

At a meeting of the Development Panel held in SEN Centre, Lakes College, Workington CA14 4JN on Tuesday 31 August 2021 at 11.00 am

Members

Councillor Tony Annison (Chair)	Councillor Janet Farebrother (Vice-Chair)
Councillor Carole Armstrong	Councillor Nicky Cockburn
Councillor Allan Daniels	Councillor Hilary Harrington
Councillor Elaine Lynch	Councillor Antony McGuckin
Councillor Ron Munby MBE	Councillor Paul Scott
Councillor Alan Smith	Councillor Alan Tyson

Apologies for absence were received from Councillor Daniel Horsley, Councillor George Kemp and Councillor Andrew Semple

Staff Present

J Irving, L Jardine, S Long, J Morgan and L Tomlinson

147. Minutes

The minutes of the meeting held on 15 June 2021 were signed as a correct record.

148. Declaration of Interests

9. Development Panel - VAR/2021/0001 - Plot 1 Land adjacent to Northscape, Eaglesfield - Dwelling.
Councillor Ron Munby MBE; Other Interest; Has shares in United Utilities, (under the DPI Limit).

149. Questions

None received

Councillor Farebrother joined the meeting

150. Development Panel - FUL/2019/0251 - Langrigg Hall, Langrigg - Retrospective application for change of farm buildings to house 1x CHP and 1x RHI unit and erection of associated chimneys

Councillor Annison moved the motion to defer the item as key officers and experts were unable to attend the meeting.

The motion was seconded by Councillor Scott

A vote was taken on the motion, 11 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Resolution

Application deferred until 14 September 2021

151. Development Panel - FUL/2020/0022 - Langrigg Hall, Langrigg - Change of use of building for storage of woodchip fuel for boilers associated with farm

Councillor Annison moved the motion to defer the item as key officers and experts were unable to attend the meeting.

The motion was seconded by Councillor Scott

A vote was taken on the motion, 11 voted in favour, 0 against and 0 abstentions.

The motion was carried.

Resolution

Application deferred until 14 September 2021

152. Development Panel - VAR/2020/0503 - Siddick Windfarm - Variation to approved application 2/1995/0342

Application

The report recommended approval subject to:

- i) The securing of a S106 legal agreement to:
 - a. Provide a £15k contribution to nature conservation projects in the locality of the site; (prior to the end of January 2022).
 - b. The undertaking of a Greater Crested Newt survey in the year prior to the decommissioning works.

The Senior Planning Officer explained that this item was considered at the Development Panel on 03 August 2021. Members approved the application in accordance with officers approval recommendation subject to a S106 and planning conditions (as amended by the details on the late list) plus an additional condition requested by members for an annual structural survey of the turbines.

A question was however raised at the last meeting as to whether Workington Town Council should have been a mandatory consultee. Following investigation, the site is within the Workington Parish and there for have been consulted on the proposal.

At the time of the meeting, Workington Town Council did not provide any representations.

Members were asked to consider this plus the late list comments from Natural England and the applicant in relation to the structural report condition proposed, with the applicant asking members to review this condition. The proposal remained identical to that considered at the 03 August 2021 meeting.

Members were also shown images and plans of the application site.

The Senior Planning Officer also advised members of the updates to the National Planning Policy Framework, Chapter 14.

“158. When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

Members then asked questions of the officer in relation to nature, residential amenity and maintenance.

Debate ensued in relation to shadow flicker and safety of the turbines.

Councillor Annison moved the motion to grant permission as per officers recommendation.

The motion was seconded by Councillor McGuckin.

Councillor Lynch then moved an amendment to the motion; to grant permission but with an amendment to condition 13 requiring annual inspection of the turbines only for the last 3 years of their lifespan – this was following consideration of the applicants evidence as submitted on the late list.

As proposer and seconder of the original motion, Councillor Annison and Councillor McGuckin agreed to the amendment.

A vote was taken on the amended motion, 8 voted in favour, 3 against and 0 abstentions.

The motion was carried.

Resolution

Permission granted as per officers recommendations with an amendment to condition 13 requiring annual inspection of the turbines only for the last 3 years of their lifespan.

