

SCHEDULE A: Applications with Recommendation

13/0853

Item No: 09

Date of Committee: 20/12/2013

Appn Ref No:
13/0853

Applicant:
OwnPower

Parish:
Dalston

Agent:
Stephenson Halliday

Ward:
Dalston

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

Proposal: Erection Of A Single Wind Turbine 76.5m To Tip Height, 50m To Hub Height Together With Associated Infrastructure And Access Track

Date of Receipt:
25/10/2013 13:00:06

Statutory Expiry Date
20/12/2013 13:00:06

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

Summary

One of the key principles of the NPPF is to support the transition to a low carbon future in a changing climate, encouraging the use of renewable resources. The NPPF indicates that Local Planning Authorities should approve renewable energy applications (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable.

The proposal is in accordance with the overall objectives of Government energy policy which aims to deliver more than 30% of electricity from renewable sources by 2020, reduce UK carbon dioxide emissions by 34% by 2020 and at least 80% by 2050. The benefits of the proposed development include effective protection of the environment through the reduction of greenhouse gas emissions and the prudent use of natural resources by reducing reliance on fossil fuels. The proposed development would not have a significant impact upon the landscape, air safety, ecology/conservation, horse riding/safety, highway/bridleway safety or on occupiers of non associated neighbouring properties in terms of noise/shadow flicker.

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. The proposal would however not have a significant impact on the landscape type as a whole due to the presence of existing man made features within the landscape. The turbine would also not have a dominant effect on the living conditions of occupiers of residential properties due to the height of the proposal combined with the separation distances or the positioning of existing features within the landscape.

On balance it is considered that 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 application is recommended for approval subject to the imposition of relevant conditions.

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 Air safety: Carlisle Airport and Ministry of Defence
- 2.5 Impact upon highway safety and public footpaths
- 2.6 Impact on horse riding/safety
- 2.7 Impact upon local economy and nature conservation
- 2.8 Impact upon heritage assets
- 2.9 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 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.

The Proposal

- 3.3 The application seeks permission for the erection of 1no.500kW three blade wind turbine with a rotor diameter of 53 metres, a hub height of 50 metres and a tip height of 76.5 metres. The turbine will be finished in either a white, grey or off-white colour.
- 3.4 Access to the turbine will be via an existing farm track which will be

upgraded to provide a surface width of 4 metres. Two new sections of track (621 and 163 metres in length) will be constructed from the existing track into the turbine field. One of the routes will be for delivery and installation of the turbine only and will be reinstated to its current state after commissioning of the turbine. The new access to the south will remain for maintenance purposes. In order to construct the access track two sections of hedgerow removal are 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 will be reinstated following commissioning of the turbine.

- 3.5 To facilitate the construction of the turbine a temporary crane platform and assembly area is proposed which will have a total footprint of 525m². The transformer and associated electrical equipment will be contained in a cabinet located at the base of the turbine on a concrete plinth. The substation will measure 2m x 2m x 2m and will be finished in a pale grey semi matt surface. Stripped soils will be placed over the turbine footing, crane pad and access track and revegetated.
- 3.6 It is anticipated that the turbine will be connected to the national grid via the 11KV line which is located to the south-east of the turbine. The connection will be made via a underground cable which would be within land under the applicants ownership.
- 3.7 The application is accompanied by an Environmental Report, Landscape and Visual Assessment, Phase 1 Ecological Habitat Survey and Appraisal of Potential Ecological Effect including Hedgerow Survey, Noise Assessment, Abnormal Load Route Assessment and Traffic Management Plan, Access Track Details, Heritage Assessment and Visualisations.

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 six neighbouring properties within a 900 metre radius of the application site. At the time of preparing the report five objections and two letters of support have been received.
- 4.2 The letters of objection cover a number of matters which are summarised as follows:
 - 1. Visual impact of turbine upon Bankdale Park during the winter months;
 - 2. Visual impact of aviation lighting requested by the Ministry of Defence
 - 3. Noise impact
 - 4. Impact upon health (disturbed sleep)
 - 5. Flicker Effect
 - 6. Comments in relation to Government subsidies
 - 7. Landscape impact
 - 8. Height of turbine
 - 9. Location of turbine in relation to applicants home
 - 10. Proximity to residential properties and horses at Greenlands Equestrian

Centre

11. Impact on the local community
12. Cumulative impact of the number of turbines within the area
13. Highway Safety
14. Impact upon wildlife
15. Unclear how money from the trust fund will be used
16. Only the applicant/agent will benefit

4.3 The letters of support covers a number of matters which are summarised as follows:

1. Support environmental benefits of energy from renewable sources
2. Benefits for local economy and agricultural diversification
3. Proposal will help towards the future security of the applicants dairy farming business.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of one condition;

Dalston Parish Council: - no observations;

Carlisle Airport: - no objection;

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

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

National Air Traffic Services: - no safeguarding objection;

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

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

BBC: - no objections received during the consultation period;

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

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): - no objection subject to the imposition of three conditions;

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

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

Highways Agency: no objection, advice received regarding abnormal loads.

