

PLANNING PANEL AGENDA – 12 SEPTEMBER 2012

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RELEVANT INFORMATION

The planning applications referred to in this agenda together with responses from consultations and all other representations received are available for inspection with the exception of certain matters relating to the personal circumstances of the applicant or objector or otherwise considered confidential in accordance with Local Government (Access to Information) Act 1985.

In considering the applications the following policy documents will, where relevant, be taken into account:-

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Cumbria and Lake District Joint Structure Plan

Copeland Local Plan 2001-2016 - adopted June 2006

Lake District National Park Local Plan - Adopted May 1998

Cumbria Car Parking Guidelines

Department for Communities and Local Government (DCLG) Circulars:-

In particular:

22/80	Development Control, Policy and Practice
15/88	Environmental Assessment
15/92	Publicity for Planning Applications
11/95	The Use of Conditions in Planning Permissions
01/06	Guidance on Changes to the Development Control System

Department for Communities and Local Government (DCLG):-

Planning Policy Guidance Notes and Planning Policy Statements

Development Control Policy Notes

Design Bulletins

STANDARD CONDITIONS

In order to save space standard conditions applied to all outline, full and reserved matters consents have been omitted, although the numbering of the conditions takes them into account. The standard conditions are as follows:-

Outline Consent

1. The layout, scale, appearance, means of access thereto and landscaping shall be as may be approved by the Local Planning Authority.
2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-
 - (a) the expiration of THREE years from the date of this permission
 - or
 - (b) the expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reserved Matters Consent

The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.

Full Consent

The development hereby permitted shall be commenced within THREE years from the date hereof.

ITEM NO: 1.

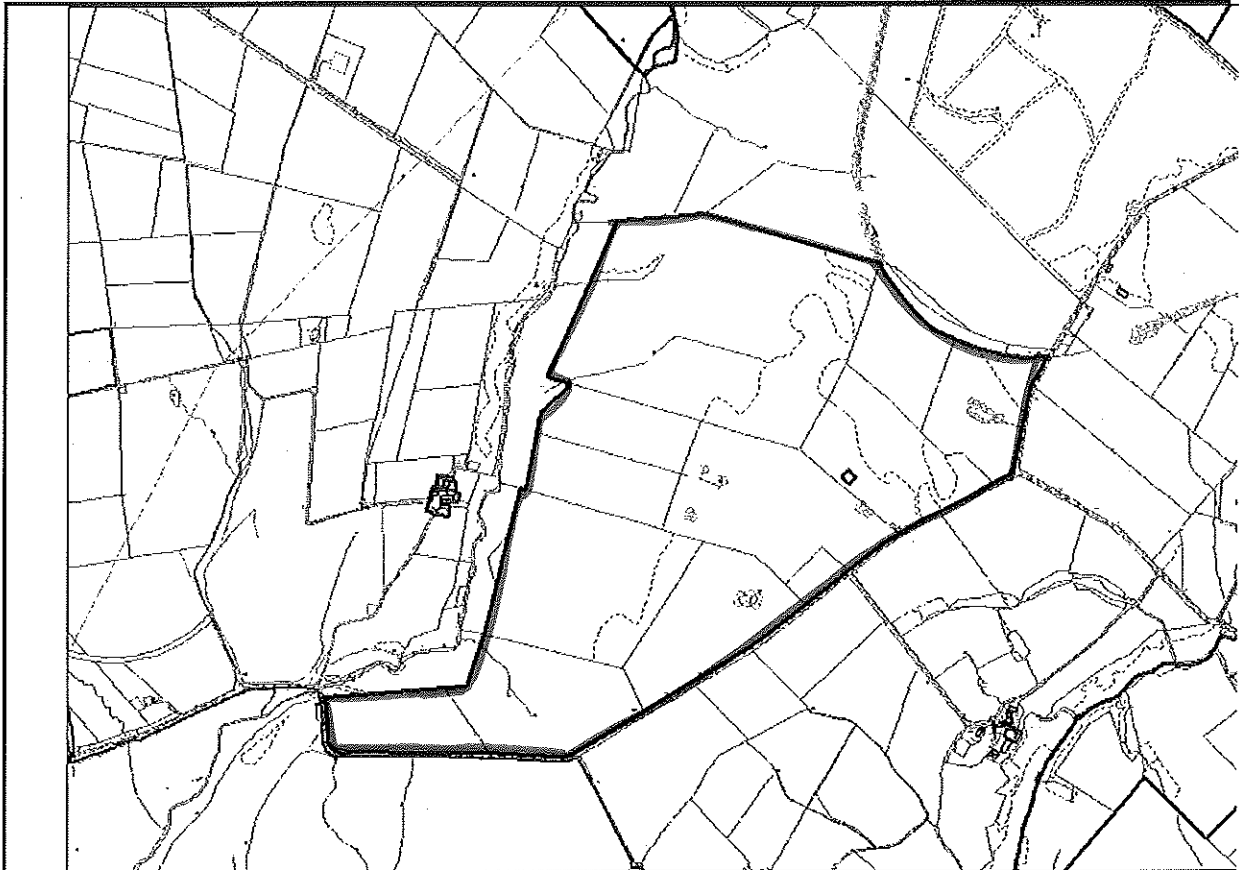


To: PLANNING PANEL

Development Control Section

Date of Meeting: 12/09/2012

Application Number:	4/11/2485/OF1
Application Type:	Full : CBC
Applicant:	Banks Renewables (Weddicar Rigg Wind Farm) Ltd
Application Address:	LAND TO THE WEST OF STEEL BROW ROAD, (KNOWN AS WEDDICAR RIGG), ARLECDON, FRIZINGTON
Proposal	CONSTRUCTION AND OPERATION OF A WIND FARM CONSISTING OF 6 No WIND TURBINES, CONTROL BUILDING, ANEMOMETER MAST & ASSOCIATED ACCESS TRACKS FOR AN OPERATIONAL PERIOD OF 25 YEARS
Parish:	Weddicar, Moresby, Arlecdon and Frizington
Recommendation Summary:	Approve subject to S106



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INTRODUCTION

This application relates to an elevated area of land known as "Weddicar Rigg" which lies to the east of Moresby Parks.

An existing anemometer mast is currently in place on the site. This mast was approved in 2006 under reference 4/06/2682/OF1.

Members deferred this application at the meeting on 09 November 2011 to enable them to visit the site. The site visit took place on 11 January 2011.

PROPOSAL

Planning permission is sought for the siting of six wind turbines which it is proposed will be retained on site for a maximum time period of 25 years. The turbines will be of a three bladed design with each blade having a total length of 47 metres. The blades will be supported on 68.5 metre high towers, giving each turbine a total height of 115 metres to blade tip. The turbines are to be light grey in colour.

Underground cabling from each turbine will run adjacent to the tracks and will connect up to an on site control building from where the energy generated will be exported to the local grid. The control building will be 3.5 metres in height and will cover a ground area of approximately 84 sq metres.

A temporary lay down area and construction compound are to be created to allow the accumulation of plant and turbine parts on the site and also provide on site office and mess facilities. This will cover an area approximately 40 metres x 70 metres and would be enclosed by a security fence. A crane pad will be constructed adjacent to each turbine to accommodate the necessary equipment to erect the tower and blades for each structure.

Access to the site will be achieved off the unclassified road which links Moresby Parks and Arlecdon. Within the site the turbines will be accessed from an internal track which will link all of the turbines. This track will cover a total area of 3 km and will have a maximum width of 5 metres. The tracks will be surfaced with crushed stone. Following construction it is proposed that the tracks will be narrowed to 3 metres in width but will be retained for maintenance purposes.

It is also proposed to erect a 70 metre high anemometer mast on the site. This will be of a slim lattice tower design.

It is proposed that each turbine will have a generating capacity of 2.0 MW. This is anticipated to have an energy output of 44.7 GW per annum which would be sufficient electricity to supply up to 9510 households per year. This has the potential to offset the emission of up to 19221 tonnes of CO₂ per annum, equating to up to 480525 tonnes of gas over the lifespan of the project.

The following information has been submitted with the application:-

- detailed layout and elevation plans to illustrate the turbines and their siting

- Photomontages and zones of theoretical visibility (ZTV) to illustrate the turbines in the landscape, predict the areas of visibility and also illustrate cumulative impacts with other existing wind farm sites
- a planning statement
- a design evolution and site selection statement
- a summary of the community engagement undertaken
- an environmental statement
- a landscape technical report
- a residential amenity statement
- an ecological report
- an ornithological report
- a noise report
- a cultural heritage report
- a traffic and transport report
- an aviation study
- a ground condition report
- a radio communication consultation
- a shadow flicker report
- a draft environmental plan
- a habitat management plan

CONSULTATION RESPONSES

Moresby Parish Council

The Parish Council is opposed to the development for the following reasons:-

- There will be adverse visual effects but accept that loss of view is not a material planning issue. The turbines are large scale structures which will be highly visible above the skyline from many locations. The movement of the turbine blades will also attract the eye and increase the visual effect beyond that apparent from a computer generated image.
- A development of this nature would have a materially harmful effect on the character and appearance of the surrounding rural landscape.
- Potential impact on the Hen Harrier by restricting its range which may affect its survival.
- The turbines will result in a significant impact when viewed from the Ennerdale Fells
- There may be noise impacts to local residents
- The route chosen to bring material to the site is not, in many ways, suitable
- The siting adjacent to the Fairfield wind farm will have a cumulative impact which will result in a change in the character of the area to an unacceptable degree and will result in an overbearing and dominant feature in a largely rural area.

Arlecdon and Frizington Parish Council

The Parish Council are opposed to this development for the following reasons:-

- It will damage the environment of the area and have a detrimental effect on tourism within the Western Lakes that has been identified in the Copeland Plan as an area used for tourism and leisure
- It will have a detrimental impact on wildlife, especially the bird population whose natural habitat of undeveloped land is reducing

- There will be minimum employment during the construction stages and no long term employment opportunities
- The access road is entirely inappropriate and will be unable to take the amount of traffic expected during the construction of the wind farm
- The fringes of the National Park are being unfairly overburdened with an increasing numbers of wind farm developments.

Weddicar Parish Council

The Parish Council are opposed to this development for the following reasons:-

- The turbines will be obtrusive and create an eyesore on the landscape
- The wind farm will have an adverse environmental impact
- There will be no jobs created during construction or when commissioned
- Wind farms are notoriously inefficient
- The photomontage views submitted by the applicants are misleading as they were taken on a cloudy day when none of the existing wind farms are visible from the sites chosen. This gives a false impression. It would also have been useful to have a scale on these photographs as it is not clear whether the turbines are drawn top scale.
- The Parish Council requests that the Planning Panel visit the site before determining the application.

Natural England

This proposal has the potential to impact on an important area for hen harriers. Hen harriers are listed on Annex 1 of the EC Birds Directive, Schedule 1 of the Wildlife and Countryside Act 1981(as amended) and are a species of principal importance in accordance with S41 of the Natural Environment and Rural Communities Act 2006 (NERC Act). The Council therefore has an obligation to take regard of the impact on hen harriers as a material consideration in its planning decision and a duty to maintain and enhance the population in accordance with its core function. Furthermore, in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) which is known as the Habitat Regulations, Natural England considers that the impact of the development on hen harriers should be assessed with regards to the UK breeding population Special Protection Area (SPA) network for this species from which some birds using the area in winter have been shown to originate.

Natural England accepts that this application can be reasonably concluded to have "No Likely Significant Effect" with regards to the Habitat Regulations.

