RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number:	
Application No:	11/00270/MFULE
Parish:	Heslerton Parish Council
Appn. Type:	Major Environmental Statement
Applicant:	RWE Npower Renewables Ltd (Mr M Wood)
Proposal:	Erection of 10no. wind turbines with a maximum height of 126m to blade tip to include micrositing and associated infrastructure including access tracks, 1no. sub-station and control building with transformers and grid connection infrastructure, underground cabling, turbine foundations, crane hardstandings, construction compound, 2no. new and 2no. upgraded site access points and 1no. 80m high permanent meteorological mast
Location:	Land At Ling Hall Farm West Heslerton Malton North Yorkshire

Registration Date:	21 March 2011		
8/13 Wk Expiry Date:	11 July 2011		
Overall Expiry Date:	27 May 2013		
Case Officer:	Shaun Robson	**Ext:**	319

CONSULTATIONS:

Council Protection of Rural England	Object
Parish Council	Heslerton - Object
Civil Aviation Authority	No objection
Neighbouring Parish Council	Objecting (See Annex A)
Neighbouring Parish Council	Supporting (See Annex B)
Neighbouring Parish Council	No comments (See Annex C)
Ministry Of Defence	Object
The Joint Radio Company Ltd	No objection
Head Of Planning Services	No objection - suggests measures to minimise and manage waste
Ofcom	No objection
Public Rights Of Way	Concerned - requests further information
City of York Council	No views received to date
Building Conservation Officer	Some concerns raised
Tree & Landscape Officer	No comments received
Highways Agency (Leeds)	Request for further information
East Riding of Yorkshire Council	Development would have minimal impact on landscape of East Riding
NYM National Parks	No comment
Scarborough Borough Council	Concerned regarding landscaping assessment
Sustainable Places Team (Yorkshire Area)	Recommend conditions
Natural England	Object

NY Highways & Transportation	Recommend conditions
National Air Traffic Services (NATS)	Objection
Archaeology Section	Requests additional information
National Grid	No comments received
National Planning Casework Unit	No comments received
Mr E Peacock	Object
NYM National Parks	Object
MAS Environmental	Requests further information
Atkins Ltd	No objection
Civil Aviation Authority	No further comments
Countryside Officer	No further comments
Environmental Health Officer	No comments received
English Heritage	Concerns re the impact upon the landscape and heritage assets within
Sustainable Places Team (Yorkshire Area)	No further comments. Comments received on 23.05.12 (Withdraws objections re: Great Crested Newts and Bats and recommends conditions)
Head Of Planning Services	Positive about renewable energy development
Archaeology Section	Recommend conditions
Highways Agency (Leeds)	Directs conditions
NY Highways & Transportation	No objection - revised recommendations
The Joint Radio Company Ltd	No objection
MAS Environmental	Comments
Natural England	Withdraw objections
Wind Farm Enquiries	Information on fixed links
Public Rights Of Way	Objection/concerns withdrawn
Ministry Of Defence	Objection
Scarborough Borough Council	Concerns in relation to visual impact and cumulative impact
National Air Traffic Services (NATS)	Recommend condition
Ministry Of Defence	Removes objection subject to conditions
Building Conservation Officer	Comments, no objection

Neighbour responses: Clair Ferguson, R Sword, The Occupier, J B Heath, The Occupier, W Walker, Mrs S J Bean, M Walker, A Thompson, R J Hetherton, Mrs Hall, Ms Christine Haughton, Mr Alex Evans, Mr Charles Willoughby, Mrs Sarah Ford, Lorraine Gibb, Chris Norrington, Mr James Fraser, The Occupier, W Prest, The Occupier, The Occupier, The Occupier, K Miles, M Suggitt, D Taylor, Mr D Bean, Mrs E Suggitt, I Taylor, The Occupier, The Occupier, The Occupier, J C Fenwick, D Fenwick, The Occupier, D Smith, The Occupier, The Viscountess Downe, Betty Hughes, J Parkin, K M Kirkman, J Coombs, Mr David Nunns, Mrs V Sutton, Hugh Spencer, Richard Craggs, Linda Clarke, Sally Craggs, Tom Wall, Mrs N Hakansson, Brian Crowder, Valerie Crowder, Mr Michael Hunt, G Reeves, Glyn Wilde, Mr Christopher Dixon, Mr Kirk Wilson, Mrs Gardiner, Simon Martin-Lemmon, Douglas Morely, Lilly Worth, Steven Bosworth, M & C Murray, Rodney Brewis, George Wrigley, Michael Barstow, O L M Sutton, A P Cookson, Mrs J Timms, Wendy Graves, Katherine Pearson, Melissa Brewer, Elaine Falshaw, Julie Mattinson, Emma Chapman, C Allen, Mrs J King, Alwyne Thorpe, Mr Hemmingway, Kasandra

Morgan, Anthony Blakeston, Julie Kinghorn, Leanne Robson, Mrs Gill Smith, Vera Henshaw, Emma Brodrick, Karen Atkinson, Mr J Spink, Daisy Bringloe, Mrs W Rabnett, Dr Jane Crease, Dr J Crease, A & J Leefe, Mr S Woodhead, J Evans, Josephine Downs, C Mitchell, Mrs E B Mitchell, Molly Coombs, Rex North, E Cundall, Kenelm Storey, Mr Nigel Beresford, Mr A Foster, Helena Smith, M Anderson, Mr P Gilbank, Mr John Everett, Mrs P Worth, Mr S Creedon, Mr Bob Creedon, Judith Strawson, Catherine Leete, Mrs B L Horne, Nigel Seymore, Carol Mooney, Mark Roslin, B Lowen, David Mullins, Mr Long, Mandy Webster, Gordon Mallon, Andrew Preston, Jean Garner, Karl Worthington, Mark Watkinson, Katheryn Milner, Eileen Routledge, Philip Baldock, Henry Leeson, Sandra Walker, Alison Burns, Mr David Ogilvy, P W Nutt, Mr Michael Willoughby, Mr Richard Cundall, Mrs B T Mitchell, Mr Michael Pickard, P Allenby, WA & G Clegg, The Occupier, Janet Hill, The Occupier, Mr Michael Barstow, Mr Harry & Mrs Doreen Ringrose, Julie & Howard Skelton, Miss J Midgley, Mrs M Midgley, Mrs F Templer, Claire Nutt, Mr & Mrs Cundall, R A H Sword Frics, Janet Sanderson, Mr & Mrs Mance, Mr Magnus Gallie, Mr David Smith, Mr Christopher Legard, Mr Damien McCrystal, Mr Edward Legard, James Hallyburton, The Rev'D Antony Pritchett, Mr Paul Stephens, Helen Jenkins, Rev'd J A Booth & Rev'd Canon J L Hudson, Mr J K McGrath, Mrs Linda Small, Sir Richard Storey Bt CBE, P Coultas, M R Wallis, Mrs Joan Taylor, M J Barstow, Mrs A Holdsworth, Venetia Wrigley, Shirley Smith, Jane Paterson, Mrs McDonnell, Alan Hagger, Mrs Avery, Kerry Mason, Tara Grayson, Emma Farrow, Susie Green, Mrs K T Kirkwood, Mrs R A Welford, Jacqueline Knowles, Mrs Whitfield, Sue Weller, Mrs J L Bowman, Mrs A D Perrett, Mr B A Perrett, Mrs A Page, Judith Hollows, Mrs J Tomlinson, Norman Burnard, Angela Thompson, Hazel Mitchison, Miss M Johnson, Simon Waddington, Cath Brason, Sue Lakin, Sue Billett, Rev David & Denise Megson, Benard Shepherd, Mrs Helen Welford, Mrs Atkinson, Victoria Cooper, Mrs Carol Marsh, Anita Horner, Clare Harrison, Mrs Dillys White, E Peirson, Christine Allan, Fiona Allan, Mr Walker, Brenda Devine, Diana Sadler, Joy Baker, Roland Metcalfe, Caroline Valenghi, Hugh Wynne, Mr T Whiteley, S Mills, Mr A Brodie, Truda Lansdowne, Samantha Eddon, Scott Chisholm, Patrick Sampson, Jacqueline Sampson, Mrs J Tattersall, Mrs Susan Cough, Kenelm Storey, Paul Nutt, Mrs Dunn, Wendy Humble, Mrs C Robinson, Katie Worth, Doreen Ford, Mr R G Anderson, Mr Raymond Woodmancey, Wendy Berriman, Mrs M Ayres, Sarah McClaren, Mrs Janet Newman, Joanna Barker, Mrs V Blenkinsop, Anne Sleightholme, Ted Sonley, R D Goddard, Mrs Jo Wright, Mr James Richardson, Mr Peter Perry, Miss P M Bruce-Watson, T R & E E Butler, A & F Evans, Alexander Smith, Christine White, Kathryn Stephens, M H Taylor, Mr & Mrs Crookes, Chris Snead, V S Ford, Mr & Mrs B Harrison, Frances Boweman, Mr G Stacey, Cheryl Heslington, Janice

Woods, Julian Richards, Mrs Tulloch, Mr Stewart Armitage, Jackie Jeffery, Miss J Letby, Mrs I England, Mr Dave Cavanagh, Marsha Turnbull, Mrs H Carr-Dean, Lisa Holden, Sandra Boyce, Laura Walker, Mr William Hogg, Lorraine Laycock, Rosy Smith, Mr Matthew Jones, Emma Ridsdale, Amanda Beecham, Sarah Brookes, Mrs Hammill, Kate Smith, Jaut Baldwin, S R Hey, Shirley Thompson, Lynn Humpleby, Mrs Welford, Andrea Atkinson, Mrs J Whitehead, Mr Fred Thornton, Mrs J Philips, Janet Murray, G Temperton, Jenny Ruston, Ellie Raies, Mrs Pam Thompson, Mr Thomas Olley, Roxanna Lickes, Nicholas Knight, Pamela Round, John & Jane Broadbridge, Lucy Robinson, Jan Lomas, Jane Rhodes, J Galjaard, Mrs S Lyon, Mr Philip Prest, Miss S J Corner, Cynthia Wallis, Mr Lee Stephenson, Sally Armstrong, V Fox, Mr Pete Mennell, Mr John Lake, Mr Brian Quinn, Laura Pearson, Sue Davison, Celia Chapple, Mrs Phyllis Melling, Marianne Long, Mrs E Searle, Masood Oloumi, John Finlayson-Gordon, R J Drury, Ms Hall, Mr & Mrs William Legard, Mr Rob Shaw, Mr Roberts Salkeld, Mr Andre Griesel, Roz Stephens, Jane Megginson, Julia Hey, Nicholas Wrigley, Sue Burt, Piers Dudgeon, Gary Burt, Martin Howell, Paul Stephens, Ian Barnett, Mrs Colleen Bosworth Smith, Louise & Gordon Coupar, Mr B Stone, Mr Bill Tiplady, Anna Massie, Katie Fairbank, Simon Fairbank, E M Aconley, S Morrell, No To Wolds Wind Farm Group, Mr I Cape, C F Cade, J & J Benthall, Mr Robert Crawford, Mr Charles Bradford, Mr Neil White, Mr Andrew Davison, Mrs Catherine Cook, Asa Evans, Miss Rosie Clark, Miss Gillian Elliott, Mr Malcolm Hodgson, Norma Harrison, Mr & Mrs Milner, Mr Paul Booker, Mrs Julianne Freer, Mr Andrew Freer, Mr John Fitzpartrick, Mr Bob Alders, Mr Peter Ayling, Mr Paul Stephens, Mr J Dormer, Mr Carl Stott, Mr David Hinde, Mr John Fitzpatrick, Mr D Crease, Mr Rob Shaw, Mrs Gillian Clegg, Mrs jo hughes, Mr Paul Millward, Mrs Eileen Taylor, Nigel Beresford, Alan Kelly, Mr James Anderson, Mr Malcolm Hodgson, D A Ollett, A Whinfield, A Burgess, P Lamb, Mr And Mrs G Ashby, Mr Ian Douglas, K Atkinson, Jenny Rumney, Joseph Rumney, A Bryan, S Bryan, P Hindmarch, T Sturdy, Mr R Cundall, Helen Britton, Nicola Gaze, Mark Brown, Christine Wright, M Burnett, Rev'd Canon Bill Ankers, Mrs C Ankers, A Ferguson, John Coates, A Monkman, Neil Griffiths, J Connelly, J Allison, Naomi Moss, Elizabeth Taylor, A Terrett, F & J Ricketts, M Hardcastle, D F Godfrey, Mr John Grindrod, Dr Alan Kelly, Lynn Bradbury, L Hodgson, F J Woffenden, A Burnett, K Fisher, Rebecca Bratley, Johnathan Bulmer, Elizabeth McGlen, Mrs Keeley Branch, Diana Morgan, Mrs I Brown, Stephanie Prady, Julian Rutherford, Julie Kirtan, S Whitworth, Andrew McGlen, Alex Bulmer, Michael Allen, D Sharp, Juliet Kerins, Laura Ricketts, P M Herbert, Jane Ashby, P James, Mrs Ann Slack, V Morgan, J Peckitt, L Cleworth, M Britton, A Birkett, C Whittle, N Daniel, R Peckitt, , Ms Janet Bailey, Mr And Mrs D And A Smith, Mandy & Matthew Enticknap, Al Blackwell, Adam Smith, Marie Wilson, Gill

Topp, W B & A M Midgley, Mr Eden Blyth, Mr Bryan Norris, Mr Richard Kimmings,

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1.0 SITE

1.1 The application site for the proposed wind farm is located on East Heslerton Wold approximately 2 kilometres (km) south of the villages of East and West Heslerton, approximately 12 km east of Malton.

1.2 The site is situated in a prominent elevation on the northern edge of the Yorkshire Wolds, a designated area in the Ryedale Local Plan as an Area of High Landscape Value (AHLV) overlooking the Vale of Pickering and towards the southern fringes of the North York Moors National Park.