CONDITIONS

In Accordance:

- 1. The development shall be implemented solely in accordance with the following plans:**

Approved plans 2/1995 /0342

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

- 2. All of the existing materials on the service/access tracks within the site shall, unless otherwise agreed in writing with the local planning authority, be retained for the lifetime of the development.**

Reason: To ensure that possible dereliction and unsightliness of the site is avoided.

- 3. If at any time any turbine shall cease being operational for a continuous period of six months it, and any ancillary equipment shall be removed from the site and the land reinstated unless further planning permission for its replacement has been granted in the meantime.**

Reason: To ensure that possible dereliction and unsightliness of the site is avoided.

- 4. The turbines hereby approved shall all rotate in the same direction.**

Reason: For the avoidance of doubt.

- 5. The number of wind turbines shall not exceed seven.**

Reason: To limit the development to that applied for.

- 6. This s73 approval is for an extended operational period of 10 years up to the end of December 2031, upon which the operational use of the turbines shall cease. Prior to decommissioning of the turbines, details of a decommissioning plan including:
a) the removal of all development above or below ground level or,
b) details of the replacement grass cover to reinstate the land to a satisfactory condition to the former grass cover,
c) removal or deposition of spoil within 12 months of the cessation of the operational use of the turbines shall be submitted to and approved, by the local planning authority. The works shall be implemented in accordance with the approved details.**

Reason: To ensure that possible dereliction and unsightliness of the site is avoided.

- 7. Prior to the commencement of any decommissioning works details of wheel washing facilities shall be submitted to and approved by the local planning authority. The approved details shall be installed prior to the commencement of the de-commissioning works and shall be retained and made available at all times during the course of these works.**

Reason: In the interests of highway safety

- 8. Prior to the decommissioning works a Decommissioning Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
- a. Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off-site parking, turning and compound areas;**
 - b. Procedure to monitor and mitigate pollution, noise and vibration from the decommissioning works and to monitor any residential properties or wildlife habitats at risk (including type of generators, fuel storage facilities, spillage procedures and oil types use in plant working on the site), as well as taking into account noise from vehicles, deliveries. All noise measurements should make reference to BS7445.**
 - c. Mitigation measures to reduce adverse impacts on residential properties from decommissioning compounds including visual impact, noise, and light pollution.**
 - d. Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
 - e. Programme of work for Demolition and Construction phase;**
 - f. Hours of working and deliveries;**
 - g. Details of lighting to be used on site;**
 - h. Highway signage/ Haulage routes.**
- The approved statement shall be adhered to throughout the duration of the development.**

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties and the habitats and designated local wildlife species of the Solway Firth pSPA during the decommissioning works, in compliance with the National Planning Policy Framework and Policy S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 9. Prior to any decommissioning works a Biodiversity Management Plan (including an Environmental Construction Management plan) shall be submitted to and approved by the local planning authority. The plan shall include details on measures and details to be implemented during and after the course of construction works at the site to safeguard the habit of protected species at the site. The works shall be implemented solely in accordance with the approved details and thereafter managed at all times in accordance with the approved scheme.**

Reason : In the interests of safeguarding local wildlife and biodiversity in compliance with Policy S35 of the Allerdale Local Plan (Part 1) 2014.

- 10. Within 2 months of the date of this consent, a written scheme shall be submitted to by the local planning authority setting out a shadow flicker protocol for the assessment of Shadow Flicker (including the implementation of the mitigation measures recommended in para**

4.3.4. of the WYG Shadow Flicker report (issue 3) dated 27/05/21. The approved mitigation details shall be implemented within 2 months of their approval. The protocol shall also outline the process in the event of any future complaint from the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of the complaint. The written scheme shall include remedial measures. The operation of the turbines shall take place in accordance with the approved protocol unless the local planning authority gives its prior written consent to any variations.

Reason. To ensure a satisfactory standard of residential amenity to nearby properties in compliance with Policy S32 of the Allerdale local plan part 1.

11. Noise from the wind turbines hereby consented shall not exceed the following LA90,10min noise levels specified within Table 1 and 2 below at downwind free-field locations representing receptors as shown in Figure 1 and Table 3 as detailed within the TetraTech noise assessment December 2020. Background noise and turbine noise measurements to be carried out in line with the Institute of Acoustics Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise taking account of all guidance notes for noise conditions.

