Planning Application Reference Number:	4/24/2334/0F1
Application Type:	Full Planning Application
Application Address:	Highfield Farm, Bigrigg, Egremont
Proposal	Removal of existing wind turbine and erection of replacement wind turbine, up to 76m blade tip height, with associated development
Applicant	Constantine Wind Energy Limited
Agent	Axis
Valid Date	30th September 2024
Case Officer	Heather Morrison/Nick Hayhurst

Cumberland Area and Region

Copeland and St Bees Parish

Relevant Development Plan

Copeland Local Plan 2021-2039.

Reason for Determination by the Planning Committee

The Service Manager for Development and Implementation in consultation with the Chair and Legal Officer is satisfied that it has been demonstrated that the application raises significant material planning issues for consideration by Committee in line with the terms of reference for the Planning Committee as set out in the Scheme of Delegation. The Parish Council in particular raise local concerns on the grounds of landscape and visual impact and noise.

Recommendation

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

1.0 Site Location

1.1 This proposal relates to a greenfield site in open countryside situated between the nearest settlements of St Bees and Bigrigg, 1.9km to the southwest and 1.2km to the east northeast respectively. It currently forms part of an active agricultural holding known as Highfield Farm. The nearest dwelling to the site is the applicants own which forms part of the farm building group and is located to the 396m to the south of the turbine. A small number of other residential properties lie within approximately 500 metres of the site.

2.0 Relevant Planning History

4/13/2157/0F1 - Planning permission was granted for the installation of a single wind turbine on the site in 2013. The approved turbine was of a three bladed design with a rotor diameter of 27m and a hub height of 32m, giving a total ground to tip height of 45.5m.

The turbine was fixed onto a 10m by10m concrete reinforced foundation some 3.0m in depth. A 20m by 15m hardstanding and a HV switchgear and transformer kiosk was sited adjacent to the turbine.

4/14/2227/0F1- A further application to amend the approved access track, cable and ancillary infrastructure originally approved under 4/13/2157/0f1 was approved in 2014.

3.0 Proposal

3.1 The Application Site currently accommodates a single 250kW turbine, which has a 30m hub height and 29m diameter blades. This results in a 44.5m tip height.

3.2 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.

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

3.4 Access for construction and maintenance of the Proposed Development would be via the existing turbine access road to the west.

3.5 In order to facilitate the proposed development a road corner is required to be widened. The road corner lies within the main Highfield Farm where it meets the offsite road and marks the beginning of the farm track leading up to the turbine. Offsite works to create a temporary road widening are also required at another location.

3.6 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 northern edge of the existing crane pad.

3.7 The replacement turbine will make use of the existing switchgear building and cabling installed to serve the existing turbine. The switch gear container will be located immediately adjacent to the turbine base.

3.8 The following information has been submitted in support of the application:-

- Application Form
- Location Plan
- Site Plan.
- Turbine Specification.
- Turbine Access.
- Off-site Access
- Turbine Site Area
- Planning Statement
- Preliminary Ecological Appraisal
- Landscape and Visual Appraisal
- Noise Impact Assessment
- Shadow Flicker Assessment

4.0 Consultation Responses

St Bees Parish Council

Initial Response - 28/10/2024

The Parish Council wishes to object to this application. The council is not opposed to wind turbines in principle and would not oppose replacement of the existing turbine with one of similar size. However, the proposed replacement is significantly larger and will have a detrimental visual impact. The consultation which is referred to in the application was attended by a very small number of residents and cannot be relied on as representative of local opinion.

Revised Response - 25/03/2025

St Bees Parish Council wishes to submit the following comments in response to the additional information supplied to support this application:

The Parish Council is, in principle, supportive of wind energy and would not object to a replacement of the existing turbine with one of similar size. However, the Parish Council has serious concerns about the proposal for such a large turbine and believes the application should be refused.

The proposed replacement turbine will be very substantially larger than the existing turbine which it is to replace. It is noted that Policy CC2 of the adopted Local Plan

states that new turbines over 50m in height must be sited in an Area Suitable for Wind Energy with a possible exemption for repowering of existing turbines or wind farms. This site is not within a designated area and a new turbine of this size would not be permitted. The Policy states that proposals for the re-powering of turbines in areas which are identified as unsuitable in principle could potentially be permitted where the impacts of such development, including cumulative effect, are considered acceptable. The proposed new turbine is almost the largest that can be permitted for repowering. It is the view of the Parish Council that the impacts of this development would be substantial and cannot be regarded as acceptable.

