

SCHEDULE A: Applications with Recommendation

14/0555

Item No: 02

Date of Committee: 03/10/2014

Appn Ref No:
14/0555

Applicant:
Mulholland Butchers

Parish:
Orton

Agent:
H&H Land and Property

Ward:
Burgh

Location: Land To Rear Of Midtown Farm, Great Orton, Carlisle, CA5 6NA

Proposal: Erection Of A Single Wind Turbine (500kW), 50m Hub Height, 74m To Tip Height And Associated Substation Unit

Date of Receipt:
30/06/2014 16:03:59

Statutory Expiry Date
25/08/2014 16:03:59

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 character of the area including cumulative impacts
- 2.3 The impact on residential properties (noise and shadow flicker)
- 2.4 The impact on air safety with regard to Carlisle Airport and the Ministry Of Defence;
- 2.5 The impact upon ecology and nature conservation.

3. Application Details

The Site

- 3.1 The application site is located to the rear of Midtown Farm, in a field close to Watchtree Nature Reserve, which is located on the site of the former Great Orton Airfield, approximately 1km to the west of Great Orton and 2km

northeast of Wiggonby.

- 3.2 The site is located within open countryside with the predominant land use in the surrounding area being agriculture with scattered development. The land immediately around Midtown Farm is relatively flat with the local landscape continuing in a gently rolling characteristic.
- 3.3 The application site is located within a field approximately 900m to the west of the farm complex and is surrounded predominantly by agricultural land used for pasture. The adjoining fields are delineated by a combination of hedges, post and wire fences and occasional hedgerow trees.

The Proposal

- 3.4 The application seeks permission for the erection of 1no. 500kW wind turbine, which will have three blades, a hub height of 50m and a tip height of 74m.
- 3.5 Access to the turbine will be via an existing access road, but will require a new section of access track across the field.
- 3.6 The transformer for the turbine is located within the tower base, while two small container units will be located adjacent to the turbine. Connection cables to the local grid will be via underground ducting laid along the proposed and existing access roads.
- 3.7 The application is accompanied by a Design and Access Statement incorporated within the Planning Statement, an Ecological Appraisal, a Noise Impact Assessment, an Aviation Report, a Transport Assessment and a Landscape and Visual Impact Assessment.

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 neighbouring properties. In response twenty four letters of objection have been received. The grounds of objection are summarised as;
 - 1. the turbine is of industrial scale;
 - 2. the cumulative effect will be unacceptable;
 - 3. this area is becoming dominated by turbines;
 - 4. the turbine near thursby is of a similar size, this is unacceptable;
 - 5. the cumulative noise will exceed ETSU and be unacceptable;
 - 6. there will be a huge landscape impact;
 - 7. loss of visual and residential amenity;
 - 8. there are too many turbines already close to the 6 at Watchtree;
 - 9. turbines are not just undesirable - they are dangerous;
 - 10. the small amount of electricity produced does not make up for the drawbacks;
 - 11. there are already 23 turbines in the vicinity of this application;

12. there is no capacity for any more turbines within Great Orton;
13. the noise already generated at watchtree is unacceptable at present;
14. these turbines are not single turbines for farms, they are too powerful and noisy;
15. the turbines are much larger than they need to be to produce 500kw.

5. Summary of Consultation Responses

Carlisle Airport: - no objections;
Royal Society for the Protection of Birds: - no response received;
National Air Traffic Services: - no objections;
MOD Safeguarding: - no response received;
Natural England: - no objections;
Cumbria County Council - Highways & Transport: - no objections subject to conditions;
Orton Parish Council: - object to the proposal on amenity, wildlife, landscape and cumulative grounds;
Cumbria Wildlife Trust: - no response received;
Ramblers Association: - no response received;
Cumbria County Council - Highway Authority - Footpaths: - no response received;
Local Environment - Environmental Protection: - no objections;
Joint Radio Co: - no objections;
Allerdale District Council: - no response received;
Kirkbampton Parish Council: - object to the proposal on cumulative grounds and visual impact.

