.
39. *Policy 18 - Species and Habitat Protection.* This policy states that development adversely affecting protected species will only be approved where its benefits clearly outweigh the value of the species or its habitat.
40. *Policy 22 – Preservation and Enhancement of Conservation Areas.* This policy seeks to protect the character, appearance and setting of Conservation Areas.
41. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
42. *Policy 35 – Design and Layout of Development.* This policy requires the consideration of energy conservation and the efficient use of energy within new development proposals, the scale of surroundings, and impact upon neighbouring residential amenity.
43. *Policy 36 – Design for Access and the Means of Travel.* This policy requires good access and encouragement of the use of a choice of transportation modes.
44. *Policy 74 – Footpaths and other Public Rights of Way.* This policy states that public rights of way will be improved, maintained and protected from development.

RELEVANT EMERGING POLICY:

The County Durham Plan

45. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). The following policies contained in the Submission Draft are considered relevant to the determination of the application.

46. *Policy 22 - Wind Turbine Development.* Sets out the Councils direction of travel in respect of wind energy. This states that planning permission will be granted for the development of wind turbines unless, amongst other things, there would be unacceptable harm to residential amenity, landscape character and important species and habitat. In order to safeguard residential amenity, turbines should be located a minimum separation distance of 6 times the turbine height from a residential property. The policy also seeks to protect designated heritage assets and their settings, airport radar systems and sets a clearance distance from public rights of way and the public highway.
47. *Policy 38 - Durham Coast and Heritage Coast.* This policy seeks to protect and enhance the Durham Coast and wider coastal zone. Development proposals within the coastal zone or that may affect its setting must be appropriate in terms of scale, massing and design and not give rise to unacceptable adverse impacts upon the tranquillity or isolated character of the area.

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://www.durham.gov.uk/article/3269/Easington-Local-Plan> (Easington Local Plan)
<http://www.durham.gov.uk/cdp> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

48. *Hutton Henry Parish Council* – Object to the development on the grounds of harmful visual dominance, scarring of the landscape and harmful impact upon the amenity of residents.
49. *Castle Eden Parish Council* – Object to the development on the grounds of harmful landscape and visual impacts including on the Area of High Landscape Value and Heritage Coast, harm to Castle Eden Conservation Area, impacts on TV and radio reception and the effectiveness and value of wind turbine developments.
50. *Monk Hesleden Parish Council* – Object to the development on the grounds of harmful cumulative impacts, visual impacts and impacts upon the eco-system.
51. *Hart Parish Council* – Raise objections to the development on the grounds of safety due to icing and lightning strike potential, impacts upon recreational use of the area, impacts upon ecological assets, impacts upon tourism, efficiency of the turbines and querying of connection to the grid.
52. *The Highway Authority* – Raise no objections to the development with regards to the proposed access arrangements or traffic implications. Transport submissions within the application including the submitted Construction Traffic Management Plan are found to be acceptable. Passing places must be created on Bellows Burn Lane and a condition to ensure this is recommended on any approval. A condition is also recommended so as to agree the creation of three new or amended vehicular access points on Bellows Burn Lane. Works shown on the Swept Path Analysis indicates impact on the public highway verge at the A19 southbound/Bellows Burn Lane junction and details of this should be agreed with the Traffic Assets Senior Engineer.
53. *Highways Agency* – Raise no objections to the development subject to the attachment of conditions on any approval with regards to adherence to a construction transport management plan and agreement on abnormal loads routing.

54. *Coal Authority* – Confirm that the application site does not fall within the Coal Mining Development Referral Area. No objections are therefore raised and standing advice only applies to the development.
55. *Natural England* – Original comments supplied on the application considered that no adverse impacts upon internationally and nationally designated sites would occur through the development. No concerns with regards to the impact of the development upon the protected landscape of the Heritage Coast are raised. With regards to protected species, original comments raised no objections with regards to impacts upon protected species namely bats, great crested newts and otters although in the event of an approval conditions should be attached with regards to mitigation and habitat enhancement.
56. Additional comments have been following the submission of updated information from the applicant. No specific comments or objections are raised and in order to assess implications on protected species, Natural England advise referral to internal Ecology Officers and assessment against their published standing advice.
57. *The Environment Agency* – Raise no objections to the development subject to conditions being attached on any approval relating to surface water drainage and implementation of mitigation measures relating to groundwater, hydrology and hydrogeology.
58. *Northumbrian Water* – Raise no objections or comments.
59. *Ministry Of Defence (MOD)* – Originally objected to the development on the grounds of unacceptable interference with air defence radar at Brizlee Wood and Met Office radar at High Moorsley. Discussions have been ongoing between the applicant, the MOD and the Met Office and these objections have been on the grounds that conditions could be attached to any approval to permit adequate mitigation measures.
60. *National Air Traffic Services (NATS)* – Raise no objections having regards to their air safeguarding criteria.
61. *Durham Tees Valley Airport* – An objection has been submitted on the grounds that the rotation of the turbine blades would be detected on the airport's primary radar creating clutter. This impact could affect the safe operation of radar.

INTERNAL CONSULTEE RESPONSES:

62. *Spatial Policy* – Emphasis is placed on the wider environmental, economic and social benefits that arise from renewable energy projects. In determining this planning application these benefits must be balanced against the other impacts of the development most notably the landscape and visual impacts of the development and impacts upon the residential amenity.
63. *Design and Conservation* – Acknowledge that there are a large number of heritage assets within relatively close proximity to the application site. Objection is raised to the impact of the development upon the setting of Nesbitt Hall and associated outbuildings and structures (all Grade II listed). Turbines 2 and 3 in particular would dominate views to the west and adversely affect the relationship between the listed buildings and this landscape.

64. *Archaeology* – Raise no objections to the submitted heritage statement, geophysical report or trial trenching evaluation. No evidence of archaeological interest on the site has emerged from this evaluation and no conditions would be required for attachment on any approval.
65. *Ecology* – Objections are raised to the date and therefore content of bird and bat surveys. Surveys of these species are of an age where they cannot be considered up to date and in the case of birds are inadequate in number.
66. *Landscape* – Provide a context for wind farm development within County Durham with discussion on landscape capacity. Detailed advice with regards to the direct physical impacts of the development, impacts on landscape character, the cumulative visual and landscape impacts, impacts upon designated sites and impacts upon settlements. Several of these key landscape and visual impact issues are considered to be finely balanced for instance the impact upon the Area of High Landscape Value and the cumulative landscape and visual impact of the development with other turbines and ultimately whether these impacts are significantly harmful is a matter of judgement. However, objection regarding the visual impact of the development upon the settlement of Hesleden is raised.
67. *Environment, Health and Consumer Protection (Noise and Dust)* – Raise no objection to the application though conditions are recommended in the event of an approval with regards to both the construction and operational phases of the development.
68. *Access and Rights of Way* – Most recent guidance advises that turbine rotor blades should not over sweep a public right of way. Turbine 5 could over sweep Sheraton with Hulam Bridleway No. 1. The applicant has proposed an alternative temporary bridleway route for the duration of operation. This is considered acceptable and could be finalised via condition on any approval.
69. *Employability* – Provide advice with regards to targeted training and employment obligations. Discussions have been held with the applicant and the proposal to provide a financial contribution towards the provision of apprentices is welcomed.

