Application Reference Number:	4/24/2057/0F1
Application Type:	Full Planning Application
Application Address:	Land to the west of the Energy Coast Business Park, off A595, Haile, Egremont.
Proposal	Proposed repowering of an existing 46.5m to blade tip wind turbine by installing a replacement 77m to blade tip wind turbine.
Applicant	Windlend (Cumbria) Ltd
Agent	Andy Brand, The Abbey Group Cambridgeshire Ltd
Valid Date	8 February 2024
Case Officer	Heather Morrison

Cumberland Area and Region

Copeland and Haile and Wilton Parish Council

Relevant Development Plan

Copeland Local Plan 2021-2039.

Reason for Determination by the Planning Committee:

The Head of Service in consultation with the Chair and Legal Officer is satisfied that it has been demonstrated that the application raises significant material issues for consideration by Committee. The Parish Council in particular raise local concerns on the grounds of visual impact, noise and flicker.

Recommendation:

That the application is granted subject to the planning conditions outlined in Appendix 1 of this report, with the Head of Planning and Place be given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

1. Site and Location

1.1 This proposal relates to a relatively level greenfield site in open countryside, which forms part of an agricultural holding. It is situated some 22m (nearest point) to the west of the Energy Coast Business Park, an industrial park with a range of units/ buildings, and some 476m north of the landowner`s farm building group at Yeorton Hall.

1.2 Nearest other individual/ isolated residences include `The Old Reservoir` which is around 650 metres to the north-west with the nearby hamlet of Winscales beyond. There is a group of 9 residences, known as The Oaklands, fronting onto the A595T some 700m distant and Sheepfields Farm near Haile. There is also the hamlet of Blackbeck adjacent to Blacbeck roundabout 1.4km to south east.

1.3 The nearest villages/ hamlets include Haile at around 1km to south-east, Thornhill at just over 1km away to north-west and Beckermet,1.2 km south-west. The town of Egremont is further away at some 2km to north-west with the Sellafield Nuclear site some 3km to the south-west.

1.4 Access to the site would be via the use of the existing access road off the A595T serving the business park and a farm track which was originally extended by 300m to provide access to the existing wind turbine site which is within an adjacent agricultural field used for occasional grazing.

2. Relevant Planning History

4/12/2123/0F1 - Planning permission for a larger single wind turbine, some 79.6m ground to tip height, in the same location as the existing was refused in 2013. The grounds of refusal were as follows:

> The proposed siting of one large turbine, some 79.6m high, would introduce an isolated prominent feature, incongruous in its surroundings, which would have a materially harmful effect on the character and appearance of the surrounding landscape contrary to Policy EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework.` This was a decision that was later upheld on appeal.

4/13/2091/OF1 - Planning permission was granted for the original three bladed WT with a hub height of 28.6m and a blade diameter of 34m giving a total ground to tip height of 45.5m which remains operational. This is the WT this application seeks to repower.

4/13/2451/OF1 - Granted an additional temporary period of 5 years for the original wind turbine reference 4/13/2091/OF1.

4/11/2183/OF1 - Three smaller 15m high micro wind turbines were allowed on appeal nearby and these turbines remain in situ and are operational.

3. Proposal

3.1 The proposal comprises a `repowering application` and involves replacing the existing 3-bladed wind turbine, 46.5m in height to blade tip, with a new one with a maximum ground to tip height of 77m and a hub height of 46m.

3.2 In detail the works will involve:

- Decommissioning the existing turbine - dismantling and removal from site.
- Siting the new turbine some 24.3m to the south-east of the existing one.
- Additional works to extend the permeable gravelled access with the same across the field and new hardstanding areas (including for the crane) to the new turbine location.
- Erecting a new wind turbine consisting of a conical tubular steel tower 46M in height and a nacelle which attaches to the hub and rotor (including three blades).
- New Substation (2.8m wide x 2.8m deep x 2.27m high) to replace the existing. Made of glass reinforced plastic, it will be coloured racing green.
- New underground cabling.
- Extending the access track to enable access to be provided to the new wind turbine location which is some 24.3m away from the existing to the south-east.

3.3 Permission is sought for the new wind turbine for a 30-year period which would commence following the first export of electricity. After such time either a new permission would be applied for, or the wind turbine would be removed, the site decommissioned and restored to agricultural use.

3. Repowering

3.1 For clarification repowering in planning terms refers to replacing the existing wind turbines with new more efficient models. However, it is not clearly defined in the NPPF or the NPPG as to what it can and cannot include. National Policy for (EN-3) acknowledges that repowering will normally involve changes in number and size of turbines, and possibly the layout of wind farms. Although this refers to off-shore wind there are some parallels that can be drawn.

3.2 Repowering has an important role to play both in maintaining and increasing the national onshore renewable energy contribution.

4. Consultations

<u>Haile and Wilton Parish Council</u>

Strongly Object.