The development involves a significant difference in turbine size to achieve the increased power output. However, it seems that pre-existing ancillary infrastructure is being used for exporting power. It is not evident from the information submitted that the Distribution Network Supplier (DNO) – Electricity North West – has been involved to approve the grid connection; therefore, there is no confirmation of the suitability of controls for power export from this larger and more powerful turbine into the grid. The involvement of the DNO would seem to be a planning requirement.

The purpose of this development is stated as being the installation of a larger and more efficient turbine to sustain peak 225kW power output over longer periods compared with the current turbine. This increase in power output is defined in the planning statement variously as an additional 139 or 146 homes-worth of power. The statement goes on to state that “the additional energy produced is likely to be utilised within the region providing immediate community benefit.” It is difficult to see how this can be regarded as a benefit to the local community impacted by the development.

There is no indication that alternative methods of enhancing the power output whilst maintaining the current turbine size have been investigated. The visual impact from the larger turbine would be significant and detrimental to the local area disproportionate to the increase in overall power potential. The application should not be considered until alternative means of power output enhancement have been considered.

The MOD has a condition that larger turbines require aviation warning lights. As a minimum the MOD requires that these be infra-red lights which MOD night vision technology can observe. This technology is not available to other air users and the warning lights in these cases are most likely to be in the visible spectrum. Visible warning lights, which would in effect become flashing lights due to the rotating blades, would have a significant detrimental impact on the visual landscape and the amenity and wellbeing of local residents. This would not be an issue if alternative means of power efficiency enhancement could be achieved with the existing turbine height, which is below aviation concern levels. The public consultation has been limited and has excluded the major population areas affected.

Considering the broader visual impact, this proposal requires an increase in the overall blade tip height of approx. 70% with commensurate increases in hub height (66%) and diameter (80%). These are substantial increases that will have a marked visual impact on the local landscape. The applicant has submitted various

visualisations of how the larger turbine will be viewed on the landscape. These do not show the visual impacts from the B5345 Whitehaven to St Bees Road – the main route into St Bees and the main tourist route to the village. Below is a visualisation of the likely impact from this route, Figure 1 (with scaled markup), showing the current view of the turbine and how this will alter if the larger turbine is installed.

Figure 1: Existing and Proposed Turbine Comparison View from B5345

Figures 2-4, appended, show the views of the existing installation from the Seacote Caravan Park, the golf course, and the coastal cliff top footpath. The installation of a much larger turbine (i.e. 170% larger at the blade tip) would make it even more prominent in the landscape, resulting in significant visual impact from the Heritage Coast which cannot be justified.

Figure 2

Figure 3

Figure 4

Sound generation from the operating turbine is significant and is stated in the application as in the “very loud” range close to the turbine, but this drops off with distance from the turbine. It is reported that at the key closest receptors the sound is within considered limits. However, the Parish Council believes infrasound is inappropriately dismissed in section 3.10 of the Noise Impact Statement. It is stated that “there is no robust evidence that low frequency noise (including noise and ground-borne vibration) from wind farms generally has adverse effects on wind farm neighbours.” There are, however, many published articles to the contrary.

Although infrasound is outside the range of normal hearing for moderate sound pressure levels, it can produce secondary structural vibrations when it interacts with buildings. Audible sound produced, persisting over extended periods, may be perceptible to the occupants. Whilst most people may be unaffected by wind turbine infrasound, some people have a phobic reaction to it. The low frequency vibrations produced can extend over larger distances than higher frequency sounds. In some people the central nervous system becomes sensitised and they suffer the symptoms of chronic noise stress such as anxiety, depression, cognitive dysfunction, and disrupted sleep. The risks and impacts from this type of sound wave can be significant to those affected and need to be properly considered.

In summary, the Parish Council believes that this application should be refused.

Highways/LLFA

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as 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.

Informative:

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team. https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

NATS Safeguarding

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.

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 ensure that all the appropriate consultees are properly consulted.

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.

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.

Natural England’s generic advice on other natural environment issues is set out at Annex A

Landscape Advice (National Park)

The proposed development is for a site within or close to a nationally designated landscape namely Lake District National Park. Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purposes to conserve and enhance the area's natural beauty wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public, can be determined locally by the local planning authority, with advice from its landscape or planning officers. Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purposes of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

Landscape advice (Heritage Coast) The proposed development is for a site within or close to a defined landscape namely St Bees Head. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 178 of the National Planning Policy Framework. It states: 178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate unless it is compatible with its special character. The NPPF continues to state in a footnote (footnote 60) that "For the purposes of paragraph 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. Sites of Special Scientific Interest

Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, paragraph 1,(w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A

MOD

Initial Response - 08/11/2024

Subject to the two conditions requested above and provided in Appendix A, the MOD has no objections to the development.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's 'Planning Statement (Reference 3369-09-PS-01)' dated September 2024. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities.

