

Item Number: 12
Application No: 22/00807/FUL
Parish: Sherburn Parish Council
Appn. Type: Full Application
Applicant: Mr James Barstow (Brackendale Limited)
Proposal: Erection of 1no. 250kW replacement wind turbine with a hub height of 40.7 metres and overall tip height of 64.2metres
Location: Duggleby Wold Farmhouse Weaverthorpe To Fosters Wold Plantation Weaverthorpe Malton North Yorkshire YO17 8EP

Registration Date: 12 July 2022
8/13 Wk Expiry Date: 6 September 2022
Overall Expiry Date: 24 August 2022
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

East Riding of Yorkshire Council	No response
EDDFI - Mr E Peacock	No response
NYCC Natural Services	No concerns
Environmental Health	Comments and conditions recommended
Northern Powergrid	No response
Northern Gas Networks	No objection- comments
Ministry Of Defence	Comments
The Joint Radio Company Ltd	comments
Wind Farm Enquiries	Comments
National Grid Plant Protection	Comments
Tree & Landscape Officer	No response
Natural England	No response
NYM National Parks	No comments to make
Atkins Ltd	No response
Civil Aviation Authority	No response
Archaeology Section	No Objection
Sherburn Parish Council	No response
Ganton Parish Council	No response
Luttons Parish Council	No response
Foxholes Parish Council	No response
Heslerton Parish Council	No response
National Air Traffic Services (NATS)	Withdrawn objection
Highways North Yorkshire	No objections
Historic England	No response to be provided
National Air Traffic Services (NATS)	

Representations: Katie Stephens-Grandy, Mr Paul Stephens,

SITE:

The application site relates to an established farmstead Duggleby Wold Farm. This is sited approximately 3.4km south of Sherburn and c2.5km to the north of Weaverthorpe. The site is accessed via the Sherburn to Weaverthorpe Road. This includes a farmstead with existing buildings surrounded by a large 'U' shaped shelter belt and other surrounding agricultural land.

The Design and Access Statement indicates that the Applicant co-manages the family farming business “*which harvests approximately 150 acres of oilseed rape, 300 acres of wheat, 200 acres of spring barley and 200 acres of winter barley each year. In addition, the farm has 90 acres of seed potatoes, 150 acres of peas, 20 acres of carrots, 65 acres of grazing and rears 800 pigs.*”

The precise application site relates to the area where a proposed replacement wind turbine would be located (directly adjacent to the existing turbine which would be removed) and an existing area of associated hardstanding measuring 35m x 19m in footprint, together with the access track to the highway. This is located approximately 222m to the south west of the nearest part of the aforementioned shelter belt.

The approved wind turbine was a two bladed model, with a hub height of 32m, a tip height of 48m and a rotor radius of 16m, completed with a galvanised steel tower and matt light grey nacelle and blades. This is currently without blades at present and is unusable. This had a generating capacity of 250kW.

The site is located within the open countryside and the Wolds Area of High Landscape Value. The site falls within the ‘Provisional Candidate Area’ identified by Natural England as part of the Yorkshire Wold’s AONB designation project. According to the National Landscape classification, the landscape is characterised by a large scale landscape of rounded rolling hills and sheltered valleys.

Residential properties are located within the land under the ownership of the Applicant, including Duggleby Wold Farmhouse, sited at a distance of c450m from the turbine site, with the direct line of site interrupted by a thick landscaping belt. 1 and 2 Duggleby Wold Farm Cottages (also under the same ownership) are located c950m from the turbine site.

Considering the nearest properties under separate ownership, the residential property associated with Fosters Wold Farm is located at a distance of c965m from the turbine site to the east. The residential properties of High Dale Farm House and The Lodge, High Dale Farm are located between c860m and c900m to the south/south east and the residential property Moor Hill Farm is located c1480m to the south west.

A public footpath runs to the south of the site (number 25.84/13/1.) At its nearest point this is located c350 metres to the south west of the turbine site.

HISTORY:

The existing farmstead has a detailed planning history, but in relation to the wind power, the following applications are considered relevant:

10/01311/FUL: Erection of 2no. 32.4m high (tip height 48m) freestanding 250KW monopole wind turbines & associated electrical equipment cabinets and underground cabling for electricity generation direct to the National Grid. Approved.

22/00735/SCR: EIA Screening request for the proposed development of a single 250kW turbine with a hub height of 40.7 metres and rotor radius of 23.5 metres. Confirmed as not EIA Development.

PROPOSAL:

Planning permission is sought for the erection of 1no. 250kW replacement wind turbine with a hub height of 40.7 metres and overall tip height of 64.2metres. This would incorporate a rotor radius of 23.5m

The Design and Access Statement indicated that the replacement wind turbine is required because the supplier of the existing turbine has gone into administration and consequently parts are no longer warranted or readily available. It also noted in this document that the Applicant is committed to offsetting his and the community’s carbon emissions, including to provide electricity to offset the energy use of Duggleby Wold Farm.

The following additional points are made in this document:

2.3 The proposed location of the replacement wind turbine is adjacent to the existing wind turbine. The replacement wind turbine is being micro-sited within the swept path of the existing wind turbine because the same foundation cannot be utilised owing to the turbines being different. The existing wind turbine and its foundation will be removed at the time of installation of the replacement wind turbine.

2.4 The replacement wind turbine will utilise the grid connection kiosks, access track and crane pad of the existing wind turbine. The only new element required is a new turbine foundation.

2.5 The renewable electricity generated by the replacement wind turbine will be connected to the grid utilising the grid connection for the existing wind turbine, allowing the landowner to continue to produce renewable energy, offset carbon emissions and to maintain the long-term sustainability of the farm.