1.3 The site is owned and managed by three local landowners and is predominantly used for arable farming in large fields bordered by fencing and hedgerows, with some small areas of woodland.

1.4 The Development site is bounded by Newlands Lane to the south west, and the unclassified White Gate road crosses the eastern part of the site.

1.5 The site's gradient slopes towards the south with a steep escarpment sloping to the north, approximately 1 km north of the proposed wind turbines.

2.0 PROPOSAL

2.1 Planning permission is sought for the following:

- Ten wind turbines, with a height to the hub of 80m and maximum height to blade tip of 126m;
- Associated infrastructure including foundations, transformers and crane hard-standing areas;
- Upgraded and new access tracks;
- One substation and control building including underground cables and transformers; and
- One meteorological mast with a height of 80m.

Wind Turbines

The wind turbines are envisaged to consist of a rating of approximately 2 to 3 MW, resulting in the combined power generation of 20 – 30MW. The final choice of turbine has yet to be confirmed and will be dependent on the technology available at the time of construction. The selected turbine will have a maximum height to blade tip of 126m and an approximate hub height of 80 m and approximate rotor diameter of 92 m.

Access

The Department of Transport advises that, where possible, abnormal loads should be directed to the nearest suitable water port. The turbine deliveries to the Heslerton site will constitute abnormal loads. It is proposed to direct the vehicular movements from the port of Goole to the site via the M62, A1 and A64. The approach to the site will be from the A64 at Sandy Lane, through Wintringham village, over un-classified roads onto Newlands Lane then onto the site via the existing entrance to Ling Hall Farm.

It is estimated that approximately 7km of access tracks will be required on site, these will be constructed from stone.

Control Building/Sub-station

The control/sub-station building is a single storey pitched roof building comprising of a width of 8m, length of 19m, a height to the ridge of 5.7m and 3.3m to the eaves.

It is proposed for the building to be devoid of any window openings but to incorporate a number of door openings with a 6m by 8m fenced compound area to the end elevation of the building.

Meteorological Mast

The proposed anemometer mast, included within the larger scheme, is a lattice construction with an overall height of 80m from the surrounding ground level. The concrete foundation required to erect the mast equates to 2.6 x 2.6m square slab.

Grid Connection

An application for the grid connection between the on-site substation and control building and the electricity distribution network will be made to the Distribution Network Operator.

It is anticipated that the grid connection is expected to be made via an underground cable to the electricity distribution network at the substation approximately 1 km south of Yedingham, approximately 4.5 km north west of the proposed development.

Other Works

In addition to the above permanent elements, a temporary compound comprising site accommodation, parking area and material storage area will be required for the duration of the 12 month construction period.

3.0 CASE ON BEHALF OF THE APPLICANT

3.1 The applicant has submitted the following documents in support of their proposal:

- Environmental Statement (ES) – including chapters on landscape and visual impact, shadow flicker, noise, biodiversity and ecology, cultural heritage, ground conditions, water resources, traffic and transport, socio-economic impacts, and mitigation measures. The ES includes photomontages and wireframes.
- ES Non-technical summary
- Planning Statement
- Design and Access Statement

3.2 Additional information submitted since the application has been under consideration includes several documents, namely the clarification of the micro-siting of the turbines and repositioning of the sub-station.

3.3 The supporting documentation, within the ES and Planning Statement cite the following in statements in support of the application:-

- The UK Government has a target of cutting carbon dioxide emissions by 80% of 1990 levels by 2050, and it is considered that East Heslerton wind farm would make an

important contribution towards this;

- East Heslerton Wind Farm has the potential to displace electricity generated from fossil fuels and consequently prevent carbon dioxide (CO2) from being released. The electricity produced by the wind farm would offset the production of CO2 by between 18,400 and 62,500 tonnes per year (subject to the type of fossil fuel gas/coal) subject to the rated output form the wind farm and an indicative capacity of 26% which takes account of the intermittent nature of the wind;
- The Development site is situated within an area of landscape which is not nationally protected, unlike a considerable amount of North Yorkshire which is designated as National Park or has AONB status;
- Considerable care has been taken in the design of the Development to avoid unacceptable environmental effects whilst ensuring that the site can make a meaningful contribution to the UK's requirement for renewable energy generation from a secure, domestic source. This Statement has shown that policy RE1 of the RLP has been superseded by PPS 22 which requires that significant weight be given to the benefits of developments when considering if planning permission should be granted. It is considered that the wider economic benefits of the Development outweigh the largely localised and reversible landscape effects;
- The Development will add up to 30 MW of electricity generating capacity from renewable sources to the region, and in doing so, significantly contribute to regional and national renewable energy targets, specifically those which aim to reduce greenhouse gas emissions and alleviate the effects of climate change.

4.0 HISTORY

12/00485/73 Variation of Condition 01 of approval 10/00422/FUL dated 18.06.2010 to state "The structure hereby permitted shall be removed and the land restored to its former condition at or before 17 June 2014 unless an extension of the period shall first have been approved in writing by the Local Planning Authority" - extension of period for a further two years – REFUSED – 31.08.2012

10/00422/FUL Erection of a 81m high meteorological monitoring mast for a temporary period of two years – APPROVED – 18/06/2010

10/00507/SCO Scoping Report for the erection of a wind farm to comprise up to 13 turbines with a maximum height of 125m, as per the requirements of Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended)

5.0 PUBLICITY

5.1 The application has been the subject of a number of consultation exercises following the submission of additional information and the repositioning of the turbines. The comments listed reflect those received as part of the whole consultation exercise.

5.2 380 letters of objection have been received, a number of the comments have been received in the form of a petition. The following are the main that points have been raised:

- The proposed development of wind turbines conflicts with the policies of the Ryedale Local Plan in that this development does not limit the impact on the landscape;
- The turbines represent a blight on the landscape;
- Turbines produce little power when assessed against the harm they create;
- The proposal will result in the destruction of a beautiful area;

- The industrial development has no place on the Wolds;
- The proposal will be widely visible over the Vale of Pickering and will be visible as far as Scarborough and the North York Moors;
- The area is designated as an "Area of High Landscape Value", the proposal will effectively destroy this area;
- There are a number of turbines that already exist within the area, these are not required;
- The development will have an adverse effect on residential amenity;
- The development will create shadow flicker to residential properties;
- The turbines will create a constant noise disturbance;
- The potential of light pollution due to the red lights mounted to the turbines for aircraft safety;
- The development will result in an adverse impact on the bat and bird populations within the immediate area;
- The proposal will have a direct impact on aircraft safety within the immediate area;
- The development is located in a position that breaches Civil Aviation Authority Policy, if approved, in that it is within 3km (2km) of a small private unlicensed airfield (Moor Farm);
- The proposal will destroy the local economy as it will directly effect the tourism industry within the immediate area;
- Despite the suggestion of the applicant (RWE) the development will have an unacceptable impact on Bridleways within the area of the proposed site;
- The development will have an unacceptable impact on the enjoyment of PROW within the area, especially the enjoyment of the section of the "Wolds Way" which runs close to the site;
- Sufficient data should be gathered independently to ascertain if the wind farm is a viable option;
- The surrounding road network does not have the capacity or ability to accommodate the 106 daily journey's suggested by the applicant for a 5 month period for the construction of the wind farm;
- The development will represent a visual distraction along the A64 corridor and will result in an increase in the number of vehicle accidents;
- The development will have a direct impact on the property prices within the surrounding area;
- The applicants have not adequately examined alternative sites;
- The development should be split into a number of smaller turbines and spread out within the wider surrounding area;
- The company should be encouraged to review off-shore turbines rather than land based proposals;
- Request that the Yorkshire Wolds receive an AONB status;

5.3 552 letters of support have been submitted, a number of the comments have been received in the form of a petition. The following are the main points have been raised:

- The development will contribute to the look of the area;
- The proposal is a step in tackling climate change;
- Clean energy will be produced by the development;
- No adverse noise, vibration or shadow flicker will be produced by the development;
- The development will generate employment within the local economy

6.0 POLICY

6.1 Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Ryedale Local Plan

Policy RE1 states: -

Proposals for the development of individual wind turbines or for groups of wind turbines (wind farms) will only be permitted where:-

(i) They would not have any significant adverse effect on the quality of the landscape,

(ii) They would not have any material adverse effect upon any SSSI or site of nature conservation importance,

(iii) They would not have a material adverse effect upon the character or setting of any Listed Building, Conservation Area, Historic Park or Garden, or site of archaeological importance,

(iv) They would not have any unacceptable adverse effect upon the residential amenities of nearby properties by reason of noise, shadow flicker or electromagnetic interference,

(v) They would not cause unacceptable highway problems or have a material adverse effect upon the public rights of way network either during the period of their construction or once installed, or prejudice highway safety through the visual disturbance caused by their rotating blades,

(vi) The design of the access roads, both in terms of alignment and in the materials used for their construction, are designed to minimise the visual impact of the development,

(vii) The power lines used to connect the wind turbines to the electricity grid or user buildings would not have an adverse effect upon the landscape,

(viii) The development includes satisfactory proposals for off-site `distance landscaping' to reduce the effects of the development from important long-distance views where this is appropriate.

Where permission is granted for wind turbines, appropriate conditions will be imposed to secure the restoration of the site following permanent de-commissioning of any turbines.

Policy ENV3 states: -

Within the Wolds and the Fringe of the Moors Areas of High Landscape Value:

(i) Development which would materially detract from the special scenic quality of the landscape will be resisted;

(ii) Small-scale development that would benefit the social or economic situation of rural communities including agricultural uses, farm diversification proposals, affordable housing where this meets with the criteria of Policy H20 and facilities for tourists and for outdoor sport and recreation will be permitted, provided that such development can be accommodated without significant detriment to local landscape character;

(iii) Large-scale development will only be permitted where it can be clearly demonstrated that the proposal would have significant economic or social benefits, is incapable of being located outside the Areas of High Landscape Value and is designed to do as little damage to the environment as practicable;

(iv) Non-agricultural buildings and development will be required to reflect the traditional character of buildings and landscape form in terms of siting, design, and use of materials traditional to the area. Agricultural buildings will be required to accord with Criteria (i) and (iii) of Policy AG2;

(v) Landscaping schemes will be required to reflect local landscape character in terms of form and extent of planting and in terms of species used;

(vi) The conservation and appropriate management of features important to the local landscape such as trees, hedges, copses, woodlands and grassland will be encouraged.

Policy T10 states: -

The District Council will seek to ensure improvements in the safety, convenience and attractiveness of facilities for pedestrians and in the Public Rights of Way network by:-

(i) Where appropriate, requiring new development to include pedestrian facilities which link to the surrounding Rights of Way network and with routes to local centres and public transport facilities;

(ii) Ensuring that all new pedestrian facilities are designed to encourage walking and to be both safe and convenient;

(iii) In conjunction with North Yorkshire County Council, investigating the possibility of improving existing and creating new facilities for pedestrians, including, where appropriate, combined walking/cycling/horse-riding routes;

(iv) Ensuring that existing public footpaths and bridleways and the enjoyment of them will not be adversely affected by new development, particularly where the Right of Way forms part of a designated National Trail, and that where diversions of Public Rights of Way are proposed, these will only be supported where the alternative route will be equally pleasant and convenient;

(v) Ensuring, wherever appropriate, that adequate provision is made for people with disabilities.

<u>Emerging Ryedale Plan – Local Plan Strategy</u>

Policy SP 12 – Heritage
Policy SP13 – Landscapes
Policy SP 14 – Biodiversity
Policy SP15 – Green Infrastructure Networks
Policy SP18 – Renewable and Low Carbon Energy
Policy SP20 – Generic Development Management Issues

6.2 **The National Planning Policy Framework was published on the 27 March 2012, and superseded most National Planning Policy Statements/Guidance. Although not forming part of the Development Plan, the policies in the NPPF (Framework) are a significant material consideration in the determination of an application, and have considerable weight where the Development Plan is "absent, silent or relevant policies are out of date" (Paragraph 14).**

In the Annexe 1 of the Framework it refers to the relative weight that is attributable to policies which existed prior to the 27 March 2012. After the 27 March 2013, the Framework requires that the weight Local Authorities give to their policies adopted prior to the NPPF is based on their degree of consistency to the Framework; the closer the policies in the Plan to the policies in the Framework, the greater the weight they may be given.

Ryedale has policies in the existing Ryedale Local Plan 2002 which are relevant to the consideration of this application as they are the Development Plan: RE1 Wind Turbine Development; ENV3 Development in the Areas of High Landscape Value; and T10 Public Rights of Way and Pedestrian Facilities. However, these policies are of some age, being prior to the 2004 Planning and Compulsory Purchase Act, and in accordance with paragraph 215 of the NPPF, the Local Planning Authority is required to assess policy consistency with the NPPF.

In respect of Policy RE1 the Local Planning Authority considers that it is not consistent with the NPPF, and therefore in itself cannot be afforded much weight in the decision making process. With regard to Policies ENV3, and T10 the Authority considers that diminished weight can be afforded to these policies in the decision making process, because they do have a some consistency with the NPPF. The justification for this is set out in the following paragraphs.

In respect of Local Plan Policy RE1, it is considered that the overall policy approach is one of restraint, and the test of impacts of a scheme are too stringent in that it requires "no material adverse effect". Policy RE1 considers the various impacts of wind turbines and, in particular, requires that they would not have any significant adverse impact on the quality of the landscape. It does not preclude wind turbine schemes from any part of the District, but requires that there is no significant adverse impact on the quality of the landscape. This is not in the spirit of NPPF paragraph 97 which requires Local Planning Authorities to recognise their responsibility to contribute to energy generation from renewable or low carbon sources, having a positive strategy to the consideration of such schemes, and in doing so, *"maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts"*.

