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f.a.o: Clare Wilson

7 August 2008

Dear Sirs

ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE GENERATING STATION AT MIDDLEMOOR, NORTH CHARLTON, ALNWICK, NORTHUMBERLAND

I. THE APPLICATION

1.1 I am directed by the Secretary of State for Business, Enterprise and Regulatory Reform ("the Secretary of State") to refer to the application dated 7 December 2005 by NPower Renewables Limited, ("NRL") for the consent under section 36 of the Electricity Act 1989 ("section 36 consent") to construct and operate a wind turbine generating station of up to 75 MW at Middlemoor, North Charlton, Alnwick, Northumberland ("the Development"), and for a direction under section 90(2) of the Town and Country Planning Act 1990 ("section 90 direction") that planning permission for the Development be deemed to be granted.

1.2 The application falls within the scope of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000. An Environmental Statement (ES) was submitted with the application. The ES was supplemented by additional information in the form of Post-Submission Ornithological Report and an Archaeological Evaluation in September 2006.

II. PUBLIC INQUIRY

2.1 Following objections from the relevant planning authority, Alnwick District Council, to the
Application, the Secretary of State was obliged to cause a public inquiry to be held under Schedule 8 to the Electricity Act 1989 into the Application.

2.2 On 6 August 2007 the Secretary of State appointed Mr Alan Novitzky BArch MA(RCA) PhD RIBA ("the Inspector"), to preside over the public inquiry. The public inquiry was governed by the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) Rules 2007, ("the Inquiries Procedure Rules").

2.4 The public inquiry was held at Northumberland Hall, Alnwick between 13 November 2007 and 3 December 2007. The Inspector submitted his Report of the public inquiry to the Secretary of State on 16 April 2008.

2.5 The Inspector concluded, amongst other things, the following:

"502. Although a windfarm landscape would be created at close quarters, the proposed Middlemoor Wind Farm would not materially harm the simple, large scale, open, nature of the landscape. However, in addition to views very local to the site, views from the middle distance, westwards and northwards, particularly from Cateran Hill, Ros Castle and Above Hulne Park, would be harmed. Here the skyline would be broken, attention diverted from the horizon, and the scale and vertical emphasis of the turbines, seen primarily as individual elements rather than a cohesive group, would conflict with the predominantly open, horizontal character of the landscape.

503. Echoing the visual impact of the Wind Farm, harm would also occur to the settings of particular cultural features. These would be Ros Castle, where the potential for imagining the strategic relationship with its surroundings would be diminished, and Hulne Park, where the focus of the designed landscape would be disrupted.

504. The renewable energy policy background to the proposal is so strong, and the potential benefits so great, that the harm identified to visual aspects and settings should not prevent the proposal from proceeding. The cumulative effect of the Middlemoor Wind Farm, were the Wandylaw scheme already in place, would be to increase the harm arising in both these spheres compared to that arising from the Middlemoor development on its own. Nevertheless, I consider it still insufficient to halt the proposal, although serious consideration should be given to regrouping the two schemes' array of turbines into clearly separated blocks, to lessen the impact.

505. The MoD brought a fundamental objection to the Inquiry, bearing on matters of national security. The objection is different in nature and magnitude to its earlier objections. However, it must be seen against the pressing need for onshore wind energy. I see no real difficulty in imposing a condition preventing implementation of a consent until the objection is resolved. It is at least possible that a technical solution could be found during the currency of the consent. Moreover, there would be few, if any, adverse implications for policy objectives if the consent were to lapse without the condition being satisfied."
506. No material harm is likely to arise, incapable of effective control through conditions, from other matters, including noise, nature conservation issues, construction traffic, rights of way and bridle paths, tourism and local industries. I have considered the effect of the proposal on tranquillity. However, noise would not be a concern, and any remaining aspects are captured under the analysis of landscape and visual considerations. Furthermore, no difficulty exists in terms of justification for choice of the site.

507. The aims of the development plan and national policy guidance pull in opposite directions, reflecting the very pressing need for sources of renewable energy on the one hand and harm to visual and cultural aspects resulting from the proposal on the other. On balance, I find that the proposal would accord with the development plan and national policy guidance.

508. Overall, I consider that the proposal is acceptable and recommend approval, subject to conditions mitigating harm which might arise.”

2.6 The Inspector recommended that:

“514. The application be allowed subject to conditions.”

III. CONSIDERATION OF THE INSPECTOR’S CONDITIONS OF THE SECTION 36 CONSENT

Section 36 conditions

3.1 The Secretary of State in light of all the information has considered the section 36 conditions recommended by the Inspector carefully. In particular he has considered the Inspector’s conclusions on the issue of the effects of the Development on Brizlee Wood Air Defence Radar (ADR). He notes that the evidence indicates that the Development would cause “clutter, obscuration and shadow” [449]. The Ministry of Defence (MoD) also predict a “dead” zone of nil response behind the Development although the Inspector concludes that the “critical distance between the ADR facility and the wind farm, below which a dead zone would be expected, is far from clear” [450].

