Reference No: 2/2012/0429
Received: 18 May 2012

Proposed Development: Construction of a 20kw wind turbine with an overall blade tip height of 27.1m

Location: Homerigg Farm
Bullgill
Maryport

Applicant: Mr William Skelton

Drawing Numbers: 001 - Site Location Plan
002 - Block Plan
003 - Elevations

Constraints: British Coal Area

Policies: Allerdale Local Plan, Adopted 1999 (Saved)

Policy EN6 - Location of potentially polluting development
Policy EN10 - Restoration, after uses cease
Policy EN19 - Landscape Protection
Policy EN25 - Protecting the open countryside
Policy EN32 - Protecting wildlife protected by law

Cumbria and Lake District Joint Structure Plan, April 2006

Policy E35 - Areas and features of nature conservation interests other than those of national and international conservation importance
Policy E37 - Landscape character
Policy R44 - Renewable energy outside the Lake District National Park and AONBs

North West Regional Spatial Strategy to 2021

Policy DP1 - Spatial principles
Policy DP9 - Reduce emissions and adapt to climate change
Policy EM17 - Renewable Energy

National Planning Policy Framework

Cumbria Wind Energy Supplementary Planning Document
July 2007

Relevant Planning History:
2/2011/0917 – Approval of 27m high turbine

Representations:
Parish Council – Indicate that it was unhelpful for the applicant to have submitted two separate planning applications for these turbines and expressed concerns that more turbine applications may be submitted in this manner in the future.

The Parish is of the opinion that one turbine is efficient for the applicant’s personal needs and therefore thinks that the planning application should not be considered by the Local Planning Authority until the existing turbine has been assessed for noise pollution.

Environmental Health – No objections subject to a condition regarding noise.

MOD – No objections

Natural England – The proposal does not appear to affect any statutory protected sites or landscapes, or have significant impacts on conservation of soils, nor is the site EIA development. Refer LPA to consider standing advice.

Electricity North West – The development is shown to be adjacent to or affect their apparatus and must ensure that the development does not encroach over either the land or ancillary rights of access or cable easements. If planning permission is granted the applicant should verify details by contacting Electricity North West.

The development is within close proximity to 11kv overhead lines and there are National Grid overhead lines in the vicinity.

CAA – No comments

County Archaeologist – No recommendations or comments

NATS - No safeguarding objections

The application has been advertised on site and adjoining owners have been notified.

There has been one letter of support and four letters of objection.

The objections relate to the following points:

One turbine was supposedly for their own use and they are
astonished that they are now in need of a further turbine in direct line of their home and consider the development to be too many.

A single wind turbine was approved 6 months ago and the application emphasised it was only for a single turbine so there would be no cumulative impact on the environment. They believe that this development would have a cumulative impact with other turbines within Allerdale.

The application should be accompanied by a full cumulative assessment.

Concerns that further applications would follow and create a wind farm by the back door.

The first wind turbine has been erected and already causes a negative visual impact, especially from the lower end of the village.

Potential noise impacts.

Use of outdated policy.

Need is not properly justified considering the last application was for the supply of the farm.

Report

Introduction

The proposal is for the erection of a wind turbine to the north east of a farming unit located within the open countryside. The farm is in a remote location with no immediate properties adjoining the site. The nearest settlement would be that of Bullgill which is to the north east of the proposed site.

Policy Considerations

Renewable energy developments are supported by the National Planning Policy Framework (NPPF) which outlines that there should be a presumption in favour of sustainable development under paragraph 14. Under Chapter 10 of the NPPF it outlines there is a presumption to approve applications for renewable energy proposals unless material considerations indicate otherwise (paragraph 98).

The NPPF states that the delivery of low carbon energy and associated infrastructure is central to the economic social and environmental dimensions of sustainable development. In determining planning applications, LPA’s 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

The NPPF is considered to support policy R44 of the Cumbria and Lake District Joint Structure Plan. 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.

