

Date of Committee: 16 October 2014

Planning Application No: 14/0637 **Date Received:** 18 July 2014

OS Grid Ref: 344847 541651 **Expiry Date:** 7 November 2014

Parish: Hesket **Ward:** Hesket

Proposal: Erection of four wind turbines with a maximum height to blade tip of 130m (above ground level) with associated ancillary infrastructure, control building, internal access tracks, crane pads and temporary site compound/storage area.

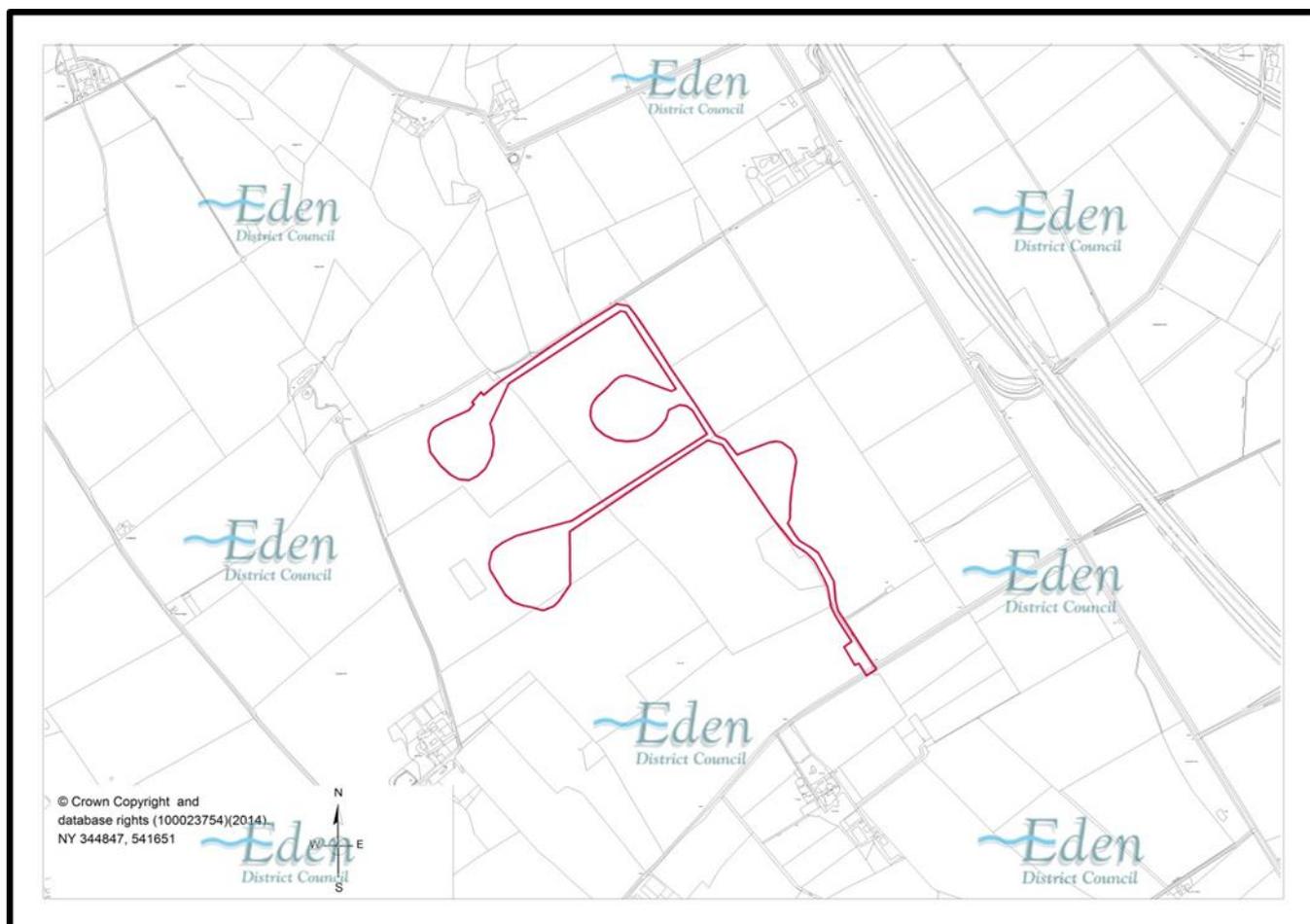
Location: Hay Close Farm, Calthwaite

Applicant: REG Windpower Ltd

Agent: REG Windpower Ltd

Case Officer: Daniel Addis

Reason for Referral: Significant level of public objection



1. Recommendation

It is recommended that planning permission is refused for the following reasons:

1. The proposed turbines, by virtue of their scale and siting on a prominent location in attractive open countryside, would have a significant adverse and unacceptable level of harm to the landscape in which they are sited contrary to Core Strategy policies CS18 and CS20 and national planning policy.
2. The proposed turbines, by virtue of their scale and siting on a prominent location in attractive and popular countryside, would result in a substantial and unacceptable level of harm to the visual amenity of the area including nearby small settlements and residential properties and the use and enjoyment of these are for recreational purposes contrary to Core Strategy policies CS18 and CS20 and national planning policy.
3. The proposed turbines would result in an unacceptable adverse impact on the nearby VLF transmitter of national strategic importance at Skelton, with no mitigation available at this time, contrary to Core Strategy policy CS20 and national planning policy.
4. The applicant has been unable to demonstrate that the turbines would not create a hazard to aviation (and telecommunication infrastructure) with specific reference to the current and future operations of Carlisle Airport, NATS safeguarding criteria (and a UK critical national infrastructure link) contrary to CS20 and national planning policy.

2. Proposal and Site Description

2.1 Proposal

- 2.1.1 Full planning permission is sought for the erection of four wind turbines measuring up to 80m to the hub with a maximum blade tip height of 130m. The wind turbines proposed are three bladed machines on a cylindrical tower with a generating capacity of 2.6MW per turbine. The application includes an allowance for the micro-siting of the turbines should it be necessary.
- 2.1.2 The proposal would require permanent infrastructure including; an upgraded junction, an access track, control buildings, construction compound and crane pads.
- 2.1.3 The electricity generated from the turbines would be exported to the National Grid offsite. The connection to the National Grid would be undertaken by the District Network Operator (DNO) under its permitted development rights and the connection route is therefore not considered as part of this application.
- 2.1.4 The application is supported by a full Environmental Impact Assessment (EIA) which assessed the effects of the proposal through an Environmental Statement (ES) under the following chapter headings:- aviation and telecommunications, cultural heritage, ecology and nature conservation, geology, hydrogeology, hydrology and flood risk, landscape and visual impacts, noise, shadow flicker, socio-economics and transport and access. The application also included a statement of community engagement, a carbon balance assessment, a design and access statement and a planning statement.
- 2.1.5 The applicant, REG Windpower, is a British company that develops owns and operates wind farms throughout the UK. With regards to benefits - the wind farm would contribute 10.4MW of renewable energy generation which is a significant contribution to the national targets and an 8% uplift in the currently installed or

consented capacity within Cumbria. The carbon savings are estimated to be in the region of 22,193 tonnes of CO₂e per year. The proposal would also result in the creation of jobs during the construction stage and also during the operation stage. A community benefit fund of £5,000 per installed MW per year (£52,000/year) is also proposed.

- 2.1.6 In accordance with national requirements, that applicant has entered into the pre-application consultation process. The applicant's consultation included a stakeholder preview consultation followed by two days of public consultations, a community newsletter, a consultation website, a twitter feed, the production of information packs, and presentations to Hesket and Skelton Parish Councils.

2.2 Site Description

- 2.2.1 The site is located between the villages of Low Braithwaite to the north west and Calthwaite to the south east. The site is elevated (approximately 180m-190m above ordnance datum (AOD)) with long ranging views particularly to the east and west where the land slopes away. The M6 motorway is located to the east of the site. The application site extends to approximately 11.21 hectares and includes a number of agricultural fields associated with Hay Close Farm. Although the site is isolated, there are a number of residential properties close to the site with the closest properties following the 'loop' of public roads to the north, east, south and west of the site.
- 2.2.2 Access to the site will be taken using an upgraded existing access point from the public road to the south of the site. The upgraded access would continue onto a new access track which would service the proposed turbines and associated infrastructure.
- 2.2.3 No footpaths cross the site although there are a number of footpaths nearby. The closest footpath (reference 328023) is located to the south of the site and traverses east to west, part of it continuing along the access track to Hay Close Farm and then heading south towards Hill Houses and beyond. At its closest point the footpath is 450m from the upgraded access and approximately 800m from the closest turbine.
- 2.2.4 The closest residential properties to the turbine are located at Hay Close Farm although because these properties are financially involved they are subject to a reduced level of amenity. The closest properties that are not financially involved are Sceugh Hill Farm (680m to nearest turbine), Bents Cottage (683m to nearest turbine), Haystones (681m to nearest turbine), The Elephant and The Elephant Cottage (694m to nearest turbine). The next closest properties are located further than 1km from the turbines at the nearest point.