PUBLIC RESPONSES:

70. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 139 no. letters of representation have been received with 131 no. letters of objection and 8 no. letters of support. The matters raised are summarised below.

Objection

Principle of the Development

- The economic and environmental gain of turbines is negligible.
- Wind energy is a means of profiteering without energy benefits.
- The north-east has enough wind turbines.
- Very few jobs are created from wind turbine developments.
- A nuclear power plant is located nearby – there is no need for wind turbine development.

Visual and Landscape Impacts

- Harmful visual impact and intrusion.
- Harmful cumulative impacts with other wind turbines.
- Loss of trees and hedgerows.
- The proposed turbines are too close to settlements.

Heritage Impacts

- Harmful impact on Castle Eden Conservation Area.
- Harmful impact on Scheduled Ancient Monuments.
- Harmful impact on the listed church at Hart Village.

Residential Amenity/Safety Issues

- Harmful noise impacts from the turbines and construction traffic.
- Concerns regarding shadow flicker and potential for epilepsy and migraines.
- Concerns over ice throw.
- Potential for turbines to fall or their components.
- Potential for turbines to be struck by lightning and set on fire.
- Potential for amplified modulation to occur.

Highways Issues

- Concerns over road safety from construction traffic.
- Distraction of motorists on the A19.
- Public rights of way and bridleway affected.

Ecology

- Harm to ecological assets including specific species and designated sites.
- Horses will be scared.

Aviation

- The turbines will affect airport radar.

Communications

- TV signals will be affected by the development.

Drainage

- The proposed access track development will affect drainage in the area including Hart Bog.
- The water table will be affected as a watercourse is to be reconstructed.

Other Issues

- Devaluing of property.
- Loss of views.
- Objection to consultation processes with the public.
- Query on how grid connection is achieved.
- Harmful impact on a local shoot and gamekeepers employment.
- The turbines would not be decommissioned in 25 years but likely remain or be replaced.
- Harmful impacts on tourism through harm to rural tranquillity.
- Concerns over land stability due to historical mining and groundwater conditions.
- Extracts from newspaper articles and quotes from politicians and other publications are referenced within objectors comments seeking to demonstrate the level of concern with the benefits of wind energy.

Support

- General support to the development proposals are raised and its impact.
- The permissive bridleway route is welcomed.
- Benefits to renewable energy production and impact on climate change.
- Impacts upon ecological assets and the local shoot would not be detrimental.
- Visual impacts considered to be acceptable.
- No concerns regarding impact upon horse riders.
- Proposal will create jobs.

NON-STATUTORY RESPONSES:

71. *Durham Bat Group* – Raise objection to the application, being concerned with the content and accuracy of submitted bat survey data and evaluation. The submitted documentation is considered to lack reference to or diminish the potential of impacts upon bats. Recommendations are made with regard to revised bat surveys being undertaken and additional bat flight line mapping.
72. *Campaign to Protect Rural England* – Raise objection to the development on the grounds of a detrimental impact on the tranquillity of the area, potential impacts upon the Heritage Coast, impacts upon the Area of High Landscape Value, impact on hedgerows, cumulative landscape impacts and impacts upon bridleway users.
73. *Ramblers Association* – Request movement of turbine 2 as Footpath 14 (Sheraton with Hulam) is within fall over distance. It is stated that these concerns are shared by the Highways Agency and Network Rail. Requests are also made that precautions are taken to protect footpath users during construction and that temporary diversions are provided during the construction period.
74. *Joint Radio Company* - Confirm that the development has the potential to affect a number of telecommunication links. No objections are raised to the development subject to the attachment of a condition on any approval requiring a scheme of mitigation informed by survey work to be implemented.
75. *Royal Society for the Protection of Birds (RSPB)* – Consider that mitigation for the displacement effects on lapwing and to provide added value for other wader species is necessary through the creation of a new habitat area. Monitoring of breeding quail as proposed is welcomed. With regards to hydrology it is stated that the careful consideration of impacts upon SSSIs must be undertaken. With regards to collision effects on gull species, concerns are expressed on the avoidance rates within the submitted application which are considered inaccurate and that instances of collision are therefore considered to be higher.
76. *Teesmouth Bird Club* – Raised no objections to the development though do state that there is little information with regards to the potential for cumulative impacts with other wind turbine development. Conditions so as to ensure that habitat mitigation and enhancement, post-construction survey monitoring and post-construction bird strike monitoring are undertaken.
77. *Durham Bird Club* – Lend support to the comments of Teesmouth Bird Club and RSPB. Serious concerns are raised with regards to bird flyovers, however, and on any approval specific requests for conditions regarding bird strike monitoring are made. Conditions regarding additional breeding bird survey work and so as to ensure special protection of species identified within Schedule 1 to the Wildlife and Countryside Act to be found to be nesting in the area are also proposed.

The following comments have also been received.

78. *Grahame Morris MP* – Objects to the development on the grounds of landscape and cumulative landscape impacts, impact upon Castle Eden Conservation Area, the questionable benefits of the renewable energy technology, that County Durham has fulfilled its wind energy requirements and that local communities would be detrimentally affected.
79. *Cllr Rob Crute* – Objects to the development on the grounds of visual and cumulative landscape impacts, impacts upon ecological assets, health and safety issues for instance shadow flicker, aviation issues and impacts upon local businesses due to the disruption during the construction period and operation impacts of the development.
80. *Cllr Alan Cox* – Objects to the development stating that he supports the opposition from local residents and considers that wind turbines should be located off-shore.

APPLICANTS STATEMENT:

The Applicant

81. EDF Energy Renewables are part owned by EDF Group UK and EDF Energy Nouvelles. The company is based in the North East of England and have recently moved from offices in Doxford Park, Sunderland to into new Offices at Rainton Bridge Business Park near Houghton-le-Spring in order to accommodate an expanding team. The team based in the north east are responsible for the development, construction, operation, and maintenance of a nationwide portfolio of wind farm sites.
82. EDF-ER have already developed a number of wind farms in the north east, and currently operate the following wind farms in County Durham: Walkway (nr, Sedgefield), Trimdon, Langley, and High Hedley (nr. Tow Law). Last year, as well as developing on-shore wind, the company also commissioned our first off-shore wind farm at Teeside, and have recently announced the acquisition of the rights to construct an off-shore scheme at Blyth.
83. If planning permission is granted for the scheme it would be our intention to construct, operate and maintain the wind farm for proposed 25 year life.

The Proposal

84. The National Planning Policy Framework (NPPF) provides very positive advice to local planning authorities on increasing the supply of renewable energy. Wind farm development will cause some local landscape and visual effects. In the case of Sheraton, these have been considered in detail in the Environmental Statement and are acceptable, satisfying the tests required under the NPPF.
85. The analysis of the site has shown it to be a viable location for a wind energy scheme, which can accommodate the scale of the development proposed.
86. Subject to signing relevant legal agreements relating to the implementation of required aviation mitigation solutions, there are now no objections from statutory consultees to this proposal.

