

DEPARTMENT OF BUSINESS, ENTERPRISE AND REGULATORY REFORM
CONSTRUCTION AND OPERATION OF A GENERATING STATION AT MIDDLEMOOR, NORTH
CHARLTON, ALNWICK, NORTHUMBERLAND

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989

1. Pursuant to section 36 of the Electricity Act 1989 the Secretary of State for Business, Enterprise and Regulatory Reform ("the Secretary of State") hereby consents to the construction by NPower Renewables Limited (the Company), on the area of land delineated by a solid red line on Figure – 1.2, annexed hereto and duly endorsed on behalf of the Secretary of State, of a wind turbine generating station at Middlemoor, North Charlton, Alnwick, Northumberland ("the Development"), and to the operation of that generating station.
2. The Development shall be of up to 75 MW capacity and comprise:
 - (a) up to 18 wind turbine generators with a capacity of 3MW or more, each with a height no greater than 125 metres from the ground to blade tip;
 - (b) two anemometry masts, each not exceeding 80 metres in height;
 - (c) an electricity substation building and underground electrical cabling connections;
 - (d) maintenance tracks for access to the wind turbines; and
 - (e) associated plant, buildings and civil engineering works.
3. This consent is granted subject to the following conditions:
 - (1) The Development shall be constructed and operated in accordance with the details contained in the Application dated 7 December 2005, the accompanying Environmental Statement, and further information submitted in September 2006.
 - (2) No development under this consent shall take place without the prior written confirmation of the Secretary of State that he is satisfied that adverse impacts of the development upon the air defence radar at RAF Brizlee Wood can be overcome or are acceptable. No turbine shall operate until a system of control, necessary in the interests of national security, has been submitted to and agreed in writing by the Secretary of State.
 - (3) The commencement of the Development shall not be later than five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing.

**DIRECTION TO DEEM PLANNING PERMISSION TO BE GRANTED UNDER SECTION 90 TOWN
AND COUNTRY PLANNING ACT 1990**

4. The Secretary of State in exercise of the powers conferred on him by section 90(2) of the Town and Country Planning Act 1990 hereby directs that planning permission for the Development be deemed to be granted subject to the following conditions, the reasons for which are given in the Public Inquiry Inspector's Report of 16 April 2007 and the decision letter from the Secretary of State relating to this application dated 7 August 2008:

Definitions

In this permission and Conditions, unless the context otherwise requires:

"development begins" means the date when a material operation as defined in Section 56 of the Town and Country Planning Act 1990, excluding any operations relating to soil and ground investigations, investigations or works in respect of land contamination, archaeological investigations, site clearance, diversion of services and/or the erection of temporary fencing, hoardings or site compound buildings, is first carried out.

"Environmental Statement" means the Environmental Statement which accompanied the application for the Development

"commissioning" means the date on which the first wind turbine generator forming part of the Development first supplies electricity on a commercial basis

"the local planning authority" means Alnwick District Council

"emergency" means the circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment

Time limit for commencement and operation of the wind farm:

- 1) The Development hereby permitted shall be commenced within five years of the date of this permission.
- 2) This permission is for a period of 25 years from the date the Development is first connected to the electricity grid, such date to be notified to the local planning authority not later than one month after the making of such connection.

Prior to Construction:

- 3) Before development begins, a construction method statement shall be submitted to and approved in writing by the local planning authority and thereafter the construction of the Development shall only be carried out in accordance with the approved statement. The construction method statement shall include measures to secure:
 - (a) Details of the site compound and temporary structures including parking and storage provision to be used in connection with the construction of the

development together with reinstatement provision on completion of construction.

- (b) The excavation use and restoration of the borrow pits.
- (c) Dust management.
- (d) A settlement facility for removing suspended solids from surface water run-off during construction works.
- (e) Cleaning of site entrances and the adjacent public highway.
- (f) Pollution control in respect of:
 - water courses and groundwater
 - subsoil
 - bunding of fuel storage areas
 - sewage
- (g) Temporary site illumination.
- (h) Details of the methods to be adopted to reduce the effects of noise occurring during the construction period to acceptable levels and in accordance with BS5228.
- (i) Disposal of surplus materials.

Mitigation of Environmental effects:

- 4) The hours of operation of the construction phase of the Development and any traffic movements to or from the site associated with the construction of the Development hereby permitted shall be limited to 0730 hours to 1800 hours on weekdays and 0730 hours to 1300 hours on Saturdays and no work or associated traffic movements shall take place on Sundays or Bank Holidays unless otherwise previously agreed in writing by the local planning authority except that emergency works may be carried out at any time provided that the Company/Operator retrospectively notifies the local planning authority of the emergency works within 24 hours.
- 5) All works of breaking up, opening, or boring under any land and all works of erection, construction, engineering construction or demolition, associated with the construction, commissioning or decommissioning of the Development shall be subject to an application for prior consent within the meaning of section 61 of the Control of Pollution Act 1974.
- 6) The blades of the wind turbines shall all rotate in the same direction.
- 7) Before the erection of the wind turbines details of the colour and finish of the towers, nacelles and blades shall be submitted to and approved in writing by the local planning authority. The Development shall be carried out in accordance with the approved details and the colour finishes of the wind turbines shall not be changed without the consent in writing of the local planning authority.
- 8) No part of any structure shall carry an advertisement, lettering or logo, other than those required for health and safety reasons.
- 9) Before construction of the substation building is begun, full details of the design and all external materials of the building shall be submitted to and approved in writing by the local

planning authority. The Development shall be carried out in full accordance with the approved details unless otherwise agreed in writing with the local planning authority.