In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

MOD: https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding

Condition - Aviation Lighting

Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Cumberland Council 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 ground level) 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 for condition.

To maintain aviation safety.

Condition - Aviation Charting and Safety Management

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 for condition.

To maintain aviation safety.

Revised Response - 19/03/2025

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

This consultation specifically responds to a number of clarifications requested by the LPA. For ease of reference the points of clarification have been set out below:

i. Output of the proposed turbine – the LPA has requested an explanation on what this would be when compared against the existing turbine on the site.

E-mail: DIO-safeguarding-wind@mod.gov.uk

www.mod.uk/DIO

ii. Consideration of a smaller turbine – the LPA has set out ‘assuming there is no proposed significant increase in output, is there scope to consider replacement with a smaller turbine with similar increase in efficiencies’.

iii. Biodiversity Net Gain – the LPA has requested an accompanying statement for the submitted metric to explain what the metric shows.

iv. The New Copeland Local Plan – the new Local Plan was formally adopted by Cumberland Council on 5th November 2024. The LPA has requested that the Addendum assesses the proposals against the policies in the New Local Plan.

v. Coronation Terrace and adjacent Springbank, Low Walton and High Walton –the LPA has identified that these residential receptors may be affected by the Proposed Development in respect of proximity, views to the rear, noise and shadow flicker. The LPA has also requested assessment of a further representative viewpoint from this location.

vi. Noise and Shadow Flicker assessments – the LPA has requested that these documents are revisited in case there are inconsistencies in the planning documentation, as well as to provide more clarity on what is assessed and any likely impacts.

vii. Benefits of the Scheme - whilst the LPA notes that it is not a requirement for the Applicant to demonstrate the overall need for the development (para 168 revised National Planning Policy Framework (NPPF)) the LPA has requested that the Applicant sets out the 'associated benefits' of the repowering scheme, noting that the NPPF refers to over and above the existing, and its contribution to net zero.

It is understood that the additional information does not seek to amend either the location or dimensions of the proposed turbine.

The MOD previously responded to consultation on this application with a letter to Cumberland Council dated 8 November 2024. The MOD position remains that, subject to conditions relating to aviation safety lighting, and charting data being applied to any consent that might be issued, the MOD has no objection to the scheme. A copy of the letter dated 8 November 2024, which sets out in greater detail the reasons for those conditions and condition wordings is sent with this letter for your convenience.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's documents, "Appendix B - Existing Wind Turbine Power Curve - Additional Information February 2025", "Appendix C - Proposed Turbine Power Curve - Additional Information February 2025", "Appendix D - Noise Assessment - Additional information

February 2025", "Appendix E - Updated Shadow Flicker Report - Additional Information February 2025", "Figure 1 Coronation Terrace and Adjacent Properties - Additional Information February 2025", "Figure 2.1 Coronation Terrace (Existing) - Additional Information February 2025", "Figure 2.2 Coronation Terrace (Proposed) - Additional Information February 2025" and "Figure 3 Low Walton (Existing/Proposed) - Additional Information February 2025". Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the

event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. Further information about the effects of wind turbines on MOD interests can be obtained from the following website:

MOD: https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding

Environmental Health

Initial Response - 11/11/2024

Environmental Health have looked at potential impact on residential amenity from this proposed development, and the Shadow Flicker Assessment and Noise Assessment that has been submitted within the Planning Statement.

The Shadow Flicker Assessment has highlighted potential minor impact on properties at Quarry Cottages.

There appears to be some inconsistency in the Planning Statement on this. Table 6.1 (p.47) advises that Quarry Cottages will receive 14 hours of shadow flicker per year, whilst paragraph 6.9.15 (p.48) puts this figure at “a maximum of 2.7 hours of shadow flicker per year…”

It would be helpful if this uncertainty could be cleared up.

In terms of guidance, a limit of 30 hours or more of shadow flicker per year is seen as the threshold on residential amenity, so both the above figures are well within this.

It is also noted that there is some tree screening to the west of Quarry Cottages, and these dwellings sit under a short steep bank that may also screen against shadow flicker.

The Noise Assessment has modelled resultant noise from three different models of wind turbine, though the planning application proposes that the Vestas V52 wind turbine is to be utilised at this site.

The V52 is modelled to produce noise that is marginally greater than the simplified noise limit set out in ETSU-R-97 “The Assessment and Rating of Noise from Wind Farms”, though within the alternative limit when background noise limits are taken into consideration.

Suggested conditions on noise limits are laid out below.

Planners may wish to amend the proposed working hours set out in the Planning Statement, which are slightly different than those usually adopted by this Planning Authority.