3.2 The Inspector notes that the applicant has suggested a possible Grampian condition in respect of ADR impacts. He is not convinced that a solution to the problems identified by the MoD cannot be achieved during the currency of a planning permission [452]. When considering whether a Grampian condition might be workable, he finds “few, if any adverse implications for policy objectives if planning permission were to lapse without the condition being satisfied” [453]. Significantly he concludes that an unimplemented permission would not blight the prospects of the residents of North and South Charlton because the effect of the wind farm on them would not be “significantly harmful” [453].

3.3 The Inspector considers three criticisms made by the MoD in respect of the use of a condition in respect of impacts on ADR. Firstly he does not accept that the Secretary of State is adequately qualified to make a decision under any condition given that he may seek expert advice [456]. Secondly he rejects the MoD criticism that a condition would only require a
decision maker to take into account considerations in relation to air defence. The condition as worded would require that the decision maker must be satisfied as to the acceptability of the impact of the Development on Brizlee Wood ADR [457]. Thirdly the MoD argues that the condition confines its consideration to the pre-construction stage and does not provide a mechanism for control once the turbines are erected or are operating. The Inspector finds merit in this argument and considers that the condition should be modified accordingly [458].

3.4 The Inspector also considered that the condition should prevent development rather than erection of turbines to prevent other development work effectively removing the time limit [459] which he concluded should be five years rather than three to allow a reasonable time to find a technical solution [460].

3.5 The Secretary of State agrees with the Inspector’s conclusion that a solution to the problems identified by the MoD during the currency of a five year planning permission is possible and also agrees that a Grampian condition, in the terms suggested by the Inspector, is appropriate in the circumstances. He has therefore included such a condition within the section 36 conditions. He has not replicated it within the deemed planning permission conditions as to do so would serve no useful purpose.

3.6 Subject to the overall merits of the section 36 consent application, the Secretary of State approves the draft section 36 conditions in annex A to the Inspector’s Report.

Planning Conditions

3.7 The Secretary of State has considered carefully the conditions of the deemed planning permission under section 90 of the Town and Country Planning Act 1990 (the "Planning Conditions") recommended by the Inspector. Subject to the overall merits of the section 36 consent application, the Secretary of State approves the draft Planning Conditions contained in annex B to the Inspector’s Report subject to variations, the reasons for which are set out below.

3.8 The Secretary of State’s reasons for the variations he proposes to the recommended wording of Planning Conditions are as follows:

(a) Definitions

Definitions are included for clarification of certain terms used in the conditions.

(b) Inspector’s condition 2

Condition 2 in Annex B is amended to ensure that the local planning authority are informed of the date when the Development is first connected to the electricity grid.

(c) Inspector’s condition 3

As explained in paragraph 3.5 above, the Secretary of State has not included the
condition in respect of air defence radar in the Planning Conditions. This condition is included in the Section 36 Conditions and to replicate it in the Planning Conditions would serve no useful purpose.

(d) Inspector’s condition 7

Condition 7 in Annex B is amended to clarify that it is the blades of the turbines which must all rotate in the same direction.

(e) Inspector’s conditions 8, 10, 11, 12, 13, 15, 21 and 22

The above conditions have all been amended so that the details, scheme, layout or programme referred to in those conditions, when agreed, may be varied with the written consent of the local planning authority.

IV CUMULATIVE VISUAL AND LANDSCAPE EFFECTS

4.1 The Secretary of State notes that the Inspector considered the possible cumulative landscape and visual effects should the proposed wind farm at the nearby Wandylaw site be built. The Inspector found that the cumulative effect on landscape character would be similar to the Middlemoor proposal on its own [423]. The harm to visual aspects and the settings of particular cultural heritage features would be increased compared to the Middlemoor scheme by itself [424]. Although this additional harm would still be insufficient to halt the Development when weighed against the benefits, the Inspector recommended that serious consideration should be given to regrouping the two schemes’ array of turbines into clearly separated blocks [504].

4.2 The Secretary of State has no powers in respect of the application for consent for the proposed Wandylaw wind farm which is being dealt with by way of planning procedures under the Town and Country Planning Act 1990. He cannot therefore require that regrouping of the turbines in that development is undertaken. The Inspector found that were the Wandylaw scheme already in place, the cumulative effect would be to increase the harm compared to just Middlemoor alone. The Secretary of State notes that Wandylaw is not an approved development but still under consideration and he cannot pre-judge whether the proposal would receive consent or not. At the same time, he notes that the Inspector said that the increased harm would still be insufficient to halt the Middlemoor proposal. In the circumstances, he considers it appropriate not to further pursue the issue of regrouping Middlemoor which in any case might well amount to a variation which would need reconsideration or might even constitute a new scheme and as such would require a new application in order that the impacts of the regrouped turbines could be properly assessed. As the Inspector has found that the impacts of the current application are insufficient to halt the proposal, it would not be reasonable to ask NRL to submit a new application. The Secretary of State finds that the cumulative visual and landscape impacts of the Development are acceptable when balanced against the benefits of the scheme and that it is not necessary for the Development’s turbines to be regrouped.
V. SECRETARY OF STATE’S CONSIDERATION OF THE ENVIRONMENTAL INFORMATION

5.1 The Secretary of State is satisfied that the Environmental Statement is sufficient to allow him to make a determination of the section 36 application.

