

**Allerdale Borough Council**

**Planning Application VAR/2020/0503**

**Development Panel Report**

**Reference Number:** VAR/2020/0504  
**Valid Date:** 18/12/2020  
**Location:** Oldside Wind Farm, Oldside Workington Cumbria  
**Applicant:** Cannock Windfarm Services Ltd  
**Proposal:** Proposed Variation to approved application 2/1995/0916, condition 6 to increase the operational life of 9 wind turbines from 25 to 35 years

**RECOMMENDATION APPROVE subject to:**

**Natural England's acceptance of the submitted HRA Appropriate Assessment screening report**

**Securing a s106 legal agreement to provide:**

- (i) a £14,080 contribution to nature conservation projects in the locality of the site;**
- (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) an agreed amenity mitigation strategy in the event of the allocated Gypsy/traveller allocation being both approved and implemented.**

**1. Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
Principle of Development	<p>The Council under Policy S19 of ALP1 seeks to promote the development of renewable and low carbon energy resources provided the impacts (either in isolation or cumulatively) are, or can be made acceptable.</p> <p>The proposal relates to the continued retention of the existing wind turbines located at the site for an additional 10 year timescale. The principle of the development has therefore been previously accepted in the past.</p> <p>Members need to re-evaluate the merits of</p>

	<p>the proposal in the context of the present updated planning policy context and indeed any change of circumstances arising during the original operational timescale of the windfarm development.</p> <p>As a retrospective “repowering” proposal there will be some aspects where impacts have already been addressed e.g. contamination, whereas other topics have new planning considerations in the light of changing policy or regulations.</p> <p>The application site is located within the adopted area of search for wind development under Policy SA50 of the Allerdale Local Plan (Part 2).</p>
Landscape and visual	<p>The existing turbines are located in an area already reflecting a windfarm/ industrial landscape on a section of the coastline which incorporates a wide range of existing large scale man-made commercial and industrial infrastructure. Officers are of the opinion that the continued retention of the turbines would not have a significant individual or cumulative impact on its host or neighbouring landscape character.</p>
Visual impact and amenity	<p>The extent of visual effects is greatest and most significant in short term views of the site, which diminishes with distance. However cumulatively when viewed alongside neighbouring Siddick windfarm, there are some significant receptors at greater distances, albeit within an established urban setting.</p> <p>The windfarms turbines are within 800m of a large number of existing residential properties (predominately in the Siddick hamlet, a cluster of dwellings north of Dunmail Park, Northside and properties on Stanley St at the port), a number of which will have direct views which is likely to have an impact on the amenity of the residents of these properties.</p> <p>However officers attach significant weight</p>

	<p>that, unlike new turbine development, the proposal relates to existing turbines which have been in existence for a considerable period of time and therefore are accepted as part of the streetscape in their locality. (especially given its urban setting with large scale commercial/ industrial plant and buildings in its immediate locality).</p>
<p>Noise</p>	<p>Noise is a material planning consideration Policy S32 of the Allerdale Local Plan (Part 1) seeks to safeguard amenity. An updated noise assessment has been undertaken as well as a noise assessment of the proposal to evaluate the noise impact in the locality of the site. There are high existing background noise levels in the locality of the site due to the existing nearby uses and proximity to transport corridors.</p> <p>The Environmental health officers have assessed this evidence that has been updated during the course of the application.</p> <p>The submitted evidence relating to potential noise impact on existing residential properties appears to be acceptable and the Environmental Health officer concludes that that the proposal will comply with ESTU-R-97 guidance. Although there are additional industrial commitments under Policies SA36 and allocations SA37 in the southern section of the site, it is accepted that noise thresholds will not be as relevant for future industrial uses.</p>
<p>Gypsy site allocation (SA31) of ALPP2</p>	<p>One additional significant consideration is the local plan Gypsy, Travellers and Travelling show people allocated site under Policy SA31 of ALP2 at the former caravan site at Oldside. Albeit not yet formally approved or implemented it would represent a residential use that is expected to be delivered within the timeframe of the local plan (i.e. prior to 2029). These caravans would have the</p>

	<p>same status as residential units with the need to evaluate potential future impacts on noise, shadow flicker and visual amenity.</p> <p>The applicant in response has agreed to a mitigation plan under a s106 which may involve decommission the nearest turbine to the allocation (T6) if the allocation is implemented and have a noise mitigation strategy for the other nearest two turbines</p> <p>This is in order to safeguard a satisfactory standard of residential amenity for the occupiers of any proposed caravans, in the eventuality that the allocation is implemented.</p>
<p>Highways</p>	<p>As an existing development with little traffic generation, subject to conditions relating to decommissioning operations the proposed development would not have an adverse impact on the highway network.</p> <p>No objections were received from the highway authority.</p>
<p>Nature Conservation</p>	<p>Policy S35 seeks to safeguard and protect biodiversity.</p> <p>The proposal and the wider site has naturally regenerated supporting a range of habitats (including specific reference to the Small blue butterfly colonies).</p> <p>The three more northern turbines are site within the designated County Wildlife site and are therefore more sensitive to future works.</p> <p>The site of Siddick pond's SSSI is located 0.2km to the east.</p> <p>Any constructional impacts on nature conservation has already occurred through the implementation of the turbines.</p> <p>It is acknowledged there may be some disturbance at the decommissioning stage.</p>

	<p>Supporting surveys on birds and bats have been submitted.</p> <p>The site is located in an ecologically sensitive area. As a retrospective form of development it is recommended that compensatory mitigation measures be alternatively channelled through a s106 commuted sum contribution. This will be spent on a wider strategy to improve the ecological value and habitat of species in the locality of the windfarm (agreed with Workington Nature Partnership).</p>
Drainage	Flood risk and /or contamination of water are not anticipated to increase as a result of the development although mitigation measures would be required by planning condition.
Potential benefits	The windfarm will continue to make a valuable contribution to renewable energy deployment nationally. All of the energy produced will be exported.

## 2. **Introduction**

- 2.1. This relates to one of two applications on this panel agenda to extend the former approved temporary timescale consents for the windfarm developments at Siddick/ Oldside.

## 3. **Proposal**

- 3.1. The application seeks planning consent under a S73 application of the Town and Country Planning Act 1990 to vary condition 6 of the approved planning consent 2/95/0916 for the development, "Erection of 9 wind turbines and transformers, construction of switch gear house and access tracks, land at Oldside, Workington".

- 3.2. Condition 6 states:

*"This approval is for a period not exceeding 25 years from the date that electricity is first exported to Norweb. All development, both above and below ground level, shall be removed or removed to such an extent as to allow the land to be reinstated to a comparable condition to the existing grass cover within 12 months of the cessation of electricity or 2022AD whichever is sooner. The existing condition and specification of the grass cover shall be determined*

*and agreed with Local Planning Authority prior to any development taking place”.*

- 3.3.** The applicant advises the current consent proposal will therefore expire at the end of October 2021. The application seeks to extend the timescale of the operational life of the turbines up to the end of October 2031 i.e. a further temporary 10 year extension. The proposal retains the existing turbines at the site resulting in no construction development (other than the decommissioning). The existing 3 bladed Vesta V42 turbines are 61m in height (40m hub height) with a 42m rotor diameter which collectively generate 5.4MW.
- 3.3.** The Plans for consideration are:-  
Plans approved under 2/1995/0916
- 3.4.** The application is also supported by a range of documents including: shadow flicker assessment , cumulative impact assessment , ecological appraisal , landscape character (including viewpoints), bird report , bat survey, aviation radar and telecommuunication and noise assessment.