The Planning Agent confirmed “*the existing wind turbine generated circa 686,500kWh of electricity per annum, whereas the proposed wind turbine, due to its increased swept path and ability to operate at lower wind speeds, will have the capability to generate approximately 1,110,222kWh of electricity per annum.*

As you are aware the original aim was to install two Vergnet 250kW wind turbines on the site as consented under 10/01311/FUL, but unfortunately the applicant was only able to install one turbine. Should two wind turbines have been installed, they would have had the capability to generate approximately 1,373,000kWh of electricity per annum. The replacement wind turbine can generate almost as much electricity as the turbines previously consented, without the need to install two separate wind turbines.”

The application is to be determined by Planning Committee as representations received have raised objections based on material planning considerations.

As required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the application has been screened in accordance with Schedule 2 of the Regulations and the Local Planning Authority has determined that the proposal does not constitute EIA development and need not be accompanied by an Environmental Statement.

POLICIES:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (PPG)

REPRESENTATIONS:

A number of Parish Councils were consulted in relation to this proposal, this included Sherburn Parish Council, Ganton Parish Council, Luttons Parish Council, Foxholes Parish Council and Heselton Parish Council. No responses were received from any of the groups.

Two letters of objection have been received. These are available for Members to review in full on the planning file.

A response was received from the occupier of The Lodge, Highdale Farm, Weaverthorpe, Paul Stephens. They made the following summarised points.

1) This is hardly a straight forward replacement for the first turbine. This application is for one which is almost 50% taller to the tip of the blades. There are 15 turbines in the locality with an average height to the tips of 36.1 metres. At 64.2 metres, that will make it almost twice the height of the average farm turbine in the district.

2) Mr Barstow's first turbine blades broke off in March 2019 and it has been left unrepaired ever since that date. Condition 3 of the permission for that turbine was that if it ceased to generate electricity for a period of more than 6 months, then all the above ground elements and 1 metre of concrete must be removed from the site within a further 6 months. This was not carried out and the redundant turbine still stands there over 3 years later looking very ugly.

3) The original turbine was a noise nuisance at all four of our properties, Moor Farm (1474 metres to the west, (minor nuisance)), Highdale Farm house (876 metres to the south (minor nuisance)) and Fosters Wold Farm (975 metres to the east (moderate nuisance)). More so, it was very annoying at The Lodge, Highdale Farm where my son-in-law and daughter's house is situated (903 metres to the south east) which had no screening from the old turbine - It was in direct view from their property.

4) Present government policy is presumption against permitting onshore turbines. I believe that if Mr Barstow had followed the conditions on the original application to remove the redundant turbine, then this site would have been returned to agricultural use and the application would not be for a replacement turbine, but a new development, so falling foul of current government policy.

5) The site for this proposed turbine is approximately 140 metres above sea level. The tips of the blades would therefore be over 200 metres above sea level, which is higher than most of the Yorkshire Wolds. It would also be in an area of High Landscape Value which could soon be reclassified as an Area of Outstanding Natural Beauty.

Quote - RDC Yorkshire Wolds Designation Report 11/11/2021 East Riding Council wants to see the Wolds recognised as part of the Government's 2020 pledge to increase the number of Areas of Outstanding Natural Beauty (AONB) and National Parks in England... We already have a multitude of smaller turbines in the locality, and being a very tall vertical structure, this will detract even further from the natural landscape environment.

Quote - Ryedale Local Plan - Appendix 4 - Justification for the Wolds Area of High Landscape value. The Need to Protect the Wolds Landscape 2.5 the Yorkshire and Humberside Tourist Board consider the Wolds to be one of the key future development areas for tourism within the region. Furthermore, the Wolds are seen as having great potential for wind energy generation. Development associated with both of these uses could considerably detract from the Wolds landscape.

Quote - The Guardian - 19/04/2022 - Use England's plentiful brownfield sites for windfarms, urge scientist. Onshore windfarms need not blight the most beautiful parts of England because there is plenty of room for them next to rail lines and on brownfield land, leading scientists have said.

6) When the blades from the existing turbine broke off in a strong wind, one blade flew approximately 130 metres damaging overhead power lines and could have been lethal, photographic evidence is available.

7) Public bridleway is approximately 360 metres to the south of the proposed site, this would detract from the amenity value on a long stretch of this public right of way, due to height, positioning on hill and noise.

8) Appreciate farms having relatively small turbines to generate power, but with a capacity of 250 KW, I don't believe this turbine is for farm use. It is a commercial venture in the middle of an agricultural area that spoils amenity values, creates a noise nuisance for neighbours and judging by the first turbine on this site and the way it has been left for 3 years as a complete unproductive eyesore, I object to it being replaced with an even bigger structure.

9) The Applicant lives several miles from the site, but is obviously happy to let his neighbours tolerate this monstrosity

A response was received from the occupier of The Lodge, Highdale Farm , Weaverthorpe, Katie Stephens-Gandy. They made the following summarised points.