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 In this case the development plan comprises the saved policies of the Carlisle District Local Plan 2001-2016. Recent appeal decisions for turbines have confirmed that the policies of the Local Plan are consistent with the National Planning Policy Framework.
- 6.3 The National Planning Policy Framework (NPPF) which was adopted 27th March 2012 is also a 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 and recognising the intrinsic character and beauty of the countryside.
- 6.4 In terms of the Local Plan policies, Policies CP1 and DP1 require rural development proposals to conserve and enhance the special features and

diversity of the different landscape character areas. Policies CP2, LE2 and LE3 seek to ensure that development conserves and enhances the biodiversity value of 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; measures are taken to mitigate any impacts on the living conditions neighbouring residents; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.

- 6.5 Members will be aware that the Regional Spatial Strategy for the North West (RSS), and the saved policies of the Cumbria and Lake District Joint Structure Plan 2001-2016 (SP) have been revoked. Nevertheless, the evidence base which underpinned the RSS in relation to targets for renewable energy capacity is still of relevance.
- 6.6 The Cumbria Wind Energy Supplementary Planning Document (2007) (SPD) includes an analysis of the capacity of different landscape types and sub-types to accommodate groups of wind turbines. The SPD is an important consideration even though it is not part of the development plan for the purposes of Section 38(6). The Landscape Character Assessment on which the Cumbria Wind Energy SPD is based was updated in 2011 as the Cumbria Landscape Character Guidance and Toolkit (LCGT). The LCGT describes the baseline landscape character of the landscape types and sub-types, and remains consistent with the SPD.
- 6.7 In this case the site lies within an area defined as being within category 5 (Lowland), sub-type 5a 'Ridge and Valley' and adjacent to sub-type 5b 'Low Farmland' in the Cumbria Landscape Character Assessment. The Cumbria Wind Energy Supplementary Planning Document indicates that this landscape type has moderate landscape capacity to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines
- 6.8 Paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 identifies the relevant decision-taking test by highlighting the presumption in favour of sustainable development (the "golden thread"), and that, for decision-taking, this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
 1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 2. specific policies in this Framework indicate development should be restricted.
- 6.9 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve

heritage assets.

- 6.10 Policies of specific relevance in the Framework regarding renewable energy are set out in Section 10 (paragraphs 93 – 108). In particular paragraph 97 states that Local Planning Authorities should:

“design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

- 6.11 Paragraph 98 goes on to state that:

“...approve the application [unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable.”

- 6.12 The planning system should contribute to and enhance the natural and local environment by, for example protecting and enhancing valued landscapes; minimise impacts on biodiversity and providing net gains where possible; and preventing both new and existing development from contributing to or being put at unacceptable risk from or adversely affected by noise pollution (para. 109).

- 6.13 The Planning Practice Guidance for Renewable and Low Carbon Energy (PPGRLCE) amplifies national policy. However, whereas paragraph 5 of the Framework explains that all communities have a responsibility to help increase the use and supply of green energy, the PPGRLCE confirms that the views of local communities likely to be affected should be listened to (para.5). The document also includes specific guidance at paragraphs 22 and 23 on the assessment of landscape and visual impacts from wind turbines. Paragraph 15 of the PPGRLCE also explains that the document “The assessment and rating of noise from wind farms” (ETSU-R-97) should be used when assessing and rating noise from wind energy development. The Department for Energy and Climate Change also endorses the “Good Practice Guide on the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise” that was published by the Institute of Acoustics.

- 6.14 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO₂ emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.

- 6.15 The National Policy statements reiterate the key role that renewable

electricity production has in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.

6.16 When assessing this application it is considered that there are five 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 character of the area including cumulative impacts
3. The impact on residential properties (noise and shadow flicker)
4. The impact on air safety with regard to Carlisle Airport and the Ministry Of Defence
5. The impact upon ecology and nature conservation

6.17 Addressing these issues in turn:

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

6.18 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.

6.19 There were 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.

6.20 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.

6.21 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).

6.22 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.

- 6.23 The proposal will provide a total installed capacity of 500Kw. The Design and Access Statement indicates that the turbine would produce carbon free electricity to the grid. 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 Character Of The Area Including Cumulative Impacts

- 6.24 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).

