

Allerdale Borough Council

Planning Application VAR/2020/0503

Development Panel Report

Reference Number: VAR/2020/0503
Valid Date: 14/12/2020
Location: Siddick Wind Farm, near Siddick Workington Cumbria
Applicant: Cannock Windfarm services Ltd
Proposal: Proposed Variation to approved application 2/1995/0342, condition 6 to increase the operational life of 7 wind turbines from 25 to 35 years

RECOMMENDATION APPROVE subject to:

- i. **Natural England's acceptance of the submitted Appropriate Assessment screening report.**
- ii. **The securing of a s106 legal agreement to:**
 - a) **Provide a £15k contribution to nature conservation projects in the locality of the site;**
 - b) **The undertaking of a Greater Crested Newt survey in the year prior to the decommissioning works.**

1. Summary

| <u>Issue</u> | <u>Conclusion</u> |
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| Principle of Development | <p>The application site is located within the Designated Area suitable for Wind Energy development under Policy SA50 of the Allerdale local Plan (Part 2). 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 windfarm's 7 turbines, for an additional 10 year timescale. The principle of the development has been previously accepted.</p> |

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| | <p>Members need to re-evaluate the merits of 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. There will be some aspects where impacts have already been addressed e.g. contamination, whereas other topic areas encompass new planning considerations in the light of changing policy or regulations.</p> <p>The Ministerial Statement and Planning Practice Guidance 2015 is a material planning consideration for new turbine development and states....</p> <p>“local planning authorities should only grant planning permission if:</p> <ul style="list-style-type: none"> • the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and • following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.” <p>However as an alternative “repowering” proposal, the scheme does not require the support of the community.</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 large scale, man-made infrastructure. Additional turbines have since been allowed on appeal in the immediate locality, with the Inspectors concluding that their respective proposals (given the existing surrounding environment) would not have a significant harmful impact on the landscape of the site and its surroundings.</p> |

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| | <p>Officers are of the opinion that the continued retention of the turbines would not have a significant individual or cumulative impact on landscape character.</p> |
| <p>Visual impact and amenity</p> | <p>The extent of visual effects is greatest and most significant in short term views of the site, which then diminish with distance. However cumulatively, especially when viewed alongside the neighbouring Oldside windfarm, there are also some significant impacts for receptors at greater distances, albeit within an established urban setting.</p> <p>The impact on amenity is also a material planning consideration under the ministerial guidance.</p> <p>The existing turbines are within 800m of a large number of residential properties (predominately in Siddick's hamlet, a number of which will have direct views of the turbines impacting on their amenity). However officers attach significant weight 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 the large scale industrial plant and buildings in the immediate setting of the windfarm). The extent of any residential amenity impact is also diminished by the predominant east – west orientation of the existing properties in Siddick with very few with direct viewpoints. (Reflected in the very low number of objection representations to the proposal).</p> <p>There is a Shadow flicker report, which was assessed under a peer review by the council. Albeit this identified that the windfarm presently exceeded current guidance thresholds for several properties, this aspect can be mitigated via planning condition.</p> |
| <p>Noise</p> | <p>A noise assessment has been undertaken of the proposal to evaluate the noise</p> |

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| | <p>impact both individually and cumulatively with the other nearby turbines in the locality of the site.</p> <p>The Environmental Health officers have assessed this evidence and considers it to be acceptable in compliance with ESTU-R-97 guidance (endorsed by condition).</p> |
| Highways | <p>As an existing development, there is little operational traffic generation. Subject to planning conditions relating to decommissioning operations, the proposed development would not have an adverse impact on the highway network.</p> <p>No objections are received from the highway authority.</p> |
| Nature Conservation | <p>Policy S35 seeks to protect and enhance biodiversity. Any impact on nature conservation has already largely occurred through the original implementation of the turbines.</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 (as agreed with Workington Nature Partnership).</p> <p>Given the surrounding land is not in the applicants control the s106 also requires a Greater Crested Newt survey before the decommissioning works.</p> <p>Bird strike survey evidence has been submitted and it is acknowledged there may be some disturbance at the decommissioning stage.</p> <p>An Appropriate Assessment screening under the HRA has been submitted to Natural England, but subject to a decommissioning environmental</p> |

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| | management plan no likely significant impact was identified which would harm species featured under the ecological designations of the Solway SPA, Allonby Bay MCZ or River Derwent and Bassenthwaite Lake SAC. |
| 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 to avoid pollution during decommissioning works. |
| Potential benefits | The proposal will make a continued positive contribution to renewable energy supply and its respective targets. |

2. **Introduction**

- 2.1. This relates to one of two separate applications on this panel agenda to extend the approved former temporary timescale of windfarms implemented 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 2/95/0342 for the development “Erection of 7 wind turbines and transformers, construction of switch gear house and access tracks, adjacent to and west of the A596 (T), land at Siddick’.
- 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 will therefore expire at the end of December 2021. The application seeks to extend the timescale of the operational life of the turbines up to the end of Dec 2031 i.e. a further temporary 10 year extension. The proposal retains the existing turbines at the site resulting in no operational development (other than the decommissioning). The existing

turbines are 61m in height (42m hub height) with a 42m rotor diameter which collectively generates 42.2MW.

- 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 reports, bat survey, aviation radar and telecommunication and a noise assessment.

4. Site

- 4.1 The application site relates to a 1.93ha site comprising of a linear line of 7 individual turbines located within a narrow strip of land between the A596 highway and the West Coast railway line north of Siddick. A water treatment works is located part way along the line of the turbines.
- 4.2 The surrounding strip of land forms part of the open flat coastal plain and is used for agricultural pasture. The land to the east is dominated by Iggesund's industrial complex and buildings, with the opposite brownfield land to the north east now being open, following the clearance of the former Ectona industrial works. New Balance factory occupies the northern perimeter of this neighbouring area.
- 4.3.1 The site is located outside the designated settlement limits under Policy SA2 of the ALPP2. In terms of residential properties, the village of Siddick is south, approx..310m from the southernmost turbine. At the northern end the cluster of dwellings around St Helens is located approx.. 215m from the northernmost turbine, alongside 'Newlands' which is sited at the southern end of Flimby. Seaton's settlement lies approx. 1km to the east of the site.
- 4.4 There are other existing wind turbines in the locality, with nine 61m tall turbines forming the Oldside windfarm south of Siddick's village, two larger 108m tall (tip height) at Vordian on the coastal plain to the west with the further 92m tall Wythegill turbine at a slightly elevated hillside level on the coastlines embankment to the west.

5. Relevant Planning History

- 5.1. The wind turbines at the site were approved under 2/1995/0342.
- 5.2. The proposed does constitute schedule 2 works under 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 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 need to be reappraised to

consider the impacts of the works and to evaluate the proposal in the context of the updated policies and other regulations e.g. ETSU noise regulations.

6. Representations

6.1 Seaton Parish Council – No objections

6.2 Maryport Town council – No reply to date

6.3 ABC Environmental Health- No objections in principle. However they are aware of the objection representations from residents in St Helen's and have investigated their concerns. Although one turbine is presently not operating there may be a potential AM disturbance issue on this turbine. Seek planning conditions to repeat and upgrade the noise threshold condition safeguards of the original consent plus an additional condition to protect residents from any possible future AM disturbance.

6.4 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.

6.5 Footpaths officer- The site has four public footpaths through it (250029/030/035/036) and one bridleway (9250034) and these should not be obstructed before the development is completed.

6.6 Coal Authority – Whilst the site falls within the coalfield it is outside the defined Development High Risk Area, meaning there are no recorded coal mining legacy hazards at shallow depth that pose a risk for the stability of the development. Therefore, no objections.

6.7 Northern Gas – Initial objection, but after further assessment on the impacts on their high pressure gas assets the objection was withdrawn.

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

6.9 United Utilities – No objections subject to conditions re surface water drainage and separate foul drainage system.

6.10 Environmental health- No objections in principle subject to conditions (update and details awaited)

6.11 MOD – No objections

6.12 Arquiva – No reply to date

6.13 Network Rail - No comments

6.14 Civil Aviation Authority – No reply to date

6.15 Cumbria Wildlife trust – No reply to date

6.16 Carlisle airport – No reply to date

6.17 The application has been advertised by press advert, site notice and neighbour letters.

6.18 Four letters of objection were received on the grounds of:

- I. Proximity of turbine 7 to dwellings (200m) which Allerdale's policy seeks a separation of 800m (6 other properties are within 400m), impact of shadow flicker which is being experienced which is above the recommended 30hrs per year threshold;
- II. Not all houses have been assessed;
- III. The noise limit for turbine 7 exceeds the 35-40db threshold by the World Health organisation or 5db above background levels and above the 43db threshold for night time(reference to ETSU-R 97) and are unable to sleep caused by turbine 7;
- IV. Conflicts with their human rights;
- V. Main concerns turbine 6 & 7 although others can cause problems via flicker.

6.19 A further letter was received from Butterfly Conservation - whilst not objecting, they highlight their representations submitted with regard to the more sensitive wind turbine proposal at Oldside, which is within the vicinity of important wildlife breeding habitat for small blue butterflies and other species but recognises the environment at this other site is different.

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 conservation area

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 SA50 – Area suitable for wind energy development

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. 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 turbines 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 the turbines. It consequently requires the reconsideration of the proposal under a range of more updated 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 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 “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 considered the 4.2MW of energy delivered by the development contributes towards the government’s targets of cutting greenhouse emissions by 80% by 2050 including the investment including “cleaner power generation”.
- 12.10. The National Planning Practice Guidance 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 Kirkby 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 it associated renewable energy targets under the Climate Change Act, the UK Renewable Energy Roadmap update 2013 (with the slowing growth of onshore windfarms increasing the significance of the continued contributing the existing windfarm fleet.) and 2050 net Zero carbon commitments.
- 12.12. The applicant also refers to the UK Climate Risk Assessment’s (2017) 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 target, with references towards the role of wind energy contributing to meet the shortfall including milestones and targets. Further details were also submitted concerning the Department for Business, Energy and Industrial Strategy- 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 Siddick development will assist in continuing to meet that contribution.

- 12.15. Reference was also made to Renewable energy's claim 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 they represent an important material consideration towards their proposed 10 year extension.
- 12.16. The applicant also makes specific comparisons with the former Kirkby Moor appeal decision which also 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 his decision he noted the site was not in a designated area and was not a valued landscape. His decision 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 Frameworks 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 at Kirkby Moor this individual site has been recently 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 for this appeal still concluded the objection representations remained material planning considerations.
- 12.21. The original application for this current proposal was EIA development and was supported by an Environmental Statement. Given that the impacts are significantly lessened through the implementation of the approved works i.e. addressing most of the constructional aspects e.g. archaeology officers

acknowledged there were some specific environmental topic headings which needed to be re-evaluated to address updated regulations or policy requirement under the new adopted local plan. (Officers acknowledge there will remain some outstanding matters relating to decommissioning works which can be dealt with by planning conditions).

12.22. The key areas which required reconsideration can be summarised as follows;

Ecology

- 12.23. Policy S35 ALPP1 seeks to safeguard protected species and their respective habitats. The original applications evidence would be clearly out of date and the extent of any impacts needs to be reconsidered although it is recognised that the associated disturbance with the construction of the turbines would have likely caused the greater impact.
- 12.24. The proposal was supported with several separate ecological survey documents to evaluate both the impacts from the continued operational use of the turbines and its associated decommissioning works, both on the site itself plus other ecological designated sites in the surrounding area.
- 12.25. The applicant submitted an extended Phase 1 Ecological Survey (Sept 2019) which stated the site was within 422m of the Solway Firth's proposed Special Protection Area, 2.3km distance from the River Derwent SAC and 663m north of Siddick Ponds SSSI.
- 12.26. Given the wider study area, findings of improved grassland, species poor hedgerow, wall and running water, the site has the potential to support greater crested newts and foraging/ commuting bats and birds. The site was not considered suitable for badgers or otters or any notable invertebrate species.
- 12.27. The survey recommends an HRA Assessment screening is undertaken to identify any significant effects on the pSPA of River Derwent SAC (either in combination or individually). The submitted supporting HRA recommends a Construction Management Plan and a Habitat Management Plan as part of the decommissioning exercise. (Plus an additional Greater Crested Next survey in the year prior to these works - as this is on land outside the applicants land ownership this would be secured as part of a s106 legal agreement).
- 12.28. The applicant acknowledged that the development would during the lifetime of its continued operational use, albeit not significant, have some ecological impact, and has volunteered a compensatory financial contribution (£15k) to Workington Nature Partnership for their ongoing wider nature conservation activities in the locality of the site. Officers consider this sum is essential reasonable and proportional to the development and recommend it is secured under a s106 legal agreement.
- 12.29. Given the retrospective form and nature of the development, the proposal has the potential to impact on local bird populations. To evaluate this the applicant undertook a separate desk study, wintering bird survey, vantage point surveys

and bird carcass survey to assess bird species in the area. The results refers that the Solway Firth's pSPA supports populations of over - wintering bird species, with thirty nine species observed (14 qualifying under the pSPA, and 2 species WCA schedule 1 , 3 under the NERC Act, 4 under the BoCC Red list and 16 under the BoCC Amber list. Collision risk modally values were calculated including those in the pSPA and 2 WCA species. The carcass survey identified 25 carcasses of six species.

- 12.30. The survey concluded the turbines are highly unlikely to affect populations of WCA schedule 1 in terms of mortality, displacement or barrier effects. It is considered the extended timescale for the operational use of the windfarm is also highly unlikely to contribute to the mortality, displacement or barriers to the waterfowl species that comprise the majority of the wintering and passage bird populations recorded at the Siddick Pond and Local nature reserve. It is also considered the windfarm is unlikely to have an impact on the populations of the target species.
- 12.31. The applicant supporting ecological evidence additionally included a bat survey (Summer 2020). Although several species were recorded on site the levels of activity were low with sporadic higher levels (pipistrelle foraging). The most common species are considered at high risk of collision with rare species on infrequently commuting. The site was considered to be low habitat risk. Distribution of activity varied, with turbine 6 having the highest and turbine 1 the lowest with highest activity in summer. It is considered that cattle management would assist to avoid grazing in summer months as a form of mitigation, but this is outside the applicant's control.
- 12.32. 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.
- 12.33. The assessment identified the potential pathways for likely significant effects of bird strike to bird species, barrier effects and pollution.
- 12.34. However the report concluded a mortality rate of less than 1% for qualifying species of Solway Firth pSPA, and therefore it is unlikely the windfarms continued operation will result in any significant impacts with no effect on site integrity.
- 12.35. No identified barrier were identified requiring any mitigation. Any pollution events would only occur at the decommissioning stage and can be conditioned e.g. Construction Environmental Management Plan (CEMP).
- 12.36. However the proximity to the pSPA is acknowledged and therefore any recommendation is subject to confirmation from Natural England on the council's HRA screening assessment; to be reported at the panel meeting.

Landscape and Visual Assessment

- 12.37. Policy S33 of ALP1 seeks to protect the landscape value of the Borough from development proposals. This represents a key issue which assesses the effect of the development on its host 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 turbines visibility. In addition the landscape assessment incorporated 16 viewpoints to appraise the short medium and long term viewpoints of the windfarm from the surrounding area.
- 12.38. 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's designated AONB.
- 12.39. The applicant's evidence identified 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 (class 1a Intertidal flats and 5a lowland ridge and valley)
- 12.40. 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.
- 12.41. In assessing the viewpoints, only one moderate adverse impact was identified out of the selected 16 viewpoints, which largely derives from its close proximity to the application site which exacerbates their presence. It is contested the ten year extension would provide a limited contribution to this influence. Indeed some viewpoints encountered no impacts. Thus it is concluded there would be limited cumulative impact on landscape character and views, with negligible impacts between the Siddick and Oldside windfarms as well as sequential views along the coastal path.
- 12.42. 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.
- 12.43. The site itself falls within the landscape character type 2d "Coastal urban fringe. The County wind energy SPD advises its 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.
- 12.44. The County's Cumulative Impact of Vertical Infrastructure study (CIVI) also evaluated the cumulative impact of such works considering its sensitivity to be moderate /high. However officers highlight that both documents were adopted

post the establishment of the Siddick wind farm 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 allowing of the Vordian and Wythgill turbine appeals, with the Inspectors evaluating the landscape merits of each site which represented a wind turbine landscape.

- 12.45. 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.
- 12.46. The sensitivity of the host landscape character was moderate as the CIVI identifies the area as being very susceptible to the windfarm's continued presence, having a high susceptibility to medium scale vertical infrastructure.
- 12.47. 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.
- 12.48. In conclusion the landscape assessment acknowledges localised moderate effects being 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 upon the character of the Lake District National Park WHS or the Solway Coast's AONB.

Visual amenity

- 12.49. Policy S32 seeks to ensure future development proposals safeguard visual amenity.
- 12.50. Furthermore 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.*"

- 12.51. The application also assessed the visual impacts of the development, complemented by the ZTV's at a 20km radius. The selected viewpoints ranged from 993m to 13.45km including some views from the sensitive receptors of the Lake District National Park and the AONB. These viewpoints also included residential receptors (St Helens Lane, Lowca Lane Seaton, Pica and Siddick rd.), public rights of way and road users).
- 12.52. It concluded that moderate visual impacts would be experienced from only one viewpoint (along the A596 in Siddick for footway road users) minor adverse impacts would be experienced for the residential receptors at St Helens Lane and Lowca Lane due to their interrupted and restricted views. Although the windfarms decommissioning would remove the turbines there are other existing turbines 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.
- 12.53. Officers have long accepted that the large scale of turbine 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 an exposed rural open countryside settings 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.
- 12.54. This aspect also applicable to 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 details which was submitted with the proposal.
- 12.55. 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*"
- 12.56. Appeal references were made to the Six Pennywood inquiry (APP/X1545/A/06/2023805) which outlined 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) as to whether the number, size and proximity of turbines results in a property in an unsatisfactory place to live, plus the appeal at Carland Cross (APP/D0840/A/09/2103026) in 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 six representative properties to evaluate the worst case scenario (access was limited due to the pandemic).

- 12.57. The five properties chosen were: 91 McGowan St Siddick (311m), 8 New Villas Siddick (283m), Ross House St Helens Lane (215m), Croft view St Helen's Lane and Newlands Main Road Flimby.
- 12.58. 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. Moderate adverse impacts were identified for all these properties except Croft View at St Helens Lane.
- 12.59. Each of these can be examined in greater detail:
- 91 McGowan Street - The main visual impact is from the properties frontage north facing windows which have an open view of the row of turbines although turbines 1-3 are more visible being forward of the waste treatment works. However the applicant highlights the turbines only over a narrow section of the overall view and there is the presence of the other larger turbines and industrial buildings in the vicinity.
 - 8 New Villas Siddick - The removal of the turbines will reduce the vertical elements from the oblique angle of the front elevation view, but it would remain in the setting of other large buildings. Which would form part of its surroundings if retained.
 - Ross House St Helens - This was granted consent for a gable extension in 2014. However the extension implemented does not accord with the approved plans with a higher proportion of glazing to the gable elevation. Little weight is therefore afforded to the unauthorised windows. This property is the nearest to the wind turbines with the northern turbine T7 being almost totally visible to view whereas the south west facing windows has the New Balance factories in the foreground which diminishes the visual impact of the turbines. The retention of the turbine will be seen also in the context of the other larger turbines.
 - Newlands - The south west elevation is the primary view. The removal of the turbines would enable less visual clutter with a more horizontal grain but the existing other turbines will remain prominent features.

Cumulative Impact

- 12.60. 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.

12.61. TABLE6.1

| Name | Application Ref | LPA | Status | Turbines | Blade-Tip Height (m) | Distance from Park House Farm turbines (Km) | Year Operational | Comments re Operational Year |
|--------------------------|-----------------|-----------|-------------|----------|----------------------|---|------------------|------------------------------|
| Oldside | 2/1995/0916 | Allerdale | Operational | 9 | 61 | 6.19 | 1996 | |
| Lowca | 4/98/0486/0 | Copeland | Operational | 7 | 64 | 8.06 | 2000 | |
| Winscales | 2/1997/0902 | Allerdale | Operational | 11 | 70 | 5.66 | 2005 | |
| Vordian | 2/2003/0721 | Allerdale | Operational | 2 | 115 | 8.21 | 2006 | |
| Wharrels Hill | 2/2001/0008 | Allerdale | Operational | 8 | 81 | 23.58 | 2007 | |
| Winscales Moor | 2/2006/1321 | Allerdale | Operational | 7 | 81 | 6.6 | 2007 | |
| Robin Rigg | | Offshore | Operational | 60 | 125 | 17.59 | 2010 | |
| Fairfield | 4/06/2684/0 | Copeland | Operational | 5 | 76 | 3.41 | 2011 | |
| Hellrigg (Parkhead Farm) | 2/2007/0076 | Allerdale | Operational | 4 | 121 | 31.12 | 2011 | |
| Flimby | 2/2007/1255 | Allerdale | Operational | 3 | 102 | 10.78 | 2013 | |
| Tallentire | 2/2008/0261 | Allerdale | Operational | 6 | 100 | 18 | 2013 | |
| Green House Farm | 4/11/2480/0F1 | Copeland | Operational | 1 | 80 | 0.64 | 2014 | |
| Harrington Parks Farm | 2/2012/0051 | Allerdale | Operational | 1 | 61 | 0.95 | 2014 | |
| Lowca Top Road | 4/12/2557/0F1 | Copeland | Operational | 1 | 79.6 | 0.73 | 2014 | |
| Warwick Hall Farm | 2/2008/0997 | Allerdale | Operational | 3 | 107 | 24.19 | 2014 | |

| Name | Application Ref | LPA | Status | Turbines | Blade-Tip Height (m) | Distance from Park House Farm turbines (Km) | Year Operational | Comments re Operational Year |
|-----------------|-----------------|-----------|-------------|----------|----------------------|---|------------------|--|
| Castlerigg Farm | 4/13/2125/0F1 | Copeland | Operational | 1 | 77 | 2.75 | 2015 | |
| East Town End | 2/2013/0495 | Allerdale | Operational | 1 | 74 | 6.01 | 2015 | Assumed - works started July 2014 |
| Hunday Farm | 2/2013/0082 | Allerdale | Operational | 1 | 77 | 4.95 | 2015 | Approved 2014 - present on 2016 aerial |
| Potato Pot | 2/2012/0594 | Allerdale | Operational | 3 | 100 | 5.46 | 2015 | |
| Tarn Bank | 2/2013/0494 | Allerdale | Operational | 1 | 74 | 6.39 | 2015 | Assumed - works started July 2014 |
| Watch Hill | 4/12/2170/0F1 | Copeland | Operational | 1 | 74 | 3.07 | 2015 | Approved 2013 - present on 2016 aerial |
| Wythegill | 2/2011/0259 | Allerdale | Operational | 1 | 100 | 8.63 | 2015 | |
| Fox House Farm | 2/2012/0916 | Allerdale | Operational | 1 | 77 | 13.88 | 2016 | Assumed - conditions discharged 2015 |
| West House Farm | 2/2012/0914 | Allerdale | Operational | 1 | 77 | 8.34 | 2017 | |
| High Farm | 4/15/2187/0F1 | Copeland | Consented | 1 | 74 | 3.22 | 0 | No evidence on recent aerial photography |

12.62. The report acknowledges that historically the only other turbines in existence at the time of the original consent were the nine turbines comprising the Oldside 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.

12.63. 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 corridor along this individual section of the coastal corridor.

Shadow Flicker

- 12.64. 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.
- 12.65. This subject has come under greater scrutiny since the granting of the original consent, and the council has records of a previous complaint relating to this issue from the occupier from Ross House in St Helens following the initial implementation of the wind farm. This complaint was addressed through mitigation measures.
- 12.66. The application was supported by a shadow flicker assessment relating to a sample of properties sited within its catchment area at the northern end of the site. As a result of the objectors referring to shadow flicker an additional survey was also undertaken from these affected properties.
- 12.67. 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 .Although there is no national planning guidance, there is German guidance which considers 30 hours per year or 30 minutes per day is acceptable.
- 12.68. The studies modelling concluded four properties (Ross House, Balcarry and St Helens cottage and Hillcrest exceeded the thresholds. Therefore mitigation measures are required to be in situ for these turbines. This would comprise of the installation of a wind farm level control system to pause shadow flicker effects for specific time of day or year schedule, including a lux sensor which records the lights levels not being low enough as to warrant the shutdown of the turbines (conditioned).
- 12.69. The survey was the subject of a peer assessment by a consultant commissioned by the council, who concurs with the methodology findings and the recommended mitigation measures in the applicants report.

Noise

- 12.70. The subject of noise (reflecting policies S19 and S32) was also raised in the representations within the objections by the residents in St Helens. The applicant has undertaken a detailed noise assessment in accordance with the more up to date ETSU guidance (there was 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.
- 12.71. 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 existing noise generating activities from the industrial plants plus that of traffic utilising the highway corridors, plus other existing turbines.

- 12.72. The environmental health officers consider the proposed survey details are acceptable and subject to the imposition of updated noise planning conditions to reflect the more updated guidance in ETSU to limit the noise thresholds the details are acceptable. There was concern that one objection refers to possible disturbance from Amplitude modulation and therefore the conditions have been expanded to cater for the future control of this additional potential means of disturbance. The results on this aspect were unclear as the nearest turbines to St Helens were not operational and therefore it was uncertain as to whether any subsequent repairs had resolved this issue. An update on this will be provided at the panel meeting.

Highways

- 12.73. The constructional operation have 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

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

Radar, NATS, Aviation, Seismic and Electromagnetic interference

- 12.75. 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 and 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.
- 12.76. Arquia (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. Although the planning approval included a condition seeking to address any television interference that may occur as a result of the implementation, given the significant temporary timescale of the original consent this is no longer considered applicable and can be omitted.

- 12.77. 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

- 12.78. Given that some of the turbines are in close proximity to the West Coast Railway line and the A596, 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). Although the West Coast Line is within the defined topple zone network rail have raised no comments to the continued retention of the turbines for another 10 years.

Balance of needs/ impacts.

- 12.79. As a 73 application, the application solely seeks to vary the details of a single 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.
- 12.80. 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.
- 12.81. 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 recently adopted search area and the proposal has only generated a very low level of objection from a few local residents.
- 12.82. Officers do no dispute that the proposals 4.2MW 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.

