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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Axis
Camellia House
76 Water Lane
Wilmslow
SK9 5BB
FAO: Mr Steve Harding

APPLICATION No: 4/24/2302/0F1

**REMOVAL OF EXISTING WIND TURBINE AND ERECTION OF A
REPLACEMENT TURBINE UP TO 76 METRES BLADE TIP HEIGHT, WITH
ASSOCIATED DEVELOPMENT**

WIND TURBINE, STUBSGILL FARM, DISTINGTON TO PARTON, DISTINGTON

Constantine Wind Energy Limited

The above application dated 28/08/2024 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:

Defining the Planning Permission

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form

Location Plan – Drawing No. 3369-091-LP-001 Version A

Site Plan - Drawing No. 3369-091-SP-002 Version A

Block Plan – Turbine Site – Drawing No. 3369-091-TSA-006 Version A

Access Plan – Drawing No. 3369-091-TA-004 Version A

Stubsgill Wind Turbine Repowering - Landscape and Visual Appraisal – Report Ref. 3369-09-LVA-ST01

Stubsgill Farm, Wind Turbine Repowering Planning Statement – Report Ref. 3369-09-PS-01

Stubsgill Farm, Cumbria on behalf of Axis PED Preliminary Ecological Appraisal – Report Ref. AxisL-043-8710 V4

Reason

For the avoidance of doubt and in the interests of proper planning.

Duration of the Planning Permission

3. This planning permission is for a period not exceeding 25 (twenty five) years from the date that electricity from the development is first connected into the National Grid.

The Local Planning Authority shall be notified in writing of the date of the commissioning of the wind turbine no later than one calendar month after date of commissioning.

Within six months of the cessation of electricity generation at the site or the expiry of this planning permission, whichever is the sooner, all development shall be removed from the site and the land restored in accordance with a Land Restoration Scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason

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

Wind Turbine Generator Specifications

4. The maximum height of the wind turbine generator hereby permitted shall not exceed 76 metres above ground level when a blade is in the vertical position.

Reason

For the avoidance of doubt and in the interests of amenity and visual impact in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

5. No logos, advertisements, lettering, lights or other information (other than that required for health and safety purposes or required for legal reasons including aviation safety) shall be displayed on the wind turbine generator hereby approved.

Reason

For the avoidance of doubt and in the interests of amenity and visual impact in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

6. No development shall commence until detailed plans, specifications and drawings of the wind turbine generator to be installed shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

For the avoidance of doubt and in the interests of amenity and visual impact in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

Micro-siting

7. The wind turbine generator and site access hereby approved shall be constructed in the locations shown on:

Site Plan - Drawing No. 3369-091-SP-002 Version A

Block Plan – Turbine Site – Drawing No. 3369-091-TSA-006 Version A

Access Plan – Drawing No. 3369-091-TA-004 Version A

The wind turbine generator and site access may be adjusted by micro-siting within the Application Site.

Micro-siting is subject to the following restrictions:

- a) The wind turbine generator shall be moved no more than 10m from the approved position.
- b) The height of foundation of the wind turbine generator shall not be increased from the approved position.

- c) The site access shall be moved no more than 1m from the approved position.

Reason

For the avoidance of doubt and in the interests of amenity and visual impact in accordance with Policies DS4 and N6 of the Copeland Local Plan 2021-2039.

Operational Limitations

8. The noise emissions from the wind turbine generator hereby approved shall not exceed:

- a. a level of 35 dB LA90 (10 minutes) during the daytime (07.00 – 23.00 hours) and 43 dB LA90 (10 minutes) during the nighttime (23.00 – 07.00 hours) at wind speeds up to and including 10 m/s at 10 m height at the curtilage of any dwelling lawfully existing at the time of the approval of this Full Planning Application; or,
- b. a level of 45 dB LA90 (10 minutes) at wind speeds up to and including 10 m/s at 10 m height at the curtilage of any dwelling with a valid financial interest in the wind turbine.

Where the provisions of a. and b. are not possible, ETSU-R-97 derived limits of background noise level plus 5 dB (whichever is greater) for all wind speeds up to 10 m/s at 10 m height shall be achieved.