5.2 The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 ("the 2000 Regulations") prohibit the Secretary of State from granting section 36 consent unless he has first taken into consideration the environmental information, as defined in those Regulations.

5.3 The Secretary of State has considered the environmental information carefully; in addition to the Environmental Statement (ES), he has considered the comments made by the local planning authority, those designated as statutory consultees under regulation 2 of the 2000 Regulations and other consultees and objectors.

5.4 Taking account of the extent to which any adverse environmental effects will be modified and mitigated by measures the NRL has agreed to or will be required to take either under the conditions attached to the section 36 consent or the Planning Conditions, the Secretary of State believes that any remaining adverse environmental effects will not be such that it would be appropriate to refuse section 36 consent for the Development or the deemed planning permission.

VI. SECRETARY OF STATE’S CONSIDERATION OF THE CONSERVATION (NATURAL HABITATS,&C.) REGULATIONS 1994

6.1 The Conservation (Natural Habitats &c.) Regulations 1994 as amended ("the 1994 Regulations") require the Secretary of State to consider whether the Development would be likely to have a significant effect on a European Site, as defined in the 1994 Regulations.

6.2 The Secretary of State notes that the site of the wind farm is not situated in a Special Protection Area (SPA) or other designated area. He notes that Lindisfarne SPA and Holburn Lake and Moss SPA are designated for the Graylag Goose and that the Development may lie within the feeding range of geese roosting in those SPAs. He further notes that evidence given at the Inquiry, that the collision risk was "very low or negligible" and the level of disturbance "insignificant" because of the low numbers of birds involved and widespread resources nearby and that similarly the collision risk involving wintering or breeding birds was very low [44], was unchallenged. Natural England did not object to the application.

6.3 The Secretary of State therefore considers that, with regard to the 1994 Regulations, the project is acceptable.

VII. SECRETARY OF STATE’S DECISION ON THE APPLICATION

7.1 The Secretary of State, having carefully considered:

a) the Inspector’s Report and conclusions:
b) the views of the relevant planning authorities;
c) the objections received;
d) other representations made to him by various bodies; and
e) the environmental information and all other relevant matters

and having had regard to the matters specified in paragraph 1(2) of Schedule 9 to the 1989 Act;

i) accepts the Inspector’s findings of fact and recommendations for approval of the application for consent under section 36;

ii) is of the view that the Development should be approved, but that a Grampian condition should be included in the section 36 consent in respect of the effects on the air defence radar at Brizlee Wood;

iii) is of the view that the Development can be approved in a way that safeguards the amenity of residents, and

iv) believes that the project is consistent with Government policy set out in the May 2007 White Paper “Meeting the Energy Challenge”, as well as with the other policy summarised in the Inspector’s Report including his findings upon Energy Policy in his conclusions, with which the Secretary of State agrees;

and, has decided to grant section 36 consent subject to a condition that the development shall be in accordance with the particulars submitted, to a condition in respect of the air defence radar at Brizlee Wood and to a condition concerning the time limit for the start of the construction of the Development.

7.2 The Secretary of State believes that the Planning Conditions referred to in section III above form a sufficient basis on which the Development might proceed. He has therefore decided to give a section 90 direction that planning permission for the Development be deemed to be granted subject to those Planning Conditions.

7.3 I accordingly enclose the Secretary of State’s consent under section 36 of the Electricity Act 1989 and a direction under section 90 of the Town and Country Planning Act 1990.

VIII. GENERAL GUIDANCE

8.1 The validity of the Secretary of State’s decision may be challenged by making an application to the High Court for leave to seek a judicial review. Such application must be made as soon as possible and in any event not later than three months after the date of the decision. Parties seeking further information as to how to proceed should seek independent legal advice from a solicitor or legal adviser, or alternatively may contact the Administrative Court at the Royal Courts of Justice, Strand, London WC2 2LL (General Enquiries 020 7947 7220).

8.2 This decision does not convey any approval or consent or waiver any requirement that
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may arise under any enactment, by-law, order or regulation other than section 36 and Schedule 8 of the Electricity Act 1989 and section 90 of the Town and Country Planning Act 1990.

IX. DISTRIBUTION

9.1 Copies of this letter together with a copy of the Inspector’s Report have been sent to the main parties and individuals listed in the Inspector’s Report.

Yours faithfully

Richard Mellish
Director, Development Consents and Planning Reform
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 Brizelee 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 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