Hen Harriers have been taken into account in the development of the scheme and a number of mitigatory measures have been incorporated into the planning application following detailed discussion with Natural England. Consequently Natural England does not object to the proposal subject to the Local Authority ensuring that enforceable restrictions are put into place which require the following:-

1. The provision of at least 201 ha of hen harrier foraging habitat, of which at least 60 ha should be of hen harrier roost quality. This area should be under suitable management to meet the ecological requirements of the hen harrier throughout the life of the wind farm
2. All non emergency activities associated with the running of the wind farm should be scheduled to avoid periods of high sensitivity with regards to hen harriers namely, construction activity should avoid 01 October to 15 March and routine maintenance should avoid the period from one hour before sunset to one hour after sunrise between 01 October and 15 March
3. Monitoring of the site and the identified mitigation land. A monitoring group should be formed to oversee the monitoring and management of the site and mitigation land. Natural England advises that with these conditions the interests of the hen harrier as a S41 species and a material consideration should be safeguarded in accordance with the duties placed of the Council by the NERC act.

With specific reference to the document "Habitat Management Plan" (June 2012) Natural England notes that the developers have voluntarily offered additional measures to enhance the conservation status of hen harriers in the vicinity of the development amounting to a further 97 ha, including areas of roost quality. Natural England is highly supportive of this approach and welcomes these proposals which it considers to be additional to those necessary to simply ensure "no net loss" and will locally result in a net enhancement of conditions for hen harrier, as well as other S41 priority species. Natural England considers that the management details presented in the Habitat Management Plan (June 2012) are appropriate to meet the ecological requirements of hen harriers.

In terms of potential bird strike Natural England supports the applicant's agreement to micro site turbine 3 by 50 metres as it will further reduce the environmental impact of the development.

RSPB

Based on the updated material set out in the Habitat Management Plan (June 2012) the RSPB consider that the mitigation measures proposed are adequate to reduce impacts on wintering hen harriers. The RSPB also note that Natural England have accepted that this application can be reasonably concluded to have "No Significant Effect" with regards to the Habitats Regulations.

Conditions should be included on any planning permission which require the resiting of turbine T3, the protection of suitable mitigation habitat for roosting and foraging habitat for hen harriers, additional enhancement measures which provide 97 hectares of management, the restriction of construction and routine activities to avoid the period from 01 October and 15 March, further controls of shooting management and monitoring of both the site and the identified mitigation land.

Cumbria County Council Ecologist

The maintenance of the Hen Harrier wintering area is supported by legislation and national policy. Any disturbance to the Hen Harrier Sensitive Area that may lead to loss of this roost complex as a whole is highly significant.

Provision of habitat compensation in the form of replacement land must ensure that the conditions required by the Hen Harrier over the whole roost complex are maintained.

Natural England should be consulted on the application.

Cumbria Wildlife Trust

Concerns that the habitat used by hen harriers will be put beyond their use due to disturbance by the development of turbines on this site, both alone and in combination with other wind developments and land management changes.

Environmental Health Officer

Predicted noise levels from the wind turbines indicate that the standards recommended in the guidance ETSU-R-97 The assessment and Rating of Noise from Wind Farms will be complied with at noise sensitive residential locations. However in order to protect residents conditions should be attached to any planning permission which control noise from the proposed development.

Planning Policy Team

Concern about the likely significant adverse visual impacts that this proposal would bring about. Part of the site is within an area designated as Landscape of County Importance. Policy ENV 6 of the Local Plan states that the Council will seek to protect these designated areas from inappropriate change.

The submitted documents show that the blade tips will be visible from the St Bees Heritage Coast. Policy ENV 8 states that "careful regard shall be had for views from and to the Heritage Coast when considering development proposals within the vicinity. As the turbines will lie in close proximity to the existing wind farm at Fairfield cumulative impacts also need to be carefully considered.

The Cumbria Landscape Character Assessment identifies the site as a mix of Open Moorland and Ridges character type. The landscape is described as large and open, with expansive views out to the Lakeland Fells which provide a dramatic backdrop. The Landscape Character Assessment Guidance states that the siting of large scale wind energy should be avoided in open and prominent areas where it could degrade the open and expansive character.

The land outside the designated landscape of county importance is classed as a Tourism Opportunity Site where larger tourism proposals would be considered. A wind farm in this location would have a detrimental effect on the locations viability for tourism.

Historic Environment Officer

The site has some archaeological potential. Aerial photographs show that prehistoric, Roman, medieval and post medieval archaeological remains relating to agricultural practices and domestic scale industries survive in the immediate vicinity of the site. Therefore an archaeological evaluation and where necessary, a scheme of archaeological recording of the site should be undertaken before development. This can be adequately covered by a condition.

Lake District National Park Authority

There is a case to say that the quality of views from and of the National Park would be adversely affected at some scale. However when considered in the context of our Vision for the National Park, statutory purposes, national policy context and targets relating to renewable energy generation, and when balanced against the projected long term landscape and environment benefits of a lower carbon landscape we do not wish to object to the application.

CPRE (Friends of the Lake District)

The turbines will be sited upon a prominent ridge, which is designated as a County Landscape. This designation recognises the inherent landscape value of this area. The submitted ZVI diagrams illustrate that the turbines will be clearly visible across the great majority of the local landscape within a 6 km radius. Between 2.4 and 6 kms the Cumbria Wind Energy SPD states that turbines will be a prominent key element of the landscape. This area encompasses a large number of settlements and consequently a large number of local people will be affected. Given the relative value of the ridge in landscape terms the visual impact of the turbines locally will be significant.

The turbines will also have an adverse impact on the Lake District National Park as they will be clearly visible from the Ennerdale Fells. The potential cumulative impact of this site and the adjoining Fairfield wind farm will be detrimental to the views from the National Park.

Friends of Rural Cumbria's Environment

After careful consideration of this proposal we are opposed to the scheme. The wind farm, if constructed, would result in unacceptable adverse visual and landscape impacts to a number of settlements, also to parts of the Lake District National Park and to residents, visitors and recreational users throughout the affected area.

We find the benefits of this scheme cannot be considered to outweigh the extensive negative impacts to such highly sensitive landscapes and receptors.

Environment Agency

The developer will need to ensure that adequate pollution control measures are put in place during the construction phase of development. It should also be ensured that any earthworks do not interrupt any shallow groundwater supplies. Therefore the proposed development will only be acceptable if the pollution prevention measures as detailed in the Environmental Statement can be secured by a condition.

The site investigation proposals associated with former coal mine working may reveal unforeseen contamination not identified in the desk study. A condition should be attached to any permission to cover this possibility.

Defence Infrastructure Organisation

No objections. In the interests of air safety the MOD request that the turbines are fitted with aviation lighting. All turbines should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500 ms duration at the highest practicable point.

Highways Officer

The detail shown on the submitted documents is acceptable. It is considered that any outstanding issues could be conditioned.

Ward Councillor

Having attended a number of local meetings at which this proposal has been discussed the overwhelming view of local people is one of opposition to the development. I wish Members of the Planning Panel to be aware of the strength of local feeling.

The most significant issue raised is one of visual impact. The site is open and widely visible from many surrounding areas including the National Park such that it would considerably alter the character of the landscape. This adverse impact would far outweigh any benefits in terms of economics or the environment.

The community is also concerned about the adverse impact on tourism, the impact on local wildlife, the inadequacy of the traffic route for construction vehicles, potential drainage issues and the precedent it would cause for other wind farm developments in the local area. .

OTHER

49 individual letters of objection have been received. The concerns raised are as follows:-

- Adverse landscape and visual impact which would be accentuated by the location of the turbines on a very prominent ridge
- The proximity to other wind farms will result in an adverse cumulative impact in an area which is overrun with wind energy developments already
- The turbines will have an adverse impact on the outlook and amenity of the area
- Adverse impact on residential amenity in terms of noise and shadow flicker
- Devaluation of property
- The visual representations submitted by the applicant are very misleading
- Adverse impact on the Lake District National Park
- Adverse impact on wildlife, in particular the protected bird population, bats and red squirrels. The mitigation measures in terms of habitat enhancement for birds is insufficient
- Adverse impact on walkers and recreation in an area which is open access land
- Negative impacts on tourism and the local economy
- The employment generation is minimal
- The turbines are not an efficient or effective way of generating energy, especially as they don't work when it is not windy and the energy involved in constructing the wind farm is not taken into account when considering the overall benefit
- The benefits do not outweigh the harm, especially when the Lavender test is applied in that the landscape is more important than the renewable targets
- The construction phase may result in pollution to watercourse
- The connection to the grid is uncertain

606 proforma letters have been received which object to the proposal. They raise concerns regarding the adverse visual impacts on the valley, impacts on the wider environment and the damaging impact on the tourist community within the western Lakes.

12 individual letters of support have been received from local companies and organisations including the Lakes College, Thomas Armstrong Ltd West Lakes Engineering and Regen NE Copeland. They stress the economic benefits of the proposal, in particular the boost it would give to the local construction industry. It would also provide benefits in terms of a local apprenticeship scheme which would help to provide opportunities for the training in the green energy industry. It would also enhance the clean, green sustainable image of West Cumbria and be consistent with the "Energy Coast" banner.

PLANNING POLICY

The following documents and guidance are considered relevant and material to the assessment of this application:-

National Planning Policy Framework

The National Planning Policy Framework (NPPF), which came into effect (March 2012), sets out the Government's new planning policies and how these are to be applied. It introduces a presumption in favour of sustainable development and emphasises that the purpose of the planning system is to contribute to the achievement of this.

The NPPF is ground breaking in that it revokes the majority of the current Planning Policy Statements / National Documents including PPS 22 'Renewable Energy'. Though it should be noted that the Companion Guide to PPS 22 is still in force and is relevant in so far that it advises how to evaluate renewable energy applications in order to arrive at an objective view and that landscape and visual effects should be assessed on a case by case basis.

One of the core planning principles established by the NPPF is to encourage multiple benefits from the use of land (paragraph 17).

The NPPF also seeks to minimise impacts on biodiversity and geodiversity. It states that planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.

The NPPF constitutes guidance for local planning authorities and in respect of development control is a material consideration in determining planning applications. It does not change the status of the development plan and the planning system remains plan led - requiring that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The need for an up to date development plan is stressed as a basis for decision making however, it does allow full weight to be given to relevant local plan policies adopted since 2004 for a limited period of 12 months from the date of the framework came into effect

even if there is a limited degree of conflict with it. Our Copeland Local Plan 2001-2016, which was adopted in 2006, falls into this category. Post this time period due weight is only to be given to policies according to their degree of consistency with the Framework and the stage of preparation of any emerging plans. In this respect of assessing this application it means that full weight can therefore still be given to Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009).

Renewable Energy

As regards renewable energy developments it states that we should:

- Support the transition to a low carbon future in a changing climate, including encouraging the use of renewable resources by the development for example of renewable energy.
- Contribute to preserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing previously developed 'brown field' land.
- Promote mixed use developments and encourage multiple benefits from its use.
- Conserve heritage assets in a manner appropriate to their significance.
- Actively manage patterns of growth.
- Take account of and support local strategies to improve health, social and cultural well being to meet local needs.

Core Principle 10 of this approach 'Meeting the Challenge of Climate Change, flooding & Coastal Change' recognises that planning can play a key role in

- securing radical reductions in greenhouse emissions.
- supporting the delivery of renewables. (Paragraph 93 refers)

And specifically in determining planning applications (Paragraph 98 refers) we should in particular:

- not require overall need for the energy development to be demonstrated recognising that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions and
- approve the application (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.

