

DRAFT SECTION 36 / PLANNING CONDITIONS – SECOND VERSION ISSUED TO INQUIRY

NOTE : A few proposed conditions are likely to be Section 36 Conditions. These are highlighted in turquoise. The rest are planning conditions u

NUMBER	TOPIC	SUGGESTED WORDING	Celtpower comments	PCC comr
		SECTION 36 CONDITIONS		
1	Consent duration	<p>POSSIBLE S36 CONDITION: The consent is for a period from the date of this consent until the date occurring 25 years after the Date of Final Commissioning of the Development. Written confirmation of the Date of the Final Commissioning of the Development shall be provided to the Secretary of State and the Local Planning Authority no later than one calendar month after that event.</p> <p>Reason: <i>To define the duration of the consent.</i></p>		
2	Commencement period	<p>POSSIBLE S36 CONDITION: The Commencement of the Development shall be no later than 5 years from the date of this consent, or (in substitution) such other period as the Secretary of State may hereafter direct. If Commencement of the Development does not occur by such date, then by no later than the date occurring 6 months after the end of the period, the Site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Secretary of State, following consultation with the Local Planning Authority.</p> <p>Reason: <i>To ensure the commencement of the Development is undertaken within five years</i></p>		
3	Assignment of Consent	<p>POSSIBLE S36 CONDITION: The Company shall not be permitted to assign this consent without the prior written authorisation of the Secretary of State. The Secretary of State may grant consent (with or without conditions) or refuse such authorisation as he may, in his own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure.</p> <p>Reason: <i>To safeguard the obligations of the consent if transferred to another company.</i></p>		
4	Environmental Statement compliance	<p>POSSIBLE S36 CONDITION: Subject to any minor changes which may be approved by the Local Planning Authority the Development shall be constructed and operated in accordance with the details contained in the</p>		

ministry of Defence and with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration, shall be installed on the nacelles of Turbines 1, 5, 8, 13, 15, 17, 27, 28, 32, 34, 38 and 42 as shown on Figure A4-1 of the 2013 SEI or such other turbines as the Secretary of State, having consulted the Ministry of Defence, agrees will provide equally effective illumination for air navigation purposes. The lighting shall remain operational until such time as the wind turbines are decommissioned and removed from the site.

Reason: *In the interests of aviation safety.*

DEEMED PLANNING CONSENT CONDITIONS

6

Definitions

In this consent and deemed planning permission:-

“the Application” means the Application and Environmental Statement submitted by the Company on 9 May 2008.

“the Company” means CeltPower Limited incorporated under the Companies Acts (Company number 2656561) and having its registered office at 3 Prenton Way, Prenton CH43 3EF

“Environmental Statement” or “ES” means the Environmental Statement submitted by the Company on 9 May 2008 as part of the Application as defined above;

“2011 SEI & 2013 SEI means the supplementary environmental statement submitted by the Company in December 2011 and April 2013 respectively.

“the Development” means Llandinam Wind Farm powered electricity generating station at Llandinam in the County of Powys as described in more detail in the Application, the Environmental Statement (ES) and two SEIs.

“Wind farm” means the wind farm referred to as Llandinam Wind Farm as further described as the Development.

“Site” means the area of land outlined in red on the Map attached to this consent;

“Commencement of the Development” means the date on which Development shall be taken as begun in accordance with section 56 of the Town and Country Planning Act 1990

“Construction Period” means the period from work commencing on the Development until the date 6 months after the Site compounds have been reinstated in accordance with the conditions of this

