

SCHEDULE A: Applications with Recommendation

12/0735

Item No: 04

Date of Committee: 25/07/2014

Appn Ref No:
12/0735

Applicant:
Mr Brown

Parish:
Burgh-by-Sands

Agent:
H&H Land & Property

Ward:
Burgh

Location: Land to the north of Midtown Farm, Kirkbampton, CA5 6JB

Proposal: Erection Of A Single Wind Turbine 24.6m Hub Height, 34.2m Tip Height
And New Access Track

Date of Receipt:
24/08/2012 23:00:12

Statutory Expiry Date
19/10/2012 23:00:12

26 Week Determination

REPORT

Case Officer: Shona Taylor

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The potential contribution of the scheme towards the generation of renewable energy
- 2.2 The impact of the proposed development on the landscape and visual amenity of the area including cumulative impacts
- 2.3 The impact on residential properties (noise and shadow flicker)
- 2.4 Eskdalemuir Seismological Recording Station
- 2.5 Impact on highway safety and public footpaths
- 2.6 Other matters

3. Application Details

The Site

- 3.1 Midtown Farm consists of a farmhouse and buildings located within the centre of Kirkbampton, a village within Allerdale District.

- 3.2 The application site is located four fields to the rear of the farm steading, just within Carlisle District, and is surrounded by agricultural land. The field is laid to grass and is either grazed or cut for silage. The application site is located over 650 metres to the north of the farm steading within a field, with adjoining agricultural fields delineated by hedges, post and wire fences and hedgerow trees. The application site is categorised as being within sub-type 5b Lowland - Low Farmland as identified in the Cumbria Wind Energy Supplementary Planning Document (2007) and the Cumbria Landscape Character Guidance and Toolkit (2011).

The Proposal

- 3.3 The application seeks permission for the erection of 1no. 50kw wind turbine, which will have three blades, and be situated on a steel tower. The turbine will have a hub height of 24.6m and a tip height of 34.2m.
- 3.4 Access to the turbine will be via the existing track adjacent to midtown farm, and additional track to the next two fields which form the application site.
- 3.5 The application is accompanied by a Design and Access Statement, a noise predictions assessment; a desktop bird survey; an Aviation Report; an LVIA; and a Photo Montage.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to three neighbouring properties. In response seven letters of objection have been received along with one comment and one letter of support. The grounds of objection are summarised as;
1. the cumulative effect of the large number of turbines in the solway plain is excessive;
 2. the location of the tubines in the solway plain between the Lake District National Park, the AONB and adjacent to the Hadrians wall trail is unacceptable;
 3. the increasing number of turbines will effect visitors and tourism in the area;
 4. the cumulative effect of these turbines must be taken into account;
 5. this proposal is near to an Area of Outstanding Natural Beauty;
 6. the view from the village across the Solway to the scottish hills will be spoiled by the intrusion of a wind turbine;
 7. this is yet another example of the defacement of the Cumbrian Landscape;
 8. there is a lack of information regarding the proposal;
 9. property prices will be affected;
 10. turbines are domineering and overpowering in small rural villages;
 11. the proliferation of turbine applications and permissions in this locality is a threat to the rural landscape;
- 4.2 A comment has been received from a representative of Kirkbampton Parish

Council, who whilst not a statutory consultee, have commented as the adjacent parish. Their letter states that they do not object to this proposal, but that they have concerns that there is an increasing number of turbines in and around their Parish, which will have cumulative effects on the area.

- 4.3 The single letter of support states that it is good to see people in the village supporting sustainable energy.

