

Park House Farm Wind Farm, Lowca, Whitehaven,
Cumbria

A108663

Planning Statement

On behalf of

Cannock Wind Farm Services Limited

March 2020

Document control

Document:	Planning Statement
Project:	Park House Farm Wind Farm, Lowca, Whitehaven, Cumbria
Client:	Cannock Wind Farm Services Ltd
Job Number:	A108663
File Origin:	X:\Job Files - Manchester\Cumbria Windfarms\A108663 - Lowca\Lowca\Fresh Planning Application documents

Revision:	Version 1	
Date:	25th February 2020	
Prepared by: Graham Hale	Checked in part by: Peter Shannon	Approved By:
Description of revision:		

Revision:	Version 2	
Date:	5 th March 2020	
Prepared by: Graham Hale	Checked by:	Approved By:
Description of revision: Amendments following QA of Version 1		

Revision:	Version 3	
Date:	13 th March 2020	
Prepared by: Graham Hale	Checked by: Adrian French	Approved By:
Description of revision: Addition of the findings of the HRA, Bird and Bat Survey reports plus Landscape and Visual Appraisal.		

Revision:	Version 4	
Date:	16 th March 2020	
Prepared by: Graham Hale	Checked by:	Approved By:
Description of revision: Amendments following QA of version 3.		

Planning Statement – Park House Farm Wind Farm, Lowca, Whitehaven



Revision:	FINAL		
Date:	19 th March 2020		
Prepared by: Graham Hale	Checked by:	Approved By: Adrian French	
Description of revision: Final approved version following review by client.			



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1.0 Introduction

- 1.1.1 This Planning Statement provides an explanation and justification for an application under Section 73 (S.73) of the Town and Country Planning Act 1990 (as amended) to vary planning condition No. 2 of the existing planning permission allowed on appeal under application reference 4/98/0486/0. This S.73 application is intended to enable an extension of the operational life of the existing Park House Farm Wind Farm beyond the current time limit imposed by condition No.2 for a further ten years until the end of March 2030.
- 1.1.2 This Statement provides a comprehensive summary of all the relevant key land-use planning information about the proposed extension to the lifespan of the site and assesses it in relation to relevant planning history, guidance contained in national planning policy, adopted local planning policy and other material planning considerations.
- 1.1.3 This proposal has been subject to pre-application discussions with Copeland Borough Council. Correspondence took place between WYG and Nick Hayhurst (Planning Development Manager) in Copeland Borough Council's Development Management Team to discuss the proposed renewal of permission on the 17th June 2019 and has been followed up with a subsequent meeting on the 5th November 2019 as well as email exchanges with Christopher Harrison (Principal Planning Officer) also in the Development Management Team. A summary of the discussions is provided in Section 4.0 below.
- 1.1.4 In addition to this Planning Statement and the planning application form, technical studies and surveys have been carried out for the site and are summarised in Section 9.0. These technical surveys have also informed the planning appraisal in Section 10.0. The technical surveys cover the following areas:
- i. Landscape and Visual Appraisal;
 - ii. Extended Phase 1 Ecological Appraisal (including Bat and Bird Surveys); and
 - iii. A report to inform Habitats Regulation Assessment Screening.
- 1.1.5 The planning application also includes the original historic documents associated with the previous application 4/98/0486/0:
- i. Environmental Statement; and
 - ii. Approved As Proposed Plans/Details.

2.0 Site and Surrounding Area

- 2.1.1 The application site is located in fields of improved grassland, semi-improved marshy grassland, rough pasture and gorse scrub, which lie between 30-40m high sea cliffs at Lowca and the restored former open cast coal mining site to the east. The latter now form regular grazing fields.
- 2.1.2 The site is accessed via a vehicular track to the north east of the main group of wind turbines on to Lowca Top Road (C4001), which also serves access to Park House Farm. This provides a link to the A595 via the A597 to the north. The West Cumbria Coastal Railway forms the western boundary of the site separating it from coastal habitats and the Solway Firth. The route of the England Coast Path runs through the southern part of the wind farm along the route of a former mineral railway.
- 2.1.3 The village of Lowca is the closest settlement and lies approximately 1km to the south of the existing wind farm site. Distington is approximately 2km due east, and High Harrington and Harrington are approximately 1.8km north. Whitehaven is approximately 4.5km to the south and Workington approximately 4km to the north of the existing wind farm site. Since construction of the wind farm in 1999 / 2000, the new A595 dual carriageway has been constructed, which provides a further physical separation between the application site and Distington to the east.
- 2.1.4 There are a number of isolated dwellings situated near to the existing wind farm site. Fox Pit House, just the other side of Fox Pit Gill, lies approximately 430m to the north of turbine 1. Micklam Farm lies 540m to the closest turbine. Park House Farm is approximately 500m due east from turbine 1.
- 2.1.5 The Lake District National Park boundary is approximately 11.5km to the east of the application site. The St Bees Heritage Coast is approximately 8km to the south. Both are nationally designated landscapes. The Cumbria Coastal Way and the Cumbria Cycle Way pass through Lowca. The application site does not itself lie in any designated landscape.

3.0 Planning History

- 3.1.1 The planning history relating specifically to the application site is limited to the previous wind farm development and is summarised below:

- 4/98/0486/0 – Erection of seven wind turbines, construction of access tracks, switch gear house, monitoring mast and site sign. Park House Farm, Lowca, Whitehaven. Refused 14/10/1998. Appeal allowed 19/03/1999 (appeal reference T/APP/Z0923/A/98/301037/P2).
- 3.1.2 During the appeal stage it was agreed that the then Proposed Development would have no significant adverse impact on nature conservation, nor on land use. It was determined that noise from the turbines could be adequately controlled by the imposition of a suitable planning condition and there were no cultural heritage or archaeological assets on which the Proposed Development would have an effect. Additionally, there were no objections on the basis of electromagnetic interference or shadow flicker.
- 3.1.3 It was also determined, that although the proposed wind turbines might have an effect on the local landscape character and associated views, the area in which the Site is located was considered of low landscape quality and therefore the potential effects were considered minimal. A fuller discussion of the issues raised in the appeal decision are dealt with below in Chapter 8.0 - Other Material Considerations.
- 3.1.4 There are other historic planning applications relating to the adjoining former open cast mining operations to the immediate east of the Park House Farm Wind Farm as follows:
- 4/95/9005/0 – Open cast coal mine. Land between Lowca and Harrington. Deemed approval 29/06/1995.
 - 4/96/9012/0 – Amend condition to extend the hours for transporting minerals off site from 8:00 - 17:00 Monday – Friday, to 7:00 – 19:00 Monday - Friday. Lowca Open Cast Coal Site, Lowca. Approved 05/03/1997.
- 3.1.5 More recently, there are planning permissions relating to a caravan site located due south of the existing Park House Farm Windfarm site as follows:
- 4/06/2013/0 – Change of use to provide holiday park and erection of associated building complex. Land at Micklam, Lowca, Whitehaven. Approved 13/11/2006.
 - 4/18/2476/0B1 – Application under S.73 for the variation of condition 2 (approved plans) of planning permission reference 4/06/2013/0 (holiday park). Approved 03/04/2019.

3.1.6 The combination of these historic planning permissions demonstrate that the site and the surrounding area has been subject to a range of commercial type developments and operations, and therefore the continued operation of the existing Park House Farm Wind Farm for a further temporary period is consistent with the nature and character of historic uses in this location.

4.0 Description of the Life Extension Proposals

4.1.1 As outlined above, the existing Park House Farm Wind Farm was granted planning permission on appeal on the 19th March 1999 (appeal reference T/APP/Z0923/A/98/301037/P2).

4.1.2 The existing wind farm comprises seven Vestas V47 660/200kW turbines (3x bladed) capable of generating up to 4.62 MW, site access track, switchgear house, monitoring mast and site sign. The turbines have a hub height of 40m and a rotor diameter of 47m (blades 23-24m long).

4.1.3 Condition 2 of the appeal decision (Appendix 1) states:

"this permission is for a period not exceeding 20 years from the date that electricity from the development is first connected into the National Grid. Within 12 months of the cessation of electricity generation at the site, (or the expiry of this permission, whichever is sooner) all development shall be removed from the site and the land restored in accordance with a scheme which shall have the prior written approval of the local planning authority"

4.1.4 The turbines were commissioned in March 2000 and the 20 years of operation will expire at the end of March 2020. The proposed application would therefore seek to extend the life of the existing seven Vestas turbines on site for another ten years until the end of March 2030.

4.1.5 Critical to this application is that there would be no change in circumstances in terms of the physical appearance of the existing wind turbines, site arrangements and wind farm operations. There would be no new operational development proposed at the site.

4.1.6 There have also been no known reports of unacceptable impacts arising from the operation of the wind farm throughout its 20-year operational life, and so therefore it is intended that the existing wind farm scheme would continue operating in the same manner as it has done so for the last 20 years, with no known adverse effects.

5.0 Pre-Application Enquiry engagement

5.1 Details of Engagement

- 5.1.1 Pre-application engagement has been carried out with Development Management Planning Officers - Nick Hayhurst (Planning Development Manager) and Christopher Harrison (Principal Planning Officer) - at Copeland Borough Council seeking clarification on the form and content of the proposed S.73 application. In addition, WYG has engaged with natural England through its Discrete Advisory Service.
- 5.1.2 The engagement has involved a mixture of email exchanges and meetings and can be summarised in the table below.
- 5.1.3 Copies of the various correspondence can be provided on request if necessary.

Form of engagement carried out and date	Key Points addressed by Copeland Borough Council
<p>WYG submitted a letter to Copeland Borough Council (Nick Hayhurst (Planning Development Manager) in Copeland Borough Council’s Development Management Team) on the 17th June 2019.</p> <p>This sought to review the options available for the renewal of the permission and the continuation of the operational lifespan at the wind farm via a S.73 Application.</p> <p>Included with the pre-application letter were the relevant historic documents relating to the previous Site Development Proposal (Committee Report); Windcluster Site Layout (Environmental Statement); Site Layout – LOWCA001 1 (Environmental Statement); and a Screen shot from the</p>	<p>A response to WYG’s letter was issued on the 8th August 2019 by Christopher Harrison (Principal Planning Officer) making reference to Local Plan 2013-2028 Policies ER2 and DM2 and paragraphs 154 and 49 of the NPPF for context.</p> <p>The Planning Officer suggested specific engagement with Lowca Parish Council. The Planning Officer suggested the need for a revised/updated Environmental Statement and advised that a request for a Screening Opinion and a Scoping Opinion be submitted.</p> <p>The Planning Officer indicated that whilst application ref. 4/98/0486/0 remains extant, the progression of an application under S.73 is considered a potentially acceptable mechanism to progress the proposals.</p>

<p>Copeland Borough Council online mapping system.</p>	<p>The Planning Officer raised a query relating to the red-line drawing for the site that would form the basis of the S.73 application.</p>
<p>An EIA Screening Request was submitted on 7th October 2019.</p> <p>The EIA Screening Request concluded that given that the development is currently operational, there would be no construction effects.</p> <p>The effects associated with the extension of the life of the wind turbines would represent a continuation of current effects experienced by the existing receptors. However, it was considered that updates to relevant assessments should be undertaken to support the proposed S.73 planning application to determine that there are no significant changes to the baseline.</p> <p>The Screening Request suggested that assessments will be submitted alongside the planning application and will include: Ecology; and, Landscape and Visual Appraisal.</p> <p>A meeting took place between WYG, the applicant and Mr. Harrison of Copeland Borough Council on the 5th November 2019 to discuss the EIA Screening Request.</p> <p>A further letter of clarification from WYG on the 19th November 2019 set out the</p>	<p>On the 10th December 2019, a formal Screening Opinion response was received from Mr. Harrison confirming that the Environmental Statement prepared in support of the original application 4/98/0486/0 could be relied upon and a revised Environmental Statement would not be required for the S.73 application.</p> <p>The Screening Opinion stated:</p> <p><i>"Having had regard to the above sited elements of this development, both singularly and cumulatively, it is the opinion of Copeland Borough Council as Local Planning Authority that the impacts of the development proposed to be submitted as a planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) would not be significant and further environmental information does not need to be added to the original Environmental Statement.</i></p> <p><i>Any impacts arising from the proposed development can be adequately and appropriately assessed via the submission of appropriate information and evidence in support of any planning application under Section 73 of the Town and Country Planning Act 1990 (as amended)."</i></p> <p>The Planning Officer agreed that the submission</p>

<p>legal basis for not requiring Further Environmental Information (i.e. adding to the original Environmental Statement to satisfy the requirements of the 2017 Regulations), taking account of the limited nature of the S.73 application to modify the previous consent and extend the life of the existing windfarm.</p>	<p>of revised ecological information and updated Landscape and Visual Appraisal information in support of the S.73 planning application to enable assessment of the relevant impacts was acceptable.</p>
<p>On the 30th January 2020, WYG carried out further pre-application engagement with Copeland Borough Council to confirm the scope of the supporting information that would be required to underpin the S.73 application, involving the following;</p> <ul style="list-style-type: none"> • Application form and certificate; • Landscape and Visual Appraisal (scope agreed with Copeland Borough Council); • Ecological Appraisal (scope agreed with Copeland Borough Council/Natural England); • Report to Inform Habitats Regulations Assessment Screening; and • Planning Statement. <p>WYG also confirmed that it was not proposing to provide a red line plan as the S.73 application simply seeks a variation of condition to allow a further 10 years of operation and no other changes.</p>	<p>A response from Mr Harrison on the 3rd February 2020 confirmed that Copeland Borough Council agreed with the proposed scope of the application documentation.</p> <p>The Planning Officer also requested the documents should include submission of the original Environmental Statement supplied with application 4/98/0486/0 and the approved as proposed plans/details to assist interested parties in understanding the location and extent of the development to be retained given the lack of a site location plan.</p>
<p>A further letter was submitted by WYG to Mr Harrison on the 21st February 2020 confirming that there is no formal</p>	<p>Mr Harrison confirmed on the 28th February 2020 that he could identify no reason or basis on which to contest the conclusions of the legal</p>

<p>requirement for Pre-application Consultation under paragraph 3 (2) of Part 2 of the Town and Country Planning (Development Management Procedure (England) (Order) 2015 for the purposes of validating the S.73 planning application under S.61W of the Town and Country Planning Act 1990.</p>	<p>opinion appended in the WYG letter dated 21st February 2020.</p>
<p>Separately in October 2019, WYG had engaged with Mr Harrison over the ecology surveys that had been completed/proposed to complete to support the S.73 planning application.</p> <p>WYG also confirmed the habitats that were recorded as part of a Phase 1 Habitat Survey in September 2019, and that a report is to be prepared to inform a Habitats Regulations Assessment (HRA).</p>	<p>Mr Harrison confirmed on the 9th January 2020 that the scope of works were reasonable and appropriate given the nature of the proposed development.</p> <p>Mr Harrison recommended that any justification or reasoning for the scoping out of specific works be explicitly detailed in the submission for the avoidance of doubt.</p> <p>Details of the consultation with Natural England should also be included for completeness.</p>
<p>In February 2020, WYG also engaged with Mr Harrison over the methodology to be used for the Landscape and Visual Appraisal to be submitted with the S.73 planning application, and to agree the study area and the receptor viewpoints marked on a Zone of Theoretical Visibility (ZTV) plan.</p>	<p>Mr Harrison responded on the 28th February 2020 and agreed that the proposed approach had merit in broad terms.</p> <p>The Planning Officer confirmed that they were unaware of any other consented or in planning permission schemes for wind turbine development that would be relevant.</p> <p>The Planning Officer considered there are no further proposed or consented development that should be included within the cumulative study.</p>

<p>On the 5th March 2020, WYG carried out pre-application engagement with Kate Berry at Natural England through its Discrete Advisory Service regarding the preparation of a Habitats Regulations Assessment (HRA) and the potential effects of the existing wind farm on the bird populations, notably black-headed gull, herring gull and curlew.</p>	<p>On the 11th March 2020, Kate Berry at Natural England responded stating:</p> <p><i>“As more than 1% of the current pSPA population of each of these species has been recorded during your VP surveys then, within the Habitats Regulations process, this is a likely significant effect. Therefore, the proposal needs to go to the next stage of the process – the Appropriate Assessment, in order to ascertain if there is an adverse effect on site integrity.</i></p> <p><i>We accept displacement is not likely to be a significant risk at this site for these species as the turbines are set back from the coast and are not located near any key roosts, feeding areas, or nesting sites. Therefore, the main impact to investigate is collision risk. The Appropriate Assessment should provide a calculation of the mortality risk of the proposal on these key species to assess whether there is more than a 1% increase in baseline mortality for the pSPA population.</i></p> <p><i>It is probable, based on the data you have shared, that the annual baseline mortality does not exceed 1% of the expected annual mortality, and if this is the case once you have completed the calculations, then the conclusion of the Appropriate Assessment would be that there is no adverse effect on site integrity. However, the calculations that support this conclusion will need to be provided with the Appropriate Assessment.</i></p> <p>In light of this response, WYG is preparing an HRA stage 2 (Appropriate Assessment).</p>
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5.2 EIA Screening Request

- 5.2.1 As outlined above, an EIA Screening Opinion Request was submitted to Copeland Borough Council on the 7th October 2019 on behalf of Cannock Wind farm Services Limited to ascertain whether an EIA is required under the provisions of the Town and Country Planning (Environmental Impact assessment) Regulations 2017 to support the S.73 planning application.
- 5.2.2 The Screening request considered the potential effects of the continued operation of the existing Park House farm Wind Farm on: Ecology, Noise, Landscape and Visual, Shadow Flicker and Glinting, Ground Conditions, Flood Risk and Drainage, Traffic and Transport, Air Quality, Archaeology and Cultural Heritage, Telecommunications and Electromagnetic, Lighting, Climate Change, Waste, Socio-Economics, Major Accidents and Disasters, and Cumulative Effects.
- 5.2.3 The EIA Screening Request concluded that as the wind farm development is currently operational, there would be no construction effects. The effects associated with the extension of the life of the wind turbines would represent a continuation of current effects experienced by the existing receptors. However, it was considered that updates to relevant assessments should be undertaken to support the proposed S.73 planning application to determine that there are no significant changes to the baseline. The EIA Screening Request indicated that these assessments will be submitted alongside the planning application and will include specifically: Ecology; and, Landscape and Visual Appraisal.
- 5.2.4 Following further pre-application engagement with Copeland Borough Council as set out in the table above, a response from Mr Harrison on the 3rd February 2020 confirmed that Copeland Borough Council agreed with the proposed scope of the application documentation, which is to include: Application form and certificate; Landscape and Visual Appraisal; Ecological Appraisal; Report to Inform Habitats Regulations Assessment Screening; and a Planning Statement. All the other technical matters referred to above were therefore not considered necessary as part of the S.73 application.

6.0 National Planning Policies

The National Planning Policy Framework (February 2019)

- 6.1.1 The NPPF was published in February 2019 following its revision in July 2018. It continues to give support to the three objectives of sustainable development: economic, social and environmental.

Achieving Sustainable Development

6.1.2 At the heart of the Framework is the '*presumption in favour of sustainable development*', which is key for both plan-making and decision taking.

6.1.3 The NPPF defines 'sustainable development' and highlights that it has three interrelated dimensions; economic, social and environmental. These three dimensions give rise to the need for the planning system to perform a number of objectives:

"a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy"(paragraph 8).

6.1.4 It is important to note that these objectives should not be viewed in isolation but should be pursued in mutually supportive ways (paragraph 8).

6.1.5 For decision taking on planning applications, the NPPF is clear that the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*** (paragraph 11)

6.1.6 The NPPF advises that the:

"presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed". (paragraph 12)

6.1.7 The NPPF advises that:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"(paragraph 47).

Building a strong, competitive economy

6.1.8 In terms of creating the right conditions for economic development, the NPPF advises that:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"(Paragraph 80).

6.1.9 In terms of supporting a prosperous rural economy, the NPPF states:

"Planning policies and decisions should enable:

a. the sustainable growth and expansion of all types of business in rural areas, and well-designed new buildings;

b. the development and diversification of agricultural and other land-based rural businesses;

c. sustainable rural tourism and leisure developments which respect the character of the countryside; and

d. the retention and development of accessible local services and community facilities, such as local shops, meeting places,, public houses and places of worship”(paragraph 84).

Meeting the challenge of climate change, flooding and coastal change

6.1.10 The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

6.1.11 To help increase the use and supply of renewable and low carbon energy and heat, the NPPF states that plans should:

"a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”(paragraph 151).

6.1.12 In determining planning applications, the NPPF advises that local planning authorities should expect new development to:

"a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”(paragraph 153)

6.1.13 When determining planning applications for renewable and low carbon development, the NPPF advises local planning authorities should:

"a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable (see footnote 49 of the NPPF). ***Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.***" (paragraph 154)

6.1.14 The footnote 49 to the NPPF states:

"Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing".¹

Conserving and Enhancing the Natural Environment

6.1.15 The NPPF states in paragraph 170 that planning decisions should contribute to and enhance the natural and local environment by:

- ***"protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;***
- ***recognising the intrinsic character and beauty of the countryside;***
- ***maintaining the character of the undeveloped coast, while improving public access to it where appropriate;***
- ***minimising impacts on and providing net gains for biodiversity;***

¹ The Planning Inspector that allowed the appeal into the Kirkby Moor Wind farm, Grizbeck agreed that within the wind industry 'repowering' is an umbrella term covering replacement, replanting and extension of life (See appeal reference APP/M0933/W/18/3204360 in Chapter 8.0 below).