The turbine height will nearly be doubled which will have a massive visual impact on the residents of Haile, Oaklands, Yeorton Hall and Whitehow Head. There's also the increase in noise and blade flicker to be taken into account.

Beckermet with Thornhill Parish Council

No objections/ comments.

Egremont Town Council

No Objections.

NATS Safeguarding

No Objections

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Office for Nuclear Regualation

No comments

Natural England

No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Ministry of Defence

No Objection subject to the conditions requested.

The proposed development has been assessed using the location data (Grid References) provided in Planning Statement dated February 2024. Turbine no. Easting Northing 1 302333 508327 The principal safeguarding concern of the MOD with respect to this development relates to the potential to create a physical obstruction to air traffic movements.

Physical Obstruction requiring Mitigation - in this case the development falls within Low Flying Area 17 (LFA 17), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area. To address this impact, and given the location and scale of the development, the MOD require conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

Historic Environment Officer

No Objections – considers that there is a low potential for the scheme to disturb archaeological assets.

Highway Authority/Local Lead Flood Authority

No Objection.

It is considered that it will not have a material effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere.

Environmental Health

No objections

There are no objections to this planning application from Environmental Health, note from the submission that flicker will not be an issue. This is subject to conditions governing noise, construction working hours and decommissioning**.**

Public Representation

In view of the previous planning history relating to this site extensive neighbour consultations have been undertaken. To date this has resulted in the generation of 2 emails from 3 residents objecting and 5 emails of support (3 from local residents).

The objections mainly raise concerns in respect of landscape, visual impact and process - these are detailed below.

Objections

Landscape and Visual Impact

The proposed 60.5% increase in the size of the blades will have a detrimental visual impact on not just the local parish residents of Haile and Wilton but as far reaching as the Lake District National Park, The Marine Conservation Area, and on towns and villages up to 10 Km away from the proposed development site, these towns will not have been consulted for their views. It is incongruous to the area it will be sited in and will have a detrimental effect on those living-in or viewing the area from both near and far.

The introduction of the 77-meter blade tip into the landscape will constitute a significant adverse impact on the landscape character near and far. The proposed development is in open countryside and not in keeping with the context and scale of the area.

It will not have any significant landscaping measures surrounding it to detract from the impact its siting will have from the viewpoints from the local villages and hamlets of Haile, Whitehow Head, Blackbeck, Godderthwaite and Windscale, especially the old reservoir site. It will also impact on important public views from the Lake District National Park and some of the Western/Southern Wainwright Fells and Coast-to-Coast Walk.

As a resident on the western fringes of Haile, the existing Energy Coast Business Park is our view to the north-west and is already unattractive. The view from our lounge is obstructed by the business park and the existing turbine – permission for the current turbine should never have been approved as it dramatically altered the skyline for the worse.

The proposed turbine directly contravenes statements in the submitted LVA (6.2) where Haile is described as 11a sub type and the village fringes should be protected from unsympathetic development and uncluttered skylines along with key views from large scale energy infrastructure. Whilst there is an existing turbine, this would be significantly taller than it, much taller than all other buildings in the Business Park, in a different location and would dominate the skyline. Furthermore, to satisfy the MOD requirements, the structure must be sufficiently lit with bright lights (~2000cd) which will cause light pollution as well as being a distraction to both residents and vehicle drivers on adjacent roads The existing three micro turbines referenced are located on the side of a hill and do not obstruct any views.

A resident from Haile who overlooks the site supports the need to move towards greener energy creation but does not believe that the provision of a turbine in the proposed location outweighs the damage to the landscape and views and states that "The proposed turbine would contribute less than 0.002% to the existing installed wind capacity in UK so cannot be described as "significant" or "substantial"." (planning_statement_feb_2024_with_appendices.pdf section 6.2)

Some of the visualisations provided in the submission could have been more representative – i.e. from the Woodlands at Haile. Also objects to the view that the existing mature landscaping" is sufficient as there will certainly be changes to this during the life of the turbine.

Would like the planning authority to consider the Government's Residential Visual Amenities Assessments (RVAA) 'The Lavender' Act when reviewing this proposal.

No objections to a like-for-like height repowered wind turbine being installed at the location

It is disappointing to read in the planning statement that if development goes ahead, that less than 12% of the total spend for the construction phase would be made in Cumbria.

Furthermore, many of the affected residents in Haile and other affected areas work from home and excess noise generated during the construction phase (the term of which has not been provided) will be disruptive.

Process

The Statement of Community Involvement Document submitted is flawed/ Lack of community engagement

It is correct that Curtis Communication sent out a letter to parish residents in October/November 2023, but they were non-existent in responding to parishioners' concerns. Also, not aware they asked to attend any parish meetings. Surely this is one of the first interactions they should have had. On previous occasions the parties proposing wind turbines/solar farms have set-up community engagement meeting at Haile Village Hall to talk face-to-face with the residents of the parish of their proposal, this has not happened with this planning application.
No consultation was undertaken with all residents of Haile who are the most significantly affected.