Cumbria Wind Energy Supplementary Planning Document (SPD)

The SPD which was adopted in 2008 was developed jointly by the Cumbrian local planning authorities to support policy implementation and provide consistent guidance for wind energy development. It provides locational guidance for wind farm development, acknowledges that Cumbria has a high quality environment and advocates that future decisions are made against a robust assessment of landscape capacity based on landscape character, sensitivity and value.

Copeland Local Plan 2001-2016 (Saved Policies June 2009)

Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) are specifically relevant. The former supports renewable energy developments and sets out the criteria against which all proposals for renewable energy are to be considered. The full Policy is set out below:

Proposals for any form of renewable energy development must satisfy the following criteria:

1. That there would be no significant adverse visual effects.
2. That there would be no significant adverse effects on landscape or townscape character and distinctiveness.
3. That there would be no adverse impact on biodiversity.
4. That proposals would not cause unacceptable harm to features of local, national and international importance for nature or heritage conservation.
5. That measures are taken to mitigate any noise, smell, dust, fumes or other nuisance likely to affect nearby residents or other adjoining land users.
6. That adequate provision can be made for access, parking and any potentially adverse impacts on the highway network.
7. That any waste arising as a result of the development would be minimised and dealt with using a suitable means of disposal.
8. There would be no adverse unacceptable conflict with any existing recreational facilities and their access routes.
9. That they would not give rise to any unacceptable cumulative effects when considered against any previous extant planning approvals for renewable energy development or other existing/ approved utility infrastructure in the vicinity.

Policy EGY 2 refers specifically to wind energy and requires that such proposals meet the criteria set out in EGY 1 above as well as providing for the removal of the turbines when they cease to be operational and site restoration.

Policy ENV 4 of the Local Plan seeks to protect landscape features and habitats. It states that development which may adversely affect habitat will only be permitted if it can be shown that the reasons for the development outweigh the need to retain the feature and that mitigation measures can be provided for which could reinstate and where possible enhance the nature conservation value of the features.

Policy ENV 5 relates specifically to protected species. It states that development which would have an adverse effect upon the conservation interest of any site supporting species protected by law and their habitats will not be permitted. It does indicate that mitigation and compensatory measures will be considered when assessing their impact.

Policy ENV 6 states that “the Council will seek to protect the areas designated as Landscapes of County Importance from inappropriate change.”

Policy ENV 8 requires careful regard is taken for views from and to the Heritage Coast when considering development proposals in the vicinity.

Emerging Local Planning Policies

The current Local Plan will be replaced by a new Local Plan. The Core Strategy and Development Management Policies will form the main part of the new Local Plan. As the consultation period for these two documents ended on 13 July 2012 they carry some weight in the decision making process.

Policy ER 2 of the Core Strategy relates to Planning for the Energy Coast. It states that “the Council will seek to support and facilitate new renewable energy generating at locations which best maximise renewable resources and minimise environmental and amenity impacts. The criteria on renewable energy development/generation are set out in Development Management Policy DM 2. This broadly duplicates the criteria contained in the current Local Plan but adds an additional requirement whereby mitigation measures and significant benefits for the community should be taken into account in considering the balance on renewable energy developments.

ASSESSMENT

It is accepted in this instance from the supporting documentation accompanying the application that it is likely there would be no negative effects of erecting a wind farm in this location in relation to the issues of noise, shadow flicker, transport and access and heritage / archaeology as detailed below:

- 1) Noise: The supporting case contends that any noise arising from the turbine in operation would be below the recommended level and would have no impact on surrounding properties. The Environmental Health Officer has confirmed that noise issues raised by the turbine can be adequately dealt with by the use of appropriately worded conditions attached to any planning permission.

- 2) Shadow Flicker: The accompanying assessment concludes that no additional shadow impacts will affect the nearest residential properties.
- 3) Transport and Access. Access to the site already exists and the Highway Authority raises no objections to the proposal. Whilst construction would increase traffic movements to the site this would only be temporary and can be controlled through a construction method statement and a traffic management plan.
- 4) Heritage and Archaeology. There are no conservation areas, ancient monuments or listed buildings likely to be affected in the vicinity. The County Councils Historic Environment Officer has recommended a condition which requires an archaeological investigation and recording programme to be undertaken before development commences.

The main issues raised by this application relate to the landscape, visual and cumulative effects of the proposal and also the potential impacts on that the turbines may have on protected species. These need to be balanced against the benefits of the proposal.

Landscape, Visual and Cumulative Impacts

The Council has commissioned a Landscape Consultant to review the submitted documentation and to undertake an assessment of the likely landscape and visual effects of the proposed wind farm in this location.

The report concludes that the proposed wind farm would result in locally significant and adverse effects both upon landscape character and upon views. The effects upon character would be concentrated in the area immediately east and south east of the site. Visual effects would be more evenly distributed around the vicinity of the site up to approximately 2.5-3 km but the presence of the turbines would be more marked to the east and south east where large structures are absent.

Significant visual effects would also be experienced from more distant viewpoints in the Lake District, most notably Flat Fell, where views are more sensitive. However the change in views from these viewpoints would not be large in magnitude and would not prejudice either the statutory purposes for the special qualities of the National Park.

The Cumbria Wind Energy SPD identifies the landscape capacity of the area including the proposed development site as generally being suitable for a small group of 3-5 turbines, but does not rule out larger scale development. The proposed turbines added to the existing turbines at Fairfield farm would result in 11 turbines being present. The Fairfield turbines are located on the western side of the ridge and as such are well screened from the east.

They conclude based on their site analysis and the visualisations included in the submitted documents that the presence of turbines at Weddicar Rigg would not exceed the capacity of the landscape to accommodate wind turbines. The location of the turbines at the southern edge of the ridge and therefore close to the existing developed coastal belt strengthens their relationship with this area where wind turbines are commonplace. Any future additional development on the ridge would, however, be likely to exceed capacity due to the increased visibility of the turbines and their increased intrusion upon the undeveloped rural area to the east.

The effects of the proposed development must be considered in relation to the importance and quality of the receiving landscape and its surrounding context. Whilst a local landscape designation is present the site has been identified in the Cumbria wind energy SPD as lying within an area with some capacity for wind energy development. Additionally, local level designations cannot be used as reasons for refusal in their own right.

Localised landscape and visual effects that are significantly adverse are typical in any proposal for wind energy development. Whilst there is a fine balance between acceptable and unacceptable effects they conclude that they do not consider that the proposed development at Weddicar Rigg would tip this balance towards unacceptability. However any potential future development along the ridge to north and east of Weddicar Rigg site is likely to exceed the capacity of the landscape in this area to accommodate wind turbines and therefore result in materially significant adverse effects.

Impacts on Protected Species

This site lies within the hen harrier bird sensitivity area as defined by the RSPB. The site is located close to an area used by wintering hen harriers and there is potential for disturbance of this species. Hen harrier numbers within Britain are small and this species are listed on Annexe 1 of the EC Birds Directive which affords them a high level of protection.

Both the RSPB and Natural England initially raised concerns about this proposal. However following detailed discussions between the applicants, the Council, Natural England and the RSPB a package of mitigation and enhancement measures have been put forward. This has led to the submission of a revised Habitat Management Plan which includes the following:-

- The area of mitigation land has been increased from 116 hectares to 138 hectares
- It is now proposed to provide 96 hectares of enhancement land
- Controls will be introduced for the management of shooting on the land
- A series of land management prescriptions are proposed which will benefit a range of species in addition to hen harriers

- It is proposed to form a management committee which would include representatives from Natural England and the RSPB to oversee and review the aims and objectives of the Habitat Management plan
- The applicants have put forward a commitment to 25 years of management funded privately from the revenue of the wind farm. At present the publicly funded agric-environmental schemes in the area are only guaranteed funding up to 2018.

These additional measures will enhance the conservation area status of the hen harriers in the vicinity of the development and amount to the provision of an additional 97 hectares of habitat. Natural England are highly supportive of this approach and welcomes these proposals which it considers to be in excess of those necessary to simply ensure no net loss. It will result locally in a net enhancement of conditions for hen harriers as well as other priority species.

The mitigation and enhancement measures proposed can be secured by appropriately worded conditions.

In considering the effects of the proposal the current planning policies require the benefits that will result from the scheme to be balanced against any impacts.

Benefits

In addition to the benefits of producing renewable energy and the offset of carbon emissions the applicant has put forward a package of benefits which would be secured through a Section 106 Agreement if planning permission is granted for the proposal. These constitute a community fund, a fuel poverty scheme and an apprenticeship scheme.

Community Fund

This fund would be based on 1.5% of the gross electrical value generated by the wind farm each year being deposited into a designated fund. The applicant has guaranteed a minimum value of £30,000 per annum based on £2,500 for each MW of installed capacity (12 MW at 2 MW per turbine). This fund would be kept and managed by the Cumbria Community Foundation.

Fuel Poverty Scheme

The applicant would donate a sum of £50,000 to create a warm zone charity in the district which would be able to access central Government funding to reduce energy costs for local residential properties.

Apprenticeship Scheme

The applicant has agreed to donate £50,000 in funds to support the Lakes College and partners in delivering 15 apprenticeship places for residents within the district with priority given to those people who live nearest to the site. The apprenticeships will be focused on renewable developments and the funding for this scheme will be released prior to the commencement of development on the site.

Economic Factors

The applicant estimates that contracts will be available to local companies in the order of £3.5 million as a result of the development. Direct employment on the site during the construction phase will be between 25 and 30 jobs.

CONCLUSION

The NPPF introduces a presumption in favour of such sustainable development and it emphasises support for the delivery of renewable energy providing that the impacts of such schemes are or can be made acceptable. This balance is an integral part of the existing renewable energy policies of the Copeland Local Plan.

Whilst it is acknowledged that there will be locally significant impacts on the landscape character and views these effects will be limited to the immediate vicinity of the site.

The proposed mitigation and enhancement proposals put forward are acceptable and will ensure that this development will not adversely impact on the protected hen harriers in the locality.

The benefits offered by the scheme are considered to be significant factors which outweigh the adverse landscape and visual impacts of the proposal in this case.

Recommendation:-

Approve (commence within 5 years)

Conditions

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below; the details set out in the submitted application dated September 2011 and in accordance with the following conditions which shall at all times take precedence :

Documents

Planning Application and Environmental Statement Dated September 2011 Volume 1 of 3

Planning Application and Environmental Statement Dated September 2011 Volume 2 of 3

Planning Application and Environmental Statement Dated September 2011 Volume 3 of 3

Weddicar Rigg Wind Farm – Habitat Management Plan – Dated June 2012

Drawings

Planning Application Drawing 01

Planning Application Drawing 02

Planning Application Drawing 03

Location Plan

Application Boundary and Existing

Features

Site layout

Planning Application Drawing 04	Indicative Site Compound
Planning Application Drawing 05	Details of a Typical Wind Monitoring Mast
Planning Application Drawing 06	Structure of a Typical Wind Turbine
Planning Application Drawing 07	Detail of Indicative Turbine Foundation and Crane Pad
Planning Application Drawing 08	Site Access
Planning Application Drawing 09	Site Tracks Indicative Cross Sections
Planning Application Drawing 10	Indicative details of Sub Station.

