

SCHEDULE A: Applications with Recommendation

14/0401

Item No: 02

Date of Committee: 25/07/2014

Appn Ref No:
14/0401

Applicant:
OwnPower

Parish:
Dalston

Agent:
Stephenson Halliday

Ward:
Dalston

Location: Land south west of Bankdale Park, Wreay, Carlisle

Proposal: Variation Of Conditions 2 (Approved Documents) And 13 (To Vary Turbine Tip Height From 76.5 Metres To 79 Metres) Of Previously Approved Permission 13/0853

Date of Receipt:
13/05/2014

Statutory Expiry Date
07/07/2014

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 The principle of development
- 2.2 The potential contribution of the scheme towards the generation of renewable energy
- 2.3 The impact of the proposed revised turbine height on the landscape and visual character of the area including cumulative impacts
- 2.4 The impact on the revised turbine height on residential properties (noise and shadow flicker)
- 2.5 Air safety: Carlisle Airport and Ministry of Defence
- 2.6 Impact upon highway safety and public footpaths
- 2.7 Impact on horse riding/safety
- 2.8 Impact upon local ecology and nature conservation
- 2.9 Impact upon heritage assets
- 2.10 Other matters

3. Application Details

The Site

- 3.1 This application relates to fields located approximately 525 metres to the south-west of Bankdale Park near Wreay which form part of Mellguards Farm Unit. Mellguards Farm is located approximately 3.3km south-west of the application site and falls within the administrative area of Eden District Council.
- 3.2 The application site relates to five fields and is approximately 0.93 hectares in area. The application site is wholly within the administrative area of Carlisle City Council and is situated to the north of a plantation known as Great High Plantation.

Background

- 3.3 Members of the Development Control Planning Committee granted planning permission in January 2014, under application reference 13/0853, for the erection of a single wind turbine 50m to hub height, 76.5m to tip height, together with associated infrastructure and access track.
- 3.4 The turbine approved under application 13/0853 was to be finished in either a white, grey or off-white colour. Access to the turbine was to be via an existing farm track which was to be upgraded to provide a surface width of 4 metres. Two new sections of track (approximately 572 and 194 metres in length) were to be constructed from the existing track into the turbine field. One of the routes was for delivery and installation of the turbine only and would be reinstated to its current state after commissioning of the turbine. The new access to the south would remain for maintenance purposes. In order to construct the access track two sections of hedgerow removal were required (12m at the access point of the highway onto the existing access track and 5m where the new temporary access track crosses into the turbine field). Both sections of hedgerow were to be reinstated following commissioning of the turbine.
- 3.5 To facilitate the construction of the turbine a temporary crane platform and assembly area was proposed which would have a total footprint of 525m². The transformer and associated electrical equipment would be contained in a cabinet located at the base of the turbine on a concrete plinth. The substation would measure 2m x 2m x 2m and would be finished in a pale grey semi matt surface. Stripped soils would be placed over the turbine footing, crane pad and access track and revegetated.
- 3.6 It was anticipated that the turbine would be connected to the national grid via the 11KV line which is located to the south-east of the turbine. The connection would be made via a underground cable which would be within land under the applicants ownership.

The Proposal

- 3.7 Since the original approval the applicant has undertaken discussions with the

turbine manufacturer Enercon and it has transpired that the original turbine proposed, an E53 turbine, may no longer be available to install at the site. This is because the turbine manufacturer believes that the E53 turbine on a 50m mast would be adversely affected by turbulence from the nearby woodland and would therefore not work as effectively as it could thereby reducing the energy yield of the turbine and funds available via Ownpowers Bankdale Energy Conservation Trust. In such circumstances the turbine manufacturer has suggested two different options to deal with this issue: 1) an E48 turbine with a 55m mast, 24m blade length and 79m tip height or 2) an E53 turbine on a 60m mast, 26.5m blade length and 86.5m tip height.

- 3.8 In order to deal with the issue raised by the turbine manufacturer the applicant has decided to proceed with option 1) amending the approved turbine to an E48 turbine with a 55m mast, 24m blade length and 79m tip height. The current proposal therefore seeks permission to vary conditions 2 (the approved list of documents) and 13 (the height of the turbine) of previously approved planning application 13/0853 accordingly.
- 3.9 Members are reminded that condition 2 of planning approval 13/0853 specified all the approved plans and list of documents accompanying the application. In order to deal with the change in the turbine specifications the applicants have updated the text to the environmental report, landscape and visual assessment together with the ecology, transport and cultural heritage reports. The wind turbine details have been updated, revised Landscape and Visual Assessment figures and visualisations have also been submitted together with a revised noise assessment.
- 3.10 With regard to condition 13 Members are reminded that this condition specifically stated that planning approval 13/0853 related to a turbine with a tip height of 76.5 metres. It is therefore requested that this condition is varied to allow a turbine with a tip height of 79 metres.
- 3.11 The main changes therefore between the previous approval and the variation of conditions application are:
1. A 5m increase in hub height of the turbine
 2. A decrease in blade length by 2.5 metres and a decrease in rotor diameter by 5m
 3. A 2.5m increase in tip height of the turbine.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 35 properties. In response 49 letters of objection (43 of which have signed a standard letter) and one letter of comment have been received during the consultation period.
- 4.2 The 43 standard letters of objection raise the following:

1. Procedural matters in relation to public consultation on the original wind turbine application
 2. Impact upon local landscape and amenities
- 4.3 The remaining letters of objection cover a number of matters which are summarised as follows:
1. Scale of turbine in relation to the site
 2. Impact upon local community
 3. Procedural matters in relation to public consultations on wind turbine applications
 4. Cumulative and environmental impact
 5. Turbine will not be viewed as a pair with the High Burnthwaite turbine as dimensions will be different
 6. Need to amend turbine details indicates lack of comprehensive surveys by the applicant. Queries raised as to what other issues are unresolved
 7. Impact upon landscape and visual amenity from the increase in height of turbine
 8. Visual assessment shows major/moderate effects on road users in viewpoints 1, 2 and 11 and on residents in viewpoints 2 and 5
 9. Efficiency of the turbine being located near a woodland.
 10. Efficiency of turbines as a renewable source
 11. Noise
 12. Overbearing and overshadowing
- 4.4 The letter of comment covers a number of matters which are summarised as follows:
1. Comments in relation to the impact of the High Burnthwaite turbine on the living conditions of Foulbridge
 2. Turbines should be erected where landowners can see them
 3. Bankdale Park turbine is infinitely better than the High Burnthwaite turbine

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection;

Dalston Parish Council: - whilst proposal may increase the power output from the turbine it also increases the visibility of the structure which is to the detriment of the environment. Has the physical structure of the turbine, including the foundations, been strengthened to accommodate the increase in blade size?

Carlisle Airport: - no objection;

MOD Safeguarding - for all wind turbine application consultations: - no objections subject to the imposition of two conditions;

Royal Society for the Protection of Birds: - no response received during the consultation period;

National Air Traffic Services: - no objection;

Civil Aviation Authority: - no response received during the consultation period;

Joint Radio Co: - no response received during the consultation period;

BBC: - no response received during the consultation period;

Cumbria Wildlife Trust: - no response received during the consultation period;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - no observations;

Natural England - relating to protected species, biodiversity & landscape: - no comment;

British Horse Society: - no response received during the consultation period;

Department for Transport (Highways Agency): - no objection;

Eden District Council: - no comment.

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 the National Planning Policy Framework Planning Practice guidance (06/03/14).
- 6.9 When assessing this application it is considered that there are ten main issues, which are addressed in turn:

1. The Principle Of Development

- 6.10 The principle of a wind turbine on this site has already been assessed and established as acceptable under planning reference 13/0853. The impacts of the changes to the turbine specifications (as stated in paragraph 3.11) are discussed below:

2. The Potential Contribution Of The Scheme Towards The Generation Of Renewable Energy

- 6.11 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.

- 6.12 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 now been revoked.
- 6.13 Notwithstanding the revocation of the RSS it is acknowledged that much of the evidence that underpins the targets of the RSS with regard to renewable energy is still relevant.
- 6.14 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).
- 6.15 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.
- 6.16 The revised specification of turbine would still provide a total installed capacity of 500kW. The supporting statement indicates that the application will help secure the economic viability of the applicants farm by creating alternative energy. Supporting information also indicates that the proposal will also help to provide lower energy bills to those living in the surrounding community which will be done by establishing a trust. The trust will be dedicated to using a proportion of the income generated by the wind turbine to invest in measures to reduce energy bills in homes, farms and community buildings close to the project. 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 Revised Turbine Height On The Landscape And Visual Character Of The Area Including Cumulative Impacts

- 6.17 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).

- 6.18 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

- 6.19 The site is not located within an Area of Outstanding Natural Beauty. The turbine will be within category 5b (Low Farmland) as defined in the Cumbria Landscape Character Assessment. The Cumbria Wind Energy Supplementary Planning Document indicates that this landscape type has moderate landscape capacity to accommodate turbine development that is defined as a “small group or, in exceptional circumstances a large group (6-9 turbines).” A small group is 3-5 turbines. It is clear that a single turbine is within the size limits suggested for this landscape type.
- 6.20 The Landscape Character Guidance for category 5b indicates that energy infrastructure including large scale wind energy generation should be carefully sited and designed to prevent this sub type becoming an energy landscape. Prominent locations should be avoided and appropriate mitigation should be included to minimise adverse affects.
- 6.21 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. A row of high voltage electricity pylons (approximately 38 metres in height) which are visible within the local landscape run through an adjacent field to the west of the site in a north to south formation. There is also a plantation of mature trees located to the south of the application site.
- 6.22 The surrounding landscape continues to be relatively flat with several farms, dwellings and pockets of woodland dotted throughout the landscape. Generally the land is flatter to the south and west and more rolling to the north and east. There are two small-scale wind turbines (25 metres to tip) in operation at Bankdale Farm which are located approximately 1.03 km to the north of the proposed development. Whilst the area is intensively managed there are pylons, roads and farm sheds in the landscape but they are not dominant in the landscape scene except when seen at close proximity.
- 6.23 It was considered, under application 13/0853, that a turbine with a tip height of 50 metres and a hub height of 76.5 would not have a significant adverse impact upon the character of the landscape. This was because the turbine would be viewed against a backdrop of power lines and pylons from the country roads to the east and west. The hub height of the turbine would be a similar height to the pylons and would not, in itself, undermine the visual character of the area. It was considered that the proposal would increase the man-made elements in the area, have a significant change to the skyline and would add a more noticeable increase in activity due to the large moving rotor

however the impacts would be local in effect and would diminish with distance. The turbine would cause some element of harm to the landscape and visual character of the area however in the context of the appeal decision for a wind turbine of a similar height at High Burnthwaite (Appeal Ref:APP/E0915/A/12/2186158) it was not considered that this harm would be significant especially as the immediate surrounding landscape has already been influenced by man-made elements.

- 6.24 It is also noted that the turbine approved under application 13/0853 would be required to be fitted with aviation lighting, as requested by the MOD, however it was not considered that the aviation lighting would cause a significant adverse impact on a landscape which already has a significant number of man-made influences.
- 6.25 Consent is now being sought for a turbine with a hub height of 55 metres and a tip height of 79 metres. There has been no fundamental change to the landscape of the surrounding area since the previous approval. Members should however be aware that a discharge of conditions application has been approved for the turbine at High Burnthwaite Farm which clarifies that the turbine to be installed for this farm now has a maximum tip height of 74 metres opposed to the approved 78 metre tip height. In the context of the original approval for this site (application reference 13/0853) it is not considered that the change in hub and tip height for the proposed turbine would have a substantial adverse impact upon the landscape of the surrounding area to warrant refusal of the application on this basis.

ii) Visual Impact

- 6.26 With regards to visual impact it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. 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.
- 6.27 When assessing visual impact upon occupiers of neighbouring properties it is also important to apply the "Lavender Test". 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.
- 6.28 In relation to the impact on the visual amenities of residential properties it is acknowledged that there a number of residential properties and farm steadings scattered within the landscape particularly but not exclusively those located along the roads to the east, west and south of the site. The closest dwellings to the revised turbine location are Bankdale Park and Greenlands Equestrian Centre located approximately 695 and 660 metres respectively to

the north-east. The nearest properties after this are Foulbridge situated approximately 800 metres to the north-east and Longrigg Cottage located 839 metres to the west.

- 6.29 Bankdale Park is orientated south-east with primary windows on its principle elevations. The property also has a first and second floor window on its south-west elevation. There is a substantial belt of mature trees located along the south and eastern boundaries of the site which would filter views of the turbine especially in the summer months. It was acknowledged under the previous application that views of the turbine would be possible from gaps in the existing landscaping and during the winter months however it was not considered that the turbine located at a distance of approximately 695 metres would have a significant overbearing/dominant impact upon the living conditions of the occupiers of this property to warrant refusal of permission. It is not considered that the change in hub and tip height of the turbine would have a significant impact upon the living conditions of Bankdale Park to warrant refusal of the proposed variation condition application on this basis.
- 6.30 Greenlands Equestrian Centre is orientated south south-east. Its principle windows are on the south-east elevation. There are also windows on the western gable of the property. Under the previous application it was considered that views of the turbine from this property would be possible however they would be at an oblique angle and at a distance of over 660 metres. The proposed amendments to the turbine specification does not change this view.
- 6.31 Foulbridge is a two storey farm house orientated west. It was considered under the previous application that any views of the turbine from this property would also be at an oblique angle however they are likely to be substantially or completely screened by the mature trees which surround Bankdale Park. The proposed amendments to the turbine specification does not change this view.
- 6.32 Longrigg Cottage is a single storey property orientated north to south. Views of the proposed turbine would be possible from primary windows on the east elevation however given the separation distances between this property and the proposed turbine location (over 839 metres) it was not considered under the previous application that the proposal would appear substantially dominant or over bearing to warrant refusal on the impact upon the living conditions of Longrigg Cottage. It is not considered that the change in hub and tip height of the turbine would have a significant impact upon the living conditions of Longrigg Cottage to warrant refusal of the proposed variation of condition application on this basis.
- 6.33 Views of the turbine will also be possible from other properties located along the country roads to the east, south and west as well as to the north. Given the separation distances of other properties in the surrounding area from the turbine, oblique angles of view, intervening landscaping or the typography of the land, it was not considered under the previous application that the proposal would have a sufficient adverse impact upon the living conditions of the occupiers of any other neighbouring properties to warrant refusal of

permission on this basis. Again, the proposed amendments to the turbine does not change this view.

iii) Cumulative Impact

- 6.34 There are a number of turbines which are erected/consented or proposed within 2km of the site. The turbines which are erected are 2no. 24.5 metre to tip turbines at Bankdale Farm located approximately 1.04 km to the north, 1no. 21 metre to tip turbine at Park House Farm located approximately 3.23 km to the north-east of the site and 1no. 14.4 metre to tip turbine situated approximately 2.57km to the north- east. A 78 metre to tip turbine has been consented at High Burnthwaite Farm approximately 0.76km to the north-west however the discharge of conditions application for this site now indicates that the turbine height has been reduced to 74 metres. A 77 metre to tip turbine at Greenlands Farm (1.4 metres north-east of the application site) under reference 13/0639 has been refused planning permission and dismissed at appeal.
- 6.35 The site is located in close proximity to the administrative boundary for Eden District Council. Within Eden District Councils boundary the closest operational turbine is at Thackwood which is 12 metres in height. The closest turbine within Eden District currently undetermined is a 1 x 35 metre to tip height at Toppin Hill. Eden District Council has recently refused a 1x 35 metre to tip height at Southwaite with no appeal submitted at the time of writing this report. A 1 x 77 metre to tip height turbine was also refused at Southwaite and dismissed at appeal. All of these turbines are however over 3km from the application site.
- 6.36 It is acknowledged that objectors and Eden District Council raised concerns under application 13/0853 regarding the cumulative impact of man-made structures within the area. It was considered under application 13/0853 that whilst some of the properties around the site would have views of some or all of the turbines erected/consented/proposed as described above it is not considered that any of the residential properties around the site would have simultaneous views of all turbines. The Officer's Report for application 13/0853 considered that the turbine proposed was a similar height to the consented turbine at High Burnthwaite and within a similar landscape context. Given the separation distances between the two turbines it was considered that the proposal would cause an extension cumulative effect with the High Burnthwaite Turbine. Due to the comparable size, scale and design of the turbines, along with the distances between the turbines and the surrounding residential properties, it was considered that from most viewpoints within the landscape the proposed turbine would register in the view as being part of the existing proposal, limiting the visual impact. Furthermore given the size of the two turbines at Bankdale Farm and the separation distances it was not considered that the proposed turbine would have a significant cumulative impact with the small scale turbines at Bankdale Farm.
- 6.37 Although the tip height for the turbine at High Burnthwaite has been amended it is still considered that the turbine now proposed for the application site with an increased hub height of 5 metres and an increased tip height of 2.5 metres

would cause an extension cumulative effect with the turbine approved at High Burnthwaite Turbine. The difference of hub and tip heights between the two turbines (5 metres) would not be significantly noticeable at a distance causing the two turbines to be still viewed as a pair of a comparable size, scale and design within the landscape thus limiting the visual impact.

- 6.38 Overall, given the separation distances of the operational/consented turbines from the application site it is not considered that the proposed amendments to the size of the turbine would have a significant cumulative impact upon the surrounding landscape/residential properties to warrant refusal of the application on this basis.

3. The Impact On The Revised Turbine Height On Residential Properties (Noise And Shadow Flicker)

- 6.39 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)".
- 6.40 The recommended absolute noise levels within ETSU-R-97 cover two time periods: i) the quiet daytime period (defined as between 18.00 and 23.00 hours during the normal working week, between 13.00 and 23.00 hours on a Saturday and all day during Sunday, 07.00 to 23.00 hours); and ii) the night-time period (defined as between 23.00 and 07.00 hours). The absolute limit within ETSU-R-97(in low noise environments) lies between levels of 35 to 40 dB at LA90, 10 min day time level. The actual value chosen within this range should depend on the number of dwellings in the neighbourhood of the wind farm, the effects of noise limits on the number of kWk generated together with the duration and level of exposure. The guidance in ETSU-R-97 states that noise limits from wind farms should be limited to 5dB (A) above background noise levels for day/night time with the exception of low noise environments. The fixed limit for night-time is 43dB (A).
- 6.41 A Noise Impact Assessment has been undertaken for the amended specification of turbine which indicates that the noise levels from the proposed turbine will be less than 35da at all residential properties which is in accordance with ETSU-R-97. The Noise Assessment also indicates that the proposed noise from the amended wind turbine will meet the requirements of ETSU-R-97 guidance when considered cumulatively with other operational, consented or proposed turbines. There will be two properties (High Burnthwaite and Bankdale Farm) which will be between 35 to 40db however these higher levels are a result of turbines at their own respective properties. The difference in noise levels at the aforementioned properties as result of the proposed turbine is not significant, in such circumstances a noise level between 35- 40db is acceptable at these properties in this instance.

Environmental Services have been consulted on this information and have raised no objections. Relevant noise conditions have been imposed within the original planning consent granted by Members to ensure that the turbine operates in accordance with ETSU-R97.

6.42 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 revised specification of turbine will have an operating frequency of less than 60 rpm which is less than the frequency capable of giving rise to health effects.

6.43 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. 480 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 are located within this distance. Relevant conditions have been imposed under the original consent (13/0853) requesting a scheme to deal with the effects of shadow flicker in the event of a complaint. In such circumstances it is not considered that the amendments to the turbine specification would have an adverse impact upon any occupiers of neighbouring properties in terms of shadow flicker.

4. Air Safety: Carlisle Airport and Ministry of Defence

6.44 The site is situated within the safeguarding zone of Carlisle Airport. The Airport have raised no objections to the amended turbine specifications.

6.45 The Ministry of Defence has also been consulted on the proposed development and has raised no objections subject to the imposition of two conditions regarding aviation lighting and construction details. Relevant conditions addressing the MODs comments have been imposed within the original planning consent.

6.46 In such circumstances it is not considered that the amended turbine specifications would have an adverse impact upon the safeguarding zone and operations of Carlisle Airport or the MOD.

5. Impact Upon Highway Safety and Public Footpaths

6.47 There are no public footpaths in close proximity to the site. There are also no statutory guidelines which recommend minimum separation distances from highways or public right of ways/footpaths. The original planning consent considered that the proposed turbine was of sufficient distance from any adjacent highway that should any part of the structure fail, this would not fall onto the highway. Whilst a glimpsed view of the turbine would be visible from neighbouring roads, this would not be sufficient to cause a distraction to drivers. The proposed amended specifications to the previously approved

turbine does not change this view.

- 6.48 The relevant Highways Authority and Highways Agency have been consulted on the current application and have raised no objections. In such circumstances it is not considered that the revised turbine height would have an adverse impact upon highway safety. Relevant highway conditions have been imposed within the original consent.

6. Impact on horse riding/safety

- 6.49 Paragraph 56 of the Companion Guide to PPS22 recognises that the British Horse Society (BHS) has “suggested” 200 metre exclusion zones around bridle paths to avoid wind turbines frightening horses, but goes on to explain that, although desirable, it is not a statutory requirement. There are no public bridleways near to the site however Greenland's Equestrian Centre is situated approximately 660 metres to the north-east. The BHS has been consulted on the revisions to the proposed turbine and have not raised any objections during the consultation period.
- 6.50 The proposed amended turbine is still considered to be clearly visible upon approach from surrounding roads and will not be an unexpected feature in the landscape leading to a sudden disturbance. In such circumstances it is not considered that the amendments to the application would cause a sufficient adverse impact upon horses to recommend refusal.

7. Impact Upon Local Ecology And Nature Conservation

- 6.51 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the siting of a wind turbine within agricultural land.
- 6.52 The Councils GIS Layer has identified that the site has the potential for breeding birds. The original application for this site was accompanied by an Ecological Appraisal which comprises of two elements an Extended Phase 1 Habitat Survey and a desk study.
- 6.53 The desk study indicated that the site does not form part of any statutory or non-statutory designated sites and there are no Sites of Special Scientific Interest or Cumbria Wildlife Sites within 2km. The study identified breeding birds within 2km of the site and records of red squirrels, badger, brown hare, polecat and hedgehog throughout the area. No bats were recorded within the area however it was considered unlikely that bats were not present.

- 6.54 The site survey identified that the site consisted of five fields and two small woods. All five fields are laid down to silage crop dominated by rye-grass which is species poor. Hedgerows were present within the site with two areas of plantation adjacent. The Ecological Appraisal noted that 12 metres of a low hawthorn hedgerow will be removed to widen the existing access into the site which will be reinstated once construction is complete. There would also be a loss of 5 metres of hedgerow to provide the temporary access track which will also be reinstated. The survey identified that the hedgerow removal had the potential to impact upon breeding birds therefore the ecological appraisal recommended that the hedgerow removal is undertaken outside of the breeding bird season.
- 6.55 The ecological appraisal noted that the hedgerows surrounding the site are likely to be used by bats therefore the turbine has been sited over 60 metres from hedgerows. The appraisal stated that of the species recorded within 2km of the turbine only lapwing has the risk of collision with turbine blades however the risk of collision is low in the absence of breeding habitat. Although Barn Owls had been recorded within the Southwaite area and are likely to hunt occasionally along the hedgerows of the application site they were not however considered to be at risk from collision as they generally hunt at low level within 3m of the ground.
- 6.56 The proposed turbine approved under application 13/0853 complied with Natural England's Guidance (TIN051) on a 50 metre buffer zone between turbines and trees/hedges. The revised specification of turbine would still comply with this advice as the turbine location has not changed. Members should be aware that relevant conditions have been included within the original consent to prevent an adverse impact upon protected species or their habitat.
- 6.57 Natural England has been consulted on the revised specifications of the turbine and has raised no objections. The RSPB and Cumbria Wildlife Trust (CWT) have also been consulted on the revised specifications of turbine and have raised no objections during the consultation period.

8. Impact Upon Heritage Assets

- 6.58 It was not considered under the original application that the proposed turbine would have an adverse impact upon the nearest Listed Building, High Burnthwaite Farm, located approximately 1100 metres from the application site. The Council's Heritage Officer has raised no objections to the revised height of the turbine. Given the separation distances from the proposed turbine and any Listed Buildings it is not considered that the revisions to the previous approval would have an adverse impact upon the setting of any Listed Buildings.

9. Other Matters

- 6.59 Members will recall that the site of the turbine was relocated 50 metres further south, under application 13/0853, to avoid an adverse impact upon existing radio links. The JRC has been consulted on the amended turbine height and has not raised any objections during the consultation period. It is therefore not

considered that the revised specification of turbine would cause signal interference of sufficient weight to determine consideration of the proposal.

- 6.60 The proposal has been considered against the provisions of the Human Rights Act 1998. Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of variation of conditions to the original consent.

Conclusion

- 6.61 In conclusion the proposal involves the erection of a single turbine which will off-set the electric costs of Mellguards Farm, sustaining the farms future growth and development.
- 6.62 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.
- 6.63 The principle of a turbine on this site has already been assessed and established as acceptable under application 13/0853. Members are reminded that the benefits of a turbine on this site is that the turbine would produce energy from a renewable source which would help address the impacts of climate change. 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. As discussed within the report the revisions to the turbine height would not have a significant impact upon the landscape, air safety, ecology/conservation, horse riding/safety, highway/bridleway safety, the setting of listed buildings or on occupiers of non associated neighbouring properties in terms of noise/shadow flicker.
- 6.64 The turbine would be prominent locally within the landscape providing movement at high level and would be visible from some of the primary windows/gardens of residential dwellings within the vicinity. Taking account of the scale and technical specifications of the revised turbine height, as well as the levels of screening from nearby properties or the positioning of residential properties in relation to the turbine, along with the electricity pylons to the west of the site, it is considered that the revised turbine height will not have a significant detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents, as discussed within the report above.
- 6.65 On the basis of the previously approved scheme together with the amendments proposed it is considered that on balance the benefits of the proposed development would significantly outweigh its limited adverse impact upon the landscape/living conditions of the occupiers of neighbouring properties. Accordingly the amendments are considered to be compliant with the criteria of the relevant planning policies and the variation of conditions application is therefore recommended for approval. All other conditions of the

approved scheme remain applicable and therefore a suitably worded condition has therefore been imposed within the Decision Notice.

7. Planning History

- 7.1 In 2013 Full Planning Permission was granted for the erection of a single wind turbine 76.5m to tip height, 50m to hub height together with associated infrastructure and access track (reference 13/0853).

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 Variation Of Condition Application comprise:

1. the submitted Planning Application Form received 9th May 2014;
2. the Site Location Plan received 13th May 2014 (Figure P02);
3. the Variation of Conditions Report received 9th May 2014 (Dated May 2014);
4. the Environmental Report received 9th May 2014 (Dated May 2014);
5. the Update Report received 9th May 2014 (Dated May 2014);
6. the Volume 2: Appendices received 9th May 2014 (Dated May 2014);
7. the Revised LVIA Figures and Visualisations received 9th May 2014 (Dated May 2014);
8. the Wind Turbine Detail received 13th May 2014 (Figure 05);
9. the Wind Turbine Noise Assessment received 10th June 2014;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.



3. The development shall be carried out in accordance with the remaining conditions attached to the "Full Planning" permission approved under application 13/0853.

Reason: For the avoidance of doubt.