Table 1 Noise Level Criteria at R1, R2, R3, R4, R5, R6 & R9

Time Period	Recommended Noise Criteria at a Standardised Wind Speed at 10m height (L_{A90})									
	3m/s	4 m/s	5 m/s	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s	11 m/s	12 m/s
Daytime 07:00 – 23:00	51	51	52	52	53	54	54	55	55	56
Night-time 23:00 – 07:00	50	50	51	51	52	52	53	54	54	55

Table 2 Noise Level Criteria at R7 and R8

Time Period	Recommended Noise Criteria at a Standardised Wind Speed at 10m height (L_{A90})									
	3m/s	4 m/s	5 m/s	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s	11 m/s	12 m/s
Daytime 07:00 – 23:00	46	47	47	48	48	49	50	51	52	53
Night-time 23:00 – 07:00	44	45	46	47	48	49	49	50	51	52

Table 3 – Noise Sensitive Receptors

Receptor	Location	Receptor Height (m)
R1	3 Town Quay	1.5
R2	Kerristy, off A596	1.5
R3	121 Shore Side	1.5
R4	Morven B&B off A596	1.5
R5	3 Buildings Farm Close	1.5
R6	Hillcrest St. Helens Lane	1.5
R7	71 Barncroft Avenue	1.5
R8	24 Solway Avenue	1.5
R9	Gypsy & Traveller Allocation (if implemented)	1.5

Reason: To ensure a satisfactory standard of residential amenity to nearby properties in compliance with Policy S32 of the Allerdale local plan part 1.

- 12. Within 21 days of this consent and any future written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise emissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. Relevant background noise levels to inform the limits should be agreed with the Local Planning Authority prior to any compliance measurements. The scheme shall be based on best available techniques and shall be implemented as approved by the Local Planning Authority within 1 month post completion of measurements.**

Reason: To ensure a satisfactory standard of residential amenity to nearby properties in compliance with policy S32 of the Allerdale local plan part 1.

- 13. An annual report reviewing the structural condition of the turbines shall be prepared by the developer and submitted to the Local Planning Authority prior to the 31st October 2028 and thereafter annually each year for the remaining lifetime of the temporary consent. Any identified mitigation /repair works shall thereafter be implemented and maintained in accordance with the approved scheme.**

Reason: To ensure the long term structural stability of the turbines hereb

153. Development Panel - VAR/2020/0504 - Oldside WindFarm - Variation to approved application 2/1995/0916

Application

The report recommended approval subject to:

- i. £14,080 contribution to nature conservation projects in the locality of the site;(prior to 31/01/22)
- ii. undertake the identified additional amphibian, reptile, bat, badger, otter and invertebrate ecology surveys within the WYG ecology appraisal report dated Dec 2020 before any decommissioning works;
- iii. The submission and approval of an agreed amenity mitigation strategy in the event of the allocated Gypsy/traveller allocation being both approved and implemented (within 2 months of the implementation of any approved scheme for the allocation).
- iv. Before development commences, a detailed method statement for the long-term management/ eradication of invasive species on the site as outlined in the WYG ecological appraisal report dated December 2020 on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds, roots or stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

The Senior Planning Officer explained that this item was considered at the Development Panel on 03 August 2021. Members approved the application in accordance with officers approval recommendation subject to a S106 and planning conditions (as amended by the details on the late list) plus an additional condition requested by members for an annual structural survey of the turbines.

A question was however raised at the last meeting as to whether Workington Town Council should have been a mandatory consultee. Following investigation, the site is within the Workington Parish and there for have been consulted on the proposal.

At the time of the meeting, Workington Town Council did not provide any representations.

Members were asked to consider this plus the late list comments from Natural England and the applicant in relation to the structural report condition proposed, with the applicant asking members to review this condition. The proposal remained identical to that considered at the 03 August 2021 meeting.

Members were also shown images and plans of the application site.

The Senior Planning Officer also advised members of the updates to the National Planning Policy Framework, Chapter 14.