#### **4. Site**

- 4.1.** The application site relates to a 3.2 ha site comprising a scattered arrangement of 9 individual turbines interlinked by a range of informal paths and tracks. This former brownfield site (which has naturally regenerated) is on a block of derelict land between the West Coast railway and the coastline. The northern section of the site is within a designated County Wildlife site.
- 4.2.** The land is relatively low level but incorporates undulating mounds. The land at the southern end of the site is dominated by the existing industrial land uses around the Port of Workington. The land to the east is defined by the West Coast railway and A596 highway transport corridor which supports a mixture of industrial, commercial and residential uses. The landscape feature of Siddick Pond's SSSI and Local Nature reserve is located to the east of the A596 highway. The northern section of the site extends towards Siddick (approx. 1km) which neighbours the larger complex of Iggesund industrial premises.
- 4.3.** The site straddles the revised designated settlement limits under Policy SA2 of ALPP 2. Workington is located approx. 2km to the south and Seaton is 2.3km to the east.
- 4.4.** There are other existing wind turbines in the locality with seven similar 61m tall turbines forming the Siddick windfarm north of Siddick village, which is sited alongside two larger 108m tall (tip height) at Vordian and the additional nearby 92m tall Wythgill turbine within the coastal plain.

#### **5. Relevant Planning History**

- 5.1.** The wind turbines at the site were approved under 2/1995/0916.

**5.2.** The proposed works do constitute schedule 2 of the Environmental Impact Regulations. However under the councils screening opinion it was acknowledged that in assessing the proposal on its individual planning merits weight has to be attributed to the retrospective nature of the development. Thus the extent of any such impacts may have already occurred in the initial implementation of the turbines themselves i.e. there would be no constructional impacts. Therefore any such impacts would be confined to operational use of the turbines or works associated with its decommissioning. On balance it was considered that the extent of such impacts would be no more than of local importance, albeit some specific topics would require reappraisal to reconsider the impacts of the works and to evaluate the proposal in the context of updated policy and regulations e.g. ETSU noise guidance.

## **6. Representations**

**6.1. Seaton Parish Council** – No objections

**6.2. English Nature** – No reply to date

**6.3. Cumbria County Highways** - Advise that as the proposal would not result in any change in circumstances relating to the physical appearance of the existing wind turbines and their operations (including the access) the highway authority raise no objections.

**6.4. Footpaths Officer** - Public footpath 262029 follows an alignment on the east side of the development and should not be altered or obstructed as a result of the proposed works.

**6.5. Coal Authority** – Advise the works do not fall within the Development High Risk Area and recommend their standing advice note with any decision.

**6.6. Northern Gas** – No objections, but advise the works are in proximity to their apparatus and therefore recommend any future works be discussed with them.

**6.7. NATS safeguarding** – No objections as it does not conflict with their technical safeguarding criteria.

**6.8. Environmental Health** - No objections in principle subject to safeguards via updated noise conditions (including addition of Amplitude Modulation) and an agreed mitigation for the allocated gypsy site under a mitigation strategy under a s106.

**6.9. MOD** – No concerns

**6.10. Arquiva** – No objections.

**6.11. Civil Aviation Authority** – No reply to date

**6.12. Royal Society for Protection of Birds** – No reply to date

- 6.13. **Carlisle airport** – No reply to date
- 6.14. **JRC** (radio systems for UK fuel and power industry) – Do not foresee any problems based on the details provided.
- 6.15. The application has been advertised by press advert, site notice and neighbour letter.
- 6.16. 2 letters of objection were received on the grounds of: the nearest turbine to the docks has not been operational for years and therefore no extension of time should be granted for this individual turbine and the others should be conditional (equally applicable to the two turbines at Ectona); West Cumbria's environment has changed since these were built turning its green and pleasant land into a metal forest whose trend should be reversed; still awaiting the benefits of reduced electricity prices with the preferable development of turbines offshore to avoid noise, flicker and visual impacts (with compensation paid to those affected).
- 6.17. A further letter was received from Butterfly Conservation - Whilst not objecting, it primarily refers to their submitted objection to a separate network rail application FUL/2020/0212. They seek consultation with Workington's Nature Partnership to safeguard the extant wildlife habitat (including core colonies of the Small Blue butterfly).

## **7. Environmental Impact Assessment**

- 7.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 7.2. The Development falls within Schedule 2 and following Screening is not considered to be EIA development.

## **8. Duties**

- 8.1. The site of the proposal does not impact on the setting of any listed buildings or Conservations Area's.

- 8.2. For Natura 2000:

Regulation 9 of the Conservation of Habitats and Species Regulations 2017 requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions, particularly when determining a planning application for a development which may have an impact on European Protected Species ("EPS"), such as bats, great crested newts or otters.

## **9. Development Plan Policies**

- 9.1. **Allerdale Local Plan (Part 1)**

Policy S1 - Presumption in favour of sustainable development  
Policy S2- Sustainable development principles  
Policy S3 - Spatial Strategy and Growth  
Policy S4 - Design Principles  
Policy S19 - Renewable Energy and Low Carbon Technologies  
Policy S27 - Heritage Assets  
Policy S29 - Flood risk and surface water drainage  
Policy S32 - Safeguarding amenity  
Policy S33 - Landscape  
Policy S35 - Protecting and enhancing biodiversity and geodiversity  
Policy DM17 - Trees, hedgerows and woodland

## **9.2. Allerdale Local Plan (Part 2)**

Policy SA2 – Settlement limits  
Policy SA31 – Gypsy and traveller allocated site, former caravan park, Oldside  
Policy SA36 - Employment allocation (B1,B2 and B8 landuses) land north of the Port of Workington  
Policy SA37 – Employment allocation (B1,B2 and B8 landuses) – Land at Oldside workington..  
Policy SA50 – Area suitable for wind energy development  
Policy SA52 - Green infrastructure

## **10 Other material considerations**

### **10.1. National Planning Policy Framework (NPPF) (2019)**

Chapter 14 Meeting the challenge of climate change, flooding and coastal change.

Chapter 15 Conserving and enhancing the natural environment.

### **10.2. Cumbria Wind Energy SPD (2007)**

### **10.3. Cumulative Impacts of vertical infrastructure (2014)**

### **10.4. Planning Practice Guidance for Renewable and low carbon energy (June 2015) - updated to reflect the former ministerial advice**

### **10.5. National policy for Energy EN-1 (July 2011)**

### **10.6. National Planning Policy Statement for Renewable Energy Infrastructure EN-3**

### **10.7. Conservation of Habitats and Species Regulations 2017 (as amended)**

### **10.8. Wildlife and Countryside Act 1981 (as amended)**

### **10.9. Local Biodiversity Action Plan**

## **10.10. Allerdale Borough Council Plan 2019-2023:**

Strengthening our economy - Supporting the development of new homes where they are needed.

### **11. Policy weighting**

**11.1.** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

### **12. Assessment:**

#### **Principle of Development**

**12.1.** Section 73(2) of the 1990 Act states that “the local planning authority shall consider only the question of the conditions to which the permission should be granted”.

