Allerdale Borough Council

Planning Application

Reference No: 2/2012/0544
Received: 09 July 2012

Proposed Development:
Single wind turbine with hub height of 55.6 metres and blade tip height of 79.6 metres and associated metering units.

Location: Land At Wellington Farm Lamplugh Road Cockermouth

Applicant: Mr J & M Stamper J & M Stamper & Sons

Drawing Numbers:
T52-PLAN-LAY - Site Layout
T52-PLAN-LOC-1 - Site Location (1 of 2)
T52-PLAN-LOC-2 - Site Location (1 of 2)
T-SPEC-DETAIL1 - Switch Room and HV Metering Unit Detail
T-SPEC-DETAIL2 - E48 Wind Turbine Detail

Constraints: Radon Assessment

Policies:
National Planning Policy Framework

North West Regional Spatial strategy (RSS)
Policy DP7 - Promote environmental quality
Policy EM17 - Renewable Energy Policy

Cumbria and Lake District Joint Structure plan
Policy E38 - Historic environment
Policy R44 - Renewable energy outside the Lake District National Park and AONBs.

Allerdale Local Plan (Saved)
Policy CO13 - The setting of a Conservation Area, Allerdale Local Plan, Adopted 1999 (Saved)
Policy CO18 - Setting of a Listed building, Allerdale Local Plan, Adopted 1999 (Saved)
Policy EM17 - Renewable Energy
Policy EN6 – Location of potentially polluting developement Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN10 - Restoration, after uses cease, Allerdale Local Plan,
Adopted 1999 (Saved)
Policy EN19 - Landscape Protection, Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN24 - Protecting Historic Parks and gardens, Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN25 - Protecting the open countryside, Allerdale Local Plan, Adopted 1999 (Saved)
Policy EN32 - Protecting wildlife protected by law, Allerdale Local Plan, Adopted 1999 (Saved)

Relevant Planning History:
A screening opinion SCR/2011/0040 was issued by the Local Planning Authority for the proposed turbine on a site north of the current proposal near the summit of the hill, which concluded it constituted EIA development by virtue of its potential impact on the Lake District National Park.

However a screening direction by the Secretary of State overturned this decision advising that he did not consider it constituted EIA development.

Another screening opinion for the current proposal SCR/2012/0020 also determined it was EIA development, referring to the proximity to the National Park and potential cumulative impact. This decision was also overturned in a subsequent screening decision by the secretary of state who remained of the opinion that it did not constitute EIA development.

Representations:
Cockermouth Town Council - recommend refusal;
- The proposal is to be built 750m from the residents of the Dubbs Eaglesfield. It is considered too close to the national park and there are enough windmills.

Brigham Parish - Refuse. There is significant objection against this application on the grounds of;
- It adds to the cumulative impact of turbines.
- Unrepresentative photomontage within a dip when viewed from Brigham.
- The views from High Rigg, Leafy close and Hotchberry road should be accounted for in the visual assessment rather than the few at the site.
- Loss of visual amenity of views from the village towards the fells
- Proximity of the site to the National park.
- This is the first time Brigham parish have objected to a turbine.

Greysouthen Parish - object on the grounds of;
- visual amenity and visual impact.
- Potential cumulative impact of wind farms on tourism.
- The large scale of the turbine is out of scale with the surrounding landscape and is excessive to meet the needs of the farm.
- Harmful cumulative impact with existing windfarms (reference to the dismissed appeal at Broughton Lodge)
- Less than 1 mile from the National park
- Precedent for additional wind turbine proposals.
- The number of turbines in Allerdale has reached a tipping point

**Dean Parish** No reply to date.

**Broughton Parish** no reply to date.

**Papcastle Parish** recommend refusal;

- Large turbine on the edge of the National Park and Cockermouths gem town.
- Damage to tourism
- Precedent
- A farm does not require a 500kw supply.
- The turbine and its visual impact would be visible to most properties in Papcastle.
- The turbine would be visible from neighbouring parishes.
- If subsidies are withdrawn and the economic situation becomes worse it will not be cost effective.
- Cumulative impact with existing turbines will spoil the countryside.
- Precedent for future turbine applications.
- "Allerdale- a great place to live, work and visit “will have a hollow ring.

**Embleton Parish** No reply to date

**Blindcrake Parish** No reply to date

**Lake District Special Planning Board** No objections. Whilst there are minor adverse effects on the settings we believe the effects on the special qualities of the National Park are not sufficient enough to trigger an objection

**Highways Agency** No objections

**Fire officer** No reply to date

**Cumbria Tourism** Cumbria Tourism is aware of several member tourism businesses in the vicinity of the wind farm and is concerned on the visual harm and consequent economic impacts that may arise if allowed. this is due to its scale, visible location and the cumulative impacts that it could have with other masts and
turbines

Cumbria tourism would suggest the applicants undertake an assessment of the potential damage to tourism interests in the area before any consent is granted. Cockermouth is increasingly attractive to visitors because of its heritage, townscape, food and drink and its proximity to the national park. It would be disappointing if the installation of wind turbines in the vicinity of the town were to erode this.

Civil Aviation Authority - Consultations for wind energy related development is exceeding the resource available to respond within LPA timeframes. Should consult with NATS and MoD and relevant aerodromes. The CAA has no responsibility for safeguarding sites other than within its own property.