		<p>"dB(A)" refers to a Decibel noise measurement unit, with the inclusion of the A-weighting filter in the measurements as referred to in ETSU-R-97;</p> <p>"ETSU-R-97" means the ETSU Report number ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' published in September 1996;</p> <p>"LA90" means the decibel (dB) level exceeded for 90% of each sample period;</p> <p>"Wind farm noise emission level" means the rated LA90 noise level due to the combined effect of all wind turbines including any tonal penalty incurred under the methodology described in ETSU-R-97, but excluding the effect of background noise, as measured and related to Wind Speed;</p> <p>"Wind Speed" means Wind Speeds measured on the wind farm Site at the turbine hub height, and corrected to a standard height of 10m above ground level, in a manner agreed with the relevant Planning Authority;</p> <p>"Local Planning Authority" means Powys County Council;</p>		
7	Decommissioning of existing turbines	<p>Prior to the commencement of development, save for site establishment and creation of the construction compound, a scheme for decommissioning of the existing turbines and associated windfarm infrastructure will be submitted to, and approved by, the Local Planning Authority. The agreed scheme will thereafter be implemented.</p> <p>Reason : <i>To ensure that the existing turbines are removed in an agreed manner.</i></p>		
		CONSTRUCTION CONDITIONS		
8	Micro-siting	<p>[X]. The wind turbines and anemometer masts shall be erected at the coordinates given on Drawing No. 4-1AD. Subject to condition [Y], a variation of the indicated position of any of the wind turbines shall be permitted by up to 50 metres in any direction. Subject to condition [Y], a variation of the position of any tracks shall be permitted by up to 100 metres in any direction from that shown on the approved plan 4-1AD. Micrositing tolerances are shown on Drawing No. LLA-P-009 Rev A3 Sheets 1 & 2.</p> <p>Reason: To allow the developer flexibility during construction to make minor changes in the location of infrastructure to deal with difficulties such as poor ground conditions that become apparent during construction.</p> <p>[Y]. Condition [X] does not permit variation of the position of the development infrastructure</p>	<p>[related plan to follow]</p> <p>CeltPower's position is that the development as proposed has no significant effects on the environment. However, NRW have raised concerns about impact on peaty soils and related habitats at the site from development infrastructure. CeltPower and NRW have discussed</p>	

[A], the following sections of track may be realigned as shown on Drawing NO. LLA-P-009 Rev A3 Sheets 1 & 2 from the route shown in purple to the route shown in blue:

[i] Section of access track between grid references 302697,281288 and 302809,281249

[ii] Section of access track between grid references 303908,285307 and 303903,285309

[iii] Section of access track between grid references 303623,285259 and 303774,285190

Reason: To allow for minor variations such that tracks can be more efficiently aligned and can avoid peaty soils and their related habitats, or in the case of the track alignment north and south of T35, to reduce the number of water crossings.

tolerance.

These three conditions are intended to require relocation of the development infrastructure from agreed areas of peaty soils. Condition X is a standard micro-siting condition, allowing relocation of infrastructure within the assessed micro-siting tolerances. Condition Y requires relocation of infrastructure from certain excluded areas shown as such on a plan. Condition Z allows relocation of three specific short sections of track (about 300 m in total) outside the micro-siting tolerance distances.

This arrangement would preserve flexibility for CeltPower to deal with difficulties such as difficult ground conditions that become evident during construction, while protecting the areas to which NRW's concerns relate.

It is considered by CeltPower and, we understand, by NRW that the minor adjustments to track outside the assessed micro-siting limits are a non-material change to the development, and they would have no associated significant environmental

No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall be adhered to throughout the decommissioning, construction and post-construction restoration period, subject to any variations approved in writing by the Local Planning Authority. The Construction Method Statement shall include:

- (a) Details of the temporary site compounds and laydown areas including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- (b) Details of the proposed storage of materials and disposal of surplus materials;
- (c) Dust management details;
- (d) An Environmental Management & Pollution Prevention Plan (including a Drainage Management Plan and a Ground & Surface Water Management Plan to address pollution control, protection of the water environment, private water supplies, bunding of fuel storage areas, ground & surface water drainage, sewage disposal and discharge of foul drainage;
- (e) Temporary site illumination during the construction period;
- (f) Details of the phasing of construction works;
- (g) Details of surface treatments and the construction of all hard surfaces and tracks;
- (h) Details of emergency procedures and pollution response plans;
- (i) Siting and details of wheel washing facilities;
- (j) Details of cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
- (k) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
- (l) Areas on the Site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles;
- (m) Details of the measures to be taken to ensure that the visibility splays remain free of obstacles exceeding 0.6m in height throughout the construction and post construction restoration period;
- (n) Details and a timetable for post construction restoration/reinstatement of the temporary working areas, laydown areas and the construction compounds;
- (o) Details of coordination with any approved scheme of archaeological works;
- (p) Details of the design and construction of any culverts;
- (q) Details for the decommissioning and removal of the existing wind turbines on the Site;
- (r) Details of tree felling, timber removal and any replanting proposed;
- (s) Monitoring procedures to ensure compliance;
- (t) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities, to be adopted as set out in British Standard 5228 Part 1: 2009;
- (u) Details of soil and peat management.

Reason: *To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process.*

11	Cabling on Site	<p>All electrical cabling between the individual turbines and between the turbines and the electricity substation on the Site shall be installed underground.</p> <p><i>Reason: In the interests of visual amenity.</i></p>		
12	Borrow Pits – 3 conditions	<p>A]. Prior to each borrow pit being opened up, a borrow pit location plan and scheme for the reinstatement of that borrow pit and any associated tracks not used for the operation of the windfarm, together with a detailed method statement for the re-vegetation of the sides and bases of the borrow pits and their associated tracks, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed reinstatement scheme shall be implemented at the appropriate time to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: To safeguard the visual amenities of the area</i></p> <p>B] That no blasting activities shall take place on the Site until a detailed assessment of noise and vibration from borrow pit blasting has been undertaken and submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in complete accordance with the approved assessment of noise and vibration unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To ensure proper environmental control in respect of noise, dust and vibration, and to safeguard the amenities of the nearest residential properties.</i></p> <p>C] The method of borrow pit working including means of extraction, handling, storage and re-use of soil, and drainage control shall be submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure proper environmental control.</i></p>		
		TRAFFIC & HIGHWAYS CONDITIONS		
13	Traffic, Roads, Transport	<p>Management plans for abnormal indivisible loads and other construction traffic</p> <p>(1) No development shall commence, save for site establishment, creation of the construction compound, and decommissioning of the existing turbines, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP shall include:</p> <p>(a) construction vehicle routing plans other than for abnormal indivisible loads,</p> <p>(b) details of how such construction vehicle routing will be enforced, whether by denial of access to</p>		

		<p>(1) details of any replacement or re-aligned fences, walls or gates which may be required on the Site or on the highway or adjacent to it.</p> <p>(2) No turbines shall be delivered to the Site until a Traffic Management Plan for Abnormal Indivisible Loads (TMP AILs) has been submitted to and approved by the Local Planning Authority. The TMP AILs shall include:</p> <p>(a) the number, nature, scheduling, timing and routing of all construction-related vehicles to be used to transport the abnormal loads;</p> <p>(b) details of how construction vehicle routing will be enforced, whether by denial of access to the Site in the case of any vehicle that fails to comply with the routeing requirements, the use of escort vehicles or however;</p> <p>(c) all items (c) to (i) that are required in respect of other construction traffic by part (1) of this condition; and</p> <p>(d) evidence of trial runs demonstrating the suitability of the route from point of entry onto the highway network to the Site for all abnormal indivisible loads.</p> <p>(3) If any turbine erected under this consent requires to be removed or replaced, a revised CTMP and TMP AILs dealing with that removal or replacement shall be submitted to and approved by the Local Planning Authority before work is commenced on such removal or replacement.</p> <p><i>Reason : To ensure the safety of the highways affected.</i></p>		
14	Access details	<p>No development shall commence until details of the works at (i) the junction of the Application Site with the A483 and (ii) the public highway within the Application Site have been submitted to and approved in writing by the Local Planning Authority. The construction of the new access shall thereafter be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory means of access is provided in the interests of highway safety.</i></p>		
		APPEARANCE CONDITIONS		
15	Turbine details – type, power, colour, material	<p>That no development in respect of this consent shall take place unless the details of the proposed turbines (including size, type, external finish / colour, rated capacity, sound power levels), the wind monitoring masts and all associated apparatus have been submitted to and approved in writing by the Local Planning Authority. The development hereby granted consent shall not be brought into use unless it has been implemented in accordance with the agreed details as approved or subsequently varied with the consent of the Local Planning Authority.</p> <p><i>Reason: To ensure satisfactory appearance</i></p>		
16	Substation	Prior to the commencement of the construction of the electricity substation, details of the		