Decommissioning

No information as to what the decommission plans are for the existing turbine as this proposal is for a replacement. I would assume that the existing turbine must be fully decommissioned before any work could be undertaken on the new proposed turbine but am unable to view the planning applications for the existing turbine on the copeland.gov.uk website (4/13/2091/OF1 and 4/13/2451/OF1) which should include decommissioning.

Comments in Response

In response to the queries raised by the objectors the following comments are offered, those relating to visual impact and landscape character are considered in the Assessment:

Process

The concerns raised regarding the lack of community consultation at the pre-application stage are not a matter for the local planning authority to comment on. Although consultation at this stage is advised the actual process adopted is at the discretion of the applicant and there is no formal requirement to do so. However, fairly extensive neighbour consultation has been undertaken as part of the planning application process.

Decommissioning

As regards decommissioning the existing wind turbine, this is adequately covered by a planning condition of both the original and subsequent consent (4/13/2091/OF1 and 4/13/2451/OF1). This states:

> 3.. 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.
>
> Reason
>
> To ensure that possible dereliction and unsightliness is avoided.

And this is the one covering the extension of time:

> 3. This permission extends the existing planning permission reference 4/13/2091/0F1 by 5 years which permits a turbine on the site for a period not exceeding 25 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), the development shall be removed from the site in its entirety and the land restored in accordance with a scheme which

shall have the prior written approval of the Local Planning Authority.

Reason

To ensure that possible dereliction and unsightliness is avoided.

Timescales

As regards timescales development of the new wind turbine has to commence within 3 years of the date of planning permission and a 12 month window for decommissioning.

Other

The issue raised regarding the inactivity of the existing wind turbine is not a material consideration in respect of this application. If this has occurred and there is evidence to confirm this then this will be investigated separately. A condition of the existing wind turbine requires that if it becomes non-operational for a continuous period of 6 months it shall be dismantled and removed and the site restored.

As regards aviation lighting being bright and causing light pollution – the level of lighting referred to in the objection (para 6.2.5) is quoted as being bright at some 2000cd. In fact, it is a much lower level of intensity obstruction lighting that is required i.e. no less than 25cd or infra-red which is unlikely to have the same impact on the general amenity of the area.

<u>In Support</u>

In support of the proposed development the following is cited; additional height of the wind turbine is acceptable given the benefits of renewable energy being generated, would assist in meeting climate change objectives, there are no negative environmental impacts. These are detailed below.

It would generate renewable electricity which would help support the Councils Climate change objectives with the additional height of the wind turbine acceptable given the benefits of renewable energy being generated. In turn this would also generate more electricity to assist the country move towards net zero

It would not have any negative environmental impacts with the height of the wind turbine been in proportion to other buildings in the vicinity and doesn't impact the surrounding area.

The additional height of the wind turbine is appropriate for the local area and would not cause any negative environmental impact. The proposal, a stones throw from Sellafield nuclear power plant and an industrial estate pales in comparison.

A resident close by at Blackbeck believes that the replacement would have no impact on the surrounding area. There are other turbines surrounding us both in Haile parish and Beckermet parish (Sellafield side) they are not immediately noticeable and benefit for us all is to reach net zero.

There has been a wind turbine at the site for some years. A modest increase in size to the turbine will not have a large visual impact but will make a positive contribution to low carbon energy and net zero ambition.

5. Planning Policy

5.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland. The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (CLP)

Cumberland Council continued the preparation of the CLP as commenced by Copeland Borough Council. The new CLP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The following policies of the new CLP are considered relevant to this proposal:

Strategic Policy DS2 Settlement Boundaries – this only permits development outside settlement boundaries (i.e. in open countryside) where a proven need for the location.

Policy CC2 Wind Energy Development

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy N8 The undeveloped Coast

Copeland Wind Energy Technical Document 2022

Identifies and assesses appropriate land to allocate as areas suitable for wind energy. The CLP requires that full consideration be given to this study when submitting proposals for new wind turbines.

6. Other Material Planning Considerations

Updated Government Policy

Government `Policy Statement on Onshore Wind` dated 8 July 2024 removed the moratorium on the erection of on shore wind turbines/ farms.

A revision to the National Policy Framework (the Framework) came into force on the 8th of July 2024. This removed the requirement in the Framework to demonstrate community support for on-shore turbines. This follows on from the Written Ministerial Statement (WMS) of the 5th September 2023 which states that it is not the policy intent to interpret a very limited number of objections as amounting to a lack of community backing.

This removed the NPPF policy tests requiring community backing and location to be in an area previously identified as suitable for wind turbines. It meant that onshore wind applications would be treated in the same way as other energy development proposals.

It should be noted though that irrespective, neither test applied to repowering applications.