Local Plan Policy ENV3 identifies particular landscape sensitivities within the Fringe of the Moors and the Wolds and describes them as Areas of High Landscape Value. Paragraph 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by, amongst other aspects, protecting valued landscapes. Policy ENV3 recognises the particular sensitivities within the Wolds, but does not place an absolute restraint on development, and allows, in the consideration of large scale development, to consider other environmental, economic and social benefits of proposals, in the planning balance, which the Local Planning Authority considers is in line with the NPPF paragraph 8, in terms of the presumption in favour of sustainable development. The visual sensitivities of the Yorkshire Wolds are identified in Landscape Character Appraisals. Appendix 5 of the Ryedale Local Plan 2002 contains the justification for the inclusion of these areas as Areas of High Landscape Value (AHLV). The justification demonstrates that both of the AHLVs have a strong rural character and sense of identity, have a particular scenic quality or charm, have a distinct lack of urbanisation and are unspoilt, and are therefore vulnerable to change.

In respect of Local Plan Policy T10, the NPPF in paragraph 75 requires that planning policies *"protect and enhance Public Rights of Way and access"*. Policy T10 of the Local Plan seeks to ensure that existing public footpaths and the enjoyment of them will not be adversely affected by new development, particularly where the Public Right of Way forms part of a designated National Trail.

It is considered that in ensuring public rights of way are not adversely affected, and indeed enhanced, is entirely within the spirit and purpose of the NPPF's approach to protecting and enhancing the National Trails.

In considering the policy position, there is a need therefore to acknowledge the varying weight that can be attributed to policies with the current Local Plan. Paragraph 14 of the NPPF has significant weight. The emerging Local Plan Policy also has some weight, based on the advanced stage of the Examination and the indication (albeit interim) from the Inspector considering that Plan, that the Policies concerning landscape and Renewable Energy are NPPF compliant and reasonable in all other respects.

7.0 NATIONAL POLICY AND GUIDANCE

7.1 National Planning Policy Framework

Section 7: Requiring good design.
Section 10: Meeting the challenge of climate change, flooding and coastal change.
Section 11: Conserving and enhancing the natural environment.
Section 12: Conserving and enhancing the historic environment.

Paragraph 7: -

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Paragraph 8: -

These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

Paragraph 14: -

At the heart of the National Planning Policy Framework is a ***presumption in favour of sustainable development****, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, <u>when assessed against the policies in this Framework taken as a whole; or</u>*
  - *<u>specific policies in this Framework indicate development should be restricted</u>.*

Paragraph 17: -

Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*

- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*

- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*

- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*

- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*

- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*

- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*

- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*

- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*

Paragraph 75: -

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Paragraph 93: -

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 and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 94: -

Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

Paragraph 95: -

To support the move to a low carbon future, local planning authorities should:

- *plan for new development in locations and ways which reduce greenhouse gas emissions;*
- *actively support energy efficiency improvements to existing buildings; and*
- *when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.*

Paragraph 96: -

In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

Paragraph 97: -

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- *have a positive strategy to promote energy from renewable and low carbon sources;*
- *design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;*
- *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;*
- *support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and*
- *identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Paragraph 109: -

The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Paragraph 115: -

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

Paragraph 118: -

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites:*
  - *potential Special Protection Areas and possible Special Areas of Conservation;*
  - *listed or proposed Ramsar sites; and*
  - *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

Paragraph 123: -

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

Paragraph 129: -

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 133: -

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

Paragraph 137: -

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Paragraph 215: -

In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 216: -

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Whilst the above list identifies a number of paragraphs which are considered to be of particular relevance from the NPPF, this list is not exhaustive.

<u>Other legislation, National Guidance/Considerations</u>

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

The Energy White Paper (2007)
The Climate Change Act (2008)
The Renewable Energy Strategy (2009)
Energy Bill (2012)
National Policy Statement for Energy (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)
Planning for Renewable Energy: A companion guide to PPS22 (2004)

8.0 MATERIAL CONSIDERATIONS

8.1 A number of concerns have been received in relation to the proposal, the following are considered to be the main considerations:-

- Policy Context
- Landscape and Visual Impact
- Cumulative Impact
- Impact on Residential Amenity (Noise and Shadow Flicker)
- Highway Issues
- Impact on Ecology and Habitat
- Impact on Tourism
- Radar Communications
- Aviation Safety
- Impact on Public Rights of Way & Bridleway
- Archaeology
- Impact on Heritage Assets
- Socio-economic Issues
- Connection to the National Grid

9.0 APPRAISAL

9.1 Where an application is made to a Local Planning Authority for planning permission, in dealing with such an application the Authority shall have regard to the provisions of the development Plan, so far as material to the application, and to any material considerations.

9.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

9.3 The National Planning Policy Framework (NPPF) is a significant material consideration which must be taken into account in planning decisions.

9.4 The emerging Ryedale Plan – Local Plan Strategy is a material consideration in decision making, with weight given in accordance with the guidance in paragraph 216 of the NPPF which states:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

9.5 ***Policy Context***

Principle of National Energy Policy

9.5.1 The benefits of developing the use of renewable resources as an increasing proportion of total energy consumption are reflected in the objectives of European Union and UK law and policy such as the UK Government Climate Change Programme, the Energy White Paper 2007, the Climate Change Act 2008 and the Renewables Energy Strategy 2009. It is accepted that the current proposal would contribute to the national objective of promoting renewable energy technologies.

9.5.2 The Renewable Energy Strategy 2009 represents the latest development of UK energy policy. The UK has a binding target to meet 15% of its total energy consumption from renewable sources by 2020. The proportion of the electricity supply that will need to come from renewables in order to meet this target is projected in the Renewable Energy Strategy to be 30% or more by 2020, and the indicative target is for onshore wind to supply some 29% of the electricity from renewable resources.

9.5.3 In addition to the headline target of 2020, the EU Directive requires each member country to submit details of its performance to targets against indicative levels that need to be met in order to achieve the 2020 figure. The UK starts from the position that it is already behind the prospects of meeting the 2010 target of just 10% of electricity from renewable. In these circumstances and having regard to the increase in the headline target from 20% to 30% by 2020, it is considered that significant weight must be placed on the need for the provision of new sources of renewable electricity of which onshore wind is an important element.

Planning Policy

9.5.4 The NPPF paragraph 7 states that the purpose of the planning system is to "contribute to the achievement of sustainable development" of which there are three dimensions which give rise to the need for the planning system to perform a number of roles. These roles constitute the "golden thread" which runs through the NPPF and consist of the following:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

NPPF goes on to state at paragraph 8 that "to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system." Flowing from this at paragraph 14 of the NPPF is the presumption in favour of sustainable development. For decision taking this means:

- *approving development proposals that accord with the development plan without delay; and*

- *where the development plan is absent or silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted*

9.5.5 Therefore the NPPF must be read as a whole in assessing the merits of a proposal. Paragraph 17 of the NPPF sets out the twelve core principles including support for the transition to a low carbon future in a changing climate, achievable by a number of routes one of which is the development of renewable energy resources; the need to take account of the different role the character of different areas; recognising the intrinsic character and beauty of the countryside; and contributing and enhancing the natural environment and reducing pollution.

9.5.6 Paragraphs 93 – 98 of the NPPF relate to climate change, including the need to reduce greenhouse gas emissions, providing reliance to the impacts of climate change and the provision of low carbon energy and infrastructure. The NPPF advises (para. 94) that:

> *"Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.."*

In-line with the Climate Change Act 2008, Local Authority's are to adopt a proactive approach supporting energy generation from renewable or low carbon sources. Specifically NPPF paragraph 98 states that when determining planning applications for energy development Local Planning Authorities do not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a contribution to cutting greenhouse gas emissions. Following on from this it states that Local Planning Authorities should approve such applications if the impacts are acceptable or can be made acceptable.

9.5.7 Section 11 of the NPPF is concerned with conserving and enhancing the natural environment. Paragraph 109 states that *"the planning system should contribute to and enhance the natural and local environment"* through (amongst other elements) *"protecting and enhancing valued landscapes, geological conservation interests and soils"*.

Regional Spatial Strategy (RSS)

9.5.8 Following the partial revocation of the RSS, 22nd February 2012, Members are advised that the evidence base that lay behind the RSS document is still considered to be a consideration.

9.5.9 The evidence base identified and set local targets for contributing to renewable energy capacity which was subject to the constraints within each identified area such as landscape sensitivity. The 2010 target for Ryedale was that 10MW would have been be installed. However the amount of energy produced for that period equated to only 0.1MW

9.5.10 A further regional target for Ryedale of 19MW was identified by 2021. However despite a number of wind turbine permission's and appeal decisions it is unlikely that this target would have be met as the current installed capacity equates to only 0.36MW.

9.5.11 The NPPF paragraph 93 states: -

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 and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

The applicants have advised that proposal will produce in the region of 20 – 30MW if approved whilst reducing the level of greenhouse gas emissions. Therefore this level of energy production and green house gas reduction will support the deliver of renewable and low carbon energy production and therefore significant weight must be attributed to this consideration in the determination of the proposal.

Ryedale Local Plan

9.5.12 Relevant development plan policies are Ryedale Local Plan Policies RE1, ENV3 and T10. RE1 states:

Proposals for the development of individual wind turbines or for groups of wind turbines (wind farms) will only be permitted where:-

(i) They would not have any significant adverse effect on the quality of the landscape,

(ii) They would not have any material adverse effect upon any SSSI or site of nature conservation importance,

(iii) They would not have a material adverse effect upon the character or setting of any Listed Building, Conservation Area, Historic Park or Garden, or site of archaeological importance,

(iv) They would not have any unacceptable adverse effect upon the residential amenities of nearby properties by reason of noise, shadow flicker or electromagnetic interference,

(v) They would not cause unacceptable highway problems or have a material adverse effect upon the public rights of way network either during the period of their construction or once installed, or prejudice highway safety through the visual disturbance caused by their rotating blades,

(vi) The design of the access roads, both in terms of alignment and in the materials used for their construction, are designed to minimise the visual impact of the development,

(vii) The power lines used to connect the wind turbines to the electricity grid or user buildings would not have an adverse effect upon the landscape,

(viii) The development includes satisfactory proposals for off-site `distance landscaping' to reduce the effects of the development from important long-distance views where this is appropriate.

Where permission is granted for wind turbines, appropriate conditions will be imposed to secure the restoration of the site following permanent de-commissioning of any turbines.

9.5.13 The policy supports proposals for wind turbine generators provided there are no adverse effects on the environment, in particular landscape and visual impact, nature conservation and residential amenity. However, as identified in paragraph 6.2, this policy is considered to be restrictive and at odds with the proactive approach to the assessment and determination of such proposal as identified within the NPPF. The policy is therefore out of date and non-compliant with the NPPF

9.5.14 Saved Policy ENV3 states:

Within the Wolds and the Fringe of the Moors Areas of High Landscape Value:

(vii) Development which would materially detract from the special scenic quality of the landscape will be resisted;

(viii) Small-scale development that would benefit the social or economic situation of rural communities including agricultural uses, farm diversification proposals, affordable housing where this meets with the criteria of Policy H20 and facilities for tourists and for outdoor sport and recreation will be permitted, provided that such development can be accommodated without significant detriment to local landscape character;

(ix) Large-scale development will only be permitted where it can be clearly demonstrated
that the proposal would have significant economic or social benefits, is incapable of being located outside the Areas of High Landscape Value and is designed to do as little damage to the environment as practicable;

(x) Non-agricultural buildings and development will be required to reflect the traditional
character of buildings and landscape form in terms of siting, design, and use of materials traditional to the area. Agricultural buildings will be required to accord with Criteria (i) and (iii) of Policy AG2;

(xi) Landscaping schemes will be required to reflect local landscape character in terms of
form and extent of planting and in terms of species used;

(xii) The conservation and appropriate management of features important to the local landscape such as trees, hedges, copses, woodlands and grassland will be encouraged.

9.5.15 Saved Policy T10 states:

The District Council will seek to ensure improvements in the safety, convenience and attractiveness of facilities for pedestrians and in the Public Rights of Way network by:-

(i) Where appropriate, requiring new development to include pedestrian facilities which link to the surrounding Rights of Way network and with routes to local centres and public transport facilities;

(ii) Ensuring that all new pedestrian facilities are designed to encourage walking and to be both safe and convenient;

(iii) In conjunction with North Yorkshire County Council, investigating the possibility of improving existing and creating new facilities for pedestrians, including, where appropriate, combined walking/cycling/horse-riding routes;

(iv) Ensuring that existing public footpaths and bridleways and the enjoyment of them will not be adversely affected by new development, particularly where the Right of Way forms part of a designated National Trail, and that where diversions of Public Rights of Way are proposed, these will only be supported where the alternative route will be equally pleasant and convenient;

(v) Ensuring, wherever appropriate, that adequate provision is made for people with disabilities.

9.5.16 The policy would normally only permit the proposal if it was not considered to materially detract from the special scenic quality of the landscape. Whilst not fully compliant with the requirements of the NPPF, the broad spirit of the requirements are reflected within the policy. The remainder of this report assesses the implications of the proposal against each of the material planning considerations identified within the policy.

Emerging Ryedale Plan – Local Plan Strategy

9.5.17 The Ryedale Local Plan Strategy was submitted to the Secretary of State in May 2012 for formal Examination by an Independent Planning Inspector. The Hearing sessions took place in September and October 2012. The Council were asked to respond to questions asked by the Inspector, and suggest any 'Proposed Further Changes' to the wording of the Local Plan Strategy, in light of the discussions at the Hearing sessions.

9.5.18 The Inspector released his interim conclusions report in mid December 2012. This concluded that consultation was required on the Proposed Further Changes (Main Modifications). This resulted in a further six-week consultation, which took place in mid January to late February 2013. The responses made on the consultation have been forwarded to the Inspector for his consideration, together with the Council's responses to the comments received. Three further days of Hearings are scheduled for the 22-24 of May 2013. The content of these Hearings will be set by the Inspector in due course.