Reason

For the avoidance of doubt and to ensure that the development is carried out fully in accordance with the approved plans and to conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The generation of electricity from the development shall cease no later than 25 years after the first generation of electricity from the development to the electricity grid (excluding generation to the grid required for testing during commissioning of the consented wind farm), after which time the site shall be restored in accordance with the approved Decommissioning and Site Restoration Scheme.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment

4. The wind farm operator shall, within one month of the first generation of electricity from the development to the electricity grid (excluding generation to the grid required for testing during commissioning of the consented wind farm), notify the Local Planning Authority in writing of the date on which the first commercial generation of electricity occurred.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment

5. No later than 3 years before the expiry of the planning permission hereby granted, a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the methods and measures and timetable to secure the removal of the turbines, the turbine bases to one metre below ground level and all other elements of the development and related restoration site measures. The scheme shall be implemented as approved.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment and to accord with the Development Plan Policy.

6. If any wind turbine fails to produce electricity to the grid for a continuous period of 6 months, the wind turbine, the wind turbine base to one metre below ground level, and its associated ancillary equipment shall be removed from the site within a period of 3 months from the end of that 6 month period unless otherwise agreed in writing by the Local Planning Authority and in accordance with a scheme to be submitted in writing to and approved by the Local Planning Authority. The scheme, which will be implemented as approved, shall be submitted for the approval of a Local Planning Authority immediately following the expiry of the 6 month period provided in this condition and shall include site restoration measures.

Reason

To ensure that, on decommissioning, the site is reinstated in order to protect the environment, to accord with Development Plan Policy.

7. Notwithstanding details hereby approved, the wind turbines and their associated access tracks and transformers shall be sited within 25m (50m in the case of turbine T3) of the positions indicated on Planning Application Drawing 03 entitled 'site layout plan' in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority. The final scheme of siting will be considered by the Local Planning Authority in conjunction with consultees including Natural England and the RSPB.

Reason

To provide scope for micro siting whilst ensuring the development does not differ materially from the submitted proposal.

8. No development shall take place until details of the design and external appearance of the wind monitoring mast and the blade configuration, direction of rotation, colour and surface finishes of the wind turbines, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Notwithstanding the details to be submitted, the overall height (AGL) of the wind monitoring mast shall not exceed 70 metres and the wind turbines shall not exceed 115 metres to the tip of the blades when in the vertical position.

Reason

To ensure the external appearance and the operation of the wind turbines are acceptable, in the interests of the visual amenities of the locality.

9. The maximum height of the turbines hereby permitted shall not exceed 115 metres above ground level when a blade is in the vertical position.

Reason

To ensure the external appearance and the operation of the wind turbines are acceptable, in the interests of the visual amenities of the locality.

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Statement, unless otherwise agreed in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:
- a. Details of the programme and phasing of construction works, and the construction and surface treatment of all hard surfaces and tracks including passing spaces (such surfaces shall thereafter be retained)
 - b. Details of the proposed temporary site compounds for storage of materials and machinery (including areas designated for car parking)
 - c. Siting and details of wheel washing facilities
 - d. Details of the phasing of works and methods of working for cable trenches and foundation works
 - e. Details of the phasing of works and construction of the substation/control buildings and anemometry mast
 - f. Dust management

- g. Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of materials on the highway
- h. Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal
- i. A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development
- j. Disposal of surplus materials
- k. Post construction restoration/reinstatement of the temporary working areas, including seed mixture
- l. The external appearance and materials to be used in the site substation
- m. Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise)
- n. Any temporary site illumination.
- o. The external treatment of the sub-station building and compound, fencing of these facilities, its access from the public highway and its landscaping, including a timetable for implementation.
- p. Post construction / decommissioning restoration of the land within the disturbed former working areas, including seed mixture.

Reason

To retain control over the construction and decommissioning phases of the development, in the interests of visual amenity, the environment and the amenities of occupants of nearby property.

11. The temporary site construction compound as depicted on Planning Application Drawing 03 "Site Layout" will be removed and the ground reinstated in accordance with detailed agreed in advance with the Local Planning Authority within 3 months of the completion of construction of the wind turbines hereby permitted.

Reason

To retain control over the construction and decommissioning phases of the development, in the interests of visual amenity, the environment and the amenities of occupants of nearby property.

12. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include but not be restricted to detailing the following;

- Site information
- Programming
- Traffic disruption, speed control, road works co-ordination
- Temporary widening, running surfaces, narrow lanes, visibility
- All statutory utility services that may need protecting or diverting
- Temporary safety barriers and safety zones
- Routes for emergency vehicles, diverted vehicles, diverted pedestrians
- Abnormal Load Movements
- Vehicle recovery and incident management
- Temporary Traffic Regulation Order's, signing, lighting, vehicle waiting areas
- Detailed layout of the Traffic Management scheme
- Consultation
- Operational hours

Throughout the construction phase, the Construction Traffic Management Plan shall be implemented in accordance with the approved details, and any changes to the plan shall only be permitted by prior written consent from the Local Planning Authority.

Reason

In the interests of highway safety and free flow of traffic on the Highway Network. To support Local Transport Plan Policies LD7,LD8.

13. Notwithstanding details hereby approved, prior to commencement of the development, a 'dry run' for transporting the abnormal loads to the site shall be carried out ensuring that the load accurately represents the maximum width, length and height of the turbine components. The Local Planning Authority shall be informed in writing of timing of the dry run a minimum of 2 weeks prior to its operation. A written statement of the findings of the dry run shall be submitted in writing to the Local Planning Authority prior to any commencement of development on site.

Reason

In order to address any unforeseen impacts of transporting the Abnormal Loads to site. To support Local Transport Plan Policies LD7 and LD8.

14. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority in consultation with the Highway Authority.

Reason

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

15. Notwithstanding details hereby approved and prior to commencement of the development on site, details of measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason

In order to ensure site debris does not affect highway safety. To support Local Transport Plan Policies LD7 and LD8.

16. No development shall take place until details of measures to be taken to protect public rights of way within the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented and maintained.

Reason

In order to protect the public rights of way network and users of it, in the interests of highway safety.

17. The hours of onsite work during the construction and decommissioning phases of the development and any lorry or heavy transport movements to or from the site associated with the construction of the development shall be limited to 0700 to 1900 hours on Mondays to Fridays and 0800 to 1400 hours on Saturdays other than as allowed for elsewhere in this permission. No work shall take place outside these days and hours. (For the avoidance of doubt no onsite work shall take place at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority).

Reason

In order to protect the amenities of the occupiers of nearby property.

18. Notwithstanding the provisions of condition 14 above, delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours written prior notice of such traffic movements being given to the Local Planning Authority.

Reason

To enable turbine and crane components to be delivered at times appropriate to minimise impacts on the local and strategic highway networks, in the interests of highway safety and the free flow of traffic.

19. Site clearance and construction must not begin between 31st August and 31st March.

Reason

To conserve protected species and their habitats

20. Construction work carried out between 31st August and 31st March must be restricted to between 1 hour after sunrise and 90 minutes before sunset. There should be no external works undertaken beyond these times. Lighting of the working areas outside working hours should be switched off.

Reason

To conserve protected species and their habitats

21. Site clearance and the preparation of working areas should be timed such that as many young ground nesting birds as possible have fledged and are independent of nest sites. In the event that site clearance need to start between 1st April and 1st July, such works will be agreed in advance with the local planning authority in consultation with Natural England.

Reason

To conserve protected species and their habitats

22. Prior to site clearance, surveys to establish the locations of nests or general areas where nests are located should be carried out by a suitably qualified ornithologist. Where nests cannot be avoided, exclusion zones around them should be set up or site clearance should be undertaken elsewhere until the birds have fledged and the nests have been abandoned.

Reason

To conserve protected species and their habitats

23. Prior to the site compound being constructed on site, a plan to a scale of 1:500 shall be submitted to the Local Planning Authority showing its location and layout, indicating the location of the buildings, car parking, and boundary fencing. Thereafter any temporary site compound at the site shall be constructed in accordance with the approved plans. Unless otherwise agreed in writing with the Local Planning Authority, the compound and all associated features shall be removed from the site and the land reinstated to its former profile and condition no later than 9 months after the date when electricity is first exported from the wind turbines to

the electricity grid network as notified to the local planning authority in accordance with condition 4.

Reason

In order to adequately control the appearance of the development and its impact on the character and appearance of the surrounding environment

24. The control building and its associated compound shall be constructed in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the siting, dimensions, appearance and external finishes of the building, any fencing and the surface material of the compound area. The development shall be carried out in accordance with the approved details.

Reason

In order to adequately control the appearance of the development.

25. All electrical cabling between the individual turbines and the on-site control building shall be located underground in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Thereafter the excavated ground shall be reinstated to its former condition within 6 months of the commissioning of the wind turbines to the satisfaction of the Local Planning Authority

Reason

In order to limit the impact of the development on the character and appearance of the surrounding landscape

26. Prior to the erection of any turbine hereby approved, details of a scheme for the detection of blade icing and mitigation of its impacts shall be submitted to and approved in writing by the Local Planning Authority. The procedures, measures and use of equipment set out in the approved scheme shall be operated at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason

In order to take into account the position of the turbines in respect to the public rights of way and the operation of surrounding land and the need to maintain public safety in accordance with the guidance contained within PPS22.

27. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment.

28. Save as may be agreed in writing with the Local Planning Authority no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The written scheme to include the following elements :

- an archaeological evaluation;
- an archaeological recording programme the scope of which will be dependant upon the results of the evaluation and;
- Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report, and publication of the results in a suitable journal.

Reason

In order to protect and/or record any unforeseen features of archaeological interest uncovered during the carrying out of the works

29. The proposed development will be undertaken in full accordance with the Weddicar Rigg Wind Farm Habitat Management Plan – Dated June 2012 or such other Habitat Management Plan as may have been agreed in writing in advance with the Local Planning Authority. One month prior to the commencement of the development hereby approved the operator shall notify the Local Planning Authority and Natural England of the implementation of the provisions of the approved Habitat Management Plan. Thereafter, the content of the Management Plan will be implemented for the duration of the consented wind farm development.

Reason

To protect and enhance the habitats of protected species.

30. Generation of electricity from the development to the electricity grid shall not commence until a scheme for the avoidance of any shadow flicker effect for dwellings within 10 rotor diameters of any turbine in the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved.

Reason

In order to protect residential amenity.

31. The blades of the wind turbines hereby permitted shall at all times rotate in the same direction.

Reason

In the interests of visual amenity.

32. No development shall take place until a scheme designed to safeguard existing television reception quality arising from the operation of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall, in particular, provide for a base line survey of residential properties that might be affected, and a protocol for dealing with any complaints arising from the operation of any of the wind turbines made within 12 months of the first generation

of electricity to the electricity grid and for the identification and implementation of necessary mitigation measures, or remedial action, to be undertaken in accordance with details and a timetable previously submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the living conditions of occupiers of nearby property.

33. Prior to the construction of the turbines on the site a scheme which illustrates the aviation lighting that is to be fitted to each individual turbine shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be fitted to each turbine prior to its first operation and shall be maintained as such at all times thereafter.

Reason

For the avoidance of doubt and in the interests of aviation safety.

34. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in the tables attached to these conditions and:
1. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority
 2. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Council to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out the conditions described in Guidance Note 2(b) and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. The wind farm operator shall provide the information relevant to

the complaint logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).

3. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Local Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The representative background noise environment and proposed noise limits shall be submitted for approval in writing by the Local Planning Authority. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
4. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
5. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
6. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days

of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.