The new / revised NPPF dated 12 December 2024 – introduced new paragraph 168 which is relevant regarding determining applications for repowering. It states:

Paragraph 168**.** When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;

b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;

c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

Planning Practice Guidance (PPG).

In respect of renewables and low carbon energy the PPG was last updated in August 2023. Makes no specific reference to re-powering.

National Policy Statement for renewable energy infrastructure (EN-3)

Provides planning guidance for developers of nationally significant renewable energy infrastructure projects (updated January 2024).

7. Assessment

Principle of Development / Policy Considerations

7.1 Newly adopted Copeland Local Plan policies now carry the primary weight in decision making. This was formally adopted by Cumberland Council on 5 November 2024.

7.2 Policy CC2 Wind Energy Development is specific to wind energy proposals. It requires that careful consideration be given to identified potential impacts from such developments. And where proposals would result in significant adverse effects, they will only be acceptable where this is outweighed by wider environmental, economic, social or community benefits.

7.3 **I**t also exempts repowering applications from being in an Area suitable for Wind Energy` as identified in the Copeland Wind Energy Technical Document 2022.

7.4 The proposal is considered to accord with this policy. The potential impacts and benefits arising are assessed below.

7.5 Whilst the site is identified as within an area suitable for wind energy as defined in the Wind Energy Technical Document 2022 it is reiterated this designation for the purposes of this application is not a consideration – as this is a repowering application this requirement is exempt.

7.6 Reference the newly revised NPPF dated 12 December 2024 which is also relevant. Whilst there is still no formal definition of repowering, Paragraph 168, Criteria C focuses on this issue and advocates that significant weight in decision making is given to the benefits of using an established site. It cites that the proposal be approved if its impacts are or can be made acceptable. It informs that it does not need to be sited in an area identified as suitable for renewable and low carbon energy. It also does not require applicants to demonstrate the overall need for renewable or low carbon energy (criteria a) and advocates that significant weight is given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

And criterion b) recognises that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions.

7.7 Whilst National Policy Statement EN-3 covers off-shore wind turbine development it does not apply to onshore wind but it is worth a mention as it is considered that some parallels can be drawn in the limited guidance on repowering it provides. Basically, it acknowledges that any repowering application is likely to involve wind turbines of a different scale and nature which could result in significantly different impacts and scale of electricity generation.

7.8 From a policy perspective the repowering proposal to install a larger turbine replacing a smaller one on this site is considered to align with the above local and national planning policies.

Landscape and Visual Amenity

7.9 The effect of the proposal on the landscape and visual amenity is the main material consideration raised by this application.

7.10 The application is supported by a Landscape and Visual Impact Assessment (LVIA). In view of the previous planning history of the site and the local concerns raised, particularly by the Parish Council, it was considered necessary to commission an independent review of the landscape and visual impact assessment of the proposal to assist in its evaluation.

7.11 An independent review of the LVIA was undertaken by professional landscape consultants on our behalf following the Guidelines for Landscape and Visual Impact Assessment (GLVIA), 3rd Edition (2013) and the Landscape Institute in their Technical Guidance Note 1/20 issued in January 2020 - Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs).

7.12 In essence, the consultant states “it concluded that the LVIA submitted with the application was not carried out appropriately, it was without comprehensiveness, compliance and conformity with the relevant guidance and regulations`. Recommendations for improvement were provided. Overall, it provided insufficient evidence to assist in making an informed planning decision.

7.13 A revised LVIA was then carried out by a professional landscape architect. This provided evidence of judgements given, clarity and reasoning for effects and referred to the relevant GLVIA guidance. It also included an additional viewpoint from the Lake District National Park and a cumulative assessment.

7.14 This was reviewed by our consultant, and it was considered that this addressed the previous issues and could be relied upon to assist in decision making.

Effect on Landscape Character

7.15 Cumbria Landscape Character Guidance and Toolkit, March 2011 remains relevant. A review was carried out in 2021 – Landscape Character

Assessment (area outside settlements). The site and land in the vicinity is identified as `Type 5` lowland low farmland – a large-scale open landscape which is sensitive to both incremental and planned development and change. There is concern here that without careful control wind energy schemes could alter the areas character. It advocates that wind energy development should be carefully sited and designed to prevent this becoming an energy landscape and prominent and elevated locations should be avoided and appropriate mitigation used.

7.16 The Copeland Wind Energy Technical Document 2022 was produced alongside the Landscape Character Assessment (area outside settlements) review of 2021. This updated the evidence base used to determine the suitable areas for wind energy development and defines areas considered suitable for wind energy It uses the broader landscape character to help define a suitable area and the site falls within type 5 lowland which is generally considered suitable. However, as previously mentioned it is not relevant to the evaluation of this proposal as repowering applications are not required to be located in such areas (NPPF para 168).