“158. When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

Councillor Annison moved the motion to approve as per officers recommendations with an amendment to condition 13 requiring annual inspection of the turbines only for the last 3 years of their lifespan - this was following consideration of the applicants evidence as submitted on the late list.

The motion was seconded by Councillor McGuckin

A vote was taken on the motion, 9 voted in favour, 2 against and 0 abstentions.

The motion was carried.

Resolution

Permission granted as per officers recommendations with an amendment to condition 13 requiring annual inspection of the turbines only for the last 3 years of their lifespan.

CONDITIONS

In Accordance:

1. **The development shall be implemented solely in accordance with the following plans:**
Approved plans 2/1995/0916
Letter re amended strategy dated 4th June re Policy S31 mitigation measures.
A108660 Oldside windfarm Ecological appraisal
A108660 Oldside Windfarm HRA
A108660 Oldside Wind Farm Shadow Flicker report ISSUE 2
A108660 Oldside and Siddick windfarm Noise 10 Dec 2020

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

Post-commencement/Pre use commencing conditions:

2. **All of the existing materials on the service/ access tracks within the site shall, unless otherwise agreed in writing with the local planning authority, be retained for the lifetime of the development.**

Reason: To ensure that possible dereliction and unsightliness of the site is avoided.

- 3. If at any time any turbine shall cease being operational for a continuous period of six months it, and any ancillary equipment shall be removed from the site and the land reinstated unless further planning permission for its replacement has been granted in the meantime.**

Reason: To ensure that possible dereliction and unsightliness of the site is avoided.

- 4. The turbines hereby approved shall all rotate in the same direction.**

Reason: For the avoidance of doubt.

- 5. The number of wind turbines shall not exceed nine.**

Reason: To limit the development to that applied for.

- 6. This s73 approval is for an extended operational period of 10 years up to the end of October 2031, upon which the operational use of the turbines shall cease. Prior to decommissioning of the turbines, details of a decommissioning plan including:
 - a. The removal of all development above or below ground level or**
 - b. Details of the replacement grass cover to reinstate the land to a satisfactory condition to the former grass cover**
 - c. Removal or deposition of spoil within 12 months of the cessation of the operational use of the turbines shall be submitted to and approved, by the local planning authority. The works shall be implemented in accordance with the approved details.****

Reason: To ensure that possible dereliction and unsightliness of the site is avoided.

- 7. Prior to the commencement of any decommissioning works details of wheel washing facilities shall be submitted to and approved by the local planning authority. The approved details shall be installed prior to the commencement of the de-commissioning works and shall be retained and made available at all times during the course of these works.**

Reason: In the interests of highway safety

- 8. Within 2 months of the date of this consent, a written scheme shall be submitted to and approved by the local planning authority setting out a shadow flicker protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling which lawfully exists or had planning permission at the**

date of the complaint. The written scheme shall include remedial measures and the operation of the turbines shall take place in accordance with the approved protocol unless the local planning authority gives its prior written consent to any variations.

Reason. To ensure a satisfactory standard of residential amenity to nearby properties in compliance with policy S32 of the Allerdale Local Plan Part 1

- 9. No development shall take place until a Decommissioning Environmental Management plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
- a. Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off-site parking, turning and compound areas;**
 - b. Procedure to monitor and mitigate pollution, noise and vibration from the decommissioning works and to monitor any residential properties or wildlife habitats at risk (including type of generators, fuel storage facilities, spillage procedures and oil types use in plant working on the site), as well as taking into account noise from vehicles, deliveries. All noise measurements should make reference to BS7445.**
 - c. Mitigation measures to reduce adverse impacts on residential properties from decommissioning compounds including visual impact, noise, and light pollution.**
 - d. Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
 - e. Programme of work for Demolition and Construction phase;**
 - f. Hours of working and deliveries;**
 - g. Details of lighting to be used on site;**
 - h. Highway signage/ Haulage routes. The approved statement shall be adhered to throughout the duration of the development.**

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties and the habitats and designated local wildlife species during the decommissioning works, in compliance with the National Planning Policy Framework and Policy S32 and S35 of the Allerdale Local Plan (Part 1), Adopted July 2014 and in the interests of highway safety.