- 6.25 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:

6.26 i) Landscape

The application site is within an area defined as being within category 5 (Lowland), sub-type 5a 'Ridge and Valley' and adjacent to sub-type 5b 'Low Farmland' in the Cumbria Landscape Character Assessment. The Cumbria Wind Energy Supplementary Planning Document indicates that this landscape type has moderate landscape capacity 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 turbine is within the size limits suggested for this landscape type.

- 6.27 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 study area.
- 6.28 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, but has been influenced by development, including other wind turbine developments, the electricity pylons which run to the south of the site and the A595 and A596 corridors.

- 6.29 Great Orton Airfield is home to an existing 6 turbine wind farm (68.5m to tip) immediately adjacent to the proposed development site. Consent has been given for a turbine in the adjacent field, approximately 200m from this site, there are also three turbines 3.4km to the south east adjacent to Orton Grange Farm.
- 6.30 The applicants' Landscape and Visual Impact Assessment (LVIA) states that the rolling lowland 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 existing woodland, roadside vegetation and localised landform undulations offer screening from many viewpoints.
- 6.31 The Officer is in agreement with the findings of the submitted LVIA, that, within the local context, the turbines would appear as a prominent feature but would not cause unacceptable harm to the local landscape character, a broad and expansive coastal landscape that is already characterised by other large scale man made features.
- 6.32 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.
- 6.33 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.
- 6.34 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 north, south and east of the site. The closest residential properties are over 800m away from the proposed turbine.
- 6.35 Whilst it is accepted that some dwellings in the vicinity would experience direct views of the turbine 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.

6.36 iii) Cumulative Impact

Cumulative landscape and visual effects can arise in three distinct ways: Extension effects, Combined effects and Sequential effects. The LVIA carried out by the applicants has taken into account all three types of Cumulative Effect. The most relevant to this proposal is 'extension effects'. This is the effect of an extension of an existing development or the positioning of a new development such that it would give rise to an extended and/or intensified impression of the original wind farm in the landscape as seen from fixed locations.

6.37 It is considered that the siting of the proposed turbine is such that there would be an extension effect to both the existing turbine at Midtown, located in an adjacent field and the existing 6 turbines at Great Orton. The two turbines will be viewed in context of each other, as they are of the same scale, height and design. With relation to the Orton wind farm, in most instances, the proportion of wind farm visible will not be extended as the proposed turbine will be viewed amongst the existing turbines. As such the extension cumulative effect is considered to be slight.

6.38 In conclusion, it is considered that the cumulative visual effect, is predicted to be slight to moderate, and not significant. Due to the comparable size, scale and design of the turbines, along with the distances between the turbines and the surrounding residential properties, it is considered that from most viewpoints the proposed turbine will register in the view as being part of the existing wind farm, limiting the visual impact.

6.39 It is acknowledged that visual impact reduces with distance. As such, with regard to other turbines which are visible from the A595 corridor, including Hellrigg, Westnewton, High Pow, Bothel, East Farm End, Lowca, Flimby, Tallentire, Siddick and Winscales amongst others, it is considered that the addition of this proposed single turbine would have a minimal visual impact upon the users of the A595.

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

6.40 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)".

6.41 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).

- 6.42 A Noise Impact Assessment has been undertaken and submitted along with this application. Environmental Services have been consulted on this information and have raised no objections. Relevant noise conditions have been included to ensure that the turbine operates in accordance with ETSU-R97.
- 6.43 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 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.
- 6.44 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.430 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. In such circumstances it is not considered that the turbine 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
- 6.45 Following receipt of a detailed aviation assessment Carlisle Airport have confirmed no objections to the proposal.
- 6.46 The Ministry Of Defence have not responded to the consultation, but in the interests of air safety the standard condition requiring aviation lighting to be fitted has been included (i.e. 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point).
- 6.47 In relation to the above, the proposed development is unlikely to have an adverse impact upon air safety.

