

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2302/0F1
2.	Proposed Development:	REMOVAL OF EXISTING WIND TURBINE AND ERECTION OF A REPLACEMENT TURBINE UP TO 76 METRES BLADE TIP HEIGHT, WITH ASSOCIATED DEVELOPMENT
3.	Location:	WIND TURBINE, STUBSGILL FARM, DISTINGTON TO PARTON, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location: <p>The Application Site is located to the north of Stubsgill Farm, off an unnamed road and situated circa 1km to the east of Distington.</p> <p>The Application Site comprises an area of land within an agricultural field that has undergone a degree of rewilding due to a lack of cultivation. It is situated within a wider area of agricultural land, which includes pockets of woodland.</p> <p>Access to the Application Site is via a purpose-built access track.</p> <p>The Grade II Listed Stubsgill Farmhouse, Area Wall and Gate Piers, and Byre are located 380m south of the Application Site.</p> <p>The Application Site is located in Flood Zone 1.</p> Directly Relevant Planning History:	

App. Ref. 4/13/2173/0F1 Installation of a single 250kw wind turbine (with a maximum height of 45.5m to blade tip) and associated infrastructure Approved - August 2013.

App. Ref. 4/13/2174/0F1 Installation of a 15m high anemometer mast for a period of 6 months Approved - May 2013.

App. Ref. 4/15/2246/0F1 Installation and operation of a single wind turbine up to 45.5m to tip and associated infrastructure Refused - September 2015.

Proposal:

The Application Site currently accommodates a single 250kW turbine, which has a 30m hub height and 30m diameter blades. This results in a 45m tip height.

It is proposed to replace the existing turbine with a single 250kW turbine with a 50m hub height and 52m diameter blades. This results in a 76m tip height. The turbine elements would be in a light grey matt finish or similar.

The foundation pad for the replacement turbine is located approximately 20m to the northwest of the existing turbine foundation. 10m micro-siting is requested to allow for any unforeseen conditions on site.

Access for construction and maintenance of the Proposed Development would be via a new access track from the main road to the north. 1m micro-siting is requested to allow for any unforeseen conditions on site.

It is proposed to extend the existing crane pad to account for the larger component sizes of the proposed turbine. It is proposed that the hardstanding is extended both through the reuse of the existing turbine foundations and incorporation of a small area of unused land on the southern, eastern and western edges of the existing crane pad.

The replacement turbine will make use of the existing switchgear building and cabling installed to serve the existing turbine.

Consultee:	Nature of Response:
Town Council	Concerned about the height of the proposed turbine and the visual impact.
Cumberland Council – Highways and LLFA	No objections to the proposal, subject to the imposition of planning conditions securing the following: <ul style="list-style-type: none">- Visibility splays of 215m x 2.4m x 1.05m.- Surfacing of the access 25m into the Application Site.- Highway specifications.

		<ul style="list-style-type: none"> - Access gates opening inwards only. - Construction Traffic Management Plan.
	Environmental Health	<p>Environmental Health have considered any potential impact upon residential amenity from this proposed development, and the Noise Assessment and Shadow Flicker Assessment that has been submitted within the Planning Statement.</p> <p>The Shadow Flicker Assessment is considered acceptable. The dwelling 'Bergandal' is a longterm empty property and is also partly masked by a small copse of trees adjacent to its eastern gable.</p> <p>Though the proposed wind turbine will not comply with the simplified noise limit of 35 db(A) LA90 (10 mins) set out in ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms', the noise emissions at the nearest noise-sensitive properties are only marginally above this level and are not considered excessive given that the background noise levels are also within guidance limits.</p> <p>Working hours on the development are proposed to be 07.00 – 19.00 Monday to Friday and 07.00 – 13.00 Saturday only. Planners may wish to amend these times slightly. Standard construction hours are 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday.</p> <p>Planning conditions are requested to secure the following:</p> <ul style="list-style-type: none"> - Operational noise limits - Decommissioning / construction working hours
	Natural England	<p>No objections.</p> <p>Based on the plans submitted, considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.</p>
	NATS	<p>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.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to</p>