**12.2.** The options to this authority are:  
A if it is decided that permission should be granted subject to different conditions to those previously imposed or it should be granted unconditionally, then permission should be granted accordingly;  
B if it is decided that permission should be granted subject to the same conditions, then the s73 application should be refused.

**12.3.** Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. Given that a new permission is being considered, then the determination must be made in the context of current development plan policies and material considerations.

**12.4.** In assessing the merits of the current proposal the principle of the development is a material planning consideration as the application directly seeks to extend the temporary lifespan of the original consent. Indeed this application represents the first application seeking the temporary renewal of the oldest windfarm implemented within in the Borough. However it is evident that over the consents 25 year timescale there has been substantial changes in planning policy context and more bespoke subject areas relating to wind turbine development and its impact on its locality. This requires the consideration of a multitude of more update planning practice, regulations and guidance. This is applicable at both the national and local level.

**12.5.** Of particular relevance and importance to this proposal is its reference to it constituting the “repowering” of the existing turbines. Although it does not propose any physical alterations to the existing turbines themselves, it would represent an extension of their operational timescale.

- 12.6.** The applicant supporting evidence refers to the National Planning Policy Framework 2019 and its economic, social and environmental objectives towards “sustainable development”, the addition of a presumption in favour of sustainable development with proposals being determined in accordance with development plans unless material considerations dictate otherwise.
- 12.7.** Para 153 under meeting the challenge of climate change, flooding and coastal change, advises in determining applications the local planning authorities should:
- “a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
  - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*
- 12.8.** The NPPF also seeks the protection of valued landscapes, improved biodiversity and improves health.
- 12.9.** Both the National Planning Policy under EN1 and EN3 outlines targets and the applicant considers the 5.4MW of energy delivered by the development contributes towards the government targets of cutting greenhouse emissions by 80% by 2050 including the investment including “cleaner power generation”.
- 12.10.** The NPPG encompasses former ministerial advice issued in 2015 relating to renewable energy wind generation development which stated such developments should only be allowed if it was in an area identified as suitable for wind energy development within the local plan and also had the support of the local community. However it was highlighted in the appeal decision at Kirby Moor windfarm at Grizebeck (APP/M0933/W/18/3204360) that these criteria related to new wind power development proposals and was not applicable to repowering proposals. It was considered repowering alternatively represented an umbrella term covering “replacement, replanting and extension of life”
- 12.11.** The applicant also refers to the wider climate policy criteria and its associated renewable energy targets under the Climate Change Act, the UK Renewable Energy Roadmap update 2103 (with the slowing growth of onshore windfarms increasing the significance of the continued contribution of the existing windfarm fleet) and 2050 net Zero carbon commitments.
- 12.12.** The applicant also refers to the UK Climate Risk Assessment 2017 in response that the global climate is changing with greenhouse gases from human activity being the dominant cause (increasing flood risk, higher temperatures, water shortages, impacts on wildlife and food production and new diseases).
- 12.13.** The assessment was followed up with the Reducing UK Emissions Report 2019 advising actions have fallen short of targets for the net zero objective, with references towards the role of wind energy contributing to meet the shortfall

including milestones and targets. Further details were submitted concerning the Department for Business, Energy and Industrial Strategy's consultation on proposed changes to contracts which endeavours to support low carbon generation at the lowest cost possible to consumers through subsidies (including on shore wind projects). It stated in April /June 2020 renewables accounted for 45% of the U.K's energy (with on-shore wind representing 20%).

- 12.14.** The applicant considers the Oldside windfarm development will assist in continuing to meet that contribution.
- 12.15.** Reference was also made to Renewable Energy's claim that in 2020 that onshore capacity fell to a lower level than the previous year, because in their opinion government policy does not support on shore windfarms with 8,626 on shore turbines generating 13,650.025 MW but in 2019 only 629 MW were installed under 23 windfarm projects (compared with 2,683MW in 2017 involving 343 projects). Given these findings the applicant considers it is an important material consideration towards their proposed 10 year extension.
- 12.16.** The applicant also makes specific comparisons with the Kirkby Moor appeal decision, which similarly sought to vary the 25 year timescale of its temporary consent which was granted in 1992 and sought a further 10 year extension for its operation. As stated previously, despite strong local objection that the NPPG criteria was not applicable (albeit there is no formal definition of "repowering" his interpretation was included in the decision). In arriving at the decision the Inspector noted the site was not in a designated area and was not a valued landscape. It was concluded the benefits would outweigh the limited harm for the lifetime of the development. The applicant highlights that their proposal is also not in a designated sensitive area, relates to a site where the development has been assessed and accepted.
- 12.17.** Officers acknowledge each planning application should be assessed on its individual planning merits. In terms of renewable energy development it is necessary to balance the benefits of any such proposal against any such environmental harm.
- 12.18.** It is important to observe that the more up to date National Planning Policy Framework and indeed the adopted Allerdale Local Plan 2014 (Part 1) are broadly supportive of the proposals for renewable energy development subject to addressing their policy criteria. Furthermore irrespective of the submitted appeal decision this individual site has been included within the search area for wind development under policy SA50 of the recently adopted Allerdale Local Plan Part 2.
- 12.19.** The need to meet national targets for generation of electricity and heat from renewable and low carbon sources is recognised, as are the wider environmental, community and economic benefits of such development. Therefore need is not a material planning consideration in determining this application.

- 12.20.** Whilst officers accept that under the Kirkby Moor appeal decision that repowering proposals of this nature are not applicable to the advice within the NPPG requiring the community support it is also important to note that the Inspector still concluded the objection representations remained material planning considerations.
- 12.21.** The original application was EIA development and supported by an Environmental Statement. Given the impacts are significantly lessened through the implementation of the approved works i.e. addressing most of the constructional aspects e.g. hydrology, officers acknowledged there are specific environmental topic headings which needed to be re-evaluated to address updated regulations or policy requirements under the new adopted local plan. (Officers are aware there will remain some outstanding matters relating to decommissioning works that can be dealt with by planning conditions).
- 12.22.** The key environmental areas which required reconsideration can be summarised as follows.

### **Ecology**

- 12.23.** Policy S35 seeks to safeguard protected species and their respective habitats. The original application's evidence would be clearly out of date and the extent of any impacts needs to be reconsidered, although it is recognised that the likely greater level of associated disturbance would have occurred during the construction of the turbines.
- 12.24.** The applicant submitted an extended Phase 1 Ecological Survey (Sept 2019) which states the site is within: 0.45km east of the Solway Firth's proposed Special Protection Area (pSPA); 1.7km distance from the River Derwent SAC and SSSI; and 200m west of Siddick pond's SSSI and Local nature reserve.
- 12.25.** The habitat comprises a mixture of mixed woodland plantation (in the north), dense scrub and unimproved neutral grassland in the south and unimproved calcareous grassland in the centre with scattered scrub throughout the site. A dry and wet ditch was also observed in the centre of the site.
- 12.26.** The report concluded that the wet ditch had a below average suitability for Greater Crested Newts and although the site has suitability for this species it is unlikely they will be present onsite. However the site is suitable for amphibians. The site also has a moderate suitability for bats. As a result of disturbance from activities on the site it is considered badgers would be unlikely be present at the site.
- 12.27.** Otters have been recorded at the Port of Workington and although there is no freshwater on site the site may be used for foraging. The site is unlikely to support water voles.
- 12.28.** A high number of 162 bird species were recorded within 5km of the site (including 14 sensitive species) The sites woodlands and scrub are suitable for

nesting birds and habitat along the coast are suitable for overwintering birds and birds on passage may use the site and the surrounding area.