- ***preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate***”.

6.1.16 Paragraph 171 states that:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”.

6.1.17 In terms of habitats and biodiversity, the NPPF states that in determining planning applications,

“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”(paragraph 175).

6.1.18 In terms of ground conditions, the NPPF advises in paragraph 180 that planning decisions:

“should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”.

6.1.19 At this juncture it is worth pointing out that the application site does not lie in any designated or valued landscape or habitat.

National Planning Practice Guidance – Planning for Renewable and Low Carbon Energy

6.1.20 National Planning Practice Guidance (NPPG) provides advice in relation to planning for renewable and low carbon energy. It confirms that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.

6.1.21 The NPPG states:

"Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable." (18th June 2015)

6.1.22 The NPPG advises that local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts.

6.1.23 The NPPG suggests methodologies for assessing the capacity for renewable energy development. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location.

6.1.24 The NPPG indicates that a planning application for wind turbines should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. This policy requirement in the NPPG reflects Footnote 49 in the NPPF set out above.

6.1.25 However, this does not take account of instances such as those at Park House Farm Wind Farm, which involve extending the life of an already approved development, which has been found to be acceptable in planning terms and environmental impacts. The proposal for Park House Farm Wind Farm is not an application for a new wind farm but an application to repower the existing wind farm through life extension, as in the case of the appeal decision for Kirkby Moore Wind Farm at Grizebeck (appeal reference APP/M0933/W/18/3204360) described below in Chapter 8.0.

6.1.26 Consequently, there is no requirement in the NPPF for such applications to be in areas identified as being suitable for wind energy. This development has planning permission and the permission confirms that it has already been considered as being suitable for wind energy generation.

6.1.27 The NPPG also gives guidance as to the considerations that should be given when determining applications for wind turbines – these include matters such as whether local people have the final say on wind farm applications; how noise impacts of the wind turbines should be assessed; assessing the risk of wind turbines for ecology; how should the cumulative landscape and visual impacts from wind turbines be assessed; etc. The NPPG does not deal with situations where an applicant wishes to renew an existing planning permission such as the case with Park House Farm Wind Farm.

Overarching National Policy Statement for Energy - EN-1 (July 2011)

- 6.1.28 Whilst the National Policy Statement (NPS) was intended for use in respect of Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008, it nonetheless provides useful national Government policy for the delivery of energy projects and is a material consideration for energy applications determined under the 1990 Town and Country Planning Act. It should be pointed out that the Park House Farm Wind Farm scheme (with an installed capacity of up to 4.62 MW) does not meet the thresholds for NSIPs (i.e. 50MW for on-shore schemes).
- 6.1.29 The NPS EN-1 reaffirms the Government's commitment to meeting the UK's legally binding target to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels (now raised to zero net emissions). It confirms that major investment in new technologies including "cleaner power generation."
- 6.1.30 It goes onto state:
- "the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification."***(paragraph 2.2.6)
- 6.1.31 The NPS also sets out how the energy sector can help deliver the Government's climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation.
- 6.1.32 The NPS confirms that as part of the UK's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. In the short to medium term, much of this new capacity is likely to be onshore and offshore wind. At the time the NPS was written, it stated that by 2025, the UK would be likely to require at least 113GW of total electricity generating capacity, of which around 33GW of the new capacity by 2025 would need to come from renewable sources to meet renewable energy commitments.
- 6.1.33 The NPS confirms that onshore wind is the most well-established and currently the most economically viable source of renewable electricity available for future large-scale deployment in the UK.

National Policy Statement for Renewable Energy Infrastructure EN-3 (July 2011)

- 6.1.34 NPS EN-3 also relates to NSIP developments but is a material consideration in context to the Park House Farm Wind Farm scheme. It re-affirms the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and affordable energy supply and supporting the Government's policies on sustainable development, in particular by mitigating and adapting to climate change.
- 6.1.35 The NPS has been subject to an Appraisal of Sustainability (AoS). A key point of the AoS is that it found that onshore wind facilities have a smaller footprint in land use terms than biomass or energy from waste (EfW) facilities.
- 6.1.36 The NPS confirms that onshore wind farms will continue to play an important role in meeting renewable energy targets. Indeed, paragraph 2.7.16 relates to project lifetimes and states: "*A limit of 25 years is typical, although applicants may seek consent for differing time-periods for operation.*" This is important as the policy contemplates that it may be acceptable for wind farm proposals to have an operational life in excess of 25 years. Park House Farm Wind Farm has only been in operation for 20 years.
- 6.1.37 The NPS gives advice on re-powering. It assumes that in such cases that it would involve a change in technology to involve a different number of turbines of a different scale and nature resulting in a significantly altered site layout and electricity generating capacity. However, in the case of Park House Farm Wind Farm there would be no change in the number or design of the turbines – just a simple extension of their life.

7.0 Local Development Plan

- 7.1.1 The relevant Local Plan Policies relating to new renewable energy developments are set out below. They are not necessarily exactly applicable to the circumstances of this S.73 application where planning permission is sought for an extension to the life of an established wind farm. This relevance has to be borne in mind.

Copeland Borough Council's Local Plan 2013-2028 – Core Strategy and Development Management Policies (adopted December 2013)

- 7.1.2 The relevant policies contained in the Copeland Borough Council's Local Plan 2013-2028 – Core Strategy and Development Management Policies (adopted December 2013) are:

- Policy ST1 – Strategic Development Principles;
- Policy ST2 – Spatial Development Strategy;
- Policy ER2 – Planning for the Renewable Energy Sector;
- Policy ER3 – The Support Infrastructure for the Energy Coast;
- Policy ENV2 – Coastal Management;
- Policy ENV3 – Biodiversity and Geodiversity;
- Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes;
- Howgate and Distington Locality – Spatial Portrait;
- Policy DM2 – Renewable Energy Development in the Borough
- Policy DM25 – Protecting Natura Conservation Sites, Habitats and Species; and
- Policy DM26 - Landscaping.

Copeland Borough Council Issues and Options Draft Local Plan 2017-2035 (November 2019) Consultation

- 7.1.3 Copeland Borough Council published an ‘Issues and Options Draft Local Plan 2017-2035’ for public consultation, which ended on the 20th January 2020.
- 7.1.4 The consultation stated that the next Local Plan will need to identify areas of the borough, which are suitable for wind turbines in accordance with the NPPF.
- 7.1.5 The consultation goes onto state that prior to the production of the Preferred Options draft of the Local Plan, the Council will prepare a Wind Energy Technical Document which will identify the capacity for wind energy developments and any high-level constraints to such developments. The methodology will be produced in line with national planning practice guidance and taking into account the following documents:
- Cumbria Renewable Energy Capacity and Deployment Study (2011)
 - Cumbria Wind Energy Supplementary Planning Document (2007)
 - Cumbria Landscape Character Guidance and Toolkit (2011)
 - Cumbria Cumulative Impacts of Vertical Infrastructure Study (2014)
- 7.1.6 The consultation goes onto state that a planning application will be required for wind energy development, even if the site falls within an identified Suitable Area. The NPPF states that the following factors should be taken into account when developing criteria based policies to judge such developments on:
- Cumulative impacts, particularly on landscape and local amenity

- Local topography
- Heritage assets and their setting
- The increased sensitivity of National Parks and Areas of Outstanding Natural Beauty;
- The importance of protecting local amenity.

7.1.7 The consultation then asks the respondents to answer the question:

"Which parts of the borough should be excluded when identifying land as Suitable Areas for Wind Energy development?"

7.1.8 This 'Issues and Options Draft Local Plan 2017-2035' consultation has only recently closed on the 20th January 2020. Any Wind Energy Technical Document and Preferred Options Draft of the Local Plan will therefore not be available for a significant time period.

7.1.9 Therefore, whilst it can show the potential direction of travel, it nonetheless carries limited weight as a material planning consideration for the time being. Hence, the key Policy reference therefore remains the adopted Copeland Borough Council's Local Plan 2013-2028 – Core Strategy and Development Management Policies (adopted December 2013).

Cumbria Wind Energy Supplementary Planning Document Parts 1 and 2 (2008)

7.1.10 The Cumbria Wind Energy SPD (CWESPD) was prepared jointly by Cumbria County Council, Allerdale Borough Council, Carlisle City Council, Copeland Borough Council, Eden District Council, Lake District National Park Authority and South Lakeland District Council. The SPD was adopted by Copeland Borough Council in January 2008. It followed a public consultation during October-December 2006.

7.1.11 Part 1 of the Wind Energy SPD provides general planning guidance on new wind energy schemes and their cumulative effects. It includes maps indicating wind speed, wind development sites, and international and national wildlife sites.

7.1.12 Part 2 of the WESPD sets out in detail the landscape and visual considerations necessary for new wind farm developments. It uses the former Landscape Character Classification 1995 (now superseded by the Cumbria Landscape Character Guidance and Toolkit Maps), and includes a landscape capacity assessment, which classifies landscapes into 'low landscape capacity' up to 'moderate/high landscape capacity'.

7.1.13 The existing Park House Farm Wind Farm lies in Landscape Type 5: Lowland (Landscape Sub-Type 5a: Ridge and Valley) and is classified as lying within a 'Moderate Landscape Capacity' to accommodate turbine development. This reflects a moderate sensitivity overall and moderate value as a largely undesignated landscape. The Landscape Capacity Assessment identifies the site as being in an area with a capacity of:

"Up to a small group, exceptionally a large group."

7.1.14 A small group is defined as 3-5 turbines and a large group is defined as 6-9 turbines.

7.1.15 Map 2 of the Wind Energy SPD includes the existing wind farm at Park House Farm Wind Farm comprising seven turbines as an operational development.

7.1.16 Within the 20 km study area of the WYG Landscape and Visual Appraisal submitted with this S.73 application there are numerous other landscape character types, which are considered relevant to the assessment:

- 4 Coastal Sandstone, lying c. 5km to the south of the site boundary;
- 5d Lowland – Urban Fringe, of which there are several areas to the south and east, within 5km of the site boundary (which includes a Landscape of County Importance);
- 9a Intermediate Moorland and Plateau – Open Moorlands, lying c. 3km to the east of the site boundary; and
- 9d Intermediate Moorland and Plateau- Ridges, lying c. 4.5km to the south east of the site boundary (which includes a Landscape of County Importance);
- the designated areas of the LDNP WHS, Solway Coast AONB and the St Bees Head Heritage Coast.

7.1.17 The Landscape and Visual Appraisal provides an assessment of the existing Park House Farm Wind Farm in relation to those adjoining landscape character types.

The Cumbria Cumulative Impact of Vertical Infrastructure (CIVI) (2014)

7.1.18 The Cumbria Cumulative Impact of Vertical Infrastructure (CIVI) built upon existing local landscape character guidance, following industry standard best practice approaches, specifically to consider the cumulative impact of vertical infrastructure upon the landscape character and visual amenity in Cumbria and North Lancashire.

7.1.19 The Cumbria Wind Energy Supplementary Planning Document (CWESPD) helps to inform decisions on the ability of the Cumbria landscapes to accommodate wind energy development, based upon consideration of landscape character, sensitivity and value. The CIVI study addresses the cumulative effect of “vertical infrastructure” on the landscape character and visual amenity of Cumbria and adjacent areas of Lancashire arising from the growth in such structures to date and anticipated further growth into the future. The vertical infrastructure considered in the study is energy and communications development characterised by vertical elements: principally wind turbines, communications masts, and pylons carrying power lines

7.1.20 The CIVI study defines different scales of vertical infrastructure development as follows:

- Small scale – up to 5m in height;
- Medium scale – 51m to 100m in height;
- Large scale – 100m+ in height.

7.1.21 The current Park House Farm Wind farm is 40m to hub height and the rotor turbine is 23m – 24m so that the total height of the turbines are 63m – 64m, which places the seven turbines in the category of being a ‘medium’ scale of vertical infrastructure.

7.1.22 The findings of the CIVI show the following conclusions in terms of the application site location:

- the significance of landscape effects from medium-scale vertical infrastructure is measured as ‘significant’;
- the significance of visual effects from medium-scale vertical infrastructure – settlements is measured as ‘intermediate’.

8.0 Other material Considerations

8.1 UK Government and other relevant Policy documents

Climate Change Act 2008

8.1.1 The Climate Change Act 2008 is the basis for the UK’s approach to tackling and responding to climate change. When enacted it required that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for.

- 8.1.2 The Climate Change Act committed the UK to reducing greenhouse gas emissions by at least 80% by 2050 when compared to 1990 levels, through a process of setting 5-year caps on greenhouse gas emissions termed 'Carbon Budgets'.
- 8.1.3 The Act aims to enable the United Kingdom to become a low carbon economy and gives ministers powers to introduce the measures necessary to achieve a range of greenhouse gas reduction targets. An independent Committee on Climate Change was created under the Act to provide advice to UK Government on these targets and related policies.

UK Renewable Energy Roadmap Update 2013

- 8.1.4 The 2013 Update was the second update to the 2011 Renewable Energy Roadmap. It set out the progress that had been made and the changes that had occurred in the sector over the previous year. There have been no further updates since 2013.
- 8.1.5 The update confirmed that the UK had made very good progress against the 15% target introduced in the 2009 EU Renewable Energy Directive. In 2012, 4.1% of UK energy consumption came from renewable sources, up from 3.8% in 2011. Onshore wind capacity increased by 1.6 GW over the period between July 2012 and June 2013, which brought total installed capacity to 7.0 GW by the end of June 2013. Generation rose to 14.2 TWh for the year July 2012 to June 2013, increasing by 2.8 TWh on the year before. The Update confirmed the Government's view that:

"Onshore wind, as one of the most cost effective and proven renewable energy technologies, has an important part to play in a responsible and balanced UK energy policy."

- 8.1.6 The Update reaffirmed the Government's commitment and strong support for renewable energy as part of a diverse, low carbon and secure energy mix. The Update stated:

"Alongside gas, low-carbon transport fuels, nuclear power and carbon capture and storage, renewable energy offers the UK a wide range of benefits from an economic growth, energy security and climate change perspective."

- 8.1.7 The Update also included a useful survey conducted quarterly for Department for Energy and Climate Change (DECC) by an independent research organisation which showed consistently high levels of public support for the use of renewable energy. Interviews conducted with 2,103 UK adults in September 2013 showed 76% of respondents supported the use of renewables to generate the UK's electricity, fuel and heat. Only 4% were opposed. The Update referred to a most recent survey in which 82% supported solar, almost three-quarters supported offshore wind (72%) and wave and tidal (71%), and almost two thirds supported onshore wind (66%) and biomass (60%)
- 8.1.8 The Roadmap Update suggested that a plateauing in the development of new onshore wind projects seemed to be starting to occur. This would be in line with the projections that were presented in the 2011 Renewable Energy Roadmap. These projections suggested that growth would slow after 2015 due to a limit on the number of sites available, growth of competing technologies and cumulative planning impacts.
- 8.1.9 The projections in the Roadmap Update, suggesting a slowing in growth of new wind farm proposals, were reinforced by Greg Clark's Written Ministerial Statement in 2015 (see below) which significantly negatively impacted on new planning proposals coming forward from 2015. The significant slowing in the growth of the onshore wind sector in England increases the significance of the continuing contribution of the existing wind farm fleet of which Park House Farm Wind Farm forms part of.

2050 Net Zero Carbon commitment

- 8.1.10 Through the Climate Change Act 2008, the UK government is now committed by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. This includes reducing emissions from the devolved administrations (Scotland, Wales and Northern Ireland), which currently account for about 20% of the UK's emissions. This 100% target was increased in June 2019 from the previous target of at least 80% reduction from 1990 levels.
- 8.1.11 A 100% target was based on advice from the Committee on Climate Change's 2019 report – *'Net Zero – The UK's contribution to stopping global warming'*. A net-zero Green House Gas (GHG) target for 2050 will deliver on the commitment that the UK made by signing the 2016 Paris Agreement.

8.1.12 The report identifies that the zero target will have to be reached using known technologies, including wind farms. The increased target must mean that on-shore wind farm development, such as the continued life of the existing Park House Farm Wind Farm, is an important component to that delivery.

Written Ministerial Statements – Secretary of State for Communities and Local Government
(Greg Clark) 18th June 2015

8.1.13 This Written Ministerial Statement (WMS) set out new considerations applying to proposed wind energy development. It states that:

"When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- ***the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and***
- ***following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing."***

8.1.14 It goes onto state:

"In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing".

- 8.1.15 The WMS has since been reflected in paragraph 154 and footnote 49 of the NPPF (February 2019) relating to wind energy developments (see above). Importantly in the context of Park House Farm Wind Farm, footnote 49 of the NPPF gives dispensation to repowering proposals from the requirements of the 2015 WMS. This issue was considered in 2019 by the Planning Inspector who determined the Kirkby Moor Wind Farm appeal² (in South Lakeland District Council).
- 8.1.16 In this appeal, the Planning Inspector found that 'repowering is an umbrella term covering replacement, replanting and extension of life'. Accordingly, the Inspector agreed with the appellant's case in this appeal that as the application was for repowering there would be no requirement to meet the obligations of footnote 49 of the NPPF. This is an important decision in the context of repowering proposals involving a simple extension of life as the NPPF does not require: applications to be located in an area identified for wind development; nor demonstrate that the planning impacts identified by the affected local community have been fully addressed; nor that the proposal has their backing.

Climate Change Policy and Targets

- 8.1.17 The UK Climate Change Risk Assessment 2017 was commissioned by the UK Government as a requirement of the Climate Change Act 2008. It was prepared by the Committee on Climate Change's Adaptation Sub-Committee (ASC).
- 8.1.18 Key messages from the Risk Assessment is that the global climate is changing, with greenhouse gas emissions from human activity the dominant cause. The global increase in temperature of 0.85°C since 1880 is mirrored in the UK climate, with higher average temperatures and some evidence of more extreme weather events.
- 8.1.19 The greatest direct climate change-related threats for the UK are large increases in flood risk and exposure to high temperatures and heatwaves, shortages in water, substantial risks to UK wildlife and natural ecosystems, risks to domestic and international food production and trade, and from new and emerging pests and diseases. The UK was expected to update its national adaptation programmes to address the risks identified, beginning with the second UK National Adaptation Programme, expected in the summer of 2018.

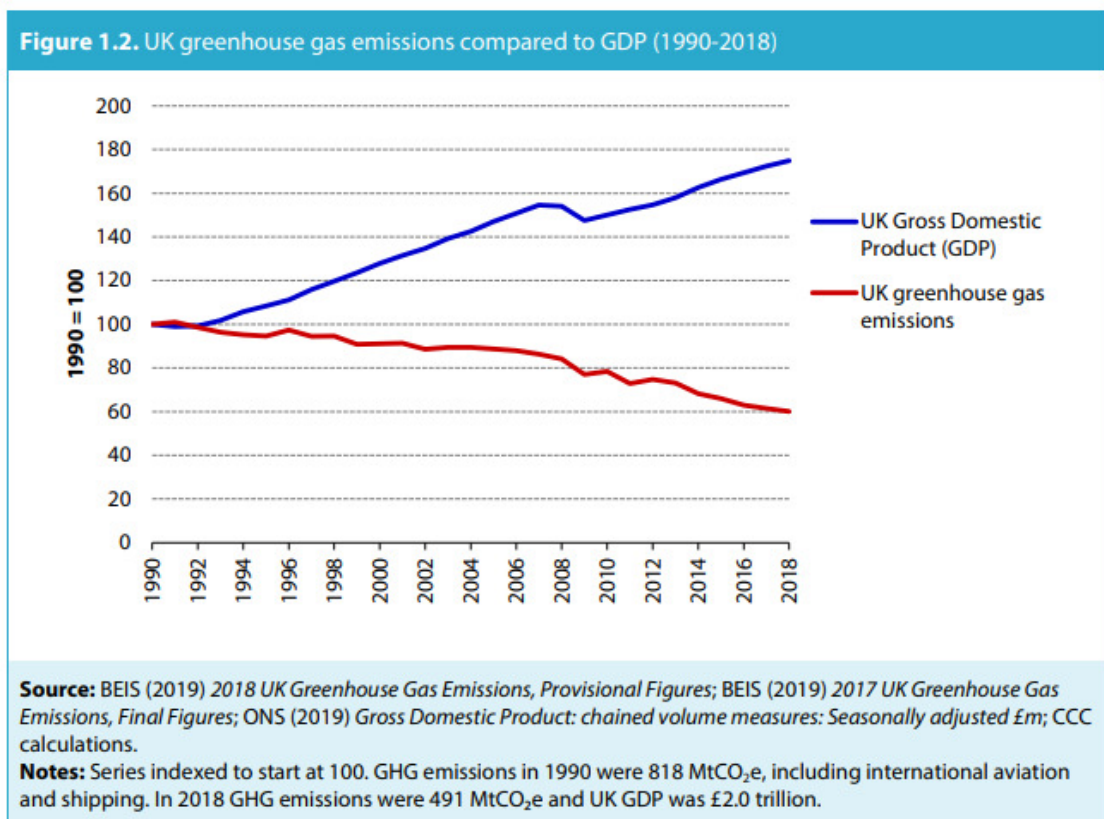
² APP/M0933/W/18/3204360

The Committee on Climate Change has prepared a report: **"Reducing UK Emissions 2019 Progress Report to Parliament July 2019"**, which documents the progress to meeting the UK's target for net-zero emissions of greenhouse gasses by 2050. The report states: ***"During the last year, the Government has introduced some new policies to reduce emissions, but their impact will be only incremental. Overall, actions to date have fallen short of what is needed for the previous targets and well short of those required for the net-zero target."***

8.1.20 It goes onto state:

"Despite good overall progress in the power sector to date, the business department (BEIS) has been too slow in developing plans for carbon capture and storage and has held back deployment of onshore wind that would cut energy bills and emissions". (underlining WYG emphasis)

8.1.21 The report recognises a solid foundation from which to pursue the net-zero target as shown in the Figure 1.2 of the report:



8.1.22 However, it goes on to state that:

“reaching net-zero emissions requires an annual rate of emissions reduction (15 MtCO₂e per year, 3% of 2018 emissions) that is 50% higher than under the UK’s previous 2050 target and 30% higher than achieved on average since 1990. This is an indication of how substantial the step up in action must be to cut emissions in every sector.”