MoD - No reply to date

Environment Agency – No comments

County Council Highways
No objection subject to conditions relating to a construction method statement and traffic management plan.

County Council - consider the proposal does not constitute a category 1 application and therefore do not wish to comment from a strategic perspective. The proposal should be determined in accordance with Development plan policies.

Natural England – the application is sited 1.3km distance from the River Derwent and tributaries SSSI However given the nature and scale of the proposal it is unlikely to adversely affected by this site and therefore is not a constraint
If protected species are present, the LPA should request survey information prior to its determination
Recommend consultation with the national park and AONB/Heritage coast partnership
The site is within close proximity of dubs Moss Wildlife site which is a Cumbria Wildlife Trust Nature reserve.
The council should be satisfied sufficient information has been provided to demonstrate any impact on this site prior to its determination.

Environmental Health No objections subject to conditions.

County Archaeologist – No objections.

RSPB – No evidence has been provided on a bird desk based
survey which is considered essential to enable to assessment of the sensitivity of the bird population in the locality to windfarm developments and whether a site base survey is needed. Comments on submitted desk top bird survey evidence awaited

**Cumbria Wildlife Trust** – seek clarification on the site.

**Arquiva** No reply to date

**County Archaeologist** No reply to date

**Stobart Air (Carlisle airport)** No objections

**Friends of the Lake District**- Refer to the NPPF’s importance of recognising the beauty of the countryside as a Core planning Principle and the need to conserve the landscape of the National Park. Also refer to Policy EM1 of the RSS and structure plan policy E37 which are relevant.

Under its landscape Sub type 5c Rolling lowland the Cumbria character guidance and toolkit it states “*Energy infrastructure, including large scale wind energy generation, pylons and substations should be carefully sited and designed to prevent this sub type becoming a wind energy landscape. prominent locations should be avoided and appropriate mitigation should be included to minimise adverse effects*”

The site is close to Cockermouth and the boundary of the national park with viewpoints from Fellbarrow and Watch Hill which is on the Allerdale Ramble (within 6km of the site). The Cumbria SPD suggests turbines will be prominent key element in the landscape at this distance and although this document is orientatated to turbines of 95m it is also appropriate for the size of the applicants turbine.

A large number of local people and visitors will be affected by the proposal. Given the above criteria they consider the turbine should be refused.

The application has been advertised by site notice and neighbour letter.

64 letters of objection have been received to the proposal. The grounds of objection are based on the following:

- The distance from the Dubbs Moss is inaccurate.
- Detrimental impact on the visual amenity of its site and surroundings
- The carbon footprint of the production and construction of the turbines exceeds its savings
- The 261ft high turbine is out of scale with the site and surroundings
- The turbine appears large to reduce the applicant’s carbon footprint –is its main purpose the generation of electricity for the grid.
- Cumulative visual impact with other turbines (reference to dismissed appeal at Broughton Lodge)
- Defining and dominant feature in the landscape.
- The site is less than 1 mile from the Lake District National Park and the turbine will be highly visible from the western fells.
- Adverse impact on tourism and its role in the local economy
- Precedent for additional turbines.
- Number of turbines in Allerdale has reached a tipping point
- Potential air safety hazard.
- Proposal is half the size of Blackpool tower.
- Existing shed on the summit of Harrot Hill is an eyesore.
- Contrary to principles of the National Planning Policy Framework which seeks to protect the natural landscape.
- Detrimental visual impact on Papcastle, Cockermouth, Brigham and Gt Broughton.
- Detrimental impact on the views of Scotland from the Lakeland fells.
- Overbearing impact on Cockermouth and local villages.
- Preferable sites on industrial brownfield sites.
- Need to protect the countryside.
- Very prominent –visible fro miles in an unspoilt environment.
- The moving blades will increase its prominence.
- Devaluation of property.
- Noise disturbance (including livestock)
- The applicant does not live in the area.
- Harmful impact on Dubbs Moss nature reserve-disturbance to birds/wildlife and their habitat-badgers, red squirrels, buzzards, barn owls, Tawny owls, peregrine falcons, geese, bats, pluvers and curlew.
- The proposed turbine type has had blade failure –flying parts may injure or kill reference to accidents at Huddersfield and Ardrossan –need of 2km safeguarding distance.
- The turbine does not affect the visual amenity of the landowners.
- Proposal would tower over Dubbs cottage and would be directly in front of Dubbs farm (740m).
- Industrialisation of landscape.
- Submitted assessments are not impartial/poor viewpoints –
none from Papcastle.

- Recent medical article suggests 1.5km buffer between turbines and homes to safeguard human health (Amplitude modulation)
- Size of turbine exceeds needs of farm.
- Potential pollution run off to River Derwent.
- The turbine will be higher than Harrot Hill which will be visible from surrounding settlements and the major highway network.
- Beyond the construction phase there are no employment benefits.
- Inaccuracies – references to Harrington, off shore turbines, significant effects within 1km of views risk of shadow flicker, conclusion that the landscape has the capacity for 3-9 turbines.
- Owner of scales farm (advises of his intention to reoccupy and will experience moderate to substantial magnitude of visual change.
- Wind power is not a reliable source of power.
- Cumbria has more than its fair share of turbines.
- Object to subsidy through electricity bills.
- The turbine would be 56m above the height of Harrot hill with a massive rotor diameter of 48m on the skyline.
- Detrimental impact on radar.