1. The distance from our house to the turbine is 900m. Concern previous turbine was a noise nuisance when it was working making it difficult for us to use and enjoy our own garden. We had to keep windows shut to block out the noise, difficult in summer and when sleeping.
2. The proposed turbine is meant to be a replacement. But it is 50% bigger than the original in height therefore surely cannot be considered a replacement.
3. The area is being considered as an Area of Outstanding Natural Beauty. The view of the turbine distracts from the beautiful landscape of the Wolds and the current turbine has been in a broken state of metal since it broke three years ago. If the new turbine broke would it be left causing an eyesore for years as the current one has?
4. There is a bridle way 360m from the turbine site. We use this regularly as do a number of other people. Not only does the noise nuisance frighten horses, we breed horses and have youngsters which are easily frightened and there is risk of accident or injury.
5. The last turbine ended in the blades breaking and travelling 200m. The site has been left for three years failing to meet regulations to repair or remove the turbine. This causes concerns, if the blades break again with an added height of an extra 24m they could potentially land on the bridleway or close to the road where we hack along regularly from my second yard at Fosters Wold where I also have liveries causing risk of accident and injury.
5. The proposed turbine is in direct view of our house, in direct view of three bedrooms and other habitable rooms. The noise nuisance would be experienced daily. The Applicant miles away from the site. It is behind his shelter belt wood, at a farm he doesn't live at. The turbine would directly impede on my family's daily life but not his own. When he built the original turbine we didn't know what to expect, having had that in operation we have directly experienced the noise nuisance first hand and have been shocked at how bad it was. We have also had issues riding horses on our own land when they have seen it in operation and have risked accident. I do not want this experience at our own home.

The Agent took the opportunity to respond to each of these consultation responses. On the 30th August 2022 the Agent noted:

Please accept this email as a formal response to the neighbour objection to Application No: 22/00807/FUL raised by Mr Paul Stephens on 25th July 2022. Addressing his comments in turn:

1) We acknowledge the replacement turbine is taller. There is a 16.2m difference in height to blade tip. A Landscape and Visual Appraisal has been undertaken, which demonstrates that the change in visual impact from the existing wind turbine to the replacement wind turbine is negligible to small. The scale of the replacement wind turbine is equivalent to the recently consented repowering application for 2no. replacement wind turbines at Boythorpe Farm, Application No: 22/00602/FUL, which is in the locality of the site.

2) The applicant has been continuously trying to resolve the damage to the existing wind turbine since its operational failure, but this has been hampered by issues with the turbine supplier, his insurance company, and subsequently by the pandemic and the conflict in Ukraine. The turbine supplier, Vergnet, went bankrupt in August 2017 and whilst the company is now under new management it continues to have significant financial problems and cannot secure standard bank financing, offer performance bonds or guarantees. A different wind turbine model is understandably proposed because of these circumstances.

3) There have been no informal or formal noise complaints regarding the existing wind turbine until this objection was received. You will see from the accompanying Noise Assessment submitted with the planning application that the replacement wind turbine is compliant with the requirements of ETSU-R-97. It is also worthwhile noting that the Noise Assessment was based upon noise source measurements of a Vestas V47 with a rated power of 660kW. However, the replacement wind turbine

will be a Vestas V47 with a rated power of 250kW. Therefore, the Noise Assessment was undertaken on a conservative basis as the reduced power would also result in a reduced noise emission.

4) The replacement wind turbine is a repowering of an existing wind turbine and as such is in line with the National Planning Policy Framework. It is acknowledged that repowering has an important role to play in both maintaining and increasing onshore contribution. With regards to Mr Stephens further comments regarding time delays between removing the existing wind turbine, this has been explained at point 2 above.

5) With regards to Mr Stephens comments on the height above sea level and the Area of High Landscape Value, as noted in Point 1 above, a Landscape and Visual Appraisal has been undertaken which demonstrates that the change in visual impact from the existing wind turbine to the replacement wind turbine is negligible to small. Although parts of the North York Moors National Park and very small parts of the Yorkshire Wolds Way National Trail fall within the Zone of Theoretical Visibility for the replacement wind turbine, they are approximately 10km away at the closest points. At this distance, the replacement wind turbine would appear approximately 0.39cm tall at arm's length and as such would likely not be perceptible in views.

6) With regards to comments made on how the damage to the existing wind turbine was incurred, this was a force majeure event caused by the elements and we do not consider this a material objection.

7) Regarding Mr Stephens comments on the public bridleway to the south of the site, which we understand from the applicant is used only very occasionally by walkers, this was also assessed in the accompanying Landscape and Visual Appraisal. The appraisal concluded that at a distance of 569m, the proposed replacement wind turbine would appear approximately 6.88cm tall at arm's length from the public bridleway. Although it would appear larger than the existing wind turbine it would be seen as a replacement and therefore not greatly detract from the view. There would be a small scale of visual change over a small geographical extent of the view resulting in a small magnitude of change in the view overall.

8) Mr Stephens is correct to note that the replacement wind turbine, just like the existing wind turbine, will supply electricity to the local grid network utilising the existing grid connection. This will allow the applicant to continue to produce renewable energy, offset their carbon footprint and support the long-term sustainable operation of the farm. The replacement wind turbine will also assist Ryedale District Council in decarbonising the energy supply across the district, contributing to addressing the climate change emergency the Council declared in October 2019, and will help the Council in their ambition for reaching net zero emissions across Ryedale by 2050. Due to its increased swept path, the replacement wind turbine will be more efficient in generating electricity than the existing wind turbine, with the potential to generate comparable levels of renewable energy to the two wind turbines originally consented, without the need to install two wind turbines on the property.

9) With regards to Mr Stephens comments on the applicant's place of residence in proximity to the site, we do not consider this to be a material objection.

On the 16th September, the Agent noted: "Please accept this email as a formal response to the neighbour objection to Application No: 22/00807/FUL raised by Ms Katie Stephens-Grandy on 25th July 2022. Addressing her comments in turn:

1) There have been no informal or formal noise complaints regarding the existing wind turbine until the objection made by her father, Mr Stephen's, was received. You will see from the accompanying Noise Assessment submitted with the planning application that the replacement wind turbine is compliant with required noise limits. It is also worthwhile noting that the Noise Assessment was based upon noise source measurements of a Vestas V47 with a rated power of 660kW. However, the replacement wind turbine will be a Vestas V47 with a rated power of 250kW. Therefore, the Noise Assessment was undertaken on a conservative basis as the reduced power would also result in a reduced noise emission.