Eden Council: object to the proposal on three grounds: 1) the turbine by virtue of its scale and location, particularly when considered cumulatively with other nearby vertical structures including pylons, the High Burnthwaite turbine, and the Bankdale Farm turbines would create a confusing, complex and cluttered image from nearby sensitive receptors including residential properties, the users of the Cumbrian Way and the National Cycle Route to the west, and to a lesser extent the users of the M6; 2) the distance between the proposed turbine and the High Burnthwaite turbine is such that they are unlikely to be interpreted as a pair of turbines, rather than a spread of distinct turbines; and 3) the proliferation of turbines along the corridor to the west of the M6 will have a sequential cumulative effects with users of the M6 and also users of the two minor roads that run south from Newbiggin Road down to Calthwaite and Hutton End to the detriment of the relatively remote and peaceful countryside quality of the area.

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 On the 20th of May the Regional Spatial Strategy and the Joint Structure Plan were revoked, therefore, for the purposes of the determination of this application, 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) which was adopted 27th March 2012 is also a significant material planning consideration in the determination of this application. The NPPF has a presumption in favour of sustainable development with 12 core planning principles which should underpin plan-making and decision-taking. Members should note that two of the core planning principles are to support the transition to a low carbon future in a changing climate, encouraging the use of renewable resources whilst recognising the intrinsic character and beauty of the countryside.
- 6.4 The NPPF indicates that when determining applications Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF indicates that Local Planning Authorities should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable. The NPPF also states that in determining applications for wind energy development Planning Authorities should follow the approach set out in the National Policy Statement for Energy

Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). The National Planning Policy Statement for Energy Infrastructure generally relates to large wind farms however it gives guidance on technical considerations when dealing with onshore wind farms.

- 6.5 Under "The Promotion of the Use of Energy from Renewable Sources Regulations 2011" there is a duty on the Secretary of State to ensure that the renewable share in 2020 is at least 15%.
- 6.6 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character. A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 A Supplementary Planning Document 'Cumbria Wind Energy', which sets out Guidelines for wind energy schemes and includes a Landscape Capacity Assessment, was adopted by the Council in September 2008.
- 6.8 Other material considerations include Circular 1/2003 "Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas, and circular 11/95.
- 6.9 When assessing this application it is considered that there are nine main issues, which are addressed in turn:

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

- 6.10 As stated above the NPPF indicates that Local Planning Authorities should not require applications for energy development to demonstrate the overall need for renewable energy and should recognise that even small-scale projects provide a valuable contribution to cutting green house gas emissions.
- 6.11 It is noted that there was previously regional and sub regional renewable energy targets within the North West of England Regional Spatial Strategy and the Cumbria and Lake District Joint Structure Plan however on the 20th of May the Regional Spatial Strategy and the Joint Structure Plan were revoked.
- 6.12 Notwithstanding the revocation of the RSS the Case Officer acknowledges that much of the evidence that underpins the targets of the RSS with regard to renewable energy is still relevant.
- 6.13 The Climate Change Act (2008) set legally binding carbon budgets for the UK which aim to reduce UK carbon dioxide emissions by 34% by 2020 and, in

line with European guidelines, at least 80% by 2050. The UK Renewable Energy Strategy 2009 includes a target of delivering more than 30% of our electricity generated from renewable sources by 2020. In addition to these targets it is acknowledged that the NPPF includes a strong message that we should promote and support the delivery of renewable and low carbon energy and associated infrastructure in moving towards a low carbon economy. Wind energy is widely considered to be a proven, viable and rapidly developing energy technology, with the UK having access to 40% of the entire European wind resource (EN-1).

- 6.14 The landscape of Carlisle District is not immune from the effects of climate change and the landscape, in the vicinity of the proposed turbine and elsewhere, will not survive, in the future, unless the serious effects of climate change are addressed.
- 6.15 The proposed development would provide a total installed capacity of 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 Development On The Landscape And Visual Character Of The Area Including Cumulative Impacts

- 6.16 As stated above, the NPPF indicates that Planning Authorities should approve applications if the impacts are, or can be made, acceptable. The NPPF explains that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 118 indicates that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for then planning permission should be refused. The NPPF also indicates that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Area of Outstanding Natural Beauty (AONBs).
- 6.17 It is important that a distinction is drawn between i) landscape impacts that relate to the characteristics of the landscape; and ii) visual impacts on receptor points (houses and rights of way etc) that relate to individual outlooks within that landscape. These issues are separately discussed as follows:

i) Landscape

- 6.18 The 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.