7.17 The accompanying revised LVIA informs that in terms of landscape character type this is a medium to large scale landscape of low complexity, primarily defined by the large scale, regular pastoral fields covering the rolling landform. There are pockets of smaller, more intimate complexity relating to the wooded valleys and settlement. The existing turbine forms an element of this baseline landscape.

7.18 As regards value, the area is not covered by any sensitive designations, and although it has a scenic quality it is not rare. As wind turbines do not form a new feature in this landscape, and size and scale of these structures relate well to the medium to large scale of the host landscape character type. The LVIA assesses the overall sensitivity of the host landscape character type as Medium to Low.

7.19 It continues the assessment further by looking at the magnitude of the impact of the change from a smaller turbine to a larger turbine and that this is dependent on the extent of landscape elements that will be lost, the proportion of the total extent this represents and the contribution of that element to the character of the landscape. Also the degree to which aesthetic or perceptual aspects of the landscape are altered either by removal of existing components of the landscape or by addition of new ones. As the proposal does not involve the introduction of a new turbine into the landscape, as it is there, it already forms part of the landscape character type baseline.

7.20 It is considered that whilst an increase the ground to tip height of the existing turbine by some 30.5m in this location would involve the erection of a much taller/ larger wind turbine it would not result in the introduction of an entirely new wind turbine feature in the landscape. It would also not be so isolated

taking into account the neighbouring backdrop of the industrial estate buildings, including a tall rig building.

7.21 It is considered therefore that a larger turbine of this height and size would not have a significantly harmful effect on the character and appearance of the landscape and as such accords with local and national planning policies.

Visual Impact

7.22 The new larger wind turbine will represent a change in views and be more visibly prominent in some from nearby isolated residential properties. (For example, from the rear of some of the properties at the Oaklands it will now be seen encroaching above the tree line). The wind turbine would also be seen from residential properties in Haile particularly Haile Park. However, taking into account the separation distances involved and the other features in the landscape namely the industrial estate buildings and some groups of trees, it is not considered that any new views would be overbearing or oppressive, especially given that there is already a turbine there in the landscape and the separation distances from these properties involved.

Cumulative Landscape and Visual Impacts

7.23 The revised LVIA Review finds that whilst there are other turbines visible in different directions and viewpoints in the landscape, the magnitude of change however is low to negligible, especially as the replacement turbine does not increase the footprint of the existing wind development.

7.24 The assessment concludes that the closest wind development is the three small turbine scheme at Yeorton Hall, situated approximately 600m south-east of the existing turbine. These are visible in combined views with the existing turbine whilst travelling around the local area. However, the Yeorton Hall turbines are smaller and on low-lying land. This limits cumulative impact. There are other single turbines in the wider area, but these are also relatively small in scale and at greater distances from the replacement turbine. Therefore, it is considered that there would be negligible change to the cumulative situation.

Residential Amenity

7.25 There are no nearby residential properties that are likely to be adversely affected in terms of residential amenity. Whilst the larger turbine will feature in some views none are sited close enough to the extent that the new larger turbine will have an oppressive / overbearing effect on views and day to day living standards expected from a residential property (the `Lavender Test` refers)**. Whilst the `Old Reservoir` is arguably the nearest at some 650m distant to the north-west, due to the underground nature of the conversion

there are no direct views to the turbine although there would be some views externally from outside space.

7.26 Taking the above into account, the revised LVIA and our Landscape Consultants view, it is considered that the introduction of a larger turbine to replace the existing one in this location is unlikely to result in any significant landscape and visual impact.

(Footnote ** `Lavender Test`

Judgements on the effects on visual amenity at residential properties have been referred to as the 'Lavender Test', developed through appeal decisions. This looks at whether or not the impact on the visual amenity of the development on the property would render it "widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live")

Drainage/ Surface Water

7.27 The Sustainable Surface Water Assessment informs that the proposed development will, other than the base of the proposed wind turbine and the substation building, be comprised of permeable materials such as the gravel track leading to the wind turbine. The access from the A595 to the Application Site is already in situ. The development would replace the existing wind turbine and substation which are of a comparable floor area. As such the ability of the site to generate additional surface water drainage impacts is negligible. It should be noted that the site is also located within Flood Zone 1 and has a relatively low risk flooding.

Cultural Heritage and Archaeology

7.28 The Cultural Heritage and Archaeology Impact Assessment concluded that the following assets have only glimpsed visibility, which can be negated as a result of the cumulative impact of pre-existing views to the industrial landscapes.

• Listed Buildings NHLE: Grade II Gatepiers And Wall To South West Of Yeorton Farm located 520m S and Grade II Yeorton Farmhouse located 520m south

• Listed Building Grade II Haile Church located 707m north east

• Beckermet Conservation Area with five Associated Listed Buildings located 1.3km south

• Listed Buildings Grade II* Haile Hall and Grade II* Gatehouse Range To South Of Haile Hall located 1.2km north east

• Listed Building, Grade II Braystones Tower located 2.71km south

7.29 There were two issues to consider for archaeology and cultural heritage; direct impacts upon the ground from turbine footprints and associated groundworks for cabling, access tracks and site compound; and visibility across the archaeological and historic landscape. It concludes that there are no known non-designated assets within the proposed site that could undergo a direct impact.