7. The wind farm operator shall continuously log power production and nacelle orientation at each wind turbine and rainfall, wind speed and wind direction at the permanent meteorological mast all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 12 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class C3 and C4 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent

Table 1 - Between 07:00 and 23:00 - Noise level dB L_{A90}, 10-minute

Location	Wind speed measured at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Moresby Parks	36	35	35	35	35	35	37	39	41	44	47	50
Sandsclose	45	45	45	45	45	45	45	45	45	45	46	46
Croft End Farm	35	35	35	35	35	35	35	37	39	41	43	45
Acrewalls	45	45	45	45	45	45	45	45	45	46	49	52
Routon Syke	35	35	35	35	35	35	36	39	42	46	51	54
Crofts	35	35	35	35	35	35	35	37	39	41	44	46
Low Tutehill	35	35	35	35	35	35	35	36	38	41	43	47

Table 2 - Between 23:00 and 07:00 - Noise level dB L_{A90}, 10-minute

Location	Wind speed measured at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Moresby Parks	43	43	43	43	43	43	43	43	43	43	43	45
Sandsclose	45	45	45	45	45	45	45	45	45	45	45	45
Croft End Farm	43	43	43	43	43	43	43	43	43	43	43	43
Acrewalls	45	45	45	45	45	45	45	45	45	45	49	52
Routon Syke	43	43	43	43	43	43	43	43	43	46	49	51
Crofts	43	43	43	43	43	43	43	43	43	43	43	44
Low Tutehill	43	43	43	43	43	43	43	43	43	43	43	43

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Moresby Parks	300069	519348
Sandsclose	301190	519127
Croft End Farm	301921	517925
Acrewalls	302522	518524
Routon Syke	303263	519072
Crofts	303638	520004
Low Tutehill	302976	520690

Note to Table 3: The geographical coordinates references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reason

For the avoidance of doubt and to protect the amenities of the occupiers of nearby residential properties.

INFORMATIVE 1

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

- Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of

the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

- The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

☐ The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

☐ To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log rainfall data and wind speed at 10m height in metres per second in each successive 10-minute periods. The wind farm operator shall continuously log arithmetic mean nacelle orientation and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the site. The 10 metre height wind speed data shall be correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

☐ Data provided to the Local Planning Authority in accordance with paragraphs (B), (E), (F), and (G) of the noise condition shall be provided in comma separated values in electronic format.

- ⑦ A data logging tipping bucket rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10 minute periods in accordance with the protocol detailed in Note 1(d).

Note 2

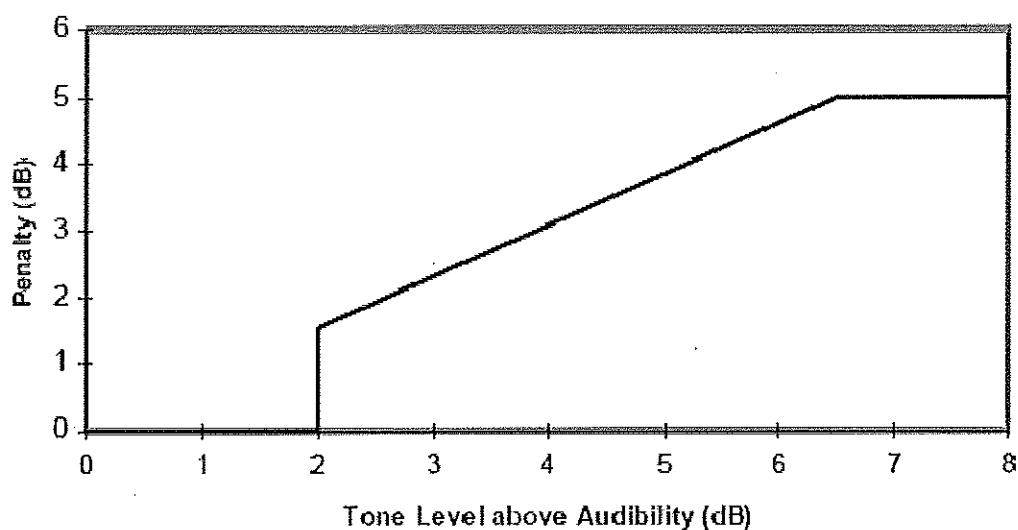
- i. The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- ii. Valid data points are those measured during the conditions specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f). These specified conditions shall include the range of wind speeds, wind directions, times of day and meteorological conditions and power generation. In specifying such conditions the local planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- iii. Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Note 3

- (a) Where, in the opinion of the Local Planning Authority as advised to the wind farm operator in its written request under paragraph (B) of the noise conditions, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-

minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written request under paragraph (B) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (C) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
 1. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (B) of the noise condition.
 2. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log [10^{L_2/10} - 10^{L_3/10}]$$

3. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.
4. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.

INFORMATIVE 2

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
<<http://www.groundstability.com>/>

Reason for Decision

The benefits of the proposed wind farm are considered to outweigh the adverse impacts on the landscape character and views which will be limited to the immediate vicinity. The proposed mitigation and enhancement measures proposed will ensure that this development will not adversely impact on the protected species within the locality. On this basis the proposal is considered to be in accordance with Policies EGY 1, EGY 2, ENV 4 and ENV 5 of the adopted Copeland Local Plan 2001-2016, Policy ER2 and Policy DM 2 of the Core Strategy and Development Management Policies DPD (May 2012) and the provisions of the National Planning Policy Framework (March 2012).

ITEM NO: 2.

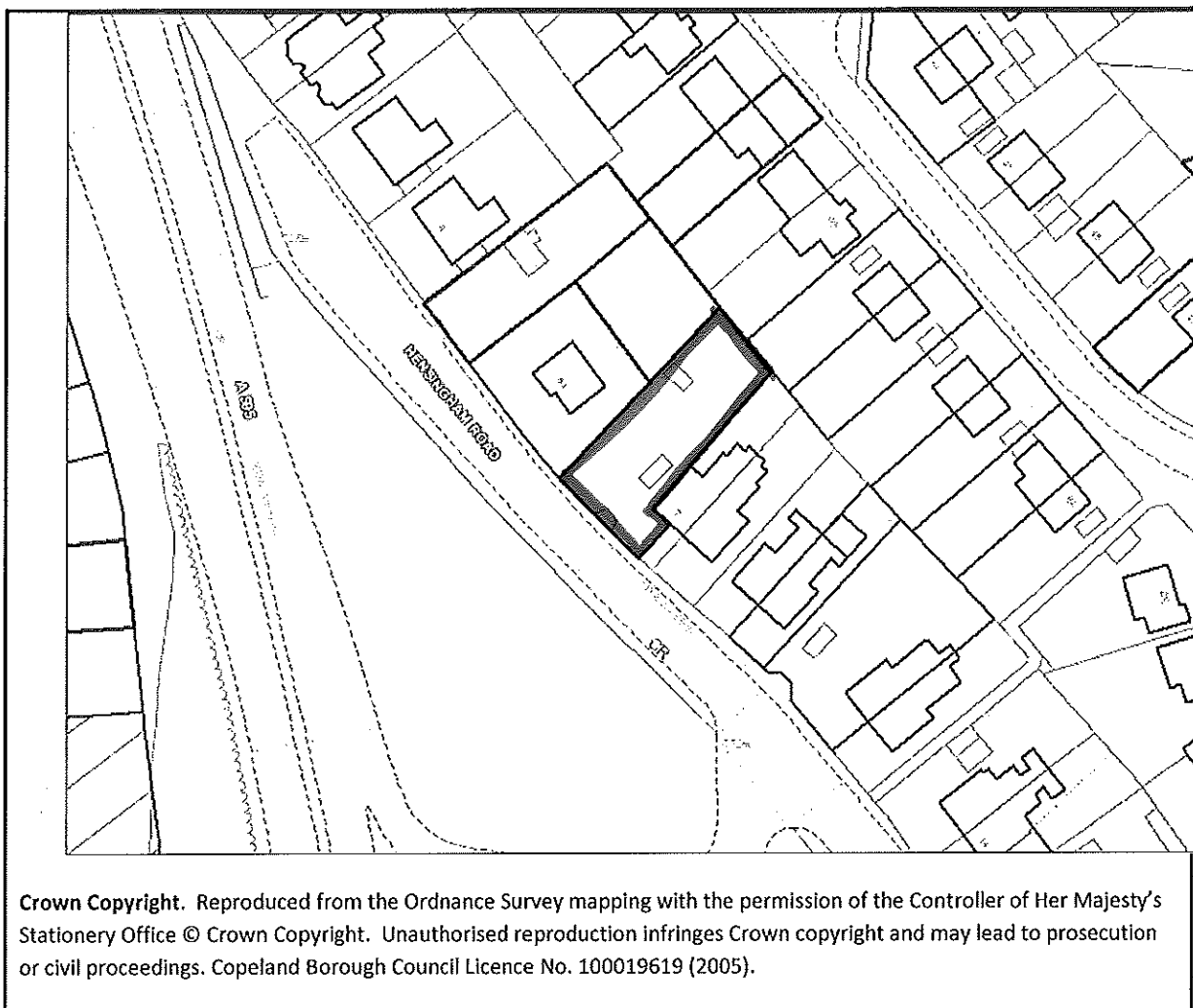


To: PLANNING PANEL

Development Control Section

Date of Meeting: 12/09/2012

Application Number:	4/12/2359/OF1
Application Type:	Full : CBC
Applicant:	Mr K A Young & Ms A Birkett
Application Address:	LAND ADJACENT TO 7 HENSINGHAM ROAD, WHITEHAVEN
Proposal	DETACHED DWELLING WITH INTEGRAL GARAGE (RESUBMISSION)
Parish:	Whitehaven
Recommendation Summary:	Approve (commence within 3 years)



INTRODUCTION

This application relates to an elongated area of land which lies adjacent No 7 Hensingham Road. The site is currently in use as garden land associated with the main property and slopes towards Hensingham Road.

Members deferred this application at the last meeting in order to visit the site. The site visit is scheduled to take place on the day of the meeting.

PROPOSAL

This application seeks planning permission for the erection of a detached dwelling on the land. The dwelling is to be sited on the western portion of the plot and will front onto Hensingham Road. It has been sited to follow the existing frontage of development in this locality.

The building has been designed as a split level house to take account of the slope across the site. Two floors of habitable accommodation are to be created with the upper floor being accommodated within the roof space. This will restrict the ridge height and ensure that it is only marginally higher than the adjoining dwelling to the north west.

A garage is to be incorporated within the undercroft of the building and this will be accessed directly off Hensingham Road using the existing driveway and entrance. A parking and turning area is to be created in front of the dwelling to enable vehicles to leave and enter the site in a forward direction.

The land is to be sub divided to ensure that an area of garden land is allocated to both the proposed dwelling and the applicants existing dwelling. The plot will be 13 metres wide and 40 metres long.

It is also proposed to create two parking spaces on the land in front of the adjoining property to compensate for the loss of the parking spaces which will result from the development of this garden land.

CONSULTATION RESPONSES

Highways Control Officer

No objections from a Highways point of view subject to a condition which requires a drainage scheme to be implemented which prevents surface water discharging onto or off the highway.

Other

Two letters of objection have been received from local residents which raise the following concerns:-

- The proposed dwelling would be out of keeping and detrimental to the character and appearance of the area
- The dwelling will be detrimental to residential amenity due to its scale and proximity to the boundary with the adjoining property. This will produce an overbearing development.
- The development will have an adverse impact on two existing side windows in the gable of the adjoining house which will result in loss of light and outlook for the occupiers of this property
- Any works next to the boundary will undermine the adjoining property
- The drainage network is already at capacity and any new dwelling will add to this problem
- This development will add to the existing problem of surface water accumulating on the adjoining highway
- An additional dwelling will add to the existing traffic congestion on Hensingham Road which results from Sellafeld workers using it as a parking area to facilitate lift sharing

One of the residents has requested that Members undertake a site visit before determining the application.