Reason

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

9. Within 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it, the wind turbine generator operator shall, at the wind turbine operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97'. Upon notification in writing of an established breach of the noise limits detailed in Planning Condition 7 the wind turbine generator operator shall within 28 days propose a scheme to the Local Planning Authority to mitigate the breach and to prevent its future occurrence. This scheme shall specify the timescales for implementation.

Reason

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

Aviation Safety

10. Prior to commencing construction of the wind turbine generator, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above terrain features) the undertaker must submit an aviation lighting scheme for the approval of Local Planning Authority 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 by the Ministry of Defence.

This should set out:

- c. a. details of any construction equipment and temporal structures with a total height of 50 metres or greater (above terrain features) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- d. b. the locations and heights of all wind turbine generators 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 generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason

To maintain aviation safety.

11. The undertaker must notify 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 generators;
- b. the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c. the date any wind turbine generators are brought into use;
- d. the latitude and longitude and maximum heights of each 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.

Reason

To maintain aviation safety.

Highways

12. No development shall commence until details, including longitudinal/cross sections of the proposed access road have been submitted to and approved in writing by the Local Planning Authority.

Any works so approved shall be constructed in accordance with the approved details before the development is complete.

Reason

To ensure a minimum standard of construction in the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

13. No development shall commence until visibility splays providing clear visibility of 215 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the public highway.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

14. Access gates, if provided, shall be hung to open inwards only away from the public highway.

Reason

In the interests of highway safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Construction/Decommissioning Management

15. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority.

The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

The development hereby approved shall be carried out in accordance with the approved CTMP.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

16. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include details of:

- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding;
- Measures to control the emission of dust and dirt during construction;
- Measures to avoid and minimise the risk of a pollution event;
- A scheme for recycling/disposing of waste resulting from construction works;
- A procedure to mitigate noise and vibration from the construction as well as taking into account noise from vehicles, deliveries.

- Measures to reduce adverse impacts on residential properties from construction compounds including visual impact, noise, and light pollution.
- A written procedure for dealing with complaints regarding the construction.

The development hereby approved shall be carried out in accordance with the approved CEMP.

Reason

To protect amenity and to protect the environment from pollution in accordance with Policy DS9 of the Copeland Local Plan 2021-2039.

17. Construction/decommissioning activities that are audible at the red line boundary detailed on Site Plan - Drawing No. 3369-091-SP-002 Version A 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 Public Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site shall only take place within the permitted hours.

Reason

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

Drainage

18. No development shall commence until details of the measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway have been submitted to and approved in writing by the Local Planning Authority. Any approved works shall be implemented prior to the completion of the development and shall be retained thereafter for the lifetime of the development.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with the provisions of Policy CO4 of the Copeland Local Plan 2021-2039.

Ecology

19. The development shall implement all of the recommendations and mitigation measures contained in Stubsgill Farm, Cumbria on behalf of Axis PED Preliminary

Ecological Appraisal – Report Ref. AxisL-043-8710 V4. 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.

Ground Conditions

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

Land Restoration

21. The Land Restoration Scheme required by Planning Condition 3 shall relate to all land on which the existing wind turbine generator and approved wind turbine generator is sited and all associated infrastructure.

The Land Restoration Scheme shall include the following:

- An updated Ecological Survey effort to inform the Land Restoration Scheme;
- A proposed scheme of works for the restoration of the land including plans and detailed specifications of the required works;
- A Construction and Environmental Management Plan to manage the impacts of the decommissioning and land restoration; and,
- A Construction Traffic Management Plan to manage the impacts of the decommissioning and land restoration.

Reason

For the avoidance of doubt and to prevent harm to protected and priority species and habitats in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2013-2028.

Informative

Biodiversity Net Gain – Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.


The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

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.

Please read the accompanying notice

25th June 2025

A handwritten signature in black ink, appearing to read 'N. S. Hayhurst' with a stylized flourish at the end.

Nick Hayhurst
Head of Planning and Place

**APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

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/appeal-planning-decision> . 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.