

Copy of the Planning Permission for Bears Down Wind Farm

A copy of the planning permission for Bears Down Wind Farm, Cornwall's most powerful wind farm, is included in this section for information. The planning permission was the granted by North Cornwall District Council and the conditions cover a variety of issues, including noise, ecology and archaeology.

APPLICATION NO: 98/1286

IMPORTANT NOTICE

THIS EFFECTS YOUR PLANNING PERMISSION

Attached is your Decision Notice of approval.

Condition (s) 4, 5, 7, 20 and 21 of the approval are a condition precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met.

TOWN AND COUNTRY PLANNING ACT, 1990 TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Notice of Approval for Development

Applicant
NATIONAL WIND POWER LTD
RIVERSIDE HOUSE
MEADOWBANK
FURLONG ROAD
BOURNE END BUCKS SL8 5AJ

Agent

THE NORTH CORNWALL DISTRICT COUNCIL, being District Planning Authority
HEREBY APPROVE permission for the development proposed by you
in your application dated the 13 AUG 98 in respect of land situate at:

BEARS DOWN, ST EVAL, MADEBRIDGE.

in the Parish St Ervan - Grid Ref : SW 08970 06800

namely WIND FARM DEVELOPMENT, INCLUDING 9 X 600KW
TURBINES (MAXIMUM HEIGHT OF 57M TO BLADE TIP),
WITH ACCESS TRACKS AND ASSOCIATED CABLING

in accordance with the plan(s) submitted therewith SUBJECT to
the following condition(s):

- 1 The development hereby permitted shall be begun not later than the expiration of five years beginning with the date hereof.
- 2 The number of turbines hereby approved shall not exceed nine (9).
- 3 The blades of the wind turbine generators hereby approved shall rotate in the same direction.
- 4 Before the development hereby permitted is commenced, detailed drawings showing the layout, colour and finish of the wind turbines, the access/surfacing arrangements from the County Highway, layout of vehicular tracks and underground cable runs and construction details of the turbine bases shall be submitted to and approved in writing by the Local Planning Authority.
- 5 Before the development hereby permitted is commenced, a scheme for the storage of spoil from the construction operations, including on-site storage of material to be re-used in the restoration of the site following the erection of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The methods set out in the Environmental Statement for restoration shall be implemented as soon as the works of construction are completed, and finished within 6 months of the completion of the successful commissioning of this development.
- 6 No wind turbine shall be sited closer to any residential unit of accommodation than the agreed position shown on the approved Plans without the written consent of the Local Planning Authority.
- 7 Before the commencement of the development, full details of the sound power level (defined as LWA, ref/DB at reference wind speed 8 metres per second) and tonal assessment (according to the

Joint Nordic Assessment Method as defined in Section 2.1; pages 104 to 109 of ETSU-R-97) for the proposed wind turbines shall be submitted to and approved in writing by the Local Planning Authority.

8 At the reasonable request of the Local Planning Authority (LPA) following a complaint to the LPA relating to noise emissions from the wind turbines the owner of the wind farm shall measure at their own expense the noise emissions from the wind turbines (inclusive of existing background noise) using an LA90 index over a minimum of 20 periods each of 10 minutes duration. At least 10 of the periods of measurement shall be made at Wind Speeds between a wind speed specified by the LPA and a wind speed of not more than 2 metres per second above that specified by the LPA. At least 10 measurements shall be made at Wind Speeds between the wind speed specified by the LPA and a wind speed not less than 2 metres per second below that specified by the LPA. Measurements of noise emissions shall be made in consecutive 10-minute periods provided that they fall within the wind speed range defined in this condition.

9 The measurements under condition 8 shall be made using a sound level meter of at least type 1 quality (as defined in International Electrotechnical Commission standard 651 (1979)) incorporating a windshield with a 12.5mm diameter microphone in free-field conditions between 1.2 and 1.5 metres above ground level and at least 10 metres from any wall, hedge or reflective surface (using a fast time weighted response).

10 In relation to the properties known as Higher Denzell, Little Trewinick and Eddystone the wind turbine noise level as measured in accordance with conditions 8, 9 and 12 shall not exceed: the greater of 45dB(A) L90, 10 min or the background noise level (LA90, 10 min) plus 5dB at wind speeds not exceeding 12 metres per second.