Benefits of the Scheme

87. A 10MW wind farm in this location would supply enough electricity to supply approximately 5400 dwellings preventing annual emissions of 9800 tonnes of CO². *
88. As well as generating a significant amount of renewable energy, the proposed development would also bring the following benefits to the local community:
- Support of the Sponsorship Scheme for Apprentices in County Durham + Hartlepool – to sponsor three apprentices per year for 5 years.
 - Agreed to Habitat Management scheme, to improve on-site bio-diversity; to be funded by EDF-ER for the life of the wind farm.
 - A new permissive bridleway to be created to improve access to the landholding for members of the public.
 - A financial contribution of £15,000 to help link existing Public Rights of Way near to the proposed wind farm.
 - Community Fund of £5,000 per MW which equates to £50,000 per year for the life of the wind farm. (£40,000 per year for DCC and £10k per year for HBC). This equates to an overall Community Fund of £1.25m over the life of the wind farm, and would be index linked.
 - Under a current central government initiative, Business Rates of approx £10,000 per MW each year would be retained by DCC and HBC rather than being sent to Westminster. This would be equal to £100,000 per year, or £2.5m over the life of the wind farm.

**Please note these figures are based on onshore turbines operating at 26.06% capacity (2008-2012 average capacity factor for onshore wind from Digest of UK Energy Statistics) and assuming 4,222 is the average UK household electricity consumption in kW hours (based on DECCs publication URN:12D/468). Carbon emissions based on assumed 430g CO₂ per MWh.*

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which is available to view at County Hall, Durham, DH1 5UQ

PLANNING CONSIDERATIONS AND ASSESSMENT

89. 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 the principle of development, landscape and visual impact, residential amenity, aviation and radar issues, impact on heritage assets, impacts on ecology and nature conservation, highway safety, flood risk and hydrology and TV and other communication interference.

Principle of Development

90. The DELP contains no specific saved policy providing guidance on wind energy development. DELP Policy 3 seeks to protect the countryside, identifying the need to safeguard this natural, non-renewable resource. DELP Policy 3 therefore establishes a presumption against development in the countryside except in certain exceptional circumstances. DELP Policy 3 identifies renewable energy development as an example of development that is acceptable in the countryside in principle.

91. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example by the development of renewable energy).”
92. 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 that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.
93. 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.
94. National planning guidance therefore generally supports renewable energy schemes.
95. Whilst only limited weight can be given to the emerging County Durham Plan (CDP) and Policy 22 therein, the policy does not object to the principle of wind turbine development though there is a presumption against some wind farm developments within the AONB, which is not applicable in this instance.
96. It is noted that public opposition to the development includes objection to matters surrounding the need, merit and efficiency of wind energy development. The NPPF advises that applicants need not demonstrate an overall need for renewable energy and there are no renewable energy production ceilings for the north-east. The PPG advises that considering the energy contribution to be made by a proposal can be given weight in decision making particularly when a decision is finely balanced. However, as the energy contribution to reducing greenhouse gases in this instance would be significant, officers do not object in principle to the development in this regard. A point is raised that relatively few jobs emerge from wind energy development. The construction phase of the development would create some employment opportunities, however, irrespective of this, the amount of employment opportunities to emerge from the development is considered to not be a reason to object to the development in principle.
97. Officers therefore raise no objection to the development in principle considering the development compliant with DELP Policy 3 and Part 10 of the NPPF. Public responses include the comment that wind turbine developments should be off-shore. Officers do not object to the principle of on-shore wind energy development, however, and the acceptability of the scheme is considered to rest with the assessment of the detailed issues and impacts.

Landscape Impacts

Physical Impacts

98. Aside from the impact of the tall turbine and anemometry mast structures themselves, the associated developments would have a physical impact upon the fabric of the landscape. The submitted Environmental Report summarises the impacts associated with the different elements of the development.

99. The site access, provision of new access tracks and associated sight lines and passing places would require sections of hedgerow/landscape removal. The submitted Environmental Report states that such removal would be kept to the minimum necessary and that new planting would be proposed to mitigate impact. The development would involve a total of 2.5km of new access track. The turbine foundations and crane pads would together with the access tracks create significant amounts of new hard surface development on the land. Cables connecting the turbines to the control buildings would necessitate significant trench excavation. These would be constructed immediately adjacent to access tracks and be approximately 1m in width. Once construction was completed, however, the trenches would all be filled in, limiting the long term impact.
100. Similarly, whilst the construction compound covers a significant area of 2,500m² the compound would be a temporary feature. The compound is proposed to be sited adjacent to existing buildings at Hulam Farm rather than in an isolated location.
101. The two control buildings proposed are relatively modest buildings.
102. In the event of an approval, landscaping conditions could be attached to determine the precise degree of landscaping loss and ensure compensatory planting and the application proposes some mitigation and enhancement principles in this regard.
103. Landscape Officers have considered the physical impacts of the development upon the fabric of the landscape and in general terms consider the impacts to be relatively low.
104. Officers therefore raise no objections to the development purely in terms of the physical impacts of the development upon landscape fabric.

Impacts upon Designated Sites

105. Within the application site itself the only land designated for its landscape qualities, is the locally designated Easington Area of High Landscape Value.
106. Landscape Officers have considered the assessment of designated landscapes within the submitted Landscape and Visual Impact Assessment (LVIA) and, in general, the assessment is considered appropriately detailed and the conclusions drawn considered accurate.
107. With regards to landscapes of the highest status of protection, the North Yorkshire Moors National Park is located approximately 25km to the south of the application site whilst the North Pennines Area of Outstanding Natural Beauty (AONB) is located approximately 32km to the west of the application site. The submitted LVIA includes a visualisation of the proposed development from within the National Park and considers that their presence would not give rise to significant effects within the area of the National Park. Officers agree with this conclusion, albeit it must be acknowledged that the National Park boundary is outside of County Durham. Specific commentary is not provided with regards to the AONB within the LVIA and the AONB is beyond the 30km radii from the site within which the focus of impact is concentrated within the LVIA. The submitted Zone of Theoretical Visibility (ZTV) does suggest that the proposed wind turbines would be visible from within the AONB in places, for instance to the west of Tow Law and Hamsterley. However, at the distances involved officers do not consider that the proposed development would have any significant or harmful impacts upon the AONB.

108. Sections of land designated as the Heritage Coast stretch from Sunderland in the north to Hartlepool in the south with much of this Heritage Coast within County Durham. This coastline is a unique asset comprising of distinctive bays and headlands carved from magnesian limestone and overlying clays. Whilst only limited weight can be attributed to it at the moment, CDP Policy 38 seeks to ensure that this coastal zone and its setting are protected from development that may cause unacceptable adverse impacts.
109. Visibility of the proposals from the majority of this coastline would be reduced by the screening effects of the built up form of Peterlee and Blackhall Colliery. Views of the development proposal from the Heritage Coast would be intermittent and it is considered that no unacceptable adverse impacts upon this coastline would occur.
110. Three of the proposed wind turbines would be within the AHLV and the remaining two within 150m of it. The proposed turbines would be dominant features across the southern part of the AHLV, the area lying south of the Haswell-Hart railway walk between Castle Eden and Nesbitt Dene. This part of the AHLV is characterised by undulating farmland with strong linear bands of woodland and hedgerow trees. It is considered that within this southern area, the AHLV would be dominated by the proposed turbines with impacts elsewhere within the AHLV generally low. Despite the significance of the impact within sections of the AHLV, Landscape Officers consider that the turbines would not be entirely out of scale with this landscape because of the relatively broad scale of the topography and land cover. A substantial change to the character of this landscape would occur, however.
111. DELP Policy 7 seeks to protect areas of high landscape value and development which adversely affects their character, quality or appearance will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.
112. Despite the prominence of the proposed turbines within sections of the AHLV, taking into account the views of Landscape Officers, this prominence is not necessarily considered to be out of scale or incongruous in this landscape. Officers therefore consider that the proposed development would not be detrimental upon the AHLV having regards to DELP Policy 7.
113. In addition it should be noted the CDP does not propose such local landscape designations and utilises landscape character assessment as advised by the NPPF, though only limited weight can be attributed to the emerging CDP at the moment.

