

DELEGATED REPORT

Application Reference:	15/0660
Description of Development	Installation of a single medium scale wind turbine measuring 45 m to blade tip with associated infrastructure and access track.
Appraisal	
Site	<p>The site is part of a larger agricultural field approximately 420 metres North East of the applicants farm at Southernby Hall. The field slopes downwards in all directions from the location of the proposed wind turbine.</p> <p>The application site would be accessed through an existing field access opposite Southernby Hall farm and an access track laid alongside the field boundary.</p> <p>The built environment around the site of the proposed turbine comprises of a scattering of individual residential properties, farm steadings and small villages. There are a number of residential properties within 1 km of the turbine locations with the nearest being Ritchie Ghyll and Lyn Crest located approximately 500 metres to the east of the wind turbine location.</p> <p>There is a footpath that runs north to south at approximately 270 m to the East of the proposed wind turbine.</p> <p>The site is located approximately 1 km West from the B5305 Wigton Road, 3 km North East from Heskett New Market and 1.9 km North of Millhouses. The site is approximately 1.7km from the boundary with the Lake District National Park.</p>
Proposal	<p>Full planning permission is sought for the erection of a wind turbine which has a tower (hub) height measuring 30 metres and an overall (blade tip) height of 45 metres. The design is a three bladed turbine on a monopole with an estimated generating capacity in excess of 782,000 kWh.</p> <p>The erection of the turbine would require a foundation in the form of reinforced concrete which will include a steel support plinth to suit the base profile of the tower section; a crane pad; kiosk/control unit; and gravel access track along a field boundary from the nearest road to the wind turbine measuring approximately 300 metres.</p>
The Application	<p>The application is supported by a design and access statement; an ecological appraisal (March 2015) compiled following a site survey conducted on 17 February 2015 and a desk-based study to obtain existing ecological information on the site and the surrounding area; a 'Landscape and visual impact assessment' to identify and predict the potential effects arising from the proposed development; Transport Statement'; 'Cultural Heritage Impact Assessment (16 June 2015) produced to evaluate the heritage assets and the cultural landscape relevant to the site.</p> <p>Since the application has been submitted a 'Noise Impact</p>

	Assessment has been submitted (dated 14 August 2015).
Relevant Site History:	None relevant for this site. However a planning permission (11/0226) was granted 16 May 2011 for a 57 metre turbine (blade tip) at Newlands Mill and was submitted on the basis that it would replace an existing turbine of similar size which had been on the site since 1992. The site is approximately 2 km west of the application site.
Policy:	<p>Eden Local Plan 1996: Saved Policies</p> <ul style="list-style-type: none"> • NE1: Development in the Countryside <p>Core Strategy DPD Policy:</p> <ul style="list-style-type: none"> • CS1 Sustainable Development Principles • CS12 Principles for Economic Development and Tourism • CS16 Principles for the Natural Environment • CS18 Design of New Development • CS20 Renewable Energy <p>Supplementary Planning Documents</p> <ul style="list-style-type: none"> • Cumbria Wind Energy <p>National Planning Policy Framework (NPPF):</p> <ul style="list-style-type: none"> • Building a strong, competitive economy • Supporting a prosperous rural economy • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment • Facilitating the sustainable use of minerals <p>National Planning Practice Guidance (NPPG) Overarching National Policy Statement for Energy (EN-1) National Policy Statement for Renewable Energy Infrastructure (EN-3) National Energy Policy Cumbria Wind Energy Supplementary Document</p>
CONSULTATION RESPONSES	
Highway Authority:	
Castle Sowerby Parish Council:	'It was agreed that Castle Sowerby Parish Council would NOT support the application and wish to oppose the proposed turbine'.
Sebergham Parish Council	'As a neighbouring parish to the proposed site of the wind turbine, Sebergham Parish Council objects to this planning application. It would have a significant negative visual impact on the community'.
MOD	The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause

	interference to Air Traffic Control and Air Defence radar installations. No objection to the proposal.
Lake District National Park	The Lake District National Park objects. The National Park landscape has the highest status of protection in relation to its landscape and scenic beauty. The turbine would be seen from public rights of way within the national park. The turbine would cause harm to the aesthetic and perceptual character of the area by the introduction of a 45m tall, man-made, moving feature above the skyline.
Environmental Health	If the application is approved then a noise condition should be attached restricting noise levels at the nearest sensitive receptors based on the ETSU R-97 Guidance and IOA Good Practice Guide. The noise conditions will set a maximum noise level based on the absolute limit in the guidance or against the existing background noise level, as appropriate.
NOTIFICATION RESPONSES	
Application advertised by way of immediate neighbour notification letter and site notice posted:	<p>In response to the application the department has received the following :</p> <p>40 individual letters of objection 9 standardised letters of objection</p> <p>Which raise the following areas of concern:</p> <ul style="list-style-type: none"> - Inadequate consultation - Siting in a prominent position, over bearing - Impact on landscape, out of character - Cumulative effects - Close to residents. - Close to public rights of way - Over shadowing, flicker, noise/disturbance - Effects on radio transmissions <p>One letter of objection received from Rory Stewart MP commenting that the application should be refused on the following grounds:</p> <ul style="list-style-type: none"> - Proposal is directly against the expressed interests of the majority of the community - Turbines have long term negative impact on the tourism economy of Cumbria - Landscape impact <p>Petitions of support with a total of 44 signatures 94 signatures on standardised letters of support which state that 'a wind turbine is the best way of reducing the farms carbon footprint. This will provide a sustainable source of renewable energy to the wider community by exporting electricity to the National Grid....'.</p>
OBSERVATIONS	
Main Issues:	Appraisal:

<p>Principle</p>	<p>The principle of the proposal is supported by Core Strategy policy CS20 which supports renewable energy proposals where there are no significant unacceptable effects which cannot be mitigated or are not outweighed by the national or regional need for renewable energy development or the wider environmental, social and economic benefits that the scheme may bring.</p> <p>The principle of renewable energy development is also supported at a national level through the National Planning Policy Framework (the NPPF). Of particular note is paragraph 93 which advises that “planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure” and paragraph 98 which recognises that “even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions”.</p> <p>The National Planning Practice Guidance (the NPPG) makes it clear that the need for renewable energy does not automatically override environmental protections or the planning concerns of local communities.</p> <p>The Ministerial Statement and associated update to the NPPG issued on 18 June 2015, has also had a significant impact on the principle and determination of the application. It advises that:</p> <p>“Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”</p> <p>On 14 September 2015, the Department for Communities and Local Government (DCLG) advised that they agreed with a Planning Inspector who dismissed an renewable wind energy appeal, amongst others, on the grounds that the proposal failed to address the planning impacts identified by affected local communities. An extract taken from the DCLG’s statement is as follows:</p> <p><i>23. In addition, having applied the transitional provision set out in the June 2015 WMS, the Secretary of State is not satisfied that the planning impacts identified by affected local communities have been addressed. There has been extensive involvement of the local population throughout the process (IR361), including the granting of Rule 6 status to VOCAT (IR2). In their responses to the Secretary of State’s letter of 18 June 2015, the affected communities have repeated the concerns</i></p>
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	<p><i>which they expressed previously about the planning impacts of the scheme. These include harm to the landscape, visual amenity and the setting of heritage assets, and it is clear from the IR that those planning impacts have not been addressed. This is demonstrated, in particular, by the Inspector's summary of the harm to the landscape character, visual amenity and setting of heritage assets at IR360. As those planning impacts as identified by the affected communities have not been addressed, the proposed scheme would not meet the transitional arrangements set out in the WMS of 18 June 2015; and the Secretary of State gives significant weight to this.</i></p> <p>This local planning authority has not identified suitable sites for wind energy development. Although the principle of development is supported by the development plan, it is considered that this is outweighed by the Ministerial Statement as the proposal has failed to address the significant planning impacts identified by affected local communities and consequently it fails to have their backing.</p> <p>The applicant provides that there is evidence to support the proposal evident from the number of signatures on the petition (44) and the standardised letters of support (94). However, the level of objection received (41 individual letters and 9 standardised letters of objection) demonstrates that the proposal does not have the backing of the local community.</p> <p>The applicant has submitted a response which is aimed at addressing the planning issues raised within the objection comments. This document has been fully considered however, it is the local planning authority's judgement that whilst the applicant has considered the communities concerns, the same concerns exist and as a result the proposal would still not have the backing of the local community.</p> <p>Given the high level of public objection including that of the Parish Councils, neighbouring planning authority and local MP it is considered that the proposal does not have the backing of the local community and therefore the principle of the turbine at this site is contrary to NPPG as a material consideration against which significant weight is attached.</p>
Scale & Design	The scale and design is typical of medium sized turbines found elsewhere within the County and the UK.
Impact on the landscape/amenity of the area	<p>The proposed turbine is sited on a raised area of agricultural land with no vertical intrusive structures nearby. There is an existing wind turbine approximately 2km to the west which is a replacement to a former turbine that was erected in 1992.</p> <p>Approximately 200 metres to the south east marks the highest point of Hewer Hill with the ground sloping down to the north, east and westerly direction. The proposed wind turbine would be sited close to the highest part of the field and subsequently will have a</p>

high level of visibility from all directions, including local and distance views, but particularly from north north west, west, south and south westerly directions.

The high visibility of the proposed turbine is demonstrated by the applicant's Zone of Theoretical Vision (ZTV) which is based on the terrain profile of the land. The applicant's ZTV shows very high visibility particularly from the applicant's Landscape and Visual Impact Assessment (the LVIA) viewpoints V1, V2, V3 and V7 which are between 400 and 1.9 km and would be very dominant in what is an uncluttered, undeveloped skyline. Longer, but still very prominent, viewpoints of the turbine would be from V8 and V9 (Lake District National Park area) and these could be seen in the context of an existing (replacement) turbine at Newlands Mill with the proposed turbine would add to the cluttered skyline when viewed alongside the existing turbine.

A public footpath runs north – south approx. 270 km to the east of the proposed siting. Local visual amenity will be adversely affected by the proposed turbine to users of the footpath.