11 Notwithstanding condition 10 above, for all other properties the wind turbine noise level as measured in accordance with conditions 6, 7 and 10, shall not exceed:

- (i) during the Night Hours:- the greater of ³42dB(A) L90, 10 min, or the Night Hours LA90 background noise level plus 5dB(A) at wind speeds not exceeding 12 metres per second;
- (ii) and at all other times:- the greater of 38dB(A) L90, 10 min or the Quiet Waking Hours LA90 background noise level plus 5dB(A) at wind speeds not exceeding 12 metres per second.

12 Noise measurements made in order to demonstrate compliance with the requirements of conditions 10 and 11 shall be correlated with Wind Speed.

13 The LA90 10 min noise level from the combined effect of the Wind Turbines (inclusive of the background noise) shall be derived using a Best Fit Curve.

14 Tonal Noise shall be measured for Audibility in accordance with the recommended method described in Section 2.1 of the Supplementary Guidance Notes to The Assessment and Rating of Noise from Wind Farms - September 1996 (Report No ETSU-R-97).

15 If Tonal Noise from the combined effect of the Wind Turbines (when measured in accordance with condition 12) exceeds the threshold of Audibility by more than 6.5dB a penalty of 5dB shall be added to the noise level derived in accordance with condition 13.

16 If Tonal Noise from the combined effect of the Wind Turbines (when measured in accordance with condition 12) exceeds the threshold of Audibility by more than 2.0dB but less than 6.5dB a penalty of ((5/5-6)⁵ x Audibility)dB shall added to the noise level derived in accordance with condition 13.

17 If measurements made in accordance with conditions 8, 9, 12 and 13 exceeds the levels of noise emissions provided in conditions 10 and 11 then in order to investigate compliance with such levels by an assessment of the contribution of background noise to the measured levels, the measurements shall be repeated by the owner of the Wind Farm when the contribution of the Background Noise Level to measured noise levels can be expected to be less than at the time of the first set of measurements.

18 If measurements made in accordance with condition 17 exceed the levels of noise emissions provided in conditions 10 and 11, or noise levels measured in accordance with conditions 8, 9, 12, 13, 14, 15 and 16 exceed the levels provided in conditions 8 and 9, then in order to investigate compliance with levels by an assessment of the contribution of background noise to the measured levels, measurement shall be made in accordance with the requirements of conditions 8, 9 and 13 (with the Wind Turbines stationary). A correction shall be applied in accordance with the recommended method in Section 2.0 of the Supplementary Guidance Notes to The Assessment and Rating of Noise from Wind Farms - September 1996 (Report No ETSU-R-97), to the measured noise levels in order to determine the contribution of background noise to the overall levels of noise measured when the Wind Turbines are in operation.

19 The owner of the Wind Farm shall supply Wind Speeds and wind direction data to the LPA at its request to enable the LPA to check compliance by the owner with conditions 7 to 18 above.

20 No development shall take place within the application site 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 to and approved in writing by the local Planning Authority.

21 At least 3 weeks prior to the commencement of any development on the site written notice shall be given to the Cornwall Archaeological Unit of the start date and access at all reasonable times shall be afforded to the Unit to observe the excavations and record items of interest and finds.

22 If any wind turbine hereby permitted fails to generate electricity supplied to the local/national grid for a continuous period of 6 months then, unless otherwise agreed in writing with the local Planning Authority, the said wind turbine and ancillary equipment shall be dismantled down to the ground level, removed from site and the land reinstated to its former condition.

for the following reason(s) :

- 1 In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of protecting the visual amenities of the locality.
- 3 In the interests of protecting the visual amenities of the

- locality.
- 4 In the interests of protecting the visual amenities of the locality.
- 5 In the interests of protecting the visual amenities of the locality.
- 6 To ensure that noise emitted by the operation of the turbines does not have a detrimental effect on the amenities of the locality, and in particular on the local residents living in the vicinity of the site.
- 7 To ensure that noise emitted by the operation of the turbines does not have a detrimental effect on the amenities of the locality, and in particular on the local residents living in the vicinity of the site.
- 8 To ensure that noise emitted by the operation of the turbines does not have a detrimental effect on the amenities of the locality, and in particular on the local residents living in the vicinity of the site.
- 9 To ensure that noise emitted by the operation of the turbines does not have a detrimental effect on the amenities of the locality, and in particular on the local residents living in the vicinity of the site.
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20 To ensure that provision is made to record finds of archaeological interest in accordance with the requirements of PPG16 Archaeology and Planning.