7.30 As such it is considered there will be no significance impact upon the outlined Cultural Heritage assets as a result of this repowering.

7.31 As regards archaeology the site is located within a known area of iron ore extraction and there is a high potential for the recovery of assets associated with the Beckermet Iron Ore Mine and associated railway formerly bordering the site. These have a low local and regional significance.

7.32 Within the wider landscape there is a medium potential for the recovery of prehistoric to romano British archaeology. As Haile was a medieval village, there is also a high potential for archaeological assets associated with medieval agricultural practices. These have a low local significance.

7.33 The upgraded substation will be sited in the same location as the original, with re-use of the existing infrastructure and hardstanding. The repowered turbine will be located 24.3m southeast of the existing tower. A proposed crane pad extension to accommodate the repowered turbine is also proposed.

7.34 Whilst the report advises that an archaeological watching brief on the areas incorporating groundworks be considered our Historic Environment Officer considers there is low potential for the scheme to disturb archaeological assets and raises no requirement for a brief and no objections.

Noise and Flicker

7.35 The application is accompanied by a Noise and Flicker Assessment.

The noise report outlines potential short-term disturbance from the decommissioning / construction works.

Noise emission from the operation of the wind turbine, however, is shown to be within the existing planning condition at the nearest noise-sensitive properties apart from that experienced at several properties that have a financial interest in the development where the noise levels are predicted to be marginally higher.

The Environmental Health Officer in his consultation response raises no objections to the proposal subject to suitable conditions governing noise, construction working hours and decommissioning which are proposed.

7.36 The Shadow Flicker Assessment satisfactorily confirms that nearby and surrounding dwellings will not be adversely affected. The majority of the nearest properties are located outside the 10x rotor diameter area where shadow flicker is stated to occur. Whilst one property to the north was on the edge of this area of potential impact and Shadow flicker modelling was

completed which demonstrated that no shadow flicker would occur at the properties due to the distance and relative position uphill of the turbine. It is therefore concluded that shadow flicker is not likely to be an issue at the site – a view which the Environmental Health Officer shares.

Ecology

7.37 An Ecological Impact Assessment forms part of the application. This details the findings of both a desk-based survey and fieldwork, considers the requirement for protected species mitigation and outlines any suggested measures to reduce the potential impact on habitats and species. Recommendations consider the need for further survey work.

As a result, the following potential impacts have been identified.

• Bats: Collision risk and fragmentation of commuting/ foraging habitat.

• Breeding Birds: Disruption if construction works are undertaken during the bird breeding season (mid-March – August)

•Badgers: Suitable habitat for setts within the site and 250m boundary, dense bramble scrub may conceal evidence of use. Potential for badgers to impacted during construction phase of the development.

•Small Mammals: Potential impacts during construction phase to small mammal species

• Minor loss of modified grassland habitat.

Mitigation

Regarding bats, to ensure that the proposed repowering does not adversely impact foraging or commuting habitat within the site, the location of the replacement turbine has been designed following statutory guidance. The minimum buffer distance between turbines and key features (hedgerows) have been provided.

The report recommends:

• Implementation of standard construction best practice guidance.

• Pre-construction badger survey of the site and suitable habitat within 200m for sett establishment to determine any change in protected species constraints.

• Species protection plan should be produced to ensure that there are no adverse impact on species during the construction, implementation and decommissioning phases of the development.

It is recommended that these are covered by an appropriately worded planning condition.

7.38 Due to the scale of the development, proposed mitigation and the production of species protection plans it is considered that there will be no likely significant effects on ecological or ornithological receptors.

Biodiversity Net Gain

7.39 Although the application was made before the introduction of the mandatory 10% Biodiversity Net Gain Plan requirement for new development, Strategic Policy N3: Biodiversity Net Gain of the newly adopted CLP requires that any hew development, unless identified as exempt under the Environment Act 2021, provides at least 10% Net Gain. As such this will be conditioned.

Traffic and Transport

7.40 It is considered that traffic and transport at the construction stage of the development is unlikely to be a significant issue.

A Traffic and Transport Assessment and three Swept Path figures accompany the proposal and ascertains that in terms of construction there will be no major traffic and transport access restrictions from delivery of the abnormal turbine components, upon proposed Routes A, from the Coast to Workington and onwards the A595, and Route B, by land from the M6, A66 and onto the A595.

Whilst it recommends conditions regarding a road condition survey and a possible traffic management plan this has not been raised as a requirement by our Highways section following consultation.