As such, Environmental Health have no objections to this development, and the following conditions are suggested:

Operational noise limits for the wind turbine

(i) The noise emissions from the wind turbine shall not exceed a level of 35 dB LA90 (10 minutes) during the daytime (07.00 – 23.00 hours) and 43 dB LA90 (10 minutes) during the night time (23.00 – 07.00 hours) at the curtilage of any dwelling lawfully existing at the time of this consent at wind speeds up to and including 10 m/s at 10 m height.

(ii) For properties with a valid financial interest, the noise emissions from the wind turbine shall not exceed a level of 45 dB LA90 (10 minutes) at wind speeds up to and including 10 m/s at 10 m height.

(iii) Where this is 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 apply.

Reason: In order to safeguard the amenities of nearby residential occupiers.

Decommissioning / Construction Working Hours

Following approval of the development, decommissioning and construction 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 must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding occupiers during the decommissioning and construction of the development.

Additional Response - 26/03/2025

Notwithstanding the visual aspect of the proposed development, Environmental Health must confine comments to matters relevant to its remit.

The predicted noise emissions from the replacement wind turbine are within the guidelines set in ‘ETSU-R-97 The Assessment and rating of noise from wind farms’ and a noise condition based on this is suggested below.

Possible infrasound noise disturbance from the wind turbine has been raised.

Research on low frequency infrasound from wind turbines appears to be uncertain in its conclusions at present , and any reported adverse health effects could be subjective and / or psychosomatic.

Low to mid-frequency noise disturbance from blade swish (termed Amplitude Modulation) is more fully understood and can happen in certain weather conditions though it is not a common occurrence.

In the majority of installations the modulation depth may be up to 2-3 dBA, which was regarded as acceptable by the ETSU working group.

Louder modulation can occur, particularly in older wind turbine designs and / or where mechanical faults on the wind turbine or damage on blade wing tips is seen.

It should be noted that there has been no noise complaints associated with wind turbines in the Copeland district reported to Environmental Health in the last 10 years.

Infrasound and AM noise from wind turbines are a low probability risk and have not been seen as reasons to refuse planning permission or to condition approvals, though Environmental Health are aware of one planning condition on AM noise that was successfully applied.

It should also be noted that the statutory nuisance provisions of the Environmental Protection Act 1990 can apply in the event of noise disturbance from a wind turbine.

The supplementary information on the shadow flicker assessment is welcomed.

Predicted levels of shadow flicker on residential receptors are within the guideline annual threshold of 30 hours per year of flicker nuisance effects upon dwellings.

The shadow flicker modelling represents a theoretical worst case ‘bare earth’ scenario.

In reality, local topography and screening from vegetation can significantly reduce or eliminate the incidence and duration of flicker effect.

If required, mitigation measures can be employed such as localised screening / planting or turbine shut down schemes.

The applicants have suggested a shadow flicker protocol, and this could be requested prior to or part of any planning approval that may be granted.

The applicants have also suggested the provision of Construction Environmental Management Plan (CEMP) that would detail the construction methodology and ensure that there are no negative impacts on the local environment.

Environmental Health had previously suggested the imposition of standard construction working hours also in the event that the development is approved.

In conclusion, in terms of potential nuisance on residential amenity from noise, shadow flicker and construction activities, Environmental Health would not object to this development.

The following conditions are suggested, and would replace those made in the response made by Environmental Health dated 11.11.24:

Operational noise limits for the wind turbine

(i) The noise emissions from the wind turbine shall not exceed a level of 35 dB LA90 (10 minutes) during the daytime (07.00 – 23.00 hours) and 43 dB LA90 (10 minutes) during the night time (23.00 – 07.00 hours) or ETSU derived limits of background noise level plus 5 dB (whichever is greater) at the curtilage of any dwelling lawfully existing at the time of this consent for all wind speeds up to 10 m/s at 10 m height; and

(ii) For properties with a valid financial interest, the noise limit shall not exceed a level of 45 dB LA90 (10 minutes) or ETSU derived limit of background noise level plus 5 dB (whichever is greater) for all wind speeds up to 10 m/s at 10 m height shall apply.

Reason: In order to safeguard the amenities of nearby residential occupiers.

Site Specific Construction Environmental Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and effects on the local ecological environment during the demolition and construction phase of the works.

Reason: In the interests of the amenities of surrounding occupiers and to safeguard the local environment during the demolition and construction of the development.

Shadow Flicker Protocol

No building or use hereby permitted shall be occupied or use commenced until a protocol for the management of shadow flicker on sensitive receptors has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby occupiers.