21 To ensure that provision is made to record finds of archaeological interest in accordance with the requirements of PPG16 Archaeology and Planning.

22 In the interests of protecting the visual amenities of the locality.

INFORMATIVE:

1 The meanings relative to conditions 7-19 of Decision Notice 98/1286 are set out in the Schedule attached hereto which forms part of the planning consent.

2 The Environmental Statement and supporting documentation forms an integral part of application 98/1286 and the L.P.A.'s subsequent determination. Therefore all matters required to be undertaken as part of the Environmental Statement and documentation submission shall be implemented in accordance with those details submitted.

CONDITIONS NOT COMPLETED WITH MAY BE SUBJECT TO LEGAL ACTION

Your ATTENTION is drawn to the enclosed NOTES.

Dated 03 MAR 00

N Redden

Authorised Officer.

THE SCHEDULE

- In this Schedule and relative to conditions 7 – 19 of Decision Notice 98/1286 unless the context otherwise requires:
 - ‘**Audibility**’ means the audibility of Tonal Noise as defined in (and to be measured in accordance with) the recommended method in Section 2.1 of the Guidance Note.
 - ‘**Background Noise Level**’ means the ambient noise level already present within the environment (in the absence of noise generated by the Development) as measured prior to the date of this Decision Notice and correlated with Wind Speed.
 - ‘**Best Fit Curve**’ means a best fit linear regression curve expressing noise levels as a function of wind speed derived from measured noise levels for data points extracted in accordance with the recommendation in Section 1.2 of the Guidance Note.
 - ‘**Critical Band Width**’ means a band with a prescribed frequency range determined in accordance with the recommendations in Section 2.1 of the Guidance Note Appendix 3.
 - ‘**dB(A)_{L₉₀,10min}**’ means the dB(A) level exceeded 90% of the time and measured over a period of 10 minutes.
 - ‘**Free-field Conditions**’ means an environment in which there are no reflective surfaces (except the ground) affecting measurements within the frequency range being measured.
 - ‘**Guidance Note**’ means the ‘Supplementary Guidance Notes to the Planning Obligation’ presented in Chapter 8 of the report ‘The Assessment and Rating of Noise from Wind Farms’, September 1996, report number ETSU-R-97.
 - ‘**Night Hours**’ means 2300-0700 hours on all days.
 - ‘**Quiet Making Hours**’ means 1800 - 2300 hours on all days plus 0700 - 1800 hours on Sundays and 1300 –1800 hours on Saturdays.
 - ‘**Tonal Noise**’ means noise containing a discrete frequency component.
 - ‘**Wind Speeds**’ means (unless the context otherwise demands) wind speeds measured at a height of 10 metres above ground level on the Site at Ordnance Survey grid reference SW897678.
 - ‘**Wind Turbine Noise Level**’ means the rated noise level due to the combined effect of all the Wind Turbines including any penalty incurred under conditions 15 or 16 of Decision Notice 98/1286 but excluding the existing background noise level.

NOTES

- (1) This decision does not relieve the applicant of the obligation to obtain any necessary building regulation or other approval of the District Council in whose area the land is situated and to comply with any general statutory provisions in force in the area.
- (2) If the applicant is aggrieved by the decision of the district planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Section 78 (1) of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from The Secretary, Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the district planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. (The Statutory requirements include sections 70 and 72 (1) of the Town and Country Planning Act 1990.
- (3) If permission to develop land is refused, or granted subject to conditions, whether by the district planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county district in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the district planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

North Cornwall District Council

3/5 Barn Lane,

Bodmin,

PL31 1LZ