PLANNING POLICY

The Governments Planning Policies are set out in the National Planning Policy Framework (NPPF) which was introduced in March 2012.

The NPPF clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development. One of the key components of securing sustainable development is the provision of a wide choice of high quality homes which reflect the local housing needs. Good design is also strongly advocated.

The NPPF confirms that development should be approved that accords with the development plan.

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development. Policy DEV 2 designates Whitehaven as being the key service centre where development should be focussed. Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 sets a preference for the development of brown field sites within the development boundary.

Policy DEV 6 of the Local Plan encourages sustainable design.

Policy HSG 4 permits housing redevelopment within settlement boundaries. Policy HSG 8 sets out the design standards that apply to new housing developments including minimum separation distances and the provision of adequate car parking.

ASSESSMENT

Although garden areas are now classed as greenfield land the site is located within the designated development boundary for Whitehaven. On this basis the principle of erecting a dwelling on the site is considered to be a sustainable form of development which would be consistent with the provisions of both the NPPF and the adopted Copeland Local Plan.

The key issue raised by this application is whether the erection of a dwelling within this garden area would have an adverse effect on the character and appearance of the area or the living conditions of nearby neighbours.

The site represents an infill plot on an otherwise built up frontage. Other similar infill development has taken place along Hensingham Road in recent past. As the site is not overly prominent in the street scene its development is not likely to have a significant impact on the character or appearance of the area.

The site is adjoined on its northern side by an existing detached dwelling which lies in close proximity to the northern boundary of the site. This dwelling has two window openings on its side gable elevation overlooking the site.

Although the concerns of the occupiers of this property with regards to loss of light and outlook are noted both of the rooms which have windows on the gable elevation are also served by other windows on either the front and rear elevations of the dwelling.

The proposed dwelling will be set back from the shared boundary by 2 metres and has been designed with a lower gable to the front of the proposed dwelling. The main ridge is also set back into the site which will help to reduce the bulk of the building adjacent to the first floor bedroom window.

On this basis there are not considered to be any valid grounds to oppose the erection of the proposed dwelling on the site.

Members visit to the site will have helped in their assessment of the relationship between the site and the adjoining property.

Recommendation:-

Approve

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environment management.

3. Prior to the occupation of the dwelling hereby approved the two off road parking spaces to serve Number 7 Hensingham Road shall be constructed in accordance with the details illustrated on the plan, drawing number 12/02/752 – 04a received by the Local Planning Authority on 19 July 2012. The approved parking spaces shall be maintained at all times thereafter.

Reason

For the avoidance of doubt and in the interests of highway safety.

INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
<<http://www.groundstability.com>/>

Reason for Decision

An acceptable form of residential development which would not have a detrimental impact on the character or appearance of the locality or the amenities of the occupiers of the adjoining property in accordance with Policies DEV 2, DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016

ITEM NO: 3.

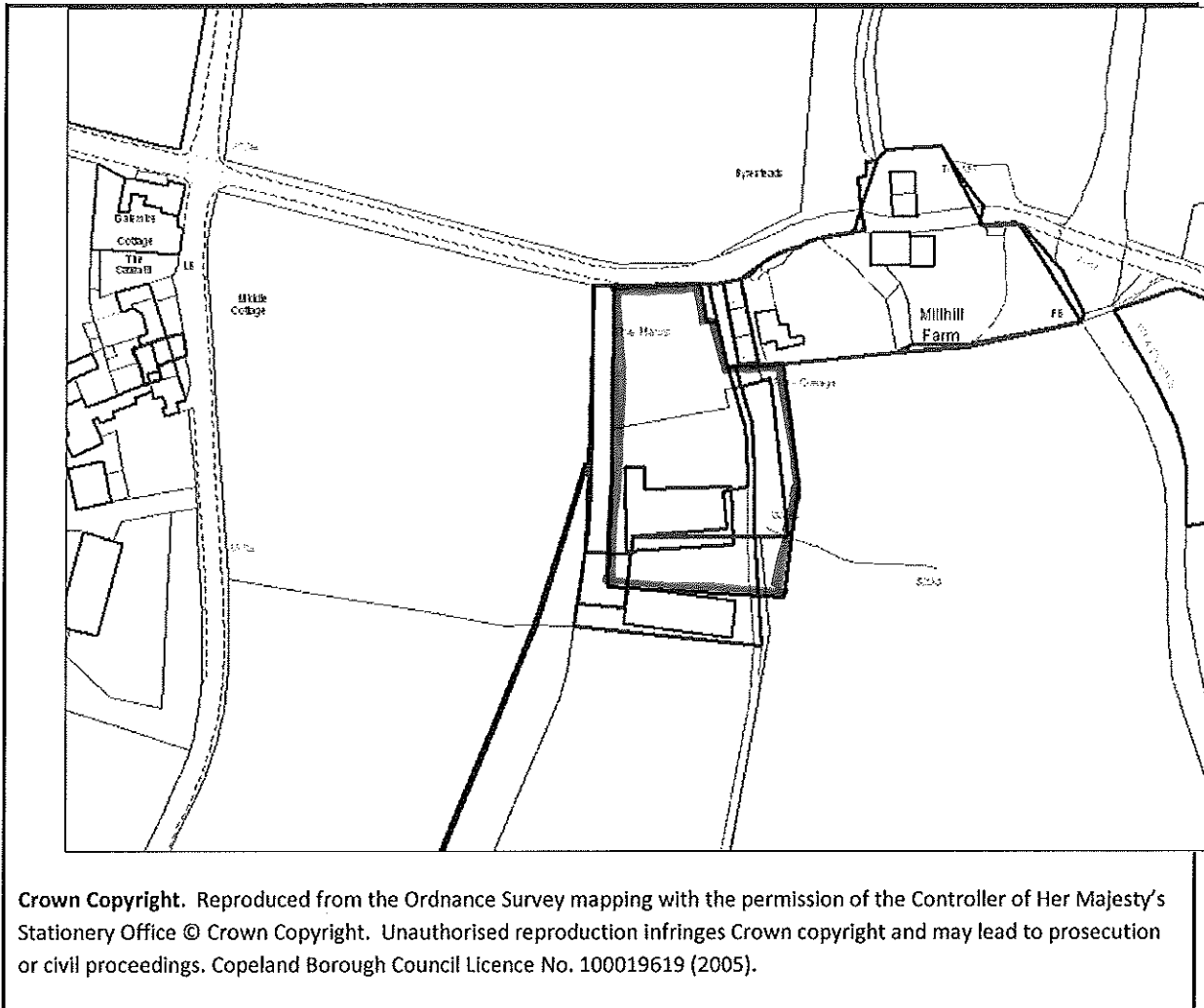


To: PLANNING PANEL

Development Control Section

Date of Meeting: 12/09/2012

Application Number:	4/12/2368/OF1
Application Type:	Full : CBC
Applicant:	Jackson Timber Limited
Application Address:	LAND AT MILL HILL FARM, KEEKLE, CLEATOR MOOR
Proposal	EXECUTIVE HOUSING DEVELOPMENT TO PROVIDE 9 NO. UNITS, ASSOCIATED SITE WORKS INCLUDING PARKING & LANDSCAPING
Parish:	Weddicar
Recommendation Summary:	Refuse



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INTRODUCTION

This application relates to an open area of land which lies adjacent to the collection of buildings associated with the former Mill Hill Farm. The building group lies in open countryside some 500 metres to the east of Summergrove.

Planning permission was granted for the conversion of the existing buildings to form two residential units and seven self catering holiday units and also for the erection of a large equestrian building on the site in 2007 under reference 4/07/2497/OF1.

PROPOSAL

Planning permission is now sought for the erection of 9 detached dwellings on the land to the west of the existing building group.

The dwellings are large in scale and are designed to provide executive housing. Two of the units will be 5 bed roomed and the other seven are 3/4 bed units. All of the dwellings are to have individual private garden areas together with on site car parking. The dwellings are to be arranged around a central estate road which is to be accessed off the minor road which serves the existing building group.

The proposed buildings are to be constructed to a high quality and will be clad externally with a combination of stone walls, roughcast render and timber cladding. The roofs will be covered in natural slate. They are to be two storeys in height to reflect the scale of the existing building group.

The dwellings have been designed to ensure that the main living quarters are at first floor level. Glazed screens have been included at first floor level leading out onto individual terraces so that the units can take advantage of the extensive views of the surrounding countryside. These screens will also offer the potential for a high level of passive solar gain. High levels of thermal insulation have also been incorporated into the design to make the units efficient.

The applicant's agent has submitted a statement which sets out a justification for the development. The main points raised are summarised below:-

- The proposal will help to address the very high demand for letting accommodation for the business market, especially executive accommodation, which is not being provided elsewhere. This need is highlighted in the Councils Strategic Housing Market Assessment (SHMA) which identifies an unsatisfied demand for larger houses in the north of the Borough.
- The site is unprotected and is located on the urban fringe of Cleator Moor in close proximity to the existing employment premises at Westlakes. On this basis it constitutes a sustainable form of development
- The Council cannot comply with the National Planning Policy framework (NPPF) as its Local Plan will cease to exist in March 2013 and there is uncertainty about the outcome of the LDF. It will not have an allocations document in place when the Local Plan ceases to exist. On that basis it cannot provide a 5 year land supply for housing as required by the NPPF.
- The development would be consistent with Government policy in respect of meeting housing need, economic growth and sustainable development which should take precedence over an outdated Local Plan

CONSULTATION RESPONSES

Weddicar Parish Council

Object to the proposal on the basis that the development is on a greenfield site which would be contrary to Local Plan policies, is served by a poor access and would create increased traffic on the minor roads within the locality.

Highways Officer

Due to the nature of the development I would require a footpath to be provided to link to the existing footpath. The applicant should also provide a financial contribution towards junction improvements at the Galemire cross roads.

Historic Environment Officer

No objections

Environment Agency

In terms of contamination planning permission should only be granted on the basis that conditions are attached to any permission which require a site investigation, a risk assessment and any remediation that may be required as a result of the investigation.

The site lies within flood zone 1. As it is less than 1 hectare in size a flood risk assessment to address surface water management is not required in this instance.

Flood and Coastal Defence Engineer

A small section of the site is susceptible to surface water flooding. The development is likely to have an impact on water movement in the area and further investigations are required. These should take place before development commences and should be conditioned.

There may be land drains running through the site which would need to be dealt with as part of the development.

Planning Policy Team

Sustainability is the main driver behind both the Local Plan DEV policies and Core Strategy policy ST2 where the Council is seeking to restrict new development to the Service Centres within the borough and avoid isolated developments in the open countryside. The NPPF (Paragraph 95) also promotes this approach stating that in order 'to support the move to a low carbon future, local planning authorities should plan for new development *in locations* and ways which reduce greenhouse gas emissions.

The NPPF (Paragraph 111) advises that 'Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.' Core Strategy policy SS2 states that the Council is 'seeking to achieve 50% of new housing in previously developed 'brownfield' sites' and therefore the preference would be for this development to take place on a previously developed site and at any event, one within existing urban areas.

The applicant refers to the presumption in favour of sustainable development, the 'golden thread' that runs through the NPPF. The Council believes that sustainable development is that which meets the needs of the local community and, importantly, takes place in a sustainable location i.e. close to public transport and the necessary services and facilities. In short the Council wants to see housing provided within the settlement boundaries of Key and Local Service Centres and particularly as part of a move to achieve housing market renewal objectives. The Planning Policy team does not believe that this development needs to be provided in this location. Whilst there is an established need for a wide variety of housing types in North Copeland, there is more than enough land with planning permission or allocated within the settlement boundaries of the Service Centres to provide for development needs. This includes the recently approved development at Mill Hill which will accommodate a range of housing markets including the "top end". The Council is currently finalising the Copeland Strategic Housing Land Availability Assessment and the findings of this work support this opinion.