17	Blades – turning direction	<p>The wind turbine blades on all the turbines hereby granted consent shall rotate in the same direction.</p> <p><u>Reason: To safeguard the visual amenities of the area</u></p>		
18	Logos	<p>No symbols, signs, logos or other lettering (other than those required for health and safety reasons or as already detailed in the Environmental Statement or SEIs shall be displayed on the turbines, other buildings or structures within the Site without a grant of express advertisement consent from the Local Planning Authority.</p> <p><u>Reason : To protect visual amenity.</u></p>		
		<p>ECOLOGY & ORNITHOLOGY CONDITIONS</p>		
19	Ecology	<p>Prior to the commencement of development a scheme for protected species surveys shall be submitted to and approved in writing by the Local Planning Authority. The survey results and a programme of any mitigation required as a consequence shall be submitted to and approved in writing by the Local Planning Authority prior to any works associated with the development taking place. The surveys shall be undertaken by a suitably qualified ecologist in the last suitable season prior to site preparation and construction work commencing, and the programme of mitigation work shall be implemented as approved for the duration of construction activities.</p> <p><u>Reason: In the interests of nature conservation.</u></p>		
20	Habitat Management & Enhancement	<p>No development shall commence until a habitat management plan has been submitted to and approved by the Local Planning Authority.</p> <p>The habitat management plan shall incorporate the proposals set out in the Environmental Statement, the 2011 SEI and the 2013 SEI, and the draft proposals dated 25 July 2013.</p> <p>The habitat management plan shall include measures to</p> <ol style="list-style-type: none"> 1. enhance the valley mire habitat, 2. enhance the habitat for brown hares, 3. enhance the habitat for viviparous lizard, 4. enhance the habitat for breeding curlews. <p>The habitat management plan shall be implemented as approved unless amended with the prior approval of the Local Planning Authority.</p> <p><u>Reason: In the interests of safeguarding or enhancing the relevant habitats and conditions for associated species.</u></p>		

		<ul style="list-style-type: none"> • monitoring compliance with the ecological mitigation works that have been approved in this consent. • Advising the Company on adequate protection of nature conservation interests on the Site • Directing the micro-siting and placement of turbines and tracks. • Monitoring the compliance with environmental management measures in all methods statements. • Providing advice to contractors about legally protected species. <p><u>Reason:</u> <i>In the interests of protecting the ecological and ornithological environment.</i></p>		
22	Ornithology 1	<p>No development shall commence until a Breeding Bird Protection Plan has been submitted to and approved by the Local Planning Authority. The Plan shall incorporate the proposals on scope set out in the 2013 SEI and, for curlews, the draft Breeding Bird Protection Plan for this species, dated 04 August 2013, and shall detail measures to protect breeding birds and discourage birds from breeding on those areas of the Development Site to be worked on during the relevant breeding season. The Breeding Bird Protection Plan shall be implemented as approved unless amended with the prior approval of the Local Planning Authority.</p> <p><u>Reason:</u> <i>To protect breeding birds during windfarm construction.</i></p>		
23	Ornithology 2	<p>No development shall commence until a post-construction monitoring programme has been submitted to and approved by the Local Planning Authority. The programme shall monitor selected bird species and bats. The monitoring programme shall incorporate the proposals on scope and frequency set out in the draft Habitat Management Plan dated 25 July 2013 and shall report as agreed to the Local Planning Authority and other parties as deemed appropriate by the Local Planning Authority. The Post-Construction Monitoring Programme shall be implemented as approved unless amended with the prior approval of the Local Planning Authority.</p> <p><u>Reason:</u> <i>To ensure the promotion of nature conservation interests.</i></p>		
		ARCHAEOLOGY CONDITION		
24	Archaeology / Cultural	No development shall commence until the Company has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which		

