
Application for Planning Permission Notice of Approval

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure)

(England) Order 2015

Applicant: Agent: (if any)

Murray House Livery
Murray House
Cumwhinton
Carlisle
CA4 8DH

Maria Ferguson Planning Limited
14 Gordon Crescent
Richmond
DL10 5AQ

Part 1 - Particulars of Application

Date of Application: 12/04/2023 23:00:12

Application Number: 23/0273

Particulars and Location of Proposal:

Proposal:

Installation Of 1no. 18.4 Metre High Wind Turbine (Height To Tip 24.9 Metres)

Location:

Land to the South of Murray House and Reeds Way, Cumwhinton, Carlisle, CA4 8DH

Part 2 - Particulars of Decision

In pursuance of the powers under the above Act and Order Cumberland Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 13 April 2023;
 2. the location plan (dwg ref: NB22_84/01), received 13 April 2023;
 3. the proposed site layout plan (dwg ref: NB22_84/03A), received 13 April 2023;
 4. the turbine layout plan (dwg ref: RYSE ENERGY G-11 18M-T), received 13 April 2023;
 5. the general specification of Gaia-Wind turbine, received 13 April 2023;
 6. the planning statement (ref: MF/2022/056v2), received 13 April 2023;
 7. the Notice of Decision;
 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months, the operator shall give notice in writing to the local planning authority of the date this event occurs. The wind turbine, base and any ancillary works shall be removed and the site restored to its former condition within six months from the date when the turbine ceases to be operational unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the residential amenity of the area and to accord with the objectives of Policies SP6 and G11 of the Carlisle District Local Plan 2015-2030.

4. 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 turbine, nor shall it be illuminated without the prior written approval of the local planning authority.

Reason: To safeguard the character of the area in accordance with the objectives of Policies SP6 and G11 of the Carlisle District Local Plan 2015-2030.

5. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include details of:
 - 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 if any;
- construction vehicle routing;
- the dimensions of turbines and associated components;
- the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details.

The development hereby approved shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety.

6. No construction works of any kind shall take place during the breeding bird season (1st March - 31st August) unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance in accordance with the objectives of Policy GI3 of the Carlisle District Local Plan 2015-2030.

7. Prior to the decommissioning works, a Decommissioning Environmental Management Plan (DEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following:
 - Traffic Management Plan to include all traffic associated with the development, including site and staff traffic, off-site parking, turning and compound areas;
 - Procedure to monitor and mitigate pollution, noise and vibration from the decommissioning works and to monitor any residential properties or wildlife habitats at risk (including type of generators, fuel storage facilities, spillage procedures and oil types use in plant working on the site), as well as taking into account noise from vehicles, deliveries. All noise measurements should make reference to BS7445.
 - Mitigation measures to reduce adverse impacts on residential properties from decommissioning compounds including visual impact, noise, and light pollution.
 - Measures to control the emissions of dust and dirt during construction and demolition (including any wheel washing facilities);
 - Programme of work for demolition and construction phase;
 - Hours of working and deliveries;
 - Details of lighting to be used on site;
 - Highway signage/haulage routes.

The approved statement shall be adhered to throughout the duration of the development.

Reason: In the interests of safeguarding the amenity of the occupiers of neighbouring properties and protected habitats and species during the decommissioning works, in compliance with the objectives of Policies SP6, CM5 and GI3 of the Carlisle District Local Plan 2015-2030.

8. The level of noise emissions from the turbine hereby permitted when measured in free field conditions at the boundary of the nearest noise sensitive receptor which lawfully exists or has planning permission for construction at the date of this planning permission, or measured closer to the turbine and calculated out to the

receptor in accordance with a methodology previously approved in writing by the local planning authority, shall not exceed 35 dB LA90,10 min up to wind speeds of 10 metres/sec measured at a height of 10 metres above ground level at a specified location near to the turbine which has previously been approved in writing by the local planning authority.

Within 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it the wind turbine 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 the wind turbine 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 the interests of the residential amenity of the area and to accord with the objectives of Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

9. 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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

Date: 04/09/2023

Signed:

Jane E Meek
Corporate Director of Economic Development

Advisory Statement(s)

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
 - ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.
1. 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 within the National Planning Policy Framework.
 2. Many species and their habitats are protected under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010, the Countryside and Rights of Way Act 2000, the Hedgerows Regulations 1997. If any protected species are found during development all work must cease immediately and the Local Planning Authority notified.
 3. The applicant is advised that if the development is not using an existing farm access to access the site, the applicant will need the relevant S184 permit from the Council's Streetworks team.

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Notice to Applicant of Rights of Appeal

- Where an application has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms can be submitted electronically at-

www.gov.uk/appeal-planning-decision

Alternatively they can be obtained from the following address: -

The Planning Inspectorate
Customer Support Unit

Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Telephone: 0303 444 50 00

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

Further Information

- The government web site (www.gov.uk/planning-inspectorate) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

Purchase Notices

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

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.