Cumulative Landscape Impact

114. There are currently two clusters of operational turbines on the Tees Plain to the south and south-east of the proposals; the Butterwick/Walkway complex and High Volts. To the west and northwest there are further clusters of turbines on the Limestone Plateau at Trimdon Grange, Hare Hill and Haswell Moor/High Haswell.
115. The area in which the landscape impact of existing turbines is at its greatest is currently focussed around the existing clusters. Between these existing clusters of turbines there is some relief from a wind farm landscape.
116. Further wind turbines are approved at Red Gap Moor, Lambs Hill and Tees Offshore. The area in which turbines would be experienced as relatively prominent features in this landscape would extend to cover most of the central and northern Tees Lowlands and effectively all of the coastal plain and a more continuous tract of wind

farm landscape would develop in the northern part of the Tees Plain as the tracts around Butterwick/Walkway, Red Gap Moor and High Volts coalesce.

117. With the addition of the proposed turbines a landscape within which turbines would be prominent features would cover the whole of the coastal plateau and coastal plain. Coalescence with High Volts and the wind farm landscape around existing and permitted clusters would extend further north.
118. In terms of specific cumulative impacts, the area where these would be expected to be most acute as a result of the development would be in the area dominated by High Volts and Sheraton Moor and particularly where these zones overlap.
119. The point at which the extent of tracts of wind farm landscape becomes harmful and unacceptable is a matter of judgement. The proposal does not cross any obvious threshold in terms of the overall impact of the development upon the landscape but would bring about a scenario in which the greater part of the southern East Durham Limestone Plateau and northern Tees Plain west of Hartlepool was dominated by wind development as a continuous tract of wind farm landscape.
120. Officer's view is that despite the development contributing further to and extending the impact of a wind farm landscape in this area, the cumulative impacts upon the landscape is not so significant or harmful to warrant objection.

Landscape Conclusions

121. Officers therefore raise no objections to the development in terms of the physical impacts of the development upon landscape fabric.
122. With regards to impacts upon designated landscapes, the most significant impact would be upon the locally designated AHLV within which the development is partly sited. Within sections of this landscape the turbines would be dominant features and it is a matter of judgement as to whether this impact is harmful upon the AHLV and brings the development into conflict with DELP Policy 7. However, the turbines would not be entirely out of scale with this landscape because of the relatively broad scale of the topography and land cover, reducing the extent to which they might be considered harmful and as a result officers do not object to the turbines purely on the grounds of the impact this locally designated landscape.
123. Cumulative landscape impacts would occur through the development. This development when added to existing operating turbines and those consented, would increase the area within the landscape in which turbines would be dominant and extend the tract of windfarm landscape within the County. However, it is considered that the cumulative landscape impacts would not be so harmful as to warrant refusal of the application.
124. As a result in terms of landscape impact officers do not raise objection to the development having regards to DELP Policies 1 and 7 and Parts 10 and 11 of the NPPF.

Visual Impacts

Impact on Settlements

125. The area in which the proposals would have its more substantial impacts, approximately within around 5 or 6km from the site, contains a number of settlements including Hesleden, Monk Hesleden, High Hesleden, Sheraton, Blackhall

Rocks, Blackhall Colliery, Hutton Henry, Castle Eden, Peterlee, Station Town and Wingate (all within County Durham) and also Hartlepool, Elwick and Dalton Piercy (all within Hartlepool Borough).

126. The submitted application includes a detailed assessment of the visual impacts of the development including a viewpoint assessment from many of these nearest settlements and discussion within the LVIA assessment of views from within each settlement. In general terms Landscape Officers concur with the findings of the LVIA.
127. The proposed turbines would be prominent features from views within many of the nearest settlements. In most instances the impact of the development upon these settlements would be similar to existing relationships in the County where wind turbines are located within relative close proximity to settlements. Therefore whilst the proposed turbines would be prominent in views from several settlements, this visual impact would not be unacceptably dominant.
128. The exception to this is considered to be the impact upon Hesleden, located approximately 800m to the north of the proposed turbines at the nearest point. It is considered that the environment of the southern half of the village, south of Front Street/Church Street, would be dominated by the development. Residential property, areas of public open space and recreational space and footpaths are located within this southern section of the village. To an extent, with the orientation of properties and the location of these public spaces, the village is orientated towards the south and towards the development. The land in this part of the village also slopes downhill towards the proposed turbines and this sense of the village tipping towards the development exacerbates the impact.
129. Within the visualisations accompanying the LVIA viewpoint 2, a view to the south of Church Street, provides a representation of the views within the southern sections of the village. The impact of the development would be dominant with a stacking of the turbines one behind the other within a relatively narrow field of view. Officers consider that this impact would be unacceptably harmful and objection to the development is raised on these grounds. Although the existing High Volts turbines would be visible behind the proposed turbines within these same views, High Volts is not particularly prominent, and officers consider that they would not add to the harmful impact.
130. Due to the nature and magnitude of the visual impact of the development upon Hesleden the application is considered contrary to the requirements of DELP Policies 1 and 35 and Part 10 of the NPPF.

Impact on Residential Property

131. The application includes a detailed assessment of the visual impacts of the development upon the nearest residential property including a residential visual amenity survey that accompanies the LVIA assessment. This document identifies property within a 1km radius of the turbines and for those properties within 800m provides a detailed discussion on the nature and magnitude of impact.
132. The evidence of past appeal decisions suggests that turbines are likely to be overbearing at distances closer than four times the turbine height and unlikely to be overbearing at distances of greater than seven times their height. At distance ranges in between, the acceptability of their impact is influenced by site-specific factors.