9.5.19 Policy SP13 of the Ryedale Local Plan relating to landscapes, and the specific requirements for their protection, received three objections stating that the Policy was unsound. The concerns related to an emphasis for greater protection for historic environments; coverage of the entire administrative area of Ryedale not just the AONB and National Park; and the requirement to increase woodland coverage.

9.5.20 The Council's response that the Plan should be read as a whole; that protection for historic assets, including non-designated assets is appropriately covered; that the Plan includes an appropriate framework for their protection and enhancement of landscapes across the District; and that woodland matters are subject to other policies within the Plan. As such given the limited number and nature of objections, this particular policy was only briefly referred to in the hearing sessions as part of the examination, and the Inspector in his interim report has said that concerning the policies regarding the environment:

"The policies seem to provide an appropriate, effect and soundly based framework for protecting and enhancing the natural, built and historic environment in Ryedale, including… Landscapes… which is justified and consistent with national policy."

9.5.21 Given the lack of sustained objections, and the advanced stage reached within the examination of the Local Plan Strategy, it is considered that considerable weight can be attached to this particular emerging policy of the Local Plan Strategy.

9.5.22 Policy SP18 (Renewable and Low Carbon Energy) has been the subject of two objections regarding the scope of the element of the policy concerned with assessing the impact of renewable low carbon energy schemes. The concerns citied that non-nationally designated landscapes should not be included in the policy, and that the setting of nationally designated landscapes should also not be considered as it could create a blanket control over the District.

The Council has argued that the policy approach was not to exclude such schemes in principle but to ensure that the landscape impacts were considered given the sensitive nature of the majority of the District's landscapes considering objections to the policy as a whole, there were less objections regarding soundness for the first part of the policy concerning the consideration of Renewable and Low Carbon Energy schemes. It should be noted that the Inspector has made the following statement in the interim report:

"The policies seem to provide an appropriate, effect and soundly based framework for protecting and enhancing the natural, built and historic environment in Ryedale, including…natural resources and climate change… which is justified and consistent with national policy. The proposed changes would update, correct and clarify the policies, renewable/low carbon energy, ensuring that the policies are effective, reasonable and soundly based."

9.5.23 Notwithstanding the Inspector's interim conclusions, given the greater level of objections, officers consider that less weight can be attributed to this policy in the decision making process at the present time.

9.5.24 As stated in paragraph 9.4.10, the remainder of this report will assess the implications of the proposal against a number of the material planning considerations identified within the policy section, and also taking account of those material considerations identified in section 8.0.

9.6 ***Landscape and Visual Impact***

9.6.1 Whilst there is a need for renewable energy development to meet UK targets, it is recognised that wind turbines are likely to have the greatest visual and landscape effects in comparison to other forms of renewable energy. National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design. This should take into account the potential environmental effects on the landscape, siting, operation and other relevant constraints, to minimise harm to the landscape, including reasonable mitigation.

9.6.2 The application is accompanied by supporting documentation, including photomontages and other visualisations, which attempt to demonstrate the level of visual impact associated with the development.

9.6.3 A number of objections have been received from residents, Local Authorities, Interest Groups, the CPRE and English Heritage (EH) in relation to the impact of the development in terms of the detrimental visual and landscape impact.

9.6.4 EH are concerned in relation to the wider reading of the Vale of Pickering landscape and the Wolds Escarpment and in particular the direct impact of the development and potential of further applications. EH consider that the wind farm would *"alter the way the landscape is experienced and read with particular regard to the relationship between the prehistoric track-way that runs along the northern escarpment of the Wolds and the extensive prehistoric settlement, mortuary and land use remains that are located in the Vale of Pickering"*.

9.6.5 Due to the specific details contained within the landscape assessment accompanying the application Ryedale District Council have engaged an independent qualified Landscape Architect to assess the submitted information. The assessment reviews the methodology used to produce the applicants submitted Landscape Visual Impact Assessment, assesses the proposal using the appropriate methodology, assesses the submitted comments from the neighbouring Authorities and those of interest groups and objectors, and formulates an independent conclusion based on the proposed development and the effect based on the degrees of impact as identified within the Environmental Impact Assessment (E.I.A) criteria.

9.6.6 **A summary of the report, together with the headings and conclusion *(italics)* forms the remaining part of this section. The full report is available at the Council Offices for examination or on the website**.

Site context

The proposed wind farm is situated in a prominent location on the northern edge of the Yorkshire Wolds Area of High Landscape Value, overlooking the Vale of Pickering. It would be visible from a number of protected areas, including the North York Moors National Park.

Landscape Planning Policy

The site is located within the Wolds Area of High Landscape Value and it is considered that it does not comply with the objectives of RDC Policy ENV3, in that the development would materially detract from the special scenic quality of the landscape.

The key planning balance is whether the development is incapable of being located outside the Area of High Landscape Value and whether the economic benefits outweigh the adverse landscape effects identified.

Review of the proposed wind farm design in relation to good practice guidance

It is considered that the proposed scheme mostly complies with current good practice in relation to design issues.

Effects on landscape character

Overall it is considered that the applicant has under estimated the sensitivity of the landscape and/or magnitude of effect across the study area, especially the Wolds. Despite this it is considered that the significant effects in EIA terms would only occur within two Landscape Character Areas: High Farmland, and Dissected Plateau i.e. those closest to the proposed development.

The proposals do not comply with the objectives of the Yorkshire Wolds National Character Area NCA27 by:

"Ensuring that significant built developments do not adversely impact on the historic interest, recreational enjoyment and open character of the area, helping to maintain panoramic views and a sense of 'escapism' on the distinctive chalk topography, particularly the escarpment."

Adverse effects on the character of the Vale of Pickering and the wider landscape are predicted, although due to distance these are not considered to be significant in EIA terms and in relation to other appeal decisions it is unlikely to be a defendable reason for refusal.

Technical review of applicant's photomontages

Notwithstanding some deficiencies in the original photomontages produced for the ES it is considered that the ZTV mapping and visualisations included in the applicants ES and the SEI are fit for purpose and the viewpoints are representative of typical views experienced by viewers in the study area.

Assessment of visual effects

Significant visual effects on three viewpoints have been identified within 2 km of the proposed wind farm.

Despite the elevated position of the wind farm the visual effects on the wider landscape are not predicted to be significant.

Visual residential amenity

There are 11 residential properties within 2km of the proposed wind farm. 2 properties within the 2 km of the wind farm are predicted to experience visual effects which would be significant in EIA terms (one of these is a financially involved property).

This is less than many other wind farm schemes in the Yorkshire region, where visual amenity has not been given as a reason for refusal (i.e. Fraisthorpe Wind Farm had 46 residential properties within 1 km of the scheme, of which 23 properties were predicted to experience significant, effects). A link to the recent Fraisthorpe decision is attached within the background papers section.

Effects on the setting of the North York Moors National Park and protected landscapes

The effects on the North York Moors National Park or the more distant Howardian Hills and the Heritage Coast would not be 'significant'. Natural England, also, do not consider that the proposal would have a significant effect on nationally designated landscapes.

Effects on the setting of the Yorkshire Wolds Way

The Yorkshire Wolds Way / Centenary Way runs along the top of the Wolds escarpment approximately 900m to the north of the nearest turbine. Based on site observations Golder agrees with the applicant that extensive and open views of the development would be afforded to walkers on the route between Knapton Woods and Sherburn Brow these effects (within 2-3 km of the site) are likely to be significant in EIA terms.

Golder considers the proposals would change the charter of part of the route, by detracting from the tranquil qualities of the farmland around the site. The acceptability of the scheme in planning terms needs to consider the balance between loss of recreational amenity (over a distance of 4-6km), compared to the wider economic / environmental gain overall.

It is important to note that the long distance views over the Vale of Pickering to the north would not be affected by the proposals.

Comparison of significant effects in relation to other wind farms in Yorkshire

Based on the recent appeal decisions in it would appear that the maximum distance beyond which it has been accepted that 'significant' landscape and/or visual effects are likely to occur is in the region of 4 km.

CONCLUSION

Notwithstanding some deficiencies in the original photomontages produced for the ES, it is considered that the applicant's landscape and visual assessment and accompanying visualisations are fit for purpose.

It is predicted that the scheme does give rise to "significant landscape and visual effects" within 4 km of the proposed development.

In terms of significant adverse effects (in EIA terms) there are two Landscape Character Areas: 'High Farmland', and 'Dissected Plateau' closest to the proposed development, the 11 identified properties within 2km and an additional 3 properties outside of the 2km area and part of the Wolds Way recreational path that are predicted to experience adverse effects were the application to be approved.

The site is located within the Wolds Area of High Landscape Value and it is considered that it does not comply with the objectives of RDC Policy ENV3, in that 'the development would materially detract from the special scenic quality of the landscape'.

Despite its elevated position on the Wolds it is considered that the effects on the wider landscape, including the Vale of Pickering, Howardian Hills AONB and the North York Moors National Park to the north would not be 'significant'. Therefore it would be difficult to defend a reason for refusal in the event that the scheme went to appeal.

It is important to note that Natural England does not consider that the proposal would have a significant effect on nationally designated landscapes.

9.6.7 In terms of the consideration of the impact of turbines on locally designated areas of high landscape value, this has been tested in a number of appeals for small scale and large scale turbine developments. Of relevance is APP/E2001/A/09/2101421 (link address attached in background papers) which was an appeal recovered and determined by the Secretary of State (SoS) on the 5th May 2009. The appeal was at land to the north of Sober Hill Farm, North Newbald, East Riding of Yorkshire for the erection of 6 turbines with a height to the blade tip of 106 metres. The site is within the Wolds and an area identified in policy terms as an *"Area of High Landscape Value"* (AHLV). The SoS concluded that in this case *"….that there are number of places within 5km of the site that will be significantly affected by the development"*....and that *"from the majority of viewpoints, the wind farm could be accommodated without detriment as the landscape of this part of the Wolds is large scale and robust enough to withstand the change which this proposal would bring."*

9.6.8 The above site is located within a neighbouring Authority's administrative boundaries and a similarity exists, namely the locally identified area of high landscape value (the Wolds). However this particular area of the Wolds has a different landscape and visual context to that of the Newbald appeal site. The Newbald area of the Wolds faces onto the Humber head levels which has a more industrialised character with coal fired power stations and a number of National Grid pylons.

9.6.9 The impact of the development on the landscape is considered to be one of the key considerations in the determination of this proposal. The proposal will inevitably affect the landscape character when experienced from key short and medium range perspectives. Key affected areas are the Wolds, the Wolds Way, albeit limited to 4 – 6km and the Vale of Pickering. However, whilst a significant impact will result if the application were permitted the affected areas are not nationally designated.

The surrounding landscape is however identified as the "Wolds Area of High Landscape Value" in terms of Policy ENV3 of the RLP and Policy SP13 of the emerging Local Plan Strategy which are both considered to be compliant with the requirements of the NPPF.

9.7 ***Cumulative Impacts***

9.7.1 This area is potentially sensitive to the effects of an accumulation of wind farm development and there is therefore the potential for a cumulative impact on the landscape. This issue has been raised by many objectors to the proposal.

9.7.2 In terms of the cumulative impact of the proposed wind farm, the environmental information accompanying the application originally plotted wind energy schemes within a 70 km radius of Heslerton. The information included both operational and consented schemes, along with schemes where a planning/scoping application had been submitted.

9.7.3 This information was updated in March 2012 to include new schemes within 35 km of the application site. Since March 2012 there have been changes to the schedule of 'cumulative' schemes:

- The application for the 54 m high turbine at Pheasant Hill Farm, north of A170 has been withdrawn;
- Fraisthorpe Wind Farm south of Bridlington has been approved at appeal;
- Thornholme Fields Wind Farm was refused permission and is now at appeal stage;
- A number of single turbines less than 50 m tall have been approved/constructed over 10 km from the Heslerton.

9.7.4 There are no commercial scale wind farms (proposed or existing) within 10 km of the application site. The closest proposed wind farm to the application site at Hunmanby (South Dale) which comprises 9 x 132 m high turbines, located approximately is 13 km to the east of the Heslerton. A planning application is expected to be submitted to Scarborough Borough Council sometime in 2013.

9.7.5 There are a number of single turbines, less than 50 m tall (proposed and existing) within 10 km. The nearest of these 'Duggleby' is located approximately 3 km to the southeast of the application site. Single turbines, or small wind farms, do not necessarily result in less landscape and visual impact than a larger development. Cumulative impacts of multiple individual wind turbines and/or small windfarms are a particular concern, especially where these are randomly located or of different designs. However in this case the cumulative wireline visualisations produced by the applicant suggest that the visual interaction between these smaller turbines and the Heslerton Wind Farm would not be significant in EIA terms. This is due in part to the undulating topography and the blocks of woodland which help obscure views between turbines.

9.7.6 A key factor determining the cumulative impact of wind farms is the distinct identity of each group of wind farms, typically related to their degree of separation and similarity of design.

9.7.7 The proposal would be of a significantly larger scale than the smaller farm turbines in the Wolds. It is considered that there would be no visual coalescence of schemes and that each development would be perceived as a separate well defined scheme.

9.7.8 If wind farm development extends over several different landscape character types within an area, this can lead to a reduction in the distinction between these different landscape types. If wind farms already exist within a particular landscape character type, further wind farm development should be limited to the same or similar types within the neighbouring area. An exception could be where these developments are of distinctly different character themselves, for example if they strongly contrast in scale.

9.7.9 Scarborough Council have raised a number of objections to the proposal citing, amongst other issues, concerns about the potential cumulative effects of Hunmanby (South Dale) and East Heslerton Wind Farms.