8.1.23 In terms of sector by sector emissions trends for the UK, for the Power sector, the report states in Chapter 2:

“Emissions fell by 10% in 2018 to 65 MtCO₂ and are now 68% below 1990 levels, reflecting a 9% decrease in emissions intensity since 2017 to 242 gCO₂/kWh. Low carbon generation in 2018 accounted for a record high of 54% of total UK generation (160 TWh). Specifically, renewable generation increased by 12% to 101 TWh in 2018. The share of coal generation decreased from 33% (114 TWh) in 2008 to 5% (16 TWh) in 2018. Electricity consumption increased slightly (1%) in 2018, against a long-term trend of a 12% fall since 2008. Despite sustained progress in the power sector, emissions reductions are slowing down compared to average annual reductions of 14% since 2012, reflecting diminishing potential to reduce emissions further by phasing out coal generation.” (underlining WYG emphasis)

8.1.24 The report states that:

“Action taken to decarbonise the UK economy can reduce both territorial and consumption emissions. This only holds when the outcome is the reduction of emissions from activities occurring within UK borders, rather than a transfer of emissions to overseas.

- ***The retirement of coal-fired power generation and the increase in generation from wind and solar is an example of action that caused a substantial reduction in both territorial and consumption emissions, of 69 MtCO₂e from 1997 - 2016.”*** (underlining WYG emphasis)

8.1.25 In Chapter 3 the report identifies progress in the UK towards deep emissions reductions. For power generation the report recommends amongst others:

“Develop robust contingency plans that allow for additional low carbon generation to be brought forward in the event of delay or cancellation of planned projects, or imports of electricity below projected levels.”

8.1.26 In terms of the zero-net challenge, the report recommends:

"More rapid electrification must be accompanied with greater build rates of low-carbon generation capacity, accompanied by measures to enhance the flexibility of the electricity system to accommodate high proportions of variable generation (e.g. wind). The Energy White Paper³ planned for summer 2019 should aim to support a quadrupling of low-carbon power generation by 2050. This means deployment of more low-carbon capacity in the 2020s, potentially consistent with a carbon-intensity of 50gCO₂/kWh by 2030."(underlining WYG emphasis)

8.1.27 The report states that this would add 45-50 TWh to the policy gap in 2030, leaving a total of around 60 TWh additional uncontracted low-carbon generation required during the 2020s.

8.1.28 The report recognises that:

"Without an increase in low-carbon generation, meeting new electricity demands would likely increase UK gas-fired power generation, increasing power sector emission."

8.1.29 The new electricity demands are identified by the switch from using petrol and diesel cars to electric vehicles as just one source. The report therefore highlights that this new ambition can be delivered under the current electricity market arrangements, by making use of competitive auctions and applying a technology-neutral approach wherever possible. It goes onto state:

"Government still has an important role to play in offering long-term contracts to mitigate risks and reduce project costs. Contracts could be offered to a pipeline of mature renewables such as onshore wind, solar PV and offshore wind, which can meet new electricity demands at low cost."(underlining WYG emphasis)

8.1.30 The report sets out in '**Table 1 - Priorities and milestones to prepare for a net-zero target**', which includes as a priority for the coming year under the heading 'Power (65 MtCO₂ e)':

"Route to market for onshore wind and solar."(underlining WYG emphasis)

³ The Government's Energy White Paper is now expected this year

- 8.1.31 This report emphasises the need for the UK to continue to generate electricity from known renewable energy sources, which includes on-shore wind. The effect of this report is that it will therefore be important to maintain existing operational wind farm sites, such as Park House Farm Wind Farm, as part of the existing and valuable contribution to meeting and importantly sustaining UK renewable energy targets.
- 8.1.32 Given the imperative to support an increase in low carbon generation, it would be counter-productive to not continue operating the existing wind farm development at Lowca where it has been shown to operate in an environmentally acceptable manner and for all the reasons set out above. Continuing to operate an environmentally acceptable renewable energy development that is restricted by an arbitrary and non-modern standard 20 year operational life fulfils a key test of the NPPF, ensuring sustainable development.

Department for Business, Energy & Industrial Strategy – Consultation on proposed changes to Contracts for Difference (CfD) 2nd March 2020.

- 8.1.33 The Government has issued a consultation seeking views on a number of proposed changes to the Contracts for Difference (CfD) scheme to ensure that it continues to support low carbon electricity generation at the lowest possible cost to consumers.
- 8.1.34 CfDs incentivise investment in renewable energy by providing developers of projects with high upfront costs and long lifetimes with direct protection from volatile wholesale prices, and they protect consumers from paying increased support costs when electricity prices are high. The consultation comes on the back of the Government's commitment to the 2050 net zero emissions target.
- 8.1.35 Since 2015, the Government had largely excluded onshore wind and solar energy from support through CfD auctions while removing central government planning backing for such projects. However, the Department for Business Energy Industrial Strategy has now confirmed The Government's intention that onshore wind, as well as solar, floating offshore wind and certain energy storage projects will be able to compete for subsidies and bid in the 2021 CfD round.

- 8.1.36 The consultation confirms that:

"The UK's new 2050 net zero target will require a substantial amount of new, low carbon power sources to be built before 2050 and to produce the majority of power with renewables if we are to decarbonise at low cost."

8.1.37 This consultation announcement is an important as this signals a positive change in the view of the Government about onshore wind in the future UK energy mix and its important role in delivering its Net Zero Carbon commitments. Whilst the CfD auction is not directly relevant to the proposed extended life of Park House Farm Wind Farm, a further 10 years operation of this wind farm will be an important and enduring contribution to the Government's recognition above that a substantial amount of low carbon power sources will be needed before 2050.

Other key authority assessments relating to the increasing demand for renewable energy

8.1.38 Evidence prepared by RenewableUK (14th January 2020) indicates that the amount of new onshore wind capacity built last year fell to an even lower level than the year before – mainly because [according to RenewableUK] Government planning policy does not currently support the development of onshore wind farms.

8.1.39 RenewableUK states that in 2019, 629 megawatts (MW) were installed in the UK as just 23 wind farm projects became operational, of which 4 were in England, 4 in Wales, 6 in Northern Ireland and 9 in Scotland. The significant drop in new capacity in 2018 followed the record high of 2,683MW installed in 2017, when 343 projects started generating.

8.1.40 Just 2 onshore wind projects – 3 turbines totalling 1.9MW – received planning approval in England in 2019 and just one new project was submitted into the English planning system, with a capacity of 5MW. No projects were approved or submitted in Wales last year.

8.1.41 RenewableUK's Head of Policy and Regulation Rebecca Williams said:

"These figures highlight that the current approach is falling short on delivering renewable energy capacity at the level needed for net zero. This is a flashing red warning light on our net zero dashboard and we urgently need a new strategy from Government."

"Onshore wind is one of the cheapest low carbon technologies in the UK, quick to build, and it's hugely popular as the Government's own opinion polls show 78% of people support it. As Ministers get down to work at the start of a new decade, we need to see new policies which support the full range of clean power sources to transform our energy system".

8.1.42 In light of these findings from RenewableUK, and the enduring restrictive planning policy tests for new build wind farms in England, the continued contribution that the existing Park House Farm Wind Farm makes to renewable electricity generation is an important material consideration supporting the extension of the life of the wind farm for a further 10 years.

8.2 Key Points from relevant appeal decisions

Park House Farm Wind Farm, Lowca, Whitehaven - Appeal Decision (Reference T/APP/Z0923/A/98/301037/P2 - planning application reference 4/98/0486/0)

8.2.1 On the 19th March 1999, the Planning Inspectorate issued the appeal decision following a public inquiry into the refusal of planning permission by Copeland Borough Council to grant planning permission for the erection of seven wind turbines, construction of access tracks, switch gear house, monitoring mast and site sign at the above site (the site being the subject of this section 73 application).

8.2.2 The appeal was allowed, and planning permission was granted with conditions including Condition 2, which required:

"this permission is for a period not exceeding 20 years from the date that electricity from the development is first connected into the National Grid. Within 12 months of the cessation of electricity generation at the site, (or the expiry of this permission, whichever is the sooner) all development shall be removed from the site and the land restored in accordance with a scheme which shall have the prior written approval of the local planning authority."

8.2.3 Within the terms of the planning permission the Park House Farm Wind Farm was commissioned in March 2000. As noted above, this was only a 20 year consent and more modern consents now as a minimum grant operational consent for 25 years.

8.2.4 The Planning Inspector noted that the appeal site lay within a landscape described as "Ridge and Valley" within the then *Cumbria Landscape Assessment*. This document was a forerunner to the current Cumbria Landscape Character Guidance and Toolkit Maps. He noted that the document *Wind Energy Development in Cumbria*, which identified this type of landscape as having scope for the development of wind turbines. This latter document is likewise a precursor to the Cumbria Wind Energy SPD, which is described in Chapter 7.0 above.

8.2.5 The Planning Inspector had agreed with the appellant's and the Council's landscape witnesses that in terms of landscape quality within a County context, the area within which the appeal site lay is not high. The Planning Inspector stated:

"I share the view that overall this landscape of rolling ridge and valley with numerous urban fringe uses, including the former Micklam Brickworks to the south of the site, and detracting features such as overhead power lines, run down walls and fragmented hedges, is not of particularly high quality."

8.2.6 With regard to the effects of the proposed wind turbines on the stretch of coast between Workington and Whitehaven, the Planning Inspector stated:

"I do not doubt that at a local level this area is valued in providing a stretch of open countryside between Workington and Whitehaven. Nevertheless, I do not agree with the Council's contention that the turbines and associated works would have an urbanising effect on landscape or that the separating function of this stretch of coast would be unduly diminished. In my view the proposals would not have a significant adverse landscape impact and I am supported in this assessment by the conclusions of Council's Principal Planning Officer in his report to Committee on the appeal application."

8.2.7 The Planning Inspector considered the effects of the proposed wind farm on designated landscapes and stated:

"I do not consider they would have any material impact on the area designated as a Landscape of County Importance, and beyond this, the Lake District National Park. Similarly, it is my judgement that they would not represent visually intrusive features when seen from the designated Heritage Coast of St Bees Head over 8km to the south west."

8.2.8 The Planning Inspector considered the effects of the proposed turbines on the western parts of Whitehaven harbour and the public open area to the south at a distance of about 4.6km. The Inspector noted:

"...from these vantage points, they would appear relatively closely clustered and the coastal landform would limit and partially obstruct views of the towers. I do not consider that they would appear unduly dominant or visually intrusive in northerly views, particularly as these would also contain commercial buildings near the harbour in the foreground, housing stretching up the hillside at Lowca and beyond and, in the further distance in clear weather, commercial and industrial buildings at Workington."

- 8.2.9 The Planning Inspector considered the visual effects on nearby residential properties noting that besides Park House Farm within the application site, the nearest dwellings are those a Foxpit House some 0.42km from the position of the nearest turbine and Micklam Farm over 0.5km away. The Planning Inspector stated:

"In the case of these two properties their distance and principle orientation lead me to conclude that the turbines would not result in oppressive or-over dominating development resulting in unacceptable visual intrusion or harm to the occupants' living conditions. Although the turbines might intrude into and interrupt some views for more distant occupiers in Lowca, Harrington and southern Workington, their distance and partial screening which would exist would mean that the turbines would not be over-dominant or over-bearing features. Furthermore, it is a general principle of planning that there is no right to maintain unchanged a private view over other land"

- 8.2.10 The Planning Inspector considered the energy contribution of the proposed wind farm to meeting renewable energy sources. He stated:

"The proposal has been awarded a NFFO contract to supply power. The scheme would generate about 16,000 megawatt hours per year which would be consumed locally and which would be sufficient to meet the domestic needs of about 3,800 households, equivalent to nearly 40% of the home sin Whitehaven."

- 8.2.11 He went on to consider the effects of the proposed wind farm on the displacement of electricity generation that would occur from coal fired power stations by saying:

"I am persuaded that this would result in a reduction in the level of atmospheric emissions of various 'greenhouse' gases form coal burning, these gases being widely held to be contributing to global climate change."

8.2.12 The Planning Inspector concluded that the proposed wind farm was acceptable because, whilst there would be some adverse landscape and visual impacts of the scheme, there would be:

***“very localised in their effects being limited primarily to rights of way very close to the appeal site and views from public vantage points in Harrington to the north.*”**

8.2.13 The Planning Inspector went onto state:

“However, I do not consider that the harm which would be caused to the character and appearance of the area would be so significant that the proposal would be contrary to the thrust of Structure Plan Policies 1, 2 and 56 or Local Plan Policies EGY1 or ENV15.”

8.2.14 He then went onto state:

“.....Furthermore, in my view, the limited adverse effects would be outweighed by the benefits of the scheme; in terms of electricity generation from renewable sources and reduction in greenhouse gas emissions these would be small but nevertheless they would accord with the principles of sustainable development which underpin both national and local planning policy. I consider the proposal thereby acceptable.”

8.2.15 In summary, the acceptability or otherwise of the existing Park House Farm Wind Farm were fully explored and considered at the planning appeal, where the Planning Inspector found the effects of the development on the landscape, visual amenities and surrounding area were acceptable and having taken into account the contributions the scheme would make to sustainable renewable electricity generation.

8.2.16 The applicant in consultation with Copeland Borough Council and Natural England have agreed scopes of work for ecology and landscape studies to demonstrate that the Planning Inspector’s reasoning remains valid, and that there are no significant changes in circumstances since the wind farm became operational which would not favour its continuing operation for a further 10 years. The results of the surveys covering Ecology and landscape are summarised in Chapter 9.0 below.

Kirkby Moor Wind Farm, Grizebeck - Appeal Decision (Reference APP/M0933/W/18/3204360)

8.2.17 On the 29th July 2019, the Planning Inspectorate issued an appeal decision following a public inquiry into the refusal by South Lakeland District Council to grant planning permission under Section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted (see Appendix 1).

8.2.18 The application sought permission for continued operation of 15 wind turbines and associated works (amended to 12) and the condition which the application sought to vary was No 6 which stated that:

"The turbines hereby approved shall be removed from the site on the expiration of 25 years from the date of the turbines being first brought into use or within 1 year of the turbines being decommissioned or becoming disused for any reason, whichever is the sooner."

8.2.19 The wind farm was originally granted planning permission by the Secretary of State in 1992. The site is located on a plateau which forms part of a wide northeast to southwest ridge which runs down the Furness Peninsular between Cartmel Sands and the Duddon Estuary. The appeal site forms part of a Site of Special Scientific Interest (SSSI) and is Access Land under the Countryside and Rights of Way Act 2000 (CROW Act). The key landscape characteristics of the area are distinct ridges with extensive areas of true heathland moorland.

8.2.20 The circumstances pertaining to the Kirkby Moor site are very similar to those at Park House Farm Wind Farm in so far as the Kirkby Moor proposal was to extend the life of the existing wind farm for another 10 years. In the case of Kirkby Moor, the development would remain the existing wind farm as originally approved in 1992 (including the subsequent amendment).

8.2.21 A key consideration as part of the appeal was whether or not the S.73 application accorded with the NPPF and in particular with paragraph 154 and footnote 49 (see above Policy section).

8.2.22 The Planning Inspector referred in his decision to paragraph 154 and stated:

"Amongst other matters Framework paragraph 154 provides that when determining planning applications for renewable development, local planning authorities should approve the application if its impacts are (or can be made) acceptable (there is then a reference to footnote 49)."

8.2.23 In paragraph 24 of the appeal decision, the Planning Inspector referred to footnote 49, which provides that:

"Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing." (Planning Inspector's underlining.)

8.2.24 The Planning Inspector considered that:

"So, aside from 'repowering' applications, wind farms need to be in an area identified as suitable and should have the backing of the local community. In this case there are no such suitable areas identified in the development plan, and there is very substantial local opposition (and support) such that it could not be said that the proposal has the backing of the local community."

8.2.25 The Planning Inspector debated what is meant by 'repowering' existing turbines and whether the proposal was an application for repowering existing turbines. He confirmed the NPPF does not define 'repowering' and nor is it defined in any national policy or guidance. He therefore considered the relevance of Footnote 49 on the basis of the submissions and evidence before him.

8.2.26 The Planning Inspector stated in paragraph 31 of his decision:

"The appellant argued persuasively that within the wind industry 'repowering' is an umbrella term covering replacement, replanting and extension of life, and this position was not evidentially contested. I am also conscious that there is nothing in the scheme before me which suggests that repowering necessarily means the physical replacement or the enlargement of turbines."

8.2.27 He went onto consider in paragraph 32:

"In addition, this is an area where (as the Council confirmed) the authority does not intend to identify any suitable areas for renewable or low-carbon energy for at least five years. The implication is that no wind farm developer wishing to extend the life of an existing scheme will be able to comply with the Footnote – it seems to me that it is unlikely that this is the intention of the Footnote." (underlining WYG emphasis)

8.2.28 He concluded on this point in paragraph 33:

"Overall, in the absence of national guidance as to the meaning of the term, I consider that the proposal comprises repowering and that, accordingly, the proposal is not required to be in an area identified as suitable for wind energy development in the development plan or demonstrate that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing. However, I should stress that this interpretation of Footnote 49 does not reduce the weight to be given to development plan policies, not does it mean that the varied views of local people can be or should be ignored."

8.2.29 On other landscape related matters, the Planning Inspector's report for the S.73 application appeal referred to the previous 1992 Planning Inspector's decision for the site at Kirkby Moor. He noted that the site is not in a nationally designated area but accepted that the turbines would be visible from many places in and around Kirkby Moor. The Planning Inspector noted that although the site is close to the Lake District National Park and the UNESCO World Heritage Site, these designated areas do not include a buffer, and nor is it identified in the development plan. The Planning Inspector therefore considered the site was therefore outside the area covered by any statutory status, and so he felt it was not a 'valued' landscape in terms of national planning policy. The Planning Inspector then went onto state:

"It is agreed that there would be significant indirect effects on the landscape in part of the National Park, within a radius of up to 5 kms from the site. I visited the potentially affected area within the NP, and a wider area therein, and consider that the retention of the turbines would not detract to any significant degree from the understanding and enjoyment of the special qualities of the LDNP". (underlining WYG emphasis).

8.2.30 Notwithstanding the Planning Inspector's judgement on this matter. He also noted that the Lake District National Park Authority did not object to the proposal.

8.2.31 Having considered the effect of the development on: the character and appearance of the area, including the Lake District National Park and World Heritage Site; designated heritage assets; the extent of any benefit arising from decommissioning and restoration schemes; the extent of any benefit arising from renewable energy generation; and other material considerations; the Planning Inspector concluded his decision by stating in paragraph 93:

"Overall, the continuation of the life of this windfarm for a further limited period would provide benefits in terms of the production of renewable energy and would include decommissioning and restoration advantages. These matters outweigh the limited harm which the proposal would cause for the remainder of the life of the installation". (underlining WYG emphasis)

8.2.32 The Planning Inspector therefore allowed the appeal, and it is an important decision of material relevance to the circumstances relating to the S.73 application site at Park House Farm Wind Farm (see above), in that the latter likewise:

- does not lie in a statutory designated area or a 'sensitive area' as defined in Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- it involves an extension of the life of the existing wind farm for another ten years on a site where the effects of the development have previously been fully assessed and have been long accepted; and
- the same national policy considerations apply (see Chapter 10.0 - Planning Appraisal below).