2) We acknowledge the replacement turbine is taller. There is a 16.2m difference in height to blade tip. A Landscape and Visual Appraisal has been undertaken, which demonstrates that the change in visual

impact from the existing wind turbine to the replacement wind turbine is negligible to small. The scale of the replacement wind turbine is equivalent to the recently consented repowering application for 2no. replacement wind turbines at Boythorpe Farm, Application No: 22/00602/FUL, which is in the locality of the site. Furthermore, this is a replacement wind turbine as it involves the repowering of an existing wind turbine, as such the proposal is in line with the National Planning Policy Framework. It is acknowledged that repowering has an important role to play in both maintaining and increasing onshore contribution.

3) With regard to impacts the replacement turbine will have on the landscape, a Landscape and Visual Appraisal has been undertaken which demonstrates that the change in visual impact from the existing wind turbine to the replacement wind turbine is negligible to small. The damage to the existing wind turbine was a force majeure event caused by the elements and the applicant has been continuously trying to resolve the damage to the existing wind turbine since its operational failure, but this has been hampered by issues with the turbine supplier, his insurance company, and subsequently by the pandemic and the conflict in Ukraine. The turbine supplier, Vergnet, went bankrupt in August 2017 and whilst the company is now under new management it continues to have significant financial problems and cannot secure standard bank financing, offer performance bonds or guarantees. A different wind turbine model is understandably proposed because of these circumstances.

4) With regard to comments on the public bridleway to the south of the site and its use by horses, the distance of the replacement wind turbine to the bridleway (and other rights of way) meets and exceeds the recommended stand-off distance by the British Horse Society in their guidance: ‘Wind Turbines and Horses – Guidance for Planners and Developers’. This guidance requests a minimum stand-off distance of 200 metres or three times tip height (whichever is the greater). In the case of the replacement wind turbine, three times tip height is 192.6 metres and there is 569 metres separation from the bridleway.

5) With regards to comments made on the damage to the existing wind turbine, this was a force majeure event caused by the elements and Point 3) explains the reasons for delay with replacing the wind turbine.

6) With regards to further comments made on visual impact, noise and horses, these issues have been addressed in Points 2), 1), and 5) above respectively. Regarding comments on the applicant’s place of residence in proximity to the site, we do not consider this to be a material objection.”

APPRAISAL:

The main considerations in assessing this application are;

- i) Principle of Development and Safeguarding
- ii) Character, Form and Impact Upon Area of High Landscape Value and Setting of Heritage Assets
- iii) Residential Amenity
- iv) Access and Highway Safety
- v) Ecology
- vi) Other matters, including Consultation Responses

- i) Principle of Development and Safeguarding

Principle of the development

The application site is within land designated as the ‘Wider Open Countryside’ within the Ryedale Plan Local Plan Strategy and the precise location of the turbine is considered to relate to previously developed land. Policy SP1 (General Location of Development and Settlement Hierarchy) confirms that development within the open countryside will be restricted to that which “is necessary to support a sustainable, vibrant and healthy rural economy”.

Policy SP18 (Renewable and Low Carbon Energy) confirms support for:

Developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- *Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;*
- *Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;*
- *Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated.*

National Planning Policy Framework (NPPF)

Chapter 14 of the National Planning Policy Framework (Meeting the challenge of climate change, flooding and coastal change) is relevant in its entirety. However it is highlighted that paragraph 158 notes: *“When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable (54) Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

This latter paragraph is qualified by the following point: *“Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.”*

The application site relates to previously developed land where the siting of 2no. wind turbines (albeit of a smaller scale) have previously been approved. The single as built turbine which was considered acceptable to the LPA previously has been present since its construction between late 2012 and early 2013. It was connected to the grid in May 2014.

It is the view of Officers that the replacement of a single previously consented turbine with a replacement single turbine should be categorised as the repowering of an existing turbine. This was also the approach undertaken recently on the planning application 22/00602/FUL at Boythorpe Farm, Butterwick which was approved by Members of Planning Committee.

It has been confirmed that the replacement wind turbine is required because the supplier of the existing turbine has gone into administration and consequently parts are no longer warranted or readily available.

It also noted within the Design and Access Statement document that the Applicant is committed to offsetting his and the community's carbon emissions, including to provide electricity to offset the energy use of Duggleby Wold Farm. As detailed above the Agent has noted that the replacement wind turbine can generate almost as much electricity as the turbines previously consented.

In principle this is therefore not at odds with the requirements of the NPPF policy outlined above. It has been confirmed that the replacement wind turbine is required because the supplier of the existing turbine has gone into administration and consequently parts are no longer warranted or readily available.

It is also considered that, subject to full assessment of other material planning considerations, including landscape impacts, amenity impacts and effects on the historical environment; biodiversity, residential amenity and the local highway network, the proposal accords with the requirements of Policies SP1 and

SP18 of the Ryedale Plan, Local Plan Strategy and would generate renewable energy to the benefit of the existing farm business. The remaining electricity would be added back to the national grid which is also considered acceptable in policy terms.

Safeguarding of systems and infrastructure

An application of this nature requires consultation with various bodies and organisations in relation to technical matters and safeguarding implications arising from the proposed development. The responses received are summarised below.

Firstly, the application has been considered by the Joint Radio Company Ltd (JRC) which analyses proposals for wind energy developments on behalf of the UK Energy Industry. The assessment undertaken by JRC considers the potential of such developments to interfere with radio systems operated by UK and Irish Energy Industry companies in support of their regulatory operational requirements.