FORCE also lodged an objection and recommend refusal on the grounds of;

**Size and scale of the turbine**
- The proposal is at the top end of the medium scale with no evidence being provided to verify whether the turbine will supply the landowner’s premises i.e. no local benefit.
- The proposed turbine can generate 800kw. It is assumed the reduced 500kw is for tariff purposes- can the output be achieved by a smaller turbine? As a larger than needed turbine it does not take into account the landscape characteristics. There is no guarantee Ofgem will support a derated turbine.

**Local/Amenity impact**
- Although there is a 844m gap, there would be a substantial impact on Dubbs Farm with clear views and would be dominating and intrusive to its occupiers.
- Scales farm is presently unoccupied and the turbine and the moderate to substantial magnitude of change may result in the devaluation of this property.
- The views from Waterloo are also considered to be major/substantial and therefore significant.
- Outline the necessity for a full noise survey.
- Also consider the proposal would have a greater visual impact than moderate when viewed from Eaglesfield and any screening by vegetation would only be seasonal.
- The turbine would also be seen by all parts of Cockermouth gem town plus residents at Violet bank caravan park, Hundith Hill affecting the town’s status as the gateway to the Lake District.
- The proposal would also affect the high number of listed buildings in the towns Conservation Area. Walkers would see the site from the path from Eaglesfield to Moorlands close and Cockermouth toward Harrot Hill (800-900m)

**Landscape and Cumulative impact**
- The landscape is classed as category 5 as Lowland and 5c as rolling lowland, adjoining Broad valley, rolling fringe, upland valley, high Fell fringe landscapes.
- They consider the contour or the site on the slope of a hill would negatively affect the landscape including the National park (which has a high sensitivity to change. Although slightly below the Cumbria SPD guidance criteria for large turbines (by 15m) it is considered its principles are applicable to the current scheme.

- Reference is made to the Inspectors decision on the dismissed appeal at Broughton lodge
  
  “In this regard Broughton Lodge occupies a location where the proposed wind turbines would combine with others in the locality and tip the balance from a landscape with windfarms to a landscape with wind turbines as a defining and dominant element”

The Wind Energy in Cumbria SPD states

“Cumulative effect is a complex issue that will be increasingly relevant to the assessment of wind energy schemes. As there are already a number of wind energy developments across Cumbria it is likely that increasing significance will be attached to cumulative effects in the future.”

Force refer to the sections of the SPD which refer to the refusal of schemes on cumulative grounds when its impact is unacceptable and the need to account for proposed consent or operational schemes in the locality.

They refer to previous and future turbine proposals elsewhere in the Borough, plus those offshore and consider cumulative impact should be given serious consideration.

**Habitats**
- Little weight has been given to Dubbs moss which has an advertised nature trail within 240m of the site they dispute the submitted evidence that it is not of importance to protected bird species and also consider there is the need for additional assessment for bats.
- Also contest whether the wildlife assessment was undertaken in an impartial and unbiased basis.
- They conclude it is unsuitable in size and scale with adverse
impact on wider area of the borough with cumulative impacts, plus it would pose a risk to birds. FORCE therefore concludes the proposal should be refused.

Westnewton Action Group also object on the grounds of;

- The objection contests the statements of the applicant relating to global warming, climate change and greenhouse gases and does not form reasons for the approval of the application.
- The wind is free, but the industry is expensive.
- In reference to targets, Mrs Justice Lang on a recent turbine case states “their right to preserve the landscape was more important than the Governments renewable energy targets and that “Lower carbon emissions did not take primacy over the concerns of the people”
- The objection letter also refers to the NPPF outlining the reference to “contribute to conserving and enhancing the natural environment” and also “support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”.
- They also outline there is the need to adopt a positive strategy to promote energy from renewable development. Reference is also made to “while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.
- Para 98 of the NPPF states the need to approve applications “if its impacts can be made acceptable” However the proposal does not comply with policy EN25.
- Consider the effects of wind turbines are now completely unacceptable, with local responses of objection to the proposal The 260ft turbine will be clearly visible from the National park with little screening from trees or hedgerows.
- Cumulative impact cannot be described as insignificant which is a gross understatement
- The cumulative references that the sites lowland ridge and valley landscape has a moderate capacity for a group of 3-5 turbines and exceptionally 6-9 turbines is out of date due to the number of turbines installed since the introduction of the County’s “Wind energy in Cumbria” SPD.
- The 5 receptors affected by visual impact and the reference to Cockermouth being barely glimpsed are inaccurate. And the 3.7%
of the study area being affected by cumulative impact has not been qualified. Also the power supply figures from turbines and their operating capacity are inaccurate.

- The submitted bat assessment is inadequate.

- The letter considers the cumulative impact is inadequate (reference to Broughton Lodge appeal decision) and that the tipping point between a rural or industrial landscape has been reached.
Cumulative impacts would be experienced from both static viewpoints and in sequence when travelling referring the Companion Guide to PPS22 which outlines

“Cumulative effects may arise where two or more of the same type of renewable energy developments are visible from the same location or a visible shortly after each other along the same journey. Hence it should not be assumed that, just because no sites are visible from the proposed site, the proposal will not create any cumulative effects.” This is supported in the SPD document.