OTHER

9 individual letters of objection and several petitions containing a total of 224 signatures have been received in opposition to this proposal. The main points raised are as follows:-

- The existing road network is poor and heavily used. It cannot accommodate any additional traffic.
- The existing cross road junction is dangerous and any increased use of it will cause a safety hazard. An independent traffic survey has been compiled which shows that 600 cars passed the junction in a 2 hour period.
- The proposal will not bring any benefits to local residents, especially in terms of providing affordable housing
- There is no demand for new housing and there is currently a number of executive style housing available for sale within the locality
- The proposal will involve development on a greenfield site in open countryside which is contrary to current planning policies

- There are other suitable sites available in more sustainable locations which could accommodate executive housing
- This development will set a precedent for other development on greenfield land within the locality
- This site is not sustainable as it is not served by public transport and therefore will rely on the use of the motor vehicle
- There is a history of previous planning refusals for residential development in the locality
- Development of the site will have an adverse impact on the residential amenity of existing properties in terms of noise, light pollution and traffic movements
- The dwellings are excessive in height
- Potential adverse impact on local wildlife within the locality
- Concerns about the capacity of the existing drainage network and the potential for any run off water to enter into the River Keele.

PLANNING POLICY

National Planning Policies

The Governments Planning Policies are set out in the National Planning Policy Framework (NPPF) which was introduced in March 2012.

The NPPF clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development. One of the key components of securing sustainable development is the provision of a wide choice of high quality homes which reflect the local housing needs. Good design is also strongly advocated.

Paragraph 54 of the NPPF sets out that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

Paragraph 55 advocates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

It advises Local Planning Authorities to avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

The NPPF confirms that development should be approved that accords with the development plan.

Local Planning Policies

The adopted Copeland Local Plan 2001-2016 seeks to achieve sustainable forms of development. Policies DEV 2 and DEV 3 designate the key and local service centres where development should be focussed. Policy DEV 4 of the adopted Copeland Local Plan 2001-2016 sets a preference for the development of brown field sites within the development boundary.

Policy DEV 5 relates to development in the open countryside and seeks to protect the character of the wider countryside outside designated key and local centres. New residential development is only permitted in such locations as an exception to meet essential agricultural, forestry or other rural business development or to meet local housing needs.

Policy DEV 6 encourages sustainable design.

Policy HSG 5 only permits housing outside settlement to meet exceptional circumstances arising from local social and economic conditions. Where these criteria are fulfilled then development should meet the sequential test with the preference for brownfield rather than greenfield land.

Emerging Local Planning Policies

The current Local Plan will be replaced by a new Local Plan. The Core Strategy and Development Management Policies will form the main part of the new Local Plan. As the consultation period for these two documents ended on 13 July 2012 they carry some weight in the decision making process.

Policy ST 1 of the Core strategy sets out the fundamental principles that will achieve sustainable development. Among other things it seeks to ensure that development creates a residential offer which meets the needs and aspirations of the Boroughs housing markets and focuses development on previously developed land away from greenfield sites.

Policy ST2 sets a spatial development strategy whereby development should be guided to the principle settlement and other centres and sustain rural services and facilities.

It advocates that development should be restricted outside defined settlement boundaries to that which has a proven requirement for such a location. In terms of housing it only permits housing that meets proven specific and local needs.

Policy SS1 seeks to improve the housing offer across the Borough.

Policy SS2 seeks to achieve sustainable housing growth by focussing new housing development within accessible locations to meet the needs of the community.

Policy SS3 seeks to secure a balance mix of housing that meets identified needs. Although the need for a supply of executive houses is noted this policy seeks to focus this type of development in Whitehaven and its fringes and also the other main towns.

It also states that a rural exception policy will be adopted in rural areas outside key and local centres to provide affordable housing that meets identified local need.

The Strategic Housing Market Assessment (2011) forms part of the evidence base for the new Local Plan. It highlights a general lack of choice with the current housing stock and need for family homes and for housing to accommodate the ageing population. It identifies a need for a greater supply of good quality medium density housing as well as modern executive housing.

Other Material Considerations

The Ministerial statement "Planning for Growth" is a material consideration. It sets out a strong presumption in favour of sustainable development and advocates a positive approach to development. When deciding whether to grant planning permission it encourages Local Planning Authorities to support enterprise and facilitate housing, economic and other forms of sustainable development.

Britain's Energy Coast Master plan acknowledges the shortage of large family homes within the Borough. It advocates enabling new aspirational and executive homes to be built as part of improving the overall housing offer. In particular it identifies areas of search around Egremont and Cleator Moor which have good transport connections and access to existing services as potential sites to provide executive type developments.

The Master plan forms part of the evidence base for the LDF.

ASSESSMENT

The key aim of the NPPF is to achieve sustainable forms of development. The adopted Copeland Local Plan and the emerging policies of the LDF reflect this strategy and seek to focus new development in the major settlements and protect the open countryside. The emphasis is also on developing brownfield rather than greenfield land.

This application relates to an area of greenfield land which lies in the open countryside outside any settlement recognised within the Local Plan as being suitable for new residential development. On this basis this application falls to be determined against Policies DEV 5 and HSG 5 of the adopted Local Plan and Policies ST2, SS2 and SS3 of the emerging Local Plan. All of these policies only permit new residential development in the open countryside under exceptional circumstances.

Although the justification put forward by the applicant's agent is noted this does not constitute exceptional circumstances which would warrant the approval of unrestricted residential development outside any recognised settlement boundary. This development would take place on a greenfield site in an unsustainable location which is not served by public transport or near to the necessary services and facilities. It is not essential that this development is provided in this location. Although it is acknowledged that there is an established need for a wide variety of housing types in North Copeland, there is considered to be sufficient land with planning permission or allocated within the settlement boundaries of the Service Centres to provide for development needs. This includes the recently approved development at Hope Dene on the western edge of Cleator Moor which will accommodate a range of housing markets including large scale "executive style" units. The findings of the Copeland Strategic Housing Land Availability Assessment which is currently being finalised support this opinion.

In conclusion this is considered to be an unsustainable form of development which cannot be justified on exceptional grounds and is therefore recommended for refusal.

Recommendation:-

Refuse

Reason for Decision

The creation of unrestricted housing on a greenfield site in open countryside would represent an unsustainable form of development which would be contrary to Policies DEV 5, DEV 6 and HSG 5 of the adopted Copeland Local Plan 2001-2016 and Policies ST2, SS2 and SS3 of the Copeland Local Development Framework Core Strategy (May 2012). The Local Planning Authority does not consider that there are any exceptional circumstances in this case which would outweigh the policy objections to this proposal.

ITEM NO: 4.

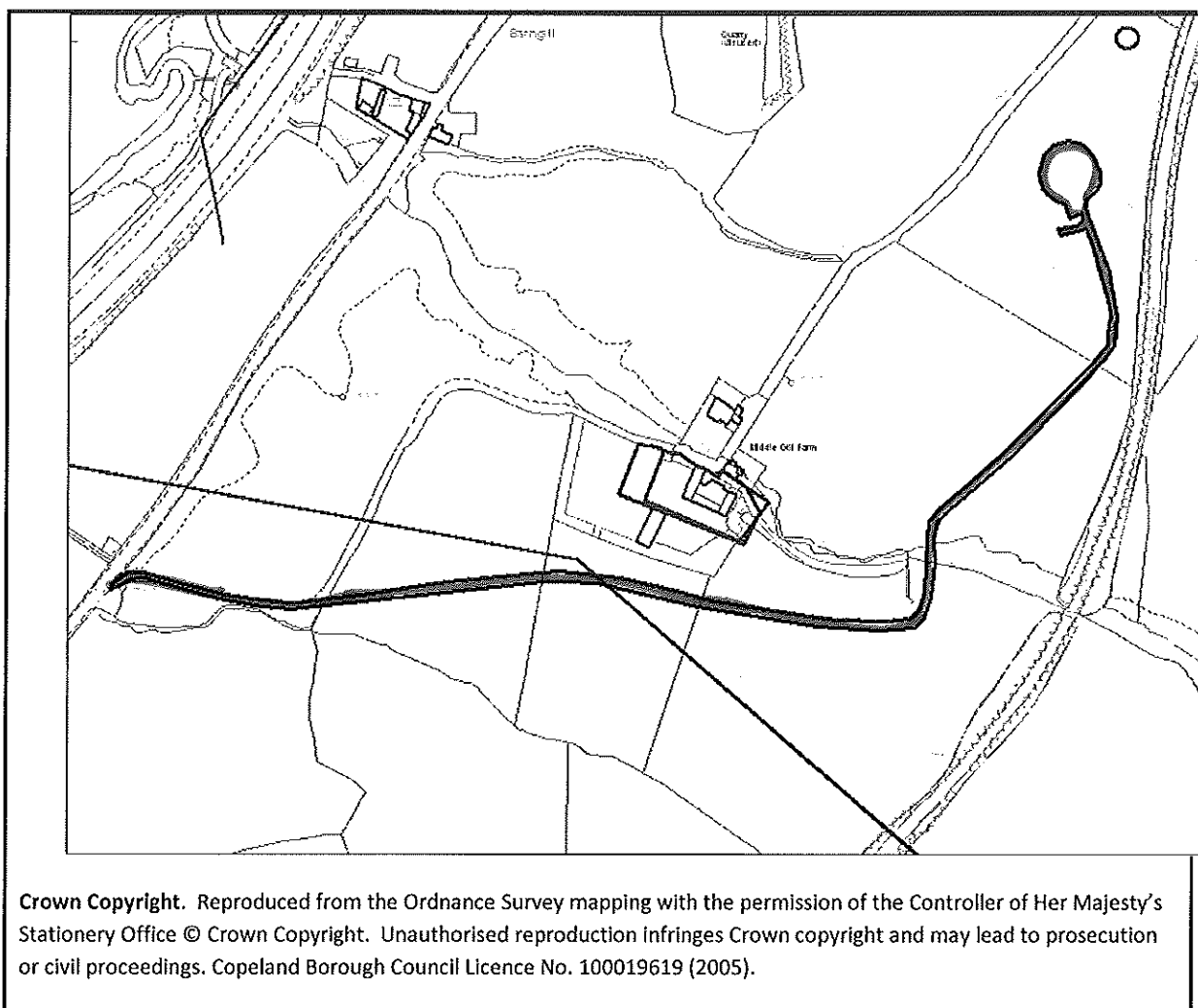


To: PLANNING PANEL

Development Control Section

Date of Meeting: 12/09/2012

Application Number:	4/12/2397/OF1
Application Type:	Full : CBC
Applicant:	Empirica Investments Limited
Application Address:	LAND TO NORTH EAST OF MIDDLE GILL FARM, HOWGATE, WHITEHAVEN
Proposal	ERECTION OF SINGLE 67M WIND TURBINE
Parish:	Moresby, Distington
Recommendation Summary:	Site Visit



INTRODUCTION

This application relates to an open area of agricultural land which lies in an elevated position approximately 1.5 km to the south west of Distington and approximately 1.2 km to the north of Low Moresby. The land is associated with Middlegill Farm.

PROPOSAL

Planning permission is sought for the erection of a single wind turbine which is to be sited approximately 400 metres to the north of the existing farm buildings. The turbine will have a hub height of 45 metres and a total height to blade tip of 67 metres. The transformer will be housed within a small external kiosk at the base of the tower.

