

**DEPARTMENT OF BUSINESS, ENTERPRISE AND REGULATORY REFORM**  
**ELECTRICITY ACT 1989**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**CONSTRUCTION AND OPERATION OF A GENERATING STATION AT**  
**FULLABROOK DOWN, DEVON**

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 Devon Wind Power Limited (the Company), on the area of land shown on Plan 2.1 (revised 22/11/2004), annexed hereto and duly endorsed on behalf of the Secretary of State, of a wind turbine generating station at Fullabrook Down in the County of Devon (the development), and to the operation of that generating station.
2. The development shall be of up to 66 MW capacity and comprise:
  - (a) up to 22 wind turbine generators; each with a height to hub (nacelle) no greater than 65 metres and support a three bladed rotor with a diameter not exceeding 90 metres;
  - (b) a single anemometry mast not exceeding 65 metres in height;
  - (c) underground electrical cabling;
  - (d) an electricity substation; and
  - (e) the necessary buildings (including administration offices) 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 paragraph 2 of this consent.
  - (2) The commencement of the development shall not be later than three years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing.
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 May 2007 and the decision letter from the Secretary of State relating to this application dated 9 October 2007:

1. The development hereby permitted shall be commenced within three years of the date of this permission.
2. This permission is for a period not exceeding 25 years from the date the development is first connected to the electricity grid or for such longer period as may be agreed with the local planning authority.
3. If any wind turbine hereby permitted fails to produce electricity for supply to the electricity grid for a continuous period of 12 months the wind turbine and its associated ancillary equipment shall be removed, subject to prior approval of a decommissioning scheme, submitted pursuant to Condition 4.
4. The operator of the development shall submit to the local planning authority, for approval in writing, a scheme for the demolition and removal of the surface elements of the development to a depth of not less than 1.2 metres, which shall be at the operator's expense. The approved scheme shall be in accordance with Schedule 1 of the Section 106 of the Town and Country Planning Act 1990 Agreement dated 10 January 2007 and shall also include management and timing of the works and a traffic management plan.
5. Development shall not be begun until a construction traffic management method statement has been submitted to and approved by the local planning authority. The construction traffic management method statement shall include the management of crossings of the public highway and other public rights of way and shall be carried out as approved.
6. No turbines shall be transported to the site until the works contained within the s278 agreement dated 19 December 2006 between the highways authority and the Company have been carried out in accordance with that agreement.
7. Prior to the commencement of development a construction method statement shall be submitted to and approved by the local planning authority in writing 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) construction compound;
  - (b) dust management;
  - (c) cleaning of site entrances and the adjacent public highway;

- (d) pollution control:
    - water courses and groundwater
    - subsoil
    - bunding of fuel storage areas
    - sewage;
  - (e) temporary site illumination;
  - (f) details of the methods to be adopted to reduce the effects of noise occurring during the construction period to the lowest practicable level and in accordance with BS5228; and
  - (g) disposal of surplus materials.
8. 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 normally be limited to 0800 hours to 1800 hours on weekdays and 0800 hours to 1300 hours on Saturdays and no work shall take place on Sundays or Bank Holidays or as 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 retrospectively notifies the local planning authority of the emergency works.
  9. The development hereby permitted shall be carried out in accordance with the plans and details submitted with the application and contained within the Environmental Statement and Regulation 13 Information unless the local planning authority provides written approval to any variation to the design, construction or operation of the development. The extent of the site shall be as shown on Plan 2.1 (revised 22/11/2004) in the Errata Volume 5 and the turbine positions and track layout on Plan 2.1 in the Environmental Statement Volume 2.
  10. Prior to the commencement of development details of the wind turbine design, specification and colour shall be submitted to and approved in writing by the local planning authority. Only the approved wind turbines shall be installed upon the development site.
  11. The overall height of the wind turbines shall not exceed 110 metres to the tip of the blades and the length of the blades shall not exceed 45 metres. The wind turbines and anemometry mast shall be situated within 50 metres of the positions shown on Plan 2.1 of the Errata Volume 5 and no wind turbine or anemometry mast shall be situated closer to a public footpath, road or highway than is shown on the plan.
  12. All wind turbine blades shall rotate in the same direction.
  13. Notwithstanding any design or colour approved by the local planning authority pursuant to condition 10 all wind turbines shall be of a three

bladed configuration, a semi-matt finish and shall not display any prominent name, sign, symbol or logo on any external surfaces.