Decommissioning / Construction Working Hours

Following approval of the development, decommissioning and construction 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 must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of the amenities of surrounding occupiers during the decommissioning and construction of the development.

Lake District National Park Authority

The National Park is designated as an area of exceptionally high landscape value. The highest level of protection is given to this landscape by development plan policies and the National Planning Policy Framework (paragraph 189), which states that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks” and that development within the setting of National Parks “should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

The application site lies circa 5km from the boundary of the Lake District National Park, separated by pastoral fields, built development and the A595.

The site lies within the Type D: Lowland Area of Distinctive Character as defined by the Lake District National Park Landscape Character Appraisal SPD. This Area of Distinctive Character is situated at the western edge of the Lake District National Park and extends beyond the park boundary to the west, forming part of the National Park’s setting.

The area generally comprises a lowland agricultural landscape, dominated by undulating topography with dissecting valleys. The site displays some of the key characteristics of this character type, being dominated by pasture with hedgerows, along with variable field patterns relating to topography. The LCA identifies vertical development as a particular risk to the landscape character type.

The 30.5 metre increase in blade tip height would result in a noticeable change to landscape and would result in visual effects that would be harmful to the views from the Lake District National Park across its setting. It is however acknowledged that these impacts would be experienced at a distance when viewed from within the National Park.

In summary I am of the view that the proposed development would result in a minor adverse visual and landscaping impact on the setting of the Lake District National Park.

Please consider and weight these harms in your planning balance.

Public Representation

The Application was advertised by way of a site notice and individual letters sent to the nearest properties surrounding the site.

A total of 7 comments have been received in opposition to the proposal. The main issues raised are as follows: -

- Noise issues – a larger turbine will result in the generation of more noise
- A larger turbine will create shadow flicker effects which is likely to affect residential amenity
- Proximity to residential properties and detrimental impact on residential amenity

- The repowering will not result in any significant increase in energy generation.
- The installation of a turbine which is almost twice the size of the existing structure will have a significant landscape and visual impact and would be visible from a wide area including from St Bees and Egremont
- Approval would set a precedent for other wind turbines
- The existing turbine is only 11 years old and was restricted to a 25 year permission. This proposal will lengthen the amount of time a turbine is present in this landscape.
- Detrimental impact on tourism

5.0 Planning Policy

5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of 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.

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):

The following policies are relevant to this proposal: -

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

Policy BE4: Non Designated Heritage Assets

Strategic Policy CO1: Telecommunications and Digital Connectivity

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

6.0 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).

Cumbria Landscape Character Guidance and Toolkit, March 2011

Wind Energy Technical Document, 2020

7.0 Assessment:

EIA Development – Screening Opinion

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

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

Principle

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

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

7.5 Policy CC2 of the Local Plan states that:-

"Large Turbines Wind turbines 50m in height or over must be located in an Area Suitable for Wind Energy as shown on the Local Plan Proposals Map, unless the proposal is for the repowering of existing turbines or windfarms or is for a proposal to extend the life of an existing turbine"

7.6 The Application Site falls outside the Area Suitable for Wind Energy.

7.7 Policy CC2 specifically refers to proposals for the repowering of existing turbines. It states:-

"Proposals for the re-powering of turbines in areas which are identified as unsuitable in principle could potentially be permitted where the impacts of such development, including cumulative effect, are considered acceptable. This will be assessed on a case by-case basis".

7.8 The revised NPPF dated 12 December 2024 introduced new paragraph 168 which is relevant regarding determining applications for repowering.

It states:

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 (emphasis added)

7.9 The principle of the development is therefore considered to meet the criteria listed in paragraph 168 of the NPPF and acceptable subject to site specific matters.

Community Consultation

7.10 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.

7.11 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.

7.12 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

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

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

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

Ecology

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

7.17 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 any non-statutory designated sites. Four non-statutory designated sites are situated within 2 km of the site, the closest (Stanley Pond Local Wildlife Site (LWS)) is located approximately 1.44 km to the northwest

7.18 The PEA confirms that the open habitats within the Application Site that would be impacted by the development have low ecological value and are not recognised as priority habitat types of any local significance. However, hedgerows, earth banks and other neutral grassland verges which border the Application Site are considered to be of moderate value to biodiversity. There is one priority habitat, this being the native hedgerows, which forms part of the field boundary.

7.19 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. Hedgerow removal is required to facilitate access although the small losses of hedgerow are not considered to have a significant impact on biodiversity across the site.

7.20 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.

7.21 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.

7.22 A suitably worded planning condition can be used to secure delivery of the required mitigation prescribed within the PEA.