3. Statutory Consultees

Consultee	Response
Cumbria County Council	Object due to adverse landscape, visual and cumulative effects which are not outweighed by the benefits.
Highways Authority	No objection.
Ministry of Defence	Object - adverse effect on nearby long range VLF transmitter used to communicate with Royal Navy vessels globally.
JRC	Object - adverse effect on local UK critical national

Consultee	Response
	infrastructure telecommunication link.
Carlisle Airport	Object - a full aviation assessment which meets the airport's required standards (including being produced by a CAA approved organisation) and which demonstrates that there will be no safety conflict with aviation activities has not been completed.
Environment Agency	No comment.
Highways Agency	No objection.
Natural England	No objection.
English Heritage	No objection.
Conservation Officer	Concludes that the proposal would have a very adverse impact on the nearby Grade II listed property The Elephant and decreasing impacts (slight - moderate) on other nearby listed buildings. Concerned that the benefits of the scheme are not focused on the historic environment.
County Archaeologist	No objection subject to archaeological condition.
Carlisle City Council	No objection.
Environmental Health	No objection subject to conditions.
Lake District National Park	No response at time of report.
NATS	Objection.
CAA	No response at time of the report.

3.1 In addition to the statutory consultees listed above several interest groups have objected to the application including Friends of the Lake District, The Westnewton Action Group, Friends of Rural Cumbria's Environment, Ivegill Footpath Group and the Penrith Ramblers Group for the following reasons:

- Impact on landscape character.
- Oppressive, overbearing and dominating effects at closest properties.
- Driver distraction.
- Cumulative impact.
- There is no need for additional renewable energy generation.
- Unacceptable impacts on tourism.
- Unacceptable impacts on residential amenity.
- Unacceptable impacts on heritage assets.
- Close up, middle and long range significant impacts on users of footpaths.
- Noise experienced by users of the nearby footpath.

4. Parish Council/Meeting Response

Parish Council	Please Tick as Appropriate			
	Object	Support	No Response	No View Expressed
Hesket Parish Council	√			

4.1 Hesket Parish Council has provided the following comments on the application:

“Hesket Parish Council strongly objects to the above planning application. Please find below the reasons for the objection:

1. The proposed turbine will have a **huge** visual impact on the area and will dominate the landscape.
2. The proposed turbine is thought to be too close to residential properties, residents could suffer from noise causing sleeping issues and stress.
3. The siting of such a wind turbine will have a negative effect on value of surrounding property prices.
4. The Calthwaite - Carlisle road has various dips in which local drivers are aware of, distraction from a turbine could cause accidents
5. Cyclist groups regularly use this road as a training route; distraction from a wind turbine could result in an accident.
6. The wildlife nature habitat will be disturbed.
7. Councillors were also concerned about further wind turbines.
8. The majority of local residents are opposed to this application and feel that this application has no benefit to this area.”

4.2 In addition to the Hesket Parish Council objection above, the neighbouring parish councils of Lazonby and Castle Sowerby have also objected to the application.

5. Representations

5.1 Letters of consultation were sent to near neighbours and a site notice was posted on 31 July 2014.

No of Neighbours Consulted	81	No of letters of support	2
No of Representations Received	430	No of neutral representations	5
No of objection letters	423		

5.2 Letters of objection raised the following concerns which are material considerations to the application:

- Adverse impact on cultural heritage
- Overshadowing
- Residential Amenity - overbearing, shadow flicker, vibration
- Adverse impact of noise
- Landscape character - AONB, LDNP, dominating, out of character

- Adverse impact on amenity of the area - recreation interests
- Adverse effect on tourism
- Cumulative impact - other vertical man-made infrastructure
- Adverse impact on wildlife - bats, birds and horses
- Disturbance during construction and operation
- Adverse impact on the health of nearby property owners
- Highway Safety

5.3 Letters of objection raised the following concerns which are non-material considerations:

- Precedent
- Unnecessary
- Adverse impact on property prices
- Inefficiency of machines
- Allerdale Borough Council has implemented a 800m separation from dwellings for all turbines

5.4 Letters of support were received which provided the following comments:

- The turbines will not spoil views
- The turbines will not make a lot of noise
- The turbines can be recycled
- There is no tourism in the area