In their initial response dated 21st July 2022, The JRC sought specific clarification on the precise location of the turbine. In a second response dated 3rd August 2022, the JRC noted *“In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.”*

Northern Gas Networks confirmed no objection in a response dated 27th July 2022. An informative to review the response from Northern Gas Networks will be recommended.

The application has also been considered by NATS (responsible for the management of en route air traffic) from a technical safeguarding aspect and it has been confirmed that the proposal does not conflict with NATS safeguarding criteria. In their original response dated 28th July 2022, NATS objected to the proposal noting *“The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.”*

In an updated response dated 23rd August 2022, NATS confirmed *“Following a review of our operation in the vicinity of the proposed development NATS (En Route) plc has determined that although this is likely to impact our electronic infrastructure, this impact can be managed such that it does not affect the provision of a safe and efficient en-route ATC service. Accordingly NATS (En Route) plc has no safeguarding objection to the proposal and as such, we are withdrawing our objection of the 28th of July (below)”*

The application has also been considered by the Defence Infrastructure Organisation (DIO) Safeguarding Team which represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The principal safeguarding concerns of the MOD with respect to the development of a wind turbine relates to their potential to create a physical obstruction to air traffic movements. The DIO have confirmed no Safeguarding Team have confirmed no objections subject to a condition being imposed in relation to prior notification to the MOD on the timing of the construction works; height of construction equipment; date of the turbine generators being first brought into use and maximum heights of the turbines and a further condition being imposed in relation to an aviation lighting scheme. Both conditions will be recommended.

The application has also been considered by Atkins Limited who are responsible for providing Wind Farm/Turbine support services to the Telecommunications Association of the UK Water Industry (TAUWI).

Cadent Gas confirmed on the 22nd July 2022 *“Some of the applications fall outside of Cadent's distribution network and will not be passed to the relevant distributor. Cadent can only comment on applications within our distribution area. Please ensure to contact National Grid and all local Gas distributors for comments on this application.”*

Following this, National Grid were consulted on the 28th July and no response was received.

No response has been received by Atkins Limited.

No response has been received by the Civil Aviation Authority.

A specification on the proposed Low Intensity Aviation Obstruction lighting was provided by the Agent during the determination of this application and this was superseded by an updated version received on the 7th October. It had been queried by the Case Officer whether the originally proposed lighting would be visible to the human eye or infra-red. The Agent confirmed on the 8th October 2022 *“We sought clarity on your query with the aviation lighting suppliers, they confirmed the red LED can be seen by the naked human eye and the infrared LED will require goggles to see. As such, we requested they provide a specification for just an infrared light only, to make sure any aviation lighting will not be visible by the naked eye. I attach the specification for the infrared light which we will now be adopting as part of the scheme.”*

This specification was forwarded to the JRC, the DIO and NATS on the 7th October for the avoidance of doubt and in case any further comments were required. The JRC confirmed no objection and no response was received from the DIO and NATS. The DIO has been recontacted to ascertain if this information would satisfy their originally recommended condition pertaining to aviation lighting. A response is awaited and will be communicated to Members.

It is considered that this has been suitably assessed in relation to safeguarding. It is not considered that the points raised in relation to the breakdown of the previous turbine and potential safety issues associated with potential future breakdowns can be considered in the determination of this application.

ii) Character, Form and Impact upon Area of High Landscape Value and Heritage Assets

The application site falls within the Yorkshire Wolds Area of High Landscape Value and is also sited within the ‘Provisional Candidate Area’ identified by Natural England as part of the Yorkshire Wold’s AONB designation project.

The application site is within a rural setting with a landscape characterised according to the National Landscape classification, by a large scale landscape of rounded rolling hills and sheltered valleys. The site is within existing arable fields. As noted, this would relate to the replacement of an existing turbine with a maximum height of 64m, in contrast to the previous approved 48m high turbine. This would be located within the swept path of the existing turbine, and will utilise the existing grid connection, crane pad and access track.

Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy seeks to protect both national and locally designated landscapes. It states that *“The Yorkshire Wolds ... are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.”*

Policy SP13 also notes *“Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:*

- *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)*
- *Visually sensitive skylines, hill and valley sides*
- *The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.*

SP16 (Design) of the Ryedale Plan, Local Plan Strategy notes: *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings.”*

Policy SP20: (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy notes:

- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses*
- *Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses*

A Landscape and Visual Impact Assessment (LVIA) was produced (Gillespies June 2022) this is available for Members to review in the annexing.

The LVIA in line with the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and IEMA 2013) describes and considers all the potential effects of the proposed development. This includes an assessment on landscape character impacts, including a baseline review of the landscape and visual resource, landscape classification, landscape and visual assessment and visual effects, including sensitivity and magnitude on identified visual receptors. The Zone of Theoretical Visibility (ZTV) identified as part of the assessment for the 2010 application has been reviewed, as it was considered appropriate to consider similar views points, however the document notes that new Zone of Theoretical Visibility (ZTV) mapping has been generated. Viewpoint photograph and wirelines detailing has been provided, as well as photomontages of the proposed turbine.

The plan illustrating the ZTV breaks this down into three separate areas, those where only the hub height to tip height would be visible, those where the rotor diameter would be visible and those where the entire mast and rotor diameter would be visible.

In terms of impacts upon established settlements, it is noted that no part of the proposed turbine would be visible from the built area of Sherburn, Butterwick or Weaverthorpe. The most limited views of the hub height to the tip height would be visible from the linear villages of Helperthorpe and part of East Lutton and Foxholes. However there would be views of the proposed turbine from individual isolated farms and dwellings.