Biodiversity Net Gain

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

7.24 The Proposed Development would result in a loss of 0.32 habitat units and a very minor loss of hedgerow units. The number of units required to reach 10% net gain post development are 0.45 habitat units and 0.01 hedgerow units.

7.25 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 purchasing statutory credits to provide BNG off-site and this can be secured by condition.

Heritage

7.27 Strategic Policy BE1 Heritage Assets, Policy BE2 Designated Heritage Assets, Policy BE3 Archaeology and Policy BE4 Non-Designated Heritage Assets relate to the protection of designated and non-designated heritage assets.

7.28 There are no heritage assets within the Application Site.

7.29 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.

7.30 The development will result in negligible impacts on the setting of designated heritage assets and is therefore considered to be in accordance with Policies BE1, BE2, Be3 and BE4 of the Local Plan.

Highways

7.31 The development will not impede or alter any existing PRoWs.

7.32 Access for construction and maintenance of the Proposed Development would be via the existing turbine access road to the west.

7.33 Offsite works are required at three locations to facilitate site access during construction. The required works are to include the permanent road widening at two locations and temporary road widening at another location.

7.34 In order to facilitate the proposed development a road corner is required to be widened. The road corner lies within the main Highfield Farm where it meets the offsite road and marks the beginning of the farm track leading up to the turbine. These works do not impact on the wider road network.

7.35 A route access plan for large construction vehicles has been included within the planning submission. Temporary traffic management is likely to be required for the delivery of abnormal loads. This can be controlled and secured through a suitably worded planning condition requiring the submission of a Construction Traffic Management Plan (CTMP).

7.36 Cumberland Council Highways have confirmed no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions.

Landscape Character and Visual Impact

7.37 Strategic Policy N6 Landscape Protection sets out criteria to ensure that the local landscape will be protected and enhanced.

7.38 The Site is located close to the Cumbrian coastline, 1.1km west of the village of Bigrigg and 1.7km north-east of the settlement edge of St. Bees. The Site is situated at the top of a plateau at 120m AOD, just above the Pow Beck Valley which is located directly to the west. It comprises a small to medium sized field with hedgerows to the south, south-west and east. To the west, the field is bound by a small access track.

7.39 The wider landscape consists of open farmland plateau with scattered farmsteads and woodland along the valley sides, particularly a large block of

ancient woodland to the north.

7.40 Cumbria Landscape Character Guidance and Toolkit, March 2011 remains relevant. A review was carried out in 2021 – Landscape Character Assessment (area outside settlements). The Application Site and land in the vicinity is identified as close to the boundary of LCT4: Coastal Sandstone and LCT 5b: Lowland – Low Farmland.

7.41 The application is supported by a Landscape and Visual Impact Assessment (LVIA). This assessed the Proposed Development against a baseline of no wind turbine present, which represents the worst-case scenario on the site based on landform alone and without surface screening features (such as trees and vegetation). It is accompanied by a number of viewpoints to allow an assessment of visual effects.

7.42 The LVIA concludes the following:

i) The highest level of operational visual effects identified on representative viewpoints are Moderate Adverse at:

a. Viewpoint 1, which represents a small number of properties located on Mirehouse Road, located at the southern extent of Whitehaven, 2.5 km to the north, north-west of the site. Views from Whitehaven, would be almost entirely screened and views of the Proposed Development would be limited to a small number of residential properties (mainly from upper storey windows) located on Mirehouse Road.

b. Viewpoint 3, which is located on the western extent of Bigrigg, 1.2 km to the east, north-east of the site. This represents a small number of residential properties on the western edge of the settlement with most views from Bigrigg screened.

c. However, the scale of effect is based upon the introduction of a turbine into the local environment, considered without the presence of the existing turbine at this location, as stipulated by relevant guidance. Therefore, it must be recognised that when considered against the existing turbine at the Site, the change in visual impact for the small number of receptors would not be at the level identified in the LVA, which is undeniably worse case.

ii) The Proposed Development would not alter any of the physical features of the Lake District National Park. Views of the Proposed Development would occur at a long distance and will form only a minor element of much wider views of the landscape. The Proposed Development would not alter any of the special qualities of this designated landscape and its setting.

iii) The Proposed Development would accord with the landscape objectives identified by Copeland Borough Council in the Wind Energy Technical Document, 2020. The area within which the turbine is located is assessed as having moderate capacity for wind energy development of this scale. This

capacity assessment considers sensitivity to development, landscape values and national designations. The presence of wind turbines at the site is a well-established influence on the local landscape, and this would not change as a result of the Proposed Development. Therefore, the capacity of the landscape to accommodate wind energy development would not be exceeded.

