

## **9. Additional Conditions**

This DTOG report has shown beyond all reasonable doubt that the adverse impacts of this proposed wind farm at Dunslund Cross far outweigh any benefit it may convey. It is inconceivable that planning permission could be granted for this application, given the evidence presented in this report, not least of which is the large number of planning policies with which this application is in conflict. However, as a precautionary measure this chapter lists Conditions which would need to be attached to any consent notice published for this application. These Conditions would be in addition to Standard Wind Farm Conditions, the Noise Conditions specified in Chapter 4d and the ratified Ecological Management Plan which the applicant would be mandated to operate in respect of faunal and floral conservation.

Ten additional Conditions are required:

- 9.1 The Turbine Specification Condition
- 9.2 The Micrositing Condition
- 9.3 The Turbine Minimum Power Condition
- 9.4 The Turbine Lighting Condition
- 9.5 The Infrastructure Lighting Condition
- 9.6 The Turbine Manufacturer's Logo Condition
- 9.7 The Turbine Ice-Sensors Condition
- 9.8 The Shadow Flicker Condition
- 9.9 The TV Reception Condition
- 9.10 The Preservation of Trees and Hedgerows Condition
- 9.11 The Ecological Management Plan (EMP) Committee Condition
- 9.12 The Arable (Cereal) Crop Condition
- 9.13 The Barn Owl Trust Condition (Modified)
- 9.14 The Bond or Lien Condition

### **9.1 The Turbine Specification Condition**

*No development approved by this permission shall commence until full details of the turbines including their make, model, design, colour, hub height, manufacturer/operator's logos, blade measurements, ice-sensors, power rating, sound power levels and external lighting have been submitted to and approved in writing by the local planning authority.*

*Reason: In the interest of landscape and visual amenity, to ensure noise limits will be met and to ensure compliance with the Conditions set out in 9.3, 9.4 9.6 and 9.7 below.*

### **9.2 The Micrositing Condition**

*Each turbine shall be erected in the position indicated on the approved plans. Any variation of the indicated position of any turbine on the approved plans shall only be permitted following prior written approval by the Local Planning Authority, which may require the submission of new visual and noise assessments before approval is given.*

*Reason: To control the final location of turbines in view of minimising visual and landscape impacts and to ensure noise limits will not be breached by the turbines in their new locations.*

### 9.3 The Turbine Minimum Power Condition

*The rated power of each of the final turbines shall not be below 2.3MW.*

*Reason: To ensure the applicant's stated benefits of the proposal can be achieved.*

*N.B. At the Darracott Moor Wind Farm in Torridge District, permission was granted on Appeal for 3 x 1.3MW turbines but the turbines ultimately installed were only 3 x 850kW, so the benefits which weighed in favour of the proposal which tilted the balancing exercise towards the granting of planning permission can never be realised by these turbines alone.*

### 9.4 The Turbine Lighting Condition

*All external lighting mounted on the turbines or the permanent fixed lattice anemometer shall emit radiation only from the infra red part of the spectrum. No light emissions from the visible spectrum will be permitted.*

*Reason: To prevent visible light pollution in the dark skies in the area.*

### 9.5 The Infrastructure Lighting Condition

*No external lighting shall be permitted on any sub-station, control building, access track or crane pad.*

*Reason: To prevent visible light pollution in the dark skies in the area.*

### 9.6 The Turbine Manufacturer's Logo Condition

*No manufacturer's logo or any other writing shall be permitted on the turbines.*

*Reason: To minimise adverse visual impact.*

### 9.7 The Turbine Ice-Sensors Condition

*Prior to the initial operation of the turbines, written confirmation proving that active, ice-sensing equipment has been incorporated in all of the blades in all of the turbines shall be required by the Local Planning Authority.*

*Reason: To protect users of the A3079 and the Ruby Way adjacent to the site.*

### 9.8 The Shadow Flicker Condition

*The operation of the turbines shall take place in accordance with an approved shadow flicker mitigation protocol to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.*