Within the LVIA, 6 particular exemplar viewpoints are considered, with photographic evidence provided, which are supplemented by the photomontages of the proposed turbine in the existing landscaping within Appendix C. These relate to the following:

- Viewpoint 1 View from White Gate on approach from Sherburn Brow
- Viewpoint 2 View from bridleway to the south of Duggleby Wold Farm
- Viewpoint 3 View from track at Dikes Fields, south of Weaverthorpe
- Viewpoint 4 View from Butterwick Road, south of Butterwick
- Viewpoint 5 View from National Cycle Route 166, road north of Cat Babbleton
- Viewpoint 6 View from Sherburn to Weaverthorpe road

The assessment undertaken for each of these viewpoints indicates the baseline and the magnitude of change, including the scale of the proposed turbine in centimetres ‘at arm’s length.’

The recurring assessment indicates that whilst the proposed turbine would be larger, it would appear as a replacement and therefore not greatly detract from the view. It is concluded that there would be a small scale of visual change over a small geographical extent of the view resulting in a relatively small magnitude of change.

The LVIA appraisal concluded “*People living and moving within and around local communities whose views are most likely to be affected would be those located close to the project. There would likely be some views towards the proposed replacement turbine from individual farmsteads and other small groups of scattered properties, but intervening vegetation is expected to limit these to some degree particularly where shelter belts are planted close to and around properties. Many views would be distant with the proposed project forming a very small component in views. Local communities are considered more highly visually sensitive. However, due to the positioning of the proposed project and*

the fact that it would be a replacement of an existing turbine, the magnitude of change would be relatively small.

The local community travelling along the road between Sherburn and Weaverthorpe would have glimpsed views of the proposed project from short sections of the road nearby. Views from the local community travelling along other roads in the area would be generally limited and intermittent due to intervening topography and roadside vegetation. Road users are generally considered less sensitive to the proposed project and the magnitude of change in views would be relatively small.

People engaged in outdoor recreation who are likely to have views of the proposed project include people using the bridleway to the south in closer proximity to the proposed project and also people using National Cycle Route 166. People engaged in outdoor recreation are considered more highly visually sensitive. However, due to the positioning of the proposed project and the fact that it would be a replacement of an existing turbine, the magnitude of change would be relatively small.

Given the fact the proposed project comprises a replacement wind turbine and there are relatively few sensitive visual receptors nearby it is not expected to result in notable visual effects.”

A careful site assessment was undertaken by Officers as part of the consideration of this scheme, with visits to the viewpoints highlighted within the LVIA and other additional surrounding points in the locality. It is considered that the conclusions of the LVIA are agreed by Officers and that the photomontages present appropriate representative positions on which to base such an assessment.

Additional landscape or screening in this location would not mitigate views of such a structure, however it is noted that the proposed colour finish would remain as per that of the existing turbine, Matt Grey (RAL7035) this would be an appropriately muted colour finish.

It is noted whilst undertaking a landscape review that there were numerous other wind turbines in the locality of varying scales. This forms part of the existing landscape character and how this part of the Wolds is presently experienced. It is considered that over the distances involved the increase in turbine height would not be clearly discernible and would not give rise to an unacceptable degree of visual intrusion over and above existing.

It is therefore concluded that whilst a larger replacement turbine will have an impact on the landscape by virtue of its increased scale, this could be undertaken without significant adverse additional impacts on the surrounding landscape, including the special value of the Area of High Landscape Value and the proposed provisional candidate area for a potential future Wolds Area of Outstanding Natural Beauty.

This proposal is considered to be in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy and the NPPF.

It is noted that Natural England as the body who are considering the AONB did not respond to this consultation request. They had provided comments during the EIA screening stage where they noted *“It is Natural England’s advice, on the basis of the material supplied with the consultation, that significant effects on statutorily designated nature conservation sites or landscapes are unlikely.”*

In terms of wider impacts upon Heritage Assets, the Agent confirmed the following in an email dated 30th August 2022 “As part of the Screening Assessment consultation for the replacement wind turbine at Duggleby Wold Farm, Application No: 22/00735/SCR, Historic England made the following comments:

“The applicant should be asked to provide information on heritage assets likely to be affected, including all designated heritage assets and their settings together with potential impacts on non-designated features of historic, architectural, or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This covers buildings, historic open spaces, historic features and the wider historic landscape.

This information is available via the local authority Historic Environment Record [www.heritagegateway.org.uk <<http://www.heritagegateway.org.uk>>] and relevant local authority staff. as part of the information submitted for the full application (22/00807/FUL)”

As requested, please see the assessment below which is supplied as part of the ongoing full application 22/00807/FUL.

Consideration has been given to the potential for the replacement wind turbine to impact on the setting of heritage assets in the wider area surrounding the site. A desk-based assessment has identified no assets in the locality that could be affected by the replacement wind turbine. The nearest listed buildings to the site are those within or around Weaverthorpe village, the closest being the Grade II listed Dotterel Cottage Farmhouse circa 2.2km to the south of the site, and the Grade I listed Church of St Andrew circa 2.5km south, from which the site is not visible owing to topography and screening. The nearest Scheduled Monument is the Three round barrows south of Prodhams Wold Farm circa 1.1km north of the site, which again is not visible owing to the topography and screening afforded. There are no Conservation Areas, Registered Parks and Gardens or Registered Battlefields in the locality of the site."

The existing wind turbine that is being replaced was approved in 2011 as part of a planning application for two turbines, though only one wind turbine was built. Heritage assets and the impact on their setting from the two turbines did not form part of the assessment in the Case Officer's Committee Report recommending approval and it can be concluded that this is because the impact on the setting of nearby heritage assets was considered negligible.

As this application for a replacement wind turbine only seeks permission for one wind turbine, and considering the distances to the nearest heritage assets, it can be concluded that there will be no impact on the setting of heritage assets in this location resulting from the replacement wind turbine.