For this scale of turbine proposal many of the components associated with construction would be delivered to site on standard road-use heavy goods vehicles (HGV), typical of most industrial/commercial deliveries. Some of the turbine components (e.g. blades, generator and tower sections) however constitute abnormal loads and will require further assessment to ensure that the road network is suitable for delivery.

Benefits of the Scheme (local and wider)

7.41 Increase in electricity generation.

A new turbine of the proposed scale would result in a considerable increase in electricity generation at the site. The new wind turbine would have an installed capacity of 0.95 MW which is a 0.55 MW increase in installed capacity when compared to the existing wind turbine. A factor which carries significant weight.

7.42 Benefits of using an existing site.

As a repowering application this utilises an existing site with a wind turbine that is already in use for wind power generation. Criterion C of paragraph 168 of the new NPPF advocates that significant weight be given to the benefit of utilising such existing sites for repowering.

7.43 Wind repowering is also a benefit to take account of in the wider scheme. Dismantling and refurbishing existing wind turbines and commissioning new ones play an important role in renewable energy generation and the current

strive to reach net zero by modernising the existing `wind fleet` making it `fit for purpose` and maximising wind energy use.

8. The Planning Balance & Conclusion

8.1 The following factors need to be taken into consideration in arriving at a decision on this application:

- Notwithstanding the previous planning history, taking into account the above and current Government policy, significant weight has to be given to the fact that a wind turbine of 46.5m in height (ground to tip) has been an existing feature in this landscape for some 10 years (endorsed by Paragraph 168, criterion C of the NPPF).
- What is being proposed is an increase in its height of a further 30.5m (77m minus 46.5m) and subsequent swept area and it`s necessary to consider whether this increase is acceptable in planning terms.
- Government policy/ NPPF states `that planning permission to repower should only be granted if impacts are or can be made acceptable`.
- Key issue is whether such an increase in height would have a visual and landscape impact so significant to justify refusal. The revised LVIA and Consultants Review conclude that whilst the replacement wind turbine would be much larger and have an impact on the landscape and views that this would not be significant.
- Benefits of repowering this turbine also need to be considered in the planning balance. It would result in a wind turbine with an installed capacity of 0.95 MW: this represents a 0.55 MW increase in installed capacity when compared to the existing wind turbine.
- The NPPF States that `When determining planning applications, applicants should not be required to demonstrate the overall need for renewable or low carbon energy, and decision makers should recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable.

8.2 Taking into account the above, it is considered that the benefits of this repowering scheme for example, by utilising an existing site where there is already an existing turbine in the landscape and the proposed increase in electricity generation and contribution to achieving net zero, when weighed up against the possible key disbenefits in terms of landscape and visual impact, which have been assessed as not significant, tip the planning balance in favour of supporting the proposal.

Recommendation:

That the application is granted subject to the planning conditions outlined in Appendix 1 of this report, with the Head of Planning and Place be given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

Appendix 1

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

   Reason

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

2. 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: -

   Documents

   Planning Statement, Andy Brand, BSc (Hons). MA, MRTPI, February 2024.

   Landscape and Visual Impact Assessment (LVIA), Locogen Ltd, amended V3, 9 January 2024.

   Response to Comments on LVIA of 24 July 2024 by Sitara Design and Landscape Assessment, 27 August 2024.

   Sustainable Surface Water Drainage Assessment, Andy Brand, MRTPI, January 2024.

   Traffic & Transport Assessment, V2, Locogen Ltd, 30 November 2023.

   Ecological Impact Assessment, V2, Locogen Ltd, 4 December 2023.

   Cultural, Heritage & Archaeological Impact Assessment, V2, Locogen Ltd, 30 November 2023.

   Noise Assessment, Locogen Ltd, 30 November 2023.

   Shadow Flicker Assessment, Locogen Ltd, 4 December 2023.

   Statement of Community Involvement, Curtis Communications, November 2023.

   Plans

   Location Plan, 8382-DRW-PLN-0001 V4, Locogen Ltd.

Location Plan, 8382-DRW-PLN-0002, Locogen Ltd.

Indicative Block Plan, 8382-DRW-DES-0003, Rev 1.0, Locogen Ltd, scale 1:500, 4 December 2023.

Turbine Oversail (Swept Area), 8382-DRW-MSC-0001 Rev 1.0, Locogen Ltd, scale 1:2500, 27 November 2023.

Turbine Oversail (Swept Area), 8382-DRW-MSC-0002 Rev 1.0, Locogen Ltd, scale 1:5000.

Substation Building, V3.0, 8382-DRW-DES-0001

Turbine Elevation, V3.0, 8382-DRW-DES-0002

Site Levels (LIDAR) V1.0, 8382- DRW-PLN-0008

Proposed Site ZTV 1.0V, 8382- DRW-PLN-0002,

Comparative Site ZTV,1.0V, 8382- DRW-PLN-0003

Cumulative ZTV V.3, 8382- DRW-PLN-0004.