5. Summary of Consultation Responses

Royal Society for the Protection of Birds: - no response received;
Ramblers Association: -no response received;
Burgh-by-Sands Parish Council: - object to the proposal due to concerns regarding cluster groups of turbines, also, the farm that this turbine relates to is not within the district or parish;
Natural England - no objections due to the size and location of the proposal;
National Air Traffic Services: - no objections;
MOD Safeguarding: - no objections subject to the inclusion of one condition;
Joint Radio Co: - no objections;
Green Spaces - Countryside Officer: - no response received;
Local Environment - Environmental Protection: - no objections;
Cumbria County Council - Highway Authority - Footpaths: -no response received;
Cumbria County Council - Highway Authority: - no objections subject to one condition;
Cumbria Wildlife Trust: - no response received;
Carlisle Airport: - no objections;
Allerdale District Council: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan comprises the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).
- 6.3 The National Planning Policy Framework (NPPF) is also a significant material planning consideration in the determination of this application. The NPPF has a presumption in favour of sustainable development with 12 core planning principles which should underpin plan-making and decision-taking. Members should note that two of the core planning principles are to support the transition to a low carbon future in a changing climate, encouraging the use of renewable resources whilst recognising the intrinsic character and beauty of the countryside.

- 6.4 The NPPF indicates that when determining applications Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF indicates that Local Planning Authorities should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable. The NPPF also states that in determining applications for wind energy development Planning Authorities should follow the approach set out in the National Policy Statement for Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). The National Planning Policy Statement for Energy Infrastructure generally relates to large wind farms however it gives guidance on technical considerations when dealing with onshore wind farms.
- 6.5 Under "The Promotion of the Use of Energy from Renewable Sources Regulations 2011" there is a duty on the Secretary of State to ensure that the renewable share in 2020 is at least 15%.
- 6.6 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character. A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 A Supplementary Planning Document 'Cumbria Wind Energy', which sets out Guidelines for wind energy schemes and includes a Landscape Capacity Assessment, was adopted by the Council in September 2008.
- 6.8 Other material considerations include Circular 1/2003 "Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas, and circular 11/95
- 6.9 When assessing this application it is considered that there are six main issues, namely:
1. The potential contribution of the scheme towards the generation of renewable energy
 2. The impact of the proposed development on the landscape and visual amenity of the area including cumulative impacts
 3. The impact on residential properties (noise and shadow flicker)
 4. Eskdalemuir Seismological Recording Station
 5. Impact on highway safety and public footpaths
 6. Other matters

1. The Potential Contribution Of The Scheme Towards The Generation

Of Renewable Energy

- 6.10 As stated above the NPPF indicates that Local Planning Authorities should not require applications for energy development to demonstrate the overall need for renewable energy and should recognise that even small-scale projects provide a valuable contribution to cutting green house gas emissions.
- 6.11 It is noted that there was previously regional and sub regional renewable energy targets within the North West of England Regional Spatial Strategy and the Cumbria and Lake District Joint Structure Plan however these documents have been revoked.
- 6.12 Notwithstanding the revocation of the RSS the Case Officer acknowledges that much of the evidence that underpins the targets of the RSS with regard to renewable energy is still relevant.
- 6.13 The Climate Change Act (2008) set legally binding carbon budgets for the UK which aim to reduce UK carbon dioxide emissions by 34% by 2020 and, in line with European guidelines, at least 80% by 2050. The UK Renewable Energy Strategy 2009 includes a target of delivering more than 30% of our electricity generated from renewable sources by 2020. In addition to these targets it is acknowledged that the NPPF includes a strong message that we should promote and support the delivery of renewable and low carbon energy and associated infrastructure in moving towards a low carbon economy. Wind energy is widely considered to be a proven, viable and rapidly developing energy technology, with the UK having access to 40% of the entire European wind resource (EN-1).
- 6.14 The landscape of Carlisle District is not immune from the effects of climate change and the landscape, in the vicinity of the proposed turbine and elsewhere, will not survive, in the future, unless the serious effects of climate change are addressed.
- 6.15 The proposed development would provide a total installed capacity of 50kW. The proposal will therefore provide a contribution to meeting energy needs for the UK which would help address the impacts of climate change.

