

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CMA/5/40
FULL APPLICATION DESCRIPTION:	Erection of 5 no. Wind Turbines (max tip height 115m) and associated infrastructure including crane hard-standings, a substation and control building, transformers, underground cabling, access tracks, and a meteorological mast
NAME OF APPLICANT:	Infinis
ADDRESS:	Land at Wingate Grange Farm situated to the west of Wingate, south east of Wheatley Hill, north of Deaf Hill, on the southern side of the A181
ELECTORAL DIVISION:	Wingate & Trimdon and Thornley
CASE OFFICER:	Chris Shields, Senior Planning Officer 03000261394, Chris.Shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies approximately 1.5km to the west of Wingate, 1.3km to the south east of Wheatley Hill and 1.6km to the north of Trimdon Colliery. The A19 dual carriageway is located 2.9km to the east and the A1 motorway is located 7.3km to the west.
2. The site is currently used for arable farming. with an area of forestry located within the northern section of the site, known as Foxhole Wood. Other features within the site boundary include unnamed watercourses, ponds and Wingate Grange Farm. The height of the land ranges from 164m Above Ordnance Datum (AOD) in the north to 126m AOD in the eastern section of the site.
3. The site is bordered to the north by the A181 and by a block of forestry to the east, which separates the application site from the settlement of Wingate. A further block of forestry and other arable fields border the southern boundary of the site. The settlement of Deaf Hill is located approximately 300m south of the southern boundary.
4. Despite its close proximity to nearby settlements, the setting of Wingate Grange Farm remains essentially rural in character. The open rolling landscape of the site is characterised by relatively large fields across which there are unimpeded views over low hedges, with few trees or areas of woodland. This allows industrial buildings on the edges of nearby settlements, and the busy A19, to be clearly visible. A row of

electricity pylons also runs in a north west-south east direction to the east of the farm.

5. The application is located within an Area of High Landscape Value (AHLV), as designated in the District of Easington Local Plan (DELP). There are 3 Conservation Areas within 5km of the site; Castle Eden approximately 2.5km to the east, Trimdon Village approximately 3.5km to the south and Shadforth approximately 4.4km to the north-west. Castle Eden Park, which is on English Heritage's list of parks and gardens of national interest (Grade II), is located approximately 2.5km to the east. The development site contains within it two mounds that have been interpreted as a Neolithic long cairn and a Bronze Age round barrow and there is a scheduled monument (medieval settlement and open field system) approximately 650m to the west at Old Wingate. Shotton Airfield lies approximately 4.3km to the north and Fishburn Airfield lies approximately 6.3km to the south west.
6. Within 3km of the application site lies the Wingate Quarry Site of Special Scientific Interest (SSSI), the Bottoms SSSI, and Town Kelloe Bank SSSI to the west and Castle Eden Dene SSSI and Special Area of Conservation (SAC) to the east. A number of Local Wildlife Sites are located within 2km of the application site. These being Deaf Hill Marsh and Deaf Hill Pond to the south west, Haswell Wood, Hart to Haswell Railway and Wellfield Brick Ponds to the east.
7. Public Footpath No's. 1, 2, 4 and 5 (Wheatley Hill Parish) lie to the west of the site and run north to south between Wheatley Hill and Deaf Hill. Public Footpath No. 18 (Wingate Parish) lies to the south east of the site and runs north to south adjacent to Wingate Grange.

The Proposal

8. Planning permission is sought for the siting of 5 wind turbines with a maximum blade tip height of 115m for a period of 25 years. The turbines would be positioned on agricultural land associated with Wingate Grange Farm immediately to the west of the farm building group. Associated with the turbines would be crane hard-standings, a substation and control building, transformers, underground cabling, access tracks, and a meteorological mast. The application site has an area of 15.6ha.
9. The proposed turbines would each produce between 2 and 2.5 megawatts (MW) and would therefore provide a total installed capacity of between 10 and 12.5MW. Turbines 1, 2, 3 and 4 would be set out in an approximate square (turbines 2 and 3 to the north and turbines 1 and 4 to the south) and turbine 5 would be located to the west of turbine 4. The final choice of turbine would depend on the technology available at the time of construction, project economics and the desired output from the development. A slight variation in hub height or rotor diameter / blade length could occur, although the final tip height would not exceed 114.5 m.
10. The blades would be manufactured from fibre-reinforced epoxy or equivalent performance materials and the towers would be of tapering or cylindrical tubular steel or steel/concrete construction. It is proposed that the finish and colour of the turbines would be semi-matt and pale grey.
11. The turbines would be installed on reinforced concrete foundations typically measuring 13 to 18 m² with a concrete thickness of up to approximately 2m and stone overlay of 1m dressed back with topsoil to allow revegetation. Each turbine would require an area of hard-standing to be built adjacent to the turbine foundation in order to provide a flat, stable base on which to lay down the turbine components

ready for assembly and erection and to site the two cranes necessary to lift the three tower sections, nacelle and rotor into place.

12. The turbines would be of a variable speed type, so that the turbine rotor speed would vary according to the energy available in the wind. The turbines would have a rotational speed of between approximately 7.8 and 15 revolutions per minute (dependent on variations in wind speed), and would generate power in wind speeds between 3 m/s and 24 m/s. At average wind speeds greater than 24 m/s the turbines would shut down. A modern wind turbine produces electricity 70 to 85 % of the time, but it generates different outputs dependent on wind speed. On average over a year, it will generate about 26 to 30 % of the theoretical maximum output power. This is known as the capacity factor.
13. The turbines would be computer-controlled to ensure that each turbine faces directly into the wind at all times during operation to ensure optimum efficiency. The rotors of all five turbines would be configured to rotate in the same direction.
14. Site access for construction and ongoing maintenance would be from an existing field access to the A181 which would be upgraded to an appropriate standard. Access tracks would be constructed to access individual turbine locations. Approximately 2.5km of new on-site access tracks would be required for the development, of which 625m would be an upgrade to the existing farm track.
15. The proposed tracks would have a width of 5m and in order to facilitate two-way traffic movement would have 15m long passing places where required with a total width of 10m. At bends, the tracks would be widened as required depending on the requirements for the delivery vehicles for largest turbine components. The edges of the tracks would be allowed to re-vegetate following construction.
16. Approximately 23,000 m³ of stone would be required during the construction of the access tracks, turbine bases and other infrastructure. It is expected that the stone would be sourced from local quarries and imported to the site.