Following consultation on this proposal, in a response dated 11th August 2022, Historic England had confirmed "*Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.*"

Therefore, although Historic England have chosen not to comment on the specific application, the additional information provided by the Agent on the 30th August was considered important to fully assess this aspect.

The application site does lie within an area of archaeological interest. However, the County Archaeologist noted that a significant new area of ground disturbance is not anticipated and as a result there is no archaeological constraint on the proposed development and no conflict with the NPPF or Policy SP12 in this regard.

It is concluded that this proposal would not have an adverse impact upon heritage assets in accordance with Policy SP12 of the Ryedale Plan, Local Plan Strategy and National Policy.

iii) Residential Amenity

As required by Policy SP20 (Generic Development Management Issues) development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. This also notes "*Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.*"

This scheme has been submitted with a Noise Assessment (PDA Acoustic Consultants June 2022.) This confirms "*Worst case downwind turbine noise levels have been predicted at the nearest noise sensitive locations to the turbine. This has been based on measured sound power for the Vestas V47 wind turbine and prediction methodology detailed within the Institute of Acoustics (IoA) "Good Practice Guide the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise"*.

The assessment was undertaken to assess compliance with the guidance contained within ETSU-R-97 "Assessment and Rating of Noise from Wind Farms", as referred to in the National Policy Statement for Renewable Energy Infrastructure (EN-3) [1].

The predictions have indicated that the noise levels generated by the wind turbine do not exceed the simplified noise criteria specified within ETSU-R-97. The turbine is therefore compliant with the

requirements of ETSU-R-97.”

This assessment has been undertaken taking into account the nearest noise sensitive receptors, which are within the farm ownership itself (Duggleby Wold Farm and 1 and 2 Cottage, Duggleby Wold Farm) together with High Dale Farm. It is also concluded that *“It should be noted that the assessment has been based upon noise source measurements of the Vestas V47 with a rated power of 660kW. However, the wind turbine proposed for this application will be a Vestas V47 with a rate power of 250kW. We would therefore conclude that our assessment has been undertaken on a conservative basis as we would expect that the reduced power would also result in a reduced noise emission.”*

In a response dated 5th September 2022, the Council’s Environmental Health Team noted the following: *“In view of the fact that there has been objections in regards to noise I would recommend that the applicant be asked to provide evidence of wind direction etc, as required of the previous approval. This will inform the prediction of prevailing wind strength and direction and will enable more accurate noise predictions to be made. There used to be a simplified tool online from the British Wind Energy Association which enabled predictions of acceptability of single and small to medium sized turbines. Perhaps the applicants noise consultant could comment on this.*

I would suggest that the previous conditions re complaints etc to be restated on this application, as well as telemetry installed on the turbine which enables it to be temporarily deactivated when the conditions causing complaint are present.

I would note that I am not aware of any complaint conditions being triggered by the previous turbine.”

The Agent made contact with the Case Officer to seek what additional information should be provided. They confirmed the following in an email dated 21st September 2022: *“In the previous approval we provided confirmation of the wind speed and this was accounted for in the noise assessment provided. In the application for the replacement wind turbine, the Noise Assessment completed by PDA accounts for wind speed. Please see section 3.1 which confirms that the measured background noise data in each time period is plotted against the wind speed data measured on the wind farm site itself. Using this data the background noise level is calculated as a function of wind speed. The ETSU–R–97 noise limit is then based on a level 5 dB(A) above this curve over the wind speed range of the operation of the wind turbines.*

In addition to this, we can confirm that we have reviewed The Department for Business, Enterprise & Regulatory Reform’s wind speed database to determine the wind resource on the site. This contains estimates of the annual mean wind speed throughout the UK. The data is the result of an air flow model that estimates the effect of topography on wind speed. Each value stored in the database is the estimated average for a 1km square at either 10m, 25m or 45m above ground level (agl). The database uses the Ordnance Survey grid system for Great Britain and the grid system of the Ordnance Survey of Northern Ireland.

Assuming Ordnance Survey grid reference SE9673, which is the location of the proposed replacement wind turbine, the wind speed is estimated as follows:

** 6.1m/s at 10 metres above ground level (agl)*

** 6.8m/s at 25 metres agl*

** 7.3m/s at 45 metres agl*

We will request a response from our noise consultant following the EHO’s comments but in the meantime I would be grateful if you could clarify.”

In a response dated 27th September 2022, the Council’s Environmental Health Team noted the following: *“The nature of noise complaints from wind turbines is still not entirely agreed upon by the experts in the field, and despite various guides being devised by industry bodies, there remains the potential for excessive amplitude modulation, and other forms of noise complaint. My previous comments were designed to take out some of the uncertainty in the noise predictions which would utilise the data , which ought to have been collected from the previous turbine. As it stands the report is very much theoretical, working from modelling for both the type of turbine, and the wind data. Their predictions would suggest that there will not be a problem , and in truth turbine technology has advanced somewhat, to enable remote telemetry to switch off the turbine under complaint conditions.*

Because of this uncertainty, and because there were issues experienced by neighbouring residents (though not reported at the time) I would recommend that all the noise conditions (tailored to this application and accompanying notes) are put in place for the previous turbine be re-enacted in this application.”

The updated conditions have been sent to the EHO team for their final review and shall be conveyed to Members within the late pages. Broadly these relate to ensuring a maximum rating level of noise emissions from the turbines and noise levels for surrounding properties, the ability if necessary for the LPA to request the applicant employs an independent consultant following complaint by a person deemed to be affected by noise associated with the development to assess noise emissions (with suspension of the operation if considered unacceptable) and a scheme to robustly prevent such breaches in the future.