- 6.19 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.
- 6.20 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.
- 6.21 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 0.98 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.
- 6.22 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. 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 will 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 is not considered that this harm would be significant especially as the immediate surrounding landscape has already been influenced by man-made elements.
- 6.23 It is also noted that the turbine would be required to be fitted with aviation lighting, as requested by the MOD, however it is not considered that the lighting would cause a significant adverse impact on a landscape which already has a significant number of man-made influences.

ii) Visual Impact

- 6.24 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.

- 6.25 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.
- 6.26 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 are Bankdale Park and Greenlands Equestrian Centre located approximately 650 and 625 metres respectively to the north-east. The nearest properties after this are Foulbridge situated approximately 760 metres to the north-east and Longrigg Cottage located 840 metres to the west.
- 6.27 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. Views of the turbine would be possible from gaps in the existing landscaping and during the winter months however it is not considered that the turbine located at a distance of 650 metres would have a significant overbearing/dominant impact upon the living conditions of the occupiers of this property to warrant refusal of permission.
- 6.28 Greenland's 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. Views of the turbine from this property would be possible however they would be at an oblique angle and at a distance of over 600 metres.
- 6.29 Foulbridge is a two storey farm house orientated west. 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. Longrigg Cottage is a single storey property orientated north to south. Views of the proposed turbine would be possible from windows on the east elevation however given the separation distances between this property and the proposed turbine (over 840 metres) it is not considered that the proposal would appear substantially dominant or over bearing.
- 6.30 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 is not considered 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.

iii) Cumulative Impact

- 6.31 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 0.98km to the north, 1no.21 metre to tip turbine at Park House Farm located approximately 3.12 km to the north-east of the site and 1no. 14.4 metre to tip turbine situated approximately 2.54km to the north- east. A 78 metre to tip turbine has been consented at High Burnthwaite Farm approximately 0.72km to the north-west. A 77 metre to tip turbine was also recently refused planning permission at Greenland's Farm (1.38 metres north-east of the application site) under reference 13/0639. At the time of writing this report no appeal for 13/0639 has been submitted.
- 6.32 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 turbines proposed are 1no.77 metre turbine at Southwaite and 2no. 35 metre to tip turbines at land to the west of southwaite services. Both of these applications are undetermined and over 3km from the application site.
- 6.33 It is acknowledged that objectors and Eden District Council have raised concerns regarding the cumulative impact of man-made structures within the area. 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 turbine proposed is a similar height to the consented turbine at High Burnthwaite and within a similar landscape context. Given the separation distances between the two turbines 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 is considered that from most viewpoints within the landscape the proposed turbine will 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 is not considered that the proposed turbine would have a significant cumulative impact with the small scale turbines at Bankdale Farm.
- 6.34 Overall, given the separation distances of the operational/consented turbines from the application site it is not considered that the proposal 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 Residential Properties (Noise And Shadow Flicker)

- 6.35 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)".
- 6.36 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).
- 6.37 A Noise Impact Assessment has been undertaken 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 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 subject to the imposition of three conditions.
- 6.38 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. The proposed turbine will have an operating frequency of less than 60 rpm which is less than the frequency capable of giving rise to health effects. It is noted that one objector has raised concerns regarding sleep disturbance, the noise of the proposed turbine complies with the night time noise limits in ETSU as stated above, in such circumstances it is not considered that noise

of the turbine would lead to sleep disturbance.

- 6.39 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. 530 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 a refusal of the application on the grounds of flicker effect could not be substantiated. Should Members approve the application it is recommended that a condition is imposed within the Decision Notice requesting a scheme to deal with the effects of shadow flicker in the event of a complaint.

4. Air Safety: Carlisle Airport and Ministry of Defence

- 6.40 The site is situated within the safeguarding zone of Carlisle Airport. Following the submission of a detailed aviation statement the Airport have raised no objections to the scheme.
- 6.41 The Ministry of Defence has been consulted on the proposed development and has raised no objections subject to the imposition of two conditions regarding aviation lighting and construction times.
- 6.42 In such circumstances it is not considered that the proposal 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

- 6.43 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 turbine is 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.
- 6.44 The relevant Highways Authority has been consulted on the proposed development and has raised no objections subject to the imposition of one condition. The Highways Agency has confirmed no objections subject to an advisory note regarding abnormal loads. In such circumstances it is not considered that the turbine would have an adverse impact upon highway safety.

6. Impact on horse riding/safety

- 6.45 An objector has raised concerns regarding impact of the proposed development on horses. Paragraph 56 of the Companion Guide to PPS22 recognises that the 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 centres is

situated approximately 625 metres to the north-east. The British Horse Society has been consulted on the proposed development and has not raised any objections during the consultation period.