Grid Connection

17. The development would be connected to the local electricity distribution network. Underground cabling would link the turbines to each other and to the on-site substation/control building. 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 a switchgear unit, housed in the proposed on-site substation. The substation building would be located along the main access track between turbines 2 and 4. The substation would typically comprise of a 19m by 8m single storey building with a pitched roof and would house switchgear and metering, protection and control equipment but the final dimensions would depend upon the equipment to be used for the grid connection. Subject to requirements, the building would house a single toilet facility for visiting maintenance staff. Rainwater would be collected from the roof of the building via a gutter and inlet pipe to fill a header tank. Waste would be held in a closed system and pumped out at regular intervals.

Anemometer Mast

18. An anemometer mast would be erected to the west of turbine 5 to aid performance monitoring of the wind turbines and to collect and store meteorological data throughout the operational lifetime of the development. The mast would be of a slender lattice design and would have a maximum height of 70 m.

Construction

19. Construction of the development would take approximately 9 months, depending upon weather and ground conditions, including 3 months for testing and commissioning. Preliminary works include carrying out a site survey and preparation, construction of site entrance, access tracks and passing places, and carrying out enabling works to sections of the public highway to facilitate turbine delivery. The construction of a contractor compound, crane pads, turbine/mast foundations, site substation and cable laying would follow completion of the access tracks. The turbines and mast would be delivered and erected once the site infrastructure was in place.

Decommissioning

20. 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. Decommissioning of the development would involve the removal of all above ground infrastructure, except for roads, which, although they are likely to be removed, may be left in a useable state if the landowner specifically states, at that time. Demolition of the substation / control building would involve the removal of the equipment followed by demolition of the building. The upstand plinth and the top surface of the turbine foundation bases would be broken out and removed to approximately 1m below ground level and all cabling would be cut out at the same depth. The area would then be reinstated with a final layer of topsoil over the foundations. No stone would be removed from the site during decommissioning. Foundations and cabling below the 1m cut-off point would be left in situ.
21. The application is accompanied by an Environmental Statement (ES). Further details in relation to the proposed Employability Fund were received in July 2014. This report has taken into account the information contained in the ES and amended details and that arising from statutory consultations and other responses.
22. This planning application is being reported to the County Planning Committee because it involves major development.

PLANNING HISTORY

23. In 2004 an application was submitted for clay extraction for landfill engineering purposes with reclamation through landfill and landraise over an area of approximately 60 hectares using waste materials and recovery, recycling and transfer of waste materials for a 20 year period. The application was withdrawn in 2005. The proposed development would be located within the same site area as the withdrawn landfill/landraise proposal.

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), although the majority of supporting Annexes to the planning policy statements are retained. 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.

25. 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'.
26. 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.
27. One of the of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourages the use of renewable resources (for example, by the development of renewable energy).”
28. The NPPF also states in paragraph 98 that states that “when determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and, approve the application (unless material considerations indicate otherwise) if its impacts are (or can be) made acceptable.”
29. *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 a low carbon future.
30. *NPPF Part 4 – Promoting Sustainable Transport.* States that 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.
31. *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.
32. *NPPF Part 11 – Conserving and Enhancing the Natural Environment –* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
33. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* In determining applications LPAs should take account of; the desirability of sustaining and enhancing the significance of the heritage asset, the positive contribution conservation of heritage assets can make to sustainable communities and economic

viability, and the desirability of new development making a positive contribution to local character.

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

34. 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.

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

LOCAL PLAN POLICY:

District of Easington Local Plan (DELP) (April 2001)

35. *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.
36. *Policy 3 – Protection of the Countryside* – 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.
37. *Policy 7 – Areas of High Landscape Value* – states that the special character, quality and appearance of the landscape within those areas designated as areas of high landscape value (AHLV) will be maintained and enhanced. Any development likely to adversely affect the character, quality or appearance of those AHLV's 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.
38. *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.
39. *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.
40. *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.
41. *Policy 18 Species and Habitat Protection* – states that development adversely affecting protected species will only be approved where its benefits clearly outweigh the value of the species or its habitat.
42. *Policy 22 – Preservation and Enhancement of Conservation Areas* – seeks to protect the character, appearance and setting of Conservation Areas.

43. *Policy 24 – Protection of Listed Buildings* – Development which affects the setting of a listed building should not be approved.
44. *Policy 35 – Design and Layout of Development* – 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.
45. *Policy 36 – Design for Access and the Means of Travel* – requires good access and encouragement of the use of a choice of transportation modes.
46. *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.

The County Durham Plan

47. 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.
48. *Policy 22 - Wind Turbine Development* set's 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 significant 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.

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:

49. *Trimdon Parish Council* – has objected to the proposal due to the cumulative impact of wind turbines in the area. It is accepted that the development is not within the parish boundary but note that is very close by and given the height of the turbines they will be visible from distance.

50. *Northumbrian Water (NWL)* offers comments only upon the impact of development proposals on the NWL assets and its capacity to accommodate and treat anticipated flows arising from such development. It does not offer comment upon aspects of planning applications outside its area of control. On this occasion it offers no comment.
51. *The Environment Agency* – originally objected to the proposal because it involved the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Following submission of additional information the objection was withdrawn subject to two conditions that require a scheme for provision and management of a 2m buffer zone alongside the watercourse to be submitted and to ensure that the proposed pond is constructed to a depth suitable for Great Crested Newts and allowed to colonise naturally or planted only with locally native plants. The Environment Agency has also provided information to the applicant in respect of flood risk, groundwater and land contamination and Pollution Prevention Guidance during the construction and development phases of the proposed development.
52. *Natural England* – has raised no objections to the proposal and has advised that although the site is adjacent to Wingate Quarry Site of Special Scientific Interest (SSSI) and in close proximity to Town Kelloe Bank SSSI, The Bottoms SSSI and Castle Eden Dene SSSI there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. Further information is provided in relation to bats to ensure that the recommended 50m separate distance between the blade tip and hedgerow can be achieved. Advice is also provided in respect of possible biodiversity enhancements, landscape and advises that advice is sought from the Council's ecological officer.
53. *English Heritage* – has raised no objections to the proposals but has advised that further consideration be made towards the two prehistoric burial monuments (Barrows) within the development area. It is suggested that given the presence of these two monuments on the site the potential for unknown, buried, archaeological remains to be encountered is probably quite high and recommended that the issue must be resolved by the County Archaeological Team.
54. *The Defence Infrastructure Organisation of the Ministry of Defence (MOD)* – initially objected on the grounds that the proposed development would have an unacceptable impact upon the Air Traffic Control (ATC) radar at RAF Leeming, the Air Defence (AD) radar at Remote Radar Head (RRH) Brizlee Wood and the Meteorological Office radar at High Moorsley. The applicant submitted technical proposals to mitigate the unacceptable effects of the development on the ATC radar at RAF Leeming, RRH at Brizlee Wood and Meteorological Office radar at High Moorsley. These proposals have been accepted by the MOD subject to conditions and therefore the objection has been removed.
55. *Durham Tees Valley Airport* – lodged an initial objection to this proposal as there was a concern that the proposed turbine would appear on the airport's radar and could therefore cause confusion to both aircraft flying in the vicinity and air traffic controllers. In order to address the issue the applicant has entered into dialogue with Durham Tees Valley Airport (DTVA) to provide a financial contribution towards a new radar system that would overcome the issue. DTVA has requested 2 conditions be imposed to ensure the financial contribution is agreed prior to the commencement of development.

56. *Newcastle International Airport* – offers no objection to this proposal, having been assessed by the Aerodrome Safeguarding Team and given its location outside of the 30km Safeguarding Zone, a considerable distance from NIA, it is not considered that the proposal would result in any detriment to the safe operations of the airport.
57. *National Air Traffic Services (NATS)* – does not consider the proposed development to conflict with airspace safeguarding criteria.
58. *Highway Authority* – No objection is raised to this proposal subject to conditions requiring sight visibility to be constructed at the junction with A181, a Transport Management Plan (TMP) to be prepared and submitted prior to the commencement of construction works and the off-site highway works to be completed prior to the delivery of the wind turbine nacelles, blades and towers. Officers have advised that the standoff distance from the A181 of 126m is reasonable.
59. *Coal Authority* – has raised no objections to the proposal advising that the site is not located within a Coalfield Development High Risk Area

INTERNAL CONSULTEE RESPONSES:

60. *Spatial Policy* – Current and emerging policy does not support the development. The proposals are contrary to paragraphs 118 and 134 of the NPPF and to saved policies 1, 3, 7, 15, 16, 17, and 18 of the District of Easington Local Plan. Whilst limited weight can be given to the Submission Draft County Durham Plan it is prudent to note that the scheme does not accord with the future direction of travel. Emerging Policy 18 (Local Amenity); Policy 22 (Wind Turbine Development); and Policy 43 (Protected Species and Nationally and Locally Protected Sites) would also not support the proposals and they would conflict with the strategic aims of Policy 11 and Policy 30. The ARUP study (which although not policy is a material consideration and is also referenced in the evidence base of the Wind Turbine Development Policy 22 of the County Durham Plan) also indicates that the area is inappropriate for the scale of development proposed. Cumulative impact within the area is also an important issue as there are a number of wind turbine developments in the southern part of the Limestone Plateau and northern part of the Tees Plain. They note that a 'windfarm landscape' would develop.
61. *Design and Conservation* – has raised no objections to the proposal stating that the site is located approximately 2.4km east of the Castle Eden Conservation Area and registered historic park, and the applicant has included a report highlighting a range of designated heritage assets within a 5km radius. This is supported by a number of viewpoint images, including one from the edge of Castle Eden which shows that the structures will be visible on the horizon but this would not harm the way in which that asset is appreciated.
62. *Archaeology* – has raised no objections to the proposal subject to conditions being imposed requiring a Written Scheme of Investigation (WSI) to be produced and submitted. Officers considered the impact of the development upon prehistoric monuments (Barrows) that are located within 500m of the development and concluded that due to the topography of the site, undulating landscape and tree/hedge cover the impact is significantly ameliorated to the point that the construction of the wind turbines would not impact on the setting of these undesignated monuments.
63. *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 judgment. However, objection regarding the cumulative impact of the development in conjunction with existing wind farms to the north and south.

64. *Access and Rights of Way* – has raised no objections to the proposal stating that it is recommended that the separation distance between path and turbine is ideally no less than the height of the turbine to blade tip. There are no recorded public rights of way directly affected by this proposal. The nearest public right of way being Wheatley Hill Footpath No.5, approximately 250 metres from the nearest structure – the proposed permanent meteorological mast and approximately 470 metres from the nearest proposed turbine.
65. *Ecology* – has objected to the proposal. Officers have commented that bird survey data ranges from 2009 to 2011 therefore as it is at least three years old it is considered to be out of date. The bat surveys (transect data 2010 and AnaBat data 2011) are also considered out of date. No flight line maps were produced to determine where Noctules (and other high risk bat species) were commuting from/to yet turbines are located directly in the area the AnaBats picked up Noctule activity. Natural England, in their Standing Advice advise that 'Ideally surveys should be from the most recent survey season'. The bat and bird surveys need to be updated to provide a current assessment and fully inform this proposal. However, it is accepted that the information provided to date concerning the baseline ground ecology has not changed therefore this is not in need of updating.
66. *Environmental Health and Consumer Protection* – initially raised issues in relation to the noise impact that would be sustained by the property known as 1 Wingate Grange Cottages. The applicant provided a tenancy agreement to demonstrate that this is an involved property, which was accepted. Due to this it was agreed that the higher ETSU-R-97 noise limit of 45dB(A) can be applied to this property. Subject to appropriate noise conditions being applied no objections are raised.
67. *Sustainability* – has no comments to make in relation to the proposal.

PUBLIC RESPONSES:

68. The proposals were displayed at public exhibitions held by the applicant at venues in Wheatley Hill, Wingate and Trimdon Station on 20, 22 and 23 September 2011 prior to formal submission of the application. The application was advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. In addition the application was publicised on Durham County Council's weekly list. Following the submission of additional information members of the public who had previously commented on the application were reconsulted in July 2014.
69. A total of 169 letters of objection were received from members of the public in response to the initial consultation consisting of 155 standard letters and 14 individual letters. A petition containing 142 signatures has also been submitted. A further 6 individual letters of objection were received following the submission of additional information in July 2014. The issues raised are summarised below:

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.

Visual and Landscape Impacts

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

Heritage Impacts

- Harmful impact on Castle Eden Conservation Area.
- Harmful impact on Ancient Monuments.

Residential Amenity/Safety Issues

- Harmful noise impacts from the turbines and construction traffic.
- Concerns regarding shadow flicker
- Impact upon the enjoyment of the countryside
- Potential for amplified modulation to occur.

Highways Issues

- Concerns over road safety from construction traffic.
- Distraction of motorists on the A181.
- 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 and mobile phone signals will be affected by the development.

Other Issues

- Devaluing of property.
- Loss of views.
- Objection to consultation processes with the public.
- Concerns over land stability due to historical mining and groundwater conditions.

70. A total of 214 standard letters of support were received from members of the public. The letters advocate the benefits the proposal would have in relation to renewable energy generation, contribution toward climate change reduction and community benefit from a commuted sum.

71. 3 individual letters of support were received from the North East Chamber of Commerce, The Employability Trust and East Durham College following the submission of additional information in July 2014 offering support for the community benefit fund that has been targeted at assisting local people with tuition fees at East Durham College.