5. Impact Upon Local Ecology And Nature Conservation

- 6.48 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 currently used as grazing.
- 6.49 An extended Phase 1 Habitat Survey (Ecological Appraisal) has been undertaken which included a desk-top survey and field survey. The study identifies that there is a low potential for a negative impact to any protected species from the proposed work. There will be no loss of notable or protected habitat.
- 6.50 Natural England has been consulted on the proposed development and has raised no objections to the proposal.
- 6.51 Taking into account the proposed development, its location and surroundings it is considered that there should be no significant effects from the proposal, and that there would be no harm to the favourable conservation of any protected species or their habitats. If Members are minded to approve the application it is recommended that advisory notes are imposed within the Decision Notice with regard to protected species and a condition is imposed within the Decision Notice regarding no construction works during the breeding bird season.

Other Matters

- 6.52 The proposal has been considered against the provisions of the Human Rights Act 1998. Article 8 and Article 1 Protocol 1 are relevant but, based on the foregoing; it is not considered that any personal considerations out-weigh the harm created by the development.

Conclusion

- 6.53 In conclusion the proposal involves the erection of a single turbine to offset the farms carbon footprint with spare capacity feeding into the grid.
- 6.54 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.
- 6.55 Taking account of the scale and technical specifications of the proposal, as

well as the levels of screening from nearby properties, the existing turbines, along with the electricity pylons to the south of the site, 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.

- 6.56 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 Planning Permission was granted in 2012 for the erection of a single wind turbine (500kW), 50m hub height, 74m to tip height and associated substation units within an adjacent field (application reference 12/0345).

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 received 30th June 2014;
2. The Site Location Plan (1 of 2) received 30th June 2014;
3. The Site Location Plan (2 of 2) received 30th June 2014;
4. The site location plan received 30th June 2014;
5. The Turbine Elevation Drawing received 30th June 2014;
6. the substation plans and elevations received 30th June 2014;
7. The Planning Statement (Incorporating Design and Access Statement) received 30th June 2014;
8. the wind turbine aviation report received 30th June 2014;
9. The Noise Impact Assessment Report received 30th June 2014;
10. The Ecological Appraisal received 30th June 2014;
11. The Landscape and Visual Impact Assessment Report received 30th June 2014;
12. The transport statement received 30th June 2014;
13. The ZVI summary received 30th June 2014;
14. The photo montages received 30th June 2014;
15. the Notice of Decision; and
16. 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 turbine. 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. The hard standings and means of access shall be constructed in accordance with the approved details before any other part of the development commences, and upon completion of the construction works the area shall be cleared of all plant, debris and any other items and the land shall be returned to its former condition (with a small area retained for maintenance purposes) within 6 months thereafter in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: To safeguard the character of the area, highway safety, and the living conditions of local residents in accordance with Policies CP5 and CP6 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. The level of noise emissions from the turbine hereby permitted when measured in free field conditions at the boundary of the nearest noise sensitive receptor which lawfully exists or has planning permission for

construction at the date of this planning permission, or measured closer to the turbine and calculated out to the receptor in accordance with a methodology previously approved in writing by the local planning authority, shall not exceed 35 dB LA90,10min up to wind speeds of 10 m/s measured at a height of 10 m above ground level at a specified location near to the turbine which has been previously approved in writing by the local planning authority.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

8. Within 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97'.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

9. Upon notification in writing of an established breach of the noise limits the wind farm operator shall within 28 days propose a scheme to the Local Planning Authority to mitigate the breach and to prevent its future occurrence. This scheme shall specify the timescales for implementation.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

10. 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.

11. Development shall not be begun until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:

- formation of the construction compound and access tracks and any areas of hardstanding;
- dust management;

- cleaning of site entrances and the adjacent public highway;
- temporary site illumination;
- disposal of surplus materials;
- method of working cable trenches the erection of the meteorological mast;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- soil storage and handling;
- post-construction restoration/reinstatement of the working areas

The Construction Method Statement shall be carried out as approved.

Reason: In the interests of highway safety.