Subject to these conditions and in light of the separation distances to residential properties, it is not considered that noise from the proposed development would amount to an unacceptable level of noise, or would result in material adverse effects on occupiers of neighbouring dwellings.

In terms of shadow flicker the Design and Access Statement notes that “No residential properties fall within the 470 metre (10 times 47 metre rotor diameter) separation distance of the replacement wind turbine and therefore there would be no shadow flicker impact from the replacement wind turbine.” It is noted that the main dwelling of Duggleby Wold Farm appears to fall within c450m of the turbine, however it is noted that this remains at a significant distance and falls under the same ownership. It is therefore considered that shadow flicker would be a materially harmful issue.

It is therefore considered that subject to the recommended conditions, the proposed development would not result in unacceptable noise disturbance or impact on the living conditions of occupiers neighbouring residential properties. This is in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

iv) Access and Highway Safety

The Design and Access Statement notes *“The replacement wind turbine components will be delivered on standard length Heavy Good Vehicles. No access improvements or upgrade works are anticipated for the replacement wind turbine given there is already an access track in place for the existing wind turbine.. It furthermore noted that “the previous access route to the Site will be utilised; routing from the A64 circa 3.5km north, and then south along the Sked Dale Lane (the Sherburn to Weaverthorpe Road), before turning west along the access road into Duggleby Wold Farm.” This document also advises that “Once the replacement wind turbine is operational, access will only be required once a month by light goods vehicle for servicing and maintenance.”*

In their consultation response dated 11th August 2022, the Local Highway Authority noted *“The proposed replacement wind turbine is deemed unlikely to adversely affect public highway. The existing vehicular access is considered adequate to facilitate safe access and egress. There are no local highway authority objections to the proposed development.”*

Consequently, it is not considered that this proposed development would result in adverse impacts to access or highway safety and it is considered to accord with the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy and the NPPF.

v) Ecology

The application site relates to a arable field, which as noted, contains an existing wind turbine. This is located c1.7km to the south of the Sked Dale Site of Special Scientific Interest, which is designated for chalk grassland plant communities.

The Design and Access Statement notes that “Ecological interests were a key consideration for the original proposal and informed the location of the existing wind turbine to ensure that best practice guidance was met. Natural England were consulted, a Phase 1 Habitat Survey was carried out and an

ecological assessment was completed. It was determined that the previous Application No: 10/01311/FUL, which permitted the installation of two wind turbines, would have no significant impacts on ecology.” An ecological impact assessment was undertaken as part of this present application which is contained within Appendix 7 of the Design and Access Statement (SLR Consulting July 2022.) It was concluded that this development would not affect the SSSI and that there were no evidence

The NYCC Ecologist as part of their formal consultation response dated 25th July 2022 noted “ *Thank you for consulting the NYCC ecology team regarding this application to replace an existing wind turbine. It is supported by an Ecological Impact Assessment (EcIA) by SLR Consulting Ltd. According to the EcIA, the site is an arable field and access would be via existing infrastructure; the turbine location significantly exceeds the stand-off from the nearest hedgerow recommended by Natural England to avoid impacts on foraging or commuting bats. On this basis we have no specific concerns regarding ecology.*”

Natural England were also consulted but did not respond, it is therefore assumed that they had no comments to make on this application.

It is therefore considered that this proposal accords with the requirements of Policy SP14 of the Ryedale Plan, Local Plan Strategy and the NPPF.

vi) Other matters, including Consultation Responses

The North York Moors National Park Authority were consulted on this application and confirmed on the 22nd July 2022 that they had no comments to make.

Conclusion

The use of this site for wind turbines has been previously established and this scheme relates to the repowering/replacement of an existing structure which meets with local and national policy, whilst also contributing to green energy production.

Subject to condition, this proposal is considered to be acceptable in principle, in terms of the character of the site and impact upon heritage assets, highway safety, ecology, amenity, noise and in terms of safeguarding.

In conclusion the benefits of generating additional renewable energy in a more efficient manner outweigh the potential landscape and visual impacts and, as a result, the recommendation to Members is one of conditional approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan (Drawing no. J0054500-22-01a)
Site Plan (Drawing no. J0054500-22-01b)
Wind Turbine Elevation - Vestas V47 with 2 part modular tower (No drawing number)
Vestas V47 Foundation Drawing (No drawing number)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The permission hereby granted is for the development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the farm/and or grid from the replacement wind turbines, this date to be confirmed in writing to the Local Planning Authority. By no later than the end of the 25 years period the turbines shall be decommissioned and all related above ground structures shall be removed from the site. Six months before the due date for the decommissioning of the turbines, a scheme for the restoration of the site shall be submitted and approved in writing by the Local Planning Authority. The scheme shall make provision for the removal of all above ground elements, plus 1.5m of the concrete turbine base below ground level, and all associated equipment. The scheme shall include timing for the remediation work before returning the land to agricultural use. Upon approval, the restoration scheme shall be implemented fully in accordance with the approved details.

Reason: In the interests of maintaining the character of the Area of High Landscape Value, and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF.

- 4 If any turbine hereby permitted ceases to generate electricity for a continuous period of six months, all its above ground elements plus concrete below ground level shall be removed within the ensuing period of not more than 6 months.

Reason: In the interests of maintaining the character of the Area of High Landscape Value, and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF.

- 5 The development hereby permitted is confined to 1no. Vestas V47 wind turbine with a Grey (RAL 7035) low shine/matt finish and maximum hub height of 40.7 metres and height to the blade tip of 64.2 metres above ground level and shall be located as per the approved plans.

Reason: In the interests of the amenities of neighbouring occupiers, and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF.

- 6 Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Ryedale District Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.
This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: To maintain aviation safety.

SIGNED:

Jill Thompson
Service Manager Planning and Development

Date: