

At a meeting of the Development Panel held in Wigton Market Hall, CA7 9AA on Tuesday 3 August 2021 at 11.00 am

## **Members**

Councillor Tony Annison (Chair)  
Councillor Carole Armstrong  
Councillor Allan Daniels  
Councillor Elaine Lynch  
Councillor Ron Munby MBE  
Councillor Andrew Semple

Councillor Janet Farebrother (Vice-Chair)  
Councillor Nicky Cockburn  
Councillor Adrian Kirkbride  
Councillor Antony McGuckin  
Councillor Paul Scott  
Councillor Alan Smith

Apologies for absence were received from Councillor Daniel Horsley, Councillor George Kemp and Councillor Alan Tyson

## **Staff Present**

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

### **130. Minutes**

The minutes of the meeting held on 01 June 2021 were signed as a correct record.

### **131. Declaration of Interests**

None declared

### **132. Questions**

None received

### **133. Development Panel - VAR/2020/0503 - Siddick Windfarm, Workington - Variation to approved application 2/1995/0342, condition 6 to increase the period to "not exceeding 35 years"**

#### **Representations**

Stephen Riddick spoke against the application

#### **Application**

The report recommended approval 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, to be paid before the end of January 2022

b) The undertaking of a Greater Crested Newt survey in the year prior to the decommissioning works

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

#### Principle of Development

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. 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

#### Landscape and Visual

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. Officers are of the opinion that the continued retention of the turbines would not have a significant individual or cumulative impact on landscape character.

#### Visual Impact and Amenity

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. The impact on amenity is also a material planning consideration under the ministerial guidance

#### Noise

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. The Environmental Health officers have assessed this evidence and considers it to be acceptable in compliance with ESTU-R-97 guidance (endorsed by condition).

#### Highways

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. No objections are received from the highway authority.

## Nature Conservation

Policy S35 seeks to protect and enhance biodiversity. Any impact on nature conservation has already largely occurred through the original implementation of the turbines. 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). Given the surrounding land is not in the applicants control the s106 also requires a Greater Crested Newt survey before the decommissioning works. Bird strike survey evidence has been submitted and it is acknowledged there may be some disturbance at the decommissioning stage.

## 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.

Officers also advised the potential impact of 'shadow flicker' and the mitigation procedures that will be put in place to address any potential concerns.

The Environmental Protection Manager also provided clarity to members in response to representations to noise and nuisance.

Members were also shown images and plans of the site, including views of the Wind Turbines both from neighbouring dwellings and from various viewpoints around the local area.

The Senior Planning Officer then went through the late list and the amendments to the National Planning Policy Framework 2021, Chapter 14.

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

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

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

Members asked questions of the speaker in relation to shadow flicker including potential/historical mitigation.

Members then asked questions of the officers in relation to wind direction, nature conservation, rotational movement of the turbine blades, and proposed conditions.

Further questions were asked in relation to health and safety and the maintenance of the turbines. In response the Senior Planning Officer advised that the wind turbines can operate safely for another ten years and are content with the assurances provided by the applicant.

Concerns were raised over parish/town council representations and whether Workington Town Council should have been approached for comment.

Clarity was also provided on the application, which is a variation rather than a new application.

Debate then ensued over shadow flicker, health and safety concerns and potential yearly inspections of the turbines.

Councillor Cockburn moved the motion to refuse the application, citing concerns over health and safety, shadow flicker and the efficiency of the turbines.

The motion was not seconded and was lost.

Councillor Annison then moved the motion to approve as per officers recommendations with an additional condition to introduce regular structural inspections of the turbines which are to be undertaken no more than 12 months apart.

The motion was seconded by Councillor Lynch.

A vote was taken on the motion to approve, 8 voted in favour, 2 against and 0 abstentions.

## **Resolution**

Permission granted subject to conditions, with an additional condition to introduce regular structural inspections of the turbines which are to be undertaken no more than 12 months apart.

## **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 ISSUE3  
A108660 Oldside and Siddick windfarm Noise 10 Dec**

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

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

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

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

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

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

Reason: For the avoidance of doubt

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

Reason: To limit the development to that applied for

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

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

- 7. Prior to the commencement of any decommissioning works details of wheel washing facilities shall be submitted to and approved by**

**the local planning authority. The approved details shall be installed prior to the commencement of the de-commissioning works and shall be retained and made available at all times during the course of these works.**

Reason: In the interests of highway safety

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

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

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

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

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

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

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

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

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

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

**Table 2 Noise Level Criteria at R7 and R8**

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

**Table 3 Noise Sensitive Receptors**

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

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

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

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

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

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

**Councillor Farebrother joined the meeting**



**134. Development Panel - VAR/2020/0504 - Oldside Windfarm, Workington - Variation to approved application 2/1995/0916, condition 6 to increase the operational life of 9 wind turbines from 25 years to 35 years**

**Application**

The report recommended to approval subject to:

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

Securing a s106 legal agreement to provide:

- (i) a £14,080 contribution to nature conservation projects in the locality of the site, this is to be paid before the end of January 2022.
- (ii) undertake the identified additional amphibian, reptile, bat, badger, otter and invertebrate ecology surveys within the WYG ecology appraisal report dated Dec 2020 before any decommissioning works;
- (iii) an agreed amenity mitigation strategy to be submitted within 2 months of the implementation of any approved Gypsy/traveller allocation.