- 10. Prior to the decommissioning works a Biodiversity Management Plan (including an Environmental Construction Management plan) shall be submitted to and approved by the local planning authority. The plan shall include details on measures and details to be implemented during and after the course of construction works at the site to safeguard the habit of protected species at the site. The works shall be implemented solely in accordance with the approved details and thereafter managed at all times in accordance with the approved scheme.**

Reason: In the interests of safeguarding local wildlife and biodiversity in compliance with Policy S35 of the Allerdale Local Plan (Part 1) 2014.

11. Noise from the wind turbines hereby consented shall not exceed the following LA90, 10min noise levels specified within Table 1 and 2 below at downwind free-field locations representing receptors as shown in Figure 1 and Table 3 as detailed within the Tetra Tech noise assessment December 2020. Background noise and turbine noise measurements to be carried out in line with the Institute of Acoustics Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise” taking account of all guidance notes for noise conditions.

Table 1 Noise Level Criteria at R1, R2, R3, R4, R5, R6 & R9

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Night-time 23:00 – 07:00	50	50	51	51	52	52	53	54	54	55

Table 2 Noise Level Criteria at R7 and R8

Time Period	Recommended Noise Criteria at a Standardised Wind Speed at 10m height (L_{A90})									
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R4	Morven B&B off A596	1.5
R5	3 Buildings Farm Close	1.5
R6	Hillcrest St. Helens Lane	1.5
R7	71 Barncroft Avenue	1.5
R8	24 Solway Avenue	1.5
R9	Gypsy & Traveller Allocation (if implemented)	1.5

Reason. To ensure a satisfactory standard of residential amenity to nearby properties in compliance with Policy S32 of the Allerdale local plan part 1.

- 12. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise emissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. Relevant background noise levels to inform the limits should be agreed with the Local Planning Authority prior to any compliance measurements. The scheme shall be based on best available techniques and shall be implemented as approved by the Local Planning Authority within 1 month post completion of measurements.**

Reason: To ensure a satisfactory standard of residential amenity to nearby properties in compliance with policy S32 of the Allerdale Local Plan Part 1.

- 13. An annual report reviewing the structural condition of the turbines shall be prepared by the developer and submitted to the Local Planning Authority prior to the 31st October 2028 and thereafter annually each year for the remaining lifetime of the temporary consent. Any identified mitigation /repair works shall thereafter be implemented and maintained in accordance with the approved scheme.**

Reason: To ensure the long term structural stability of the turbines hereby

Councillor Smith joined the meeting

Meeting adjourned 11:45am - 11:55am

Councillor Munby left the meeting and moved to the public gallery

- 154. Development Panel - VAR/2021/0001 - Plot 1 Land adjacent to Northscape, Eaglesfield - Dwelling**

Representations

David Keevil and Jenny White spoke against the application

Councillor Marion Fitzgerald spoke against the application

The Agent, Paul Boustead spoke in support of the application

Application

The report recommended to grant permission subject to conditions

The Senior Planning Officer then went through the main issues as detailed in the report

Principle of Development

Principle of residential development has been accepted. The application varies the approved permission.

Design/Scale

Scale, design and massing considered acceptable in relation to its setting.

Drainage

Foul to main sewer and surface water to rainwater harvesting system is acceptable full details of examination hierarchy required to be submitted within 2 months of decision date.

Residential Amenity

No significant harm to nearby properties

Access and Parking

Access and parking are considered to be satisfactory

Members were shown plans of the site including drainage layout, and images of the surrounding area.

Members noted the representations received in respect of the application, the main grounds of which were set out in the report.

Members asked questions of the speakers and officers in relation to cladding, boundary walls, sewage, flooding, conditions and water drainage/hierarchy.

Debate then ensued in relation to the surface water drainage scheme and condition four, in particular the two-month timescale for this to be submitted.

Councillor Cockburn moved the motion to defer the application until a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The motion was seconded by Councillor Daniels.

A vote was taken on the motion, 10 voted in favour, 1 against and 0 abstentions.

Resolution

Application deferred.

The meeting closed at 1.30 pm