- 12.83. There is a strong urgency in the delivery of renewable energy output in achieving the government's target to reduce greenhouse gas emissions, with an emphasis on increase build rates of low carbon generation capacity which includes renewable development of wind farms.
- 12.84. 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 significantly 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.
- 12.85. 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 this area 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. The only properties which experience direct views of the line of turbines are the couple of properties on McGowan Street on the northern perimeter of Siddick's terraced streets. However as a 'repowering' proposal officers attach weight to the findings that these properties have experienced this view for the past 25 years including the turbines (no objections from the occupiers) 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 jigsaw of other large industrial forms of development including industrial buildings/ plant as well as other turbines, further diminished by the separation distance (300+m) and some peripheral landscaping on the edge of the village. Although having a direct line of sight from this street 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.
- 12.86. The properties at the opposite northern end around St Helens were also assessed for their visual impact. However although the northernmost turbines are a closer distance the New Balance factory premises which occupies the foreground emphasising a more industrial setting whilst reducing the scale and visual impact of the turbines. Therefore whilst accepting their outlook, it is considered their industrial foreground setting diminishes the impact of the line of turbines. Officers consider the limited extent of such visual impacts is reflected in the low number of objection representations.

- 12.87. It is however evident that the existing turbines are generating some environmental problems for some residents at St Helens. This especially concerns identified issues relating to shadow flicker disturbance which presently exceed current guidelines. However officers consider this can be adequately addressed and mitigated by planning condition, but requires remediation as a matter of urgency (this practice has similarly been applied to other turbine development which generate shadow flicker concerns.)
- 12.88. The other key issue of noise has been examined in detail with a revised condition to safeguard residential amenity. It has also been expanded to encompass the more recent subjective area of Amplitude modulation. Thus there is no identified harm arising from this issue (No former complaints had been received from the council on this matter prior to the submission of the application).
- 12.89. It is therefore considered the continued operational use of the existing turbines would not result in any significant harm to its urban site and surroundings in the less environmentally sensitive part of the Borough.

Local Finance Considerations

- 13.1. Having regard to S70 (2) of the Town and country planning Act the proposal will have financial implications for the council as the landowner of the site.

Conclusions

- 14.1. 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. Furthermore this individual site is located within the wind search area under the recent adopted policy Sa50 of the Allerdale Local Plan (Part 2).
- 14.2. The current proposal represents one of the first examples of the proposed renewal of previously approved turbine development within the Borough due to the impending expiry of their initial long term temporary consent. The current repowering concept seeks to continue to deliver the renewable energy benefits of this existing infrastructure. This individual example, unlike most of its counterparts, occupies an urban context on a wind turbine dominated landscape and therefore does not have any significant impacts on landscape value. The other environmental aspects of ecology, transport, contamination are either minor due to the initial construction of the windfarm or can be addressed through mitigation at the decommissioning stage.
- 14.3. The few objections received relate to impacts on residential amenity. It is considered the aspects of noise and shadow flicker can be resolved by planning condition. Whilst protection of local amenity constitutes an important consideration and that some properties will continue to experience a degree of visual impact, it would not be overbearing as to result in it being an

unsatisfactory place to live. Weight also has to be given to the other existing large industrial buildings and turbines in the locality which also contribute to its urban setting i.e. the retention of the turbines would not increase the harm to that already experienced. The level of representations appears to suggest this is now an accepted windfarm environment without significant effects.

- 14.4. There are however some additional requirements under the current s73 application to deliver the ecological objectives under a s106 and impose additional conditions to safeguard any environmental impact.
- 14.5. 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 positive outcomes of retaining the windfarm for a further 10 year temporary timeslot is not outweighed by any limited 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 Appropriate Assessment screening report.

The securing of a s106 legal agreement to:

- a) **Provide a £15k commuted contribution towards Nature conservation projects in the locality of the site.**
- b) **The undertaking of a Greater Crested Newt survey prior to the decommissioning works.**

Annex 1

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 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 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 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 .

- 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 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.