- 12.29.** There are also records of 101 species of insect which includes one species of dragonfly, Migrant hawkler and four species of butterfly: Dingy skipper, Wall, Small heath and Small blue butterflies(SPI species) with the Small blue being BAP species).
- 12.30.** The study also identified some invasive species on the site.
- 12.31.** It recommends an HRA Assessment screening is undertaken to identify any significant effects on the pSPA or River Derwent SAC (either in combination or individually). The report proximity of Siddick Ponds SSSI also prompted the implementation of bird surveys. In the absence of any hydrological link to the River Derwent, no effects on the River Derwent SSSI are envisaged.
- 12.32.** Oldside County wildlife site is immediately north and east of the site and the Siddick Flimby Coast is 0.82km North West and Hazel Grove 0.9km to the east (Siddick Pond local nature reserve is 0.2km to the east of the site). The report highlights the proposal will not result in any significant changes to the landuse as they are confined to the site of the turbines and the access tracks. The submitted supporting HRA recommends a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) as part of the decommissioning exercise. (Plus additional amphibian, reptile, bat, badger, otter, butterfly Greater Crested Newt survey in the year prior to the decommissioning works).
- 12.33.** In the context of Biodiversity enhancement which policy objectives (including the adopted local plan S35) have been introduced during the lifespan of the operational use of the turbines, the applicant has volunteered a financial contribution (£14,080) to Workington Nature Partnership for their wider nature conservation activities in the locality of the site. This is considered reasonable and proportional to the development under a s106 agreement to be assigned to Workington Nature Partnership to be reinvested in enhancing the nature conservation environment in the locality.
- 12.34.** The applicant also submitted additional supporting species specific ecology surveys to evaluate such impacts in greater detail. The first of these was a bat survey (April-Oct 2019) including carcass searches and the timescale for their removal by scavengers at each of the turbines.
- 12.35.** Although several species were recorded on site, the levels of activity were low with sporadic higher levels (pipistrelle foraging). The most common bat species are considered at high risk of collision with rare species only infrequently commuting. The site was considered to be low habitat risk. Turbine 5 had the highest count of sightings, peaking in July at 864 with nearby scrub attracting invertebrates for foraging with a high figure for turbine 9 in May. The surveys varied in their bat species, with lower recorded rates in October.

- 12.36.** The bat report in assessing the levels of strikes concluded that common and soprano pipistrelles accounted for most of the activity on the site with widespread species being at high risk of collision. To mitigate this it was recommended that strategies be pursued to discourage foraging around the woodland (turbine 6 and 9 ) and scrub (turbine 5) with the thinning out of some of the turbines base's woodland/ scrub (up to 50m which is outside the application site) Unfortunately the additional option of adjusting blades is a not applicable for the applicants turbine type. This mitigation aspect was examined as such works would fall outside the applicants control and therefore could only be secured via s106 legal agreement. Furthermore such mitigation clearance works would in turn potentially impact the habitat of breeding birds on the site. Officers sought advice on this issue from its peer consultant ecologist. However it was considered such works would not be classed as essential and therefore these measures are discounted as it does not meet the tests for inclusion in any s106.
- 12.37.** The second supplementary ecology report was a bird survey (undertaken 2019/20) in response to pre –application recommendations from Natural England; given the site's proximity to Siddick Pond designated SSSI. These incorporated wintering seasons within a study area extending up to 500m from the application site. The study used vantage point surveys, plus collision modelling and carcass searches. The report refers to the Solway Coast pSPA designation (and species) River Derwent SAC and SSSI, Allonby Bay Marine Conservation Zone (MCZ) and Siddick Pond's SSSI and LNR. References are made to the baseline and records of previous surveys in the area. The resulting survey identified 14 pSPA species namely: Cormorant (3854 flights), Herring gulls (3797) , Black headed gulls (366), Oystercatchers (265) , Redshank (83), Ringed plovers (76), Goosanders (69), Turnstones (238), Golden eyes, Curlews, Teal, Lapwing and Shelduck (1). Six additional schedule 1 species were identified: Fieldfare, Goldeneye, Greylag Goose (205). Peregrine, Redwing and Whooper swan. The report also refers to six BoCC red list species and sixteen amber list species plus other target species (either within or outside the target area).
- 12.38.** Seven of the pSPA species were considered at risk as they were identified flying at a potential collision height of the turbine. A total of nine bird carcasses were found during the study period, although it does suggest a high rate of scavenging was observed. The report references Siddick Pond's role as an important feature for local populations of breeding, wintering and migratory species. (Including waterfowl and seabirds). Although some species were recorded in significant numbers at Siddick Pond SSSI, the evidence suggests the application site itself does not support waterfowl roosts, albeit some wetland species were identified on the site. The vantage surveys identified that of sporadic flights by Goosander, Greylag goose, Grey Heron, Mallard and Mute swan. There was no movement of other wildfowl species notified under the SSSI through the core area.
- 12.39.** The report concludes that the extended operational life of the windfarm is highly unlikely to significantly contribute to the increased mortality, displacement or create barrier effects to the waterfowl species. The gull recordings were

concentrated at the southern end of the SSSI with other observations at the port of Workington and the coastline. Similarly other local bird population species recorded in the vantage surveys show birds generally avoid the collision risk with flights around the SSSI, Port of Workington and the coastline. Flocks of geese were observed on the pasture field north of the pond but this is divided from the applications site by the a road and railway. Officers consider the site is unlikely to be of significant importance to ecology until the disturbance arising from the decommissioning works.

- 12.40.** A stage 1 habitats assessment was also included in the application for screening purposes accounting for the “People of Wind and Sweetman v Coillte Teoranta – April 2018-C323/17) judgement, which advised mitigation could not be considered within the assessment which alternatively requires evaluation under Stage 2 Appropriate assessment.
- 12.41.** The assessment identified the operational pathways of: bird strike to bird species, loss of habitat due to the infrastructure, displacement of birds from designated site and the surrounding area, barrier effects and noise, visual or human disturbance. The future decommissioning works has the potential disturbance of noise/ visual disturbance and pollution.
- 12.42.** No identified barriers were identified requiring any mitigation. Any pollution events would only occur at the decommissioning stage and can be conditioned e.g. CEMP(or in this individual case as its decommissioning works a DEMP).
- 12.43.** In assessing the impact of the works and the ecological designation including their species, it was concluded that the operational pathways may possibly require mitigation to impacts of bird collision and any barrier effects plus the decommissioning works will require mitigation in respect of any possible pollution impacts. Furthermore in-combination impacts were identified with the other turbine developments at Siddick, Voridian and Wythegill. Other more distant turbines has no likely significant effects. However the percentage of mortality rate is below 1% threshold limit for qualifying features in the pSPA therefore there are no adverse effects or mitigation is required (either individually or in combination) . Any pollution risk is to be mitigated via a construction management plan condition .Therefore the reports recommendation is subject to confirmation from Natural England on the HRA screening assessment.
- 12.44.** The ecological evidence was the subject of a peer assessment by an independent ecology consultant. He concluded the methodology and evidence was robust. Although clarification is sought on the 1% figure on the bird mortality, the consultant overall concluded with the findings and recommendations (including a s106 contribution to WNP). Officers therefore subject the bird strike issue consider this aspect has been satisfactorily addressed.