- 6.46 The proposed turbine will 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 siting of the turbine would cause a sufficient adverse impact upon horses to recommend refusal of the application.

7. Impact Upon Local Ecology And Nature Conservation

- 6.47 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.
- 6.48 The Council's GIS Layer has identified that the site has the potential for breeding birds. The application has been accompanied by an Ecological Appraisal which comprises of two elements an Extended Phase 1 Habitat Survey and a desk study.
- 6.49 The desk study indicates 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 is unlikely that bats are not present.
- 6.50 The site survey identified that the site consists 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 are present within the site and there are two areas of plantation adjacent. The Ecological Appraisal notes 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 will also be a loss of 5 metres of hedgerow to provide the temporary access track which will also be reinstated. The hedgerow removal has the potential to impact upon breeding birds therefore the ecological appraisal recommends that the hedgerow removal is undertaken outside of the breeding bird season.
- 6.51 The ecological appraisal notes 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 states 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 have been recorded within the Southwaite area and are likely to hunt occasionally along the hedgerows of the application site they are not however considered to be at risk from collision as they generally hunt at low level within 3m of the ground.

- 6.52 Natural England, RSPB and Cumbria Wildlife Trust (CWT) have been consulted on the proposed development. Natural England has raised no objections to the proposed development. The RSPB and CWT have also not raised any objections during the consultation period.
- 6.53 Natural England's Guidance (TIN051) indicates a 50 metre buffer zone between turbines and trees/hedges. The proposed mitigation measures would comply with this advice. With regard to breeding birds, owls and raptors it is noted the Council's GIS Layer did not identify the presence of such species however the proposal includes adequate mitigation measures to prevent an adverse impact upon these species. The application site is not located within an area identified as a 'bird sensitive area' as defined by the RSPB to wind turbines. It is therefore considered that the mitigation measures proposed will prevent an adverse impact upon any protected species or their habitat.

8. Impact Upon Heritage Assets

- 6.54 The nearest Listed Building is located at High Burnthwaite Farm approximately 1100 metres from the application site. The Council's Heritage Officer has been consulted on the proposal and has raised no objections. Given the separation distances from the proposed turbine and any Listed Buildings it is not considered that the proposal would have an adverse impact upon the setting of Listed Buildings.

9. Other Matters

- 6.55 The Joint Radio Company has been consulted on the proposed development and has made no formal comments during the consultation period. The applicant has confirmed that they have been discussions with JRC regarding the link to the north of the turbine, and that they have had assurance from the JRC that there is a workable mitigation solution to avoid adverse impact on the link, which may involve micro-siting adjustment within the red line boundary. The applicant has confirmed that at present the JRC are in discussion with the link operator, Electricity North West, to clarify details of the mitigation required. It is considered that this issue can be dealt with by the imposition of a condition ensuring that development shall not take place until a mitigation strategy to protect the Electricity North West communications to the north of the turbine has been submitted to and approved in writing by the Local Planning Authority. It is noted that a mitigation strategy may involve micro-siting of the turbine within the red line boundary of the application site. It is not considered that micro-siting the turbine up to a distance of 25 metres south of the current turbine position would result in any additional adverse impacts on the eight main issues described in paragraphs 6.10 to 6.54 above. In such circumstances should Members approve the application it is recommended that a condition is imposed within the Decision Notice allowing

a tolerance of 25m south of the turbine for micro-siting.

- 6.56 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 permission.

Conclusion

- 6.57 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.
- 6.58 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.
- 6.59 The benefits of the proposed development 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. The proposal 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.
- 6.60 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 proposal, 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 turbine 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.
- 6.61 On balance it is considered that 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 application is considered to be compliant with the criteria of the relevant planning policies and is therefore recommended for approval subject to the imposition of relevant conditions.

7. Planning History

- 7.1 There is no relevant planning history on this site.

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 submitted planning application form received 25th October 2013;
 2. the site location plan scale 1:5000 received 4th November 2013 (Drawing No.Figure P02);
 3. the Volume 1 Environmental Report and all accompanying plans received 4th November 2013 (Dated October 2013);
 4. the Volume 2 Appendices received 25th October 2013 (Dated October 2013);
 5. the Volume 2 Appendices - Updated Appendix 4 received 4th November 2013 (Dated October 2013);
 6. the volume 3 LVA Figures and Visualisations received 25th October 2013;
 7. the Notice of Decision; and
 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. 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.

4. 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.

5. Prior to the turbine being erected on site, full details of the proposed aviation lighting, as recommended by the Ministry of Defence, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

7. The developer shall give advance notice in writing to the Ministry of Defence of the date construction of the turbine hereby permitted commences and ends, and shall include details about the maximum height of construction equipment, together with the blade tip height of the turbine above ground level, and the latitude and longitude of the turbine.