9.7.10 However, based on the Planning Inspectors recent decision to permit the scheme at the recent Fraisthorpe Wind Farm Inquiry (APP/E2001/A/12/2179233/NWF – 22 January 2013) (link address attached in background papers), it is unlikely that objections on the grounds of cumulative effects would be upheld if this proposal was concluded at appeal. At Fraisthorpe the Inspector considered the cumulative effect of commercial scale wind farms within 25 km, which included Lissett, an operational scheme of 12 turbines (1225 metres to blade tip) 5.1 km from Fraisthorpe. He noted that it could be seen from a number of the identified viewpoints but appeared as a distant array. He also considered the effects of three schemes with planning permission that were not yet constructed (Hall Farm Withernwick, and Carnaby at 19.3, 20.3 and 1.4 km), along with three sites in the planning system (Thornholme 4.2 km, North Frodingham, 11.6 km and Cottam 15.4 km) and one at scoping (South Dale 15 km). The inspector concluded "*the proposal would not lead to any significant landscape cumulative effect over and above the impact of the proposal on its own*".

9.7.11 However, whilst it is considered that the East Heslerton proposals would, in conjunction with the single turbines to the south, result in an element of cumulative effects on parts of the Wolds due to the size of the turbines, distance and topography, the effects are unlikely to be significant in environmental impact terms.

9.8 ***Impact on Residential Amenity (Noise and Shadow Flicker)***

Noise

9.8.1 NPPF paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and should mitigate other adverse impacts through the use of conditions.

9.8.2 Noise is an important consideration when assessing the potential impact on residential amenity both during construction and once the turbines are operating. The application was accompanied by results from noise monitoring locations. Background day and night time noise levels were recorded and compared with predicted operational noise levels and predicted construction phase noise levels.

9.8.3 The proposed wind farm is located in an area of relatively low population density. The guidance document used by the applicant for assessing the proposed wind farm noise is "The Assessment and Rating of Noise from Wind Farms" ETSU-R-97, ("ETSU") published by the Department of Trade and Industry. ETSU recommends controlling wind turbine noise by the application of noise limits at the nearest noise sensitive properties.

9.8.4 ETSU concluded that there is no evidence that low-frequency noise is at a sufficient level to harm human health. The National Policy Statement for Renewable Energy EN-3 refers to the report at paragraph's 2.7.55 to 61, stating that the applicant's assessment of noise from the operation of the wind turbines should take account of the latest good practice including any additional guidance on best practice that the Government may publish. It states that the decision maker should satisfy itself that the noise from the operation of the wind turbines is within acceptable levels, and that where the correct methodology has been followed and the wind farm is shown to comply with ETSU-R-97 recommended noise limits, the decision maker may conclude that it will give little or no weight to adverse noise impacts from the operation of the turbines.

9.8.5 In the case of this proposal, and given the acoustic/noise complexity of the submitted accompanying information, RDC engaged the services of consultant to assess the methodology used to collect the data as well as the conclusion of the submitted documentation. The consultant did not raise any issues with the methodology as he acknowledged that the approach to assessing the impacts was widely used by the Planning Inspectorate. The consultant did, however, raise concerns with the currently used methodology and amplitudes used within the ETSU modelling.

9.8.6 Numerous exchanges of correspondence occurred between the applicant and Authority's consultant with the outcome being a further review from the Councils EHO, who concluded that subject to a number of minor corrections/alterations within the suggested conditions, no objection is raised to the application with respect to noise issues.

Shadow Flicker

9.8.7 Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; this effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. Only properties located within a 130 degree segment either side of due north, relative to the turbines, are affected at UK latitudes. In most cases, where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters), shadow flicker should not be a problem. (In this case the effects could extent up to 920 m).

9.8.8 The applicant has undertaken a shadow flicker assessment to determine the likely incidence and significance of this phenomenon.

9.8.9 Based on the identified criteria three properties have the potential to experience the effects of shadow flicker:

1) East Heslerton Wold Farm
2) Ling Hall Farm
3) Wold Farm

East Heslerton Wold Farm appears to have a direct line of sight and therefore would be most at risk.

9.8.10 In the case of this proposal, and given the "shadow flicker" complexity of the submitted accompanying information, RDC engaged the services of consultant to assess the methodology used to collect the data as well as the conclusion of the submitted documentation. The consultant concluded that the conclusion of the applicants supporting information was correct in terms of the impact of "shadow flicker" upon one property (East Heslerton Wold Farm).

9.8.11 It has been demonstrated that the developer can install appropriate measures to mitigate the effects of shadow flicker (this includes shutting down the turbines at critical times when it is most likely to occur). As an appropriate scheme can be agreed, and this form of mitigation can be conditioned, it is considered that shadow flicker is not a reason for the refusal of planning permission.

9.9 ***Highway Issues***

9.9.1 The Department of Transport advises that, where possible, abnormal loads should be directed to the nearest suitable water port. Any turbine deliveries to the Heslerton site would constitute abnormal loads. In the event it is proposed to direct the vehicular movements from the port of Goole to the site via the M62, A1 and A64. The approach to the site will be from the A64 at Sandy Lane, through Wintringham village, over un-classified roads onto Newlands Lane then onto the site via the existing entrance to Ling Hall Farm.

9.9.2 There will be approximately 95 abnormal loads for the turbine components over a 10 week period from week 26 to week 36 during the 12 month construction period. The movements equate to 2 abnormal load movements per day based on a 5.5 day working week.

9.9.3 The direct impacts of the proposals on the local highway network will relate mainly to the construction phase of the development. It is anticipated that along with the abnormal loads the construction vehicular movements will equate to 53 HGV and 44 construction worker movements per week during the peak period of the development.

9.9.4 A number of concerns have been received in relation to the impact of the proposal upon the highway network, specifically the number of vehicular movements to the site in order to facilitate the development if permission is granted. However, neither the Highway Agency or the County Council's Highway Officer have expressed any concerns about the proposed vehicular movements other than to request the imposition of appropriate conditions if permission is granted.

9.10 ***Impact on Ecology and Habitat***

9.10.1 NPPF paragraph 118 states that Local Planning Authorities should aim to conserve and enhance biodiversity, and that if significant harm resulting from the development cannot be avoided(through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused.

9.10.2 The Habitat Regulations and Wildlife and Countryside Act afford protection to internationally and nationally designated sites, habitats and species outside of designated sites, and conservation of species protected by law.

9.10.3 There are no designated sites of special scientific interest (SSSI), special protection areas (SPA) or special areas of conservation (SAC) within 1,000 metres of the site.

9.10.4 A number of biodiversity and ecological assessments have been undertaken of the site, specifically a habitat survey, bird surveys (including vantage points, breeding and migratory surveys), Great Crested Newts, Otter, Water Voles and mammals, bats and reptiles.

9.10.5 Natural England have been consulted on the application and have confirmed that there are no designated biological or landscape sites in proximity to the proposed development site which would be affected by the proposals.

9.10.6 Natural England initially raised concerns in relation to the submitted accompanying information in terms of the potential impact on Great Crested Newts, Bats, Ornithology and other protected species. Further clarification was sought from the applicant that resulted in the submission of additional information.

9.10.7 Natural England has removed their objection based on the imposition of appropriate conditions including the production of a detailed mitigation strategy. However a request has been put forward to secure measures that enhance the biodiversity of the area. The Council's Countryside Officer has concurred with these conclusions.

9.11 ***Radar and Communications***

9.11.1 Wind Turbines may have the potential to result in an adverse effect on two aspects of air traffic control movements and safety. Firstly, turbines may represent a risk of collision with low flying aircraft and secondly they may interfere with the operation of radar by limiting the capacity to handle air traffic and aircraft instrument landing systems.

9.11.2 In respect of wind turbines it is the developer's responsibility to address any potential impacts, taking account of the Civil Aviation Authority, Ministry of Defence (MOD), and the Department of Transport guidance, before planning applications are submitted. Local Planning Authorities are required to satisfy themselves that such issues have been addressed before considering applications. If an objection is raised by either a Civil Aviation or Defence Estates consultee, the applicant has to prove that the development will have no adverse effect on aviation safety.

9.11.3 NPPF paragraph 164 refers to the need for Local Planning Authorities to work with the MOD to ensure that they take account of the most up-to-date information about defence and security needs in the area. National Policy Statement for Energy (EN-1), Section 5.4, specifically refers to effects on aviation. Paragraph 5.4.14 requires proposals to be designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. If it is considered that the development would significantly impede or compromise the safe and effective use of defence assets or have an impact on the safe and efficient provision of air traffic control services for civil aviation, consent should not be granted (Paragraph 5.4.17).

9.11.4 The applicant has assessed the potential impacts on both civil and military aviation. Potential impacts on aviation include effects on primary and secondary surveillance radar systems and low flying activities. The potential safeguarding of aerodromes has also been raised by a private operator which has also been assessed by the applicant through the submission of a number of reports/studies in response to the number of reports/studies submitted by the objector.

9.11.5 The presence of moving turbine blades can affect radar as obscuration of unknown aircraft, difficulty tracking aircraft through clutter and the presentation of abnormal radar returns from turbines which could appear like an aircraft. The turbines at East Heslerton will be visible on both military and civil radar.

Military Aviation Radar

9.11.6 The site lies approximately 44.7km and 8.9 km respectfully from two RAF installations (RAF Linton-on-Ouse and Staxton Wold). The MOD originally objected on the grounds that the proposed development would have an unacceptable impact upon Air Traffic Control (ATC) radar at RAF Linton-on-Ouse, the Air Defence (AD) Radar at Staxton Wold and the Secondary Surveillance Radar (SSR) at Staxton Wold.

9.11.7 Following a number of discussions the developer submitted a comprehensive mitigation proposal to address the issues raised by the MOD. The mitigation proposed a solution that would be achieved within the life of a planning permission. The MOD is satisfied with the content of the mitigation proposal and have withdrawn their previous objection subject to appropriate conditions being imposed upon the permission.

Civil Aviation Radar

9.11.8 Consultation on the effects of radar on civil aircraft have taken place with the Civil Aviation Authority (CAA) and the National Air Traffic Safeguarding. There are two private aerodromes/airstrips within 15km of the site, Moor Farm approximately 2 – 3km to the south east of the site and Eddsfield approximately 8.97km, also to the south east of the application site. The specific concerns with regard to the private airfields/strip will be discussed separately within this section.

9.11.9 The CAA has not raised any particular comments to the proposal other than the requirement for consultation with other relevant bodies (MOD, NATS)

9.11.10 The National Air Traffic Services En Route Ltd (NATS or NERL) originally objected to the proposed development. Further discussions took place between the applicant and NERL with the subsequent outcome being the withdrawal of NERL's objection subject to the imposition of an appropriately worded condition.

9.11.11 The CAA has confirmed that the NERL and MOD are responsible for the safeguarding of their own operations.

9.12 ***Aviation Safety***

9.12.1 Two separate objections have been received from the owner/operators of the aforementioned private airstrips (Moor Farm and Eddsfield) objecting to the proposal citing aircraft safety as a significant concern.

9.12.2 The applicant and one of the objectors (owner/operator of Manor Farm) have commissioned/produced a number of reports (from separate aviation consultants focussing on the perceived impact of the development upon what appears to be unlicensed private airfields.

9.12.3 Given the specific technical information submitted by the applicant and objector, RDC commissioned its own aviation consultant to assess the submission and effectively provide the Authority with an independent assessment of the perceived impact on the private airfields.

9.12.4 The main concerns cited by the objectors consist of the following:-

- Impact of the proposed turbines on general air safety;
- The direct obstruction to take-off and landing patterns;
- Turbulence from the proposed wind farm would be a major concern and has not been assessed by the applicant;
- The report commissioned by RDC is biased towards wind farm development.

9.12.5 Due to the specific details contained within the applicants and objectors reports, Ryedale District Council, as previously mentioned engaged an independent expert qualified to assess the impact and proposed mitigation suggested by the applicant following a series of meetings with the objector.

9.12.6 In terms of general aircraft safety, it was established that the development would have no adverse impact on Eddsfield. With regard to Manor Farm the applicants consultant has suggested three mitigation measures to the current operational activity in terms of the current flying circuits. Those suggestions have been shared with the operator of Moor Farm Airfield who has suggested that the measures are not reasonable. The measures will address both aircraft safety and the take-off/landing patterns. The Councils consultant has commented on the suggested measures and stated:-

> *"…acknowledges that the conclusions of the applicants report are accurate having been fully investigated."*
>
> *"It is concluded that the minor revisions to the visual circuit and climb-out from the runway provide sufficient mitigation for safe operations at Moor Farm airstrip from an aviation perspective after installation of the proposed wind turbines at East Heslerton."*

9.12.7 In terms of the potential turbulence, the applicants have investigated this issue because it arose as a concern from the operator of Moor Farm airfield. Whilst it is acknowledged that turbulence can arise from wind turbines there is no credible evidence to suggest that the proximity of Moor Farm to the application site will result in any safety concern.

9.12.8 It has been alleged that the report commissioned by RDC with regard to aviation safety expresses a bias towards wind farm developments. There is no evidence to substantiate this view therefore no further comments can be made in relation to this issue.

9.12.9 In conclusion, the Authority's aviation consultant has advised that the proposals provided by the applicant are sufficient for the safe operations at Moor Farm airstrip from an aviation perspective if the wind turbine application is permitted. Members should note that the operation of a private airfield is the direct responsibility of the owner.

9.13 ***Impact on Public Rights of Way & Bridleway***

9.13.1 The Yorkshire Wolds Way/Centenary Way runs along the top of the Wolds escarpment, with a separation distance of approximately 900m between the route and the proposed turbines.

9.13.2 The County Council Definitive Map Officer has not objected to the proposal nor has the National Trail Officer for the Yorkshire Wolds Way Project. The County Council Definitive Map Officer originally raised a concern as it was considered that the proposed development would have a detrimental impact upon walkers using the Wolds Way. However following a number of site visits and the production of additional wire frames the Officer has removed his original concern, stating: -

> *"I am satisfied that the proposed wind turbines will not be in the direct sight line of the Yorkshire Wolds Way walkers for the considerable period of time that that was originally anticipated."*

9.13.3 The National Trail Officer has however retained an objection in terms of the immediate effect on the enjoyment of the Wolds Way in terms of the cumulative impact of the proposal when considered in terms of other turbines along the Wolds Way, namely North Newbald and Sancton (in the East Riding). It should be noted by Members that the distance from the closest named wind farm (North Newbald) to the Heslerton site is approximately 48km to the south.