7.43 It concludes overall, that a relatively small number of visual receptors would experience any visual change due to the Proposed Development and, while this is a landscape which largely comprises large-scale open farmland and has a low level of built form, it would be visible in and amongst other tall structures such as pylons which are located within close proximity to the site.

7.44 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 LVIA to assist in the evaluation of this proposal. This was undertaken in June 2025.

7.45 The Independent Review confirmed that the submitted LVIA was prepared in accordance with established current guidance, and a review of the effects shows that the judgement of effects are correct.

7.46 The Review did recommend the submission of additional details including several additional viewpoints to allow further consideration of the landscape and visual impacts and representative views from the nearest residential properties at Coronation Terrace, Springbank, Low Walton and High Walton.

7.47 In response to this request the Applicants Agent submitted additional graphic details in the form of wireline drawings which complements the details set outlined in the LVIA. This clarifies that the taller turbine would be more evident within the view than the existing turbine although only the turbine blades would be visible with the remainder of the turbine located behind the brow of the intervening hill.

7.48 From the northern extent of properties they do not have a view of the existing turbine, nor would there be a view of the proposed turbine due to screening by the intervening landform. This comprises the properties at Low Walton. From the central properties, in the vicinity of Springbank Farm, only the turbine blades would be evident above the intervening landform. This does not take into account tree cover in the vicinity of the properties, which would filter views.

7.49 From the southern properties, at High Walton and Coronation Terrace, the proposed turbine blades and part of the turbine mast would be evident above the intervening landform, although the existing screening would provide some mitigation.

7.50 It is considered 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 perceptibility different to those of the existing turbine.

7.51 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.

7.52 The views from the England Coastal path at St Bees would be limited to the blade tips of the proposed turbine. These views would be seen in the context of the existing caravan park and are considered to be negligible due to the separation distance of 3.2 km and also the low topographical position of the coastline.

7.53 Views from the Lake District National Park, which is located 5km east of the site at its nearest point, would be sporadic and where possible, visual change would be limited. There would be a small magnitude of change, and the level of effects would be minor adverse.

7.54 In summary, a relatively small number of visual receptors would experience any visual change due to the Proposed Development and, while this is a landscape which largely comprises large-scale open farmland and has a low level of built form, it would be visible in and amongst other tall structures such as pylons which are located within close proximity to the site.

Residential Amenity

7.55 A Shadow Flicker Assessment has been submitted to support the planning application. This Assessment has been updated at the request of Officers to ensure that adequate consideration was given to the potential impacts on the properties at Wireless Station, Coronation Terrace, Springbank and High Walton.

7.56 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening (e.g. a window), briefly reducing the intensity of light within the room, and causing a flickering effect to be perceived. Shadow flicker occurs when a certain combination of conditions prevails at a certain location, time of day and year, and may have a negative effect on residents and occupants of affected properties.

7.57 The Assessment concludes that only two of the nearest properties would be likely to have times of possible shadow flicker. These properties would be subject to a combined maximum of 11.95 hours of theoretical shadow flicker per year. This falls under the accepted guideline annual threshold of flicker effects upon dwellings.

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

7.59 A Noise Assessment has been submitted to support the planning application. An update Noise Assessment was submitted in response to a request from

Officers to consider the effects of the proposed development on the residential receptions at Springbank, Low Walton and High Walton.

7.60 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).

7.61 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.

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

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

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

7.65 Overall, the proposed development would not cause unacceptable environmental impacts on residential amenity and therefore accords with the requirements of adopted Local Plan Policy CC2.

Flood Risk and Drainage

7.66 Strategic Policy DS6 Reducing Flood Risk, Policy DS7 Sustainable Drainage and Policy N5 Protection of Water Resources relate to ensuring development does not result in flooding or negatively impact on water quality.

7.67 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.

Electricity Generation

7.68 The export capacity of the point of connection at Highfield Farm 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 Highfield 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.

7.69 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.

7.70 Due to the increased swept area and improved conversion efficiency alone, the proposed turbine would generate more electricity at any one wind speed than the existing model.

7.71 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 27.8 kW – or in other words 27.8 kWh for each hour it experiences that speed. In comparison the proposed turbine would produce 124 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.*

	Existing Turbine	***Proposed Turbine***
Wind m/s	***kW Generated***	***kW Generated***
1	*0*	*0*
2	*0*	*0*
3	*0*	*0*
4	*6.3*	*25.5*
5	*16.8*	*67.4*
6	*27.8*	*124*
7	*46.2*	*197*
8	*73.1*	*225*
9	*101.8*	*225*
10	*130.1*	*225*
11	*156.3*	*225*
12	*179.4*	*225*
13	*198.8*	*225*
14	*214*	*225*
15	*225*	*225*
16	*225*	*225*

7.72 Overall, the Proposed Development is rated to meet the annual electricity needs of approximately 322 UK homes compared to the 159 UK homes that the current turbine provides for. This amounts to an additional 163 homes per year or 198 % uplift.

