

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. **The securing of a s106 legal agreement to:**
 - a) **Provide a £15k contribution to nature conservation projects in the locality of the site; (prior to the end of January 2022).**
 - b) **The undertaking of a Greater Crested Newt survey in the year prior to the decommissioning works.**

1. Summary

<u>Issue</u>	<u>Conclusion</u>
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</p>

	<p>accepted. 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>

	<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>

Noise	<p>A noise assessment has been undertaken of the proposal to evaluate the noise 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</p>

	decommissioning environmental 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.** Members may recollect that this application was considered at the last Development panel meeting on 3rd August. Members were minded to approve the application in accordance with the officer's approval recommendation subject to a s106 and planning conditions (as amended by the details on the late list) plus an additional condition requested by members for an annual structural survey of the turbines.
- 2.2.** However members may recollect that during the debate the question was raised as to whether the proposal's location was sited within the parish of Workington as they were absent in the consultee representations. Officers advised as part of the recommendation that this issue would be checked to ensure the correct consultation procedure had been undertaken and that the resolution was subject this check.
- 2.3.** Following the panel meeting this issue was investigated. It was identified that although the site was within the ward of Seaton and Northside, the southernmost turbine of the windfarms seven turbines was sited within Workington parish (the remainder being within Seaton parish).
- 2.4.** The host parish of any proposal's site is a mandatory consultee on any full or variation planning application. Workington town council have therefore been consulted on the current proposal.
- 2.5.** Members are therefore requested to reconsider the merits of the application to account for any additional representations received from the town council.

3. Proposal

- 3.1. The proposal remains identical to that considered at the 3rd August Development panel meeting (The former panel report is attached as an appendix document) . The officers recommendation has been updated to reflect the details reported to and agreed at the last panel meeting

4. Representations

- 4.1. **Natural England** – Natural England consultation response was outlined in the former panels late list- “agree with the conclusions of the submitted Appropriate assessment with no adverse impact on the integrity of the Solway Firth pSPA. Need a condition for a Construction Environmental management plan, plus the required surveys prior to the decommissioning exercise. By decommissioning phase net gain will have become mandatory and will need to be incorporated into the habitat management plan.”

- 4.2. **Workington Town Council**- Comments awaited

5. Development Plan Policies

- 5.1. The relevant planning policies are outlined in the report . However officers outlined that the NPPF had recently been updated following the completion of the drafting of the officers report

5.2. This updated version of the NPPF(2021 includes

Chapter 14

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

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable⁵⁴. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

6. Assessment:

Principle of development

- 6.1. Significant weight is attached to member’s former resolution as there are no material change of circumstances relating to the proposed development itself which was considered an acceptable form of development at the last meeting.

- 6.2. Therefore unless new material planning consideration are raised by the town council in their consultation reply officers recommend the proposal be supported as previously determined.
- 6.3. (In the eventuality on no representations being received from the town council before the meeting, officers consider the proposal should similarly be reassessed based on the earlier report. The town council have been consulted in accordance with the timescales of the statutory planning procedural regulations. Officers consider it would be unreasonable to defer the application for their outstanding representation especially given the potential for any appeal on non-determination grounds as the original application expires at the end of the year).

7. Conclusions

- 7.1. Officers consider the application was assessed on its individual planning merits at the initial meeting. Unless new material planning considerations are raised by the town council it is recommended the proposal be approved subject to the same criteria of their former resolution.

8. RECOMMENDATION

APPROVE subject to:

The securing of a s106 legal agreement to:

a) Provide a £15k commuted contribution towards Nature conservation projects in the locality of the site (prior to the end of January 2022).

b) The undertaking of a Greater Crested Newt survey 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

A108662 Siddick windfarm Ecological appraisal

Siddick Windfarm HRA

Siddick Wind Farm Shadow Flicker report ISSUE 3

A108660 Oldside and Siddick windfarm Noise report 10 Dec 2020

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

- 2. All of the existing materials on the service/access tracks within the site shall, unless otherwise agreed in writing with the local planning authority, be retained for the lifetime of the development.**
Reason: To ensure that possible dereliction and unsightliness of the site is avoided.
- 3. If at any time any turbine shall cease being operational for a continuous period of six months it, and any ancillary equipment shall be removed from the site and the land reinstated unless further planning permission for its replacement has been granted in the meantime.**
Reason: To ensure that possible dereliction and unsightliness of the site is avoided.
- 4. The turbines hereby approved shall all rotate in the same direction.**
Reason: For the avoidance of doubt.
- 5. The number of wind turbines shall not exceed seven.**
Reason: To limit the development to that applied for.
- 6. This s73 approval is for an extended operational period of 10 years up to the end of December 2031, upon which the operational use of the turbines shall cease. Prior to decommissioning of the turbines, details of a decommissioning plan including:**
a) the removal of all development above or below ground level or,
b) details of the replacement grass cover to reinstate the land to a satisfactory condition to the former grass cover,
c) removal or deposition of spoil
within 12 months of the cessation of the operational use of the turbines shall be submitted to and approved, by the local planning authority. The works shall be implemented in accordance with the approved details.
Reason: To ensure that possible dereliction and unsightliness of the site is avoided.
- 7. Prior to the commencement of any decommissioning works details of wheel washing facilities shall be submitted to and approved by the local planning authority. The approved details shall be installed prior to the commencement of the de-commissioning works and shall be retained and made available at all times during the course of these works.**
Reason: In the interests of highway safety
- 8. Prior to the decommissioning works a Decommissioning Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
(a) Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off-site parking, turning and compound areas;
(b) Procedure to monitor and mitigate pollution, noise and vibration from the decommissioning works and to monitor any residential properties or wildlife habitats at risk (including type of generators,

fuel storage facilities, spillage procedures and oil types use in plant working on the site), as well as taking into account noise from vehicles, deliveries. All noise measurements should make reference to BS7445.

- (c) Mitigation measures to reduce adverse impacts on residential properties from decommissioning compounds including visual impact, noise, and light pollution.**
- (d) Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);**
- (e) Programme of work for Demolition and Construction phase;**
- (f) Hours of working and deliveries;**
- (g) Details of lighting to be used on site;**
- (h) Highway signage/ Haulage routes.**

The approved statement shall be adhered to throughout the duration of the development.

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

- 9. Prior to any decommissioning works a Biodiversity Management Plan (including 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.

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

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