- 10) No construction work shall take place on the route of, or immediately adjacent to, a public right of way until a scheme to ensure the safety of users of the right of way (by appropriate signage, temporary diversion or temporary closure) has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved details unless otherwise agreed in writing with the local planning authority.
- 11) No development shall begin until details of a scheme designed to protect wildlife and fauna during the construction period (as outlined in table 9.5 of the Environmental Statement) has been submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in full as approved unless otherwise agreed in writing with the local planning authority.
- 12) No development shall begin until a habitat management scheme including hedgerow enhancement and re-instatement within the site, complete with a programme of implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall follow the details set out in CD158 submitted to the Inquiry. The approved scheme shall be implemented in full as agreed unless the local planning authority gives its written consent to any variation.
- 13) All electrical cabling between the individual turbines and the on site connection building on the application site shall be installed underground. No electricity produced by the Development shall be supplied for public consumption until all electrical cabling between the on site connection building and the connection to the electricity grid at Denwick has been installed underground.
- 14) Before development begins, a layout, based on the submitted plans forming part of the application, showing the location of the access tracks and turbines to within 5 metres of the installed position, shall be submitted to and approved in writing by the local planning authority. The Development shall be carried out in full in accordance with the approved layout unless the local planning authority gives its written consent to any variation.

Highways:

- 15) Prior to the delivery of any turbine components, a scheme detailing site access/delivery arrangements (as outlined in the Highways Agency's consultation response to the application, dated 6 September 2006) shall be submitted to and approved in writing by the local planning authority. It shall show:
 - (a) Detailed drawings of the proposed new access road and junction with the A1(T).
 - (b) The detailed traffic management plan to be employed at the A1(T)/C47 North Charlton junction.
 - (c) A scheme detailing the delivery route of the turbine components and other components and materials.

The access/delivery arrangements shall be carried out in full accordance with the approved scheme unless otherwise agreed in writing with the local planning authority.

Decommissioning:

- 16) Not later than 12 months before the expiry of the 25 year period of planning permission, a scheme for the restoration of the site including the dismantling and removal of all elements above ground level and the removal of turbine bases to a depth of 1 metre, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out and completed within 12 months of the expiry of the planning permission hereby granted.
- 17) If any wind turbine generator hereby permitted ceases to operate for a continuous period of 12 months then, unless otherwise agreed in writing by the local planning authority, a scheme for the decommissioning and removal of the wind turbine generator and any ancillary equipment and structures relating to the generator, shall be submitted to and approved in writing by the local planning authority within 2 months of the cessation period. The scheme shall be implemented in full within 6 months of the date of its approval by the local planning authority.

Noise:

- 18) The Company/Operator shall nominate a representative to act as a point of contact for local residents. This representative shall have responsibility for dealing with any noise complaints made during construction, operation, and decommissioning of the Wind Farm and for liaison with the local Environmental Health Unit. The nominated representative's contact details shall be submitted to and approved in writing by the local planning authority, before any development begins.
- 19) Noise emissions from the operation of the Wind Farm shall be controlled in accordance with the Middlemoor Wind Farm Operational Noise Management Scheme, prepared by Hoare Lea Acoustics and dated November 2007 (CD174 submitted to the Inquiry).
- 20) The Company/Operator shall submit a noise monitoring programme to cover the operation of the Wind Farm to verify that the noise criteria in the Middlemoor Wind Farm Operational Noise Management Scheme are being met. The programme shall specify the locations from which noise will be measured, the frequency of monitoring, the equipment details, and the sampling techniques and methodology. The results of any monitoring carried out in accordance with the programme shall be made available to the local planning authority immediately after its completion. Should the results indicate that further monitoring or a revision of the programme is required, the Applicant/Operator shall undertake to carry this out. The required noise monitoring programme details shall be submitted to and approved in writing by the local planning authority before any development begins, and shall be carried on in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Archaeology:

- 21) No development shall take place until a scheme of archaeological investigation and subsequent programme of work has been submitted to and approved in writing by the local planning authority. The approved scheme and programme shall thereafter be implemented in full unless otherwise agreed in writing with the local planning authority.

Electromagnetic Interference:

- 22) No development shall take place until an investigation of the present TV signal strength in the area to the east and south east of the Development, as far as and including Alnmouth, has been conducted and the information supplied to the local planning authority, together with recommendations for any works advised by a suitably qualified engineer to be reasonably necessary to mitigate any predicted significant adverse effects of the Development on the reception of TV in this area. These works, or equivalent or alternative works as agreed by the local planning authority, shall be implemented prior to the erection of any of the wind turbines comprising this Development.
- 23) In the event of a formal written complaint being received by the local planning authority within 12 months of the erection of the first wind turbine alleging adverse effects due to the Development on TV reception at a dwelling existing at the time of this permission, a suitably qualified engineer shall be commissioned by the Company/Operator to investigate the complaint and the report shall be submitted to the local planning authority. If the report concludes that there are significant adverse effects caused by the operation of the Development, the applicant shall implement such measures as are reasonably necessary to correct or compensate for the adverse effects.

Date: 7 August 2008

Richard Mellish
Director
Development Consents and Planning Reform
Department for Business, Enterprise and
Regulatory Reform