Access is to be achieved off an existing farm track which joins onto the B5306 to the south west of the site boundary. A section of new access track is to be built to the east of the farm complex in order to bypass the existing building group and also to avoid a number of tight bends on the farm track which would hinder the delivery of the turbine and associated equipment to the site. A crane pad is proposed at the base of the turbine to facilitate the erection of the turbine.

The turbine will be connected to the local grid using underground cables.

The application is accompanied by the following:-

- A site location plan
- An elevation plan
- A design and access statement
- A planning statement
- A landscape and visual impact assessment including photomontages
- A noise impact assessment
- A shadow flicker assessment
- An ecological scoping assessment
- A site access statement
- Coal mining risk assessment

As this application relates to a prominent site within open countryside it is recommended that Members take the opportunity to visit the site to fully appraise all of the material planning considerations before determining the application.

Recommendation:-

Site Visit

ITEM NO: 5.

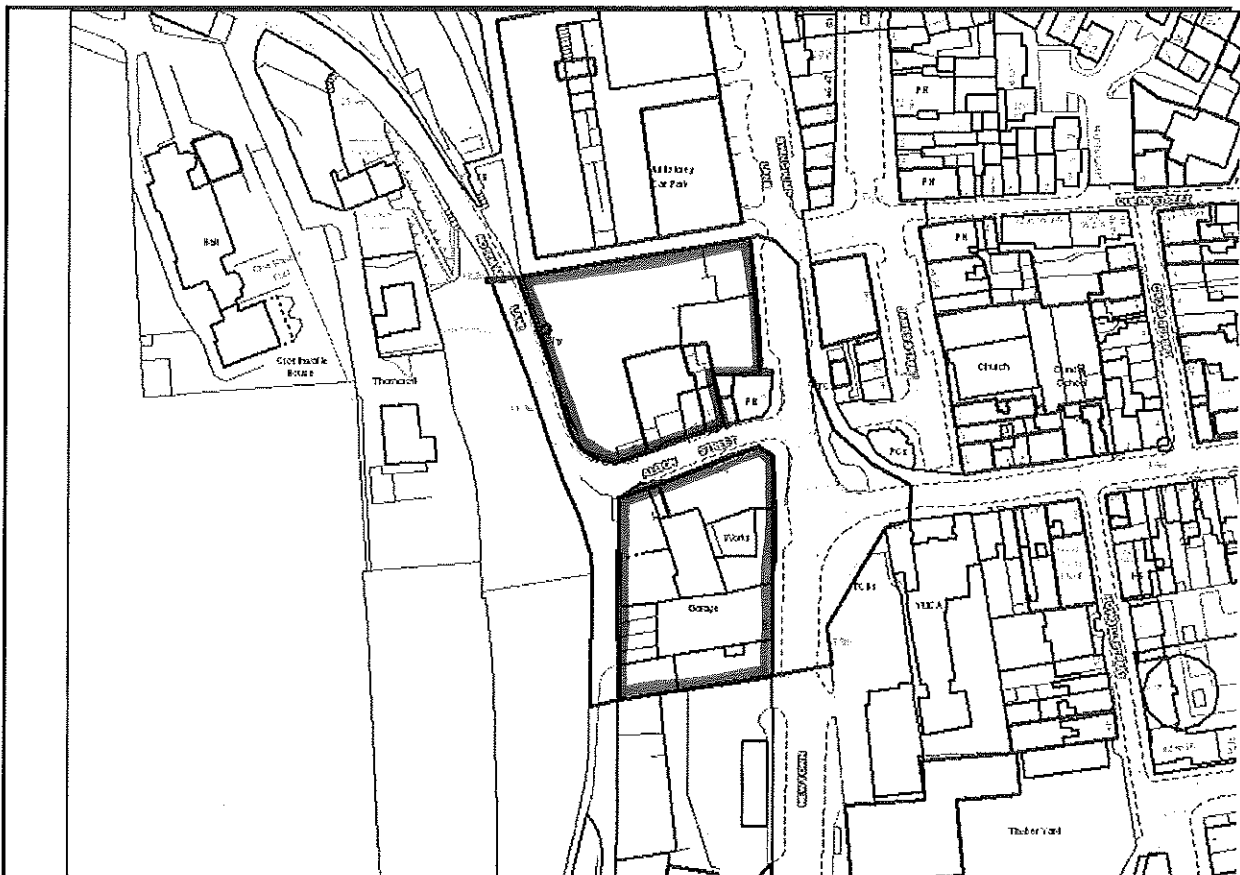


To: PLANNING PANEL

Development Control Section

Date of Meeting: 12/09/2012

Application Number:	4/12/2407/OF1
Application Type:	Full : CBC
Applicant:	NDA Properties Ltd
Application Address:	LAND TO NORTH & SOUTH OF ALBION STREET, WHITEHAVEN
Proposal	NEW OFFICE ACCOMMODATION OF 3 & 4 STOREYS WITH ASSOCIATED ACCESS WORKS, DISABLED PARKING PROVISION, LANDSCAPING & SERVICING
Parish:	Whitehaven
Recommendation Summary:	Site Visit



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INTRODUCTION

This application relates to two areas of land which front onto Swing Pump Lane and are separated by Albion Street. The two sites lie within the Conservation Area and are designated in the adopted Copeland Local Plan as a Development Opportunity Site.

A planning application for the redevelopment of the site to provide office accommodation was submitted by the Council in 2010 under reference 4/10/2130/OF1. Although this permission was granted it could only be implemented by the Council as it was listed as the applicant.

A subsequent application for Conservation Area Consent was granted for the demolition of the majority of the buildings on the site in 2012 under reference 4/12/2067/OC1. These works are currently underway. The only buildings which are to be retained are the existing public house which lies adjacent to the junction of Albion Street and Swing Pump Lane and a tall historic chimney which fronts onto Rosemary Lane.

PROPOSAL

This application seeks planning permission for the erection of two new buildings on the site to provide office accommodation. The buildings are to extend up to a maximum height of four stories and have been designed with a gabled frontage onto Swing Pump Lane. A key feature of the two buildings is their sustainable design with the overall aim being to achieve an “excellent rating” under the BRE Environmental and Sustainability standard.

The scheme also includes the creation of a landscaped space between the two office blocks on Albion Street which will provide the main entrance points into the buildings.

The application is accompanied by the following information:-

- Planning Statement
- Design and Access Statement
- Travel Plan
- Transport Assessment
- Ground Investigation Report
- Remediation and Mitigation Strategy
- Flood Risk Assessment
- Drainage Statement
- Sustainability Report
- Wildlife Habitat Survey for Bats and Nesting Birds

The application is presently the subject of extensive consultation.

As this proposal represents a major proposal within the Conservation Area Members are recommended to carry out a site visit before the application is formally considered.

Recommendation:-

Site Visit

Date
From 07/08/2012Date
To 01/09/2012[View Report](#)

1

of 3



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List of Delegated Decisions

Selection Criteria:

From Date: 07/08/2012**To Date:** 01/09/2012**Printed Date:** Monday, September 03, 2012**Printed Time:** 9:02 AM

664

Application Number	4/12/2306/0F1
Applicant	Mrs G M Fry
Location	HIGH WALTON COTTAGE, EGREMONT
Proposal	REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 4/06/2848 (CONVERSION OF CANINE TREATMENT CENTRE TO HOLIDAY COTTAGE)
Decision	Approve
Decision Date	9 August 2012
Dispatch Date	9 August 2012
Parish	St. Bees

Application Number	4/12/2308/0F1
Applicant	Sellafield Limited
Location	SELLAFIELD, SEASCALE
Proposal	ERECTION OF NEW FENCE, STERILE ZONE AND PATROL TRACK (AREA B)
Decision	Approve
Decision Date	7 August 2012
Dispatch Date	7 August 2012
Parish	Beckermest with Thornhill

Application Number	4/12/2309/0F1
Applicant	Sellafield Limited
Location	SELLAFIELD, SEASCALE
Proposal	ERECTION OF NEW FENCE & STERILE ZONE (AREA A)
Decision	Approve
Decision Date	7 August 2012
Dispatch Date	7 August 2012
Parish	Beckermest with Thornhill

Application Number	4/12/2313/0F1
Applicant	Mr R Gould
Location	KIRKLAND CHAPEL, KIRKLAND, FRIZINGTON
Proposal	AMENDMENT OF CONDITION 3 (BOUNDARY TREATMENTS) OF PLANNING PERMISSION 4/07/2514/0
Decision	Approve
Decision Date	9 August 2012
Dispatch Date	9 August 2012
Parish	Lamplugh

Application Number	4/12/2314/0F1
Applicant	Sellafield Limited
Location	SELLAFIELD, SEASCALE
Proposal	ERECTION OF NEW FENCE, STERILE ZONE & PATROL TRACK (AREA C)
Decision	Approve
Decision Date	15 August 2012
Dispatch Date	15 August 2012
Parish	Beckermest with Thornhill

Application Number	4/12/2316/0F1
Applicant	Mr and Mrs B Hinde
Location	BREWERS ARMS, OLD ARROWTHWAITE, KELLS, WHITEHAVEN
Proposal	CONVERSION FROM PUBLIC HOUSE AND OWNERS ACCOMODATION INTO TWO DWELLINGS.
Decision	Approve (commence within 3 years)
Decision Date	10 August 2012
Dispatch Date	10 August 2012
Parish	Whitehaven

Application Number	4/12/2319/TPO
Applicant	Nuclear Decommissioning Authority
Location	SELLAFIELD, SEASCALE
Proposal	APPLICATION FOR HEDGEROW REMOVAL NOTICE FOR INFRASTRUCTURE ENHANCEMENT
Decision	TREE PRESERVATION APPROVE
Decision Date	16 August 2012
Dispatch Date	16 August 2012
Parish	Beckermeth with Thornhill

Application Number	4/12/2323/0F1
Applicant	Mr S Laughlin
Location	GARAGE SITE (ADJACENT TO BRAMALEA) DENT ROAD, THORNHILL, EGREMONT
Proposal	REMOVAL OF DERELICT GARAGE & REPLACEMENT WITH CONCRETE SECTIONAL GARAGE
Decision	Approve (commence within 3 years)
Decision Date	10 August 2012
Dispatch Date	10 August 2012
Parish	Beckermeth with Thornhill

Application Number	4/12/2325/0F1
Applicant	Mr S McLaughlin
Location	76 HIGH ROAD, KELLS, WHITEHAVEN
Proposal	CONSERVATORY TO FRONT OF PROPERTY
Decision	Approve (commence within 3 years)
Decision Date	10 August 2012
Dispatch Date	10 August 2012
Parish	Whitehaven

Application Number	4/12/2336/0F1
Applicant	Mr and Mrs A Sharp
Location	PART FIELD 0264, NORTH EAST OF BRAYSTONES, BECKERMET
Proposal	ERECTION OF NEW FARMHOUSE
Decision	Approve (commence within 3 years)
Decision Date	28 August 2012
Dispatch Date	28 August 2012
Parish	Lowside Quarter

Application Number	4/12/2358/0N1
Applicant	Mr A Beattie
Location	FARMLAND ADJACENT TO B5345, NORTH OF ST BEES SCHOOL, ST BEES
Proposal	NOTICE OF INTENTION FOR GENERAL PURPOSE PORTAL FRAMED AGRICULTURAL BUILDING
Decision	Approve Notice of Intention
Decision Date	17 August 2012
Dispatch Date	17 August 2012
Parish	St. Bees