		<p>ensure that all the appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p>
	M.O.D.	<p>No objection subject to the imposition of planning conditions in relation to aviation lighting and aviation charting and safety management.</p> <p>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 terrain features 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.</p> <p>To address this impact, and given the location and scale of the development, the MOD request 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.</p> <p>As a minimum the MOD would require that the turbine is fitted with MOD accredited Infra-Red (IR) lighting.</p>
	Neighbour Responses:	
	<p>The application has been advertised by way of planning application neighbour notification letters and a site notice.</p> <p>One objection has been received.</p> <p>The following material planning issues are raised:</p> <p>It would be inappropriate and unacceptable for the replacement wind turbine to be higher than the existing turbine.</p> <p>Studies have shown damage to human health resulting from noise generated both day and night and shadow flicker from blades.</p> <p>Ice chunks can travel several hundred metres from the blades and could damage nearby dwellings and wildlife including buzzards, deer, red squirrels and bats.</p> <p>Blade failure would also have serious consequences.</p>	

The development would have adverse impacts on a peaceful rural community both visual and from the health and safety perspectives. It would represent a permanent scar.

There are many new alternatives to adding to offshore and then bringing the power on land with extensive research on the subject .

Photographs the front garden and bedroom window of the objectors property have been submitted to demonstrate that tree foliage does not screen the existing smaller turbine.

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.

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

The LP 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 2013-2028.

Copeland Local Plan 2021 - 2039 (LP):

Strategic Policy DS1: Settlement Hierarchy
 Strategic Policy DS2: Settlement Boundaries
 Strategic Policy DS3: Planning Obligations
 Policy DS4: Design and Development Standards
 Policy DS5: Hard and Soft Landscaping
 Strategic Policy DS6: Reducing Flood Risk
 Policy DS7: Sustainable Drainage
 Policy DS8: Soils, Contamination and Land Stability
 Policy DS9: Protecting Air Quality
 Policy CC2: Wind Energy Developments

Strategic Policy SC1: Health and Wellbeing
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity
Strategic Policy N2: Local Nature Recovery Networks
Strategic Policy N3: Biodiversity Net Gain
Policy N5: Protection of Water Resources
Strategic Policy N6: Landscape Protection
Strategic Policy N9: Green Infrastructure
Policy N14: Woodlands, Trees and Hedgerows
Strategic Policy BE1: Heritage Assets
Policy BE2: Designated Heritage Assets
Strategic Policy CO1: Telecommunications and Digital Connectivity
Strategic Policy CO4: Sustainable Travel
Policy CO5: Transport Hierarchy
Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
Planning Practice Guidance (PPG).
The Conservation of Habitats and Species Regulations 2017 (CHSR).
Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).
Cumbria Development Design Guide (CDDG).

Assessment:

EIA Development – Screening Opinion

A screening option has been prepared under Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The screening opinion concludes that the proposed development does not constitute Environmental Impact Assessment development.

Principle

The Application Site is located outside of a defined settlement boundary in an area of open countryside.

The Application Site is located in an area identified as suitable for wind energy development in the Copeland Local Plan.

The proposed development comprises the repowering of an existing wind turbine.

The principle of the development is therefore acceptable subject to site specific matters.

A planning condition is proposed to limit the planning permission to a period of 25 years.

A planning condition is proposed to secure remediation of the site on expiration of the planning permission or within six months of the cessation of electricity production, whichever is the soonest.

Community Consultation

Policy CC1 of the LP states that *proposals will only be considered suitable where it can be demonstrated that the planning impacts identified by local communities during consultation have been taken into account*. This requirement is derived from footnotes 57 and 58 to Paragraph 163 of the pre December 2024 NPPF.

The Policy Statement on Onshore Wind published on the 8th July 2024 revoked the policy test in footnotes 57 and 58. The removal of these tests from planning policy requires that onshore wind applications will be treated in the same way as other energy development proposals.

The December 2024 NPPF formally removed the policy test in footnotes 57 and 58, which is a material planning consideration to be given weight.