2. The Impact Of The Proposed Development On The Landscape And Visual Amenity Of The Area Including Cumulative Impacts

- 6.16 As stated above, the NPPF indicates that Planning Authorities should approve applications if the impacts are, or can be made, acceptable. The NPPF explains that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 118 indicates that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for then planning permission should be refused. The NPPF also indicates that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Area of Outstanding Natural Beauty (AONBs).

6.17 It is important that a distinction is drawn between i) landscape impacts that relate to the characteristics of the landscape; and ii) visual impacts on receptor points (houses and rights of way etc) that relate to individual outlooks within that landscape. These issues are separately discussed as follows:

i) Landscape

6.18 The application site is within an area defined as Lowland with moderate Landscape Capacity in Map 8 of the Landscape Capacity Assessment (2006) which accompanies the Cumbria Wind Energy Supplementary Planning Document. This document considers that an area of moderate landscape capacity is able to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines. As such it is clear that the proposed turbines are within the size limits suggested for this landscape type.

6.19 The site where the turbine is to be located comprises relatively flat pasture land in an agricultural landscape with field boundaries being mainly hedgerows with occasional mature hedgerow trees. Small woodland blocks and shelter belts are dispersed across the area.

6.20 The local landscape continues in a gently rolling characteristic and is largely farmed pasture. Several settlements, farms, dwellings and pockets of woodland are dotted throughout the landscape. The landscape is typical of lowland agricultural land in north-west Cumbria.

6.21 A single turbine with a height of 9m to hub is the nearest neighbouring turbine at Aikrigg Cottage, Thurstonfield and is located 1.95kms from this proposal. There are other turbines in the locality, however, the majority are located within Allerdale, including the turbines at Orton Airfield, a distance of approximately 3km away.

6.22 The applicants' Landscape and Visual Impact Assessment (LVIA) states that the open and relatively flat nature of the landscape in the study area means that new additions to the landscape can potentially be seen from some distance. However, it goes on to say that because there is little elevated land the extensive presence of hedgerows and trees form an effective shield from many public viewpoints.

6.23 The Officer is in agreement with the findings of the submitted LVIA, that, within the local context, the turbine would appear as a prominent feature but would not cause unacceptable harm to the local landscape character, a broad rolling farmland landscape.

6.24 ii) Visual Impact

With regards to visual impact it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. It is noted that right to a view is not a material planning consideration and the

focus of the planning system is to regulate the use and development of land in the public interest.

- 6.25 When assessing visual impact upon occupiers of neighbouring properties it is also important to apply the “Lavender Test”. It is noted that outlook from a private property is a private interest rather than a public interest however in 3 previous appeal decisions; North Tawton (Denbrook), Enifer Downs and Shooters Bottom, Inspector Lavender indicated that where turbines are present in such number, size and proximity that they represent an unpleasantly, overwhelming and unavoidable presence in a main view from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and unsatisfactory place to live. It is therefore not in the public interest to create such living conditions where they did not exist before.
- 6.26 In relation to the impact on the visual amenities of residential properties it is noted that there are various clusters of settlements, along with scattered residential properties in the surrounding area, particularly but not exclusively those located adjacent to the roads immediately to the south and also, further to the north of the site. The closest residential properties are three remote farms, Burgh Moor House, Shield Farm and Farhill, along with those properties to the northern side of the road running through Kirkbampton and Thurstonfield. All of the nearest neighbouring properties are all over 650m from the proposed turbine.
- 6.27 Whilst it is accepted that some dwellings in the vicinity would experience direct views of the turbines from primary windows or gardens, it is the Officers view that the separation distances are such that the turbine could not be said to be overbearing or dominant. As such it is considered that the turbine would not cause a sufficient demonstrable harm on the living conditions of the occupiers of these properties to warrant refusal of the application on this basis.