Sensitive Receptors, V.1, 8382- DRW-PLN-0005

Viewpoint Locations, V.5, 8382- DRW-PLN-0006

Baseline Photograph & Wireline Drawing, Viewpoint 1 Haile Park, WFPM-0001a

Wireline Drawing, Viewpoint 1 Haile Park, WFPM-0001b

Photomontage, Viewpoint 1 Haile Park, WFPM-0001c

Baseline Photograph & Wireline Drawing, Viewpoint 2 Blackbeck Roundabout, WFPM-0002a

Wireline Drawing, Viewpoint 2 Blackbeck Roundabout, WFPM-0002b

Photomontage, Viewpoint 2 Blackbeck Roundabout, WFPM-0002c

Baseline Photograph & Wireline Drawing, Viewpoint 3 Old Reservoir, WFPM 0003a

Wireline Drawing, Viewpoint 3 Old Reservoir, WFPM 0003b

Photomontage, Viewpoint 3 Old Reservoir, WFPM 0003c

Baseline Photograph & Wireline Drawing, Viewpoint 4 Industrial Estate, WFPM 0004a

Wireline Drawing, Viewpoint 4 Industrial Estate, WFPM 0004b

Photomontage, Viewpoint 4 Industrial Estate, WFPM 0004c

Baseline Photograph & Wireline Drawing, Viewpoint 5 Oaklands, WFPM 0005a

Wireline Drawing, Viewpoint 5 Oaklands, WFPM 0005b

Photomontage, Viewpoint 5 Oaklands, WFPM 0005c

Additional Wireline Drawing, Viewpoint 8 Cold Fell, WFPM 0001a, 27 August

2024.

Reason

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

Pre-Commencement Conditions

Aviation Lighting

3. Prior to commencing construction of the wind turbine generator, or deploying any construction equipment or temporary structure 50 metres or more in height (above ground level) an aviation lighting scheme shall be submitted to the Local Planning Authority for approval in writing in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety.

This shall set out:

a) Details of any construction equipment and temporary structure with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of the wind turbine generator and details of any aviation warning lighting that they will be fitted with; and
b) The location and height of the wind turbine generator and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generator; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used. Thereafter, the lights shall remain operational as detailed in the approved aviation lighting scheme for the lifetime of the development.

Reason

To maintain aviation safety.

Biodiversity Net Gain

4. The site shall provide for a minimum of 10% Biodiversity Net Gain, details of how this is to be achieved shall be submitted to and approved in writing by the Local Planning Authority before any development commences. The development shall be carried out in accordance with the approved scheme and maintained in perpetuity thereafter.

Reason

To ensure that a minimum of 10% Biodiversity Net Gain is achieved for the site in accordance with Policy N3 of the Copeland Local Plan 2021-2029.

Construction (& decommissioning) Working Hours

5. Construction (& decommissioning) activities that are audible at the site boundary shall be carried out only between the following hours: Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holidays.

   Deliveries to and removal of plant, equipment, machinery and waste from the site shall only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority in writing.

   Reason:

   In the interests of the amenities of surrounding occupiers during the construction (& decommissioning) of the development in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Operational Noise Limits

6. The noise emissions from the wind turbine shall not exceed a noise level of 35 dB LA90 (10 mins) at the curtilage of any dwelling lawfully existing at the time of this consent at wind gusts up to and including 10 m/s at 10m height.

   For properties with a financial involvement in the operation of the wind turbine, the noise level shall not exceed 45 dB LA90 (10 mins) at its curtilage at wind gusts up to and including 10 m/s at 10m height.

   Reason:

   In order to safeguard the amenities of adjoining residential occupiers in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

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Decommissioning

7. This permission is for a period not exceeding 30 (thirty) 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.

   Reason

To ensure that possible dereliction and unsightliness is avoided in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

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Ecology

8. The development shall implement all of the recommendations and mitigation measures contained in Section 4 `Potential Impacts and Mitigation` of the Ecological Impact Assessment by Locogen Ltd, dated 10 November 2023.

The development shall be carried out in accordance with the approved

document thereafter.

Reason

To protect the ecological interests of the site and surrounding area in accordance with Policy N1 of the Copeland Local Plan 2021-2039.

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Turbine Inactivity

9. If any turbine ceases to be operational for a continuous period of 6 months it shall be dismantled and removed from the site and the site restored in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be submitted to the Local Planning Authority within two months after the expiry of the six month period and the turbine shall thereafter be removed and the site restored in accordance with the approved scheme.

Reason

To ensure that possible dereliction and unsightliness is avoided in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

Informative Notes

Aviation Charting and Safety Management

Notification must be given to the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing, of the following information:

a) the date of the commencement of the erection of wind turbine generator

b) the maximum height of any construction equipment to be used in the erection of the wind turbine.

c) the date any wind turbine generator is brought into use.

d) the latitude and longitude and maximum heights of the wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

This is necessary to maintain aviation safety.

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.