NON-STATUTORY RESPONSES:

72. *CPRE* – objects to the scheme stating that the application should not be permitted due to the cumulative impact of the development, the impact upon the AHLV, inadequate separation distance from properties and shadow flicker, impact on recreation due to the reduced enjoyment of the area. CPRE also notes the objection from Durham Tees Valley Airport and comments that proposal would potentially result in narrower flight paths which could lead to increased disturbance for people living below those flights paths and the tranquillity of those areas. CPRE considers that the proposed financial contribution would not mitigate the landscape issues. However, if the application is approved then it is requested that conditions be applied to secure a bond for the decommissioning of the turbines and to prevent micro-siting that would result in turbines being brought nearer to houses.
73. *Durham Bird Club* – has not specifically objected to the proposal noting that the site itself is not of considerable ornithological interest and is highly unlikely to have an impact on the important coastal sites which are important for sea and shore birds unlikely to fly much inland. However, the site is some 6km from Hurworth Burn to the south west, a site that is of considerable interest to the bird club and concerns are raised that no assessment has been made in respect of the effect that this proposal, together with other wind farms, would have on it.
74. *British Horse Society* – has raised no objections to the proposal stating that all of the turbines would be located at least at the British Horse Society minimum recommended separation distance from the bridleway and Green Lane, which are the most likely routes for horse riders to use. It is also noted that the proposed access route would not conflict with horse riders.
75. *The Ramblers* – has raised no objections but has requested that assurance is sought to ensure that the turbines 1 and 2 are at a suitable distance from the A181. Also that the guidance in the companion guide to PPS 22 is being followed and that conditions are applied to ensure the safety of users from construction and maintenance operations.
76. *Vodafone* – initially objected to the proposal due to interference from the turbines but the issue was subsequently resolved and the objection withdrawn.

APPLICANTS STATEMENT:

77. Wingate Grange is a well-designed wind farm in an appropriate location that will generate a significant amount of green energy.
78. We disagree with and are disappointed by the officer's recommendation. In the county landscape officer's own judgement, the acceptability of the cumulative effects of the proposal is a matter on which judgements will quite reasonably vary, and one which goes beyond technical analysis. The landscape officer acknowledges that significant cumulative effects wouldn't occur with more distant developments and that cumulative effects are only a particular consideration close to the site. Therefore such effects are limited and do not extend over a broad area.
79. The ecology officer suggests his decision to object is based on Natural England guidance. However neither the County Ecologists nor Natural England objected when originally consulted in 2012. Natural England confirmed in August 2014 that they still have no objection and in doing so are implicit in accepting the continued validity of the survey data now being rejected by DCC. The ecology team made a

recommendation based on Natural England guidance but against the position of Natural England itself. In this context, it is completely reasonable for members to set aside both the landscape officer's and ecology team's advice and approve this proposal.

80. Infinis want to maximise the socio-economic benefits of the proposal for communities immediately around the site; Wingate, Wheatley Hill & Thornley and the Trimdons. We have committed to partnerships with not-for-profit bodies that will both benefit from and maximise the socio-economic benefit of the development to local communities.
- Employability Fund with East Durham College (£62,500 pa),
 - Initiative to help local people into work with East Durham Employability Trust (£30,000 during construction)
 - Subsidise energy costs for the three community centres in Wingate, Wheatley Hill and Trimdon (£63,000).
 - Total benefits: £1.65m over the lifetime of the project.
81. Wingate Grange represents a significant investment to County Durham and the wider north-east. An independent study by the IPPR concluded that in total the wind farm would have an economic impact of £18m into the north-east region during the development, construction and maintenance stage.
- £6.5m directly invested into County Durham
 - £12.2m invested into the wider north-east region.
82. This, coupled with Infinis' commitment to maximise local content on Wingate Grange contracts (set out in our Procurement Guide) provides a significant opportunity for local companies and the local economy to benefit from Wingate Grange.
83. Additionally, Wingate Grange consented will be worth around £162,500 pa to Durham County Council with business rates from wind farms now being kept by the consenting LPA.
84. Not only is Wingate Grange, a suitable and appropriate development, but also one which provides significant economic and community benefit to an area in great need of both. We believe it would be unfair on the people of East Durham for this wind farm to be refused because of any failure of previous developments to deliver the local economic and social needs of the host community.

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

85. 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 impact, residential amenity, archaeology and heritage assets, access and highway safety, nature conservation aviation and radar issues, TV and communication interference, access and rights of way, flood risk and hydrology, economic benefit and other issues.

Principle of Development

86. 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.
87. 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).”
88. 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.
89. 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.
90. National planning guidance therefore generally supports renewable energy schemes.
91. 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.
92. 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 not to be a reason to object to the development in principle.
93. Officers therefore raise no objection to the development in principle, however, and the acceptability of the scheme is considered to rest with the assessment of the detailed issues and impacts.
94. In summary, it is clear that national planning policy guidance generally supports renewable energy schemes. Measured against this, and in the absence of any relevant Development Plan policy and the presumption in favour of sustainable development within the NPPF, the proposal is considered acceptable in principle, and a demonstration of need for the turbine is not required. The following sections of this report consider the specific impacts of the proposed development.

Landscape Impacts

Physical Impacts

95. 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.
96. 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.
97. Similarly, whilst the construction compound covers a significant area of 5,000m² the compound would be a temporary feature. The compound is proposed to be sited central to the proposed turbine locations and would be well screened from the nearest settlements by existing tree belts.
98. The proposed substation is relatively small, driven by functionality and would, again, be well screened by the existing tree belts.
99. 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.
100. 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.
101. 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

102. The proposed development is located approximately 2.5km from Castle Eden Park which is on English Heritage's list of parks and gardens of national interest (Grade II). Visual impacts would be generally low due to the heavily wooded character of both the parkland and dene landscapes that make up the designated area, and because of the frequency of hedgerow trees in the timbered farmland between the park and the proposed windfarm the effects are considered to be not significant.
103. The proposed turbines would lie within an area designated in the Easington District Local Plan as The Southern Area of High Landscape Value (AHLV). They would be dominant, at times overbearing, features in the western part of the AHLV and would have a significant adverse effect on the landscape of the Old Wingate Valley. They would be visible in varying degrees from the eastern part of the AHLV but as smaller

features and often seen behind and below a major north-south high voltage line. The effect in those areas would not be significant.

104. It is considered that the proposal would have a significant impact on the character, quality and appearance of the AHLV which would bring them into conflict with saved Policy 7. 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. There would be no significant effect on views of Durham Castle and Cathedral World Heritage Site, which is located more than 12km to the west.