133. Whilst only limited weight can be attributed to the policy at this moment in time, Policy 22 of the emerging County Durham Plan (CDP) requires that turbines are located in excess of six times their height unless it can be demonstrated that the impact would not be overbearing.
134. Six times the tip height of the proposed turbine is a height of 690m whilst 7 times the tip height is 805m. A total of 14 no. properties are within 7 times the tip height and 10 no. properties within 6 times the tip height.
135. In some instances the properties are orientated in such a manner or have intervening landscaping that the impact of the turbines within these distances would be mitigated. Examples of this are at East Terrace, Hesleden and Hulam Cottage.
136. In other instances, within this relative close proximity there would be open views to several turbines and it is a matter of judgement as to whether the proximity and prominence of the turbines would be so harmful upon the occupiers of those properties that their amenity would be unacceptably affected. The degree of impact upon several of these properties would be of a similar magnitude and examples of the most affected properties are the property at Sheraton Hill Farm (P8 within the submitted survey), Sheraton Hill Farm Bungalow, Smithy Cottage, Hulam Farm and properties at the Nesbitt Hall Farmstead. Officers acknowledge that some of these properties would be financially involved in the development and also acknowledge that letters of support for the development have been received from the occupiers of some of these most affected properties.
137. Officers would agree with the submitted survey that impacts upon these properties would represent a significant change in circumstances and visual impacts from some properties would be major. However, officers consider that the effect would be such that the impacts of the proposed turbines would not overbearing, unpleasantly overwhelming or create an unavoidable presence in main views from these dwellings and curtilages.
138. Officers raise no objections to the proposed development with regards to the visual impact upon individual properties having regards to DELP Policies 1 and 35 and Part 10 of the NPPF.

Other Impacts upon Residential Amenity

139. Aside from the potential visual intrusions of the development upon residential amenity, other matters such as the potential for noise, shadow flicker and safety must be considered.

Noise

140. The National Planning Policy Framework at paragraph 123 requires that LPA's to consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents.
141. Planning Practice Guidance commends 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 defunct PPS24, former national planning guidance in relation to noise, advises that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is

not intended that with developments 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.

142. With regards to noise, the application is accompanied by a noise assessment the scope of which was to assess the noise impacts associated with the construction phase and the operation of the turbines themselves. The assessment also considers the potential for cumulative noise impacts with other wind turbines, wind shear and amplitude modulation.
143. Environment, Health and Consumer Protection have assessed the development and the submitted noise assessment and have confirmed that it conforms with to the procedural method statement detailed in the applicable advice “The Assessment and Rating of Noise from Wind Farms” (ETSU-R-97). The submitted assessment demonstrates that for each of the representative noise sensitive receptors the predicted wind turbine emission noise levels for both day-time and night-time periods would be below the ETSU-R-97 derived noise limit. This includes when cumulative noise impact with other wind turbines is taken into account.
144. Amplitude modulation is an area undergoing further research and there is no requirement under ETSU-R-97 to include any correction for amplitude modulation. Furthermore, Environment, Health and Consumer Protection state that the operation of the selected specification of wind turbines will not give rise to any tonal characteristic of noise.
145. Environment, Health and Consumer Protection therefore raise no objections, however, conditions are recommended in the event of an approval with regards to both the construction and operational phases of the development. The conditions proposed with regards to the construction phase relate to working hours and practices, schedule of works for the decommissioning of the wind turbines and a condition requiring the carrying out of an assessment of the works and construction activities upon the nearest noise sensitive receptors. With regards to the operational phase of the development conditions to limit the maximum noise levels at the nearest residential receptors, requirement for the developer to investigate noise complaints (including complaints of low frequency noise or excess amplitude modulation), continual logging of wind speed, direction and sound power generation and provision of a nominated representative to liaise on noise complaint matters are recommended.
146. Officers raise no objections to the development in terms of noise impacts having regards to DELP Policy 1 and Parts 10 and 11 of the NPPF.

Shadow Flicker

147. Shadow flicker can occur within 130 degrees either side of north and the effect is unlikely to be significant in distances greater than 10 rotor diameters. The application is accompanied by a shadow flicker assessment which considers that potentially 13 no. dwellings could be affected by shadow flicker. The properties that would be most affected based upon the results are at the Nesbitt Hall farmstead which could theoretically be the subject of shadow flicker for up to approximately 66 hours per year.

148. Such a period of time is calculated on a theoretical worst case scenario basis using assumptions such as the following; that the rotor blades would be rotating for 365 days per year, that the sun shines in a clear sky every day of the year and that there is no tree cover that may prevent windows being affected.
149. Mitigation measures can be devised to control shadow flicker occurring, examples include through the provision of screening measures or alternatively through controls to switch the turbine off in periods where shadow flicker can occur.
150. In the event of any approval officers consider that a condition can be attached so as to require mitigation measures to be implemented to remove the potential for shadow flicker occurrence.
151. Objectors are concerned about the potential for epilepsy and migraines associated with shadow flicker. The submitted shadow flicker report outlines that the frequency of shadow flicker occurrence is significantly less than the frequency at which photosensitive epilepsy is usually triggered. Irrespective, the mitigation measures that officers consider could be undertaken would also remove the instances of shadow flicker occurring.
152. No objections with regards to the effect of shadow flicker are therefore raised having regards to DELP Policy 1 and Parts 10 and 11 of the NPPF.

Safety

153. Objectors are concerned about the potential for ice throw, lightning strike and turbines setting on fire and the potential for the turbines and their components to fall.
154. The PPG advises that appropriate fall over distance with regards to nearby buildings is the height of the turbine plus 10%. No buildings are located within this distance. No objections have been received from the Highway Authority or Highways Agency on the grounds of the proximity of the development to the road network.
155. With regards to the concerns over ice throw, such matters are not directly referenced within the safety concerns section of the PPG in relation to wind turbines. There is reference within the Highways Agency/Department for Transport publication "The Strategic Road Network and the Delivery of Sustainable Development (2013)". This document advises that wind turbines can be fitted with vibration and/or climate sensitive technology so that the turbine can be shut down if there is the potential for icing. In the event of an approval a condition could be imposed requiring that such technology is utilised.
156. Whilst there have been some high profile instances of wind turbines being struck by lightning or catching fire, this is not considered to be the usual. Wind energy is considered a safe technology and officers have no reason to suspect that the proposed turbines could not be operated safely.

Aviation and Radar

157. Durham Tees Valley Airport (DTVA) has submitted an objection to the development on the grounds that the rotation of the turbine blades would be detected on the airport's primary radar creating clutter, which could be highly distracting for air traffic control. In the interests of safety, objection has therefore been raised in terms of the impact the impact upon radar operation.

158. The applicant has been in ongoing discussions with DTVA, seeking to form a mitigation strategy to overcome the objections. Officers understand that these discussions are ongoing and progress is being made in terms of an agreed mitigation strategy that would permit DTVA to remove their objection. However, at this point in time no final agreement has been reached. In the absence of this agreement and the absence of any withdrawal of the objection from DTVA, officers object to the development on the grounds of aviation safety.
159. Originally the Ministry of Defence (MOD) objected to the development on the grounds of unacceptable interference with air defence radar at Brizlee Wood and Met Office radar at High Moorsley. In relation to air defence radar the development could create false aircraft returns on the radar. In relation to the Met Office radar the development could cause false rain rates to be diagnosed which would lead to inaccurate weather warnings being issued.
160. During the course of the application the applicant has negotiated with the MOD and the Met Office in regards to these issues. The MOD has now confirmed that in the event of an approval conditions could be attached requiring the devising of an air defence mitigation scheme and Met Office radar mitigation scheme. Officers therefore raise no objections with regards to the impact of the development upon the radar at Brizlee Wood and High Moorsley.
161. NATS have raised no objections having regards to their air safeguarding criteria.