9.0 A Summary of Relevant Technical Issues

9.1.1 The applicant had carried out pre-application enquiry engagement with Copeland Borough Council and Natural England over the scope of the studies considered necessary to support the S.73 application.

9.1.2 This engagement had confirmed on the 3rd February 2020 that the S.73 application should only include a Landscape and Visual Appraisal; Ecological Appraisal and a report to inform a Habitats Regulations Assessment Screening.

9.2 Ecology

Extended Phase 1 Ecological Appraisal

- 9.2.1 The Park House Farm Wind Farm has been subject to an Extended Phase 1 Ecological Appraisal, which included a walkover survey that was carried out in September 2019 to assess the likely ecological receptors present on site, identify any potential constraints they may pose to the ongoing operation and (where necessary) provide recommendations for further surveys, avoidance, mitigation or enhancement measures that are needed (as appropriate) during operation and to inform future decommissioning proposals.
- 9.2.2 The Extended Phase 1 Ecological Appraisal is submitted as part of the S.73 planning application documentation.
- 9.2.3 The Extended Phase 1 Ecological Appraisal shows that the nearest designated site to the development is the Solway Firth pSPA (provisional Special Protection Area) situated 242m to the west. The closest County Wildlife Sites are Cuning Point and Cat Gill (which are partly within the site) and Andrew's Gill, which is immediately south of the site. The River Derwent and Bassenthwaite Lake SAC is approximately 6.1 km north of the site at its closest point.
- 9.2.4 The Appraisal survey recorded that the site and the area adjoining it contains the following habitats: semi-improved acid grassland, semi-improved neutral grassland, improved grassland, marshy grassland, scattered scrub, dense scrub, bracken, tall ruderal, intact species-poor hedgerows, running water, open water, a building and bare ground. The site was assessed as having suitability to support: amphibians (including GCN), reptiles, foraging and commuting bats, otter, birds, invertebrates, brown hare and hedgehog.
- 9.2.5 The Solway Firth is an estuarine/marine site of international importance, regularly supporting at least 20,000 waterfowl. The pSPA is also designated for its over-wintering and migratory bird assemblages. The wind farm has been operational for approximately 20 years and the current wind farm owners are not aware of any ecological monitoring having been undertaken post commencement of operation. The Appraisal confirms that the assessors are not aware of any reports of bird strike/direct mortality associated with the wind farm to date. The Appraisal states that as the wind farm is currently operational, further habitat loss and displacement of birds (via barrier effects) are considered unlikely.
- 9.2.6 In terms of the River Derwent and Bassenthwaite Lake SAC, the Appraisal states that due to the separation distances between the SAC and the site no effects are anticipated during the continued operation or decommissioning of the wind farm.

- 9.2.7 The Ecological Appraisal recommends that a Stage 1 Habitats Regulations Assessment (HRA) is carried out to identify if there will be any significant effects upon the Solway Firth pSPA, either alone or in combination with other plans or projects.
- 9.2.8 The Cumbria Coast Marine Coastal Zone (MCZ) is hydrologically linked to the site via the watercourses that flow through the site towards the coast. No effects are anticipated during the continued operation of the wind farm. In the absence of mitigation, pollution of the watercourses could occur during decommissioning. Therefore, the Appraisal recommends that a Construction Environmental Management Plan (CEMP) is prepared prior to decommissioning to protect sensitive habitats within and adjacent to the site. Furthermore, it recommends that a Habitat Management Plan (HMP) is prepared in the year prior to decommissioning informed by the necessary protected species surveys as recommended below. The HMP will inform habitat restoration post-decommissioning, aiming to achieve a net gain in biodiversity.
- 9.2.9 For amphibians, ponds within 500m of the site have suitability for amphibians including GCN. The Appraisal recommends an update Habitat Suitability Index Scores (HSI) assessment of ponds within 500m and Great Crested Newt eDNA surveys are recommended a year prior to decommissioning to confirm presence/likely absence of Great Crested Newt.
- 9.2.10 Habitats within the site have suitability for reptiles. If areas of scrub or bracken require removal during operation, the Appraisal recommends that precautionary working methods are followed under direct supervision of an ecologist. These could include habitat manipulation and/or appropriate timing of works. The Appraisal also recommends that reptile surveys are undertaken to confirm presence/likely absence in the year prior to decommissioning.
- 9.2.11 The Appraisal confirms that a single storey substation building within the site currently has 'negligible' suitability for roosting bats and no further surveys are recommended at present. As changes to the fabric of the building could occur over time, it is recommended that an updated assessment is undertaken the year prior to decommissioning. Habitats within the site are open and exposed, and considered to provide 'low' suitability for foraging and commuting bats. Bat surveys have been instructed and the results are presented in a separate bat survey report.
- 9.2.12 Although no evidence of badger was noted during the survey, there is potential for badger to colonise the area while the wind farm is operational. The Appraisal recommends that an updated walkover survey is carried out in the year prior to decommissioning to identify any badger setts or signs.

- 9.2.13 The undisturbed areas of dense bankside vegetation within the site provide suitable habitat for otter. Otter may also forage along coastal habitats hydrologically linked to the site. The Appraisal identifies that there is potential for disturbance to occur during decommissioning, should resting places (holts or couches) be present within 200m of turbines. A survey for otter is recommended the year prior to decommissioning. A European Protected Species Mitigation Licence (EPSML) from Natural England will be required if disturbance of a holt or resting place is likely.
- 9.2.14 Habitats within and adjacent to the site are likely be used by breeding, wintering or passage birds. Bird surveys have been undertaken to a scope agreed with Natural England and the results are presented in a separate bird survey report. The Appraisal recommends that if scrub management is required, this should be completed outside of the nesting bird season (which is between March and September in any given year).
- 9.2.15 The Appraisal confirms that the extension of the life of the wind farm and subsequent decommissioning process is unlikely to impact upon the invertebrate assemblage and no further surveys are recommended.
- 9.2.16 For other species, the Appraisal states the site has potential to support both European hedgehog and brown hare. The Appraisal confirms that the operational phase of the wind farm is unlikely to have any effects on either of these species. At the decommissioning stage, it is recommended that any areas of dense vegetation are checked for hedgehog prior to removal. Brown hare would likely be temporarily displaced to habitats in the wider area during decommissioning. Habitats would be available to both brown hare and hedgehog post decommissioning.

Bird Vantage Point Survey

- 9.2.17 A Bird Vantage Point Survey was commissioned in June 2019 to quantify the flight activity of target bird species throughout the wind farm study area and to establish target bird species assemblages at risk of collision with the turbines/using the airspace occupied by the rotors, with particular focus on species which form qualifying features of the Solway Firth pSPA.
- 9.2.18 The Bird Vantage Point Survey is submitted as part of the S.73 planning application documentation.

- 9.2.19 The results of the Bird Vantage Point Survey confirm that this application site supports populations of European important over-wintering and migratory bird species. Ten species qualifying under the Solway Firth pSPA (including those classified under Upper Solway Flats and Marshes SPA) were observed using the site and adjacent land (up to 1km buffer) during the vantage points surveys. Three Wildlife and Countryside Act 1981 Schedule 1 target bird species were recorded during the vantage point surveys. Four Birds of Conservation Concern (BoCC) Red List target species were observed using the site and adjacent land during the vantage points surveys. Ten BoCC Amber List target species were observed using the site and adjacent land during the vantage points surveys. Four Natural Environment and Rural Communities (NERC) Act target species were observed using the site and adjacent land during the vantage points surveys.
- 9.2.20 The Bird report concludes that The Park House Farm Wind Farm is unlikely to cause a mortality of the local pSPA species at a level that would be considered significant in the context of the pSPA. It is also considered that the existing wind farm infrastructure is unlikely to create a significant barrier for the movement for any of the Solway Firth pSPA species. The Park House Farm Wind Farm is highly unlikely to affect local populations of WCA Schedule 1 species in form of increased mortality, displacement or barrier effect. In addition, it is also considered that the Park House Farm Wind Farm is unlikely to have impact on populations of other target bird species (e.g. Amber BoCC listed, common raptor species).
- 9.2.21 The Bird Report suggests that decommissioning of Park House Farm Wind Farm may create minor disturbance and displacement of migratory / wintering populations of black-headed gulls, herring gull and curlew that currently use the site. These impacts are considered to be only of temporary nature with no long-term impacts anticipated for these populations of wintering / migratory pSPA birds.

Bat Activity Survey

- 9.2.22 A Bat Activity Survey was commissioned in June 2019 whose purpose was to detail existing bat records and locally designated sites of relevance to bats within 5 km of the site; identify habitats and features within the site that have the potential to be used by bats; summarise the findings of the bat surveys and report on the presence or otherwise of bat species at the site; and provide an assessment of the potential ecological constraints to the proposed application and recommendations for avoidance, mitigation and enhancement where appropriate.
- 9.2.23 The Bat Activity Survey is submitted as part of the S.73 planning application documentation.

- 9.2.24 The results of the Bat Activity Survey showed that low levels of foraging and commuting activity were recorded during the surveys. The maximum count of bats observed at any one time included two individuals and the maximum pass count during a single survey was seven. The report stated that it is therefore considered that the site is occasionally used by few individual soprano and common pipistrelle for commuting and occasional foraging. Activity from a small number of bats was focused along the hedgerow on the east boundary, particularly in sections near the running water on the north and centre of site. This hedgerow is located at least 180m from any for the turbines at its nearest point. Overall potential vulnerability of bat populations for the site is categorised as 'medium'; and the site is considered to be of 'low-lowest risk'.
- 9.2.25 The report recommended that some clearance of scattered scrub within the land in the control of the applicant (up to 50m from the turbines) could be undertaken to further discourage bats from using the areas directly adjacent to the turbines.

Stage 1 Habitat Regulation Assessment (HRA)

- 9.2.26 A Stage 1 HRA screening has been completed and submitted with this application and through completion of a stepwise process and with on-going consultation with Natural England it has been identified that there is a requirement to take the assessment through to the next stage of Appropriate Assessment with regards to:
- potential pollution events during decommissioning;
 - the presence of over 1% of the pSPA population of black-headed gull, herring gull and curlew being present on site.
- 9.2.27 The Stage 1 HRA screening is submitted as part of the S.73 planning application documentation.
- 9.2.28 Due to recent case law (European Court of Justice decision – “People Over Wind and Sweetman v Coillte Teoranta” – April 2018 – C-323/17), mitigation cannot be included within Stage 1 of the HRA, therefore, wherever mitigation is required (such as a CEMP during decommissioning), these pathways automatically need to be taken forward to HRA stage 2 (Appropriate Assessment).
- 9.2.29 The Stage 1 assessment has concluded that in the absence of mitigation, there are potential effects on qualifying interest features of the Solway Firth pSPA and therefore a more detailed Appropriate Assessment is required for the following pathways of effect:
- Loss of habitat (in combination);

- Displacement of bird populations (in combination);
- Barrier effects (in combination); and,
- Pollution (alone or in combination).

9.2.30 Consultations have been carried out with Kate Berry at Natural England on the 5th March 2020 with regards the potential effects on the bird populations and the following response has been received on the 11th March 2020:

“As more than 1% of the current pSPA population of each of these species has been recorded during your VP surveys then, within the Habitats Regulations process, this is a likely significant effect. Therefore, the proposal needs to go to the next stage of the process – the Appropriate Assessment, in order to ascertain if there is an adverse effect on site integrity.

We accept displacement is not likely to be a significant risk at this site for these species as the turbines are set back from the coast and are not located near any key roosts, feeding areas, or nesting sites. Therefore, the main impact to investigate is collision risk. The Appropriate Assessment should provide a calculation of the mortality risk of the proposal on these key species to assess whether there is more than a 1% increase in baseline mortality for the pSPA population.

It is probable, based on the data you have shared, that the annual baseline mortality does not exceed 1% of the expected annual mortality, and if this is the case once you have completed the calculations, then the conclusion of the Appropriate Assessment would be that there is no adverse effect on site integrity. However, the calculations that support this conclusion will need to be provided with the Appropriate Assessment”.

9.2.31 A Stage 2 HRA assessment is now currently being prepared.

9.3 **Landscape and Visual Issues.**

- 9.3.1 A Landscape and Visual Appraisal (LVApp) has been carried out for the site following consultation with Copeland Borough Council (CBC) regarding the assessment methodology, viewpoint assessment locations and any relevant sites to be considered within the cumulative assessment. It was agreed with Copeland Borough Council that an Appraisal would be an acceptable approach as opposed to a Landscape and Visual Impact Assessment (LVIA), given the context that the site had been subject to an LVIA for application 4/98/0486/0.
- 9.3.2 The Landscape and Visual Appraisal (LVApp) is submitted as part of the S.73 planning application documentation.
- 9.3.3 For the purposes of assessing the landscape and visual effects of the existing wind farm, the study area was defined as extending to 20 km from the development. The appraisal process for the LVApp comprised a combination of desk studies and field surveys, with subsequent analyses review of the 1998 LVIA (submitted with planning application 4/98/0486/0) and a summary of information to inform the LVApp.
- 9.3.4 The objectives of the appraisal were to:
- describe and evaluate the landscape of the site and surrounding landscape context and visual amenity of the surrounding area, which might be affected by the extension of time;
 - examine the proposals for the extension of time and analyse the potential effects on the landscape and visual amenity associated with the proposals; and
 - provide an assessment of the landscape and visual effects of the extension of time with integral mitigation measures in place.
- 9.3.5 The LVApp culminates in an assessment of the magnitude of change arising from the extension to the life of the existing Park House Farm Wind Farm, the degree and nature of effects on the landscape and on visual amenity, with the mitigation proposals in place.
- 9.3.6 No further mitigation measures were considered in the LVApp as a result of the retention of the seven wind turbines for a further ten years. However, the degree to which aesthetic or perceptual aspects of the landscape are altered by the changes that are likely to occur when the turbines are decommissioned, followed by the changes that are likely to occur due to their retention for an additional 10 years prior to decommissioning was considered in the LVApp.

- 9.3.7 The LVApp noted that mitigation measures identified in the 1998 LVIA included the land surrounding each turbine being reinstated for future agricultural use and the natural re-colonisation of the access tracks with pasture grasses. The access tracks were not readily visible during the site survey and so it has been assumed this re-colonisation has occurred.
- 9.3.8 In terms of landscape effects, the findings of the LVApp had identified moderate adverse effects on the landscape character type in which the wind farm is located within. This is largely due to the nature of change in the underlying landscape post decommissioning of the wind farm. The decommissioning of the wind farm would result in the loss of the structures at the coastal edge, where the route passes along. The extension of life for a further ten-year period would continue the presence of wind turbines in the coastal setting.
- 9.3.9 A number of minor adverse and negligible effects have also been identified from other identified Landscape Character Areas, Landscape Character Types and designations, including the Landscape Character Type within which the wind farm is located [Landscape Type 5: Lowland (Landscape Sub-Type 5a: Ridge and Valley)]. Although the wind farm is likely to be perceived from numerous LCTs within the study area, the LVApp considers this to result in little change to the nature of underlying landscape character, particularly as other wind energy development is so prevalent along the west Cumbrian coastline.
- 9.3.10 In terms of the visual effects, the LVApp states that moderate adverse effects have been identified on a number of receptors at nine of the 15 viewpoints assessed. This is largely due to the presence of the turbines seen within an otherwise underdeveloped coastal edge landscape. The decommissioning of the wind farm would result in the loss of the structures from the coastal edge landscape, as perceived at a number of the viewpoints. The extension of life for a further ten-year period would continue the presence of wind turbines in such coastal views. However, many views towards Park House Farm Wind Farm already feature other wind turbines of various age and vertical height and these features will continue to influence views throughout the proposed life extension of Park House Farm Wind Farm and beyond. The continued presence of the Park House Farm wind turbines in such coastal views for a further ten-year period would be a small contribution to this influence.
- 9.3.11 The LVApp identifies a number of minor adverse and negligible effects, primarily from oblique, restricted or distant views. The LVApp states that although the wind farm is likely to be visible from these locations, it is considered to result in little change to the nature of the overall view afforded, which is typically vast and expansive along and across the West Cumbrian coastline.

- 9.3.12 In terms of cumulative landscape and visual effects, the LVApp has determined that cumulative landscape and visual effects would be greatest from landscape character types and visual receptors located in proximity to the wind farm, arising as a consequence of additive and sequential effects of the wind farm in combination with the approved holiday park at Micklam Farm.
- 9.3.13 Moderate cumulative adverse effects would be experienced in relation to Landscape Character Type 5a, where the wind farm and holiday park are located, the route of the England Coast Path and sequential views from it, and Viewpoint 15 at Micklam Farm. Such effects would be experienced over the medium-term duration. For all other landscape and visual receptors, cumulative effects would either be minor adverse or negligible.

10.0 Planning Appraisal

- 10.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The above referred advice contained in the NPPF is also a material consideration in the determination of any development proposal. In particular the advice given to local planning authorities that when determining planning applications for renewable and low carbon development, the NPPF advises local planning authorities should not require applicants to demonstrate the overall need for renewable energy and to approve the application if its impacts are (or can be made) acceptable. It is also important to note the dispensation given by footnote 49 of the NPPF to renewable energy proposals involving repowering.
- 10.1.2 The following planning appraisal assesses the proposed variation of the planning condition which requires the Park House Farm Wind Farm to cease operating at the end of March 2020 with the effect of extending the life of the seven existing turbines (and associated ancillary infrastructure) on site until 2030 against relevant national and Local Plan policies referred to above and against other material planning considerations.

10.2 Strategic Development Principles and Spatial Development Strategy

10.2.1 In terms of renewable energy, Policy ST1 of the adopted Local Plan which covers the strategic development principles for the Borough supports the development of energy infrastructure, related economic clusters, rural diversification and tourism. It also seeks to encourage development that minimises carbon emissions, maximises energy efficiency and helps us to adapt to the effects of climate change. In terms of protecting the Borough's valued assets, Policy ST1 seeks to protect and enhance areas, sites, species and features of biodiversity value, landscapes and the undeveloped coast. The Policy states that:

"planning applications that accord with these principles and relevant Development Management policies, and do not undermine the Spatial Development Strategy, will be approved without unnecessary delay, unless material considerations indicate otherwise".

10.2.2 Policy ST2 provides the Spatial Development strategy for the Borough. This Policy provides for and facilitates growth in the local economy, particularly in the energy sector. The Policy gives explicit support for renewable energy generating proposals which best maximise renewable resources and which minimise environmental and amenity impacts. In addition, it gives support to essential infrastructure to support energy development and other infrastructure that requires locating outside settlement limits.

10.2.3 The Howgate and Distington Locality Spatial Portrait makes no specific reference to the Park House Farm Wind Farm although the Spatial Portrait Map indicates the site lies just within an area washed over as a Tourism Opportunity Site. This relates to the existing unimplemented planning permission for a holiday caravan development south of the Park House Farm Wind Farm and its position on the coast (see Planning History above reference 4/06/2013/0).

10.2.4 The overall thrust of these strategic planning policies is therefore to support renewable energy development and their associated infrastructure, subject to the effects of each proposal upon the Borough's valued assets (see below). The policies recognise that such development is needed to support actions to adapt to the effects of climate change and provided the development accords with the other relevant policies in the Local Plan will be approved with urgency.

- 10.2.5 Likewise, the NPPF is clear that the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. In particular, the NPPF gives strong support for renewable energy development as a matter of principle, subject to individual effects on local landscape character, biodiversity and so on.
- 10.2.6 The Park House Farm Wind Farm is a long-established renewable energy generator. The environmental effects of the development were fully considered and addressed through the planning application appeal process under application reference 4/06/2013/0 (appeal reference T/APP/Z0923/A/98/301037/P2). Given that there are no new planning issues arising from the extension of the life of the wind farm, the S.73 application must satisfy the strategic principles outlined in the above Policies ST1 and ST2.
- 10.2.7 Furthermore, Chapter 8.0 above clearly shows the importance of delivering additional renewable energy development including onshore wind farms, given the over-riding national electricity generating need (i.e. 60 TWh of additional uncontracted low-carbon generation required during the 2020s). In addition, the UK government's commitment in law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050 and the evidence provided by the Committee on Climate Change report: *"Reducing UK Emissions 2019 Progress Report to Parliament July 2019"*, demonstrates that more rapid electrification must be accompanied with greater build rates of low-carbon generation capacity.
- 10.2.8 The Park House Farm Wind Farm already contributes successfully to existing electricity generation both locally and nationally. The wind farm has been in operation since January 2000 and to date has generated about 220,000 MWh of green electricity. Since purchasing the wind farm in December 2014, the current Owners have invested in a proactive maintenance and improvement programme. This investment was to ensure that the turbines are maintained in good working order, available for operation whenever there is enough wind to generate power, and that they continue to be compliant with planning conditions.
- 10.2.9 The applicant has provided evidence that Park House Wind Farm has performed well in terms of a) electricity generation and b) annual energy production compared to the average since 2008 as shown in Figure 1 in Appendix 2 below. It shows that there has been a positive trend in both indicators over the past 12 years, and particularly in the period from December 2014 when the current owners took possession of the wind farm.