Cumulative Landscape Impact

105. The current situation is there are a number of clusters of operational turbines in the southern part of the Limestone Plateau and northern part of the Tees Plain. To the north of Wingate Grange lie the Haswell Moor, High Haswell and Hare Hill wind farms. To the south-west lies the Trimdon Grange windfarm. To the south lie the Butterwick and Walkway wind farms. To the south-east lies High Volts.
106. There is generally a reasonable degree of separation between the tracts of wind farm landscape associated with individual wind farms or with clustered groups like High Haswell / Haswell Moor and Butterwick / Walkway which read effectively as single developments. The exception to that is the tracts of turbines around Hare Hill and Haswell Moor/ High Haswell which coalesce.
107. The extent of the area in which turbines might be experienced as relatively prominent features would extend eastwards across the Station Town and Castle Eden areas. The experience within the area generally would intensify, with views in which more than one wind farm were visible or relatively prominent becoming more commonplace.
108. The potential zone of dominance of the proposed turbines would coalesce with that of the Hare Hill turbines to the north and the Trimdon Grange turbines to the west, creating a relatively extensive tract of 'wind farm landscape' between Haswell and Trimdon. Again the experience within parts of this area would intensify, with views in which more than one wind farm were relatively prominent or dominant becoming more commonplace.
109. In this area the use of simple distance buffers to model zones of visual influence tends to exaggerate the extent to which this would read as a continuous tract in views of the locality. The openness of the landscape around Haswell Moor, High Haswell and Hare Hill means that there is a high degree of inter-visibility between them and a strong sense of being within a tract of wind farm landscape there. This is strongest in the north of the area, around Ludworth and Haswell Plough. It is weaker to the south around Wheatley hill and Shotton Colliery where turbines in the Haswell complex are often partially concealed by topography.
110. The proposed turbines would not be visible from Ludworth and Haswell Plough and so would not have a direct cumulative effect on the settlements currently most affected by the Haswell complex and Hare Hill. They would be visible from higher ground to the north) where there would be a strong sense of a tract of windfarm landscape extending to the southern horizon. The proposed turbines would be at some distance, and their additional impact relative to the impact of the nearest Haswell Moor turbines would be relatively modest.

111. The proposed turbines would be prominent or dominant features in views from the northerly and easterly parts of Wheatley Hill including views from some residential properties on the settlement edge, community facilities like the cemetery the recreation ground, the more informal recreation area at the eastern edge of the village , and from the B1279 approaching the village. The Hare Hill turbines are already prominent or dominant features in views from the northern parts of Wheatley Hill, from the B1279, and from the footpath network in the countryside north of the village. There would not be a particularly strong sense within the urban fabric in the west of the village of being within a wider tract of 'wind farm landscape', but there would be a greater sense of that in and around the east of the village, generally in successional and sequential views of the Hare Hill and Wingate Grange turbines rather than in a single view.
112. To the south of Wheatley Hill the rolling topography, and in particular the minor ridge running along the A181, combined with woodland, tend to break up the inter-visibility of the northern sites with Trimdon Grange to some degree, and would do so with development at Wingate Grange. The northern wind farms do not have a substantial visual influence, being often screened by topography and vegetation or visible only as small partial features over the northern horizon. Turbines of the Trimdon Grange wind farm are more visible in this area, although generally in quite shallow views and often screened by intervening features. There would not be a particularly strong sense within the urban fabric of the villages (Trimdon Grange, Trimdon Colliery, Deaf Hill) of being within a wider tract of 'wind farm landscape', but there would be a greater sense of that, generally in successional and sequential views of the Trimdon Grange and Wingate Grange turbines from the roads and footpath network serving those communities.
113. The most substantial cumulative effects of the proposals would therefore be generally those arising in respect of the nearest neighbouring wind farms rather than from more distant wind farms. To that extent the effects of a continuous tract of wind farm landscape developing in this area are of less concern than the more immediate cumulative effects with nearby wind farms on the locality. The close proximity of the proposals to Trimdon Grange and Hare Hill wind farms would lead to some significant cumulative effects on nearby communities.
114. The countryside between Wheatley Hill and the Trimdons is attractive and well served by recreational routes including footpath and bridleway links to the surrounding villages and the Green Lane byway. The designation of much of it as an AHLV in the DELP reflects its attractiveness and the importance attached to that in the context of the wider landscape of the East Durham Limestone Plateau which generally has an urban fringe or semi-rural character. Development to date in the wider area has been in relatively unremarkable countryside. This area has somewhat higher value in a local context.
115. The proposals would clearly dominate the area as existing development already dominates the countryside to the north and west. Although it isn't proposed to identify AHLVs in the emerging CDP, the underlying factors influencing the designation in the past remain the same. The domination of this area of local landscape value, in addition to the areas of countryside already affected, will compound the reality for local communities of living within a wind farm landscape where access to tranquil countryside is increasingly limited.
116. Landscape officers consider the cumulative impact of the proposed development in relation to existing wind development would be unacceptable and would have a detrimental impact upon the AHLV in conflict with DELP Policy 7.

Landscape Conclusions

117. Officers therefore raise no objections to the development purely in terms of the physical impacts of the development upon landscape fabric.
118. With regards to impacts upon designated landscapes, the most significant impact would be upon the locally designated AHLV within which the development is sited. Within sections of this landscape the turbines would be dominant features and it is that this impact is harmful upon the AHLV and brings the development into conflict with ELP 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.
119. Landscape officers consider the cumulative impact of the proposed development in relation to existing wind development would be unacceptable and would have a detrimental impact upon the AHLV in conflict DELP Policy 7
120. In conclusion it is considered the proposed development is not acceptable on landscape grounds having regards to DELP Policies 1 and 7 and Parts 10 and 11 of the NPPF.

Residential Amenity

Visual Impact

121. 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.
122. 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.
123. Officers consider that whilst in many instances views of the turbines from these settlements would be prominent and in instances cumulative impacts with other wind turbines would also occur.
124. 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.
125. There are a number of non-involved properties lying within 6 times the tip height of the turbines (690m); the distance range within which there might be potential for the development to have an overbearing effect. The effect on most of these, and some others at slightly greater distance, are assessed within the ES. Warden Lodge, Tanglewood and Bruce Crescent lie between 600m and 690m of the proposed turbines. At present there is substantial tree screening to the north and east of the proposed development that limit the impact upon these properties. Properties at Old Wingate, to the west of the development, would have limited natural screening but the built development itself would provide a degree of shelter, although the turbines

would be visually dominant on the approach to these properties from the west. The LVIA accepts that there are likely to be significant effects on views from the vicinity of houses at Old Wingate

126. Officers would agree with the submitted LVIA that impacts upon these properties would represent a significant change in circumstances and visual impacts from some properties would be significant. However, officers consider that the effect would not be such that the impacts would be unpleasantly overbearing or create an unavoidable presence in main views from these dwellings and curtilages.
127. Officers raise no objections to the proposed development with regards to the visual impact upon individual property having regards to ELP Policies 1 and 35 and Part 10 of the NPPF.