Impacts on Heritage Assets

162. The application is accompanied by a cultural heritage assessment which has assessed heritage assets within an immediate study area of 2km around the application site and a wider study area of 5km. The scope of the assessment was to: determine the presence and impact upon known archaeological and built heritage sites that may be affected by the development; assess the potential for unrecorded archaeological remains; consider potential effects on the setting of heritage assets; and, suggest mitigation measures where necessary. Objectors are concerned about the impact of the development upon heritage assets with particular reference made to Castle Eden Conservation Area, local scheduled monuments and the church within Hart village (Grade I listed Mary Magdalene Church). Hart village and heritage assets therein are, however, within Hartlepool Borough.
163. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm to the setting of a listed building is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
164. Design and Conservation Officers advise that when assessing the impacts of wind turbine development within a historic context the key matters for consideration area visual dominance, scale, inter-visibility, vistas and sight lines, movement, sound, light effects and settings. In this context, they are satisfied that the application has

demonstrated that impacts upon Castle Eden Conservation Area, registered historic park and listed buildings within Castle Eden would not be adversely affected by the development. Design and Conservation Officers raise no concerns with regards to the impact of the development upon other heritage assets within the local area including, but not restricted to, the Deserted Medieval Villages at Sheraton and Castle Eden.

165. The main concerns raised by Design and Conservation Officers relate to the potential impacts upon the grouping of Grade II listed buildings and structures at Nesbitt Hall. In particular, they consider that turbines 2 and 3 would adversely affect the relationship between the listed buildings and the landscape to the west, and that presently unrestricted views to the west from Nesbitt Hall would be dominated by these turbines. They consider therefore that there would be unacceptable harm to the setting of these listed buildings and structures. Officers agree that the proposed turbines, particularly nos. 2 and 3, would be prominent in views from Nesbitt Hall and the associated gates, piers, outbuilding and barn.
166. The NPPF defines the setting of a heritage asset as; “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
167. The NPPF is clear at paragraph 132 that the significance of an asset can be harmed by inappropriate development within its setting. The English Heritage publication “The Setting of Heritage Assets” provides advice on matters of setting. The extent of the setting of a listed building will vary from asset to asset, it will generally be more extensive than its curtilage and setting can be influenced by not only views but noise, dust, vibration and the like. The English Heritage publication clearly states that “Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of a heritage asset.”
168. The proposed turbines would be located approximately 650m to the west of Nesbitt Hall. The proximity and prominence of the turbines in views from and around the listed buildings and structures would be clear. However, officers consider that the placement of the turbines within this landscape to the west of Nesbitt Hall would not have a demonstrably harmful impact upon the setting of the listed buildings/structures at Nesbitt Hall, and the elements of the site and setting that contribute significantly to the value of the heritage assets would be preserved.
169. Archaeology Officers have submitted comments stating that the application includes a comprehensive cultural heritage assessment including geophysical survey. A trial trench evaluation was submitted by the applicant part way through the consideration of the application and this evaluation identified no elements of archaeological interest. Archaeology Officers therefore raise no objections to the development or content of the evaluation and it is considered that there is no evidence of archaeological interest that would warrant the attachment of any conditions, for example regarding a watching brief, on any approval.
170. In conclusion officers consider that the development would preserve the character, appearance and setting of Conservation Areas, preserve the special character and setting of listed buildings with no detrimental impact upon scheduled monuments. No objections are raised with regards to matters of archaeology. No harm to other designated or undesignated heritage assets is considered to occur and as a result no objections to the development on heritage grounds are raised having regards to DELP Policies 1, 22 and 24 and having regards to Part 12 of the NPPF.

Ecology and Nature Conservation

171. The PPG clearly outlines the specific risks that wind turbines pose in terms of ecology and nature conservation interests. These risks are considered to be the risk of collision between moving turbine blades and birds and/or bats. Other risks include the disturbance and displacement of birds and bats and the drop in air pressure close to the blades (potentially causing lung expansion) in bats.
172. The application is accompanied by an ecology and nature conservation assessment and associated surveys and supporting documentation. The scope of the assessment was to identify all statutory designated sites within 10km of the site with all non-statutory designated sites identified within 5km. The assessment seeks to identify any rare, notable or protected species or habitats present up to 11km from the site, consider the likely significant effects on ecological receptors, consider any necessary mitigation measures to avoid, reduce or compensate effects and identify residual effects taking into account all elements within the scope of the assessment.
173. As previously identified a number of statutory and non-statutory sites of ecological interest lie within relative close proximity to the site. This includes but is not restricted to the following sites which are the closest to the development; sections of coastline designated as a NNR, Local Nature Reserve, RAMSAR site, SAC, SPA and SSSI; the Castle Eden Dene NNR, SAC and SSSI; Hart Bog SSSI (within Hartlepool Borough); Hulam Fen SSSI; and the Hulam Reed Swamp Local Wildlife Site.
174. With regard to designated sites Natural England have raised no objections to the proposed development.
175. It is noted that public concerns are raised with regards to the potential for hydrology to affect nearby SSSIs with Hart Bog referenced (though this is within Hartlepool Borough). The application is accompanied by a geology, hydrology and hydrology assessment and in part the scope of this document was to consider the potential impacts upon SSSIs. This assessment considers that the groundwater regime local to Hulam Fen is unlikely to be affected by the development whilst the Hart Bog ecosystem is dependent upon Bellow Burn located upstream from the development reducing concerns over impact. General drainage matters are discussed in more detail elsewhere in this report.
176. Officers raise objection to the development on the grounds of the out of date nature of some survey data accompanying the application and the degree of survey data submitted.
177. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012) (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions.

178. Officers concerns relate to the protected species of bats and breeding birds. One breeding bird survey was carried out in 2011 and two wintering bird surveys in 2007/2008 and 2011/2012. Applicable guidance states that there should be two surveys over two seasons and that a further survey should have been undertaken. Bat surveys were undertaken in 2007/2008 and 2011. The most recent surveys are therefore three years old. Natural England guidance states that surveys should be up to date, preferably from the previous survey season though a time lapse of two years is often acceptable. Ecology Officers note that the bat survey found noctules on site, a species at high risk from wind turbines. An Extended Phase 1 Habitat Survey addendum dating from 2014 has been supplied and it is accepted that the baseline data has essentially not changed since the original survey. However, protected species populations and their movement patterns are dynamic and they have the potential to change year on year.
179. As a result, Ecology Officers consider that survey data relating to bats and breeding birds are not up to date with the further issue of an absence of a bird breeding survey. Without up to date survey data it is considered that an assessment of the impact of the development upon protected species cannot be made and that the survey data is insufficient to demonstrate compliance with DELP Policy 18 and Part 11 of the NPPF. Without up to date information it cannot be determined whether a protected species license from Natural England is likely to be required and therefore whether consideration of the derogation tests is required.
180. Furthermore, Durham County Council is the competent authority who must decide whether the application requires an appropriate assessment under The Conservation of Habitats and Species Regulations 2010 (as amended). This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted. Such an appropriate assessment would consist of a robust assessment of the implications of the proposed development upon a European site. In this instance the potentially affected sites would be the Castle Eden Dene SAC, Durham Coast SAC, Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA. With the survey data considered to be out of date an accurate screening on whether such an appropriate assessment under the Habitats and Species Regulations is necessary cannot be undertaken and objection in this regard is also raised.