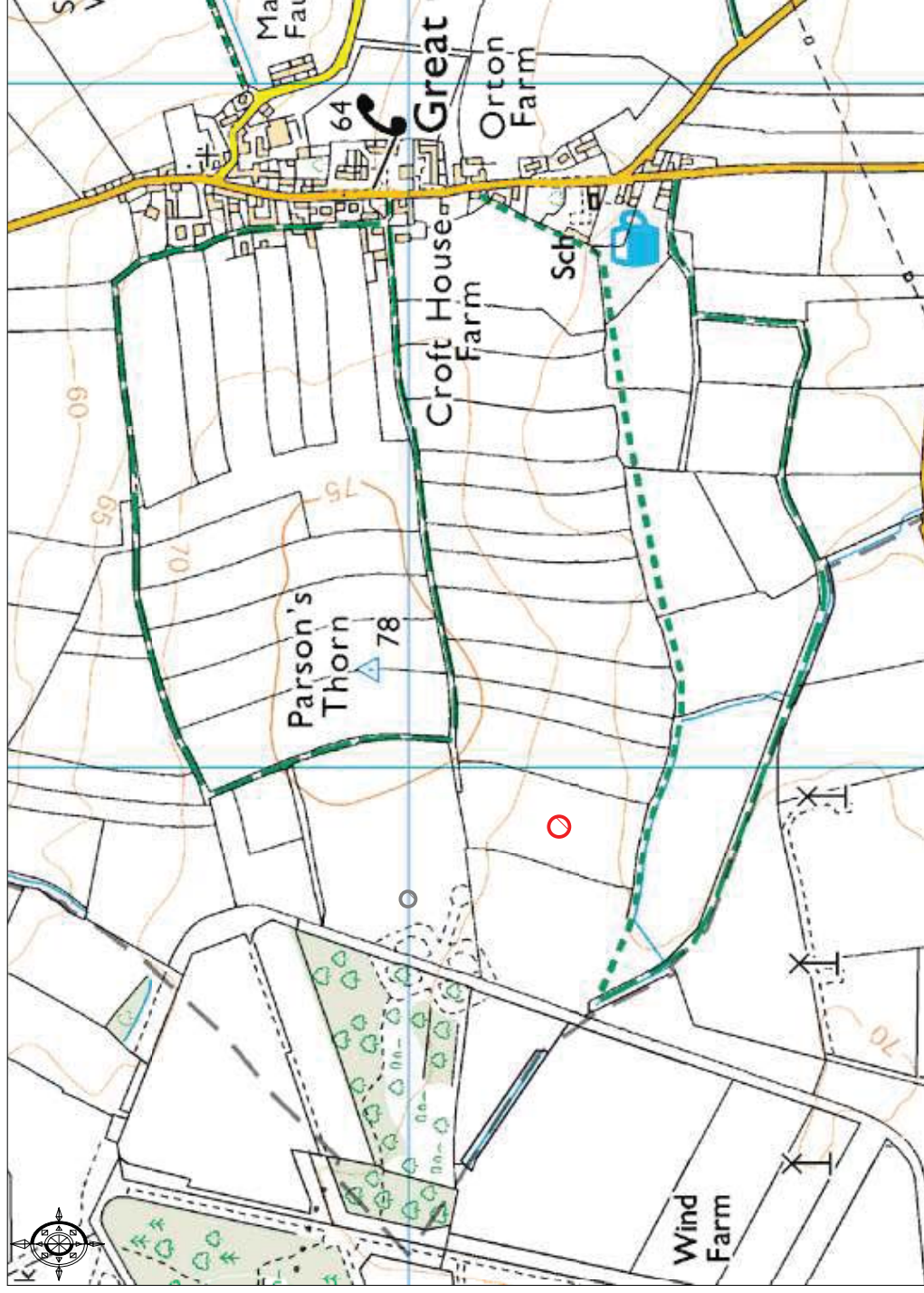
12. Development shall not be begun until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
- access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
- proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;
- the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
- details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- the surfacing of the access roads from the public highway into the site shall extend for a minimum of 25m;
- construction vehicle routing;
- the dimensions of turbines and associated components;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details.

Development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of Highway Safety.