*Reason: To protect the amenities of adjacent residents by reducing and mitigating the impact of shadow flicker.*

### **9.9 The TV Reception Condition**

*Prior to the commencement of development, a baseline television reception study in the surrounding area shall be undertaken by a qualified television engineer and submitted to the Local Planning Authority. Details of works necessary to mitigate any adverse effects to domestic television signals in the surrounding area caused by the development shall also be submitted to and approved in writing by the Local Planning Authority, along with a mitigation scheme for responding to any subsequent complaints. Any claim by any person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind farm, shall be investigated by a qualified television engineer and the results submitted to the Local Planning Authority. Should any impairment to the television reception be determined by the qualified engineer as attributable to the wind farm on the basis of the baseline reception study, such impairment shall be mitigated within 3 months of this determination according to the mitigation scheme outlined.*

*Reason: To protect the amenities of the adjacent residents in the 249 homes which, as predicted by the online BBC Windfarms tool, will be adversely affected by this wind farm if consented.*

### **9.10 The Preservation of Trees and Hedgerows Condition**

*Prior to the commencement of the development, details shall be provided to the Local Planning Authority of the legal agreements drawn up between the landowner and all other landowners with holdings around the site preventing the cutting down of trees or the laying of hedgerows which afford screening between the site and nearby properties. Such agreements are to remain in force until the wind farm is fully decommissioned and the site returned to its original condition.*

*Reason: To protect the visual amenity of nearby residents.*

### **9.11 The Ecological Management Plan (EMP) Committee Condition**

*The EMP Committee shall include one representative from Bradford & Cookbury Parish Council and one representative from The Brandis Corner Wildlife Group. The Ecological Clerk of Works will be appointed by Torrington District Council.*

*Reason: To increase the representation of local stakeholders with responsibility for Whiteleigh Meadow SSSI and interest in the Brandis Corner County Wildlife Site.*

### **9.12 The Arable (Cereal) Crop Condition**

*No turbine shall commence exporting electricity to the grid before cereal crops have been successfully grown for two successive seasons in the area beneath the turbine. A written report shall be submitted to the Local Planning Authority proving that the crop yields have been viable and that bat surveys have shown a quantifiable shift in bat foraging habit from the central areas of the site to the margins.*

*Reason: To prove that Ecological Management Plan mitigation will work.*

### 9.13 The Barn Owl Trust Condition (Modified)

*A 2m high, 50mm chain-link fence shall be erected to enclose a 150m diameter area around each turbine base for a period of not less than 12 months from the commencement of operation of the turbines. Weekly searches for Barn Owl, bat and other carcasses shall be undertaken in this time, after which bat surveys can resume in accordance with the programme set by the Ecological Management Plan (EMP). The number of carcasses found (by species) shall be reported by the EMP Committee in its first annual report.*

*Reason: To prevent the removal from the site of carcasses by ground scavenging animals (mainly foxes).*

### 9.14 The Bond or Lien Condition

*Prior to the commencement of development, details shall be provided to the Local Planning Authority of the bond or other financial provision to be put in place to cover all decommissioning and site restoration costs on the expiry of this consent. No work shall commence on the site until documentary evidence that the proposed bond or other financial provision is in place has been provided and written confirmation has been given by the Local Planning Authority that the proposed bond or other financial provision is satisfactory. The applicant, or their agent or successors in title shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent and the bond or other financial provision will be subject to a five yearly review from the commencement of the development, to be conducted by a competent independent professional who has relevant experience within the wind energy sector and provided to the applicant, or their agent or successors in title, the landowners and the Local Planning Authority. In the eventuality that the applicant, or their agent or successors in title cease trading, liability for all decommissioning and site restoration shall transfer automatically to the landowner.*

*Reason: To ensure that there are sufficient funds available to ensure the full restoration of the site.*