5.5 Letters of observation were received which provided the following comments:

- The turbines are out of scale and character with the surrounding landscape
- The turbines will spoil the landscape
- The turbines should be on industrial land
- Wrong place for turbines

6. Relevant Planning History

Application No	Description	Outcome
14/0541	Erection of a temporary anemometry mast (15.95 metres in height), supporting guy sets and drive-in ground anchors.	Approved at committee on 18/09/14

7. Policy Context

7.1 Development Plan

Core Strategy

CS1: Sustainable Development Principles

CS16: Principles for the Natural Environment

CS17: Principles for the Built (Historic) Environment

CS18: Design of New Development

CS20: Renewable Energy

7.2 Material Considerations

National Planning Policy Framework (the NPPF)

Planning Practice Guidance (the PPG)

Cumbria Wind Energy Supplementary Planning Document (the SPD)

The policies detailed above are the most relevant policies relating to this application.

8. Assessment

8.1 Key/Main Planning Issues

- Landscape impact
- Visual impact
- Historic environment
- Natural environment
- Transport and access
- Telecommunications and aviation
- Noise and shadow flicker

8.2 Landscape Impacts

- 8.2.1 The turbines would be sited on an elevated position at approximately 180-190m AOD with long ranging views to the site in all directions including particularly east towards the Eden Valley and the North Pennines AONB and west towards the Lake District National Park. The site lies within an attractive rolling agricultural landscape with blocks of tree planting, minor hedge-lined country roads connecting scattered dwellings, farm buildings and small villages. The landscape already features elements of significant infrastructure including the M6 motorway located approximately 700m to the east of the site and the communication masts at Skelton - located approximately 3km south west of the site.
- 8.2.2 The Wind Energy SPD identifies the site within Landscape Character Type 6 'Intermediate Land' which has a Moderate Landscape Capacity Subtype. The Wind Energy SPD identifies that within this subtype there is a moderately strong historical interest attributable to the presence of conservation areas, medieval villages and field patterns. The SPD confirms that Intermediate land has a moderate capacity to accommodate small to large turbine gaps.
- 8.2.3 The landscape and visual impact assessment (LVIA) submitted with the application concluded that the proposal would become the dominant characteristic of the

landscape within an area of up to 1.1km of the proposed turbines and would have localised significant effects on the landscape character of the Intermediate Farmland LCT within this distance range. The LVIA provides that beyond 3km the proposal would have a low to negligible magnitude which would not be significant.

- 8.2.4 Based on the zone of theoretical visibility (ZTV) maps submitted with the application the turbines will be highly visible within 5km of the site with decreasing levels of visibility out to 15km. Large areas of land where the turbines would not be visible existing to the southeast and the southwest whilst high levels of visibility would be experienced to the north, south-south east, and north west. As shown on the ZTV the turbines will be visible out to 25km though the impact of the turbines at this range would be negligible.
- 8.2.5 The LVIA is supported by a number of visualisations based on photographs captured at nearby sensitive receptors/viewpoints (VPs). Visualisations based at the closest viewpoints (VPs 1, 2, 3, 4, 7, and 20) show that the turbines occupy an elevated position and dominate the views. Visualisations based at the viewpoints further afield but within 5km of the site (VPs 5, 6 and 19) show that the turbines remain prominent with no screening or backcloth - this is particularly relevant from VPs 5 and 6 which look west towards the LDNP from the A66. The impact of the turbines on the landscape begins to reduce between 5km-15km including from VPs 8, 9, 11 and 18. The turbines appear largely indiscernible at ranges exceeding this as demonstrated by VPs 10, 12, 14, 15 and 17.
- 8.2.6 Drawing the above together: the landscape in which the turbines are proposed is an attractive rural landscape backclothed by landscapes of national importance - the AONB to the east and the LDNP to the west. The proposed turbines are large scale at 130m and occupy an elevated and prominent position particularly when viewed from the east and west. Whilst there are no nearby turbines that would likely result in an objectionable level of cumulative impact, the turbines would be seen in the context of the Skelton masts and will add more noticeable clutter (due to the girth of the towers and their continual movement) to the landscape. Overall the proposal would result in a significant adverse effect on the character of the landscape both locally and further afield.