As the property is not located within any special landscape designations (including local) the proposal would be in compliance with Policy EN25 of the Local Plan when read in conjunction with the NPPF chapters 109, 110 and 115. The Cumbria and Lake District Joint Structure Plan, under Policy E37, stipulates that development should be compatible with the distinctive characteristics and features of the landscape, requiring future proposals to be assessed in terms of relevance, visual intrusion, scale in relation to the landscape and remoteness and tranquillity.

The objectives of Policy EN6 of the Allerdale Local Plan seek to safeguard sensitive development from pollution generating proposals which would concur with the objectives of the NPPF.

The proposal as a whole is considered to be in line with the NPPF.

Overall (as reflected in the policies) the merits of the proposed development relate to balancing whether the economic, social and environmental benefits of the proposed renewable energy development outweigh any environmental impact of the proposed turbines.

Financial Implications

There would be no financial implications associated with this development.

Requirement for EIA

Local Planning Authority have issued a screening opinion that the proposed development does not constitute EIA development and an EIA is not required to be submitted with an application for planning permission.

Officers are of the opinion that there is sufficient information within
the supporting design and access statement to assess the proposal.

**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.

Site History

Application 2/2011/0917 for a single wind turbine of the same design and height as this proposal was approved 24 January 2012.

The proposal

The turbine would be approximately 135m to the north east of the farmhouse and is approximately 120m from the nearest farm buildings. The farm itself is located on rising land from the river situated to the north of the site. It was considered appropriate to locate the wind turbine further away from buildings in order to get the most efficiency out of its placing. In order to achieve enough wind and of a sufficient quality the wind turbine needs to be located in a position away from obstacles such as trees and buildings as the flow of air is interrupted by static objects.

The proposal is for a C & F CF20 wind turbine with a peak output of 20kW. The turbine would be a three bladed turbine measuring 20.58m in height to the hub with a blade diameter of 13.1m; a total height from the ground to the tip of the blade is approximately 27.13m.

The height and three bladed design is considered acceptable and has been approved on this site and elsewhere within the Borough.
The turbine would be set into reinforced concrete foundations measuring 5.5m². The turbine would connect into the national grid by way of a new connection this is the responsibility of the applicant and would be done in connection with united utilities.

**Site and surroundings**

The application site is located off the road running from Crosby Villa to Tallentire. The site is located approximately 5.8km from the boundary of the Lake District National Park approx. 2.03km from the Solway Coast Area of Outstanding Natural Beauty and 1.15km from the buffer to the Hadrian's Wall World Heritage Site.

The surrounding area is rural in nature, with a number of interspersed single dwellings or farms and small clusters of dwellings and small villages; Bullgill 473m to the north east, Crosby Villa is 922m to the north, Crosby is 1.37km to the north west, Gilcrux is 1.88km to the south east and Dearham is 2.13km to the south west.

The application site is located off an unclassified road to the south of Bullgill and is just over 1km from the A596 at Crosby Villa.

The site is in agricultural use, and would be accessed via an existing access track to the farm from the public highway by land within control of the applicant. Due to the scale of the turbine there is no requirement for a new access to be formed across the field.

**Protected areas**

The site is located approximately 1.6km to the west of Birkby Colliery which is a Scheduled Ancient Monument considering the distance from this feature and the scale of the proposal the development is not considered to have a significant affect on the setting of this protected site. No objections have been received from the County Archaeologist.

**Noise and shadow flicker**

The council's environmental health department have examined the proposal and have concluded that the turbine would not lead to significant noise emissions and it is considered that any noise arising from the development can be controlled by a condition attached to any approval.

In terms of shadow flicker, the standard assessment would be that properties within 10 rotor diameters of the turbine could potentially be affected by shadow flicker. In this case the rotor diameter is 13.1m therefore as there are no residential properties within 131m
the affects of shadow flicker would not cause harm to surrounding properties.

It is considered that the proposal is sufficiently away from dwellings to avoid any disturbance from noise or shadow flicker. The nearest residential property that is not associated with the proposal is approximately 477m from the proposed site and would not be significantly affected by the proposal.

**Highway considerations**

The proposal would be located approximately 500m from the nearest public road and is therefore considered not to affect users of the highway and no objections have been received from the highway authority.