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

**Principle of Development**

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. The proposal relates to the continued retention of the existing wind turbines located at the site for an additional 10-year timescale. The principle of the development has therefore been previously accepted in the past. 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.

**Landscape and Visual**

The existing turbines are located in an area already reflecting a windfarm/ industrial landscape on a section of the coastline which incorporates a wide range of existing large scale man-made commercial and industrial infrastructure. Officers are of the opinion that the continued retention of the turbines would not have a significant individual or cumulative impact on its host or neighbouring landscape character.

**Visual Impact and Amenity**

The extent of visual effects is greatest and most significant in short term views of the site, which diminishes with distance. However cumulatively when viewed alongside neighbouring Siddick windfarm, there are some significant receptors at greater distances, albeit within an established urban setting. The windfarms turbines are within 800m of a large number of existing residential properties

(predominately in the Siddick hamlet, a cluster of dwellings north of Dunmail Park, Northside and properties on Stanley St at the port), a number of which will have direct views which is likely to have an impact on the amenity of the residents of these properties. However, officers attach significant weight Page 42 that, unlike new turbine development, the proposal relates to existing turbines which have been in existence for a considerable period of time and therefore are accepted as part of the streetscape in their locality. (especially given its urban setting with large scale commercial/ industrial plant and buildings in its immediate locality).

## Noise

Noise is a material planning consideration Policy S32 of the Allerdale Local Plan (Part 1) seeks to safeguard amenity. An updated noise assessment has been undertaken as well as a noise assessment of the proposal to evaluate the noise impact in the locality of the site. There are high existing background noise levels in the locality of the site due to the existing nearby uses and proximity to transport corridors. The Environmental health officers have assessed this evidence that has been updated during the course of the application.

## Gypsy Site Allocation

One additional significant consideration is the local plan Gypsy, Travellers and Travelling show people allocated site under Policy SA31 of ALP2 at the former caravan site at Oldside. Albeit not yet formally approved or implemented it would represent a residential use that is expected to be delivered within the timeframe of the local plan (i.e. prior to 2029). These caravans would have the same status as residential units with the need to evaluate potential future impacts on noise, shadow flicker and visual amenity.

## Highways

As an existing development with little traffic generation, subject to conditions relating to decommissioning operations the proposed development would not have an adverse impact on the highway network. No objections were received from the highway authority.

## Nature Conservation

Policy S35 seeks to safeguard and protect biodiversity. The proposal and the wider site has naturally regenerated supporting a range of habitats (including specific reference to the Small blue butterfly colonies). The three more northern turbines are site within the designated County Wildlife site and are therefore more sensitive to future works. The site of Siddick pond's SSSI is located 0.2km to the east. Any constructional impacts on nature conservation has already occurred through the implementation of the turbines. It is acknowledged there may be some disturbance at the decommissioning stage

## Drainage

Flood risk and /or contamination of water are not anticipated to increase as a result of the development although mitigation measures would be required by planning condition.

#### Potential Benefits

The windfarm will continue to make a valuable contribution to renewable energy deployment nationally. All of the energy produced will be exported.

Members were also shown images and plans of the site, including views of the Wind Turbines both from neighbouring dwellings and from various viewpoints around the local area.

The Senior Planning Officer then went through the late list and the amendments to the National Planning Policy Framework 2021, Chapter 14.

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

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

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

As per the previous application (VAR/2020/0503), officers explained that they will clarify as to whether Workington Town Council should be a consultee and any approval will be pending on any representations from them.

Members then asked questions in relation to the Gypsy and Traveller site, noise impacts, the S106 agreement, biodiversity and the productivity of the Windfarm.

Councillor Scott moved the motion to approve as per officers recommendations with an additional condition to introduce regular structural inspections of the turbines which are to be undertaken no more than 12 months apart.

The motion was seconded by Councillor McGuckin.

Debate then ensued in relation to nature and conservation, and the peer assessment of the ecological evidence.

Following debate, Councillor McGuckin withdrew as seconder to Councillor Scott's motion as he wanted to defer the application to seek increased financial contribution to nature conservation projects.

Councillor Armstrong then seconded the original motion.

A vote was taken on the motion to approve 7 voted in favour, 4 against and 0 abstentions.

### **Resolution**

Permission granted subject to conditions, with an additional condition to introduce regular structural inspections of the turbines which are to be undertaken no more than 12 months apart.