10.2.10 As part of the investment plan for extended operations, the owners commissioned consultants to carry out a study into the technical and commercial feasibility of extending the wind farm operation life. The report concluded that an extended 10 years of operation was both technically and commercially viable. The owners have set aside a budget to undertake a proactive programme of enhanced technical inspections throughout the period of extended operation. Additionally, the owners have committed to the refurbishment or upgrade of components following planning extension approval. These works include replacement control systems for the wind turbines and replacement of some major components.

10.2.11 The applicant has confirmed that extending the wind farm operation for another 10 years will generate about 12,000 MWh per year, sufficient to supply about 3,500 local households, and saving about 3,000 tonnes of CO₂ per year (see Appendix 2 below).

10.2.12 Therefore, to not permit the extension of the life of the existing wind farm for another 10 years would therefore be counter-productive to all the material considerations outlined above and the presumption in favour of sustainable development enshrined in the NPPF.

10.3 Renewable Energy Policies

10.3.1 Adopted Local Plan Policy ER2 states that Copeland Borough Council will support new renewable energy generation proposals which best maximise renewable resources and minimise environmental and amenity impacts. The Council in determining applications will have regard to targets agreed with partners, based on up-to-date research taking into account local circumstances.

10.3.2 Policy ER3 states that the Council will support energy sector development and other major infrastructure projects by working with operators and developers to ensure that any new energy transmission infrastructure minimises potential impacts on the Borough's landscape and natural environment, and on the health and amenity of its residents and visitors.

10.3.3 Local Plan Development Management Policy DM2 states that proposals for renewable energy development in the Borough will be supported where they satisfy the following criteria:

- ***"Proposals should be developed with the Borough's community and key stakeholders in accordance with the Council's current adopted approach to stakeholder involvement;***
- ***There would be no unacceptable adverse visual effects;***

- ***There would be no unacceptable adverse effects on landscape or townscape character and distinctiveness;***
- ***There would be no unacceptable impacts on biodiversity or geodiversity;***
- ***The proposals would not cause an unacceptable harm to features of nature or heritage conservation importance;***
- ***There are no unacceptable impacts of noise, odour, dust, fumes, light or other nuisance that is likely to affect residents and other adjoining land users;***
- ***Any waste arising as a result of the development will be minimised and managed appropriately;***
- ***Provision is made in proposals for the removal and site restoration at the end of the operating life of the installation."***

10.3.4 It goes on to state that adequate mitigation measures would be secured to minimise the potential impacts of any renewable energy development proposals and to deliver significant benefits to the community where the scheme is to be sited wherever possible. If necessary, such measures would be secured through Planning Obligations.

10.3.5 The supporting text to the policy also states that in addition to Policy DM2, further guidance on wind energy developments is provided in the Cumbria Wind Energy Supplementary Planning Document (SPD).

10.3.6 The NPPF advises local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy because it recognises the overwhelming need, given the overwhelming evidence arising from the Government's commitment to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050 and the gap in electricity generation identified in the Committee on Climate Change report: "*Reducing UK Emissions 2019 Progress Report to Parliament July 2019*."

- 10.3.7 Chapter 6.0 of this Planning Statement refers to paragraph 154 of the NPPF, which states that Local Planning Authorities must identify suitable areas for renewable and low carbon energy in their plans. Footnote 49 of the NPPF requires that, with the exception of applications for the 'repowering' of existing wind turbines, a proposed wind energy development should not be considered acceptable unless it is in an area identified as suitable for wind energy development and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.
- 10.3.8 The planning appeal decision for Kirkby Moor (see appeal reference APP/M0933/W/18/3204360 above) referred to in Chapter 8.0 above confirmed the Planning Inspectorate's view that a proposal involving an extension to the life of an existing wind farm (in that case also for another 10 years) comprised 'repowering'. Therefore, with this important precedent in mind, the current S.73 application for the Park House Farm Wind Farm for exactly the same kind of proposal must also be accorded with the Planning Inspectorate's definition of being a 'repowering' proposal.
- 10.3.9 The policy requirement under Footnote 49 of the NPPF to consider whether the Park House Farm Wind Farm site lies within a suitable area for wind energy development and the requirement to demonstrate that the planning impacts identified by the local community have been fully addressed as the proposal has their backing does not therefore apply.
- 10.3.10 Furthermore, a letter containing a legal opinion submitted by WYG to Copeland Borough Council on the 21st February 2020 confirmed that there is no formal requirement for Pre-application Consultation for the purposes of validating a section 73 planning application under paragraph 3 (2) of the Part 2 of the Town and Country Planning (Development Management Procedure (England)(Order) 2015.
- 10.3.11 The legal opinion prepared by David Hardy of Squire Patton Boggs in Leeds dated 17th February 2020 stated:

"Pre-application consultation is governed by Part 2 of the Town and Country Planning (Development Management Procedure (England)(Order) 2015. Paragraph 3 provides as follows:

Consultation before applying for planning permission

"3 (1) Subject to paragraph (2), for the purposes of section 61W of the 1990 Act (requirement to carry out pre-application consultation)(b) a person must carry out consultation on a proposed application for planning permission for any development involving an installation for the harnessing of wind power for energy production where—

(a) the development involves the installation of more than 2 turbines; or

(b) the hub height of any turbine exceeds 15 metres.

(2) Paragraph (1) does not apply to –

(a) applications made pursuant to section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached); or

(b) applications of the description contained in article 20(1)(b) or

(c) (consultations before the grant of a replacement planning permission subject to a new time limit)."

Accordingly, applications made under section 73 of the TCPA 1990 are specifically excluded from the requirement for pre-application consultation".

10.3.12 Mr Chris Harrison replied to the legal letter on the 28th February 2020 stating:

"Thank-you for the below email and associated attachment.

I can identify no reason or basis on which to contest the conclusions of the legal opinion appended to your letter dated 21st February 2020 (Your Ref. AF/A108663).

I trust that this provides the information and clarity that you require."

10.3.13 Consequently, the requirement set out in the first bullet to Local Plan Policy DM2 relating to stakeholder involvement does not apply.

10.3.14 That aside the Cumbria Wind Energy Supplementary Planning Document (SPD) shows that the existing Park House Farm Wind Farm lies in Landscape Type 5: Lowland (Landscape Sub-Type 5a: Ridge and Valley) and is classified as lying within a 'Moderate Landscape Capacity' to accommodate turbine development and identifies the site as being in an area with a wind farm capacity of:

"Up to a small group, exceptionally a large group."

10.3.15 A small group is defined as 3-5 turbines and a large group is defined as 6-9 turbines. Map 2 of the Wind Energy SPD includes the existing Park House Farm Wind Farm comprising seven turbines as an operational development. Notwithstanding the point made above in relation to not needing to address Footnote 49 of the NPPF, the Park House Farm Wind Farm is nonetheless a recognised renewable energy development situated in an area identified as suitable for wind energy development, as set out in the Cumbria Wind Energy Supplementary Planning Document (SPD).

10.3.16 In responding to the criteria to Local Plan Policy DM2, email correspondence between WYG and Chris Harrison of Copeland Borough Council on the 30th January 2020 and 3rd February 2020 agreed that the s73 application would be supported by a Landscape and Visual Appraisal; Ecological Appraisal and a Report to Inform Habitats Regulations Assessment Screening. The Council also required submission of the original Environmental Statement submitted under the planning application appeal process (application reference 4/06/2013/0 and appeal reference T/APP/Z0923/A/98/301037/P2).

10.3.17 The environmental effects of the existing development were fully considered and addressed through the previous planning application appeal process, and therefore it is not considered necessary to repeat those arguments as part of this S.73 application, which is simply seeking a continuation these effects for a further temporary period. For the purposes of the criteria to adopted Local Plan Policies ER2, ER3 and DM2 and the requirements of the NPPF relating to the principles of renewable energy development, this S.73 application to extend the life of the seven existing turbines at Park House Farm Wind Farm until 2030 is found to be acceptable.

10.3.18 Other matters relating to the continued acceptability of the proposal on the landscape, biodiversity and conservation features of the site and surrounding area are considered below.

10.4 **Biodiversity and Conservation Policies**

10.4.1 The NPPF states in paragraph 170 that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity or geological value and soils. Paragraph 175 states that significant harm to biodiversity resulting from a development must be avoided through locating on an alternative site with less harmful impacts, be adequately mitigated, or, as a last resort, compensated for.

- 10.4.2 Local Plan Policy ENV2 relates to coastal management and supports energy generating developments that require a coastal location along the undeveloped coast, provided that the potential impacts on biodiversity, landscape and heritage assets are carefully assessed against the benefits. Where negative impacts are likely these must be mitigated against and compensated for. Local Plan Policy ENV3 seeks to ensure that development incorporates measures to protect and enhance any biodiversity interest. It also seeks, amongst other things, to enhance, extend and restore priority habitats and look for opportunities to create new habitat; boost the biodiversity value of existing wildlife corridors and create new corridors, and stepping stones that connect them, to develop a functional Ecological Network. Local Plan Development Management Policy DM25 supports this policy, setting out the detailed approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.
- 10.4.3 Policy DM25 requires all development proposals should protect the biodiversity value of land and buildings. Development is expected to maximise opportunities for conservation, restoration, enhancement and connection of natural habitats and creation of habitats for species listed in UK and Cumbria Biodiversity Action Plans. Special consideration should also be given to those European habitats that lie outside the boundaries of European designated sites. Development proposals where the principal objective is to conserve or enhance biodiversity or geodiversity interests will be supported in principle.
- 10.4.4 Policy DM25 states that where there is evidence to suspect the presence of protected species, any planning application should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs. The Policy goes onto state that all development proposals must take into account any likely significant effects on the internationally important sites both within the Borough and within a 20km radius of the Borough boundary as well as those that are hydrologically linked to the development plan area.
- 10.4.5 The Extended Phase 1 Ecological Appraisal confirmed that the existing Lowca Wind Farm is not within a designated site – the nearest is the Solway Firth pSPA (provisional Special Protection Area) situated 242m to the west, and the nearest County Wildlife Sites are Cunning Point and Cat Gill (the boundary of which abuts the wind farm but none of the turbines sits within this County Wildlife Site) and Andrew’s Gill, which is immediately south of the site. Nonetheless, whilst the site was assessed as having suitability to support a variety of species, there was no evidence that the Park House Farm Wind Farm had caused adverse effects on biodiversity and conservation interests over the last 20 years.

- 10.4.6 Although the Solway Firth is an estuarine/marine site of international importance, and is also designated for its over-wintering and migratory bird assemblages, the Ecological Appraisal confirms that the assessors are not aware of any reports of bird strike/direct mortality associated with the wind farm to date. As the wind farm is currently operational and has been so for the last 20 years, further habitat loss and displacement of birds (via barrier effects) are considered unlikely. In terms of the Cumbria Coast Marine Coastal Zone (MCZ), the Ecological Appraisal states that no effects are anticipated during the continued operation of the wind farm. The Ecological Appraisal states the site has potential to support a number of wildlife species (e.g. European hedgehog, brown hare, and invertebrates etc), however the operational phase of the wind farm is unlikely to have any effects on these species.
- 10.4.7 The Ecological Appraisal recommends that a Construction Environmental Management Plan (CEMP) and a Habitat Management Plan (HMP) is prepared prior to decommissioning to protect sensitive habitats within and adjacent to the site and to avoid disturbance of wildlife during decommissioning (e.g. potentially otter). These decommissioning matters can be controlled via the requirements of extant condition 2, which requires the submission and approval of a scheme of restoration for approval, which will ensure the site, is restored within 12 months of the cessation of generation of electricity. Such a scheme would be advised by the ecological studies recommended in the reports submitted with this S.73 application and would be set out in CEMP and HMP.
- 10.4.8 Both the Bird and Bat Surveys confirm that Park House Farm Wind Farm is unlikely to have impact on populations of other target bird species and the overall potential vulnerability of bat populations for the site is categorised as 'medium'; and the site is considered to be of 'low-lowest risk'. Suitable and proportionate mitigation is recommended at the de-commissioning stage, which would have to be the case irrespective as to when the wind farm is removed.
- 10.4.9 A Stage 1 HRA 1 Screening assessment has concluded that in the absence of mitigation, there are potential effects on pollution events during decommissioning and the presence of over 1% of the pSPA population of black-headed gull, herring gull and curlew being present on site.
- 10.4.10 WYG has consulted with Natural England (see Chapters 5.0 and 9.0 above for the response from Natural England) with regards the potential effects on the bird populations, and they have advised that the proposal needs to go to the next stage of the process – the Appropriate Assessment, in order to ascertain if there is an adverse effect on site integrity. Natural England accept displacement is not likely to be a significant risk at this site. but it is more to do with potential annual mortality rates. A Stage 2 Appropriate assessment is therefore being prepared as required by Natural England.

10.4.11 In light of the positive findings of the Extended Phase 1 Ecological Appraisal, and the Bird and Bat Surveys, there has nonetheless been no evidence of significant adverse harm resulting from the construction and subsequent operation of the Park House Farm Wind Farm over the last 20 years.

10.4.12 The objectives of the NPPF and the Local Plan Policies ENV2, ENV3 and DM25 to protect biodiversity and conservation interests especially along the coast would not be compromised by the S.73 application to extend the life of the seven existing turbines on site until 2030. For these reasons the above planning Policies would be satisfied.

10.5 Landscape Policies

10.5.1 The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. It also requires planning policies and decisions to maintain the character of the undeveloped coast, while improving public access to it where appropriate.

10.5.2 The Local Policy ENV5 seeks to protect all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area.

10.5.3 Policy DM26 requires all development proposals to be assessed in terms of their potential impact on the landscape. It states that developers should refer to the Cumbria Landscape Character Assessment and Cumbria Historic Landscape Characterisation documents for their particular character area and design their development to be congruent with that character.

10.5.4 The Landscape and Visual Appraisal confirms that in terms of landscape effects, there are moderate adverse effects on the route of the England Coast Path in proximity to the wind farm. However, from other Landscape Character Areas, Landscape Character Types and designations, including the Landscape Character Type within which the wind farm is located the effects would be minor adverse and negligible. Although the wind farm is likely to be perceived from numerous LCTs within the study area, little change would result to the nature of underlying landscape character, particularly as other wind energy development is so prevalent along the west Cumbrian coastline.

- 10.5.5 In terms of visual effects, there are moderate adverse effects on a number of receptors at ten of the 15 viewpoints assessed. The extension of life for a further ten-year period would continue the presence of wind turbines in the coastal views. However, all views towards Park House Farm Wind Farm already feature other wind turbines of various age and vertical height and these features will continue to influence views throughout the proposed life extension, and beyond. A number of minor adverse and negligible effects arise, primarily from oblique, restricted or distant views. Although the wind farm is likely to be visible from these locations, there would be little change to the nature of the overall view afforded, which is typically vast and expansive along and across the West Cumbrian coastline.
- 10.5.6 Moderate cumulative adverse effects would be experienced in relation to the landscape in which the wind farm is located, the route of the England Coast Path and sequential views from it, and Viewpoint 15 at Micklam Farm. Such effects would be experienced over a medium-term duration. For all other landscape and visual receptors, cumulative effects would either be minor adverse or negligible.
- 10.5.7 With these findings in mind, there is no landscape or visual evidence to indicate that extension of the life of the existing Park House Farm Wind Farm would result in inappropriate change to the landscape character or visual amenities of the site and surrounding area and nor would it significantly threaten or detract from the distinctive characteristics of that particular area. The existing wind farm was subject to a full LVIA under application reference 4/98/0486/0, and in doing so referred to the predecessor documents to the current Cumbria Landscape Character Assessment and Cumbria Historic Landscape Characterisation documents and was found to be acceptable.
- 10.5.8 The site does not lie in a 'valued landscape' as described in the NPPF and so does not benefit from special planning protection. In addition, the retention of the turbines for an additional temporary period of 10 years would make no difference to the underlying landscape character and appreciation of the designated landscapes of the Lake District National Park and the St Bees Head Heritage Coast, which lie 11km and 8.5km respectively from Park House Farm Wind Farm.
- 10.5.9 The LVApp supporting this S.73 application has had full regard to the current landscape character documents, and has found that the extension of the life of the existing Park House Farm Wind Farm would not cause demonstrable harm to the particular character or visual amenities of the area to be incongruent with that character. For these reasons, this S.73 application would accord with the NPPF and Local Plan Policies ENV5 and DM26.

11.0 Conclusions

- 11.1.1 This S.73 application to vary planning condition No. 2 of the existing planning permission allowed on appeal under application reference 4/98/0486/0 is intended to enable an extension of the operational life of the existing Park House Farm Wind Farm beyond the current time limit imposed by condition No.2 for a further temporary period of ten years until March 2030. The extant consent was also only for 20 years and more modern planning permissions as standard grant a minimum of 25 years.
- 11.1.2 The recent planning appeal decision for Kirkby Moor Wind Farm, Grizebeck (Reference APP/M0933/W/18/3204360) confirms that in terms of the NPPF policy position, this S.73 extension of life planning application should be considered as a 'repowering' proposal. Consequently, the specific tests for new renewable energy development set out in paragraph 154 and Footnote 49 do not apply in this case. There is also no formal requirement for S.73 applications to be subject to formal pre-application consultation. There are no new planning issues raised by the proposed extension of the life of the wind farm, as there are no physical changes proposed to the operational wind farm.
- 11.1.3 Notwithstanding the points raised above relating to NPPF paragraph 154 and Footnote 49, the site is nonetheless recognised as operational development in the Cumbria Wind Energy Supplementary Planning Document (SPD), and is identified as a suitable location for wind farm development comprising up to 9 wind turbines. Therefore, as a matter of planning principle, this S.73 application would comply automatically with national policies set out in the NPPF, NPPG, EN-1, EN-3 as well as adopted Local Plan Policies ST1, ST2, ER2, ER3 and DM2.
- 11.1.4 The Park House Farm Wind Farm is a long-established renewable energy development and no known significant adverse biodiversity, conservation or landscape effects have been identified following nearly 20 years in operation (March 2000). Any biodiversity or conservation interests identified in the ecological assessments are matters relating specifically to the eventual decommissioning of the wind farm, and so would not directly affect the considerations relating to the acceptability of extending the operational life of the development. Instead those matters can be dealt with through the extant requirement of condition 2, which requires within 12 months of the cessation of generation of electricity for the site to be restored in accordance with a scheme approved by Copeland Borough Council.
- 11.1.5 In terms of the biodiversity, conservation or landscape interests, this S.73 application therefore accords with the advice contained in the NPPF, NPPG, EN-1, EN-3 as well as comply with adopted Local Plan Policies ENV2, ENV3, ENV5, DM25 and DM26.

- 11.1.6 There is an overwhelming body of evidence that the UK has to urgently ramp up significantly its' output of renewable energy generating capacity, if it is to meet the UK Government's commitment in law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050.
- 11.1.7 The evidence provided by the Committee on Climate Change report: "*Reducing UK Emissions 2019 Progress Report to Parliament July 2019*", demonstrates that more rapid electrification must be accompanied with greater build rates of low-carbon generation capacity (i.e. 60 TWh of additional uncontracted low-carbon generation required during the 2020s), which includes delivering additional renewable energy development through onshore wind farms.
- 11.1.8 This message is reflected in the findings of RenewableUK, which means that the continued contribution that the existing Park House Farm Wind Farm makes to renewable electricity generation in the UK is a significant material consideration in favour of the extension of the life of the wind farm. To not grant planning permission would be contrary to the UK's capability of meeting its own climate change commitment. Park House Farm Wind Farm has provided a reliable source of renewable energy for 20 years and this proposal represents a prudent and sustainable continuing use of the existing infrastructure for a further ten years.
- 11.1.9 The proposals have been demonstrated to be in accordance with the Development Plan and importantly supported by key material considerations including national policy and other government policy and targets. No material considerations are identified which weigh significantly against the proposed extension of life. In addition, the extant conditions of planning permission 4/98/0486/0 will continue to apply, giving Copeland Borough Council appropriate control over the continuing operation of the wind farm and its end of life decommissioning and restoration.
- 11.1.10 For all the reasons outlined in this Planning Statement, we would respectfully request that planning permission be granted to vary condition 2 of planning permission 4/98/0486/0 to extend the life of the existing wind farm at Park House Farm, Lowca to the end of March 2030.