Reason: In the interests of air safety.

8. 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.

9. The whole of the vehicular access areas at both the C1017/C1037 Redcat junction and the site access off the C1037 shall be constructed and drained to the specification of the Local Highways Authority.

Reason: In the interests of road safety. To support Local Transport Plan Policies: LD5, LD7 and LD8.

10. 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 LA90,10 min up to wind speeds of 10 metres/sec measured at a height of 10 metres above ground level at a specified location near to the turbine which has previously been 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.

11. 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.

12. 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.

13. This application permission relates to a turbine with a tip height of 76.5 metres.

Reason: For the avoidance of doubt.

14. The turbine hereby permitted shall be located in the position shown on the approved plans or within a tolerance of 25 metres south from the base of the approved former position. Details of any such variation from the approved position shall be submitted and approved in writing by the Local Planning Authority prior to the erection of the turbine.

Reason: To safeguard the landscape and visual impact in accordance with Policies CP5 and CP8 of the Carlisle District Local Plan 2001-2016.

15. No development shall take place until a mitigation strategy to protect the Electricity North West communications to the north of the turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no interference with existing radio systems.

16. No development shall commence unless details of the colour and finish of the nacelle, blades and supporting tower of the wind turbine have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To safeguard the landscape and visual impact in accordance with Policies CP5 and CP8 of the Carlisle District Local Plan 2001-2016.

17. No development shall take place until a written scheme has been submitted to and approved in writing by the Local Planning Authority setting out the protocol for the assessment of shadow flicker in the event of any complaint, including remedial measures. Operation of the turbine shall take place in accordance with the agreed protocol unless the Local Planning Authority gives it written consent to any variations.

Reason: To safeguard the living conditions of local residents in accordance with Policies CP6 and CP8 of the Carlisle District Local Plan 2001-2016.

18. 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.

19. No development shall take place until details of a hedgerow replanting scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

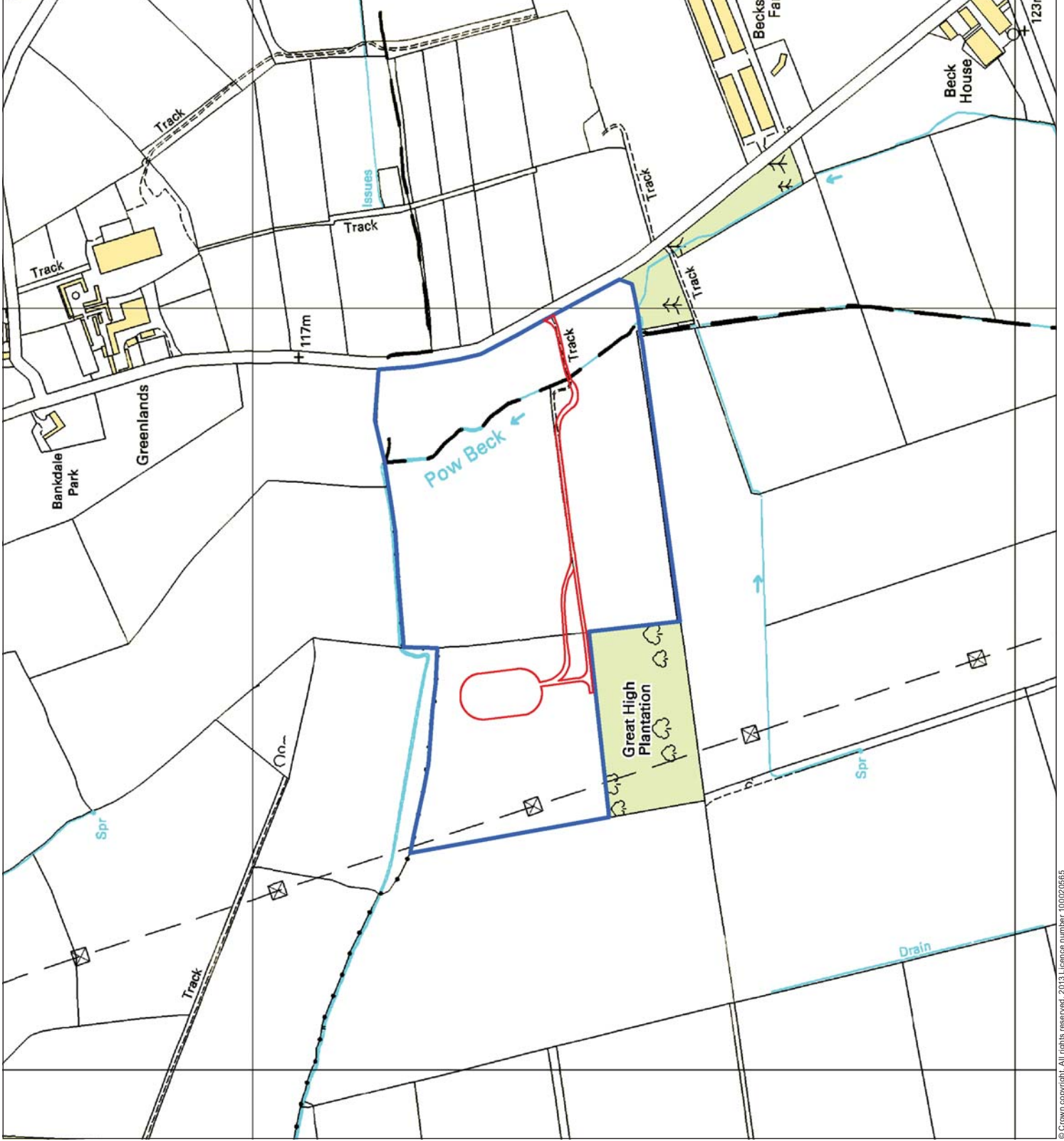
21. No development shall be submitted until full details of the electrical cabinet have been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the landscape and visual impact in accordance with Policies CP5 and CP8 of the Carlisle District Local Plan 2001-2016.