8.3 Visual Impacts

- 8.3.1 There are a high number of sensitive visual receptors in the locality including small settlements, residential properties, businesses and recreational users.
- 8.3.2 The key visual receptors in the area are the high number of residential properties out to 1.5km from the site some of which are financially involved and others which are not. Consideration has been given to the effects of the proposal at the closest properties based on their orientation, their amenity space and the availability of screening. From most properties at this range the turbines would appear as prominent, visually intrusive and out of scale with the immediate surroundings.
- 8.3.3 This is also the case when the turbines are considered at nearby villages including Calthwaite, Hutton End and further afield at High Hesket. There is very little tree cover overall and due to the size of the turbines and their rotating nature, this would only go some way to providing a meaningful level of screening and/or relief from views.
- 8.3.4 It is clear from the high level of objection to the application that the area is a popular resource for recreational activities including, walking, cycling and horse-riding. Many objections have raised concerns that the amenity of the area currently enjoyed by users will be lost including, specifically, the use of the nearest footpath located to the southwest of the site. Due to the direction of the footpath views of the wind farm would

be experienced by users approaching the site from Calthwaite to the south and Scales Farm to the west. Users of the footpath would experience significant and adverse effects similar to VP1 and as demonstrated by VP20 which would detract from the otherwise simple and attractive amenity of the area.

- 8.3.5 Having regard to the scale of the proposed turbines, the number of dwellings with near views of it and the proximity of the public footpath to the site, it is considered that the proposal would result in a considerable adverse effect on the visual amenity of the area within 1.5km of the site and an adverse effect out to 5km.

8.4 Historic Environment

- 8.4.1 There is a relatively high level of cultural heritage assets within 5km of the site including four schedule monuments, two Grade I listed buildings, five Grade II* listed buildings, four Grade II listed buildings and one registered park and garden.
- 8.4.2 With regards to archaeological assets and in accordance with both English Heritage and the County Archaeologist responses to the application, it is agreed that the proposed watching brief during construction stages would mitigate any impact on buried archaeological features.
- 8.4.3 With regards to listed buildings the commentary provided by the conservation officer provides that the impact to the most sensitive listed buildings nearby - The Elephant (Grade II), Scale Hall (Grade I), Scale Hall Gatehouse (Grade I) Streethead (Grade II) and Petterill Bank (Grade II) would on balance be less than substantial. Of note is that Hay Close Farm is currently subject of a listing request to English Heritage (EH ref 1421937) although no weight could be attributed to protecting the asset until the listing was confirmed or otherwise.
- 8.4.4 With regards to the registered park and garden at Hutton in the Forest, based on the ZTV and a site visit it appears that the turbines would not be visible from much of the house, gardens or parkland and therefore there would only be a negligible impact on the registered park and garden.

8.5 Natural Environment

- 8.5.1 No international, national or county and locally designated sites will be adversely affected by the proposal. There will be a localised effect on an area of improved grassland, a small area of newly planted woodland and 30 m of a hedgerow. All of these habitats have a relatively low ecological sensitivity and the control of pollution, particularly to local watercourses and the nearby pond could be controlled by a pollution prevention plan required by condition. With regards to protected species the ES identified that ground nesting birds and bats may be affected by the proposal indirectly although the level of harm would be low. No other protected species were identified on or nearby the site that would affect the implementation of the proposal. The relatively low level of harm that may result from the application could be offset by a habitat management plan which the applicant is willing to enter into and which could be secured by planning condition.

8.6 Transport and Access

8.6.1 The impact of the proposal on the local highway infrastructure has been assessed through the ES and found to have a negligible effect during the construction stage and no adverse effect during the operational stage. Neither the highways agency nor the highways authority has raised concerns with the application.

8.7 Telecommunications and Aviation

8.7.1 An assessment of the impact of the proposal on telecommunications and aviation interests has been undertaken within the ES as part of the EIA. The assessment identified that the NATS operations may experience interference as a result of the development. In response to the application Carlisle Airport has objected on the basis that the impacts of the proposal have not been adequately assessed to ensure that air safety is in no way compromised. NATS has objected to the application on the basis that it conflicts with its safeguarding criteria.

8.7.2 The application has been objected to by the Ministry of Defence on the basis that the turbines may affect the operation of a nearby long range very low frequency (VLF) transmitter providing VLF radio services used to communicate with Royal Navy vessels globally. No response to this objection has been received from the applicant and it appears at this time that this objection is insurmountable.

8.7.3 A telecommunications assessment has been undertaken through the ES which found that the proposal would not significantly effects are likely and no mitigation was proposed. Notwithstanding this assessment, JRC has objected to the application both on its own behalf and on behalf of the Electricity Northwest, on the basis that the proposal would adversely affect a UK critical national infrastructure link.