The Group consider turbines have already begun to “dominate” and “define” the landscape, industrialising rural landscapes and becoming the “defining and dominant element”

- Reference is also made to PPS7 - Sustainable development in Rural areas which supports the diversification schemes that help sustain agricultural enterprise and are consistent in scale with their rural surroundings. Question whether the turbine is to feed onsite demand or feed directly into the national grid. If for a farming need would a smaller turbine be more appropriate.
Consider there are more appropriate and less sensitive sites elsewhere for this type of development which would also not make new demands on the environment.
The proposal is contrary to policy R44 of the structure plan as it would have a very significant adverse impact on the landscape, physically creating impacts rather than reducing impacts.

- A precedent has been set by the Broughton Lodge appeal decision plus a high court hearing for a dismissed appeal wind farm decision for a windfarm at Norfolk and also a letter from the secretary of State for energy to Sir Alan Beith Mp which refers to “meeting our energy goals is no excuse for building windfarms in the wrong places” and that “local people and their councils should not be bullied into accepting proposals they do not want” and “without having their views overturned at appeal”.

An individual letter was also received from the leader of the County council
He states that the application should be determined on the grounds of “material planning considerations”
He highlights that the County Council approved a motion calling on the Government and the Secretary of State to halt further installation of turbines in Cumbria for fear that the plethora of windfarms would desecrate the scenic views and the peace and beauty of our rural landscape which attracts millions of visitors each year.

He also refers to;
1. The scheme also includes the construction of an access road, concrete foundations, crane pads, substations and grid connections and there stating it has a “small impact is an understatement” and should be accompanied by a thorough EIA
2. Wind farm may disrupt the hydrology of the area –this needs to be investigated.
3. Low frequency vibrations (“wind turbine syndrome or vibro acoustic disease) may cause health problems.
4. The gigantic scale of the turbine and its prominent location will have a detrimental cumulative impact

Report
Proposal

The proposal is for a single Erecon E48 turbine (max 400Kw output). The three bladed turbine would be 55.6m to hub height supporting a 48m diameter rotor upto 79.6m to tip height and its galvanised steel tower would be finished in a pale grey matt finish.

The turbine’s circular foundation base would be 16m in diameter. A small switch room and HV metering cabin building measuring 2.95m in length, 3.05m wide and 2.44m height to eaves level (with a shallow sloping roof) Two small container units will be sited at the base to house the switch gear. Connections to the national Grid will be via underground ducting along the access road. United utilities have confirmed a grid connection for the turbine.

Access to the site will be via the road to the applicant’s farmyard from the A66 Cockermouth roundabout junction. A temporary 4m wide track within the field (utilising temporary ground panels) from an existing track from the farmyard will be implemented for both construction and decommissioning purposes. The panels will be removed after construction.

The application has been supported by an access and design statement, landscape and visual impact assessments, environmental noise assessment, cultural heritage assessment; phase 1 habitat survey and planning statement.

In response to the representations the applicant has confirmed
that the turbines output would be to the grid only and not the farm. It indicates that it will reduce the applicant’s carbon footprint and that any environmental harm will be outweighed by the projects benefits.

Site

The site location plan defines the footprint of the turbine within an agricultural grazing field approx 0.43km west of Wellington Farm complex which is sited in open countryside to the SW of Cockermouth.

The surrounding fields are generally open with hedgerows, although a shelter belt of mature woodland borders the western boundary of the applicants farm and a separate area of woodland (Dubbs Moss) designated as a Local nature reserve is sited 175m to the south of the turbine.

The turbine occupies an elevated and skyline position on a southward slope of Harrot Hill. An existing agricultural shed is located on the summit of the hill. The topography of Harrot Hill will partially screen the turbine from parts of Cockermouth and the western approach to the A66 roundabout. However the landscape topography has open views towards to National park (1.5km from the site) and its associated fells.

The nearest residential properties at Wellington Farm are within the ownership of the applicant. The nearest non related independent dwelling to the site is Dubbs Farm (0.78km) and The boundary of Cockermouths settlement which is contained by the A66 highway is approx 1km from the site.

The turbine is also located 1.93km from Papcastle, 1.4km from Eaglesfield 1km from Brigham and 3.14km from Gt Broughton.

Assessment

Policy

National planning guidance is generally supportive of renewable energy production. Renewable energy targets are now binding through the Climate Change Act 2008.

The National Planning Policy Framework has a two of its core principles:

- To take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and
supporting thriving rural communities within it;

- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

When determining planning applications for renewable energy development, local planning authorities should:

- Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable.

At the regional level, RSS Policy EM17 encourages the installation of renewable energy generation, where certain criteria are met. The courts have determined that the government’s intention to abolish RSS through the Localism Bill remains a material consideration.