14. Notwithstanding the track layout shown on Plan 2.1 of the Environmental Statement Volume 2 prior to the commencement of the development the details of the on-site track layout including where gaps are to be created in existing hedges and existing gateways are to be widened shall be submitted to the local planning authority and approved in writing. The on-site track layout shall only be carried out in accordance with the approved details.
15. Gaps created in existing hedges and widened gateways within the development site shall not exceed six metres and all other hedges on site shall be retained.
16. Within six months of the development first being connected to the electricity grid any gaps created in existing hedges and widened gateways within the development site shall be reduced to three metres by the reinstatement and replanting of hedgerow with indigenous local species in accordance with a scheme previously submitted to and approved in writing by the local planning authority. The on-site tracks shall be covered with topsoil and seeded with a suitable grass mixture to be agreed in advance with the local planning authority.
17. A scheme of illumination of the turbines and anemometry mast, which shall be in accordance with the requirements of Joint Service Publication 554 Aerodrome Standards and Criteria Section 210 shall be submitted to and approved in writing by the local planning authority prior to the installation of such lighting. The illumination shall only be carried out in accordance with the approved scheme.
18. Prior to the commencement of the development the details of the concrete batching plant including the means of access and site restoration shall be submitted to the local planning authority and agreed in writing. The concrete batching plant shall only be constructed in accordance with the approved details.
19. Prior to the commencement of the development details of the external treatment of the electricity sub-station including access from the public highway and landscaping measures shall be submitted to the local planning authority and approved in writing. The electricity sub-station shall only be constructed in accordance with drawing MPS/102/10 Rev A and the approved details.
20. The levels of noise resulting from the combined effects of the wind turbines on the development site when corrected in accordance with Notes A and B below shall not exceed the following limits at any dwelling existing at the date of this permission:

**Between the hours 2300 - 0700**

The greater of 43dB  $L_{A90,10min}$  or 5dB  $L_{A90}$  above the established night-time background noise level at that property.

**At all other times**

The greater of 40dB  $L_{A90,10min}$  or 5dB  $L_{A90}$  above the established quiet daytime background noise level at that property.

Except that at any dwelling occupied by persons having a financial involvement with the development the levels of noise shall not exceed the following

**Between the hours 2300 - 0700**

The greater of 45dB  $L_{A90,10min}$  or 5dB  $L_{A90}$  above the established night-time background noise level at that property.

**At all other times**

The greater of 45dB  $L_{A90,10min}$  or 5dB  $L_{A90}$  above the established quiet daytime background noise level at that property

For the purposes of compliance with this condition the night-time and quiet daytime background noise levels at any wind speed shall be taken as those given in the following table:

Location		3	4	5	6	7	8	9	10	11
<b>Fullabrook</b>	daytime	33	33	34	34	35	36	37	38	39
	night-time	33	33	34	34	35	36	37	38	39
<b>Halsinger</b>	daytime	30	32	33	35	36	37	38	38	39
	night-time	30	32	34	35	36	37	37	37	37
<b>Crackaway</b>	daytime	32	33	35	36	36	37	37	38	40
	night-time	33	35	36	37	37	37	37	37	38
<b>Burland Farm</b>	daytime	34	35	36	36	36	37	38	39	41
	night-time	35	36	37	38	38	38	38	38	40
<b>South Burland</b>	daytime	38	38	38	37	37	38	40	40	40
	night-time	35	36	36	37	37	37	38	39	41
<b>Lower Metcombe</b>	daytime	35	36	36	36	36	37	39	40	40
	night-time	33	35	36	36	37	37	37	37	38
<b>Ash Barton</b>	daytime	32	34	35	37	38	38	39	40	39
	night-time	32	34	35	36	37	37	38	38	38
<b>Patsford</b>	daytime	35	35	35	35	36	38	40	40	40
	night-time	33	34	35	36	36	37	37	37	37

<b>Beara Charter</b>	daytime	34	35	36	36	37	38	38	39	39
	night-time	34	35	36	36	37	38	38	39	39
<b>Luscott Barton</b>	daytime	33	35	36	36	38	39	40	40	40
	night-time	33	35	36	36	37	37	37	37	38
<b>Northleigh</b>	daytime	31	32	34	35	35	36	36	36	37
	night-time	30	32	33	34	35	35	36	36	37
<b>Pippacott</b>	daytime	36	36	36	37	37	37	37	38	37
	night-time	35	35	35	35	36	37	38	38	38
<b>West Stowford Barton</b>	daytime	35	35	35	36	39	40	40	40	40
	night-time	34	35	36	37	37	38	38	38	38

The night-time background noise levels in the table above shall apply between the hours 2300 to 0700 and the quiet daytime noise levels in this table shall apply at all other times. Where there is no background noise data for any specific property then the background noise data shall be taken from the nearest property for which such data is available.