Other Impacts upon Residential Amenity

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

Shadow Flicker

129. 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, in the case of the proposed development this would be 920m. The application is accompanied by a shadow flicker assessment which considers that potentially 18 no. dwellings could be affected by shadow flicker. The property that would be most affected based upon the results is Wingate Grange Farm which could theoretically be the subject of shadow flicker impact up to approximately 40 hours per year.
130. Such a period of time is calculated on a theoretical worst case scenario basis using the following assumptions: that the rotor blades would not be turning at all times, 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.
131. 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.
132. 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.
133. 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.
134. No objections with regards to the effect of shadow flicker are therefore raised having regards to ELP Policy 1 and Parts 10 and 11 of the NPPF.

Noise

135. 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.
136. 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.
137. A noise assessment has been submitted and is contained in the ES. The document considers the 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, low frequency noise, vibration and amplitude modulation.
138. The submitted noise modelling confirm that the proposed wind turbines would not exceed the relevant ETSU-R-97 noise limits at any of the nearest residential dwellings, subject to the criteria for financially involved properties being employed for Wingate Grange Farm and 1 Wingate Grange Cottages. Environmental Health has raised no objections to the scheme, subject to appropriately worded planning conditions being attached to any grant of planning permission.
139. 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.
140. It is considered that the development would comply with the noise levels established in the ETSU-R-97 guidelines. Such compliance could be ensured by conditions. It is not considered that any detrimental effect on local residents through noise associated with the proposed wind turbines would be sufficient to refuse planning permission. 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

Safety

141. 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.

142. 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.
143. Whilst there have been some high profile instances of turbines being struck by lightning or catching fire, this is considered to be unusual. Wind energy is considered a safe technology and officers have no reason to suspect that the proposed turbines could not be operated safely.

Archaeology and Heritage Assets

144. An archaeology and cultural heritage assessment has been submitted and is included in the ES. The assessment considers the potential effects of the development upon baseline conditions and identifies means of mitigating and avoiding effects, as well as any residual effects that may exist post mitigation.
145. The Local Planning Authority has a statutory duty 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 and to pay special attention to the desirability of preserving a listed building and its setting. In assessing the proposed development, regard must be had to the statutory duty imposed upon the Local Planning Authority as set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for 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.
146. English Heritage commented that the assessment did not consider the non-scheduled prehistoric 'barrows' that are within the development area and stated that further investigation of these features should be carried out but advised that the County Archaeological Team are the appropriate authority to assess this. The County Archaeological Team further investigated the location of the barrows and considered that there would not be a direct effect but requested that a Written Scheme of Investigation (WSI) for a programme of archaeological mitigation works be produced. The applicant submitted the results of a geophysical survey which demonstrated that the site has a limited capacity for significant below ground remains and also submitted the WSI. The Archaeological Team has raised no objections to the proposal subject to conditions being imposed requiring the WSI to be implemented and the results published. Accordingly, and subject to such conditions, the scheme would comply with paragraphs 129 and 141 of the NPPF.
147. The Design and Historic Environment Section consider that as the proposed turbine would be some 2.5km to the west, and separated by the raised A19, that there would be no adverse effect on the setting of the Castle Eden conservation area, or listed buildings within the conservation area. The nearest listed buildings to the proposed development are a headstone in Wheatley Hill cemetery, the Church of the Holy Trinity in Wingate and the Colliery Disaster Memorial at Wingate. The proposed development would be clearly visible from Wheatley Hill cemetery but views of the listed headstone would be largely unaffected. The principle elevations of the Church of the Holy Trinity Church are viewed from the west with the proposed development

behind the viewer so the impact would be negligible. The Colliery Disaster Monument is viewed against existing buildings in Wingate and although there may be distant views of the turbines this would not significantly affect the setting. No listed buildings would be directly affected by the proposed development. Accordingly, the scheme would comply with local Plan Policies 22 and 24 and paragraphs 131 and 132 of the NPPF.

Access and Highway Safety

148. Access to the site would be via an upgraded existing field access to the A181 Road that joins the A19 approximately 2.5km to the east. Although it is possible to reach the site via Wingate it is anticipated that site traffic would use the A181 and A19. The oversize turbine components would arrive by sea to Hartlepool docks and be carried by abnormal load vehicles with a Police escort to the A19 via the A179. It would take a total of 53 abnormal load vehicles to transfer all of the turbine components to the site. Other significant peaks of vehicle activity would be in month 1 for the delivery of stone to the site and this would equate to an average of 54 movements per day and in month 5 when the concrete would arrive over 4 days with 100 movements for each of these days.
149. A Transport Statement has been submitted and is included within the ES. The statement identifies baseline conditions and existing traffic flows and assesses this against the proposed development. The statement also considers highway safety in relation to the baseline data and proposed traffic movements. The proposed route from Hartlepool to the site is assessed and temporary works including removal of guardrails and protection of pedestrian islands and junction splitters are identified. The statement concludes that the surrounding highway infrastructure can accommodate the predicted development traffic with only a slight effect on transport and traffic, which is considered as being not significant in terms of the EIA Regulations.
150. The County Highway Authority have raised no objections to the proposal subject to conditions being imposed to ensure that the proposed visibility splays on the junction with the A181 are constructed, that the proposed Transport Management Plan is submitted and the temporary off-site highway works are completed prior to the commencement of development. It is therefore considered that the proposed development would accord with DELP Policy 36 in terms of access and highway safety.

Nature Conservation

151. Within 3km of the application site lies the Wingate Quarry Site of Special Scientific Interest (SSSI) approximately 1km to the west, the Bottoms SSSI, and Town Kelloe Bank SSSI to the west and Castle Eden Dene SSSI and Special Area of Conservation (SAC) to the east. A number of Local Wildlife Sites are located within 2km of the application site. These being Deaf Hill Marsh and Deaf Hill Pond to the south west, Haswell Wood, Hart to Haswell Railway and Wellfield Brick Ponds to the east. The application site boundaries are close to the adjacent Wildlife Corridors as identified in the DELP.
152. An ecological assessment has been submitted with the application and is contained in the ES. This includes an extended Phase 1 habitat survey and a breeding bird survey.
153. In regards to designated sites no objections to the development are raised and the application is considered compliant with ELP Policies 14, 15, 16 and 17.