Saved policy R44 of the Joint Structure Plan states that outside the Lake District and AONB, proposals for renewable energy, including any ancillary infrastructure or buildings, will be favourably considered subject to a number of criteria relating to landscape character, biodiversity and natural and built heritage, local amenity, local economy, highways or telecommunications. Specifically for wind turbines, the policy indicates that measures should be included to secure satisfactory removal of structures /related infrastructure and remediation of land following cessation of operation of the installation. The County Council has also produced the Cumbria Wind Energy Supplementary Planning Document.

Policy EN25 of the Allerdale Local Plan restricts development within the open countryside to that which is 'essential' to meet a local need. No Allerdale Borough Council policies specifically relating to renewable energy have been 'saved'. However, the NPPF does not place a specific restriction on schemes for renewable energy within the open countryside. Such schemes will often need to be located where there is the resource and where economically feasible.

**Needs/Benefits**

The needs and benefits of the proposal are important elements in
the overall planning balance. The NPPF continues to give support to all forms of renewable energy development.

The increased development of renewable energy resources is vital to facilitating the delivery of the Government’s commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to the Government’s overall strategy on sustainability and renewable energy development, as emphasized in the Energy White Paper (2007), The UK Renewable Energy Strategy (2009) the UK Energy Road Map (2011) and a significant number of other policies and commitments. The NPPF continues to give support to all forms of renewable energy development.

In order to mitigate the effects of climate change, the North West Regional Spatial Strategy (NWRSS) policy EM17 encourages the use of renewable energy development in order to achieve 15% of the electricity supplied within the Region from renewable energy sources by 2015, rising to 20% by 2020. The RSS includes indicative generation targets and for Cumbria, these are:

2010 – 237.3MW
2015 – 284.8MW
2020 – 292.4 MW

The Courts have determined that the government’s intention to abolish Regional Spatial Strategies is a material consideration. However, in the context of renewable energy development, this intention is not considered to carry significant weight, given the binding legal targets relating to carbon and greenhouse gas emissions within the Climate Change Act.

The Cumbria Renewable Energy and Deployment Study (August 2011) confirmed that the capacity of operational or consented renewable energy schemes within Cumbria totalled 285.36MW. This figure is not directly comparable to the RSS targets because the RSS specified electricity generation only; whilst the Cumbria Renewable Energy and Deployment Study considered renewable energy schemes for both power and heat. The UK Renewable Energy Strategy recognises the importance of both electricity and heat from renewable sources and seeks around 35% of electricity and heat to come from renewable and low carbon (non nuclear) sources by 2020. Of the overall figure deployed or consented within Cumbria, 70% is located within the district of Allerdale.

As such, the consented/installed capacity for power and heat from renewable energy development is considered to be substantial and to make a positive contribution to addressing climate change.

Regardless of these figures, the imperative for further renewable
energy within national policy and strategy is clear. Therefore, the weight to be attached to the deployment of renewable energy is not considered to have diminished.

Whilst this scheme would make only a small contribution towards regional and national targets for the production of energy from renewable sources, it remains valuable, thus contributing to meeting the objectives of the Climate Change Act. Whilst the local economic benefits cannot be precisely quantified there would be some in terms of the economic benefits to this local business. Achieving the binding national targets for the proportion of energy from renewable sources and the reductions sought in greenhouse gases can only be done by an accumulation of local projects of varying scale. Thus, based solely on national performance, a need for developments of this type exists. These are material considerations that weigh significantly in the planning balance.

**Landscape Impact**

The applicant has submitted an assessment on landscape impacts with some supporting information has been provided with the application by way of photomontages and wireframes

No national landscape designations directly apply to the site.

The site is located within landscape classification 5 Lowland and sub type 5c Rolling Lowland. However it is also sited close to the landscape classifications 8 Main valleys and sub type 8a Broad valleys. To the SE on the edge and within the national park there are the additional landscape classifications of 12 higher limestone and sub type rolling fringe which adjoins (h) upland valley and (j) high fell fringe.

The applicant has assessed the proposal in the context of the landscape sensitivities and characteristics outlined in the wind energy in Cumbria SPD.

The site is located on an elevated southern slope overlooking an undulating area of landscape at the base of the Lakeland fells to the SE of the site. The applicants report acknowledges the proximity of the National park boundary and that it will affect its setting to some degree as it will be visible from public roads, footpaths and properties within it.

However the report contests it would not be significant referring to the screening direction which stated

"Whilst there would be some views of the turbine from parts of the National park to the east of the town, the potential visual impact would be limited by the presence of the built up form of the
settlement within the foreground. Although there would be some views of the turbine from the western part of the national park, visibility in the surrounding area is limited by the nature of the local landform”

The applicants report refers to the boundary of the locally important landscape area (officers highlight that its respective policy EN23 was not a saved policy and therefore is no longer a material planning consideration)

The historic park “The Fitz” is sited approx 1.1km from the site, but any impact would be low.

The applicants landscape report advises that the sites Landscape Character 5d, is assessed as having a moderate sensitivity and capacity to accommodate wind energy development (3 – 5 turbines), exceptionally a large group (6 – 9).

In summary the applicant considers the proposal will have a moderate impact on the magnitude of change of the study area. The landscape sensitivity is medium for the Rolling lowland and medium/ high for the Broad valley resulting in the overall landscape impact being medium.

The magnitude of change on the national park would be slight, but its landscape sensitivity is high, resulting in a moderate landscape impact.