21. No wind turbine shall be operated on the site until a scheme has been submitted to and agreed with the local planning authority for monitoring noise levels at up to five selected residential locations (or at representative locations close to those properties, to be agreed with the local planning authority) during six months following connection to the electricity grid and full operation of all the turbines on the site. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels in a representative range of wind speeds and wind directions with all wind turbines operating. Monitoring shall be carried out in accordance with the approved monitoring scheme and the results provided to the local planning authority within four months of completion of the scheme.
22. At the request of the local planning authority and in the event of a complaint relating to noise from the turbines, the Company shall measure and assess at its expense the level of noise emissions from the wind turbines following the procedures referred to in Notes A and B of condition 23 below and the results shall be provided to the local planning authority within four months of such request.
23. Throughout the period of the operation of the wind farm the Company shall record wind speed and direction data. This data shall include records of wind speed (in m/s) and wind direction (in 10 degree sectors) for each 10 minute period. Where wind data is measured at a height other than 10 metres above local ground level the wind speed data shall be converted to the equivalent wind speed at 10, 25 and 65 metres height, accounting for wind shear using a method of which details shall

be provided to the local planning authority. At the request of the local planning authority the recorded wind data shall be made available to it.

#### **Note A to Noise Conditions**

For the purpose of compliance with conditions 20 to 23, noise levels from the combined effects of the wind turbines shall be measured in accordance with the procedures in Section 2 (Steps 2-5) on Pages 102-103 of “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97”; prepared by the Energy Technology Support Unit for the Department of Trade and Industry.

#### **Note B to Noise Conditions**

For the purpose of compliance with conditions 20 to 23, tonal noise shall be assessed in accordance with the procedures in Section 2 (Step 6) on Pages 103-104 and Section 2.1 on Pages 104-109 of “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97”; prepared by the Energy Technology Support Unit for the Department of Trade and Industry. The appropriate penalty for tonal noise shall be added to the measured noise levels for the purposes of comparison with the noise limits in condition 20 above.

24. Prior to the commencement of the development a scheme for the implementation of ecological surveys to provide sufficient survey data and mitigation proposals to ensure that habitats and species of principal importance (as listed in section 74(2) of the Countryside and Rights of Way Act 2000) that have been identified during the consideration of the application as requiring special consideration shall be submitted to the local planning authority and approved in writing. The survey and mitigation scheme shall be carried out as approved.
25. Development shall not be begun until full construction details of the visibility splays at the site entrance and on the unclassified road between Burland Cross and Metcombe Cross and the highway have been submitted to and approved in writing by the local planning authority and have been carried out in accordance with the approved details.
26. No development shall take place within the development site until the implementation of a programme of archaeological work has been implemented in accordance with a written scheme of investigation previously submitted to and approved in writing by the local planning authority. Such a programme shall include timetabled provision for a nominated archaeologist to be given reasonable access to undertake a “watching brief” during the excavation of access tracks, hedgerow openings, turbine foundations and other operational areas of the development site during the construction phase of the development.
27. No development shall take place on site until a scheme to secure the investigation and alleviation of any electro-magnetic interference to

television and radio reception caused by the operation of the wind turbines has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within 12 months of the development being first connected to the electricity grid.

28. Prior to the commissioning of the development hereby approved, a scheme to satisfactorily alleviate the incidence of shadow flicker at any affected property shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing with the local planning authority, any turbine producing shadow flicker at any occupied dwelling which existed on the date of this permission shall be shut down and the blades shall remain stationary until the conditions causing those shadow flicker effects have passed. The development shall be carried out in accordance with the approved details.
29. Where any matter contained within these conditions has to be agreed or approved by the local planning authority or highways authority that matter in default of such agreement or approval shall be determined by the Secretary of State for Business, Enterprise and Regulatory Reform.

Date: 9 October 2007

Richard Mellish  
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Department for Business, Enterprise  
and Regulatory Reform