FIGURE P02
Site Location Plan

KEY

	Application Boundary
	Ownership Boundary



0 100 200m



DATE	BY	PAPER	SCALE	QA	REV
NOV 2013	EK	A3	1:5,000	LL	A

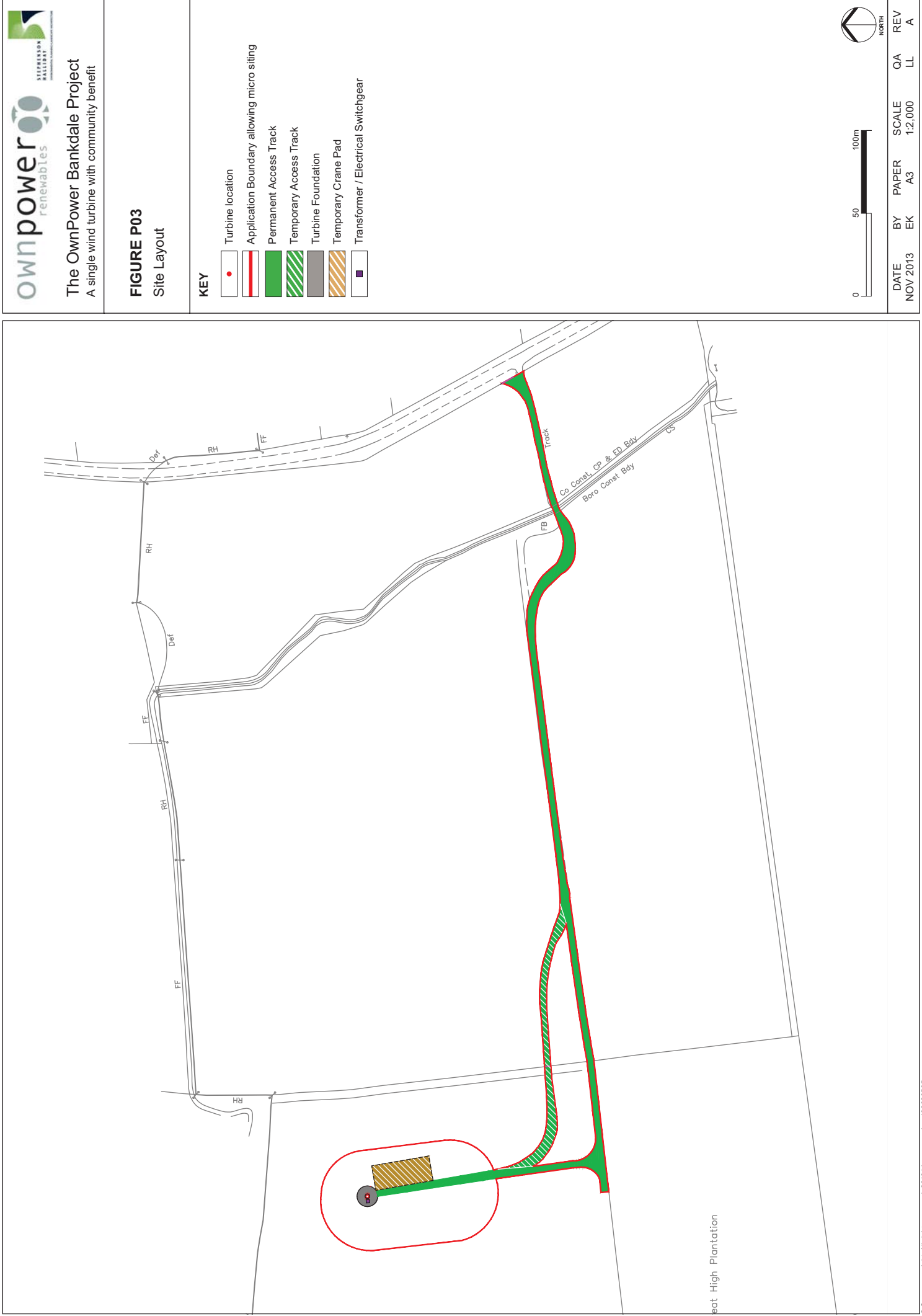


FIGURE P05

Wind Turbine Detail

01020m

01020m

DATE	BY	PAPER	SCALE	QA	REV
OCT 2013	CD	A3	1:500	LL	-

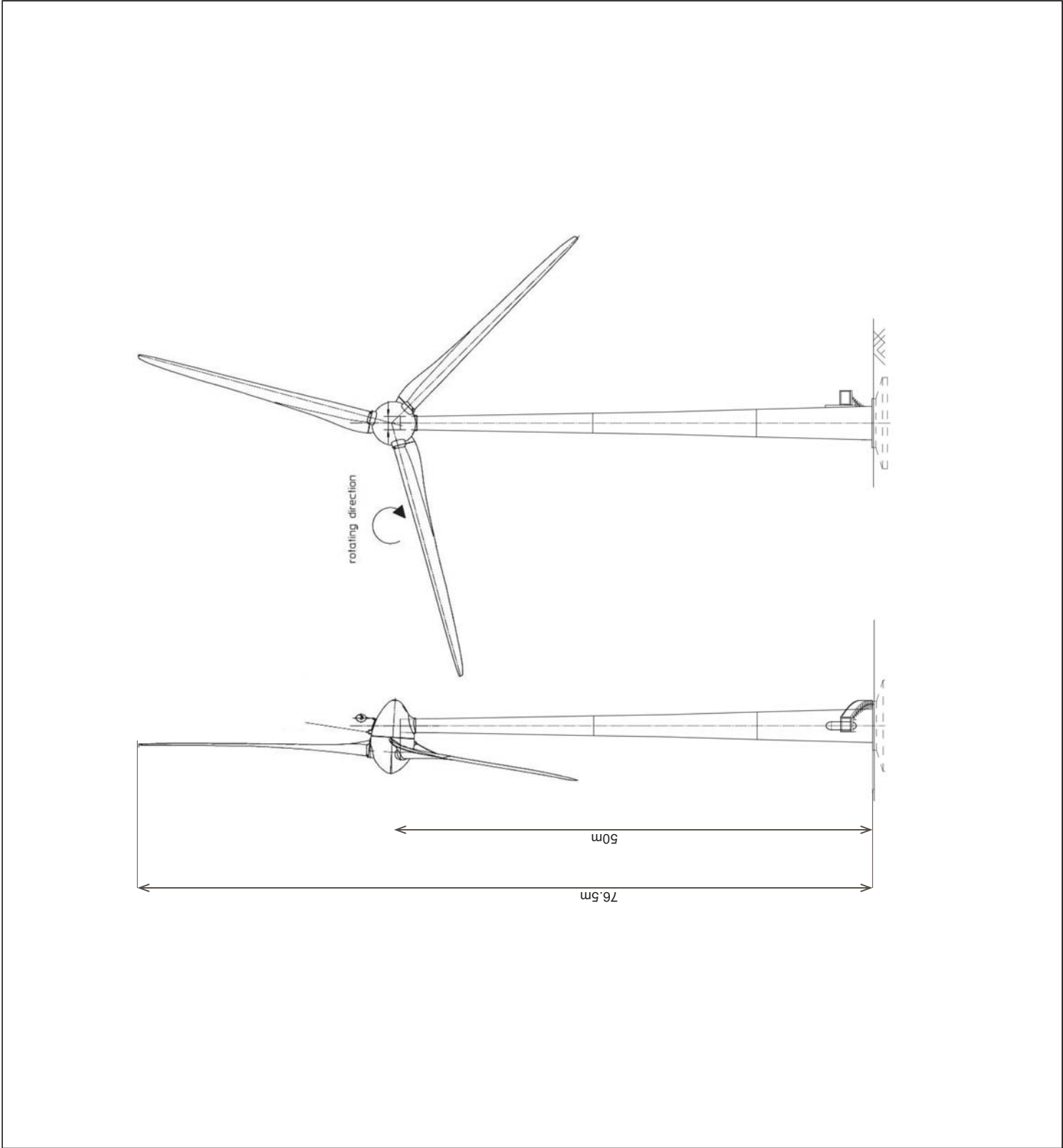


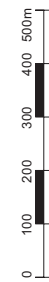
FIGURE P08