## **Landscape and Visual Assessment**

- 12.45.** Policy S33 of ALP1 seeks to protect the landscape value of the Borough from development proposals. The northern section of the site is also designated as Green Infrastructure under Policy SA52 of the Allerdale Local Plan (Part 2). This policy does not prejudice development within these areas but seeks to ensure its existing landscaping contributes to any future proposals.
- 12.46.** This topic represents a key issue which assesses the effect of the development on its landscape character as well as the neighbouring landscape classifications. It also accounts for the cumulative impact when assessed in the context of other turbines in the locality. The application was supported by a Zone of Theoretical Visibility (ZTV) to demonstrate the extent of the views of the turbines. In addition, the landscape assessment incorporated 16 viewpoints to appraise the short medium and long term viewpoints of the windfarm from the surrounding area.
- 12.47.** The applicant confirms that the site is located 11km to the west of the Lake District National park which benefits World Heritage Status (largely deriving from its landscape value) and also 4.5km south of the Solway Coast designated AONB.
- 12.48.** The applicant's evidence indicated localised moderate adverse effects on the landscape due to the nature in change through the decommissioning of the turbines and the influence of the extending the term of the turbines by a further ten year period. This impact would also extend to the neighbouring landscape classification (classes 1a Intertidal flats and 5a lowland ridge and valley)
- 12.49.** It accepts there would also be some minor and negligible effects from the various route corridors in the locality, but with little change to the underlying nature of the landscape.
- 12.50.** In assessing the landscape viewpoints moderate adverse impact were identified in 5 out of the 17 viewpoints which largely derives from their close proximity to the site which exacerbates their presence, plus the openness of its coastal location. Its contests the ten year extension would continue the presence of the existing views for some receptors and provide a limited contribution to this influence. Indeed some viewpoints encountered oblique, restricted or distant impacts. It is concluded there would be limited cumulative impact on landscape character in the context of the existing mixed development in Oldside. Minor impacts over a medium term duration would be experienced along the England Coast path. These are both reversible and temporary for the proposed extended timescale of the windfarm.
- 12.51.** Officers in evaluating this evidence refer to the landscape classifications. The landscape of the Borough is broken up into different landscape character types under the Cumbria Landscape Character Assessment (Part 2) Guidance 2007 and the Cumbria Landscape Character Assessment Toolkit.

- 12.52.** The site itself falls within the landscape character type 2d “Coastal urban fringe. The County Wind Energy SPD advises, this landscape has a “moderate” capacity to accommodate turbine developments up to a small group (3-5 turbines) and possibly large group (6-9 turbines) in coastal contexts, depending on proximity to the coast, proximity to large scale structures and local topography, with greatest potential on industrial sites or major routeways, but some of these areas are nearing capacity.
- 12.53.** The County’s Cumulative Impact of Vertical Infrastructure (CIVI) study also evaluated the cumulative impact of such works considering its sensitivity to be moderate/ high. Officers highlight that both documents were adopted post the establishment of the applicant’s development and therefore their visual impact was incorporated into their findings. In evaluating the proposal from a historical perspective it is also important to acknowledge that the landscape merits of the proposal, especially in the context of its urban setting, was considered acceptable without any significant harmful impact on its locality. Significant weight is also attributed to the approval of the neighbouring windfarm to the north at Siddick, plus the allowing of the later subsequent Vordian and Wythgill turbine appeals with the Inspectors evaluating the landscape merits of the site which represented a wind turbine dominated landscape.
- 12.54.** The applicant’s landscape assessment considers that the Coastal Urban fringe, (plus the lowland urban fringe) is of low value by virtue of its industrial built development, whereas the neighbouring lowland ridge and valley landscape was attributed as medium value with the coastal flats being of high value.
- 12.55.** The sensitivity of the host landscape character was moderate as the CIVI identifies the area as being very susceptible to the windfarms continued presence having a high susceptibility to medium scale vertical infrastructure.
- 12.56.** Overall it was considered any impact on the receptors on the rights of way (including the coastal path) would be minor adverse and moderate adverse on the landscape character 2d, 1a and 5a with minor negligible or no change for the landscape characters further afield from the locality including the sensitive receptors.
- 12.57.** In conclusion the landscape assessment acknowledges localised moderate effects were identified in the host landscape character, largely arising from the decommissioning which would result in the removal of the windfarm whereas the proposed retention for a further 10 year timescale would continue its presence in its industrial and coastal setting, with additional moderate adverse impacts on the neighbouring landscape characters. The report however emphasises no change or impacts upon the sensitive landscape character of the Lake District National Park WHS or the Solway Coast AONB.

### **Visual amenity**

- 12.58.** Policy S32 seeks to ensure future development proposals safeguard visual amenity. Policy S19 also seeks that proposals do not have adversely unacceptable impact on the amenity of local residents. The supporting text in

Para 225 states “*in order to address community concerns and in the interests of residential amenity and safety, a minimum separation distance of 800m between wind turbines (over 25m to blade tip) and residential properties will be expected. It is recognised that in some cases due to site specific factors such as orientation of views, landcover and other buildings and topography it may be appropriate to vary this threshold, where it can be demonstrated through evidence that there is no unacceptable impact on residential amenity. Shorter distances may be appropriate if there is support from the community.*”

- 12.59.** The application also assessed the visual impacts of the development complemented by the ZTV’s at a 20km radius. The selected viewpoints ranged from 87m to 15.70km including some views from the sensitive receptors of the Lake District National Park and the AONB. These viewpoints also included some residential receptors (Dunmail Park, Church St Workington, Northside Lowca Lane Seaton), public rights of way and road users.
- 12.60.** It concluded that moderate visual impacts would be experienced from five viewpoints (most of which comprised of short term views in the surrounding hinterland to the site). Although the windfarms decommissioning would remove the turbines, there are other existing turbines/ buildings in the locality of various heights and ages. The retention of the turbines for a further ten year timescale would provide limited contribution to this influence.
- 12.61.** Officers have long accepted that the large scale of turbine or windfarm development is not one that can be satisfactorily screened as it will be open to public view. However in this individual instance, unlike other turbines which often are sited in open and exposed rural open countryside locations which increase their prominence, this proposal occupies an urban setting within the strong presence of other man-made development. The existence of the turbines for nearly the past 25 years has formed part of the fabric of the built environment, thus the extent of their prominence in the immediate vantage points by vehicle, cycle, foot or indeed train is accepted.
- 12.62.** This aspect also applicable to the residential receptors and their context in terms of Policy S19. The applicant was requested to include a more detailed residential visual amenity receptor to analyse this issue in greater detail which was submitted with the proposal.
- 12.63.** Its report refers to the landscape advice in GLVIA3 which states “*It will be important to recognise that residents may be particularly susceptible to changes in visual amenity – residents at home, especially using rooms normally occupied in waking or daylight hours, are likely to experience views for longer than those briefly passing through an area. The combined effects on a number of residents in an area may also be considered, by aggregating properties within a settlement, as a way of assessing the community as a whole*”
- 12.64.** Appeal references were made to the Six Penny Wood inquiry (APP/X1545/A/06/2023805) which outlined that no one has a right to a view and therefore the extent of harm relates to other factors (undue obtrusiveness or overbearing impact) to an unacceptable degree. Also the appeal at Eifer downs

(APP/X2201/A/08/2071880) highlights as to whether the number, size and proximity of turbines results in a property as an unsatisfactory place to live.