9.13.4 The independent qualified Landscape Architect appointed to assess the impact of the proposed wind farm assessed, amongst other impacts, the effect on the Wolds Way as a recreational route and stated: -

"The Yorkshire Wolds Way / Centenary Way runs along the top of the Wolds escarpment approximately 900m to the north of the nearest turbine. Based on site observations Golder agrees with the applicant that extensive and open views of the development would be afforded to walkers on the route between Knapton Woods and Sherburn Brow these effects (within 2-3 km of the site) are likely to be significant in EIA terms.

Golder considers the proposals would change the charter of part of the route, by detracting from the tranquil qualities of the farmland around the site. The acceptability of the scheme in planning terms needs to consider the balance between loss of recreational amenity (over a distance of 4-6km), compared to the wider economic / environmental gain overall.

It is important to note that the long distance views over the Vale of Pickering to the north would not be affected by the proposals."

9.13.5 The British Horse Society has raised concerns regarding disturbance and the direct impact of turbine developments on the riders within the area. A distance of 200m is recommended in the Technical Guidance to PPS 22 being seen as the minimum distance between such developments and bridleways/footpaths. The closest bridleway to the application site is 500m, the separation between the turbines and the bridleway/Wolds Way is greater than the minimum distance specified in extant technical guidance to PPS22.

9.13.6 Saved Policy T10 states: -

The District Council will seek to ensure improvements in the safety, convenience and attractiveness of facilities for pedestrians and in the Public Rights of Way network by:-

(i) Where appropriate, requiring new development to include pedestrian facilities which link to the surrounding Rights of Way network and with routes to local centres and public transport facilities;

(ii) Ensuring that all new pedestrian facilities are designed to encourage walking and to be both safe and convenient;

(iii) In conjunction with North Yorkshire County Council, investigating the possibility of improving existing and creating new facilities for pedestrians, including, where appropriate, combined walking/cycling/horse-riding routes;

(iv) Ensuring that existing public footpaths and bridleways and the enjoyment of them will not be adversely affected by new development, particularly where the Right of Way forms part of a designated National Trail, and that where diversions of Public Rights of Way are proposed, these will only be supported where the alternative route will be equally pleasant and convenient;

(v) Ensuring, wherever appropriate, that adequate provision is made for people with disabilities.

9.13.7 The visual impact the turbines has already been assessed in section 9.5 of this report.

9.14 ***Archaeology***

9.14.1 Section 12 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of available evidence and any necessary expertise.

9.14.2 The County Archaeologist has assessed the submitted archaeological evaluation (including an outline Written Scheme of Investigation - WSI) and has concluded that they are supportive of the strategy but request the imposition of an appropriately worded condition requiring a detailed WSI.

9.14.3 Taking into account the comments from the County Archaeologist, it is considered that subject to a detailed condition relating to a programme of archaeological investigation, the application is considered to be acceptable and in accordance with the National Planning Policy Framework – Section 12.

9.15 ***Impact on Heritage Assets***

9.15.1 There are a number of heritage assets in the local area which may have the potential to be affected by the application proposals. The planning submissions have identified and assessed a number of these assets within a wide study area.

9.15.2 Members are advised that the Local Planning Authority has a statutory duty under legislation relating to Listed Buildings:

> *Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides, so far as material: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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'.*

9.15.3 National policy regarding the impact on heritage assets is set out in Section 12 of the NPPF 'Conserving and Enhancing the Historic Environment'. Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. Paragraph 132 states that the more important the asset, the greater the weight should be given to its conservation. Substantial harm to heritage assets of the highest significance (including Grade I and II* Listed Buildings) should be wholly exceptional.

9.15.4 Paragraph 133 goes on to say that where a proposed development will lead to substantial harm Local Planning Authorities should refuse permission, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh harm or loss. Where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.15.5 In terms of development within the setting of heritage assets, paragraph 137 is relevant and advises local authorities to "*look for opportunities for new development within Conservation Areas….and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*"

9.15.6 The Building Conservation Officer has considered the applicant's heritage assessment and identified that the assessment was lacking in terms of the effect of the proposal had been contained to a 4km radius of the application site. The Officer considered that the effect of the development has the potential to have a wider impact than a 4km radius.

9.15.7 An desk top study was conducted by the Building Conservation Officer and it was concluded that whilst a number of assets have the potential to be harmed by the development this potential harm was outweighed by the public benefits of mitigating against climate change. However a number of heritage assets have been identified that are the most vulnerable to harm in terms of the proposed development. The assets consist of the following: -

- Church of St. Andrews, East Heslerton (Grade I); and
- Church of St. Hilda, Sherburn (Grade II*)

9.15.8 Whilst not formally identified by English Heritage or RDC Conservation Officer Scampston Hall Park, a Grade II* Park on the English Heritage Register of Park's and Gardens of Special Historic Interest, is located within 5 – 10km of the proposed turbine development. The Conservation Officer has visited the following the production of the desk top study and states: -.

"The main A64 trunk road runs through the park severing the historic park in 2 sections. Both parts are well treed or features trees on the boundaries and the turbines will be seen in conjunction with this woodland or totally screened by it. The information submitted with the application shows a view of the turbines looking east when travelling on a minor road through the park glimpsed through a gap in the woodland. The turbines will be located approximately 6km away and 5 hubs and 10 blade tips will be visible from this viewpoint. In my opinion the views of the turbines will be seen in conjunction with surrounding tree cover and will be some distance away. In my opinion this impact will cause less than substantial harm on the setting of the Park."

9.15.9 English Heritage also identified the above structures as those that could be unduly impacted upon by the proposed development. The Vale of Pickering was also identified as a landscape that would be unduly impacted upon in terms of its status as a heritage asset. The concerns with regard to the Vale of Pickering are reflect within *"Vale of Pickering – Statement of Significance"* (May 2012). The document identifies the "Vale", in terms of it's significance, stating the importance as:

- the topography, shape and form of the Vale of Pickering;
- the quality and extent of the combination of wetland archaeology, alongside dryland/sandland archaeology.

9.15.10 Whilst concerns were expressed by English Heritage, those comments were tempered by the following: - *"..the Council weighs the harm against the benefits of the proposal and considers the justification for it."*

9.15.11 The above comments accord with the provisions and advice contained within the Planning Policy Statement 5 (PPS 5). Following the publication of the NPPF further comments were sought from both the RDC Building Conservation Officer and English Heritage.

9.15.12 English Heritage (EH) maintains that the identifiable asset of the Vale of Pickering will be altered as a landscape were the application to be permitted. However, in terms of the effect upon other identifiable historic assets, EH maintain that the development will have an impact on those buildings/structures but in terms of the measurable harm it will be "less than substantial". EH has maintained it's recommendation that the Council needs to weigh the harm of the development against the public benefits of the proposal.

9.15.13 The Building Conservation Officer has also revised her comments in light of the NPPF, stating:

The NPPF requires at paragraph 129 that Local Planning Authorities should 'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset)'. It is apparent with this application that no heritage asset will be physically directly affected by the proposal.

Within the 4km zone there are 44 Grade II Listed Buildings, 2 Grade II Listed Buildings, 2 Grade I Listed Buildings and 1 Conservation Area (Wintringham Village).*

I am of the opinion that this development will cause some degree of harm to the setting of these assets, however, the NPPF requires that harm should be assessed as being either substantial harm or less than substantial harm. I am of the opinion that in this instance that the harm caused will be less than substantial harm and according to paragraph 134 of the NPPF that this harm should be weighed against the public benefits of the proposal.

The turbines being located up a wold slope set against a backdrop of the hillside with a ridge in between, many of the listed building on the Luttons-Weaverthorpe valley bottom road c.3-4km away will not be experienced in the same field of view as the turbines and consequently this will not harm their significance. In addition, due to their position up the hill slope set back from the linear A64 village development the turbines will not be experienced in the same field of view as many listed buildings when travelling along the A64. However, due to the presence of an extensive network of Public Rights of Way the turbines are likely to be visible in the same field of view as those listed buildings on the southern edges of East and West Heslerton notably St Andrews Church at East Heslerton.

Therefore whilst the development will have some harm on the significance of the church this harm will be "less then substantial" and that this should be weighed against the public benefits of the scheme.

9.15.14 Members are reminded that the Local Planning Authority has a statutory duty in the balancing exercise to accord "special weight", or considerable importance to "the desirability of preserving the setting" of listed buildings.

9.15.15 In conclusion, it is considered that notwithstanding the concerns raised by English Heritage the development would not have a significant adverse affect on the historic assets within the surrounding locality. The Council's Building Conservation Officer and EH are both of the opinion that the development will have less than substantial harm on all of the heritage assets but have stressed that the development should be weighed against the public benefits of the scheme.

9.16 ***Socio-Economic Issues***

9.16.1 The development would generate construction work, and would also contribute to the development of the renewable energy industry in the UK. The applicant states that the wind farm has the potential to provide economic benefits to Ryedale area through a community fund, employment and local business opportunities and the potential of increased tourism.

9.16.2 The applicant has stated that they will set up a community fund to the local community, with payments amounting to a minimum of £40,000 per annum (index linked) and paid during the operational lifetime of the wind farm (up to 25 years). This would equate to a lifetime investment of £1m.

The final installed capacity of the site will be determined by the size of turbines used. The commitment to provide the funding is a voluntary offer on the behalf of the applicant and does not form a material planning consideration in terms of the assessment of the scheme.

9.16.3 A number of objections have been received stating that the wind farm has the potential to have a detrimental impact on tourism. The applicant has cited research into public attitudes to wind farms (in Scotland and the south of England) which the majority of respondents state that the presence of wind farms made no difference to the likelihood of them visiting the area.

9.16.4 However, whilst concerns have been raised in relation to this issue there is no conclusive proof in terms of the effect of wind farms on tourism. It is considered unlikely that any cause and effect could be readily established as the industry is vast and subject to a multiple of influences. A number of studies have concluded that there is no overall detrimental impact, although it is noted that the studies have been commissioned by the renewable energy sector.

9.16.5 In the absence of any conclusive evidence that the proposed development would harm tourism significantly, it is concluded that the development would be acceptable, in terms of its impact on the tourism industry in Ryedale.

9.17 ***Connection to the National Grid***

9.17.1 At this stage it is unclear what arrangements are proposed with respect to connection to the national grid, though underground cabling would be utilised. The grid connection is not part of this application and would be the subject of an application to Northern Powergrid Ltd.

10.0 **Conclusion**

10.1 In terms of the potential impact on residential amenity, by virtue of the proposal, the development is in accordance with ETSU-R-97 guidelines with respect to noise subject to the imposition of appropriate worded conditions. With regard to shadow flicker, subject to a condition requiring mitigation it is also not considered that the proposal would cause any significant effects with regard to shadow flicker. It is therefore considered that the residential amenities of neighbouring properties can be adequately safeguarded through the use of appropriate planning conditions.

10.2 The application site is well related to the main highway network and the level of traffic movements that would be associated with the proposals would not represent a significant additional load on the local highway infrastructure. The impacts of construction and de-commissioning traffic can be mitigated through the adoption of specific routing measures. Therefore, if permitted, the development would not result in any unacceptable highway impacts.

10.3 The application site is not within close proximity of any designated ecological or biodiversity sites and the proposal have been supported by a number of thorough assessments of protected wildlife species. Species protection, habitation protection and enhancement mitigation measures have been suggested through appropriately worded planning conditions. The proposal will therefore not result in any unacceptable impact on biodiversity or ecological interests.

10.4 The proposals are unlikely to cause any interference with navigational, radar, microwave, or UHF links. It is also considered that the proposal would not create any aircraft safety issues to Moor Farm airfield, nor as discussed will the development if permitted have any impact on Eddsfield.

10.5 With regards to the impact on local businesses and the tourism industry, it is considered that there is insufficient evidence to quantify the likelihood or potential of this suggested impact.

10.6 With regard to the potential impact to archaeology and cultural heritage assets within the zone of visual influence. There is the potential for the development to effect the wider landscape setting of heritage assets around the immediate area of the site, however, the potential level of change will not be sufficiently high to justify the refusal of the proposal.

10.7 It is considered that the above concerns have been satisfactory addressed.

10.8 The remaining planning balance is considered to revolve around whether the disadvantages of the proposed wind farm ***"significantly and demonstrably"*** outweigh the benefits as required by paragraph 14 of the NPPF. Specifically whether the impact on the landscape and the enjoyment of the Public Right of Way (Wolds Way) outweigh the significant reduction in green house gas emissions and the level of renewable energy produced were the scheme approved.

Impact on the Wolds Way/Public Right of Way

10.9 The proposal will, if permitted, change the character of part of the Wolds Way by detracting from the tranquil qualities of the farmland around the site for a distance of around 4 – 6km.

10.10 Saved Policy T10 of the Ryedale Local Plan seeks to ensure, amongst other things that: -

"… existing public footpaths and bridleways and the enjoyment of them will not be adversely affected by new development, particularly where the Right of Way forms part of a designated National Trail, and that where diversions of Public Rights of Way are proposed, these will only be supported where the alternative route will be equally pleasant and convenient;
The proposed development is at odds with this criterion of the policy.

10.11 The National Trail Officer has raised concerns in terms of effect on the enjoyment of the Wolds Way through the cumulative impact of the proposal when considered in terms of other turbines along the Wolds Way. Whilst located some distance from the application site (approximately 48km to the south) the concern revolves around the enjoyment to walkers along the footpath. However, the distance is such between the application site and the existing operational and consent wind farms that the concern is not considered to be sufficient to refuse the application based on this particular perception of cumulative impact.