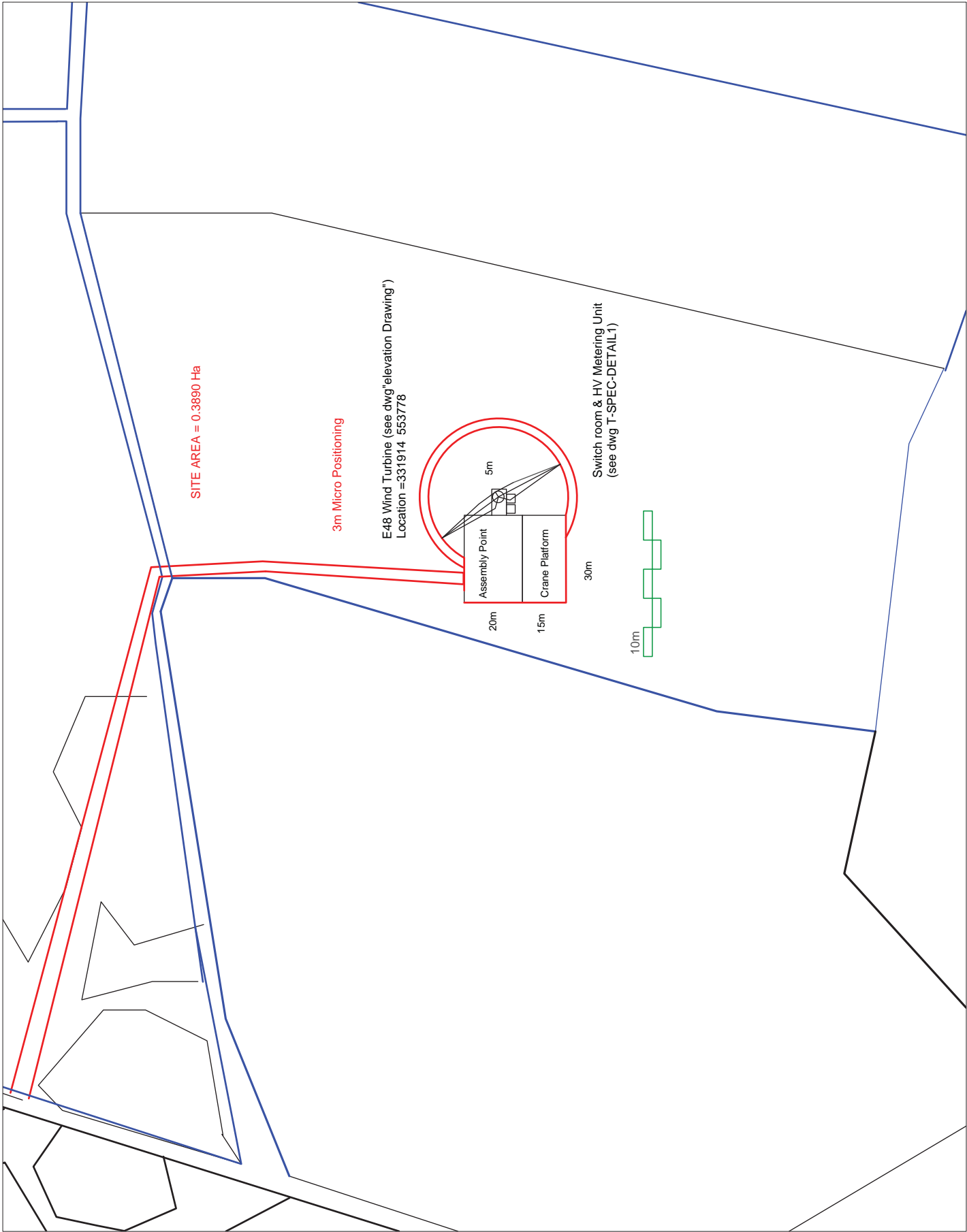
MIDTOWN FARM PROPOSED TURBINE LOCATION PLAN
MUL01



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SCALE 1:10 000



Rev	Date	Description Of Issue	By

Planning

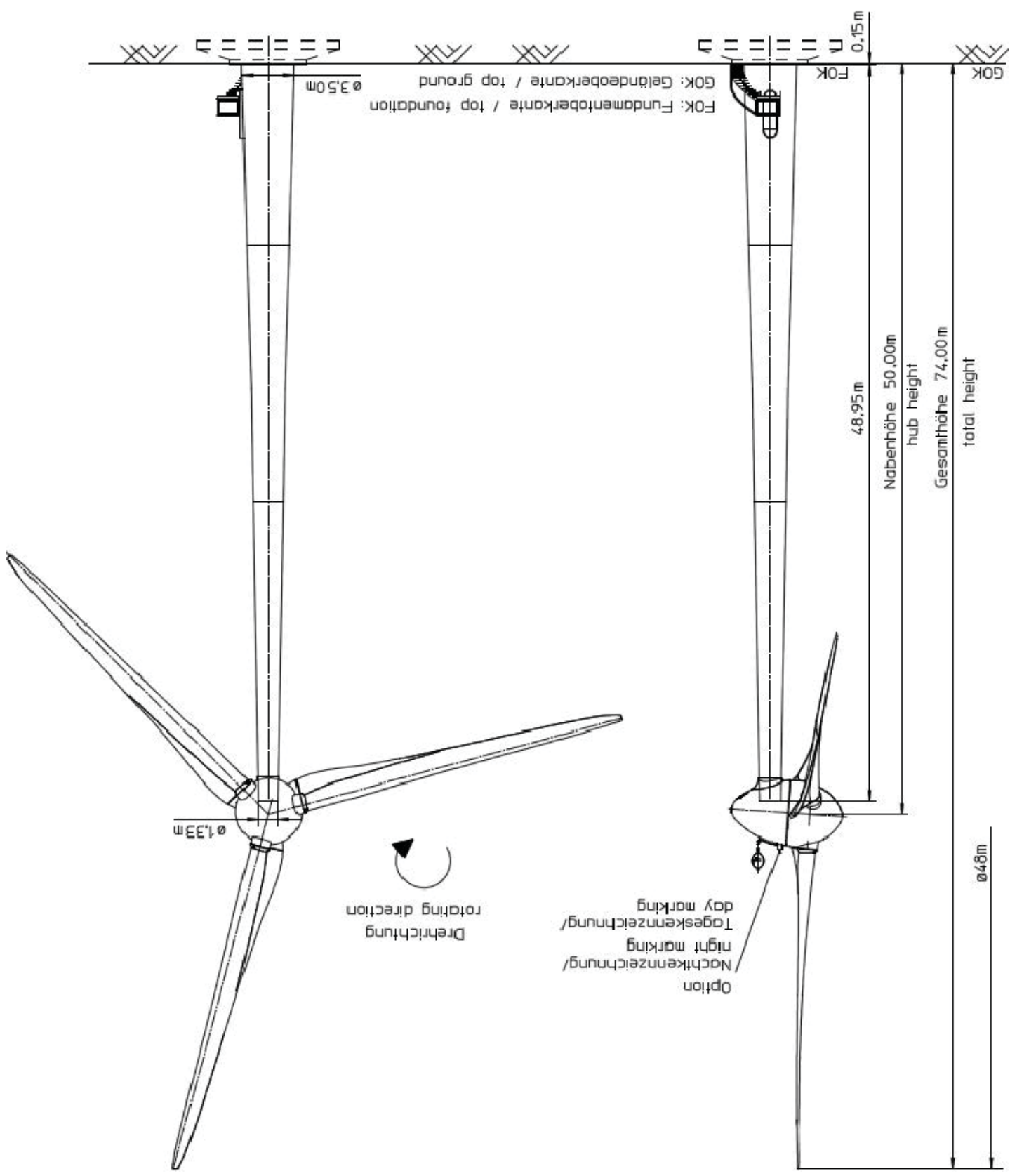


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Client	Mulholland
Project	Midlow Farm
Title	Wind Turbine
Drawn	FEHR
Date	23/06/2014
Scale (eg A3)	1:100
Drawn No	1
Revision No	

TITLE: Elevation Drawing
TURBINE MODEL: Enercon E48 with 50m hub Height and 48m Blade Diameter
SCALE: 1:250



NOTES:

The housing is to be brick of block outer skin to match surroundings with GRP or steel roof construction of similar colour to the nearby buildings

Vent arrangements may need altering following confirmation of the internal equipment arrangement.

Rev	Date	Details Of Issue	Initials

Status

Planning



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Client	Mulholland
Project	Midtown Farm
Title	Generic Combined Intake Substation

Drawn	FEHR	Date	27.06.14	Scale (as A4)	1:100
Dwg no.	1	Revision No.			