- 12.65.** The appeal at Carland Cross (APP/D0840/A/09/2103026) advises that the planning system serves the public rather than private interests but these can overlap i.e. the view of a turbine from a window does not necessarily mean its visual impact is objectionable. The applicants report acknowledges the criteria of Policy S19 and provided a sample of four representative properties to evaluate the worst case scenario. (albeit access was limited due to the pandemic). The four properties chosen were: 8 New Villas Siddick, Siddick Rd (north of Dunmail park), Northside and Stanley Street Workington. (An additional property on Helder Street Siddick facing south was omitted as it only experienced oblique partially obscure views from its upper windows)
- 12.66.** The assessment accounted for distance, orientation of the property, description of the property's extent of views/ types of rooms including curtilage and any intervening features vegetation.
- 12.67.** Moderate adverse impacts were identified for all these properties (except 8 New Villas) which only experienced minor adverse impacts. Each of these can be examined:
- Siddick Road (Annsmere, Linfield, Rosemar and Millside) (approx. 374m) separation distance – primary views are experienced from the frontages of these properties onto the A596. However three large industrial premises are sited in the foreground on the opposite side of the classified road (St Helens Industrial units) and there are tall streetlamps on the highway. Therefore the turbines are seen alongside other man-made /natural features in the locality reducing their vertical prominence. The lower sections of the turbines are further obscured by the woodland adjacent to the railway line, but the blade rotation is above the roofline.
  - Trinity Drive Court, Northside (approx.706m) these flat's North West outlook occupies an elevated position on an escarpment facing towards the windfarm. However even with omission of the turbines which would reduce clutter, a number of other large building remain in the view, including Dunmail Park and its commercial buildings, plus Iggusund's larger scale complex is in the background. Therefore the proposal will not be visually dominating.
  - No 1 Old Bonded warehouse, Stanley St, Workington (approx. 732m) the north facing windows face towards the windfarm. The removal of the turbines will reduce the vertical elements from the outlook but the view is also characterised including large cranes, industrial buildings and structures therefore any change in the view would not be great.
- 12.68.** One individual objection refers to the non - operational use of one of the turbines in breach of the conditions of the original consent. This matter was taken up with the applicant who advises that it is awaiting repair, with a delay in securing these works, however the intention is to reinstate its operational use.

**12.69.** Officers recommend that it would be reasonable to re-impose the same condition as the former consent to secure the continued operational use of the turbines and avoid them becoming redundant landmarks. Based on the applicant's response officers do not consider it is presently expedient to pursue this breach, but the situation can be monitored and if prolonged reinitiated under any extended timescale consent. Other complaints relating to the inactivity of the Vordian turbines at Siddick have also been submitted and are being investigated as a separate enforcement issue.

### Cumulative Impact

**12.70.** The applicant evidence also examined any cumulative impacts within other wind turbine developments in a 35km radius. The assessment accounted for the evolution of turbines within the study area since its approval in 1996. This is demonstrated in the following table.

**12.71.** TABLE 6.1

Name	Application Ref	LPA	Status	Turbines	Blade-Tip Height (m)	Distance from Oldside turbines (Km)	Year Operational	Comments re Operational Year
Siddick	2/1995/0342	Allerdale	Operational	7	61	0.87	1996	
Lowca	4/98/0486/0	Copeland	Operational	7	64	6.19	2000	
Winscales	2/1997/0902	Allerdale	Operational	11	61	4.29	2005	
Vordian	2/2003/0721	Allerdale	Operational	2	115	1.3	2006	
Wharrels Hill	2/2001/0008	Allerdale	Operational	8	81	19.06	2007	
Winscales Moor	2/2006/1321	Allerdale	Operational	7	81	4.16	2007	
Robin Rigg			Operational	60	125	12.45	2010	
Fairfield	4/06/2684/0	Copeland	Operational	5	81	9.01	2011	
Hellrigg (Parkhead Farm)	2/2007/0076	Allerdale	Operational	4	121	24.35	2011	
Flimby	2/2007/1255	Allerdale	Operational	3	102	4.68	2013	
Tallentire	2/2008/0261	Allerdale	Operational	6	100	12.81	2013	
Green House Farm	4/11/2480/0F1	Copeland	Operational	1	80	7.4	2014	
Harrington Parks Farm	2/2012/0051	Allerdale	Operational	1	61	5.55	2014	
Lowca Top Road	4/12/2557/0F1	Copeland	Operational	1	79.6	7.02	2014	
Moor House Farm	2/2011/0444	Allerdale	Operational	1	47.1	5	2014	Assumed - on 2016 aerial - conditions discharged 02/2014
Warwick Hall Farm	2/2008/0997	Allerdale	Operational	3	107	18.03	2014	
Castlerigg Farm	4/13/2125/0F1	Copeland	Operational	1	77	8.7	2015	

Name	Application Ref	LPA	Status	Turbines	Blade-Tip Height (m)	Distance from Oldside turbines (Km)	Year Operational	Comments re Operational Year
East Town End	2/2013/0495	Allerdale	Operational	1	74	5.06	2015	Assumed - works started July 2014
Hunday Farm	2/2013/0082	Allerdale	Operational	1	77	4.28	2015	Approved 2014 - present on 2016 aerial
Potato Pot	2/2012/0594	Allerdale	Operational	3	100	7.23	2015	
Tam Bank	2/2013/0494	Allerdale	Operational	1	74	5.01	2015	Assumed - works started July 2014
Watch Hill	4/12/2170/0F1	Copeland	Operational	1	74	9.05	2015	Approved 2013 - present on 2016 aerial
Wythegill	2/2011/0259	Allerdale	Operational	1	100	1.99	2015	
Fox House Farm	2/2012/0916	Allerdale	Operational	1	77	8.43	2016	Assumed - conditions discharged 2015
West House Farm	2/2012/0914	Allerdale	Operational	1	77	10.33	2017	
High Farm	4/15/2187/0F1	Copeland	Consented	1	74	9.35	0	No evidence on recent aerial photography
<b>Other types of development considered</b>								
Mixed use development consisting of A1-A5, B1, C1 and Sui generis use	2/2016/0188 RMA/2020/001	Allerdale	Outline consent (reserved matters applications pending)	N/A	N/A		N/A	Development includes a six storey hotel. Plans indicate only corridor windows on the western elevation of the hotel.

**12.72.** The report acknowledges that historically the only other turbines in existence at the time of implementing the original consent was the seven proposed turbines comprising of the Siddick windfarm. The application identified the progressive evolution of the other turbines in the area. In order to evaluate their cumulative impacts some of the viewpoints were purposely selected to demonstrate the extent of cumulative views, especially relating to public viewpoints from route corridors. Longer distant viewpoints demonstrated no cumulative effects. Similarly it contests the cumulative effects sequentially are considered to be negligible.

**12.73.** Officers acknowledge that the coastal corridor along the A596 is not only dominated by wind turbines but other large scale industrial buildings and infrastructure, which despite the openness of the site limits the cumulative visual impact of the development with built development in proximity to the works. This in turn reduces the extent of any cumulative impact as it is perceived as part of the urban industrialised route along this individual section of the coastal corridor.

### Shadow Flicker

**12.74.** In assessing wind turbine development it is accepted that shadow flicker is only likely to be an issue to any property within 10x rotor diameter of a turbine (420m) and within 130degree either side of north relative to the turbine.