3. The Impact On Residential Properties (Noise and Shadow Flicker)

- 6.28 The NPPF indicates that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. The NPPF also indicates that in determining planning applications for wind energy planning authorities should follow the approach set out in the National Policy Statement For Renewable Energy Infrastructure (read with relevant sections of the Overarching National Policy Statement For Energy Infrastructure). The aforementioned documents indicate that the impact of noise from a wind farm should be assessed using "The Assessment And Rating Of Noise From Wind Farms (ETSU-97).
- 6.29 A Noise Impact Assessment has been submitted along with this application. The standard assessment methodology for wind turbine noise is ETSU-R-97. The information submitted with this application indicates that the proposed wind turbine will operate within the parameters of this. The Council's Environmental Services team has been consulted on the proposed development and has raised no objections.

- 6.30 In relation to the above, the noise levels generated by the proposed turbine are deemed acceptable and would not have an adverse impact upon the occupiers of any surrounding residential properties to warrant refusal of the application.
- 6.31 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. The proposed turbine will have an operating frequency between 30.8 - 41 rpm (depending on the wind speed) which is significantly less than the frequency capable of giving rise to health effects.
- 6.32 Research and computer modelling on flicker effects have demonstrated that there is unlikely to be a significant impact at distances greater than ten rotor diameters from a turbine (i.e. 96 metres in this case). The companion guide to PPS22 which is still relevant in terms of flicker effect indicates that in the UK only properties within 130 degree either side of north, relative to a turbine can be affected by Flicker Effect. No residential properties fall within this zone. Whilst other European Countries have guidelines of 30 hours per year and 30 minutes per day for acceptable levels of shadow flicker, there is no guidance for England. The affects of shadow flicker are however easy to mitigate for example by shutting down the relevant turbine during periods when it could occur. As the impact of shadow flicker can be controlled by the imposition of a suitably worded condition it is not considered that the proposal would cause a sufficient harm to the living conditions of neighbouring residents with regard to shadow flicker to refuse the application on this basis.

4. Eskdalemuir Seismological Recording Station

- 6.33 The UK seismic monitoring site is at Eskdalemuir near Langholm. The facility is part of the seismic network of the International Monitoring System set up to help verify compliance with the Comprehensive Test Ban Treaty which bans nuclear test explosions. The Treaty requires that States Parties shall not interfere with the verification system, of which Eskdalemuir is an element.
- 6.34 The original consultation response from the MoD explains that the application site is approximately 47.86km from the seismological recording station at Eskdalemuir and falls within its statutory safeguarded area. Research jointly commissioned by the DTI, BWEA and the MoD has confirmed that wind turbines of the current design generate seismic noise which can interfere with the operational functionality of the Station. In order to ensure that the UK complies with the Comprehensive Nuclear Test-Ban Treaty, a noise budget based on the findings of the research of 0.336nm rms has been allocated by the MoD for a 50km radius surrounding the Station. Their response concluded that the reserved noise budget had been reached.
- 6.35 Latterly, on the 22nd May 2014, an interim guidance update was announced

identifies that:

"Recently completed research commissioned by the EWG has confirmed that there is headroom which would allow for further wind farm consents without breaching the 0.336nm seismic ground vibration threshold."

The update went on to explain that the MoD will be withdrawing objections (in relation to the operation of the seismological monitoring station) to wind development proposals within the 50km Consultation Zone that were submitted prior to December 2013.

- 6.36 On the basis of this announcement, on the 23rd June 2014, the MoD confirmed in writing that they were withdrawing their previous objection to this development.

5. Impact Upon Highway Safety and Public Footpaths

- 6.37 There are no statutory guidelines which recommend minimum separation distances from highways or public right of ways. Whilst a glimpsed view of the turbine would be visible from neighbouring roads, it is not considered that this would be sufficient to cause a distraction to drivers.
- 6.38 The Highway Authority has recommended a condition relating to the proximity of a public right of way, and the applicants responsibility to ensure it is not obstructed at any time.
- 6.39 As the Highway Authority have raised no objections it is considered that the proposal will not have a detrimental impact upon highway safety.

6. Other Matters

- 6.40 It is appreciated that other issues can arise when considering a proposed turbine including signal interference but based on the size of the proposed turbine, the accompanying information and the turbine's location, it is not considered that they are of sufficient weight to determine consideration of the proposal.