Aviation

The closest listed aerodrome to the Proposed Development is Walney aerodrome circa 55km south in Barrow-on-Furness.

NATS has been consulted and has raised no objections to the development.

The MOD has been consulted and has raised no objections to the development subject to the imposition of planning conditions.

Ecology

A Preliminary Ecological Appraisal (PEA) has been prepared in support of this application.

The Application Site does not form part of any statutory designated site for nature conservation, nor is it directly adjacent any statutory designated sites. Additionally, the Application Site does not include, nor is it adjacent to, any non-statutory designated sites.

The PEA confirms that the open habitats within the Application Site that would be impacted by the development have low ecological value and there is one priority habitat, this being the native hedgerow which forms part of the field boundary.

The PEA confirms that the primary impact to habitats on-site will be the permanent loss of an area of modified grassland through clearance and the construction of new crane pads and associated infrastructure. The development will not result in any direct or indirect effect on

habitats of any statutory designated sites due to the separation distance between the Application Site and statutory designated sites.

The PEA confirms that there would be negligible impact on ecological assets in the area during construction of the development subject to a series of standardised mitigation measures.

A planning condition is proposed to secure delivery of the required mitigation prescribed within the PEA.

Biodiversity Net Gain

As per the enactments to the Environment Act 2021 and Policy N3 the Proposed Development is required to provide 10% Biodiversity Net Gain (BNG).

The Proposed Development would result in a loss of 0.89 habitat units and 0.16 hedgerow units. The number of units required to reach 10% net gain post development are 1.16 habitat units and 0.19 hedgerow units.

A scheme to achieve the required net gain has not been submitted. The Applicant has confirmed that the required net gain units required will be sought by achieving them first within the wider landowner boundary, second within the same planning authority or lastly by an offsite provider in accordance with the hierarchy.

The wider landowner boundary is outside of the Application Site; therefore, planning conditions are not proposed to secure any on site delivery of habitat enhancement. Off site habitat enhancement will need to be secured via Section 106 Agreement as part of the approval of the required Biodiversity Net Gain Plan secured under the provisions of the Environment Act 2021.

Heritage

The development would not have a detrimental impact upon Scheduled Ancient Monuments (SAM), Grade I and Grade II* assets or their settings with either current built environment and existing vegetation intercepting views and/or providing adequate screening or presence of existing tall infrastructure in the direction of the development ameliorating the proposed development into the existing skyline and preventing any visual harm.

The Grade II Listed Stubsgill Farmhouse, Area Wall and Gate Piers, and Byre are located 380m south of the Application Site. The proposed turbine whilst larger in height will result in similar albeit greater magnitude of impacts upon the heritage assets and their setting as the existing turbine.

The development will result in impacts on the setting of designated heritage assets that fall at the lower end of less than significant harm.

Highways

The development will not impede or alter any existing PRoWs.

The development requires a permanent new access track. This is required to facilitate construction and maintenance.

Cumberland Council Highways have confirmed no objection subject to the imposition of planning conditions securing technical specifications for the highway construction, delivery of suitable visibility splays and a Construction Traffic Management Plan.

Landscape Character and Visual Impact

A Landscape and Visual Impact Assessment has been submitted in support of the planning application.

The conclusions of the LVIA show that the landscape and visual effects of the Proposed Development would be limited in scale and localised in extent.

Beyond the immediately vicinity of the Site, effects would not be perceptibly different to those of the existing turbine.

At short range there would be an incremental increase in the influence of wind turbines, but this influence is very well-established with longer distance views being ameliorated by existing tall infrastructure present in the current landscape.

Residential Amenity

A Shadow Flicker Assessment has been submitted to support the planning application.

The Assessment concludes that shadow flicker impacts will not result to properties within 10 blade rotor diameters of the proposed turbine within 130 degrees of due north.

A Noise Assessment has been submitted to support the planning application.

The Assessment concludes that the noise levels at all receptors identified will be marginally greater than 35 dB LA90,T at 10 m/s wind speed (at 10 m AGL).