**Appendix 1 – Appeal Decision APP/M0933/W/18/3204360 – Kirkby Moor
Wind Farm, Kirkby Moor and Lowick Common, Grizebeck**

Appendix 2 – Background and development in support to planning extension. Evidence on ongoing investment in the wind farm by the current owners - 18th March 2020



Appeal Decision

Inquiry held on 22 – 31 January 2019

Site visits made on 16/17 April and 17 June

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Appeal Ref: APP/M0933/W/18/3204360

Kirkby Moor Wind Farm, Kirkby Moor and Lowick High Common, Grizebeck

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Zephyr Investments Limited against the decision of South Lakeland District Council (the Council).
 - The application Ref SL/2017/0687, dated 31 July 2017, was refused by notice dated 20 December 2017.
 - The application sought planning permission for 15 wind turbines and associated works (amended to 12 wind turbines as confirmed by the Council by letter dated 4 March 1993) without complying with condition attached to planning permission Ref 5/90/2312 (PNW/5166/21/73), dated 11 March 1992.
 - The condition in dispute is No 6 which states that:
The turbines hereby approved shall be removed from the site on the expiration of 25 years from the date of the turbines being first brought into use or within 1 year of the turbines being decommissioned or becoming disused for any reason, whichever is the sooner.
-

Procedural matters

1. The three main parties - the appellants, the Council and Kirkby Moor Protectors¹ (KMP) - agreed a schedule and map of locations for my unaccompanied visits to the site and in the wider area². As I explained at the Inquiry the dates of the visits would be weather dependant, as some of the agreed locations were at some height and distance from the site. The dates of my visits³ are set out above.
2. A Statement of Common Ground (SOCG) was agreed between the Council and the appellants in December 2018. KMP were not involved with the SOCG.
3. A s106 Planning Obligation⁴ (between the appellants, Beaufort Wind Limited, P A Bostock, Lord C V Cecil and Holker Estates) was submitted in draft before the Inquiry and discussed by all parties. It included a Decommissioning Method

¹ A Rule 6 party

² Agreed Site View Plan P16-0036_300B

³ After several unsuccessful attempts due to the weather

⁴ Document 34

Statement (DMS) and a Habitat Management Plan (HMP). The final version (dated 19 March 2019) was submitted after the close of the Inquiry, and all parties have had the opportunity to comment on the final document. I have taken the contents of the Obligation and associated documents into account.

4. After the Inquiry the Council's Local Plan Development Management Policies (DMDPD) were formally adopted at full Council⁵. On the adoption of the DMDPD the saved policies of the former South Lakeland Local Plan have been superseded⁶.

Decision

5. The application seeks permission to vary the temporary time condition to allow the retention of the turbines until 31 March 2027, followed by a further year to carry out decommissioning works.
6. The appeal is allowed and planning permission is granted for 15 wind turbines and associated works (amended to 12 wind turbines as confirmed by the Council in a letter dated 4 March 1993) at Kirkby Moor Wind Farm, Kirkby Moor and Lowick High Common, Grizebeck in accordance with the terms of the application, Ref SL/2017/0687, dated 31 July 2017, subject to the conditions set out in the schedule to this decision.

Application for costs

7. At the Inquiry an application for partial costs (two options) was made by Zephyr Investments Limited against South Lakeland District Council. The application is the subject of a separate Decision.

Main issues

8. There are four main issues in this case:
 - The effect on the character and appearance of the area, including the setting and character of the Lake District National Park (LDNP) and the World Heritage Site (WHS)
 - The effect on designated heritage assets
 - The extent of any benefit accruing from the decommissioning and restoration schemes
 - The extent of any benefit arising from renewable energy generation

Reasons

Location and relevant planning history

9. The appeal site is located on the plateau which forms part of a wide northeast to southwest ridge which runs down the Furness Peninsular between Cartmel Sands and the Duddon Estuary. The turbines and related apparatus are on a broad rounded plateau. The appeal site forms part of a Site of Special Scientific Interest (SSSI) and is Access Land under the Countryside and Rights of Way Act.

⁵ 28 March 2019

⁶ Explanatory letter from the Council (11 April 2019)

10. To the west of the site is a substantial and active quarry, with permission to operate until 2042. It has recently been granted consent to expand its operations in the direction of the wind farm.
11. The windfarm was originally granted planning permission by the Secretary of State in 1992⁷, based on policy which was current at that time, which was in summary to proceed as quickly as possible with renewable energy projects. The condition which is the subject of this appeal requires the removal of the turbines within 25 years of the date they were first brought into use (which was August 1993). There was no condition requiring any other elements of the development⁸ to be removed or any restoration works to be undertaken.
12. The original approved scheme was for 15 two-blade turbines (40.5m to tip). The Council approved an amendment to this scheme to provide 12 three-blade turbines (42.4m to tip) – this was the scheme as constructed.
13. In 2015 an application was refused for 6 replacement turbines in the area of the appeal site. These would have had a tip height of up to 115m. This decision was not appealed.
14. The application which originated this appeal was supported by an Environmental Statement⁹ and proposed a revised date for the cessation of power generation by March 2027, and an end date for decommissioning in March 2028. The decommissioning scheme included a number of elements in addition to the removal of the turbines and transformers¹⁰. The application was recommended favourably by Council officers.
15. The Council refused the application on the basis that the benefits arising from the proposal, including continuing renewable energy generation and the decommissioning programme, did not outweigh the continuing adverse effects on the landscape and on the setting and character of the LDNP/WHS and on the local economy.
16. It is worth noting that, contrary to its initial position, the Council did not pursue the argument that the 1992 permission has expired and/or that the turbines have ceased working and should be removed.

Planning policy context

17. At the time of the Council's decision and the Inquiry, the development plan comprised the South Lakeland Local Plan Core Strategy (CS) (2010) and the South Lakeland Local Plan. As explained above, the latter has been replaced by the DMDPD (2019).
18. The most relevant CS policies¹¹ are:

CS1.1: This deals with a range of matters including the need to increase the proportion of energy derived from renewables, the need to protect the countryside and landscape, and to safeguard historic buildings¹².

⁷ Doc 5.1

⁸ For example, turbine foundations, transformer housings, underground cabling and access tracks

⁹ Docs 10.5 – 10.10

¹⁰ SOCS paragraph 2.3 and s106 obligation Doc 34

¹¹ Other relevant CS policies are listed in the SOCG paragraph 4.3

¹² The parties differed as to the weight which should be accorded to the policy in the light of the approach in the Framework.

CS7.7: This deals with opportunities provided by energy and the low carbon economy. It supports the principle of appropriately located wind energy schemes where the protection of the environment is assured and designated areas are safeguarded¹³.

CS8.2: This deals with the protection and enhancement of landscape and settlement character¹⁴. Reference is made to local distinctiveness and National Parks.

CS8.4: This states that all proposals should protect, enhance and restore biodiversity and geodiversity.

CS8.6: This supports the safeguarding and, where possible, enhancing of historic assets, including their characteristic settings and any attributes that contribute to a sense of local distinctiveness¹⁵.

19. The most relevant policies in the former South Lakeland Local Plan were agreed to have been¹⁶:

C7: National Sites. This has been replaced by DMDPD policy DM1, which makes reference to response to locational context, the provision of infrastructure needs in a sustainable manner and the protection of existing biodiversity assets.

C15 Listed buildings and their settings. This has been replaced by DMDPD policy DM3 which provides, amongst other matters, that all heritage assets and their settings will be safeguarded.

The appellant also argued that former policy C26, wind energy, was one of the most relevant policies, but the Council initially considered that it was not relevant in that it was not consistent with the National Planning Policy Framework (now the 2019 version) (the Framework). The position of the authority changed during the course of the appeal but, in any event, this policy (along with C31) has been superseded by DM1, DM2, and DM21. The latter encourages renewable energy development where, amongst other matters, it minimises landscape impact, respects the historic environment, avoids impact on nature conservation interests, includes measures to remove the technology, and will not have cumulative adverse impacts.

20. In addition, the Cumbria Wind Energy Supplementary Planning Document (2007) (SPD) is agreed to provide guidance on wind energy developments. It makes no mention of applications (such as the current proposal) to extend the life of existing schemes, but there is no reason to doubt the applicability of its approach to the current case. The appeal site is within a Landscape Character Type (LCT) with a medium/high capacity for turbine development. This is one of only two LCTs with this high level of capacity in Cumbria.

¹³ The Council agrees that CS policies 7.7 and CS8.2 continue to carry weight, but in the light of their adoption before the 2012 Framework this is limited

¹⁴ Although relevant, the appellant argued that the absence of any balance in the policy puts it at odds with the Framework. The Council did not refer to this policy. I agree that it has limited weight.

¹⁵ The parties agreed that limited weight should be applied to this policy (and CS1.1 and CS7.7) due to discrepancies with national policy and statutory test. I do not disagree.

¹⁶ Other relevant former South Lakeland Local Plan policies were listed in the SOCG paragraph 4.5

21. The SOCG¹⁷ sets out various other documents which are agreed to comprise material considerations¹⁸. These include national policy documents and the Inspector's report leading to the Secretary of State's decision in 1992 which led to the establishment of the windfarm.

The nature of the proposal

22. Before proceeding to the agreed main issues in this case, it is necessary to deal with another matter, which took up a significant amount of Inquiry time. That relates to the nature of the proposal in the light of Footnote 49 to paragraph 154 of the current Framework.
23. As set out above, this is a proposal under s73 for the removal and variation of the 25-year limited period condition imposed by the Secretary of State. The intention is to extend power generation to March 2027, followed by a period of decommissioning to March 2028.
24. It is worth repeating the elements of national policy which are relevant to the nature of the proposal:

Amongst other matters Framework paragraph 154 provides that when determining planning applications for renewable development, local planning authorities should approve the application if its impacts are (or can be made) acceptable (there is then a reference to footnote 49).

Footnote 49 provides that "Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing." (My underlining.)

25. So, aside from 'repowering' applications, wind farms need to be in an area identified as suitable and should have the backing of the local community. In this case there are no such suitable areas identified in the development plan, and there is very substantial local opposition (and support) such that it could not be said that the proposal has the backing of the local community.
26. The matter between the parties is whether this proposal is an application for repowering existing turbines. The Framework does not define the meaning of 'repowering'.
27. The appellant's position is that whilst approval of this s73 appeal would create a new permission, the development would remain the existing wind farm as approved in 1992 (including the subsequent amendment). Therefore, in policy terms, it is argued that the proposed extension of life is a 'repowering' application for the purposes of Footnote 49, and the appellant does not have to demonstrate that it is in an area identified for wind energy development, nor that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing¹⁹.

¹⁷ SOCG Section 5

¹⁸ SOCG Paragraph 5.1

¹⁹ As summarised in SOCG paragraphs 9.1 – 9.4

28. The Council's position²⁰ is that this is not a repowering scheme but a proposal for a new windfarm on the site. This is on the basis that the original planning permission has now expired and with reference to the Collins English Dictionary definition of 'repower' as "to rebuild or replace the power source or engine of a vehicle, power plant etc". The replacement of the turbines with significantly larger structures, as proposed on the site in 2015, would constitute repowering. However the Council's position is that the continuation of the life of the existing smaller turbines is not repowering. As such, it is argued that the starting point of the assessment should be the natural unaltered condition of the site. The appellant must therefore demonstrate compliance with Footnote 49 in relation to identification in the development plan and the issues raised by local communities²¹.
29. As mentioned above, there is no definition of 'repowering' in the Framework or in any other national policy or guidance to which I was referred. I therefore have to consider the relevance of Footnote 49 on the basis of the evidence and submissions put to me.
30. The Scottish Government's Onshore Wind Policy Statement²², although obviously not applicable in England, adopts a relatively wide approach to the question of repowering. However it also refers to measures designed to extend the life of components and turbines – in this case, despite comments by the appellant regarding the physical measures which may occur during an extended period so as to extend the life of the turbines, there are no physical measures before me.
31. The appellant argued persuasively that within the wind industry 'repowering' is an umbrella term covering replacement, replanting and extension of life, and this position was not evidentially contested. I am also conscious that there is nothing in the scheme before me which suggests that repowering necessarily means the physical replacement or the enlargement of turbines.
32. In addition, this is an area where (as the Council confirmed) the authority does not intend to identify any suitable areas for renewable or low-carbon energy for at least five years. The implication is that no wind farm developer wishing to extend the life of an existing scheme will be able to comply with the Footnote – it seems to me that it is unlikely that this is the intention of the Footnote.
33. Overall, in the absence of national guidance as to the meaning of the term, I consider that the proposal comprises repowering and that, accordingly, the proposal is not required to be in an area identified as suitable for wind energy development in the development plan or demonstrate that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing. However I should stress that this interpretation of Footnote 49 does not reduce the weight to be given to development plan policies, nor does it mean that the varied views of local people can be or should be ignored.

The character and appearance of the area, including the LDNP and WHS

²⁰ Supported by KMP

²¹ As summarised in SOCG paragraphs 9.5 – 9.6

²² CD 3.17

34. At the national level, the appeal site is within the South Cumbria Low Fells National Character Area 19, which is a very broad area stretching from the Duddon Estuary in the west, through fells and ridges, to more gentle farmland in the east. In the central section, including the area around the appeal site, the area is characterised by undulating fells and ridges. Turning to a more local appraisal, the site is within LCT 9i 'Intermediate moorland', and Sub Type 9d 'Ridges (Furness)'. The key characteristics of this area are distinct ridges with extensive areas of true heathland moorland. It is open access land and is part of an SSSI – but as this is a conservation designation I will deal with it separately.
35. The landscape in which the appeal site is located is notable for its openness and large-scale natural features, and the unenclosed moorland gives a feeling of wildness. The wind farm is a significant man-made element within this largely natural landscape, which has an impact both when one is on the moor and in the surrounding area.
36. The appellant's Landscape and Visual Impact Assessment (LVIA) was produced using a standard methodology and, with one exception, there is no significant challenge to it either in term of methodology or results – including the visualisations. The exception is that KMP noted that the LVIA did not consider key viewpoints within the site itself, and stated that this was a serious defect. Whilst I understand the appellant's position on this matter, given the public accessibility of the site I can well understand KMP's concern. However, even if I were to accept this as a deficiency, it is not of any great consequence as I have viewed the effect of the turbines from a wide range of viewpoints within the site itself.
37. The difference between the Council and the appellants relates to the interpretation of the impacts within the agreed area where there are significant effects on landscape character. This is a relatively localised area near the site itself and up to 5 kms away. The wider effects would be perceptible not only from the 'Ridges' Landscape Character Sub Type, but within the Intertidal Flats, Coastal Mosses; and Foothills²³. There would also be a significant indirect effect on the landscape character in a small area of the LDNP.
38. I visited all the areas and every location agreed by the main parties, and travelled extensively within the 5km area and beyond. The turbines are obviously visible from a large number of locations but, given the wide landscape and their relatively limited (in today's terms) height and number, my assessment is that the landscape is more than capable of continuing to assimilate the windfarm without significant harm to its essential character.
39. I am also mindful that the Secretary of State, in granting planning permission for the original development, noted that the site was not in a nationally designated area but accepted that the turbines would be visible from many places in and around Kirkby Moor. However it was stated that such harm as may have been caused by the visual impact of the windfarm was outweighed by the national need for sustainable energy sources.
40. In coming to that view I am conscious that the Cumbria Wind Energy Supplementary Planning Document (2007) (SPD) provides guidance on wind energy developments. There is no reason (as the Council suggested) to accord

²³ Full listing of landscape types at SOCG Section 6.3

it limited weight in the light of the approach of Footnote 49 of the Framework – it is a landscape capacity assessment and as such is unrelated to the Footnote. In any case the Council confirmed at the Inquiry that the SPD remains current and that it forms part of the evidence base for the emerging plan. Although the SPD is of a certain age, there is nothing to suggest that this assessment was wrong or that matters have significantly changed since it was produced.

41. The SPD shows the appeal site as being within an area categorised as having a Medium/High capacity for wind energy development. It is noteworthy that this assessment was undertaken with the Kirkby Moor windfarm in place. It provides that, in addition to Kirkby Moor, there was additional capacity for further turbines. The Council noted that the SPD assumes turbines of a significantly greater height and argued that this capacity could not be transferred to smaller structures. This seems to fly in the face of logic - if the area has the capacity for further, taller, turbines it is hard to disagree with the appellants' position that the SPD supports the current proposal.
42. The SOCG records that there would be no significant cumulative effects arising from the proposal in relation to other operational, consented and in the planning process wind farms. I have no detailed evidence leading me to disagree with this position.
43. Finally, as a further material consideration, I am aware that there is no objection to the proposal from the Lake District National Park Authority (to which I will return below) or Natural England.
44. I will now turn to the argument advanced by the Council that the area is a valued landscape in terms of paragraph 170(a) of the Framework. Amongst other matters this provides that "Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)".
45. The Council argued that Kirkby Moor is a valued landscape in terms of this paragraph in national policy, and this assessment must have affected the way in which the authority considered the overall planning balance. However the paragraph clearly refers to statutory status or identification in the development plan. Although the site is close to the LDNP and the WHS, these designated areas do not include a buffer and the site is therefore outside the area covered by any statutory status. Nor is the site identified in the development plan. Although clearly appreciated by local people and visitors, this does not mean that it is a valued landscape in terms of national policy.
46. I now turn to the LDNP and the WHS. The nearest turbine is around 850 metres from the boundary of the LDNP. The Lake District was added to the UNESCO World Heritage List in 2017. It is noteworthy that the nomination documents for the designation were prepared with the Kirkby Moor windfarm in place and that its existence was therefore part of the baseline²⁴. I also note that the nomination documents refer to the potential of the area within and outside the designated area for wind turbine development²⁵. Furthermore the nomination documents do not list any viewpoints into or out of the designated

²⁴ Doc 7.3 page 546

²⁵ Doc 7.3 page 551

area in the vicinity of the turbines, although I agree that there is no significant difference between the quality of the landscape at the appeal site and in the LDNP.

47. It is agreed that there would be significant indirect effects on the landscape in part of the National Park, within a radius of up to 5 kms from the site²⁶. I visited the potentially affected area within the NP, and a wider area therein, and consider that the retention of the turbines would not detract to any significant degree from the understanding and enjoyment of the special qualities of the LDNP.
48. In coming to that view, I note that the LDNP Authority did not object to the proposal. It was suggested by KMP that the response of the authority exceeded its remit – especially in view of the consideration given to the SSSI outside the park area. Whilst the authority may not have been required to comment on the Habitat Management Plan and other matters, I do not see any reason why it should not have done so. In any event, despite the speculation at the Inquiry, it is not possible to identify the background to the LDNP's position. The only thing which is clear is that they have not objected to the proposal, and this is a significant material consideration.
49. I have also considered the effect on visual amenity of the residents of the 24 properties which are located within 1km of the turbines. As agreed by the parties, there are 16 where views of the turbines can be gained – I visited or obtained a view of all of these. My judgement is that no property would experience such an overbearing effect on visual amenity that the dwelling would become an unattractive place in which to live. Further afield, there would be a very limited degree of visibility and the turbines are very distant in views in the landscape. The effect on properties in scattered settlements and on isolated homes would be very limited indeed.
50. I have considered the evidence of local people as to the effect on the enjoyment of rights of way, both in visual and aural terms. Some said that the presence of the turbines deterred the use of the footpaths and the open access land. Others said it did not or even that it enhanced their enjoyment. No technical analysis was put forward to support the Council's position that policy dealing with rights of way was breached. Based on my visit and consideration of the policy in the absence of technical evidence, I do not find that the enjoyment of rights of way would be significantly affected by the proposal.
51. Overall, I consider that, at most, the proposal would cause limited harm to the character and appearance of the area and that the landscape is more than capable of assimilating the windfarm for a further period without significant harm to its essential character. The proposal would accord with policies CS1.1, CS7.7 and CS8.2 in that it would protect the countryside and landscape. It respects its locational context in line with DMDPD policies.

The effect on designated heritage assets

52. The reason for refusal did not specify the designated heritage assets which might be affected by the proposal²⁷. However these were subsequently identified and agreed by the parties. I visited all such identified assets. I will

²⁶ Full listing of landscape types at SOCG Section 6.3

²⁷ There was no reference to non-designated assets

deal with each of these in turn (in no particular order), before assessing the overall approach of the parties and reaching a conclusion.