The council had an independent assessment of the submission by a landscape consultant.

The single turbine will be viewed alongside existing turbines in the locality, as well as possibly other which have been approved but to date have yet to be implemented.

The consultant considers the applicant’s methodology statements guidance criteria have been superseded by more recent subsequent guidance. The consultant refers to the applicants claim that the GLVIA has a non specific methodology, therefore the method adopted was for the specific turbine and the receiving environment and does not warrant a full LVIA as required under an EIA and alternatively uses professional judgement and public perception.

The councils consultant advises that the landscape guidelines (2002) recommend the development of thresholds to standardise the conclusions of the assessment as “effects can be negative(adverse) or positive (beneficial); direct or indirect , secondary or cumulative and the either permanent or temporary(short medium or long term) they can arise at different scales (local, regional or national) and have different levels of significance (local, regional or national)
The consultant considers little attempt has been developed thresholds of significance, with selectivity in the application of turbine related guidance and confusion in its terminology. There is no any assessment of effects in terms of elements, character and characteristics has not been stated.

The applicant's statement that landscape and visual impact of a development of the proposed scale is negligible beyond 3km conflicts with the guidance of the Cumbria SPD.

Although the SPD relates to turbines of 90m in height it states differing visual impact categories of upto 2km, 2-5km, 5-15km and 15-30km. There is little evidence on the applicants choice of the applications 3km study area given the size and location of the proposal.

The consultant refers to the applicants comments arising from the Secretary of State's comments on the screening direction which stated “whilst there would be some views of the proposed turbine from parts of the national park to the east of the town, the potential visual impact would be limited by the presence of the built up form of the settlement within the foreground”. Although there would be some views of the turbine from the western parts of the national park, visibility in the surrounding area is limited by the nature of the local landform. However no account has been taken of the views from the National Park to the south.

The landscape sensitivity evidence is seen as unclear and they consider no reliance can be made on the landscape sensitivity within the report.

It is also considered that the submitted magnitude of landscape change to the broad valleys landscape category is inaccurate as it would be moderate to substantially adverse.

**Cumulative Impact**

There are is man-made structures within the immediate vicinity of the site.

Existing wind turbine development in the surrounding area includes:

6 x turbines (100m to tip) at Tallentire – 6.3km to North
3 x turbines (115m to hub) at Flimby – 7.3km to west
11 x turbines (90m to tip) at Winscales 6.4km to west
Wharrels Hill, Bothel 10.7km to North

The site of the dismissed appeal at Broughton Lodge is located
4.25km to the west of the site.

The applicant's assessment refers to extension, combined and sequential effects as part of its cumulative appraisal. The combined effects (i.e. where the turbine would be seen with other existing turbines) were classed as minor to moderate and therefore not significant.

Sequentially it was considered the proposal would only add a slight increase to the sequential cumulative impact (3.7% in the study area) which would be minor/moderate.

The council's consultant considers the applicants cumulative impact is not in accordance with the Scottish Natural Heritage document. No details have been referred to between schemes built, built or within the planning process. The applicants subsequent appendix document on potential impacts only includes constructed and some consented schemes.

The consultant considers that cumulative impacts would arise but these have not been identified.

Officers highlight that the former dismissed appeal at Broughton Lodge focused on the cumulative impact when seen in association with the approved and implemented turbines at Flimby and Tallentire, but also attached weight on the sequential impact of turbines along the main transport corridors.
Given the proximity and prominence of the current site to the A66 and the A595 it is considered this would also be a relevant material planning consideration on the current scheme.
Officers consider Insufficient evidence has been provided on this issue.

Visual Impact

The applicants supporting evidence has assessed the receptors and the landscape and visual effects of the proposed turbine. The applicant refers to the ZTV map submitted with the application, this map indicates the turbine will be seen 3km to the south and south west, 6km to the south east and 7km to the north, north east and north west east.

This document refers to the Wind Energy in Cumbria SPD document which that the prominence of a wind farm in the landscape up to a distance of 2km, relatively prominent from 2-5km and only prominent in clear visibility As part of the landscape from 5-15km. Account also has to be made of the orientation of buildings, local topography and screening can affect the visibility of the structure.
The applicant advises the 3km distance was to cover all properties and transport routes that may experience significant effects.

The applicants visual impact conclusions can be summarised as follows:

- The closest houses (excluding the applicant’s properties at Wellington farm) are a cluster of dwellings at Dubbs farm 780m from the site. It is anticipated they would have a moderate to substantial magnitude of change. However views from the properties windows would be at oblique angles and partially obscured by buildings and trees resulting in a major/moderate change which would be significant.
- The views from Eaglesfield properties 1.4km would be moderate and not significant with most properties impact being lessened by the local topography and the orientation of the dwellings.
- Views from the Brigham road due to undulating landform and mature trees would be intermittent resulting in any visual effects being moderate.
- Scales farm (700m from the site) is presently unoccupied. However the applicant considers it would experience major/moderate impacts which would be significant.
- Road users would experience a moderate effect. Views from residents on the eastern edge of Brigham village 1.1km would have a moderate effect.
- Fitz park would not be able to see the turbine due to intervening trees – moderate impact.
- Similarly Parklands housing estate in Cockermouth approx 1km from the site would be screened by woodland on the A66 and therefore any impact would be moderate.
- Views from the Lakeland business park and the auction mart would have filtered/obscured views with only slight impact.
- Visual effects from Holmewood paddock care home, Mitchell’s auction and the Shepherds Hotel (on the roundabout) would be moderate.
- Similar moderate impacts would be experienced from properties on the south east urban fringe of Cockermouth and green bank Farm.
- Views from Moorland Close / Waterloo (1.2km will be moderate to substantial i.e. significant although some screening may arise from vegetation and landform.
- Moderate impacts will also be encountered at Hundith hill and Southwaite bridge.
- The statement considers views from the A66 and A595 and A5086 (due to oblique views and tree screening) would be transient and would be of medium impact and therefore insignificant.
- Any views experienced from nearby footpaths would also be medium in their impact, (except for the footpath to The Dubbs dairy farm which would be moderate to substantial) and therefore
not significant.

The applicant’s evidence on visual impact was also independently assessed by the council’s consultant. The consultant refers to the applicant’s comments that the turbine would be clearly visible from many viewpoints particularly from receptors on higher ground. The Cumbria wind energy document states:

“The general perception of a windfarm in an open landscape is likely to be a prominent feature up to a distance of 2km, relatively prominent from 2-5km, only prominent in clear visibility and perceived as part of the wider landscape from 5-15km and perceived as a minor element in the landscape in very clear visibility from 15-30km”

The consultant therefore questions the applicants 3km radius especially as significant effects could still occur beyond this distance if the sensitivity of the receptor was high. The reports downgraded medium sensitivities contradict the high sensitivities resulting in moderate impact and therefore (No significant impact” If applied correctly this would result in moderate –substantial impact which would be significant. this practice has also been applied to the public rights of way evidence. No assessment has been taken on areas of open access which would have a high sensitivity.

The summary of council’s consultant was that the applicant’s landscape and visual impacts cannot be relied upon.

Heritage Assessment

The applicants evidence also includes a heritage assessment including any impacts of the development on Ancient schedule monuments e.g. Romano British farmstead Fitz woods (1.2km from the site), listed buildings and historic landscapes and Cockermouth Conservation area.

The study concludes most of the historic assets are within the historic settlements of Cockermouth and Papcastle and their respective settings should not be adversely affected by the proposal. Twenty two sites were identified within the immediate environs of the site would have negligible impacts on settings, with no site being directly affected by the development.

Officers concur that there would be no direct impact on any designated historic site.

It is also accepted that given separation distances there would not be any significant impact on settings of the surveys identified sensitive historic designations.
Papcastles Conservation Area has been overlooked in the assessment which has a clear southern outlook and vista to the turbine. It did however refer to listed buildings in the village. The views of the Conservation area officer will be reported at the panel meeting to verify the importance of the vista to the setting of the Conservation Area. Officers are aware that the separation distance was less in the dismissed at the Westnewton windfarm appeal which also occupied a more elevated site above its Conservation Area.

**Biodiversity**

The site is located 150m from an area of woodland Dubbs Moss which is one of Cumbria Wildlife Trusts nature reserves. The proposed turbine has been sited approx. 71m from field hedges in accordance with Natural England advice on bats.

The applicant has submitted a revised extended Phase 1 habitat survey.

The applicant has assessed the site in the context of badgers, bats, squirrels and birds. It included a desk study to identify several non statutory sites within 2km of the site through the Cumbria Biodiversity centre.

The assessment concludes the field site is unlikely to affect badgers or habitat for red squirrels. The separation distance from the hedgerow addresses any habitat and foraging issues relating to bats. (exceeding a 50m separation strip) The response of Natural England seeks compliance with their standing advice.

The RSPB had requested further evidence relating to birds.

The applicant responded through an extended survey advising there are ten red listed species of conservation concern in the parish of Cockermouth. Some species (Spotted flycatcher, Starling and Song thrush if present are likely to use the woodland to the south (180m to the south). The site characteristics are unsuitable for Lapwings. Linnet and house sparrow may use the hedgerows, but given its separation distance is unlikely to have any impact. Of sixteen amber species some can be discounted Mallard (No open water) oystercatcher, Snipe and Curlew due to their habitat preferences. Barn owls have been recorded three times in Cockermouth but the grazed land is sub optimal for this species and therefore is unlikely to have any impact. Species such as Willow Warbler, Dunnock and Whitethroat may use the hedgerow but the applicant reemphasises the separation distance.

Overall no mitigation measures are recommended although
workers are to be made aware of possible nests in the hedgerow during breeding season.

Advice on the Barn Owl Trust website is that there is currently no evidence to suggest that wind turbines in the UK are having any effect on Barn Owls. The main reason that Barn Owls are unlikely to be affected is due to the way they forage. As hearing is the primary sense utilised, Barn Owls must fly at comparatively low altitudes in order to hear their prey, typically not more than three metres above the ground. Most wind turbine blades have a ground clearance well in excess of this. Additionally, a wind turbine does not act like a propeller. Whereas a propeller accelerates air and actually 'pulls in' objects in front of it, a wind turbine slows the air down.

The comments of the RSPB are awaited to the additional survey evidence and will be reported to the Panel.