The analysis indicates that the predicted noise levels from the turbine will be lower than the ETSU-R-97 noise limits for both the quiet daytime and night-time periods at all receptors at all wind speeds.

The proposed would not cause any substantial increase in noise comparative to the existing accepted wind turbine development at this location.

Environmental Health have been consulted and have confirmed no objections subject to the imposition of planning conditions in relation to noise levels and construction working hours.

A planning condition is proposed to secure a Construction Environmental Management Plan to prevent unacceptable impacts on residential amenity arising from these works.

Flood Risk and Drainage

The Application Site is located wholly within Flood Zone 1 (lowest risk of flooding). The proposed development is a less vulnerable use; therefore, the Sequential Test and Exception Test for flood risk are not applicable.

The proposed access and hardstanding comprise semi-permeable surfaces.

A planning condition is proposed to secure measures to prevent surface water flows onto the public highway.

Electricity Generation

The export capacity of the point of connection at Stubsgill is 250 kW. This means that in any one hour a maximum of 250 kWh of electricity may be received into the grid from this site. Currently, the site at Stubsgill is not maximising the use of its grid connection for the export of electricity as the existing turbine is not as efficient as newer models.

The Proposed Development would increase the amount of electricity generated on the site and maximise the amount of renewable energy being imported into the grid, through the installation of a more efficient wind turbine, which:

- i) Can capture increased wind speeds at higher elevations (wind flows more freely as there is less friction and gravity effects at higher elevations);
- ii) Has an increased swept area of wind capture due to the larger blades, which allows greater wind capture on less windy days;
- iii) Has an improved wind to energy conversion efficiency due to the newer turbine technology; and
- iv) Is more reliable and less prone to maintenance and repairs in the longer term.

Due to the increased swept area and improved conversion efficiency alone, the proposed turbine would generate much more electricity at any one wind speed than the existing model. The table below captures the difference in generation at typical wind speeds. Using the wind speed 6 m/s as an example, it can be seen that the existing turbine at that wind speed only produces 28.9 kW – or in other words 28.9 kWh for each hour it experiences that speed. In comparison the proposed turbine would produce 125 kW. Additionally, the proposed turbine would maximise the site's export grid capacity at winds as low as 8 m/s, while the proposed turbine can only achieve this at much less frequent winds of 15 m/s and *above*.

	<i>Existing Turbine</i>	<i>Proposed Turbine</i>
<i>Wind m/s</i>	<i>kW Generated</i>	<i>kW Generated</i>
1	0	0
2	0	0
3	0	0
4	7.5	25.5
5	17.3	67.4
6	28.9	125
7	56.9	203
8	91.1	250
9	123.3	250
10	151.8	250
11	178.4	250
12	202.7	250
13	225.9	250
14	242.2	250
15	250	250
16	250	250

Overall, the Proposed Development is rated to meet the annual electricity needs of approximately 301 UK homes compared to the 145 UK homes that the current turbine provides for (which is an additional 156 homes a year or 208 % uplift).

The repowering site will use an existing grid connection and by using an established wind turbine site, the proposal makes sustainable use of the land in comparison to developing a greenfield location, as well as continuing to provide diversification of income for the local farm.

Planning Balance

The principle of repowering the existing wind turbine accords with the policies of the Development Plan and NPPF.

The development would result in some limited harm to the character and appearance of the area; however, these are localised.

The development will result in impacts on the setting of designated heritage assets that fall at the lower end of less than significant harm. This harm must be weighed against the public benefits of the development.

	<p>The development will result in some limited amenity impact and ecological impacts.</p> <p>Overall, the repowering of the wind turbine for a further limited period would provide benefits in terms of the production of higher outputs of additional renewable energy which is considered to outweigh the additional harm that the development would cause for its lifetime.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>Defining the Planning Permission</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>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.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>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</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p>Duration of the Planning Permission</p>

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:

- 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
- 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 grown 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.

Case Officer: C. Harrison

Date : 23/06/2025

Authorising Officer: N.J. Hayhurst

Date : 25/06/2025

Dedicated responses to:-