



Town and Country Planning Act 1990 (As amended).

4/20/2165/0B1

NOTICE OF GRANT OF PLANNING PERMISSION

Arcus Consultancy Services Ltd
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Swinegate Court East
3 Swinegate
YORK YO1 8AJ
FAO Mrs Naomi Heikalo

VARIATION OF CONDITION 2 OF PLANNING PERMISSION 4/02/0505/0 TO EXTEND THE LIFESPAN OF 4 WIND TURBINES (HAVERIGG III)

HAVERIGG III WIND FARM, HAVERIGG AIRFIELD, HAVERIGG, MILLOM

Windcluster Ltd

The above application dated 30/04/2020 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Site Location, dwg no. 3344-PUB-002, scale 1:20,000, received 30 April 2020.

Site Layout, dwg no. 3344-PUB-004, scale 1:5000, received 30 April 2020.

Turbine Elevation – Vestas V52, dwg no. 3344-DR-P-0001-P1, scale 1:500, received 30 April 2020.

Planning Statement, by ARCUS, April 2020, received 30 April 2020.

Report to Inform a Habitat Regulations Assessment, by Dr Steve Percival of Ecology Consulting, 30 April 2020, received 30 April 2020.

Safety and Operational Management, by Bridge Wind Management, March 2020, received 30 April 2020.

Landscape and Visual Appraisal Report, by ARCUS, March 2020, received 30 April 2020.

Statement of Community Involvement, by ARCUS, April 2020, received 30 April 2020.

Winter Ornithology Report 2018-19, by ARCUS, August 2019, received 30 April 2020.

Breeding Bird Report 2019, by ARCUS, October 2019, received 30 April 2020.

Ecological Appraisal, by ARCUS, September 2019, received 30 April 2020.

To conform to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission is for a period not exceeding **35 years** from the date that electricity from the development was first connected into the National Grid which was on 1 February 2005. 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 Land Restoration scheme which shall have the prior written approval of the Local Planning Authority.

Reason

For the avoidance of doubt and to ensure there are adequate controls over the operational time period for the wind farm and restoration.

3. All of the mitigation measures identified in the section entitled 'Mitigation Measures (page 32, paragraphs 76-80 inclusive) of the HRA, Haverigg III Wind Farm Lifetime Extension, Report to Inform a Habitats Regulations Assessment', by Dr Steve Percival of Ecology Consulting, dated 30 April 2020 for Windcluster Ltd shall be carried out within six months of the date of this permission.

Reason

To ensure adequate implementation of the agreed ornithological mitigation measures.

4. If any turbine ceases to be operational for a continuous period of 6 months it shall be dismantled and removed from the site, and that part of the site restored in accordance with a Land Restoration Scheme which shall have the prior written approval of the Local Planning Authority.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity

5. The turbine blades shall all rotate in the same direction.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity

6. At noise sensitive properties, noise from the turbines shall not exceed 5dB(A) above background noise levels LA90 or, where background noise levels are below 30dB(A), noise from the turbines shall not exceed 35dB(A). Background noise levels shall be taken under similar meteorological conditions and at similar times of the day with the turbines inoperative as when monitoring of the operative turbines is carried out. Measurements must be taken in free field conditions, outside noise sensitive properties, at 1.5m above ground level and noise should be monitored using 10 minute measurement periods.

Reason

To protect neighbouring residential amenity from noise pollution.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Approve, subject to the following conditions:

Please read the accompanying notice



PP Pat Graham
Chief Executive

14th October 2020

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2010

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.