		<p>Sunday or public holiday. Outwith these hours, works at the site shall be limited to emergency works, erection of turbines, dust suppression, and the testing/maintenance of plant and equipment, or construction work that is not audible from any noise sensitive property outwith the Site, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority shall be informed in writing of emergency works within three working days of occurrence.</p> <p>Reason: <i>To protect the amenity of the area.</i></p>	
26	Noise - Operational	<p>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 (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the table attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:</p> <p>a) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company 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.</p> <p>b) No electricity shall be exported until the Company has submitted 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.</p> <p>c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a 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 and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.</p>	

range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. 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 written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

- e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the Company 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 Table 1, having regard to Table 2, and 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 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.
- f) The Company 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 for compliance measurements to be made under paragraph (c), 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) of the Guidance Notes. 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.
- g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in

	1	2	3	4	5	6	7	8	9	10	11	12
Cwm Diffwys	35. 0	35. 0	35. 0	35. 0	36. 5	38. 0						
Pantydwr	35. 0	35. 0	35. 0	35. 0	36. 0	37. 0						
Cwm Feinon	35. 0	35. 0	35. 0	35. 0	37. 0	39. 0						
Waen Cwm Yr Ynys	35. 0	35. 0	35. 0	35. 0	38. 0	39. 5						
Waenllwydion	35. 0											
Wainhir	35. 0	35. 0	35. 0	35. 0	36. 0	37. 0						
Bryn Llyndwr	35. 0	35. 0	35. 0	35. 0	36. 0	36. 5	37. 0	37. 5	37. 5	37. 5	37. 5	37. 5
Paby Llwyd 1	35. 0	35. 0	35. 0	35. 0	37. 0	39. 0						
Paby Llwyd 2	35. 0	35. 0	35. 0	35. 0	37. 0	38. 0	39. 0	39. 0	39. 0	39. 0	39. 0	39. 0
Paby Llwyd 3	35. 0	35. 0	35. 0	35. 0	36. 0	36. 0	37. 0	39. 0	39. 0	39. 0	39. 0	39. 0
Paby Llwyd 4	35. 0	35. 0	35. 0	35. 0	35. 0	35. 0	36. 0	37. 0	37. 0	37. 0	37. 0	37. 0

Fell-y-tan	30019	282220	Pantydwr
Pantydwr	30038	282065	Pantydwr
Pen-y-banc	30072	282740	Pantydwr
Craig	30077	282459	Pantydwr
Cwm farm	30095	282570	Pantydwr
Ty'n-y-pwll	30078	283285	Pantydwr
Rhiwysqyfarnog	30116	283099	Pantydwr
Glyn Ferrion	30146	283746	Pantydwr
Gwern-y-giafran	30125	284336	Pantydwr
Bryn Coch	30106	283695	Pantydwr
Foel Fawr	30183	284360	Cwm Feinon
Foel Fach	30154	284471	Pantydwr
Cwm Feinon	30198	284682	Cwm Feinon
Glyn Fach	30150	284752	Pantydwr
Waen Cwm Yr	30250	285224	Waen Cwm Yr Ynys
Coed-y-Gaer	30096	285007	Waenllwydion
Cwmffrwd	30415	287611	Waenllwydion
Waenllwydion	30377	287263	Waenllwydion
Wainhir	30529	286650	Wainhir
Ty'n-y-celyn	30527	286985	Wainhir
Pentre	30648	286038	Wainhir
Dugwm Farm	30561	285068	Waen Cwm Yr Ynys
Gwrhyd	30648	285167	Bryn Llyndwr
Bryn Picca	30676	284176	Wainhir
Bryn Llyndwr	30595	283300	Bryn Llyndwr
Paby Llwyd 1	30532	282553	Paby Llwyd 1
Paby Llwyd 2	30503	282383	Paby Llwyd 2
Paby Llwyd 3	30480	281859	Paby Llwyd 3
Paby Llwyd 4	30477	281328	Paby Llwyd 4