### **In Accordance:**

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

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

### **Post-commencement/Pre use commencing conditions:**

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

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

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

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

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

Reason: For the avoidance of doubt.

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

Reason: To limit the development to that applied for.

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

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

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

Reason: In the interests of highway safety

- 8. Within 2 months of the date of this consent, a written scheme shall be submitted to and approved by the local planning authority setting out a shadow flicker protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of the complaint. The written scheme shall include remedial measures and the operation of the turbines shall take place in accordance with the approved protocol unless the local planning authority gives its prior written consent to any variations.**

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

- 9. No development shall take place until a Decommissioning Environmental Management plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:**
- a. Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off-site parking, turning and compound areas;**
  - b. Procedure to monitor and mitigate pollution, noise and vibration from the decommissioning works and to monitor any residential properties or wildlife habitats at risk (including type of generators, fuel storage facilities, spillage**

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

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

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

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

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

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

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

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

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

**Planning Authority within 1 month post completion of measurements.**

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

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

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

**135. Development Panel - LBC/2021/0022 - Blencogo Farm, Blencogo - Listed building consent for installation of integrated PV panels in roof**

**Representations**

The Agent, Ken Thompson spoke in support of the application.

**Applications**

The report recommended refusal.

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

**Principle of Development**

The principle of change of use and works to the roof has been established under FUL/2020/0153 and LBC/2020/0019.

**Heritage**

The barn is significant in terms of architecture and history as a curtilage listed building. The roof is also visible in the setting of the adjacent listed building. The integrated PV panels will be visible in the context of the surrounding natural slate tiles and result in harm to the appearance of the curtilage listed building.

**Sustainability**

The integrated PV panels would result in a renewable source of energy for the new dwelling and would not be irreversible. However, the conservation of heritage assets is also a key part of sustainable development.

Members were also shown images and plans of the site, including views of the listed building.



The Planning Officer then went through the late list and the amendments to the National Planning Policy Framework 2021, Chapter 16.

“Para 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

For clarity into ref 10.13 of the officers report, under the criteria of the NPPF the proposed works would constitute development that would be of “less than substantial harm”

Officers clarified that the recommendation to refuse – ‘the planning authority consider the proposed use of modern integrated PV panels on the primary frontage of the curtilage listed building would have a substantial harmful impact on the historic significance, value and appearance of the curtilage listed barn and the wider group setting of the farmstead’s Grade II listed farmhouse and barn which is not outweighed by public benefits. Therefore, the proposal is contrary to Policy S27 of the Local Plan (Part 1) and Para 202 of the National Planning Policy Framework 2021’.

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

Members asked questions of the speaker and officers in relation to fire safety, energy efficiency of the tiles, the history of the planning application and the listed building.

Members then debated the proposal, with several members stating that they are in support of the application.

Councillor Daniels moved the motion to approve the application, in contrary to officers recommendation as the renewal energy benefits outweigh any ‘less than substantial’ harm.

The motion was seconded by Councillor McGuckin

The Senior Planning Officer advised members that if the application was to be approved, suggested conditions relating to time limits and ‘in accordance with plans’, should be added. The proposer and seconder agreed with these conditions are were added to the motion.

A vote was taken on the motion to approve, 8 voted in favour, 1 against and 2 abstentions.

The motion was carried.

### **Resolution**

Application approved.

## **Conditions**

- 1. The works hereby consented shall be begun before the expiration of three years from the date of this permission**

Reason: In order to comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:  
TH/KT/21/01 Installation of PV Panels  
PVSlate\_Datasheet\_v4.5**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

- 136. Development Panel - LBC/2021/0028 - Pear Tree farm, Blennerhasset - Listed Building consent for the installation of an electrical vehicle charging point to the boundary wall**

### **Application**

The report recommended to grant permission subject to conditions.

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

### Heritage

The building is Grade 2 listed and within the conservation area. Parking is established to the front and the energy point is small and well designed. The works are reversible and improve the existing situation where cables are run over the wall. Any harm is immaterial if at all.

### Sustainability

The charging point enables the use of electric cars.

The Planning Officer then went through the late list and the amendments to the National Planning Policy Framework 2021, Chapter 16.

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

Councillor McGuckin moved the motion to approve the application as per officers recommendations.

The motion was seconded by Councillor Munby

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

The motion was carried.

### **Resolution**

Permission granted as per officers recommendations.

### **Conditions**

#### **Time limit**

- 1. The works hereby consented shall be begun before the expiration of three years from the date of this permission.**

Reason: In order to comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **In accordance**

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:**

**0.1 - Location Plan**

**0.2 - Photograph of charging point location**

**0.3 - Image of proposed charging point**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

#### **Pro-active Statement / Notes to Applicant**

##### **Application Approved Without Amendment**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including emerging Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. It has subsequently determined to grant planning permission.

**The meeting closed at 2.50 pm**