**Locality and visual considerations**

Officers have assessed the submitted evidence and although the applicant has provided limited comments on the landscape implications of the proposal, officers are of the opinion that a judgement can be made without a full landscape and cumulative impact assessment.

The boundaries to the wider property are mature hedgerows and open countryside, in the immediate of the proposed turbine are post and wire fences. There are no landscape designations affecting the site.

Visually the turbine would be seen from limited vantage points directly surrounding the site from public rights of way and the public highway. There would be some distant views but due to the scale of the turbine the proposal is not considered to significantly affect the landscape.

Although the wind turbine would be seen from certain vantage points within the locality, officers consider the development would not have a wider significant impact on the landscape.

It is considered that the overall visual impacts of the proposal would not be significant enough to warrant refusal.

**Cumulative Impacts**

Existing turbine development in the locality includes four large scale turbines at Hellrigg (Parkhead Farm, Silloth) 13.6km north, four smaller scale turbines at Langrigg 10.86km to the north east, and a single small turbine on the same site at Bullgill 120m to the north east. An approved scheme for three large scale turbines has been approved at Warwick Hall, WestNewton 5.97km north east,
construction yet to commence and Tallentire Hill which approved six large scale wind turbines 2.4km to the south, construction has recently commenced. Bothel wind farm is approximately 7.9km to the east. As such, there would be the potential for cumulative impact in combination with the existing man made development on the visual amenities of the area and the landscape character, albeit, the significance of these effects would be affected by landform, natural screening etc.

Cumulatively, the proposal has the potential to contribute to a line of turbine development extending from the permitted windfarm scheme at Westnewton to the constructed windfarm scheme at Parkhead Farm, Silloth, to the east of the AONB boundary. This possible line of turbine development has the potential to impact on the setting of the AONB and on views from within it, noting that the AONB is characterised by its openness and wildness. However, given the comments above relating to the scale of the proposed turbine and the separation distance, it is not considered that this scheme would add significantly to any cumulative impact on the Solway Coast AONB, sufficiently to conclude that the proposal is of more than local importance in terms of landscape and visual amenity.

The proposal also has the potential to have cumulative affects with the wind farm at Tallentire particularly when viewed from the nearby public rights of way; however, considering the scale and location it is not considered to significantly add cumulatively when viewed with this site.

Given the scale of the turbine, the proximity to designated sites and cumulative effect of the proposal with other turbines and man made features, it is not considered to have a negative effect on the surrounding landscape to warrant refusal of the application on this ground.

**Residential Amenity**

Although the nearest residential property is approximately 477m away, the orientation of the dwelling means that the turbine would not be visible from within the main habitable areas of this dwelling. Bearing in mind the size of the turbine at this distance from the development it would not be considered to cause any significant affects on residential amenity.

Due to the orientation and distances from the nearest residential properties the development is not considered to have any overbearing affects on any occupiers of these properties.

**Access and Highways Considerations**
The proposal would be located approximately 395m from the adjoining highway and is therefore considered not to affect users of the highway and no objections have been received from the highway authority.

The turbine would not need any oversized vehicles or special cranes/equipment to install the turbine therefore the existing access onto the highway is acceptable.

**Wildlife**

The applicant has placed the turbine in excess of 50m from hedgerows in order to minimise the impacts on bats.

Due to the site being in beneficial agricultural use the site has limited potential to contain any valuable wildlife habitats. When considering the proposal against Natural England’s standing advice the application site does not raise any concerns relating to affects on any wildlife or important habitats.

The ground works in associated with the turbine and access would be limited and is unlikely to cause significant harm to any habitats, due to the nature of the limited works.

**Conclusions**

It is considered that the need for the development outweighs any landscape implications also bearing in mind national policy there would not be any significant impacts to warrant refusal and approval is recommended.

**Recommendation:** Approved

**Conditions/Reasons:**

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
   Reason: In order to comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out solely in accordance with the following plans:**
   - 001 - Site Location Plan
   - 002 - Block Plan
   - 003 - Elevations
   Reason: In order to comply with Section 51 and Section 91 of the Planning & Compulsory Purchase Act 2004.