Highways Issues and Public Rights of Way

181. The application is accompanied by an assessment of access, traffic and transportation implications relating to the development. The scope of this assessment was to consider the impacts of construction traffic and abnormal load deliveries to the site, access requirements during the operational phase and impacts and mitigation measures during decommissioning.
182. The site is accessed via Bellows Burn Lane, located directly off the A19. Bellows Burn Lane would be upgraded. The Bellows Burn would be required to be crossed to provide the access for turbine 4. New access tracks to the turbines themselves and an upgrade of the access track at Hulam Farm would also be necessary.
183. It is noted that public concerns over road safety from construction traffic and distraction of motorists on the A19 from the turbines themselves are raised.
184. The Highways Agency has raised no objections to the submitted construction transport management plan which is considered to meet the needs of the Highways Agency in terms of the safe and efficient operation of the network. Conditions are

recommended on any approval in regards to adherence to this management plan and that an abnormal loads routing plan is agreed.

185. The Highway Authority also has no objections to the development considering that submissions within the application including the submitted Construction Traffic Management Plan are acceptable. Should planning permission be granted passing places must be created on Bellows Burn Lane and a condition imposed to ensure this. A condition is also recommended so as to agree the creation of 3 no. new or amended vehicular access points on Bellows Burn Lane. Works shown on the Swept Path Analysis indicates impact on the public highway verge at the A19 southbound/Bellows Burn Lane junction and details of this should be agreed with the Traffic Assets Senior Engineer.
186. No objections from either the Highway Authority or Highways Agency are raised with regards to the potential for drivers to be distracted by the wind turbines either on the A19 or indeed any other road.
187. Officers therefore raise no objections to the development with regards to highway safety and the application is considered to accord with the requirements of DELP Policies 1 and 36 and Part 4 of the NPPF.
188. Public concerns are raised with regards to the impact of the development upon public rights of way and bridleways. This includes concerns over the ability for horses to safely be exercised.
189. Access and Rights of Way Officers do not consider it necessary for turbines to be located beyond fall over distance from a public right of way and such a distance is not a statutory requirement. Most recent guidance advises that turbine rotor blades should not over sweep a public right of way. Turbine 5 could over sweep Sheraton with Hulam Bridleway No. 1 but, an alternative temporary bridleway route for the duration of operation is proposed. This is considered acceptable and could be finalised via condition on any approval. The Ramblers Association state that the Highways Agency and Network Rail support their view that footpaths should be beyond fall over distance. However, no such formal comments have been received within the Highway Agency response and Network Rail has supplied no comments.
190. Officers therefore consider that the development would adequately protect public rights of way and footpaths in accordance with DELP Policy 74.

Flood Risk and Hydrology Issues

191. The application includes an assessment of matters surrounding hydrology, flood risk and related issues. This assessment considers the potential for pollutant leakages from the development from construction processes, potential increases in surface water runoff, for instance, as a result of increased areas of hardsurfacing.
192. In order to reduce the potential for pollutant leakages a construction management plan and environment management plan are proposed so as to ensure best construction practices.
193. Construction of a culvert to carry the wind farm site access tracks over Bellow's Burn is required and public concern has been received with regards to the impact of the development on the water table as a result with further concerns raised over groundwater conditions. The applicant proposes a sustainable urban drainage system at the site to handle the discharge of water. A condition on any approval could resolve the final details of such a scheme.

194. The Environment Agency has no objections to the development subject to conditions relating to surface water drainage and mitigation measures with regards to groundwater, hydrology and hydrogeology. No objections are raised to the box culvert design required for the crossing of Bellows Burn.
195. Northumbrian Water raise no comments or objections to the development.
196. As a result officers raise no objections to the development on matters surrounding hydrology and flood risk considering the development compliant with DELP Policy 1 and Parts 10 and 11 of the NPPF.

TV and Communication Interference

197. Wind turbines have the potential to disrupt telecommunication links and cause interference to television reception. This risk is increased with larger wind turbines and multiple turbines. Reflection and diffraction of radio waves can occur causing a detrimental impact upon signals.
198. The application is accompanied by an assessment of the impact of the development upon electromagnetic interference and utilities.
199. The Joint Radio Company (JRC) provides a wind farm coordination and advisory service. The JRC has confirmed that the development has the potential to affect a number of telecommunication links. However, no objections are raised to the development subject to the attachment of a condition on any approval requiring a scheme of mitigation to be implemented.
200. The submitted assessment states that a desk top and on site analysis of the impact of the proposed development on television signals and to model the effects of the wind turbines on the quality of the TV reception in the area surrounding the development has been undertaken. This assessment considers that approximately 50 properties could be affected by reception interference. In the event of any approval, however, conditions can be attached to ensure that mitigation measures are implemented and any complaints investigated.
201. No objections are therefore raised by officers with regards to matters of communication interference.

Other Issues

202. Public concerns are raised with regards to land stability issues including as a result of coal mining legacy. The Coal Authority has confirmed that the application site does not fall within the Coal Mining Development Referral Area. In addition the application includes a consideration of geological issues including ground instability. This considers that the development site has either no or very low potential to encounter issues of collapsible ground, ground dissolution and shrinking or swelling clay with no or low potential for running sand, no to moderate potential for compressible ground and very low to moderate potential for landslide. No objections are therefore raised and standing advice only applies to the development.
203. The CPRE and objectors are concerned over the impact of the turbines upon the tranquillity of the area. CPRE recognise that the proximity of the area to the A19 does already have an impact upon tranquillity. The degree to which a wind farm development affects the tranquillity of users, for instance of the footpaths and bridleways in the area, is subjective. Officers consider that the general impact of a

wind farm development would not adversely affect the enjoyment of an area to such a degree as to warrant objection to the application.

204. Similarly, public concerns are expressed over the impact of the development upon tourism. Officers would not raise objection in principle to a wind farm at this location due to a potential impact on tourism, however, objections to the visual impact of the development are raised as discussed in more detail elsewhere in the report.
205. Employability Officers have commented on the application seeking to encourage targeted training and employment, potentially secured via planning obligation (S106 legal agreement). The applicant has stated that they are willing to provide a financial contribution towards the provision of apprentices.
206. Public concerns are expressed regarding the impacts upon local businesses due to the disruption during the construction period and operation impacts of the development. Officers consider that the impacts of the development would not have a demonstrably harmful impact upon local businesses during the operational phase with any disruptive activities during construction being undertaken for a limited period.
207. Some public concerns are expressed regarding impacts of the development upon property values. However, this is not a material planning consideration that weight can be attributed to.
208. Similarly concerns over a loss of view are raised within public responses. However, weight cannot be attributed to the loss of a private view.
209. Some objections are raised with regards to the consultation processes with the public. The Local Planning Authority has publicised the application and consulted on the application through the issue of letters, erection of site notices and publication in the press in accordance with statutory requirements. In addition the applicant has stated that they have undertaken public consultation exercises which are detailed within the submitted statement of community involvement.
210. Some public objections raise concern over considered harmful impacts of the development on a local shoot and gamekeepers employment though this is rebutted in counter arguments in comments of support. Ultimately officers consider there is limited evidence that in the event of an approval a harmful impact upon any local shoot would occur and indeed, arguably this is a matter of private interest that officers could only attribute limited weight.
211. Concerns are raised that whilst the application states that the development would be decommissioned in 25 years it would likely remain or be replaced. In the event of an approval a condition would be recommended for attachment regarding decommissioning though this is not to say that a further planning permission could not be separately sought for an extended period or alternative wind energy development.
212. Officers acknowledge that the applicant has stated that their intention would be to provide a Community Fund of £5,000 per MW of installed capacity. Based on the current proposal this would amount to £50,000 per annum over the 25 year life of the wind farm. However, such a contribution is not proposed under a S106 legal agreement and it is not considered that the community fund meets the tests of when it is appropriate for the entering into of such a planning obligation particularly with regards to the contribution directly related to the development. As a result officers cannot attribute weight to the offer in the planning balance.