Conclusion

- 6.41 The proposal is in accordance with the overall objectives of Government energy policy. The benefits include effective protection of the environment through the reduction of greenhouse gas emissions and the prudent use of natural resources by reducing reliance on fossil fuels. These benefits are of significant weight.
- 6.42 In conclusion the proposal involves the erection of a single turbine, 34.2m in height, at land to the north of Midtown Farm, Kirkbampton. National planning policy promotes targets for renewable energy and looks to Local Authorities to support proposals for renewable energy developments which do not have unacceptable impacts.
- 6.43 Taking account of the scale and technical specifications of the proposal, as

well as the levels of screening from nearby properties, it is considered that the turbine will not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

- 6.44 It is considered that the proposed development accords with the provisions of the Carlisle District Local Plan 2001-2016 and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Local Plan and, as such, is recommended for approval subject to the imposition of appropriate conditions.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Planning Permission comprise:

1. The Planning Application Form;
2. The Site Location Plan received 24th August 2012;
3. The General Location Plan received 24th August 2012;
4. The Block Plan received 24th August 2012;
5. The Turbine Elevation Drawing received 24th August 2012;
6. The Wind Turbine Aviation Report received 24th August 2012;
7. The Design and Access Statement received 24th August 2012;
8. The Noise Assessment received 24th August 2012;
9. The Desktop Bird Survey received 24th August 2012;
10. The Photo Montage received 24th August 2012;
11. The Landscape and Visual Impact Assessment Report received 24th August 2012;
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months the operator shall give notice in writing to the local planning authority of the date this event occurs. Unless the local planning

authority gives notice in writing to the contrary the use shall cease and the turbine and all components, listed in condition 2 above, shall be removed from the site within 6 months of the date notified to the local planning authority for the purposes of this condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

4. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to the grid. The local planning authority shall be notified in writing of the date of the commissioning of the wind farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related structures shall be removed from the site which shall be reinstated to its original condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

5. As soon as reasonably practicable following completion of construction of the turbine on the site, the applicant shall provide written confirmation to the Scottish Ministers, the Planning Authority and the Ministry of DEfence of the following:-

1. the actual position of each turbine in eastings and northings (each to six figures); and
2. the hub height and rotor diameter of each turbine (in metres).

Reason: In the interests of air safety and in accordance with Policy CP8 of the Carlisle District Local Plan 2001-2016.

6. No logos, advertisements, lettering, lights or other information (other than that required for health and safety purposes or required for legal reasons including aviation safety) shall be displayed on the turbine, nor shall it be illuminated without the prior written approval of the local planning authority.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No construction works of any kind shall take place during the breeding bird season (1st March - 31st August) unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

8. The applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. If it is anticipated that the proposed development will hamper the continued safe use of the footpath, the Applicant must apply for a temporary closure of the footpath.

Reason: To support Local Transport Plan Policies W1 and W2.

