

## SCHEDULE A: Applications with Recommendation

15/0489

Item No: 02

Date of Committee: 10/07/2015

**Appn Ref No:**  
15/0489

**Applicant:**  
EDF Energy Renewables

**Parish:**  
Kirkandrews

**Agent:**  
Amec Foster Wheeler

**Ward:**  
Longtown & Rockcliffe

**Location:** Beck Burn Peat Works, Springfield, Longtown, Cumbria, CA6 5NH

**Proposal:** Variation Of Condition 2 (Approved Documents) Of Previously Approved Permission 13/0866 To Alter Blade Length And Hub Height Of Turbines (Maximum Tip Height Is Retained At 126.25m)

**Date of Receipt:**  
21/05/2015 23:00:10

**Statutory Expiry Date**  
20/08/2015 23:00:10

**26 Week Determination**

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### REPORT

**Case Officer:** Shona Taylor

#### 1. Recommendation

- 1.1 It is recommended that this application is given authority to issue subject to updated legal agreements being received.

#### 2. Main Issues

This variation will be considered against the same planning criteria as the previous application (13/0866):

- 2.1 The Principle of Development
- 2.2 Landscape and Visual Impacts
- 2.3 Eskdalemuir Seismological Recording Station
- 2.4 Living Conditions Of Local Residents (Noise and Shadow Flicker)
- 2.5 Ecology and Nature Conservation
- 2.6 Impact of the Proposal upon the Restoration of the Peat
- 2.7 Impact on Hadrian's Wall World Heritage site and the Historic Environment

#### 3. Application Details

**The Site**

- 3.1 Beckburn is located approximately 2.5km northwest of Longtown and 2.5km north east of Gretna. Whilst the site is situated within the Carlisle City Council area it is close to the administrative boundary with Dumfries and Galloway.
- 3.2 The site is flat and forms part of the flood plain of the River Esk and the River Sark. Although the site itself is a peat extraction site the predominant land use in the surrounding area is agriculture, interspersed with plantations. There are also large areas to the south of the site in MOD use.
- 3.3 The predominant character of the area is low lying, flat farmland with scattered development and woodland. There are distant views of the Lake District. The site lies in Landscape Character Sub Type 2b Coastal Margins – Coastal Mosses, is located approximately 3.4km from the Solway Coast Area of Outstanding Natural Beauty (AONB), is 3km to the east of the registered battlefield of Solway Moss, and 12km from the buffer zone of the Hadrian's Wall World Heritage Site.
- 3.4 The site is bounded to the east, south and south west by coniferous and broad leaved woodland. To the west and north west the site is bounded by an earth bund which helps to screen operations within the peat extraction site. The site is enclosed from residences and roads to the east and south, with some views across fields from the minor road to the north of the site. There is no public access through or in close proximity to the site.
- 3.5 The site of the "Star of Caledonia" (Scotland's proposed gateway landmark installation at junction 45 of the M6) is located approximately 2.1km to the nearest turbine.

## **Background**

- 3.3 In 2009 (under application 09/0983) temporary planning permission was given for a 60m high anemometry mast for measuring wind speed and direction. The approved mast was given consent to be erected for two years, within a period of three years following the date of approval.
- 3.7 In 2012 planning permission was refused by Members for the retention of the temporary 60m anemometry mast for measuring wind speed and direction (Renewal Of Application 09/0983).
- 3.8 In May 2013, application reference 10/1102, an appeal was dismissed by the Secretary of State for the erection of nine wind turbines with a tip height not exceeding 126m on the basis that the current "budget" for the Eskdalemuir Array is fully allocated and an approval would therefore compromise its operation. The Secretary of State, having considered the factors in favour of the scheme, did not find that these outweighed the overriding need to protect the operation of the Array.
- 3.9 In 2014 (under application 13/0866) permission was given authority to issue subject to legal agreements for the erection of 9No. 126 metre high wind

turbine generators, transformer Housings, control Room, 80m high meteorological mast and formation of associated laydown area, crane pads and access tracks; Associated change of use to mixed use comprising operational peat works and wind farm (resubmission of application 10/1102).

## **The Proposal**

- 3.10 This current application is a variation of the granted permission (13/0866). It is seeking approval for an increase in blade diameter from 92.5m up to 105m, with a corresponding reduction in hub height from 80m to 73.75m to accommodate the larger blades without the need to increase maximum height to blade tip from the approved height of 126.25m.
- 3.11 Everything else would remain as approved.
- 3.12 The applicants have stated that this variation is required in order to utilise the most up to date and energy efficient turbines to ensure the most benefit in terms of energy production. The overall output of the wind farm would rise from 18MW to 31.05MW.
- 3.13 The submitted application is accompanied by the relevant drawings and a Planning Statement.

## **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 536 neighbouring properties. In response twenty one letters of objection have been received. The grounds of objection are summarised as;
1. the proposed variation increases the zone of shadow flicker with inevitable detrimental effects;
  2. there is no justification for this application;
  3. many objected to the first application, the second slipped through without much notice - locals get weary of battling turbines;
  4. there are still worries about the tons of concrete going into this land, the bird flight paths, the waste of money and the disturbance to nearby residents;
  5. turbines with larger blades have more visual impact on the landscape, this can be seen further north towards Glasgow;
  6. the company has had plenty of time to select the turbine design before it was approved;
  7. wildfowl passing through the area will be at risk of collision with the turbine blades on a daily basis in winter, during darkness and foggy conditions;
  8. this recent application is another attempt to wear down the resolve of objectors;
  9. the change in blade size greatly increases shadow flicker, posing a health risk to many more families living in the area;
  10. the A6071 will be affected by up to 200 hours of shadow flicker a year,

- resulting in disastrous consequences;
11. the turbines at 126 metres high with a wing span of 105metres will be totally dominating, there are no other structures of this magnitude in the area, they will ruin the rural charm of the borders and our local economy through devaluation of our property and negative effect on our tourism;
  12. there will be increased noise and potential for increased collision risk for birds;
  13. there should be an independent study into shadow flicker;
  14. there are new localism laws which favour residents;
  15. the SKM Enviros study is now very outdated, the whole application needs to be fully resubmitted with an updated ES;
  16. the time scale for responses is far too short, it is unreasonable to expect members of the public to analyse the large amount of material presented in three weeks;
  17. EDF are taking advantage by submitting a variation of condition;
  18. it is difficult for a non-professional to see what is being proposed;
  19. why have EDF waited 5 years before coming up with these measurements;
  20. Members of the committee clearly did not understand the magnitude of the proposals, especially the removal of the foundations when the turbines are taken down;
  21. this application will result in devastation of high bog, a perfect habitat to many species, flora and fauna;
  22. why make even more destructive changes to the moss;
  23. the project has not taken into account the local impact;
  24. the low lying site has a panoramic view all around;
  25. people are not aware that all previous objections are obsolete and that a new objection should be submitted;
  26. turbine 5 seems to have less flicker than any other.

## **5. Summary of Consultation Responses**

Cumbria County Council - Highways & Transport: - no response received;  
Natural England: - no objections;  
Cumbria County Council (Strategic Planning Authority) Wind Energy Consultations: - no response received;  
Carlisle Airport: - no objections;  
MOD Safeguarding: - awaiting response;  
Cumbria County Council - Highway Authority - Footpaths: - no response received  
Kirkandrews Parish Council: - object to the proposal (grounds discussed within report);  
National Air Traffic Services: - no objections;  
Dumfries & Galloway Council: - awaiting response;  
Cumbria Wildlife Trust: - no response received;  
Environment Agency: - no response received;  
Historic England - North West Region: - no objections;  
Civil Aviation Authority: - no response received;  
Royal Society for the Protection of Birds: - [\*Enter text.]  
Office of Communications -Wind Farm Enquiries: - no response received;  
BBC: - no response received;

Network Rail: - no response received;  
 The Coal Authority: - no comment, they do not wish to be consulted;  
 Solway Coast AONB Unit: - no response received;  
 Council for Protection of Rural England/Friends of the Lake District: - no response received;  
 Cumbria Tourism: - no response received;  
 Cumbria County Council - Archaeological Services: - no objections, subject to archaeological work required by conditions 19 and 20 is still undertaken;  
 United Utilities: - no response received;  
 BT Openreach: - no response received;  
 Joint Radio Co: - no response received;  
 Department for Transport -Highways Agency: - no objections;  
 Digital Technology: - no response received;  
 Local Environment - Environmental Protection: - no objections;  
 Arthuret Parish Council: - no response received;  
 Springfield & Gretna Green Community Council: - no objections;  
 Gretna & Rigg Community Council: - no response received;  
 WWT Martin Mere Wetland Centre: - no response received;  
 Forestry Commission: - no response received.

## 6. Officer's Report

### Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the National Planning Policy Guidance (PPG) and Policies CP1, CP2, CP5, DP1, LE2 and LE3 of the Carlisle District Local Plan 2001-2016.
- 6.2 Carlisle's emerging new Local Plan 'The Carlisle District Local Plan 2015 - 2030' was submitted to the Secretary of State on 22<sup>nd</sup> June 2015 under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Paragraph 216 of the National Planning Policy Framework identifies that:

- *"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

Carlisle City Council resolved at their meeting of the 10th February 2015, with regards to the emerging Local Plan, that *"once published for consultation, weight be given to the Carlisle District Local Plan (2015–2030)*

*as a material consideration when exercising Development Management policy decisions, in accordance with paragraph 216 of the National Planning Policy Framework”.*

In exercising a decision on the proposal regard has therefore been had to the relevant policies and proposals within the emerging Carlisle District Local Plan 2015-2030. The particular weighting afforded to policies and proposals of relevance has been arrived at by considering each in turn and by way of reference to the provisions of paragraph 216 of the NPPF.

6.3 The proposal raises the following planning issues:

#### **1. The Principle of Development**

6.4 This application is a variation to 13/0866, which was approved. As such, the principle of the erection of the turbines in this location has been established.

#### **2. Landscape and Visual Impacts**

6.5 During the consideration of application 13/0866 it was determined that there would be no significant landscape or visual impacts which could justify refusal of the application. The variation to the proposal involves the increase in blade length from 92.5 up to 105m. It is considered that when discussing a turbine with an overall height of 126.25m, that an increase of 12.5m is not so significant that it would result in changes to the landscape or visual effects concluded in the original assessment provided in 2013, nor the Councils subsequent independent advice.

#### **3. Eskdalemuir Seismological Recording Station**

6.6 The Council are awaiting an updated response from the Ministry Of Defence, however, it is not anticipated that the increased blade diameter would result in an objection; as the condition that was requested to be included on application 13/0866 requested the details of the final capacity of the installed turbines at the time of construction, rather than being consulted in advance.

#### **4. Living Conditions Of Local Residents (Noise and Shadow Flicker)**

6.7 The Environmental Statement provided with application 13/0866 concluded that at all receptor locations neighbouring the proposal, operational wind turbine noise would meet the requirements of ETSU-R-97 for Amenity Hours and Night-time operation under all wind conditions. Thus the predicted noise levels indicate that internal noise levels within dwellings due to turbine operation should not result in sleep disturbance in accordance with existing guidance. A condition was included requiring the turbines operate only within certain set parameters.

6.8 The applicant has confirmed that the noise limits set out in condition 26 of permission 13/0866 will be complied with if this variation is granted. On this basis it is considered that any increase in noise because of the proposal is not sufficient to warrant refusal of permission.

- 6.9 As Members will be aware, 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. Shadow flicker is 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 turbines have an operating frequency of 5-20rpm which is less than the frequency capable of giving rise to health effects. Furthermore the rate of flicker from the proposed turbines will be well below any statistically concerning level of flicker as identified in the Health and Safety Executive Circular "Disco Lights and Flicker Sensitive Epilepsy".
- 6.10 Shadow flicker only affects properties within 10 rotor diameters of a wind turbine, and only properties within 130 degrees either side of north, relative to the turbines can be affected in the UK. The submitted environmental information contains a shadow flicker analysis of the worst case scenario for properties within 10 rotor diameters (i.e. 1050m) of the proposed turbines. The worst case scenario not accounting for trees or other obstructions that intervene between the receptor and turbine. The analysis finds that 12 properties may experience shadow flicker, and all would experience less than 61.9 hours of shadow flicker in a year. However, it is possible for the causative turbine(s) to be shut down during such conditions, and this can be secured by the imposition of a relevant condition.
- 6.11 In relation to shadow flicker, it is recognised that the use of a control system is a viable option, and therefore there is a low risk of any significant impact on residential amenity, and the condition imposed on the original permission would still be a viable method of dealing with this issue.

## **5. Ecology and Nature Conservation**

- 6.12 Chapters 7 and 8 of the previously submitted environmental statement provided an assessment of the likely significant effects on ecology and nature conservation (including newts, bats, badgers and otters). For non bird issues, the ES states that operational impacts are considered not significant and mitigation measures therefore largely unnecessary. However, as there is some uncertainty about the potential for impacts on noctule bats it is proposed that a noctule bat fatality and activity surveys, will be in place from May to September during the first year of operation, after which time the need for further monitoring will be reviewed.
- 6.13 Natural England, along with the Cumbria Wildlife Trust and the RSPB agreed that any issues could be dealt with by legal agreements which relate to the implementation of a goose refuge management plan and post construction monitoring measures. These were agreed subsequent to the meeting, and the permission was issued.
- 6.14 The applicant has confirmed that the larger blades would slow the rotational speed of the turbines (to 13rpm compared with the 14.5rpm used in the ED)

which would therefore reduce the collision risk. Natural England have raised no objections to this variation, and the CWT and RSPB have not responded. As such, it is not considered that the variation will have an additional impact upon ecology or nature conservation.

## **6. Impact of the Proposal upon the Restoration of the Peat**

- 6.15 The principle of using a legal agreement to agree the restoration scheme for the peat was established during application 13/0866. This was subsequently signed, and the approval issued. This variation would not effect the restoration of the peat.

## **7. Impact on Hadrian's Wall World Heritage site and the Historic Environment**

- 6.16 It is not considered that this variation would effect the Hadrian's Wall World Heritage site or the Historic Environment; and Historic England have raised no objections to the proposal.

### **Other matters**

- 6.17 Kirkandrews on Esk Parish Council have objected to the proposal on seven grounds. These are reiterated and supported by the MP for the area, Rory Stewart:
1. We do not consider that the proposed changes are 'very minor' as claimed in the applicants report.
  2. We consider that there should be a further Environmental Impact Assessment. This assessment should be an independent assessment.
  3. We have concerns about the significant increase in the number of homes to be affected by Shadow Flicker.
  4. We are concerned about the effect of Shadow Flicker on the A6071 road.
  5. We are concerned about Health issues on local residents.
  6. We are concerned about geological issues and the absence of a full geological report or engineering report which were not submitted with the original proposal.
  7. We are concerned about ornithological issues with a greater area of coverage by increased blade length.
- 6.18 Regarding these issues - the Council cannot control the language used by the applicant (point 1); the application is a variation of the original permission, not a new application and therefore the applicant is required only to submit an update to the ES not a new statement in its entirety (point 2) ; Shadow flicker is discussed in section 4 above on a worst case scenario basis and only takes into account the impact upon properties, not the drivers of vehicles, as it is proven that they are largely unaffected by shadow flicker (point 3 & 4);



Health issues are very broad, and would need to be specified in order for the Council to comment further (point 5), similar with geological issues (point 6); ornithological issues are discussed within section 5 above (point 7).

- 6.19 Members may be aware that on the 18th June 2015 a written statement was released by the Secretary of State for Communities and Local Government (Greg Clark). This set out new considerations to be applied to proposed wind energy development, so that local people have the final say on wind farm applications, fulfilling the commitment made in the Conservative election manifesto.
- 6.20 The transitional provision set out in the last paragraph of the statement. This requires that a Local Planning Authority can find a proposal acceptable, if, following consultation, it is satisfied that it has addressed the planning impacts identified by affected Local Communities and therefore has their backing.
- 6.21 In this case the proposed development has already been found acceptable through the granting of planning permission 13/0866. The issue to be examined in the case of the current application is purely an increase in the blade length of the proposed turbines. The Council has consulted properly on the application, and has received comments from members of local communities, which are set out within this report. These comments and objections have been considered, and for the reasons discussed within sections 1-7 of this report, they can be considered to be overcome.

## **Conclusion**

- 6.22 The proposed changes to the turbines has arisen due to changes in the turbine market, along with efficiency. The alternative turbines in this case have a larger rotor area, which are capable of capturing more wind energy and as a result produces more energy, taking the installed capacity of the wind turbine up to 31.05MW from 18MW. The relevant consultees have all been consulted, and have raised no objections to the scheme. In light of the this, it is considered that the proposal would be acceptable.

## **7. Planning History**

- 7.1 In 2009 permission was granted for the erection of a temporary 60m Anemometer Mast for the purpose of measuring wind speed and wind direction (application 09/0983);
- 7.2 In 2010 permission was refused for the erection of 9No. 126 metre high (to tip) wind turbine generators, transformer housings, control room, 80m high meteorological mast and formation of associated laydown area, crane pads and access tracks; and the associated change of use to mixed use comprising operational peat works and wind farm (application 10/1102); this decision was subsequently upheld at appeal;
- 7.3 In 2012 permission was refused for the retention of the temporary 60m

anemometer mast for the purpose of measuring wind speed and wind direction (Renewal Of Application 09/0983).

- 7.4 In 2014 permission was granted subject to legal agreements for the erection of 9No. 126 metre high (to tip) wind turbine generators, transformer housings, control room, 80m high meteorological mast and formation of associated laydown area, crane pads and access tracks; and the associated change of use to mixed use comprising operational peat works and wind farm (13/0866).

## **8. Recommendation: Grant Permission**

1. The approved documents for this Planning Permission comprise:
1. the submitted planning application form;
  2. site location plan received 21st May 2015;
  3. site layout and LVIA review viewpoints received 21st May 2015;
  4. proposed turbine elevation received 21st May 2015;
  5. consented turbine elevation received 21st May 2015;
  6. shadow flicker area received 21st May 2015;
  7. shadow flicker model results received 21st May 2015;
  8. spa analysis drawing received 21st May 2015;
  9. viewpoints 1,4, 5, 7 and 9 and comparisons received 21st May 2015;
  10. 'Beck Burn Wind Farm' Amec Foster Wheeler updated report received 21st May 2015;
  11. the Notice of Decision; and
  12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

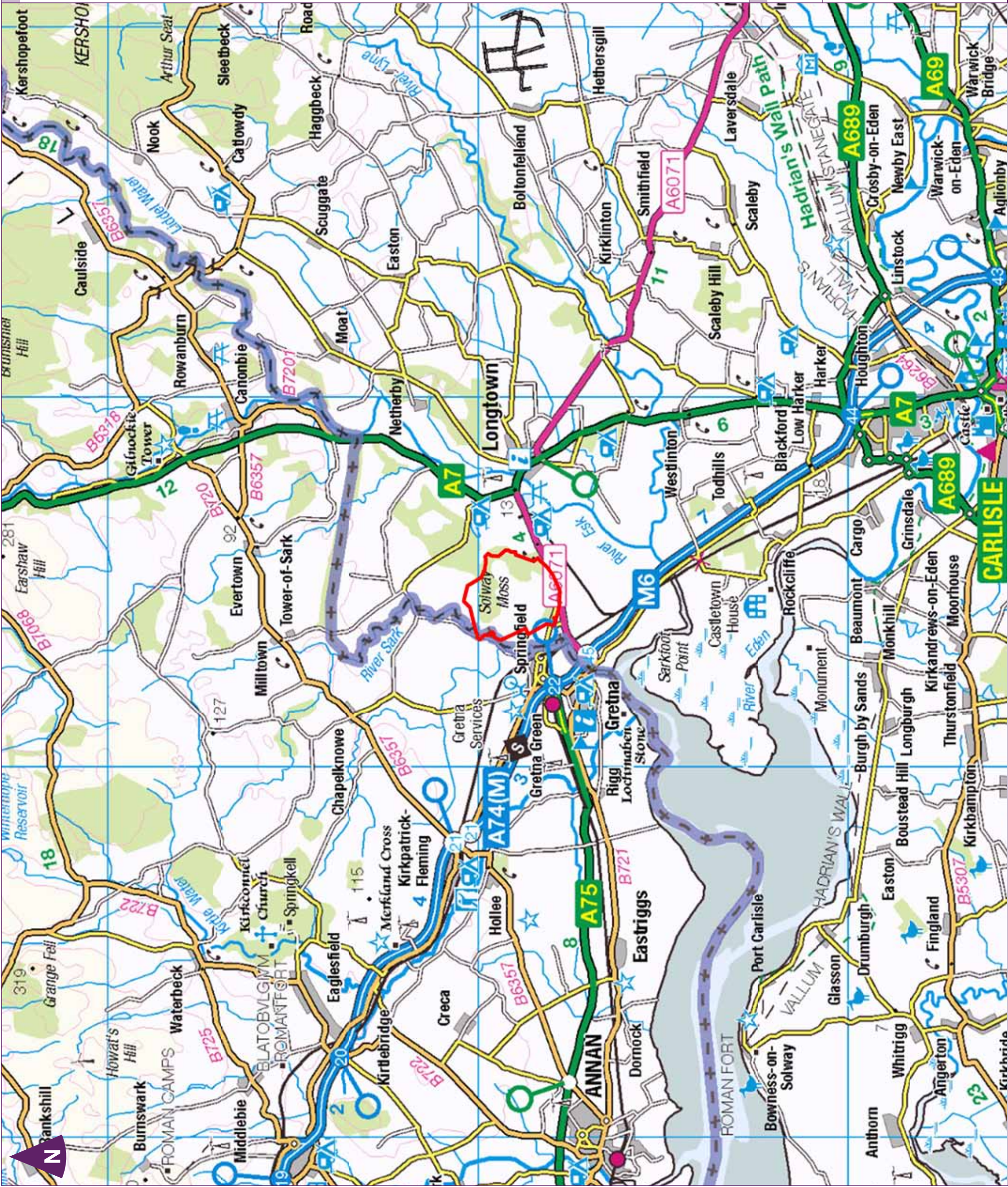
Reason: To define the permission.

2. The development shall be carried out in accordance with the conditions attached to the "Full" application 15/0489.

**Reason:** For the avoidance of doubt.

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Key



Site boundary



Scale 1:100,000 @ A3

Client



Beck Burn Wind Farm  
Variation of Consent

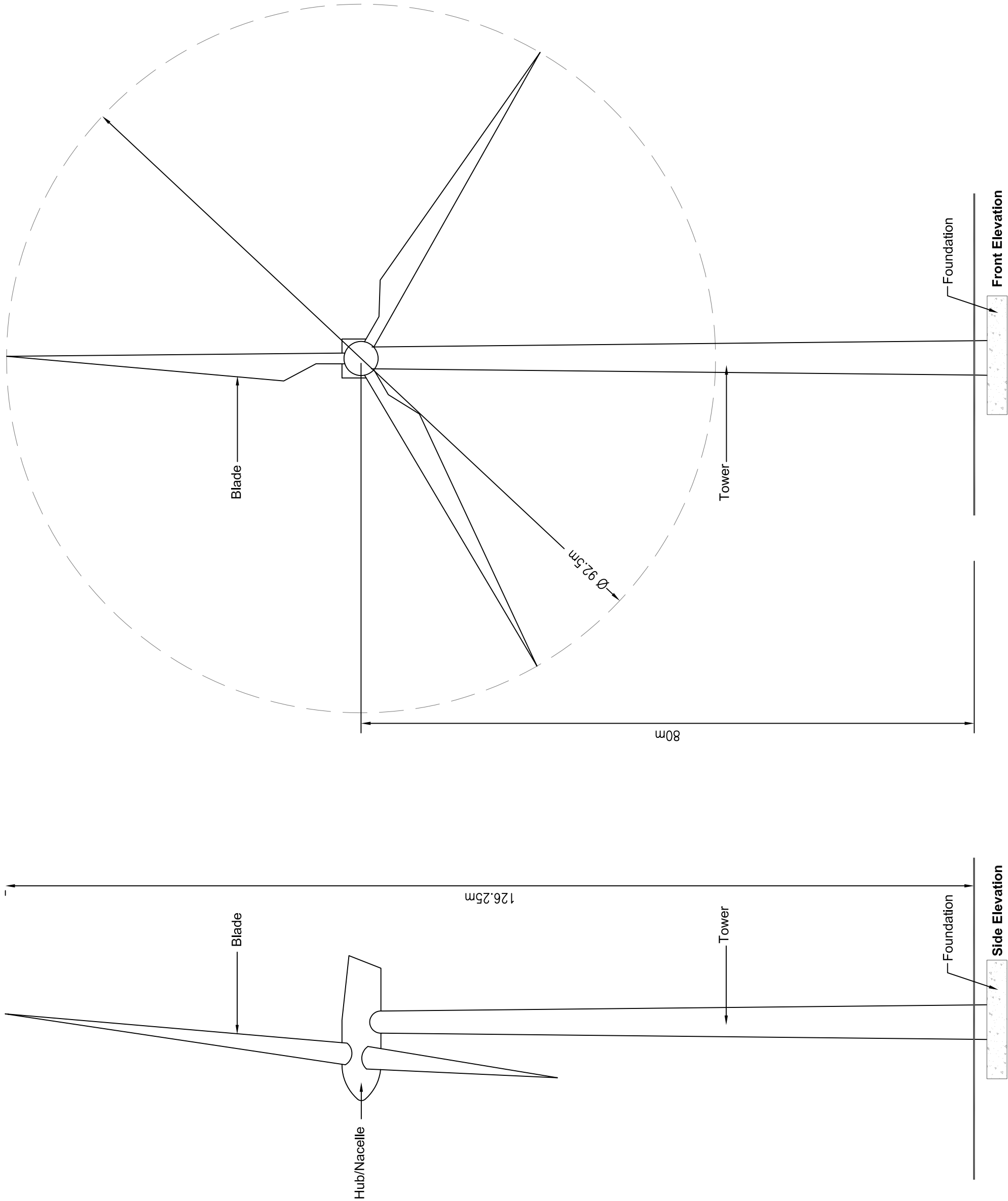


Figure 2.1  
Site Location



Notes:

The dimensions shown in this figure represent the maximum turbine dimensions proposed in the Beck Burn Wind Farm. The final selection of the exact type and size of wind turbine to be used for the project depends on a number of factors, including wind turbine availability at the time of construction and tendering.



Client



Beck Burn Wind Farm  
Variation Application

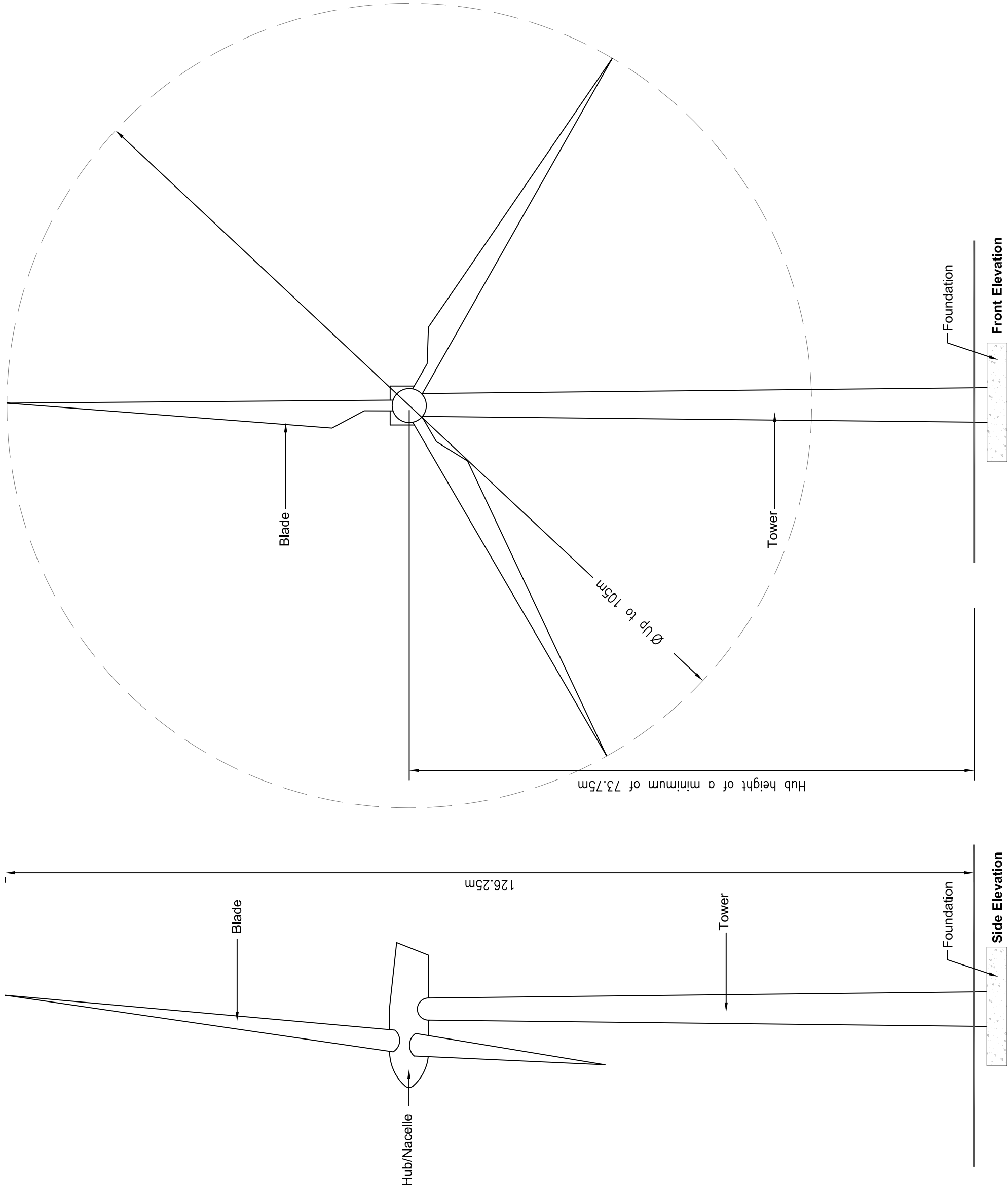


Figure 2.3  
Consented turbine design



Notes:

The dimensions shown in this figure represent the maximum turbine dimensions proposed in the Beck Burn Wind Farm. The final selection of the exact type and size of wind turbine to be used for the project depends on a number of factors, including wind turbine availability at the time of construction and tendering.



Client



Beck Burn Wind Farm  
Variation Application



Figure 2.4  
Proposed turbine design