Residential Properties in the Vicinity of the Site

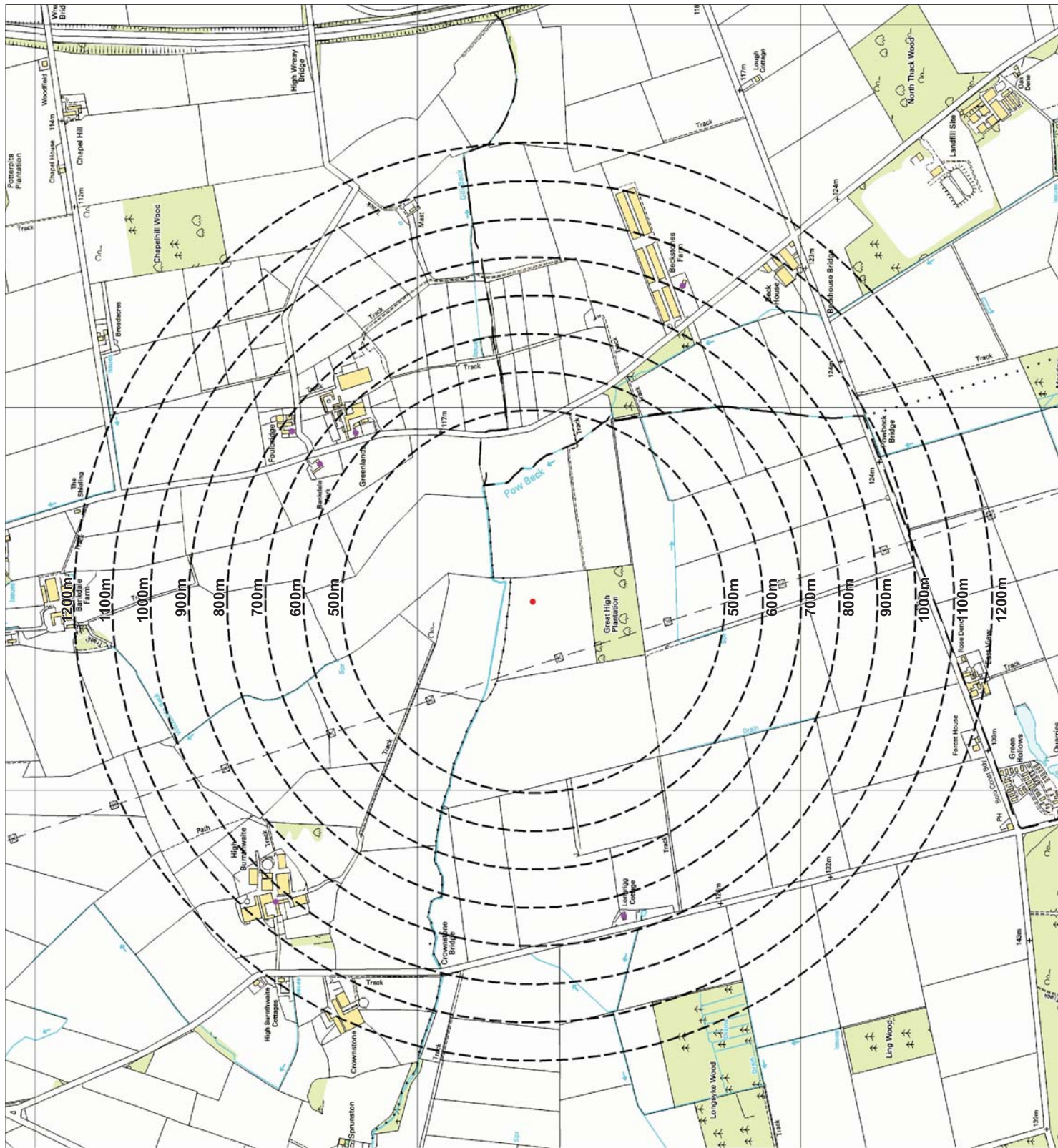
KEY

- Proposed Turbine Location
- Radii from Proposed turbine
- Residential Properties within 1km

TURBINE DATA:
This figure has been based on the following turbine data:
Turbine layout file: LBK0003G.WFL
Hub height: 50m
Blade tip height: 76.5m



DATE	BY	PAPER	SCALE	QA	REV
OCT 2013	CD	A3	1:10,000	LL	-





The OwnPower Bankdale Project
A single wind turbine with community benefit

FIGURE P09
Indicative Grid Connection Route

KEY

- Turbine location
- Connection route: Turbine to substation
- Connection route: Substation to Point of connection to pole
- Proposed Substation location
- Connection point

0 100 200m

NORTH

DATE	BY	PAPER	SCALE	QA	REV
OCT 2013	CD	A3	1:5,000	LL	-