7.73 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.

7.74 A smaller turbine would be less efficient than the proposed development, would result in less electricity generated, and would not maximise the output of electricity on the site / into the grid connection.

8.0 Planning Balance

8.1 The principle of the development has been set through the approval of the previous planning application ref: 4/13/2047/0F1. The repowering of the existing wind turbine accords with the policies of the Development Plan and NPPF.

8.2 Paragraph 168 of the NPPF sets out that significant weight should be given to the benefits of utilising an established site. The proposed turbine 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. This amounts to an additional 163 homes per year or 198 % uplift on the generation provided by the existing turbine.

8.3 The Proposed Development would support decarbonisation of the electricity generation through the replacement of the existing turbine with a more an efficient and larger turbine, which provides a greater contribution to the UK's energy security ambitions and carbon emissions reductions. This is afforded significant weight.

8.4 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.

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

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

8.7 The development will result in some limited amenity impact and ecological impacts.

8.8 The development will result in some minor biodiversity enhancement.

8.9 Overall, the repowering of the wind turbine for a further limited period (25 years) would provide benefits in terms of the production of higher outputs of additional renewable energy and contribute to the national need to increase capacity from renewable sources and decarbonise the grid. These benefits

are considered to outweigh the additional harm that the development would cause for its lifetime.

Recommendation

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

Appendix 1 – List of Planning Conditions and Reasons

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:
   a. Application Form
   b. Site Location Plan, drawing number 3369-090-LP-001
   c. Site Plan, drawing number 3369-090-SP-002
   d. Block Plan – Access, drawing number 3369-090-OA-005
   e. Access Plan, drawing number 3369-090-TA-004
   f. Turbine Site Area, drawing number 3369-090-TSA-006
   g. Highfield Farm Wind Turbine Repowering - Landscape and Visual Appraisal – Report Ref. 3369-09-LVA-01
   h. Highfield Farm Wind Turbine Repowering on behalf of Axis PED Preliminary Ecological Appraisal – Report Ref. AxisL-043-8710
   i. Highfield Farm Wind Turbine Repowering Planning Statement Report Ref. 3369-09-PS-01
   j. Highfield Farm Wind Turbine Repowering Planning Statement Addendum Ref. 3369-09-PSA-03

   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.

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:

The wind turbine generator shall be moved no more than 10m from the approved position.

The height of foundation of the wind turbine generator shall not be increased from the approved position.

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 shall not exceed:
   (i) a level of 35 dB LA90 (10 minutes) during the daytime (07.00 – 23.00 hours) and 43 dB LA90 (10 minutes) during the night time (23.00 – 07.00 hours) or ETSU derived limits of background noise level plus 5 dB (whichever is greater) at the curtilage of any dwelling lawfully existing at the time of this consent for all wind speeds up to 10 m/s at 10 m height; and

   (ii) For properties with a valid financial interest, the noise limit shall not exceed a level of 45 dB LA90 (10 minutes) or ETSU derived limit of background noise level plus 5 dB (whichever is greater) for all wind speeds up to 10 m/s at 10 m height shall apply.

   Reason

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

9. Within 28 days from the receipt of a written request from the Local Planning Authority, following a noise 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 8 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.

Shadow Flicker Protocol

10. No building or use hereby permitted shall be occupied or use commenced until a protocol for the management of shadow flicker on sensitive receptors has been submitted to and approved in writing by the Local Planning Authority.

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

11. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Cumberland Council 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 ground level) 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.

12. 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.

Construction/Decommissioning Management

13. Construction/decommissioning activities that are audible at the red line boundary detailed on Site Plan, drawing number 3369-090-SP-002 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.

14. 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.

15. No development shall take place until a site-specific Construction Environmental Management Plan (CEMP) been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and effects on the local ecological environment during the demolition and construction phase of the works.

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.

Ecology

16. The development shall implement all of the recommendations and mitigation measures contained in Highfield Farm Wind Turbine Repowering on behalf of Axis PED Preliminary Ecological Appraisal – Report Ref. AxisL-043-8710.

    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

17. 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

18. Within six months of the cessation of electricity generation from the approved turbine 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. The Land Restoration Scheme shall relate to all land on which both the existing and approved wind turbine generators, and all associated infrastructure, are sited.

    The Land Restoration Scheme 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 N1 and Policy Ds4 of the Copeland Local Plan 2021-2039.

Informative Notes

Highways

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team. https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

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.