General Location of Midtown Farm



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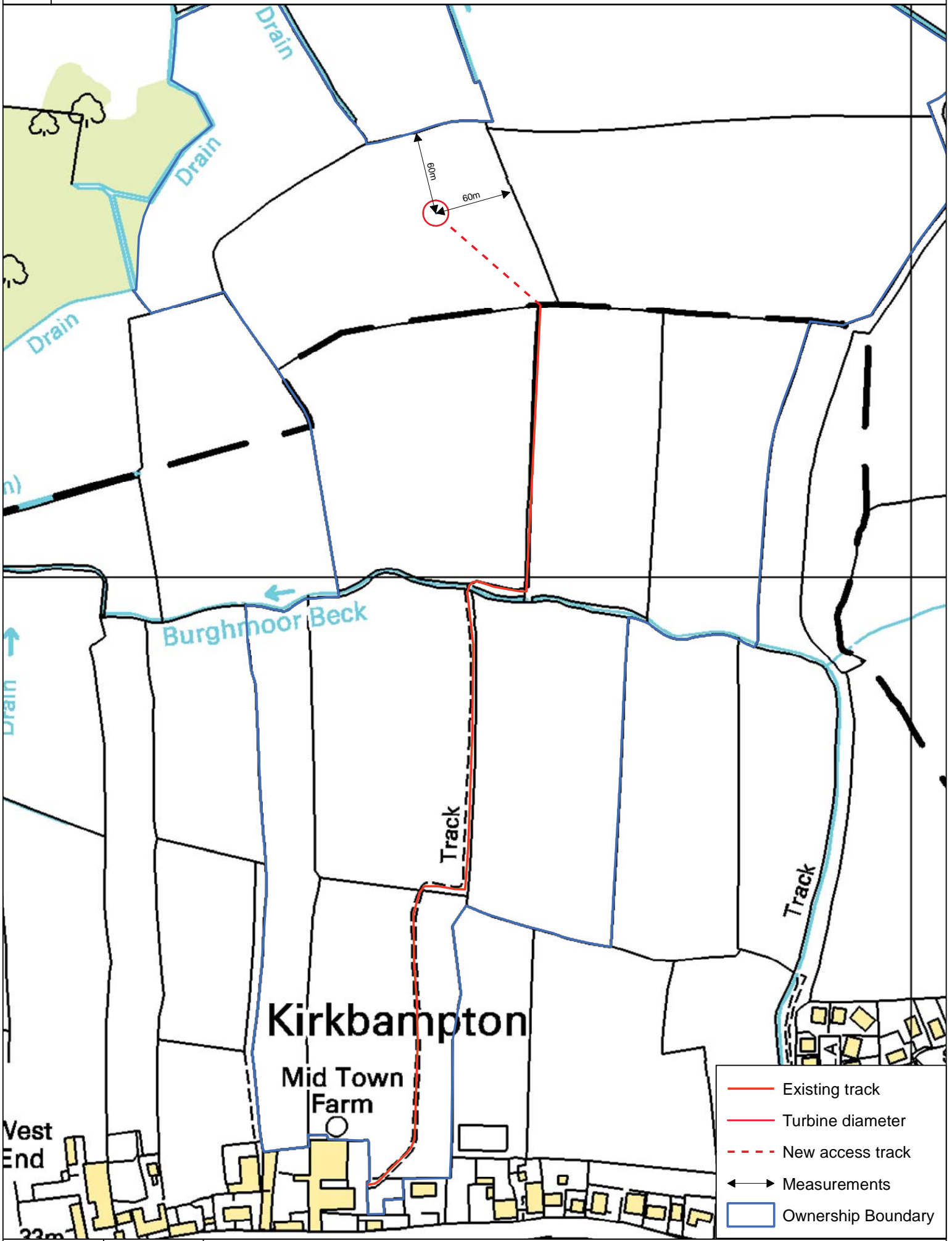
Date: July 2012
Our Ref:
Plan No:
Scale @ A3: 1:10,000