Note to Table 2: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Note:

For the purposes of this condition, a “dwelling” is a building within Use Class C3 & C4 of the Town and Country Planning (Use Classes) Order 1987 which lawfully exists or had planning permission at the date of this consent.

Reason: To protect the amenity of the area.

Guidance Notes for Noise Conditions

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 Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with

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 in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). 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 should 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. Measurements should be made in "free field" conditions. To achieve this, the microphone should 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 Company 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 and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of

measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,10 \text{ minute}}$ noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean 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) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

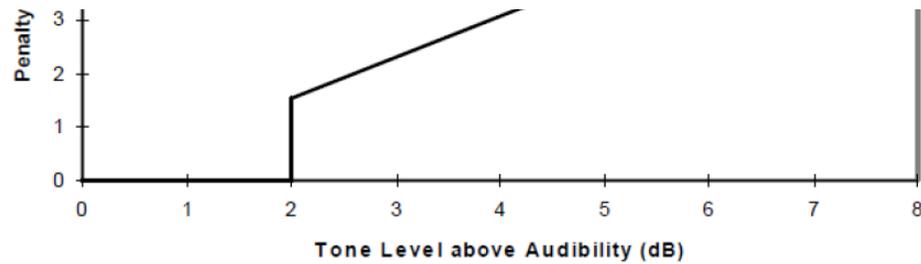
(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied 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 Guidance 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, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below 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 used.

(e) A least squares “best fit” linear regression line 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 at each integer wind speed. 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



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance 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 Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) 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 Guidance Note 2.

(c) 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 (e) 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 Company 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:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$\left[L_2 / L_3 \right]$$

		<p>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 (e) 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 (e) of the noise condition then the development fails to comply with the conditions.</p>		
27	Aviation	<p>Prior to the erection of the first turbine, written confirmation shall be provided to the Local Planning Authority and the Ministry of Defence of the anticipated date of completion of construction; the height above ground level of the highest structure in the Development and the position of each wind turbine in latitude and longitude.</p> <p><i>Reason: In the interests of aviation safeguarding.</i></p>		
		DECOMMISSIONING CONDITION		
28	Decommissioning after 25 year operational life	<p>Not later than 24 months before the expiry of this consent, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbines and associated above ground works approved under this permission and for the removal of the turbine foundations to a depth of at least 1 metre below the ground. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, location of material laydown areas, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats and details of site restoration measures. The approved scheme shall be fully implemented within 18 months of the expiry of this consent.</p> <p><i>Reason: To ensure that the development is decommissioned and the site restored at the end of the consent.</i></p>		
		CONDITIONS ON OTHER MATTERS		

30	Turbine failure & removal	<p>If any wind turbine generator hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the Local Planning Authority, 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, removal or replacement of that turbine. The scheme shall include either a programme of remedial works where repairs to the relevant turbine are required, or a programme for removal of the relevant turbine and associated above ground works approved under this permission and the removal of the turbine foundation to a depth of at least 1 metre below ground and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.</p> <p><u>Reason:</u> <i>To ensure appropriate provision is made for a turbine or turbines requiring repair or for a turbine or turbines which require decommissioning.</i></p>		
31	TV reception	<p>Prior to the First Export Date a scheme providing for a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television 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 lawfully occupied Dwelling, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the Date of Final Commissioning. Where impairment is determined by the qualified television engineer to be attributable to the wind farm, mitigation works shall be carried out in accordance with the scheme which has been approved in writing by the Local Planning Authority.</p> <p><u>Reason:</u> <i>In the interests of amenity for nearby residents.</i></p>		