**12.75.** The extent of shadow flicker varies depending on the weather conditions, direction of the sun, its height and angle in the sky plus the orientation of the turbines which can produce the experience of shadow flicker which can cause disturbance to residential receptors. The studies modelling concluded seventy six properties fell within this catchment area. Although there is no national planning guidance, there is German guidance which considers 30 hours per year or 30 minutes per day is acceptable.

- 12.76.** Four receptors were identified to assess a worst case scenario. Further to this assessment no individual property, albeit experiencing some degree of shadow flicker, did not exceed the thresholds. (No previous complaints have been received relating to the operation of the existing turbines)
- 12.77.** It is therefore concluded the development would not result in significant harm. No objection representations were received on this issue. Therefore no mitigation measures are required to be in situ for these turbines (subject to a safeguarding planning condition).

### **Noise**

- 12.78.** The subject of noise (reflecting policies S19 and S32) is an important material planning consideration. The applicant has undertaken a detailed noise assessment in accordance with the more up to date ETSU guidance. (There is a noise limit threshold condition incorporated into the conditions of the original consent.) A selection of measuring points were identified to reflect the local residential receptors and baseline levels and modelling was used to assess the impact of the turbines both individually and cumulatively, including both daytime and night time hours.
- 12.79.** The councils Environmental Health officers have assessed the noise evidence in the context of the ETSU guidance, which was introduced after the original consent. Unlike other more remote locations for turbine development, this site is in an urban setting and in proximity to established noise generating activities from the industrial plants plus that of traffic utilising the highway corridors.
- 12.80.** The Environmental Health officer is satisfied that the evidence has been satisfactorily assessed and that subject to an updated planning noise threshold condition to reflect ETSU guidance, the details are acceptable with no adverse impact on the amenity of existing properties i.e. compliance with Policy S32 of ALP1.

### **Gypsy/ travellers site allocation (SA31) former car park Oldside**

- 12.81.** Policy SA31 of ALP2 allocates a 1.5ha brownfield site at Oldside for accommodating gypsy and permanent and transit pitches.
- 12.82.** Whilst officers acknowledge that this landuse presently does not exist, and indeed has yet to gain planning consent, as it represents an allocation in the local plan there is an expectation for it to be delivered prior to the expiry of the plan period (2029). Therefore it remains a material planning consideration as officers seek to ensure that the merits of any development does not prejudice the delivery of the allocation. (A recent challenge in the high court to the inclusion of this allocation in the local plan was dismissed).
- 12.83.** The evidence included within the local plan identifies a shortfall of ten permanent pitches, ten transit pitches and eight showpeople plots. These figures are presently the subject of a current review. The documentation of the local plan included a topic paper on this issue which included a hypothetical

plan of the caravan park layout (outside a defined topple zone of the nearest turbine) but this has no weight. The caravans are to be residential in their use and therefore afforded the same criteria under Policy S32 and S19 of the local plan as that applied to residential dwellings.

- 12.84.** The allocation includes the footprint of turbine T6 within its defined area. Officers sought clarification on the impact of amenity on any future residential use of the site with specific focus on the future amenity of the occupiers of the caravans relating to Policy S19 as there were concerns on the visual amenity, shadow flicker and noise implications.
- 12.85.** In response, the applicant has agreed to a mitigation programme which will be triggered if the allocation is both approved and implemented. This would involve the decommissioning and removal of turbine T6 from the site. In addition given the high background noise levels already experienced at the site deriving from the existing landuses and nearby transport corridors they are also seeking to adopt a noise and shadow flicker mitigation scheme relating to the nearest other two turbines to the allocation. T6 will be reviewed to establish whether they can comply with the approved noise thresholds in the planning condition. A similar shadow flicker mitigation assessment will relate to T5 and T7.
- 12.86.** Officers had been concerned that, by virtue of the proximity of the nearest turbine the ability to achieve a satisfactory standard of residential amenity at the allocated site would be difficult with potential impacts from both noise and shadow flicker. In addition, irrespective of any approved plan for this allocation, it would have been difficult to achieve any layout or orientation of caravans on the site without them being dominated by the close presence of this nearest turbine. Through its omission officers consider it enables more flexibility in adopting a future layout which does not encompass and overbearing impact from the remaining turbines which are set back further away from the site. Their orientation may avert direct views of the remaining turbines. These amenity standards will likely be further safeguarded by the proposed noise/ shadow flicker mitigation measures for the other two nearest turbines. (The Environmental Health officer supports these findings. It is therefore considered that through these measures under the s106 mitigation strategy the merits of the allocation have been secured in compliance with policy S32 and S19 of the Allerdale Local Plan (Part 1).

#### **Industrial allocations SA36 and SA37.**

- 12.87.** The existing turbines at the southern end of the windfarm are also sited within areas allocated for industrial development north of the Port of Workington. These areas were identified as an important expansion area for the port and its associated landuses and infrastructure (including the recently completed upgraded highway railway bridge link from the A596). Officers consider that similar to other industrial development elsewhere in the country, this form of development can adapt their layouts to accommodate the siting of the turbines as part of their wider redevelopment of the site. Indeed turbines are often referred to as an industrial form of development. Given the substantial size of these allocations it is not considered the proposal would prejudice the

implementation of these employment allocations and as commercial development it does not raise the same amenity sensitivities as that for residential landuses.

### **Highways**

- 12.88.** The constructional operation has been undertaken for the turbines including their access corridors. The level of traffic during their continued timescale will be negligible. The details of the traffic operations during decommissioning can be utilise the established access routes .The highway authority raised no objection.

### **Contamination**

- 12.89.** The main aspects of ground disturbance would have occurred during the construction stage. The Environmental Health officers raises no objection in terms of contamination, however the condition regarding ecological mitigation measures will need to address this issue to prevent any potential pollution during the decommissioning works.

### **Radar, NATS, Aviation, Seismic and Electromagnetic interference**

- 12.90.** The application is supported by an Aviation, Radar and telecommunications risk review which concluded that the proposal would not have significant adverse effects on aviation, radar, telecommunications, television of Eskdalemuir Seismic array. NATS and the MoD have raised no objections to the proposal as it is envisaged the windfarm will be already on their recorded networks. No representations have been received from Carlisle airport. Therefore the retrospective nature of the works extending the timeframe of the consent is considered acceptable in terms of aviation safety and radar in so far as these agencies interests are concerned.
- 12.91.** JT radio have responded with no objections. Aquiva (representing BBC, ITV and Re-broadcast links) and JT radio have not responded, but given the existence of the windfarm with no known complaints this is considered acceptable.
- 12.92.** The original consent was subject to a s106 legal agreement which sought to address any TV reception complications or interference which were introduced to properties in the surrounding settlements within 12 months of the operational use of the site. As this timeframe is complete it is considered there is no justified reason for an addendum to the s106 to accommodate its details as part of any new consent.

### **Topple distances**

- 12.93.** The windfarm turbines at Oldside are outside the topple zones of either the West Railway line or the A596 highway. A structural survey was also included in the application to assess the physical condition of these long standing turbines. Only moderate structural issues were identified; with a useful remaining lifespan

estimated to be greater than 7 years and the turbines will be monitored (further inspection 2023/24). Any mitigation measures for the gypsy allocation under the s106 will account for topple distances.