CONCLUSION

213. The proposed wind turbine would make a positive contribution towards the overall supply of renewable energy to the region. There is very strong and consistent policy support for renewable energy projects and the scheme has significant benefits in this respect. The key consideration in its determination is whether clear policy support outweighs any adverse environmental or social impact.
214. The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
215. It is considered that the settlement of Hesleden would, be unduly dominated by the visual impact of the development. The height, proximity and visual stacking of the turbines in views from Hesleden would be harmful to residential property, areas of public open space and recreational space and footpaths that are all located within the sections of the village that would be most affected.
216. DTVA have objected to the development on the grounds that the development could affect the safe operation of their radar. Whilst discussions are ongoing between the applicant and DTVA to agree mitigation measures to resolve this radar issue, agreement is not yet reached and objection therefore remains.
217. With regards to matters of ecology, survey data with regards to the protected species of bats and breeding birds is not up to date or adequate to appropriately assess impacts of the development upon the species. In addition, in the absence of up to date survey data an accurate screening on whether an appropriate assessment under the Habitats and Species Regulations to assess implications on the nearby SAC and SPA sites cannot be made.
218. Therefore, whilst the development would deliver a contribution to new renewable and low carbon energy infrastructure, the benefits of this would not outweigh the aforementioned harm and refusal of the application is therefore recommended.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the proposed wind turbines would result in an unduly dominant and harmful visual impact upon the settlement of Hesleden contrary to the requirements of Policies 1 and 35 of the District of Easington Local Plan and Part 10 of the NPPF.
2. The Local Planning Authority considers that the wind turbines would be detected on the primary radar of Durham Tees Valley Airport, causing additional radar clutter, with a potentially harmful impact on radar operation and aviation safety, contrary to Part 10 of the NPPF and advice contained within the PPG.

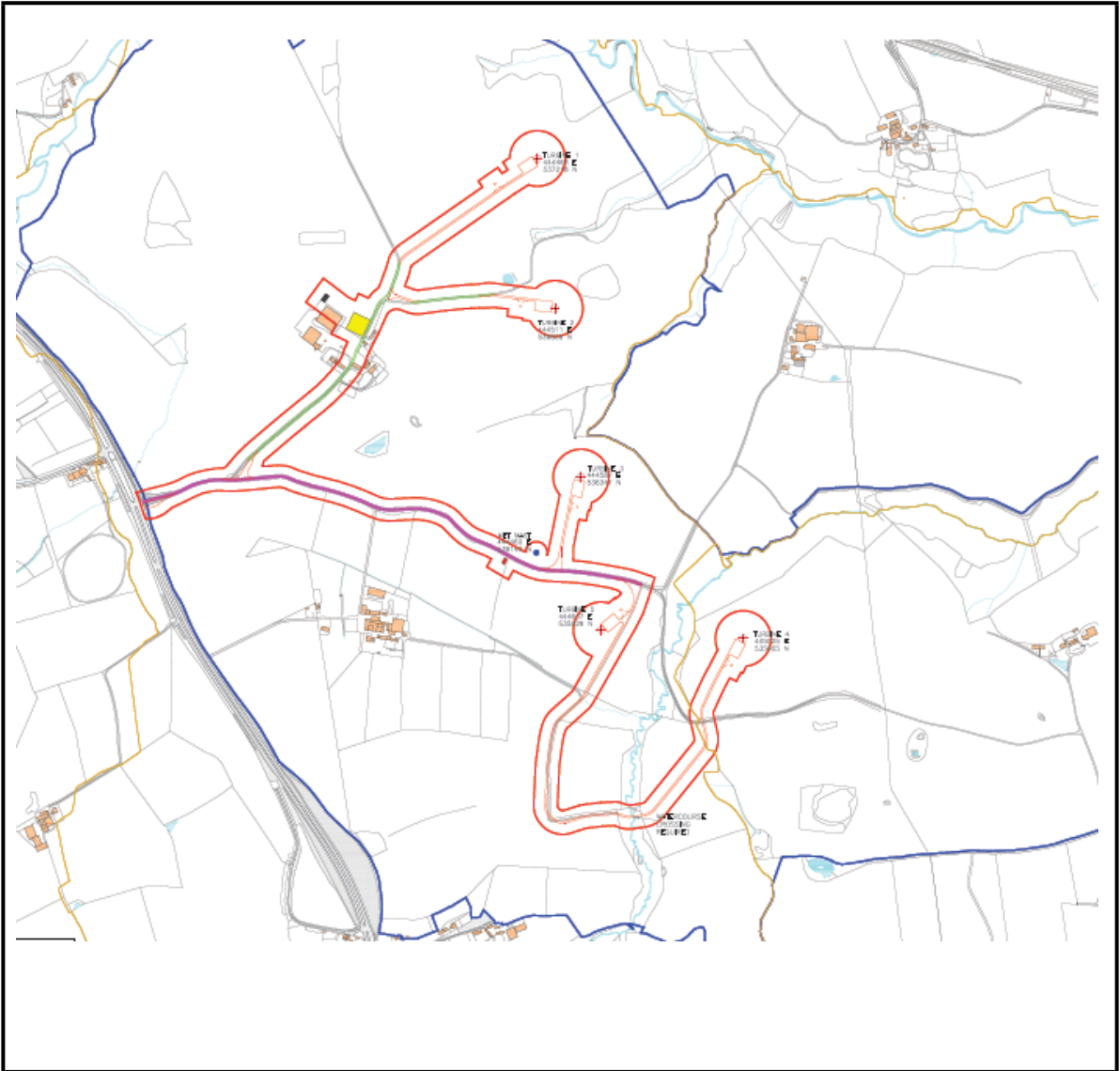
3. The Local Planning Authority considers that protected species survey data is neither up to date nor based on sufficient survey work to enable an accurate assessment of the impact of the development on protected species or to inform on the need for an appropriate assessment under the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012). Compliance with Policy 18 of the District of Easington Local Plan and Part 11 of the NPPF has not been demonstrated.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the 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. (Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- District of Easington Local Plan
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



Planning Services

CMA/5/31

Erection of 5 no. wind turbines with a maximum tip height of 115m and associated buildings and works

Sheraton Hill and Hulam Farms, Sheraton, Hutton Henry, County Durham

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Date

2nd December 2014