154. Natural England initially raised an issue with the siting of Turbine 4 in relation to the 50m separation distance not being achieved. The applicant submitted further information to demonstrate that the risk to bats in this area is low. Natural England accepted this and withdrew their objection.
155. However, officers do 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.
156. 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) 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 license from Natural England. This requires an examination of the derogation provisions.
157. Officers concerns relate to the protected species of bats and breeding birds. Ecology Officers have stated that bird survey data ranges from 2009 to 2011. 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 2010 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. Ecology Officers have 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.
158. 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 appropriate 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. Officers object to the application as a result.
159. With officers raising objection to the development and recommending refusal of the application as a result there is no require for a Habitat Regulations Assessment.

Aviation and Radar Issues

160. An aviation and radar assessment has been submitted with the application and is contained in the ES. The assessment considers the potential effects of the development upon Ministry of Defence (MoD) operations and domestic air traffic.
161. The closest MoD installation is the Air Defence Radar at Brizlee Wood (RAF Boulmer), 79 km to the north. The Development is within the vicinity of the sites used by RAF Spadeadam Electronic Warfare Tactics Facility for the siting of Threat

Radars. The RAF Spadeadam ranges are over 83 km west-north-west of the site. The Development site is not within a Tactical Training Area.

162. The closest National Air Traffic Services (NATS) facilities are at Lowther Hill, 166.5 km to the north-west of the Development and Great Dun Fell at 67.3 km (south-west). Both these installations operate a primary surveillance radar (PSR) and a secondary surveillance radar (SSR). Using the NATS self assessment maps, the Development does not lie within an area visible to PSR, SSR Navigation aids and Air-Ground-Air communication stations.
163. Durham Tees Valley Airport (DTVA) is located 24 km south south-west of the development site. A technical aviation assessment undertaken by Osprey has identified that the proposed development is within line of sight of DTVA's primary and secondary surveillance radar (PSR and SSR). However, the development is outside of DTVA's obstacle limitation surface (OLS). The arrangement of a small number of turbines in a compact array minimises the potential area of effect on DTVA's PSR.
164. There are two private airfields in the local area, which are Shotton Airfield located 3.3km to the north-west and Fishburn Airfield located 6.5km to the south-west.
165. DTVA objected to the proposal stating that the scheme would impact on their PSR, as the rotation of the wind turbine blades within the development would be detected by the Airports primary radar creating clutter in the form of twinkling or the formation of tracks on screen. The effect can be distracting and cause confusion when trying to distinguish between real aircraft and false targets. The issue can, however, be overcome with the implementation of a new radar system. The applicant has been in dialogue with DTVA and although an agreement has not been completed the Airport have provided conditions that could be imposed to ensure that a scheme to mitigate the impact of the wind farm in relation to the radar is implemented prior to commencement of development. DTVA have not withdrawn their objection but it is considered that as there is a solution available there is no reason to withhold planning permission.
166. The MoD initially objected on the grounds that the proposed development would have an unacceptable impact upon the Air Traffic Control (ATC) radar at RAF Leeming, the Air Defence (AD) radar at Remote Radar Head (RRH) Brizlee Wood and the Meteorological Office radar at High Moorsley. The applicant provided a technical proposal to the MoD to address the issues and the objection was subsequently removed.
167. NATS considered the proposals and considered that there would not be a conflict with airspace safeguarding.
168. Newcastle Airport raised no objections to the proposal as the site is beyond their consultation zone and would not adversely impact upon its radar.
169. In conclusion it is considered that the proposed development would not have a significant impact upon domestic and military air traffic and radar systems.

TV and Communication Interference

170. Wind turbines have the potential to adversely affect telecommunication links through either physical blocking of the transmitted signal or, more commonly, by introducing multipath interference where some of the signal is reflected through different routes. Multi-path interference to television signals can cause 'ghosting' on older analogue

transmissions where an object in the picture appears several times in slightly different positions.

171. Digital television signals are not generally affected by the operation of wind turbines, however, a minimum signal strength is required for digital television to operate effectively. If a property already receiving a weak digital signal experiences additional blocking or reflections from wind turbines, the signal level may drop, causing the television to pixelate or cut out intermittently. Reflections and blocking from other objects (such as trees) close to the aerial can cause similar effects. Simple measures to boost the signal through an improved aerial are usually sufficient to correct the issue.
172. A small number of objectors to the scheme raised the issue of loss of television and mobile phone signal as a result of the turbines. Since the application was submitted the UK has completed the changeover to digital and this would largely mitigate the impact. Any residual impact upon television signal resulting from the development could be resolved post-construction. Vodaphone initially objected to the proposal due to the proposed turbines potentially disrupting a communication link, however, the applicant agreed a solution that was beneficially to Vodaphone and also resolved the issue, resulting in their objection being withdrawn.

Access and Rights of Way

173. 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.
174. The construction and operation of the proposed development would not physically affect any public rights of way.
175. The Access and Rights of Way Team have assessed the proposal and raised no objections as there is a separation distance of at least the height to the tip of the turbine. The Ramblers support this view provided that the turbines closest to the A181 are not within topple distance of the road. The British Horse Society have also raised no objections to the proposal stating that the turbines are all further than minimum recommended distance from the bridleway and that there would be no impact upon users from site traffic.
176. 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

177. 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.
178. The applicant does not propose any mitigation measures as all identified potential effects have been assessed as being of negligible or minor significance after the implementation of embedded design and construction and good practice.
179. The Environment Agency has been consulted on the application and no objections to the development are raised subject to the attachment of conditions relating to surface water drainage and that the mitigation measures proposed with regards to groundwater, hydrology and hydrogeology matters are implemented.

180. Northumbrian Water raises no comments and no objections to the development.
181. As a result officers raise no objections to the development on matters surrounding hydrology and flood risk considering the development compliant with ELP Policy 1 and Parts 10 and 11 of the NPPF.

Economic Benefit

182. The applicant stated in the ES that a voluntary community fund to support local projects would be set up to throughout the operational life of the development. At submission stage it was not clear how much the contribution would be or how it would be spent.
183. In July 2014 the applicant submitted additional information relating to the economic benefits of a planned employability fund to be provided by the wind farm operator including a copy of the Memorandum of Understanding (MoU) that has been agreed with East Durham College. The fund would provide an estimated £62,500 per annum (£1.5m over the 25 year life of the development) to support residents living in the communities of Wingate, Wheatley Hill, Trimdons and Thornley. Individual support allowances would be capped at £2000 per annum to cover tuition fees and £1000 per annum to cover travel, study and hardship. The applicant has offered a unilateral Section 106 agreement to guarantee this contribution and a draft version of this has been submitted.
184. The financial contribution has received support from the North East Chamber of Commerce, The Employability Trust and East Durham College. Objectors to the development do not consider the financial contribution to outweigh the landscape impacts.
185. Whilst the employability fund would provide clear advantages to residents of the targeted communities it would not diminish or mitigate the environmental impacts of the development.