53. St Cuthbert's Church, Beckside (Grade II*) lies to the southwest of the appeal site. Its interest stems from the medieval fabric of the building – in both architectural and historic terms. It is located in a settlement in an otherwise entirely rural area, and the heritage asset can be best understood and appreciated from various open areas within the settlement. From those locations the turbines (which were turning on the day of my visit²⁸) introduce a moving element in distant views beyond the church - which would otherwise be an almost entirely static landscape. To a very limited extent this detracts from the church, which would otherwise be the tallest manmade structure in the area. However, given the distance involved, any perceived conflict with or harm to the significance of the setting of the asset is very minor.
54. The church of St John the Evangelist, Netherhouses (Grade II) is to the southeast of the site. The special interest of the building lies in its architectural detailing, in particular the timber bellcote and spirelet and its historic association as a chapel of ease. In the latter context the rural setting adds to its significance as a destination for a dispersed rural congregation. From the churchyard, the turbines are distantly visible to the northwest. However due to the distance involved they do not significantly detract from the significance of the setting or the historic and isolated value of the asset, which would be subject to only minor harm to significance.
55. The Sir John Barrow Monument, Hoad Hill (Grade II*) lies around 5 kms to the south east of the site. It is an unusual structure, designed as a faux lighthouse atop the hill, commemorating the naval administrator and traveller. Its significance stems from its architectural concept and historic associations with Ulverston. Due to the latter, the eye tends to be drawn towards Ulverston, although there is nothing to prevent the observer looking to the northwest, in which direction the wind turbines can be seen on a clear day. Overall, the historic significance of the asset would be unaffected, as would what seem to me to be the most important views from the monument. However, in views to and from the appeal site and the distant Lake District, there would be minor harm to the aesthetic significance of the asset.
56. Kirkby Hall (Grade I) is a 15th century manor house due west of the appeal site. It has historic associations with certain local families – these would be unaffected by the continued presence of the turbines. Although I was not able to approach particularly close to the building, which is set back from the road, I could see some of the external features of interest which, apparently together with internal features, give the property architectural significance. It is set in a modern working farm and between it and the windfarm is the substantial quarry to which reference has already been made. From the tree-lined avenue and doubtless the house itself, the eye is drawn to the quarry, and the windfarm is a negligible element in the setting of the asset. I conclude that the significance of the asset would not be affected.
57. On the appeal site itself are a round mound and a cairn on the slopes of Gill House Beck. These Bronze Age remains have historic and archaeological interest, and the setting on the slope of the Beck is a typical location. The

²⁸ This applies to all the heritage assets

archaeological and historic interest of the assets would be retained as would its important relationship with the Beck – which is the main aspect of its setting²⁹. The relationship between the two elements is very slightly affected by the turbines, but this causes no harm to significance. In coming to this view I note that the Council initially raised no issue in relation to this feature until late in the appeal process, before which it had been stated to be unaffected. It could scarcely have been overlooked as it had been assessed in the appellant's earlier documents, is evident on the ground, and is shown on the Ordnance Survey extract.

58. Angerton Farmhouse and Barn (Grade II) lie a considerable distance to the west of the site. They were identified by the Council as assets which could be affected by the proposal, although the authority noted that 'close inspection of the property was not carried out due to access difficulties' and the Council's evidence was that the impact on setting was neutral - though reference was made to the retained authentic fabric and its aesthetic value. I visited the area and obtained clear views of the asset, from which it appears that the majority of the 17th century farmhouse has collapsed leaving only a gable attached to the wall of the 19th century barn – the rest of the farmhouse has been demolished and the site cleared. Even allowing for the fact that the remaining structure is Listed, its interest is substantially reduced. There would be no effect on the significance of the asset.
59. National policy is that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I will return to this balancing exercise below. However there was a difference between the parties as to whether there was merit in introducing a sliding scale within this 'less than substantial' category. The appellant undertook this exercise, whereas the Council did not. Certainly, given the range of harm covered by this category, I found it useful to understand the appellant's position more clearly, but this is an approach not required by policy.
60. As set out above there is 'less than substantial harm' (in the terminology of the Framework) to three designated heritage assets. However, as I will discuss below, the proposed extension of life of the windfarm would provide a very substantial public benefit in terms of the continuation of sustainable energy generation from the site along with a much enhanced decommissioning proposal and a new restoration scheme. This very substantially outweighs the harm (for a further limited period) occasioned to the assets, which would be safeguarded in terms of the relevant policies dealing with heritage³⁰.

The extent of any benefit arising from the decommissioning and restoration schemes

61. The extent of the benefit arising from the DMS and the HMP occupied a reasonable amount of Inquiry time and evidence. However the position can be stated relatively briefly.
62. The plateau of which the appeal site forms part is largely managed heather moorland (dwarf shrub heath). Much of the appeal site, which extends well beyond the turbine area itself, is part of the Kirkby Moor SSSI in recognition of

²⁹ The SOCG states that there are no effects on below ground archaeology

³⁰ CS1.1; CS8.6; DM3; DM21

its upland heath habitat as heather moorland. It was designated as a SSSI in the early 1990s, when the windfarm was in place. It is a resource limited to northern Europe and is a scarce habitat within South Cumbria – Kirkby Moor is the largest area of this habitat in the region. The SSSI as a whole is designated as “unfavourable recovering” by Natural England. KMP’s position is that the site is unique and that this is the only windfarm on intact heather moorland in England, and that the site is of particular consequence due to its location between two estuaries.

63. Comparison can be made between the DMS and the HMP and the position if the Secretary of State’s condition were complied with. This condition simply requires the removal of the turbines and no removal of other structures, other work or remediation.
64. Whilst it is true that the landowner or other party could choose to undertake further works, there is nothing to require them to do so. KMP suggested that the remaining “ancillary equipment can be removed by other mechanisms” and the landscape restored, but did not put forward any mechanism which would lead to this outcome.
65. Weight can be attached in the overall balance to a restoration proposal in an SSSI. KMP asserted that the extent of the decommissioning and restoration is a “tiny element” in the context of the overall SSSI. In terms of geographical area this may well be true. However the removal of all the structures and the intended mitigation measures is of considerable importance in the local area. The restoration of around 1.25 ha of priority habitat would be of undoubted benefit.
66. The mitigation measures are a component of the overall scheme and would result in a significant positive effect. I have no evidence to counter this and conclude that it would help move the SSSI from its current “unfavourable-recovering” position to a more favourable status.
67. In coming to that view, I am aware that Natural England has confirmed that it has no objection to the proposal and that it welcomes the HMP.
68. Some members of the public have suggested that the appellant was acting inappropriately by offering more mitigation than was required by the original permission. I do not accept that this is in any way inappropriate. The Secretary of State’s original permission was a child of its time, and its conditions were of that era. In the current climate it is proper and necessary that the current appeal be considered in the light of modern practice.
69. Overall, the current proposal would result in a significantly better outcome for the SSSI (albeit partly some years hence) and this is a significant benefit arising from the DMS and the HMP. The proposal complies with policies DM1 and DM21 in relation to biodiversity and nature conservation.

The extent of any benefit arising from renewable energy generation

70. The Council and the appellant agree³¹ that this appeal is not an appropriate forum for debating national energy policy, and that the proposal would contribute to the national objective of promoting renewable energy technologies. I agree with that position. KMP’s view was that the energy

³¹ SOCG paragraph 6.6

contribution from the scheme “does not really matter in the context of harm”. However relevant parts of national and European energy policy³² are clearly material considerations to be taken into the planning balance.

71. Some local residents and others noted that the turbines are old technology in wind energy terms, and that their power generation is comparatively limited. Reference was also made to the turbines not turning for periods of time.
72. The clear evidence before me is that the windfarm, though doubtless dated and potentially comparatively inefficient, continues to generate power. Clearly if the windfarm were proposed afresh today it would be a very different animal, but the fact is that the windfarm is in place and continues to contribute to the national objective of promoting renewable energy. This is in the context, based on the evidence before me, that there is likely to be a shortfall of up to 3% against the 2020 renewable share target.
73. With that background, even a time limited and comparatively small proposal such as this makes some contribution to renewable energy objectives. It was agreed that the windfarm provides energy to power around 2,700 homes.
74. Overall, the continuation of the generating capacity of the windfarm is a significant benefit arising from the proposal and is in line with national and local policy³³.

Other material considerations

75. Part of the Council’s reason for refusal alleged that the continuation of the life of the windfarm would have an adverse impact on the local economy. However this was not pursued to any extent in evidence or submissions, aside from limited anecdotal statements. I give this very little weight.
76. Noise issues were raised by a number of residents and others who spoke at the Inquiry. The appellant submitted a rebuttal document in this respect, and no technical evidence has been produced to counter their position. In addition an ETSU_R_97 compliant noise condition is currently proposed, which is a considerable benefit of the scheme as opposed to the original permission.
77. Some local residents gave evidence concerning the community led initiative (the Southern Boundary Partnership) related to the possible future extension of the National Park. This was not a matter advanced by the Council in evidence. It was clear from residents’ evidence that this concept is at a very early stage, and bearing in mind that the most recent extensions to the designated area were adopted as recently as 2015, it appears that the Partnership’s idea will take some time to bear fruit. In any event, I heard that the proposed extension would include other wind farms and turbines. I do not consider that the proposed extension of life of the windfarm would be pivotal to the success of the initiative (as was asserted for KMP).
78. KMP took a full part in the Inquiry and produced evidence from a number of witnesses, most of whom live within a 5km radius of the site. Most of those representing KMP have been resident for a considerable period of time and have supported the group in its long-standing opposition to the windfarm. Many of the residents who opposed the proposal stated that the turbines

³² Set out in SOCG Appendix 1

³³ Policies CS1.1; CS7.7; DM21

should have been a temporary intrusion – albeit one lasting for 25 years – and that they should be removed. I have also considered the two letters submitted by the local MP.

79. Conversely, both in writing and at the Inquiry, a significant number of local residents and others wrote and spoke in support of the proposal. In that I include a very large petition in favour of the proposal. The support was for a range of reasons, largely related to renewable energy generation and the view that the turbines are an established part of the landscape.

Conditions and planning obligation

80. The conditions appended to this decision were agreed by the parties at the Inquiry.
81. Condition 1 provides that permission to generate electricity shall expire in March 2027 and that above ground infrastructure shall be removed within one year afterwards. This is essentially the proposal before me and is also the subject of the planning obligation.
82. Condition 2 deals in detail with noise issues and the procedure to be adopted in the event of noise complaint. It is ETSU_R_97 compliant. This is in the interests of the amenity of residents and others in the area. This condition is accompanied by a set of guidance notes. Overall, the condition and notes are in what is currently regarded as a standard form, and no objection has been raised to any detail.
83. Condition 3 limits the hours during which decommissioning may take place. Again, this is in the interests of the amenity of others in the area.
84. The s106 Obligation requires that the DMS and HMP be carried out.
85. The DMS provides a 12-month decommissioning and reinstatement period, including flexibility to allow for ecological constraints such as hibernation and nesting periods. The intention is that most of the physical decommissioning would take around two months. The decommissioning works, based at a temporary compound in the slate quarry, include the removal of the turbines, bases, transformer housings, the capping of cables, the reinstatement of soils and the restoration of the area around the turbines. This represents a significant improvement to the requirement of the Secretary of State's condition.
86. The HMP sets out the proposals for habitat management and restoration during the extended life of the windfarm and the subsequent decommissioning phase. In particular it deals with an area of around 1ha of dry dwarf shrub heath – currently an area of degraded heather moorland. Hydrological restoration would be achieved by the installation of pipes to reconnect the mires on the Old Kirkby Slate Road. Following decommissioning the habitat around each turbine site would be fenced to exclude grazing livestock, so as to allow the restoration of the heathland. This is a new and beneficial element going beyond the original condition, and is a significant benefit.
87. All the provisions are directly related to the proposal and are necessary to make the development acceptable in planning terms. Therefore, I consider that the Obligation meets the policy in paragraph 56 of the Framework and the

tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken it into account and given it significant weight.

Planning balance and conclusion

88. Read as a whole, the development plan promotes renewable energy in appropriate locations as a means of mitigating climate change. This is most succinctly set out in DMDPD policy DM21, which encourages renewable energy development where landscape impact is minimised, the historic environment is respected and impact on nature conservation interests is avoided. Other policies adopt essentially the same approach.
89. In this case, as set out above, there would be some limited harm to the character and appearance of the area, but the landscape is more than capable of assimilating the windfarm for a further period without significant harm. Three designated heritage assets would experience less than substantial harm, but this is outweighed in the heritage and planning balance by the public benefits.
90. The appeal proposal is for a relatively short extension of life of the windfarm linked to the subsidy regime. The time limited nature of the proposal is a material consideration when assessing landscape effects and the effect on the setting of heritage assets. This aspect appears to have been a consideration for the National Park Authority and Natural England. The Council did not deal with the issue of reversibility in evidence, although the authority accepted at the Inquiry that it was an important consideration. I agree with that position.
91. There would be a significant benefit arising from the DMS and the HMP in terms of biodiversity and nature conservation. In addition, the continued life of the windfarm accords with policy at all levels which encourage continuing renewable energy generation.
92. I am very conscious of the strongly held views, on both sides of the argument, especially the views of the relevant Parish Councils. A considerable volume of representations has been received and these are important material considerations. They are one of the matters which I have taken into account in the planning balance.
93. Overall, the continuation of the life of this windfarm for a further limited period would provide benefits in terms of the production of renewable energy and would include decommissioning and restoration advantages. These matters outweigh the limited harm which the proposal would cause for the remainder of the life of the installation.
94. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

Schedule of conditions
APP/M0933/W/18/3204360

Condition 1:

Permission to generate electricity shall expire on 31 March 2027. Each of the turbines and their associated above ground infrastructure, excluding access tracks shall be removed from the site by no later than 31 March 2028, or within one year of all of the turbines becoming disused for any reason, whichever is the sooner.

Condition 2:

The rating levels of the noise immission from 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 Tables 1 and 2 attached to these conditions and:

(a) Within three (3) months of the date of this permission the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed qualified acousticians who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall only be made with the prior written approval of the Local Planning Authority.

(b) Within twenty one (21) days from receipt of a written request from the Local Planning Authority and following the receipt of a complaint alleging noise disturbance at a dwelling, the windfarm operator shall, at its own expense, employ a consultant approved in writing by the Local Planning Authority, to assess the level of noise immission from the windfarm 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 at least a date, time and location that the complaint relates to and identify meteorological conditions they consider relevant to the cause of complaint. Within fourteen (14) days of receipt of the written request of the Local Planning Authority made under this paragraph (b), the windfarm operator shall provide the information logged in accordance with paragraph (h) to the Local Planning Authority in the format set out in Guidance Note 1(e), for the period that the complainant alleges the noise disturbance occurred.

(c) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the windfarm operator shall submit in writing 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 qualified acoustician 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 qualified acoustician. The representative background noise environment and proposed noise limits shall be submitted in writing within thirty five (35) days of the initial notification to the windfarm operator of the complaint. These are to be submitted to the Local Planning Authority for their written approval. The rating level of noise immission 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.

(d) Prior to the commencement of any measurements by the qualified acoustician to be undertaken in accordance with these conditions, the windfarm operator shall submit in writing 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.

(e) Prior to the written submission of the qualified acoustician's assessment of the rating level of noise

immission in accordance with paragraph (f), the windfarm operator shall submit in writing to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:

i. The range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immission;

ii. A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance owing to noise, having regard to the written request of the Local Planning Authority and any conditions the authority identify under paragraph (b), and such others as the qualified acoustician considers likely to result in a breach of the noise limits. The assessment of the rating level of noise immission shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

(f) The wind farm operator shall provide to the Local Planning Authority the qualified acoustician's written assessment of the rating level of noise immission undertaken in accordance with the Guidance Notes within two 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 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 qualified acoustician's assessment of the rating level of noise immission.

(g) Where a further assessment of the rating level of noise immission from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit in writing a copy of the further assessment within twenty one (21) days of submission of the qualified acoustician's assessment pursuant to paragraph (f) above unless the time limit has been extended in writing by the Local Planning Authority.

(h) The wind farm operator shall continuously log power production, nacelle wind speed, at each wind turbine all in accordance with Guidance Note 1(d) as well as the wind speed measured or calculated at hub height. Rainfall shall be measured during any noise measurement regime at a representative location. These data shall be retained for a period of not less than twenty four (24) months. The wind farm operator shall provide this information in writing in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within fourteen (14) days of receipt in writing of such a request.

For the purposes of this condition, a 'dwelling' is a building which is lawfully used as a habitation and which exists or had planning permission at the date of this consent.

Table 1 - Between 23:00 and 07:00: Noise level (dB LA90, 10-minute).

Location (Easting, Northing)	Wind speed (ms) as standardised to 10m height											
	1	2	3	4	5	6	7	8	9	10	11	12
Friar's Ground (324125, 482704)	43	43	43	43	43	43	43	43	43	44	44	44
Croglin Farm (324066, 483491)	43	43	43	43	43	43	43	43	43	43	43	43
Beanthwaite (324894, 484667)	43	43	43	43	43	43	43	43	43	43	43	43
Parkgate (327047, 484325)	43	43	43	43	43	43	43	43	43	43	43	43
Groffa Crag (327078, 483714)	43	43	43	43	43	43	43	43	43	43	43	43
Moor House (326792, 482695)	43	43	43	43	43	43	43	43	43	43	43	43
Rathvale (325683, 481007)	43	43	43	43	43	43	43	43.4	46.1	47.9	47.9	47.9
Heather Cottage (326733, 484662)	43	43	43	43	43	43	43	43	43	43	43	43
High Ghyll (324379, 482478)	43	43	43	43	43	43	43	43	43	44	44	44

Table 2 - Between 07:00 and 23:00: Noise level (dB LA90, 10-minute)

Location (Easting, Northing)	Wind speed (ms) as standardised to 10m height											
	1	2	3	4	5	6	7	8	9	10	11	12
Friar's Ground (324125, 482704)	35	35	35	35	35	35.2	37.1	39.4	41.9	44.7	47.6	47.6
Croglin Farm (324066, 483491)	35	35	35	35	35	35.4	36.8	38.4	40.4	42.7	45.4	45.4
Beanthwaite (324894, 484667)	35	35	35	35	36	37.6	39.3	41	42.9	44.8	46.7	46.7
Parkgate (327047, 484325)	35	35	35	35	35	35	35	36	36.8	37.6	38.2	38.2
Groffa Crag (327078, 483714)	35	35	35	35	35	35	35	36.4	38.7	41.8	45.8	45.8
Moor House (326792, 482695)	35	35	35	35	35	35	35.3	36.8	38.6	40.8	43.4	43.4
Rathvale (325683, 481007)	35	35	35	36.8	38.9	41.3	43.8	46.3	48.8	51.3	53.5	53.5
Heather Cottage (326733, 484662)	35	35	35	35	35.3	37.1	38.7	40	41	41.8	42.4	42.4
High Ghyll (324379, 482478)	35	35	35	35	35	35.2	37.1	39.4	41.9	44.7	47.6	47.6

Note to Tables 1 and 2: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Condition 3:

Decommissioning work shall only take place between the hours of 07:00 – 19:00 hours on Monday to Friday inclusive, 07:00 – 13:00 hours on Saturdays with no decommissioning work on a Sunday, Bank or Public Holiday. Outwith these hours, works at the site shall be limited to emergency works and dust suppression. The Local Planning Authority shall be informed in writing of emergency works within three working days of occurrence.

The recommendations to control noise listed in the assessment provided with the application shall be employed.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of condition 2. They further explain the condition and specify the methods to be deployed in the assessment of complaints about noise immission from the wind farm. The rating level of noise 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). Reference to 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' refers to the Institute of Acoustics document published in May 2013.

Note 1

(a) Values of the L_{A90} ten-minute noise statistic should be measured at the complainant's property at the approved location, 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: 2014 (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.

(b) The microphone shall be mounted at 1.2-1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved 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 approved in writing by the Local Planning Authority.

(c) The L_{A90} ten-minute measurements should be synchronised with measurements of the ten minute arithmetic average 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.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), and arithmetic mean wind direction in degrees from north and rainfall data in each successive ten minute period by direct measurement at the permanent meteorological monitoring location and also the rainfall location identified and as approved in writing by the Local Planning Authority. The mean wind speed data shall be measured or calculated at turbine hub height then 'standardised' to a reference height of ten metres as described in ETSU-R-97 at page 120, using a reference roughness length of 0.05 metres. The standardised wind speed measurements shall be correlated with the noise measurements for comparison with Tables 1 and 2 in the condition. It is this procedure, which is determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All ten minute periods shall commence on the hour and in ten minute increments thereafter, synchronised with Greenwich Mean Time.

(e) Data provided to the Local Planning Authority in accordance with paragraphs (f) (g) and (h) of the noise condition and as described in this note shall be provided in comma separated values in electronic format unless otherwise agreed in writing with the Local Planning Authority.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immission. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with note 1(d).

Note 2

(a) The noise measurements should be made so as to provide not less than twenty valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured in the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (e) of the noise condition or arising under the specified meteorological conditions leading to complaint but excluding any periods of rainfall identified in the condition.

(c) Values of the L_{A90} ten-minute noise measurements and corresponding values of the ten minute, standardised 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 or logarithmic, best fitting curve of an order deemed appropriate by the qualified acoustician (but which may not be higher than a third order) should be fitted to the data points to define the wind farm noise level at each integer wind speed.

Note 3

(a) Where in accordance with the approved assessment protocol under paragraph (e) of the noise condition, noise immission at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

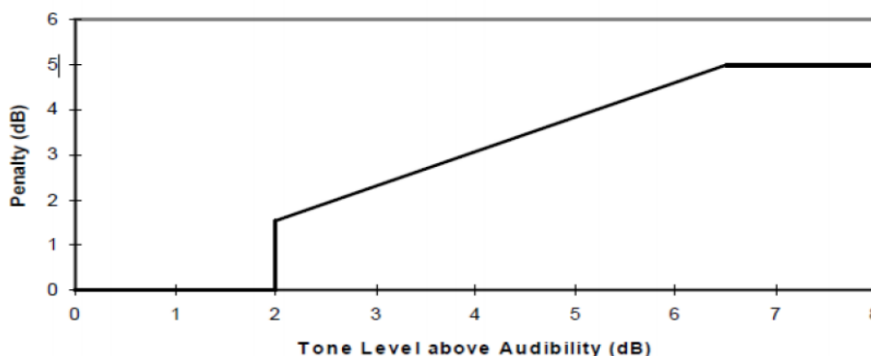
(b) For each ten minute interval for which L_{A90} ten minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immission during two minutes of each ten minute period. The two minute periods should be spaced at ten minute intervals provided that uninterrupted uncorrupted data are available ('the standard procedure'). Where uncorrupted data are not available, the first available uninterrupted clean two minute period out of the affected overall ten minute period shall be selected. Any such deviations from standard procedure shall be reported.