10.12 Therefore the issue, in terms of the impact on the Public Right of Way, is the conflict with the criterion of saved policy T10 of the Local Pan. Whilst the extent of the impact on a local section of the PROW (Wolds Way) is significant, as assessed by the appointed landscape architect, it should be noted that in total approximately 44.9km of the Wolds Way runs through Ryedale. Therefore the detrimental effect on the PROW (approximately 4 – 6km) of the wind farm equates to 6 – 7% of the length of the total route through Ryedale.

10.13 Given the extent of the Wolds Way as a whole (126km) and the distance that runs through Ryedale (44.9km) it is considered that the Wolds Way is large scale and robust enough to withstand the change that this proposal, if permitted, would bring. The impact on the Wolds Way is also considered not to clearly and demonstrably outweigh the National Policy agenda and the benefits of the scheme.

Impact on the landscape

10.14 With regard to the impact of the proposal on the landscape, Policy ENV3 of the Ryedale Local Plan and Policy SP13 of the emerging Ryedale Plan seek to protect the distinctive character of the Wolds and the Fringe of the Moors. It is accepted that the landscape is sensitive to wind farm development at an overall scale. The Wolds is a valued, sensitive landscape, and is intrinsically linked to the Vale of Pickering although neither are nationally designated landscapes. However, it is apparent from the advice of English Heritage that these landscapes are both sensitive and valued, in their capacity to accommodate development, and are intrinsically important to the character of Ryedale.

10.15 The Council's landscape character appraisal of the impact of the scheme acknowledges that there will be significant localised impacts and that English Heritage have identified impacts on the Vale of Pickering and the Wolds Escarpment in particular as altering how the landscape is read and experienced. This is particularly important given the relative importance of the Vale of Pickering.

10.16 The impact of the proposal, if permitted, would also be significant in terms of the siting and scale of the scheme and its presence on the skyline close to the edge of the Wolds escarpment.

10.17 Overall, the development will have a detrimental impact on some key perspectives/views and the proposal will also have a direct significant impact on part of the Wolds, the Wolds Way and the Vale of Pickering. Whilst these impacts are significant it is considered that the development, if permitted, would also give rise to a number of significant planning benefits.

10.18 The proposal will result in significant economic benefits including job creation, although this cannot be quantified at this stage and the longevity of much of the employment will be limited to the construction of the proposal.

10.19 The development will also significantly reduce CO2 emissions as identified in paragraph 3.3 which are: -

- *The UK Government has a target of cutting carbon dioxide emissions by 80% of 1990 levels by 2050, and it is considered that East Heslerton wind farm would make an important contribution towards this;*
- *East Heslerton Wind Farm has the potential to displace electricity generated from fossil fuels and consequently prevent carbon dioxide (CO2) from being released. The electricity produced by the wind farm would offset the production of CO2 by between 18,400 and 62,500 tonnes per year (subject to the type of fossil fuel gas/coal) subject to the rated output form the wind farm and an indicative capacity of 26% which takes account of the intermittent nature of the wind;*
- *The Development site is situated within an area of landscape which is not nationally protected, unlike a considerable amount of North Yorkshire which is designated as National Park or has AONB status;*
- *Considerable care has been taken in the design of the Development to avoid unacceptable environmental effects whilst ensuring that the site can make a meaningful contribution to the UK's requirement for renewable energy generation from a secure, domestic source. This Statement has shown that policy RE1 of the RLP has been superseded by PPS 22 which requires that significant weight be given to the benefits of developments when considering if planning permission should be granted. It is considered that the wider economic benefits of the Development outweigh the largely localised and reversible landscape effects;*

- *The Development will add up to 30 MW of electricity generating capacity from renewable sources to the region, and in doing so, significantly contribute to regional and national renewable energy targets, specifically those which aim to reduce greenhouse gas emissions and alleviate the effects of climate change.*

10.20 The proposal, if permitted, will also generate between 20 – 30MW of power from a renewable resource which equates to enough power to serve approximately 10,000 – 15,000 homes. It should be noted that the current census identifies the number of homes within the Ryedale administrative area as 24,743.

10.21 It is considered that whilst the proposed wind farm will, if permitted, result in significant landscape and visual impacts over a localised area of 4 – 6km the overall benefits that would be derived by the proposal are such that the proposal is recommended for approval.

11.0 RECOMMENDATION

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

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

   Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall take place strictly in accordance with the terms of the submitted application and plans. In particular, all blades shall rotate in the same direction. The turbines shall be 2 – 3MW, 3 blade horizontal axis type with a maximum hub height of 80 metres and a maximum tip height of 126 metres when measured from ground level and blade rotor diameter of 92 metres.

   Reason: In reaching its decision, the Local Planning Authority has had regard to all the information submitted.

3. No development shall take place until details of the external appearance (including colour and finish) of the turbine(s) to be erected, or replacement turbine(s), meteorological mast and the external transformer units have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out as approved and the agreed colour and finish of the wind turbine(s) shall not be changed without the prior consent in writing of the Local Planning Authority. No advertisements, signs or logos shall be displayed on any part of the turbine(s).

   Reason: To ensure there is a satisfactory relationship between the proposed development and the surrounding area.

4. Prior to the commencement of construction of the electricity substation, full details of the design and all external materials for the building and any associated compound or parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

   Reason: To ensure there is a satisfactory relationship between the proposed development and the surrounding area.

5. All electrical cabling between the individual turbines and between the turbines and the electricity substation on the site shall be installed underground.

   Reason: To ensure there is a satisfactory relationship between the proposed development and the surrounding area.

6. This permission is for a period no later than 25 years from the date that electricity from the development is first exported to the electricity distribution network ("First Export Date"). Written confirmation of the First Export Date will be provided to the Local Planning Authority within one month of the First Export Date. Within three months of the cessation of electricity generation at the site, a scheme for the removal from the site of the turbine(s) and associated works, including, unless otherwise agreed by the Local Planning Authority, the turbine foundations and underground cabling, and the restoration of the land to its previous condition, shall be submitted to the Local Planning Authority. Once agreed in writing by the Local Planning Authority restoration shall be completed in accordance with the approved scheme within 12 months of the restoration scheme being approved by the Local Planning Authority, or such other period as the Authority may agree.

   Reason: To protect the visual amenities of the area and to ensure that the land is restored to its former condition.

7. If any wind turbine generator hereby permitted ceases to operate for a continuous period of 12 months, then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of the relevant turbine. The scheme shall include as relevant a programme of remedial works where repairs to the relevant turbine are required. If removal is required then a method statement and timetable for the dismantling and removal of the relevant turbine and associated above ground works and foundations to a depth of at least 1 metre below ground, and a method statement and timetable for any necessary restoration works following removal of the turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

   Reason: To protect the visual amenities of the area and to ensure that the land is restored to its former condition.

8. Prior to the commencement of development, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved statement, subject to any variations approved in writing by the Local Planning Authority. The construction method statement shall include:
   a) Details of the phasing of all construction works;
   b) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
   c) Details of foundation design;
   d) Dust management;
   e) Pollution control measures in respect of:
      - Water courses and ground water
      - Bunding and storage areas
      - Foul sewerage
      - Noise Mitigation Measures
   f) Temporary site illumination during the construction period;

g) Details of the proposed storage of materials and soils and disposal of surplus materials;
h) Details of timing of works;
i) Details of surface treatments and the construction of all hard surfaces and tracks;
j) Details of emergency procedures and pollution response plans;
k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
l) Details of how the construction compound and associated construction works will be reinstated, including a timetable for completion of the post construction restoration and reinstatement works.

Reason: To protect the amenities of the area.

9. The development hereby permitted shall not be commenced until such time as a scheme to manage the surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority.

   The discharge rate must be limited to the greenfield run-off rate and the scheme must incorporate SuDS techniques, e.g. grassed swales, balancing ponds.

   The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

   Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

10. The development permitted by the planning permission shall be carried out in accordance with an approved non-mains drainage assessment including the following specific mitigation measures detailed therein. The developer will need to apply to the Environment Agency for an Environmental Permit to discharge to ground, and this permit will specify the standards that will be required of the sewage system.

    Soakaways must be constructed to BS6297:2007

    Reason: The site is located on the Chalk which is a Principal Aquifer, the site is therefore particularly vulnerable to any potential polluting activity.

11. Construction work shall only take place between the hours of 07:00 and 19:00 on Monday to Friday inclusive, and 07:00-13:00 on Saturdays with no construction work on Sundays or public holidays. Outside these hours, works at site shall be limited to emergency works and dust suppression, unless otherwise agreed in writing with the Local Planning Authority. The Local Planning Authority shall be notified in writing of emergency works within three working days of occurrence.

    Reason: To protect the amenity of nearby properties from adverse effects due to noise nuisance.

12. The delivery of any construction materials or equipment for the construction of the development shall be restricted to the hours of 07:00 – 19:00 on Monday to Friday inclusive, 07:00 – 13:00 hours on Saturdays with no such deliveries on Sundays or Public Holidays unless otherwise approved in writing by the Local Planning Authority, having been given a minimum of two full working days notice of the proposed delivery.

    Reason: To protect the amenity of nearby properties from adverse effects due to noise nuisance.

13. Notwithstanding the terms of Condition 10, the delivery of turbine, nacelles and/or crane components may take place outside the hours specified, subject to not less than 48 hours prior notice of such traffic movements being given to the Local Planning Authority.

    Reason: To protect the amenity of nearby properties from adverse effects due to noise nuisance.

14. Prior to the commencement of construction and erection on the site, mitigation measures outlined in Drawing 'D133461/Figure 2.5 Scott Wilson, May 11' shall be fully implemented incorporating all works within the boundary of land under the jurisdiction of the Highways Agency. All remedial works shall be implemented post the satisfactory completion and agreement of a Detailed Design Road Safety Audit (Stage 2).

    Reason: To ensure the safe and continued operation of the TRN (A64) in the area.

15. Prior to and during the commencement of construction, the Management Plan 'Interim Construction Management Plan, March 2012' shall be implemented in full. Thereafter, development shall only take place in accordance with the approved Construction Management Plan or any amendment approved in writing by the Local Planning Authority.

    Reason: To ensure the safe and continued operation of the TRN (A64) in the area.

16. No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network.

    The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before any part of the development is brought into use.

    Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

17. There shall be no access or egress between the highway and the application site by any Goods Vehicle exceeding 7.5 tonnes other than via the existing access with the public highway at Lutton Lane. Access for Goods Vehicles exceeding 7.5 tonnes to the part of the site proposed for Turbine 10 must only be via the Lutton Lane site access, the internal site road network and across White Gate. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site, other than at Lutton Lane, have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

    (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority;
    (ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E1;
    (iii) Any gates or barriers shall be erected a minimum distance of 13 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway;
    (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges;
    (vi) The final surfacing of any private access within **5** metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

    All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

    (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority;
    (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
    (iii) A programme for the completion of the proposed works has been submitted.

    The required highway improvements shall include:

    a. A scheme of localised road widening and edge strengthening along the Construction HGV Access Route;
    b. Temporary widening and improvements to the stagger junction of the C360, C359 and C356;
    c. Road widening and retention of the three existing passing laybys along Newlands Lane;
    d. Improvements to the existing site access on Lutton Lane;
    e. Improvements to the Abnormal Load Route including alteration to the vertical alignment on Sandy Lane, the provision of passing places and overrun areas at the Sandy Lane/A64 and at the 'S' bend on Sandy Lane.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

20. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:

    a. A scheme of localised road widening and edge strengthening along the Construction HGV Access Route;
    b. Temporary widening and improvements to the stagger junction of the C360, C359 and C356;
    c. Road widening and retention of the three existing passing laybys along Newlands Lane;
    d. Improvements to the existing site access on Lutton Lane.

    Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no abnormal load deliveries until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:

    e. Improvements to the Abnormal Load Route including alteration to the vertical alignment on Sandy Lane, the provision of passing places and overrun areas at the Sandy Lane/A64 and at the S bend on Sandy Lane.

    Reason: In the interests of the safety and convenience of highway users.

21. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

    Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

22. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

    (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
    (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

23. There shall be no excavation or other ground works, except for investigative works or the depositing of material on the site, until a Construction Traffic Management Plan, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include:

    1. Details of the routes to be used by HGV construction traffic. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
    2. Details of the site access proposals.
    3. Traffic Management Plan.

    Reason: To avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and amenity of the area.

24. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HGV's brought onto the site until a survey recording the condition of the existing Local Highway Authority network for both the Abnormal Load and Construction Traffic Routes has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

    Reason: In the interests of highway safety and the general amenity of the area.

25. Prior to the development being brought into use, a Travel Plan to cover the duration of the
    construction shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

    (i) the appointment of a travel co-ordinator;
    (ii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
    (iii) continual appraisal of travel patterns and measures provided through the travel plan;
    (iv) a reduction in all vehicle trips and mileage;
    (v) a programme for the implementation of such measures and any proposed physical works;
    (vi) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

    The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

    Reason: To establish measures to encourage more sustainable non-car modes Of transport.

26. No development shall commence on site until wheel cleaning facilities have been provided within the curtilage of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and this facility shall be retained in working order and operated throughout the duration of the construction works.

    Reason: This condition is imposed in the interests of highway safety.

27. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

    Reason: The site is of archaeological interest.

28. Prior to the commencement of development a scheme for pre construction surveys for Great Crested Newts and Badgers shall be submitted to and approved in writing by the Local Planning Authority. The survey results and a programme of any mitigation work required shall be submitted to and approved in writing by the Local Planning Authority prior to any works associated with the development taking place. The programme of mitigation work will be implemented as approved.

    Reason: In order to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and The Conservation of Habitats and Species Regulations 2010.