8.8 Noise and Shadow Flicker

8.8.1 Following the review of the ES and the Environmental Health department's response to the application, it is considered that the noise assessment submitted with the application demonstrates that the turbines can operate without adversely affecting the amenity of the closest dwellings. The ES includes a section on shadow flicker which predicts that nine properties within 1km of the turbines (based on a study area of 10x blade diameter) have the potential to be affected by flicker. Of the nine properties six have the potential to experience more than 30 hours of flicker in a year which equates to a significant level of harm. In response to this the applicant has agreed to provide mitigation which would shut down the turbines where the conditions were such that the effects of shadow flicker could be experienced. This could be secured by planning condition.

9. Planning Policy Assessment

9.1 Principle

9.1.1 The principle of renewable energy development is supported by Core Strategy Objective 11 which seeks to encourage the harnessing of renewable energy sources wherever they have the prospects of being economically viable and environmentally and socially acceptable. The principle of the proposal is further supported by Core Strategy policy CS1 which requires development to contribute to reducing the causes of climate change and Core Strategy policy CS20 which supports renewable energy proposals subject to acceptable effects unless they are outweighed by the need for renewable energy development or other benefits.

9.1.2 There is strong policy support at the national level of renewable energy development including through the NPPF which reflects the imperative to cut carbon emissions and advises that an application for renewable energy should normally be approved if its impacts are (or can be made) acceptable. Planning Practice Guidance (PPG) balances this policy position by making it clear that the need for renewable energy does not automatically override environmental protections or the planning concerns of local communities. Other material considerations include EN-1 (2011) and EN-3 (2011) and a wealth of other government statements and plans as set out in Appendix 1 of the planning statement submitted with the application.

9.2 Planning Balance

9.2.1 There is strong policy support for renewable energy developments particularly where the benefits of the scheme outweigh any adverse impacts (CS20 and the NPPF). In considering this balance considerable weight is given to the benefits of the scheme as set out earlier in this report though this is set against the adverse impacts which in this case are often significant (landscape and visual amenity) and in the case of technical objections (the MOD, Carlisle Airport, NATS and JRC) apparently insurmountable.

9.2.2 Whilst the development plan supports the principle of renewable energy development through CS1 and CS20, the proposal conflicts with CS18 which requires, amongst other criteria, that new development should - complement and enhance an existing area, protect (and where possible) enhance the rural landscape, protect the amenity of existing residents and provide an acceptable amenity for future occupiers. Due to the scale of the turbines, their elevated positions, their high level of visibility and the sensitivity of the landscape it is considered that they would appear visually intrusive in an otherwise attractive and remote rural location. The landscape would be harmed. The visual harm out to 1.5 km would be significant and adverse and the closest residential properties including the listed property The Elephant and its associated cottage. Their amenity would not be protected. CS17 requires that proposals conserve and enhance listed buildings and their settings whilst the NPPF requires, where there is less than substantial harm, the harm should be weighed against the benefits.

9.2.3 Consideration has also been given to the technical objections from the Ministry of Defence, Carlisle Airport, NATS and JRC and with no proposed mitigation or a response to these objections these must also form reasons for refusal on the basis that they are contrary unacceptable effects not outweighed by the benefits (CS20 and the NPPF).

9.2.4 In light of the above assessment it is considered that the proposal is not supported by the development plan or material considerations as the harm is not considered to be outweighed by the benefits.

10. Implications

10.1 Legal Implications

10.1.1 There are no legal implications resulting from this application.

10.1.2 Consideration has also been given to the following issues:

- Equality
- Natural Environment and Rural Communities
- Crime and Disorder

- Children

10.1.3 There are no implications arising from this report.

11. Conclusion

11.1 It is considered that the proposal does not accord to the Development Plan for the following reasons which are not outweighed by material considerations:

- The proposal would result in significant adverse effects on the character of the landscape which are not outweighed by the benefits of the scheme.
- The proposal would result in significant adverse effect on the visual amenity of the area out to 1.5km including the amenity of nearby small settlements, residential properties and the use and enjoyment of the area for recreational purposes.
- The proposal would result in unacceptable interference with a local VLF radio transmitter of national strategic importance with no mitigation available at this time.
- It has not been demonstrated that the proposal would not create a hazard to aviation and telecommunication infrastructure with specific reference to the current and future operations of Carlisle Airport, NATS safeguarding criteria and a UK critical national infrastructure link.

Gwyn Clark
Head of Planning Services

Checked by or on behalf of the Monitoring Officer	✓
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Background Papers: Planning File 14/0637, including the EIA.