FIGURE P02

Site Location Plan

KEY

-  Application Boundary
-  Ownership Boundary

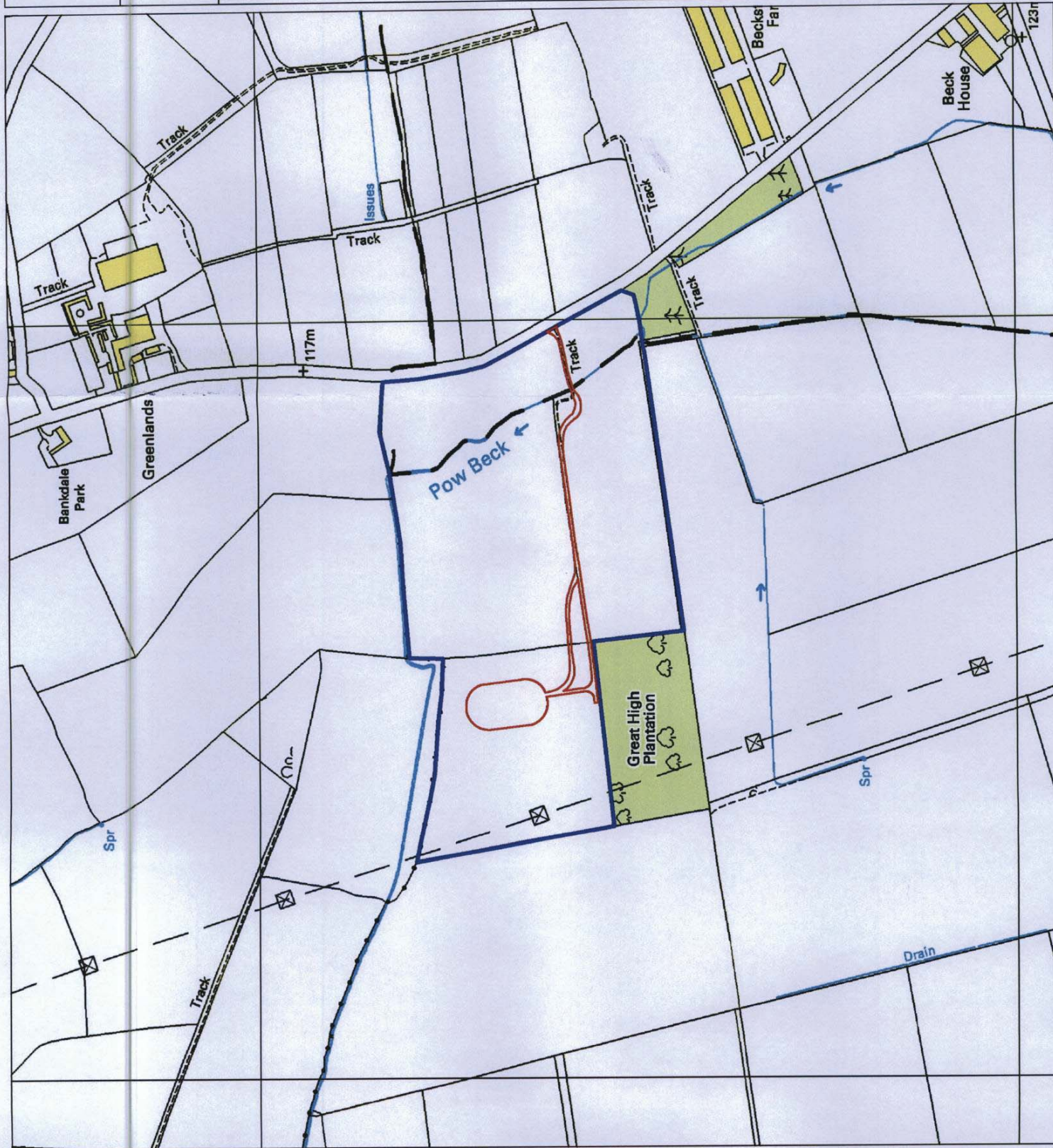
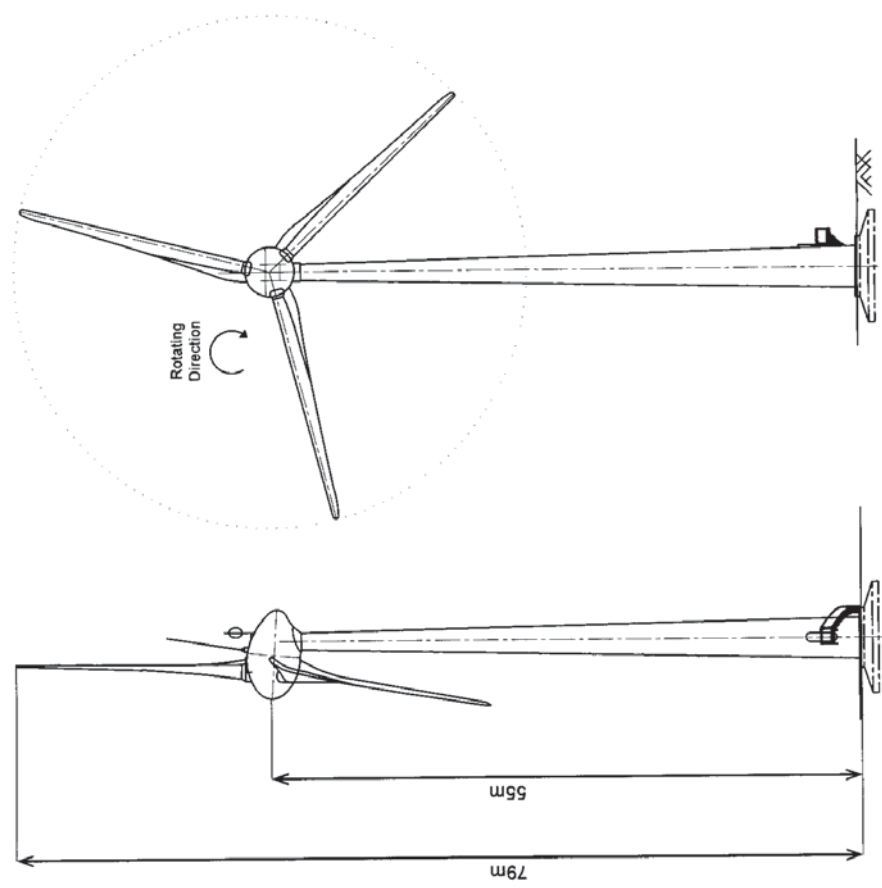


FIGURE 05
Wind Turbine Detail



RECEIVED
14/04/01



DATE	BY	PAPER	SCALE	QA	REV
MAY 2014	EK	A3	1:500	LL	A