Based on this information and the advice of consultees, it is considered that (subject to the views of Cumbria wildlife trust and the RSPB on the additional bird evidence) the proposal is unlikely to significantly harm wildlife species or habitats.

**Noise**

The applicant's evidence included a noise report.

Noise is an environmental concern, especially as the applicant’s submitted evidence indicates the turbine type will be derated to operate at only part of its overall capacity to be limited at 400kw. This would in itself require Of gems approval.

ETSU – R – 97 *The assessment and rating of noise from wind turbines*, is the standard guidance document relating to wind turbines. This indicates that noise from wind turbines should be limited to:

- 5dB(A) above background noise level for both day and night time
- In low noise environments, daytime noise level should be limited to an absolute level within the range of 35-40dB (A)
- The fixed limit for night-time is 43 dB (A)
- Day and night time levels of 45 dB (A) for any related property
- For single turbines or large separation distances, simplified limit of 35dB (A) up to wind speeds of 10m/s should not require background noise measurements.

The nearest noise sensitivity properties at Wellington farm are within the applicant’s ownership.
Officers acknowledge the objectors' concerns on the applicant not using the turbine to its maximum potential and whether the applicant's target energy output could be fulfilled by a smaller sized turbine. However, the derating process by Ofgem is a separate matter i.e. not a material planning consideration and it is for members to assess (irrespective of output) whether the size of the turbine proposed would be visually harmful to its local environment. However, the need to control the generation capacity of the turbine is considered essential to ensure compliance with any planning noise level conditions. The applicant has provided evidence of a planning condition adopted in Aberdeen to control this issue and monitoring future output.

Environmental Health has confirmed no objection to the proposal subject to conditions. A condition is recommended that noise from the wind turbine be limited to the ETSU guidelines for the nearest noise sensitive property.

**Aviation / Electromagnetic Interference**

The CAA has raised no objections to the proposal. As such, the scheme is considered acceptable in terms of aviation safety and radar. These organisations have requested notification of approval of the scheme and erection of the structures, plus aviation safeguarding lighting details. This can be a condition of the permission.

Given that the precise implications of the wind turbine in respect to reception is not known, a precautionary condition is suggested requiring a formal procedure for dealing with any complaints made in respect of interference, should a complaint be made.

**Highway/Traffic Impact**

The Highways Authority has raised no objection subject to conditions requiring the road to be kept clear of mud during the construction phase and that a Traffic Management Plan is submitted for approval. The site is clear. In terms of topple distance from any public highway.

On the advice of the Highways Authority, the highway implications of the proposal are considered to be acceptable.

**Objections**

It is considered that the majority of objections have been addressed as part of the above assessment. The remaining issues are considered here:

- The 'Wind Turbines (Minimum Distance from Residential
Premises) Bill’ has not yet had a second reading in the House of Lords and is yet to be considered in the commons. As a proposed bill, this cannot be given any significant weight in the determination of this current application.

- At the current time there is no national planning advice that indicates that there is health issues associated with turbines. Noise can be a factor and this has been considered above.
- A screening opinion has been conducted by the Council for the proposal which determined that the proposal was not EIA development.
- Allerdale has approved more wind turbine development than any other part of Cumbria but this is not in itself justifiable grounds to refuse further development, there must be material planning grounds.
- The guidance relating to turbines suggests that the supporting evidence such as photomontages and ZVI’s should be commensurate with the scale of the development.
- Hydrology- further evidence is being sought on this issue .details to be reported to panel
- Tourism- This criteria is difficult to substantiate due to the lack of detailed background evidence (A ground of refusal on the Hellrigg refusal decision was duly omitted at the appeal inquiry due to the lack of documented supporting evidence to defend it. )

**Conclusion**

As with all turbine schemes there is a need to balance the harmful environmental effects of the proposal, against the benefits arising from the promotion of renewable energy development.

The council landscape consultant is of the conclusion that reliance cannot be placed on the summary and conclusions within the applicants supporting reports which consistently underestimates the landscape and visual impacts of the scheme.

Officers consider that in assessing the merits of any turbine proposal a satisfactory baseline of evidence needs to be submitted in accordance with current guidance to facilitate members in assessing the merits of any proposal. Based on the consultant’s response it appears that the standard of the submission is inaccurate and incomplete with current guidance. This hinders the ability to evaluate the landscape and visual impact of the scheme (including cumulative impact) In the absence of such evidence it is considered that the environmental harm identified is not outweighed by the benefits in this instance.
It is therefore considered the proposal should be refused on the basis of inadequate evidence being available to fully assess the proposal.

(This does not prejudice members views should the outstanding landscaping and visual impact evidence be submitted at a later stage in any subsequent proposal.)

Additional evidence relating to impact on conservation, birds and hydrology will be reported at the panel meeting.

Recommendation: Refused

Conditions/ Reasons:

1. The Local Planning Authority consider that insufficient evidence has been submitted to demonstrate the individual and cumulative impact of the proposed turbine of the landscape character of the site and its surroundings in the open countryside, contrary to policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (saved)

2. The Local Planning Authority consider insufficient evidence has been submitted to demonstrate the individual and cumulative visual impacts of the development to sensitive receptors of the site and its surroundings contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Saved)