(c) For each of the two minute samples the tone level above audibility (L_{ta}), 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 (L_{ta}) shall be plotted against wind speed for each of the two minute samples. For samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be recorded.

(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 ± 0.5 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 above at each integer wind speed

within the range set out in the approved assessment protocol under paragraph (e) 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 condition or the noise limits for a complainant's dwelling approved in accordance with paragraph (c) of the noise condition, the qualified acoustician shall undertake a further assessment of the rating level to correct for background noise so that the rated 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 qualified acoustician or the Local Planning Authority requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e) Repeating the steps in Guidance 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 (c) and the approved protocol under paragraph (d) of the noise condition.

(f) 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:

$$L_1 = 10 \log_{10} [10^{0.1 L_2} - 10^{0.1 L_3}]$$

(g) The rating level shall be re-calculated by adding arithmetically 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.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required) 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.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:
Mr T Leader of Counsel
He called

Mr J Etchells MA BPhil CMLI	Director, Jon Etchells Consulting Limited
Mr C O'Flaherty BSc MSc MRICS	Heritage planning consultant and senior lecturer
Mr S Wood BA(Hons) BTP MRTPI	Regional Planning and Building Control Manager, Urban Vision

FOR THE APPELLANT:

Mr D Hardy

He called	
Dr J Huckle BSc(Hons) Msc MCIEEM CEnv	Director, Huckle Ecology Limited
Mr B Denny BA(Hons) DIPLA FLI CENV MIEMA	Regional Director (Environment) Pegasus Group
Ms L Garcia BA(Hons) MCIfA	Associate Heritage Consultant, Pegasus Group
Mr C Calvert BSc(Hons) MA MRTPI	Executive Director (Planning) Pegasus Group

FOR KIRKBY MOOR PROTECTORS (KMP):

Mr G Sinclair who also gave evidence

He called	
Mr G Sinclair	Director, Environment Information Services
Ms L Wall BSc(Hons) MA MRTPI	Friends of the Lake District
Mr D Savage	Local resident
Cllr C Pickthall	(In a personal capacity)
Cllr A Hall MBE	SLDC Councillor
Cllr H Graves	Parish Councillor
Mr J Hudson	Local resident
Ms G Scott	Local resident
Mr I Hubbard	Local resident
Ms L Cooper	Local resident
Mrs V Johnstone	Local resident
Cllr J Airey	SLDC and CC Councillor
Cllr M McPherson	Parish Councillor
Cllr M Mitchell	Parish Councillor
Cllr I Winstanley	Parish Councillor
Cllr M Brereton	SLDC and CC Councillor
Cllr I Jones	Parish Councillor
Cllr G Sanderson	Parish Councillor
Mrs D Rutherford	Local resident
Ms A Carmichael	Local resident
Ms R Thomas	Local resident

INTERESTED PERSONS:

Mrs A McKown	Resident of Rochdale
Dr K Rawles	Local resident
Mr W Shaw	Local resident
Dr R Towler	Local resident

Mr D Binks	Team Leader, Mountain Rescue Team
Ms A Stirzaker	Local resident
Mr R Long	Local resident
Ms D Munro	Local resident
Mr Gilbert	Local resident
Mr Howlett	Ulverston Green Party (submitted petition)
Mr M Keegan	Local resident
Ms R Bagshaw	Holker Estates

INQUIRY DOCUMENTS

1	List of persons present at the Inquiry
2	Council's repowering documentation: PNE repowering German windfarms MHCLG response to draft NPPF consultation Renewable and low carbon energy guidance Three steps to turbine repowering California Energy Commission – scoping level study
3	KMP additional documents: Parish Council data and map Hampsthwaite decision APP/E2734/W/18/3200922 Kirkby Moor decision COM/3160859 Natural England standards
4	Bundle of letters of representation handed in at the Inquiry
5	Scout Moor decision APP/B23/55/V/15/3139740
6	Statement by Dr Rawles
7	Letter (24/12/18) from John Woodcock MP
8	Appeal decision at 293 Bradgate Road APP/X2410/W/18/3204941
9	Statement by Mr Shaw
10	Kirkby Moor Community Benefit Fund April 2013 – March 2014
11	Letter (25 January 2019) from John Woodcock MP
12	Council's schedule of development plan policies and weight
13	Dr Towler's statement
14	Summary of Ms Stirzaker's statement
15	Winash wind farm report
16	Mr R Long's statement
17	Mr P Howlett's statement
18	Mr S Filmore's statement
19	Mrs J Filmore's statement
20	Broughton Community Plan 2016
21	GLVIA Box 5.1
22	Keswick to Barrow walk details
23	Mr Gilbert's statement
24	Cover sheet to petition in favour of the proposal
25	Mr Howlett's statement
26	Mr Long's statement
27	Ms Stirzaker's statement
28	Ms Stirzaker's supplementary statement
29	Dr Towler's statement
30	Statement from Duddon and Furness Mountain rescue team
31	Closing submissions by KMP
32	Closing submissions by the Council

33	Closing submissions by the appellant, 'repowering' document, submissions on cultural heritage
34	Planning Obligation (19 March 2019)

CORE DOCUMENTS ('K' prefix indicates KMP document)

1. Adopted development plan and emerging development plan	
1.1	South Lakeland Local Plan Core Strategy (2010) (relevant policies only)
1.2	Saved policies of the South Lakeland Local Plan (2006) (relevant policies only)
1.3	Cumbria Wind Energy Supplementary Planning Document (2007)
1.4	South Lakeland Local Plan Part 3-Submission Development Management Policies DPD (submitted for examination February 2018) (relevant policies only)
1.5	Letter of 28 June 2018, from the Inspector Mr Philip Lewis, to SLDC in relation to the emerging Development Management Policies DPD
K1.6	Local Plan 2018 text
2. National planning policy	
2.1	DCLG: National Planning Policy Framework (March 2012)
2.2	MHCLG: Draft Revised National Planning Policy Framework (March 2018)
2.3	MHCLG: National Planning Policy Framework (July 2018)
2.4	DCLG: National Planning Practice Guidance (June 2015 - Online resource) Planning for Renewable and Low Carbon Energy (relevant extracts only)
2.5	DECC: Overarching National Policy Statement for Energy EN-1 (July 2011)
2.6	DECC: National Policy Statement for Renewable Energy Infrastructure EN-3 (July 2011)
2.7	Written Ministerial Statement (HCWS42) relating to Local Planning and Wind Energy Development, issued by the Secretary of State for Communities and Local Government (Greg Clark) (June 2015)
2.8	Letter from MHCLG dated 22 nd November 2018
3. Renewable energy and climate change documents	
3.1	DECC: UK Renewable Energy Roadmap (July 2011)
3.2	DECC: UK Renewable Energy Roadmap Update (December 2012)
3.3	DECC: Onshore Wind, Direct and Wider Economic Impacts (May 2012)
3.4	DECC: UK Renewable Energy Roadmap Update (November 2013)
3.5	DECC: Digest of UK Energy Statistics (DUKES) (2018)
3.6	European Commission 'Renewable Energy Progress Report' (February 2017)
3.7	DECC: Secretary of State speech on new direction for UK Energy Policy, November 2015
3.8	Committee on Climate Change, 9 th Annual Assessment, January 2017
3.9	DECC: letter on EU 2020 Renewables Target 29 October 2015
3.10	Community Engagement for Onshore Wind Developments: Best Practice Guidance, Department of Energy and Climate Change (October 2014)
3.11	Clean Growth Strategy, HM Government (as updated April 2018)
3.12	The UK Renewable Energy Strategy, HM Government (2009)
3.13	House of Commons - Energy and Climate Change Committee, 2020 renewable heat and transport targets, Second Report of Session 2016–17, September 2016
3.14	Reducing UK emissions – 2018 Progress Report to Parliament, Committee on Climate Change, June 2018
3.15	UK Statement at the Paris Agreement Signing Ceremony - "The Paris Agreement proves that the transition to a climate-neutral and climate-resilient world is happening.", Published 25 April 2016
3.16	"Global Warming of 1.5 °C, an IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty", IPCC, October

	2018
3.17	'Onshore Wind Policy Statement' for Scotland (Dec 2017)
3.18	Renewable UK response to National Planning Policy Framework (NPPF), May 2018
4. Legislation and caselaw	
4.1	Suffolk Coastal District Council v Hopkins Homes Ltd UKSC 2016/0076 and Richborough Estates Partnership LLP v Cheshire East Borough Council UKSC 2016/0078
4.2	Barwood Strategic Land II LLP v (1) East Staffordshire Borough Council (2) SSCLG [2017] EWCA Civ 893
4.3	Palmer v Herefordshire Council and Another [2016] EWCA Civ 1061
4.4	Forest of Dean DC v SSCLG and Gladman Developments Ltd [2016] EWHC 421
4.5	R (Leckhampton Green Land Action Group Ltd) v Tewkesbury BC [2017] EWHC 198
4.6	R (on the application of Holder) v Gedling Borough Council [2018] EWCA Civ 214
4.7	Williams vs Powys CC & Bagley [2017] EWCA Civ 427
4.8	Catesby Estates Ltd Vs Peter Steer & Historic England [2018] EWCA Civ 1697
4.9	National Park and Access to the Countryside Act 1949
4.10	Planning (Listed Building and Conservation Areas) Act 1990 (Section 66)
4.11	The Town and Country Planning (Development Management Procedure) (England) Order 2015
4.12	Wildlife and Countryside Act 1981
4.13	Countryside and Rights of Way Act 2000
4.14	The Community Infrastructure Levy Regulations 2010 (Relevant Extracts)
4.15	R v Coventry City Council ex p. Arrowcroft Group plc [2001] PLCR 7
4.16	Regina (Wet Fishing Works Ltd) v Taunton Dene Borough Council [2017] EWHC 1837 (Admin)
4.17	Finney v Welsh Ministers [2018] EWHC 3037 (Admin)
5. Appeal decisions	
5.1	Kirkby Moor (5/90/2312)
5.2	Carland Cross (APP/D0840/A/09/2103026)
5.3	New Rides Farm (APP/V2255/W/15/3014371)
5.4	Withernwick II (APP/E2001/W/15/3133812)
5.5	Mean Moor and Harlock Hill (APP/M0933/A/13/2203115)
5.6	Earls Hall Farm, Clacton-on-Sea (APP/P1560/A/08/2088548)
5.7	Enifer Downs (APP/X2220/A/08/2071880)
5.8	Burnthouse Wind Farm (APP/YR09/0392/F)
5.9	Beech Tree Farm (APP/K1128/A/08/2072150)
5.10	Burnham-on-Sea, Somerset (APP/V3310/A/06/2031158)
5.11	Sixpenny Wood (APP/E2001/A/09/2101851)
5.12	Chelveston Renewable Energy Park (APP/G2815/A/11/2160077)
5.13	Cleek Hall (APP/N2739/A/12/2172629)
5.14	REFERENCE NOT IN USE
5.15	Watford Lodge (APP/Y2810/A/11/2153242)
5.16	Nun Wood (APP/Y0435/A/10/2140401; APP/K0235/A/11/2149434; APP/H2835/A/11/2149437)
5.17	Starbold wind farm (APP/J3720/A/13/2193579)
5.18	Holme-on-Spalding Moor (known as River Valley Wind Farm) (APP/E2001/A/13/2207817)
6. Landscape character and visual effects	
6.1	Reference not in use
6.2	The Countryside Agency: Landscape Character Assessment: Guidance for England and Scotland (2002)
6.3	Visual Representation of Development Proposals (Landscape Institute Advice Note 02/17)

6.4	Scottish Natural Heritage: Visual Representation of Wind Farms – Good Practice Guidance Version 2.2 (February 2017)
6.5	Scottish Natural Heritage: Siting and Designing Windfarms in the Landscape, Version 3 (February 2017)
6.6	Scottish Natural Heritage: Guidance Assessing the Cumulative Impact of Onshore Wind Energy Developments, Version 3 (March 2012)
6.7	National Character Area Profile: 19: South Cumbria Low Fells, Natural England
6.8	Cumbria Landscape Character Guidance and Toolkit (March 2011)
6.9	Reference not in use
6.10	A Guide to Using the Cumbria Historic Landscape Characterisation Database for Cumbria’s Planning Authorities, Cumbria County Council (2009)
6.11	A Landscape Strategy for Lancashire – Landscape Character Assessment, Environmental Resources Management (2000)
6.12	Lake District National Park Landscape Character Assessment and Guidelines (2008)
6.13	Cumulative Impacts of Vertical Infrastructure, Cumbria County Council (2014)
6.14	Management Plan for the Lake District National Park (2015-2020)
7. Cultural heritage	
7.1	Historic England: Historic Environment Good Practice Advice Planning Note 3: The Setting of Heritage Assets (2015)
7.2	Historic England: Historic Environment Good Practice Advice Planning Note 3: The Setting of Heritage Assets (2 nd Edition 2017)
7.3	Lake District World Heritage Site Nomination Dossier, Volume 1
7.4	Historic England: Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the historic Environment (2015)
7.5	Historic England: Conservation Principles, Policies and Guidance For the sustainable management of the historic environment (2008)
7.6	Historic England: Conservation Principles For the sustainable management of the historic environment (consultation draft 2017)
7.7	Piloting an approach to heritage assessment and information requirements - ‘Heritage assessment and information requirements’ – Draft Guidance for Consultation, Lake District National Park Authority, July 2017
K7.8	WHC decision
K7.9	WHC Operational Guidelines
8. Ecology	
8.1	Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Winchester: Chartered Institute of Ecology and Environmental Management, CIEEM (2018)
8.2	Research and guidance on restoration and decommissioning of onshore wind farms, Scottish Natural Heritage, SNH(2013)
8.3	REFERENCE NOT IN USE
8.4	Technical Appendix 7.6 Kirkby Slate Quarry Expansion Habitat Management Plan, Atmos Consulting (2016)
8.5	The Works on Common Land (Exemptions) (England) Order 2007, The Planning Inspectorate (2007)
8.6	Kirkby Moos SSSI Citation
8.7	Kirkby Moor SSSI – Views about Management
8.8	DEFRA – Net Gain – Consultation Proposals – December 2018
K8.9	KM SSSI Further docs
K8.10	A Green Future
9. Local economy and tourism	
9.1	Wind Farms and Tourism Trends in Scotland, BIGGAR Economics (July 2016)
9.2	The Economic Impact on Wind Farms on Scottish Tourism (MOFFAT Centre et al), (March 2008)
10. Application documents	

10.1	Planning application forms including site ownership and agricultural holdings certificates
10.2	Planning Statement (July 2017)
10.3	Consultation Report (July 2017)
10.4	Flood Risk Assessment (June 2017)
10.5	Environmental Statement: NTS (July 2017)
10.6	Environmental Statement: Vol 1 Written Statement (July 2017)
10.7	Environmental Statement: Vol 2 Figures (July 2017)
10.8	Environmental Statement: Vol 3 Visualisations (July 2017)
10.9	Environmental Statement: Vol 4a Appendices part 1 (July 2017)
10.10	Environmental Statement: Vol 4b Appendices part 2 (July 2017)
10.11	Officer report to committee
10.12	Letter from Squire Patton Boggs dated 30 th November 2017
10.13	Letter from Pegasus Group to South Lakeland District Council dated 1 st December 2017
10.14	Officer update to committee (5 th December 2017)
10.15	Minutes of committee meeting (5 th December 2017)
10.16	Decision Notice (20 th December 2017)
10.17	Cumbria CC Historic Environment Officer Scoping Opinion 04 th August 2016
10.18	SLDC Scoping Opinion 13 th September 2016
10.19	Historic England Consultation ES response 14 th August 2017
10.20	Cumbria CC Historic Environment Officer Consultation responses 16 th August 2017
10.21	SLDC Conservation Officer Consultation response 6 th September 2017
10.22	Letter from Pegasus Group to Mairi Lock, Lake District National Park Authority, dated 28 th September 2017, with enclosure 'Pegasus Group Heritage Assessment Addendum – The English Lake District World Heritage Site', September 2017
10.23	Letter from the Chairman of the High Furness Commoners Association in support of the application, dated 20 th November 2017
10.24	Consultation response from the Council's Environmental Protection Officer, 1 st November 2017
11. Appeal documents	
11.1	Appellant's Statement of Case
11.2	SLDC Statement of Case
11.3	Kirkby Moor Protectors (KMP) Statement of Case
12. Other KMP documents	
K12.01	KM Repowering NTS photo extracts
K12.02	KM IR 1991 and SoS decision 1992
K12.03	Whinash report (extracts)
K12.04	National Park Southern Boundary Extension (various)
K12.05	Valued landscapes
K12.06	Broughton Community Plan (extracts)
K12.07	NWEM 18 Dec 2018 Mountain Rescue
K12.08	Rhydcwmerau
K12.09	Planning 14 Dec 2018

PARK HOUSE FARM WIND FARM, LOWCA
BACKGROUND AND DEVELOPMENT IN SUPPORT TO PLANNING EXTENSION
EVIDENCE ON ONGOING INVESTMENT IN THE WIND FARM BY THE CURRENT OWNERS

18 March 2020

Summary

Park House Farm Wind Farm (the Wind Farm), is owned by Cumbria Wind Limited (the Owners). The wind farm asset is managed by Cannock Wind Farm Services Limited (the Asset Manager) on behalf of the Owners.

The Wind Farm has been in operation since January 2000 and to date has generated about 220,000 MWh of green electricity.

Since purchasing the wind farm in December 2014, the current Owners have invested in a proactive maintenance and improvement programme. This investment was to ensure that the turbines are maintained in good working order, available for operation whenever there is enough wind to generate power, and that they continue to be compliant with planning conditions.

Positive trends in availability and energy capture

One industry standard measurement of asset reliability is time-based availability. That is, what percentage of time is the asset available to perform its function, in this case generate electricity. Another indicator is to compare annual energy production with the average for the period.

Figure 1 below shows that there has been a positive trend in both indicators over the past 12 years, and particularly in the period from December 2014 when the current owners took possession of the wind farm.

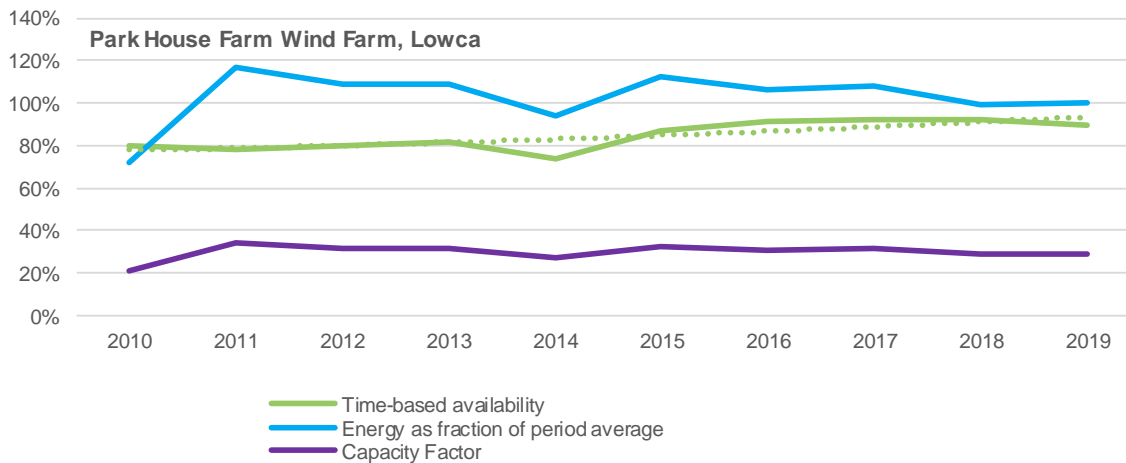


Figure 1 Park House Farm wind farm - Trend in time- based availability and energy capture over the period 2010 to 2019

The wind farm’s contract with the operations and maintenance provider includes obligations to maintain a minimum time-based availability.

Ongoing investment

As part of the investment plan for extended operations, the owners commissioned consultants to carry out a study into the technical and commercial feasibility of extending the wind farm operation life. The report concluded that an extended 10 years of operation was both technically and commercially viable. The owners have set aside a budget to undertake a proactive programme of enhanced technical inspections throughout the period of extended operation. Additionally, the owners have committed to the refurbishment or upgrade of components following planning extension approval. These works include replacement control systems for the wind turbines and replacement of some major components.

Contribution to renewable energy and carbon reduction

Extending the wind farm operation to for 10 years will generate about 12,000 MWh per year, sufficient to supply about 3,500 local households, and saving about 3,000 tonnes of CO2 per year.