H&H LAND AND PROPERTY
Chartered Surveyors

Borderway, Rosehill, Carlisle, CA1 2RS Tel: 01228 406260 www.hhland.co.uk

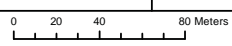


Location Plan

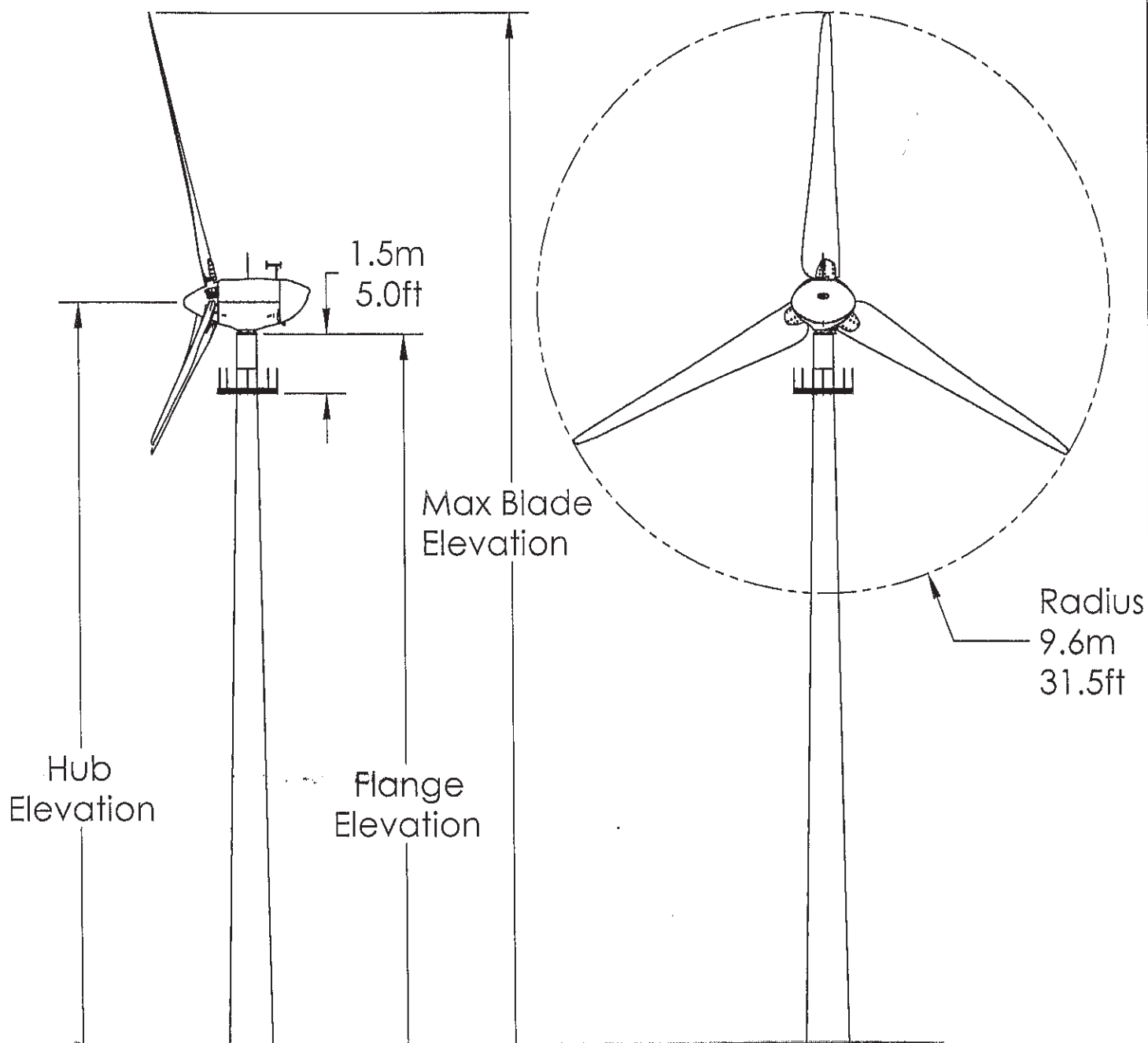


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Date: July 2012
Our Ref:
Plan No:
Scale @ A3: 1:2,500



Borderway, Rosehill, Carlisle, CA1 2RS Tel: 01228 406260 www.hhland.co.uk



Turbine Elevations – Scale 1:200@A4

Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
77.4	23.6	80.7	24.6	112.2	34.2	EU Countries Only
97.1	29.6	100.4	30.6	131.9	40.2	North America Only
116.1	35.4	119.4	36.4	150.9	46.0	North America Only
135.8	41.4	139.1	42.4	170.6	52.0	North America Only

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are available in a permitting package on a per-tower basis.

Endurance
wind power

E-3120 Elevation

SIZE	DWG. NO.	REV.
A	E-3120 - 50 kW Monopole	A