29. Prior to the erection of the turbines, an Ecological Management Plan will be submitted to and approved in writing by the Local Planning Authority in accordance with the Section 7.5 of the Environmental Statement. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan, subject to any variations approved in writing by the Local Planning Authority.

    Reason: In order to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and The Conservation of Habitats and Species Regulations 2010.

30. No vegetation removal or ground clearance shall take place between 1 March and 31 August unless a suitably qualified and independent ecologist has first confirmed in writing to the Local Planning Authority that no species protected under Schedule 1 of the Wildlife and Countryside Act 1981 as amended will be harmed.

    Reason: In order to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and The Conservation of Habitats and Species Regulations 2010.

31. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived in accordance with paragraph (D) from Tables 1 and 2 attached to this condition and:

(A) Prior to the First Export Date, the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

(B) Prior to the First Export Date, the wind farm operator shall submit to the Local Planning Authority for written approval a scheme for compliance noise monitoring to be undertaken within 12 months of the First Export Date, including details of the proposed monitoring locations as required under paragraph (E) of this condition. The monitoring shall be undertaken in accordance with the procedures described in the attached Guidance Notes. Within 12 months of the First Export Date, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to implement such scheme and provide the consultant's report and all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e).

(C) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (C), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (I) to the Local Planning Authority in the format set out in Guidance Note 1(e).

(D) Tables 1 and 2 below define noise limits which are applicable to each dwelling considered within the Environmental Statement. Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

(E) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the local planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the local planning authority pursuant to paragraph (D) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

(F) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (G) of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:

(i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions;

(ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the local planning authority under paragraph (C), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

(G) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (C) of this condition unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e). The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

(H) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (G) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Planning Authority.

(I) The wind farm operator shall continuously log hub height wind speed, wind direction and rainfall data at a permanent meteorological monitoring location approved in writing by the Local Planning Authority, and shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d). These data shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

(J) Where the Local Planning Authority is satisfied of an established breach of the noise limits set out in the attached tables 1 & 2 or as approved under paragraph (D) of this condition; upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 21 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach. This scheme shall specify the timescales for implementation. The scheme shall be implemented as approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class C1 C3 or C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

Table 1 - Between 07:00 and 23:00 - Noise Limit dB $L_{A90,\ 10\text{-minute}}$

Location	OS Grid Coordinates (easting, northing)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
		1	2	3	4	5	6	7	8	9	10	11	12
		Noise Limit, dB, $L_{A90,10min}$											
East Heslerton Wold Farm	493723, 747002	45.0	45.0	45.0	45.0	45.0	45.0	45.0	48.2	51.9	55.0	57.2	58.0
East Heslerton Wold House	493652, 473926	45.0	45.0	45.0	45.0	45.0	45.0	45.0	48.2	51.9	55.0	57.2	58.0
Ling Hall Farm	492150, 473235	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.5	50.3	54.2	58.2
Ling Hall Cottage	492067, 473206	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.5	50.3	54.2	58.2
Manor Wold Farm	492894, 475330	45.0	45.0	45.0	45.0	45.0	45.0	46.2	49.6	53.0	56.4	59.5	62.2
Sherburn Wold Farm	495011, 474962	35.0	35.0	35.0	35.0	35.0	35.0	38.4	42.2	45.9	49.2	51.9	53.8
Whin Moor	492748, 472769	35.0	35.0	35.0	35.0	35.8	39.0	42.5	46.2	50.0	53.8	57.5	60.9[1]
Wold Farm	491113, 474434	35.0	35.0	35.0	35.0	35.0	35.0	38.4	42.2	45.9	49.2	51.9	53.8

Table 2 - Between 23:00 and 07:00 - Noise Limit dB $L_{A90,\ 10\text{-minute}}$

Location	OS Grid Coordinates (easting, northing)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
		1	2	3	4	5	6	7	8	9	10	11	12
		Noise Limit, dB, $L_{A90,10min}$											
East Heslerton Wold Farm	493723, 747002	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.2	50.0	53.5	54.4	54.4
East Heslerton Wold House	493652, 473926	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.2	50.0	53.5	54.4	54.4
Ling Hall Farm	492150, 473235	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	48.0	52.1	52.1
Ling Hall Cottage	492067, 473206	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	48.0	52.1	52.1
Manor Wold Farm	492894, 475330	45.0	45.0	45.0	45.0	45.0	45.0	45.0	48.1	51.5	54.5	57.0	59.0
Sherburn Wold Farm	495011, 474962	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	44.5	48.3	51.6	54.4
Whin Moor	492748, 472769	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	47.8	52.0	55.1	55.1
Wold Farm	491113, 474434	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	44.5	48.3	51.6	54.4

Reason: This condition is imposed to protect the amenity of local residents from the adverse effects due to noise nuisance.

32. Prior to the First Export Date, a written scheme shall be submitted to and approved in writing by the Local Planning Authority setting out the protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 or C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures. Operation of the turbines shall take place in accordance with the approved protocol unless the Local Planning Authority gives its prior written consent to any variations.

    Reason: This condition is imposed in the interests of residential amenity.

33. Prior to the erection of any turbine, a scheme for providing a baseline survey and the investigation of any electro-magnetic interference to terrestrial TV caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission where such complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where impairment is determined by the qualified independent television engineer to be attributable to the wind farm development, details of the mitigation works which have been approved in writing by the Local Planning Authority shall be implemented as approved.

    Reason: In the interests of residential amenity

34. The developer shall provide written confirmation of the following details to the Ministry of Defence / CAA at least 1 month prior to the date of Commencement:

    i) final grid co-ordinates and tip height AOD of the wind turbines and anemometer mast;
    ii) proposed date of Commencement of Development;
    iii) the maximum extension height of any construction equipment.

    Within 1 month of the commissioning of the final turbine, the developer shall provide written confirmation of the following details to the MoD/CAA:

    i) date of completion of construction;
    ii) the height above ground level of the highest potential obstacle (anemometry mast or wind turbine);
    iii) the position of that structure in latitude and longitude.

    Reason: In the interests of aeronautical safety

35. No development shall commence unless and until an Air Traffic Radar Mitigation Scheme to address the impact of the wind farm upon air safety has been submitted and approved in writing by the Local Planning Authority.

    The Air Traffic Control Radar Mitigation Scheme is a scheme designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Linton-on-Ouse ("the Radar") and the air traffic control operations of the Ministry of Defence which is reliant upon the Radar. The Air Traffic Control Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the operational life of the development provided the Radar remains in operation.

    No turbines shall become operational unless and until all those measures required by the approved Air Traffic Control Radar Mitigation Scheme to be implemented prior to the operation of the turbines have been implemented and the Local Planning Authority shall confirm this in writing. The development shall thereafter be operated fully in accordance with the approved Air Traffic Radar Mitigation Scheme.

    Reason: In the interests of aeronautical safety

36. No development shall commence unless and until an Air Defence Radar Mitigation Scheme to address the impact of the wind farm upon air safety has been submitted and approved in writing by the Local Planning Authority.

    The Air Defence Radar Mitigation Scheme means a detailed scheme to mitigate the adverse impacts of the Development on the air defence radar at RAF Staxton Wold and the air surveillance and control operations of the MoD. The scheme shall set out the appropriate measures to be implemented to that end.

    No turbines shall become operational until:

    (a) the mitigation measures which the approved scheme requires to be implemented prior to the operation of any turbines have been implemented; and

(b) any performance criteria specified in the approved scheme and which the approved scheme requires to have been satisfied have been satisfied; and

(c) the implementation and satisfaction of the performance criteria have been approved by the Local Planning Authority.

The Company shall thereafter comply with all other obligations contained within the Air Defence Radar Mitigation Scheme.

Reason: In the interests of aeronautical safety

37. The Company shall install MoD-accredited 25 candela omni-directional aviation lighting OR infra-red warning lighting with an optimized flash pattern per minute of 200ms to 500ms duration at the highest practical point. The turbines will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

Reason: In the interests of aeronautical safety

38. The turbines shall be positioned on the grid co-ordinates indicated below:

Turbine	Easting	Northing	Latitude	Longitude	Elevation (metres)
1	492275	473910	54 9 9.89N	0 35 19.015W	168
2	492580	473730	54 9 3.871N	0 35 2.407W	157
3	492990	473700	54 9 2.635N	0 34 39.849W	171
4	492265	474260	54 9 21.218N	0 35 19.181W	179
5	492820	474090	54 9 15.36N	0 34 48.784W	178
6	493285	474280	54 9 21.202N	0 34 22.949W	182
7	492740	474530	54 9 29.643N	0 34 52.706W	182
8	493220	474685	54 9 34.344N	0 34 26.081W	170
9	493605	474610	54 9 31.667N	0 34 4.947W	168
10	494030	474630	54 9 32.034N	0 33 41.502W	150

Reason: This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

39. The development hereby approved shall take place in accordance with the terms of the submitted application and plans as set out below:

Drawing Number	Description
PA001	Site Location
PA002a	Site Layout
PA003	Wind Turbine
PA004	Turbine Foundation
PA005	Crane Hardstanding
PA006	Control Building Substation
PA007	Substation and Control Building Elevation
PA008	Meteorological Mast
PA009	Access Track Details
PA010	Construction Compound

PA011	Substation Compound Plan
PA012	Substation Compound Elevation

Reason: This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

Informative

1. Part of the site is located on a Source Protection Zone 3 for a public water supply. This area is particularly vulnerable to any potentially polluting activity. Two turbines are situated within this SPZ3.

2. Note to Tables 1 & 2: The geographical coordinates references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The standardised wind speed at 10 metres height within the site refers to wind speed at 10 metres height derived from those measured at hub height, calculated in accordance with the method given in the Guidance Notes.

Note to Applicant

1. The Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a discharge of a pollutant that might lead to its direct or indirect input into groundwater except under and to extent authorised by an environmental permit or an exemption as provided for in the Regulations. A discharge of 2 cubic metres or less of sewage effluent per day which satisfies the requirements in schedule 2 and 3 of the Regulations is exempt. Groundwater includes all water below the surface of the ground in the saturatiuon zone and in direct contact with the ground or subsoil.

2. The non-mains drainage discharge associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via our main website (http://www.environment-agency.gov.uk).

3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Guidance Notes for Noise Condition

4. These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm.

The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

(a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting IEC 60945:2003 "Electroacoustics – sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling and be not more than 35 metres from it. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean hub height wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and rainfall data in each successive 10-minute period by direct measurement at the permanent meteorological monitoring location approved by the local Planning Authority. The wind farm operator shall also continuously log arithmetic mean nacelle wind speed (duly corrected for the presence of the rotating blades) arithmetic mean nacelle orientation, nacelle wind direction and arithmetic mean power generated during each successive 10-minute period for each wind turbine on the site. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary. Unless otherwise agreed in writing with the Local Planning Authority, standardised 10 metre wind speed data for each 10-minute period shall be calculated from wind speeds measured at the permanent meteorological monitoring location at hub height assuming a reference roughness length of 0.05 metres and using the equation given on page 120 of ETSU-R-97.

Standardised 10 metre height wind speed data shall be correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c).

(e) Data provided to the Local Planning Authority in accordance with paragraphs (B) (C) (G) and (I) of the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (F) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (F) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

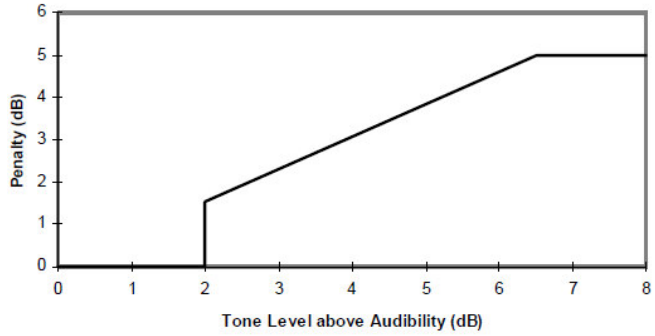
(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (F) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) If the rating level at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (D) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (D) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (F) of this condition.

ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}\right]$$

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (D) of the noise condition then no further action is necessary.

If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (D) of the noise condition then the development fails to comply with the condition.

Reason for Decision

The application accords with National and Development Plan Policy relating to the provision of renewable energy through the development of wind turbines, and it would make a valuable contribution towards meeting the national need for renewable energy as established in Government Policy.

It is considered that the proposals would not significantly diminish the intrinsic character of the local landscape beyond the immediate vicinity of the application site and the development would not have any significant harmful effects on the residential amenities of the closest properties to the area. On this basis the landscape and visual impact of the proposed development is considered to be acceptable. The proposals would also not have any significant effects on heritage assets in the vicinity of the site.

The development is in accordance with ETSU-R-97 guidelines with respect to noise and would not cause any significant effects with regards to shadow flicker. It is therefore considered that the residential amenities of neighbouring properties can be adequately safeguarded through the use of appropriate planning conditions.

The application site is well related to the main highway network and the level of traffic movements that would be associated with the proposals would not represent a significant additional load on the local highway infrastructure. The impacts of construction and de-commissioning traffic can be mitigated through the adoption of specific routing measures and the implementation of a Transport Management Plan.

The application site is not within close proximity of any designated ecology or biodiversity sites and a number of thorough assessments of protected wildlife species have been undertaken. Species protection and habitation protection and enhancement mitigation measures can be secured through planning condition.

With regards to the impact on local businesses and the tourism industry, it considered that in the absence of any conclusive evidence that the proposed development would harm tourism significantly.
The proposals are unlikely to cause any interference with navigational, radar, microwave, or UHF links.

Background Papers:

Adopted Ryedale Local Plan 2002
Regional Spatial Strategy
National Planning Policy Framework

Sober Hill appeal - APP/E2001/A/09/2101421
(http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.1804911&NAME=/2101421%20Decision%20Letter.pdf)

Fraisthorpe appeal - APP/E2001/A/12/22179233/NWF
(http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.5043118&NAME=/DECISION.pdf)

Responses from consultees and interested parties