3. **This permission shall remain valid for a period of 25 years from the date that electricity from the**
development is first produced ('First Export Date'). The date of the first production of electricity shall be notified in writing to the Local Planning Authority within 28 days of the event occurring.

Reason: To ensure that this site within open countryside is restored to an appropriate standard, in accordance with Policies EN25 and EN10 of the Allerdale Local Plan, Adopted 1999 (Saved).

4. **Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbine and the associated above ground equipment and foundations to a depth of at least one metre below ground. The approved scheme shall be fully implemented within 6 months of the expiry of this permission.**

Reason: To ensure that this site within open countryside is restored to an appropriate standard, in accordance with Policies EN25 and EN10 of the Allerdale Local Plan, Adopted 1999 (Saved).

5. **If any turbine hereby approved ceases to be operational for a continuous period of at least 6 months unless an extension of time is agreed in writing with the Local Planning Authority it shall be removed and the land restored in accordance with a decommissioning and site restoration scheme approved in writing by the Local Planning Authority. The decommissioning and site restoration scheme shall be submitted to the Local Planning Authority within three months of the continuous six month cessation period coming to an end. The land shall be restored in accordance with the approved scheme within 6 months of the scheme's approval by the Local Planning Authority.**

Reason: To ensure that this site within open countryside is restored to an appropriate standard, in accordance with Policies EN25 and EN10 of the Allerdale Local Plan, Adopted 1999 (Saved).

6. **Within 6 months of the completion of the construction works, any temporary working areas around the turbine shall be removed.**

Reason: To ensure that this site within open countryside is restored to an appropriate standard, in accordance with Policies EN25 and EN10 of the Allerdale Local Plan, Adopted 1999 (Saved).

7. **In the event that a written complaint is received relating**
to electro-magnetic interference a written scheme shall be submitted to and approved by the Local Planning Authority setting out a protocol for the assessment of electro-magnetic interference, including remedial measures. Operation of the turbine shall take place in accordance with the agreed protocol unless the Local Planning Authority gives its prior written consent to any variation.

Reason: In order to minimise the risk of nuisance.

8. The following background noise levels shall not be exceeded when the wind turbine is in operation:

   a) Night time noise limits (11pm-7am) – The LA90 (10 minutes) specific noise level shall not exceed 43dB (A) when assessed and measured 3.5m from the façade of the nearest noise sensitive use, namely “5 Station View, Bullgill, Maryport, CA15 6TP” (in existence at the date of this permission) or 5dB above the night time LA90 background noise level at wind speeds not exceeding 12m/s, whichever is the greater.

   b) Day time noise limits (7am-11pm) – The LA90 (10 minutes) specific noise level shall not exceed 40dB (A) when assessed and measured 3.5m from the façade of the nearest noise sensitive use, namely “5 Station View, Bullgill, Maryport, CA15 6TP” (in existence at the date of this permission) or 5dB above the quiet day time LA90 background noise level at wind speeds not exceeding 12m/s, whichever is the greater.

   Reason: In the interest of amenity and in accordance with Policy EN6 of the Allerdale Local Plan Adopted 1999 (Saved).

9. In the event of a complaint being received in writing by the Local Planning Authority alleging noise nuisance at a residential property or properties due to the wind turbine, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to measure and assess the level of noise emissions from the wind turbine at the location of the complainants property. The results of the independent consultant’s assessment shall be provided in writing to the Local Planning Authority within three months of the date of notification of the complaint. If a breach of Condition 8 was confirmed in the assessment the operation of the turbine will cease until the Local Planning Authority is satisfied the turbine can operate within the noise limits specified in Condition 8. The operator of the development shall be
under no obligation to follow the procedure set out in this condition where the complaint relates to a residential property more than three kilometres from the wind turbine generator.

Reason: In the interest of amenity and in accordance with Policy EN6 of the Allerdale Local Plan Adopted 1999 (Saved).

Notes to Applicant:

The development is adjacent to operational Electricity North West land; the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. The applicant should verify details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be aware of the following documents produced by the Health and Safety Executive in connection with operations near electricity services:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.