**Balance of needs/ impacts.**

- 12.94.** As s73 application the application solely seeks to vary an individual planning condition. Whilst in most circumstances this would lead to the principle remaining intact, in this individual case it relates to the extension of the temporary timescale for the operational use. In this scenario officers are of the opinion that the principle of the development is to be reconsidered to verify its compliance with the updated policies of S19 and other respective local planning policies linked to the development.
- 12.95.** It is therefore essential that members in determining the merits of the current application need to balance the renewable energy benefits of the existing development and its contribution towards energy targets against any harm arising from its environmental impact. However officers highlight that this case is unique as some impacts have already occurred through the implementation of the initial approved consent, thus any environmental impacts are confined to those arising from its continued operational use and any decommissioning works.
- 12.96.** Officers accept that as a “repowering” development the proposal does not have to accord with the normal requirement for new turbines under the NPPG which involve being both in the local plans wind search area and having the community support. Although this criteria is not applicable officers attach weight that the site is within the search area and the proposal has only generated a very low level of objection from local residents.
- 12.97.** Officers do not dispute that the proposals 5.4MW power output will constitute a renewable form of energy which will provide continued economic benefits to the applicant whilst assisting in maintaining the existing renewable energy supply to the national electricity infrastructure network. Although the decommissioning of the turbines will have some environmental benefits the scale of the existing scheme in itself falls within the capacity criteria of the wind documents. Its retention will assist in retaining West Cumbria’s energy supply contribution to existing targets whilst reducing the pressure to release new windfarm sites in more sensitive open countryside locations to compensate and ameliorate the deficit of energy supply through its loss and removal.
- 12.98.** There is a strong urgency in the delivery of renewable energy output in achieving the government’s target to reduce greenhouse gas emissions by at least 100% of 1990 levels by 2050, with an emphasis on increase build rates of low carbon generation capacity which includes renewable development of on shore wind farms.
- 12.99.** In terms of its environmental impact, its landscape quality and value is not high and has been urbanised and industrialised, thus the temporary retention of the windfarm would not impact on this setting, nor any sensitive landscape

designations. Indeed it is considered the existing turbines are a defining characteristic of the area, alongside the industrial building plant on the coastal strip. Therefore the impact of any harm on the landscape is limited.

**12.100.** The impact on residential amenity is highlighted under Policy S19. Whilst the supporting text includes a 800m threshold this is not a generic blanket distance, which is reflected in former appeal decisions, some of which have been allowed within this distance. Despite the sites urban setting most properties within the areas to the north are of an east / west orientation running parallel with the coastland and the linear transformational route corridors within it. Thus the bulk of Siddick's settlement, whilst within this limit do not have direct views which dominate the residential outlook from these properties. As a consequence any outlook only contains oblique views which do not dominate their views resulting in any overbearing impact.

**12.101.** The properties at the northern end of Dunmail Park, Northside and Port of Workington with western views do have outlooks towards the windfarm. However officers attribute significant weight that these views are a mixture with other commercial industrial development in the locality (likely to be further impacted by the additional industrial allocations in the local plan at the port) and therefore both the landscape and visual impact is less sensitive, especially as most properties have built development in the foregrounds of their existing outlook. (Officers as a repowering proposal attach weight that these properties have experienced this view for the past 25 years including the turbines) and therefore unlike a new turbine proposal the continuation of its operations would not introduce any new harm above that presently existing. The urban environment of the coastal fringe results in the proposals turbines being part of a wider blend of other large industrial/ commercial forms of development including industrial buildings/ plant as well as other turbines, further diminished by the separation distance. Thus irrespective of the direct line of sight of the turbines officers similarly conclude that the retention of the turbines, albeit visible would not be a dominant feature and these properties would remain a satisfactory place to live.

### **Local Finance considerations**

13.1. Having regard to S70(2) of the Town and Country Planning Act, the proposal will have financial implications arising from the development as the council is the owner of the application site . The site is therefore leased to the applicant and therefore it will provide a financial income for the council. However this was of no weight in determining the merits of the planning application.

### **Conclusions**

13.2. The Allerdale Local Plan (Part 1) 2014 clearly establishes that the council will seek to promote and encourage the development of renewable and low carbon energy resources given the wider environmental, social and economic benefits. Policy S19 outlines the criteria for judging the balance between economic and environmental issues. It indicates it will take a positive view subject to ensuring no significant harm to a range of material considerations. In this individual case

most of these have been formerly evaluated under the original consent. Members to evaluate whether there has been any material change of circumstances, where necessary the applicant has provided evidence in support of the application to reconsider the proposal under the revised parameters of Policy S19 of ALPP1.

- 13.3. Officers do not dispute the proposals beneficial 5.4MW contribution of renewable energy will assist in the delivery of green renewable energy supporting national energy targets and objectives. The current proposal represents one of the first examples of seeking to renew the continued operational use of existing turbines previously approved under a long term temporary consent. Unlike most of its counterparts it occupies an urban context on a wind turbine dominated landscape and therefore does not have any significant impacts on landscape value. The other environmental impact aspects of ecology, traffic, contamination are either minor due to the former construction of the windfarm or can be addressed via mitigation for any smaller scale impacts at the decommissioning stage. The additional safeguards for the gypsy allocation can be satisfactorily secured under a s106 mitigation strategy.
- 13.4. Officers consider the extent of harm is representative in the low numbers of objections to the proposal with only a couple of public representations in comparison with significantly higher numbers for other wind turbine development elsewhere in the Borough, often in more sensitive localities. Whilst one objection seeks the reversal of the landscape, the supporting evidence to the application indicates it is not resulting in any significant harm to its site or surroundings.
- 13.5. The former conditions of the original approval are retained in concept, plus additional planning conditions relating to the future decommissioning works and residential amenity safeguards. The s106's criteria ensure the long term assessment of ecological matters nearing the decommissioning stage to account for any potential change of circumstances and provide a compensatory mitigation sum for the retention of the windfarm for its lifetime. It also facilitates the necessary additional mitigation measures, should the gypsy traveller site comes to fruition.
- 13.6. The potential benefits of the temporary retention of the windfarm and its continued contribution towards meeting low energy targets must be balanced against the likely environmental effects. In balancing all of these material considerations it is considered that subject to Natural England concurring with the submitted HRA screening, the retention of the windfarm for a further 10 year temporary timeslot is not outweighed by any associated environmental impact i.e. the benefits to meet renewable energy targets outweighs the local disbenefits.

## **RECOMMENDATION**

### **APPROVE subject to:**

- **Natural England's acceptance of the submitted HRA Appropriate Assessment screening report**

- **Securing a s106 legal agreement to provide:**
  - (i) **a £14,080 contribution to nature conservation projects in the locality of the site;**
  - (ii) **undertake the identified additional amphibian, reptile, bat, badger ,otter and invertebrate ecology surveys within the WYG ecology appraisal report dated Dec 2020 within the year prior to any decommissioning works;**
  - (iii) **an agreed amenity mitigation strategy in the event of the allocated Gypsy/ traveller allocation being both approved and implemented.**

## **Annex 1**

### **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 4<sup>th</sup> June re Policy S31 mitigation measures.  
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 an 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 an unsightliness of the site is avoided.**
- 4. The turbines herby 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 commencement of works a Biodiversity Management Plan (including a 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. 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.**

Reason: To avoid the spread during construction works of an invasive and prohibited plant species in the interests of avoiding harm to the environment.

- 12. 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**

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.

- 13. 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 immissions 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.