Geology and Coal Mining Risk

186. Public concerns are raised with regards to land stability issues as a result of coal mining legacy and the geology of the area. The Coal Authority has confirmed 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. The applicant has also confirmed that detailed ground investigations local to the proposed turbine locations would be carried out prior to construction to confirm the ground conditions in these areas to finalise the foundation design. A degree of micro-siting would be allowed to ensure that any ground anomalies could be avoided.

CONCLUSION

187. 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 impacts.

188. 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.
189. The coalescence of the proposed development with existing wind farms at Haswell Moor, High Haswell, Hare Hill and Trimdon Grange would create a tract of wind development from Haswell to Trimdon. This would result in an unacceptable cumulative impact upon the area, which is designated as AHLV in the DELP.
190. DTVA has objected to the development on the grounds that the development could affect the safe operation of their radar. However, discussions between the applicant and DTVA to agree mitigation measures to resolve this radar issue are at an advancement stage and DTVA have supplied conditions that would address the radar issue. It is therefore considered that impact upon aviation should not be a reason for refusal.
191. 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.
192. Therefore, whilst officers acknowledge that the development would deliver a contribution to new renewable, low carbon energy infrastructure and a financial contribution toward supporting students of East Durham College, the benefits of this do not outweigh the aforementioned harm. As a result, refusal of the application is recommended.

RECOMMENDATION

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

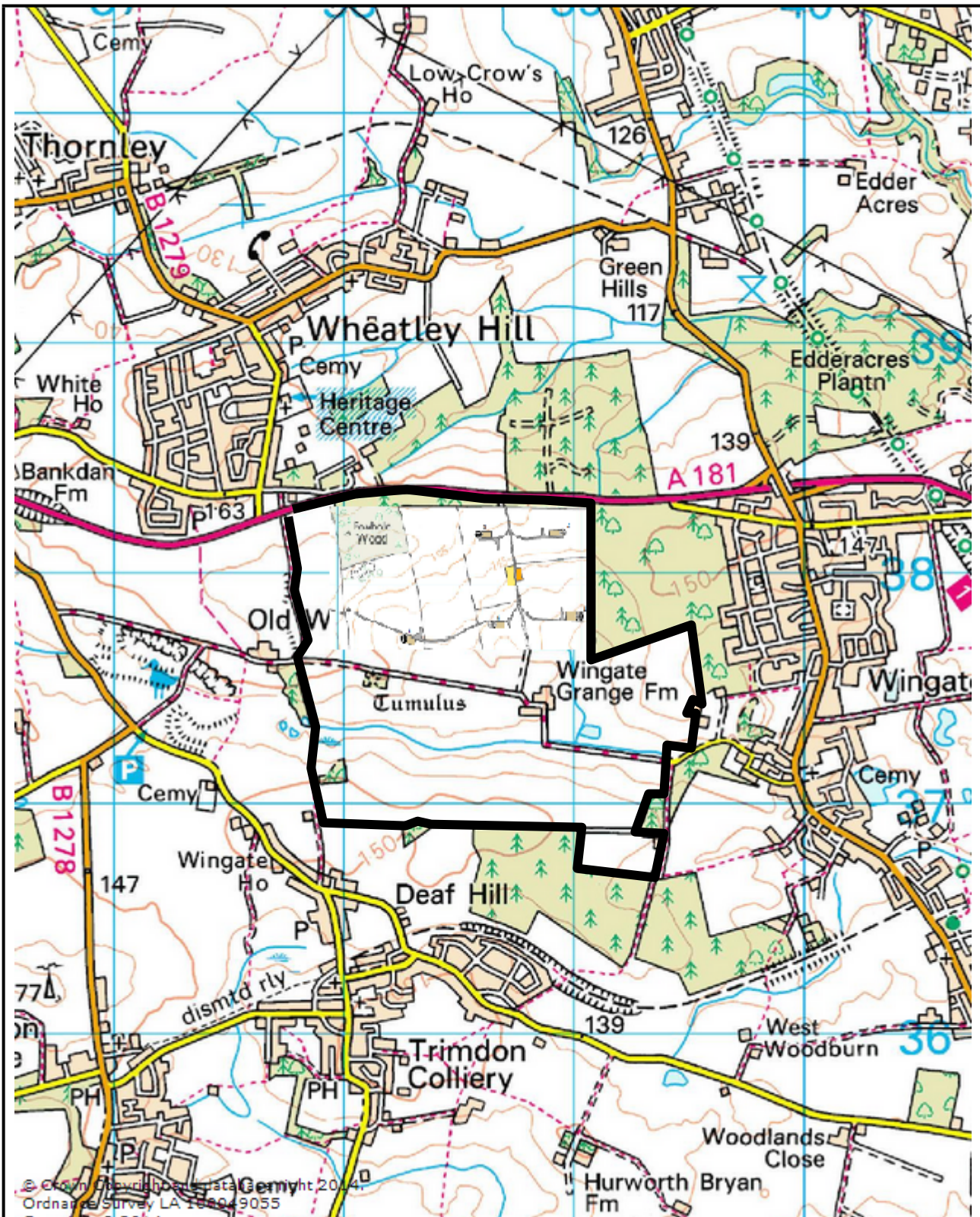
1. The Local Planning Authority considers that the proposed wind turbines would result in an unacceptable cumulative landscape impact in an Area of High Landscape Value contrary to the requirements of Policies 1 and 7 of the District of Easington Local Plan and Part 10 of the NPPF.
2. The Local Planning Authority considers that protected species survey data is neither up to date nor based on sufficient survey work to enable an assessment of the impact of the development upon protected species to demonstrate compliance with Policy 18 of the District of Easington Local Plan or Part 11 of the NPPF.


STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. This is evidenced by advising the applicant of objections to the proposal. However, given the nature of the objections, the issues of concern could not be overcome and a positive outcome delivering high quality sustainable development which would improve the economic, social and environmental conditions of the area in accordance with the NPPF could not be achieved. *(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 submitted by the applicant.
- National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- District of Easington Local Plan
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses.



 <p>Durham County Council</p> <p>Planning Services</p>	<p>CMA/5/40 Erection of 5 no. Wind Turbines (max tip height 115m) and associated infrastructure and a meteorological mast at Land at Wingate Grange Farm</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date December 2014</p>	<p>Scale Not to scale</p>