The proposed turbine is situated approximately 1.7 km from the boundary with the Lake District National Park (LDNP). The LDNP are concerned that the turbine would be seen from public rights of way within the national park and the sensitivity of receptors is particularly high because their reason for being in the area is to experience the landscape. There is concern that the remoteness and tranquillity of the area will be harmed 'by the introduction of a 45 m tall, man-made, moving structure above the skyline within the national park setting'.

Cumbria Wind Energy Supplement Planning Document (CWESPD) identifies the site within Landscape type 10: Higher Limestone which has a low/moderate overall sensitivity. The CWESPD advises that

'Overall the Higher Limestone landscape is judged to have low/moderate capacity to accommodate turbine development. This reflects moderate/high sensitivity overall, moderate/high landscape value recognised by LoCI designation in most areas and strong geological, ecological and historical interests..... A key limiting factor is the open character of this type whereby any development is likely to be widely visible with only localised containment by relief or trees. This is liable to exacerbate potential problems of over dominance and intrusion relative to historic villages, and prospects from tourist routes and viewpoints both within this type and from the nearby fells of national landscape importance.....protection of uncluttered and distinctive landmark skylines and a sense of remoteness or quietness are also major issues.'

In considering the acceptability of the effects of the proposed turbine on the surrounding area regard is given to the area's unspoilt, open and undulating landform which is free from vertical structures. A wind turbine in such a prominent, incongruous and highly visible location would have an adverse impact, by virtue of

	<p>its scale and siting, on the visual amenity and landscape character of the area.</p>
<p>Impact on the living conditions/amenity of neighbouring residents</p>	<p>The nearest residential properties are 'Ritchie Gill' and 'Lyn Crest' approximately 500 metres in an easterly direction; 'Southernly Hall' (the applicants' property) to the south west; Hewer Hill Farm and Cherry Trees which are all approximately 0.5 km from the proposed turbine.</p> <p>The closest properties 'Ritchie Gill' and 'Lyn Crest' would have a direct line of site of the turbine with their view being only slightly interrupted by trees at the former quarry site. However, given the distance between the residential properties and the application site, it is considered that there would not be unduly overbearing.</p> <p>A noise assessment has been submitted. The Council's Environmental Health Officer has advised that should the application be approved a noise condition would be required.</p> <p>Shadowflicker will not occur at the nearest properties as they are outside the 10x rotor diameter (300m) zone of effect.</p>
<p>Impact on the character and appearance of the built environment (LBs/CA)</p>	<p>There are a number of Grade II listed buildings within 2 km of the application site including How Gill, Stockwell Hall, Wood House and Leavy Holme. There are 4 Schedule Ancient Monuments (SAMs) identified within a 5 km zone. There are no conservation areas or historic gardens identified within a 5km zone).</p> <p>Hewer Hill Quarries and Lime Kilns lie 300 m to the south west and south east.</p> <p>It is considered that the proposed wind turbine would cause negligible harm to these heritage assets and their settings.</p>
<p>Impact on the natural environment (species/habitats)</p>	<p>There are no SSSIs, SPAs or SACs in close proximity to the proposed turbine. Millfield Verges SSSI is located approximately 2.6 km south of the proposed turbine and the River Eden SAC/River Eden and Tributaries SSI is located approx. 1.7 km southwest and 1.71 km north west from the proposed turbine at its nearest point.</p> <p>The location of the proposed turbine is within improved/poor semi-improved grassland which is not considered to be of significant ecological value. There are records of barn owls within 2km but are not likely to be affected due to the nature of the improved/poor semi improved grassland.</p> <p>The field boundary is in excess of 25 metres from the siting of the wind turbine, and comprise of a mix of fence lines with some hedgerows and some mature and semi-mature ash trees. Although there exists a low – moderate bat roost potential an up-to-date ecological/habitat survey would be required if the proposal is approved.</p>

Conclusion	In summary, it is considered that the application fails to accord with the provisions of the development plan – most notably CS18 and CS20 which seek to protect the rural landscape and ensure that any adverse impact are outweighed by the benefits. The proposal also fails to accord with the provisions of the Ministerial Statement by failing to address the planning impact identified by affected local communities and fails to have their backing to which significant weight has been attached.
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RECOMMENDATION	That the application is refused for the following reasons: <ol style="list-style-type: none"><li data-bbox="635 616 1452 907">1. The proposed turbine, by virtue of its scale, incongruous appearance and prominent siting in attractive open countryside, would have a significant adverse and unacceptable level of harm on the character of the landscape and the visual amenity of the area contrary to Saved Policy of the Eden Local plan (1996) NE1: Development in the open countryside, Eden Core Strategy policies CS18 and CS20 and National Planning Policy 11: Conserving and enhancing the natural environment.<li data-bbox="635 918 1452 1120">2. The proposal has failed to address the planning impacts identified by affected local communities and fails to have their backing contrary to the Written Statement made by the Secretary of State for Communities and Local Government (Greg Clark) on 18 June 2015 and also National Planning Practice Guidance.
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