



WIND GENERATION APPEALS UPDATE

April 2014



Please find below a resume of decisions made between 13 March and 9 April 2014

If you have any queries in relation to any of the decisions listed below, or other renewable schemes please contact Richard Glover. Email richard.glover@squiresanders.com or direct dial 0113 284 7023.

Horkstow

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| PINs No. | APP/Y2003/A/13/2198051 |
| Decision and date | Allowed 13/03/14 |
| Location | Land north of Hall Farm, Horkstow, North Lincolnshire, DN18 6HX |
| Inspector | Louise Crosby |
| Appellant | LFC Horkstow Ltd |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 57m. The main issues were the effects on the landscape character and on the living conditions at nearby dwellings. The Inspector noted that the proposed turbine would be in the vicinity of two rows of electricity pylons and a nearby cement works. With other wind turbine developments in the wider area. The Inspector took the view, that although the turbine would introduce another tall structure into the landscape, the landscape had the capacity to accommodate the proposed development. The closest dwelling was noted as being 485m from the proposed turbine. The Inspector found that although the proposed turbine would be seen from a number of nearby properties, the pylons would remain the dominant visual feature. Neither noise nor shadow flicker were found to cause unacceptable effects on the living conditions at nearby dwellings. The benefits of the proposal were considered sufficient to outweigh the limited harm. |

Balmore Farm

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| PINs No. | PPA-270-2099 |
| Decision and date | Dismissed 14/03/14 |
| Location | Land south-east of Balmore Farm, Dounreay, Thurso, KW14 7YB |
| Inspector | Sinead Lynch |
| Appellant | Jeffery Bannerman |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 78m. The main issues were the landscape and visual effects. The Reporter noted that the only other vertical elements in the landscape were electricity pylons adjacent to the site and the operational wind farms at Forrs and Baillie. The Reporter considered that the proposed turbine would overwhelm or significantly alter the landscape of its immediate surroundings, having a detrimental effect on landscape character. The Reporter was also of the opinion that the proposed turbine would lead to an unacceptable visual impact from the A836. The proposed turbine would not form part of the distinct grouping of turbines at either Forrs or Baillie, therefore leading to a visual coalescence of turbines. The benefits of the scheme were not considered sufficient to outweigh the harms. |

Hole Farm

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| PINs No. | APP/Q1153/A/13/2197109 |
| Decision and date | Allowed 18/03/14 |
| Location | Hole Farm, Beaworthy, Devon, EX21 5AS |
| Inspector | Graham Dudley |
| Appellant | Mr Andrew Brimacombe |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 79m. The main issues were the effects on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers and nearby heritage assets. The Inspector noted that the appeal site fell within a fairly empty, large-scale landscape. Whilst in close proximity of the proposed turbine it was considered that it would be dominant and imposing. Therefore the Inspector found that although it would not change the character of the landscape, it would cause significant visual intrusion. The nearest dwelling was 580m from the proposed turbine. The Inspector’s opinion was that the proposed turbine would be seen as a prominent feature from the dwelling and grounds. However, due to the distance involved, the Inspector did not feel that this would result in the dwelling becoming an unattractive place to live. In terms of heritage assets, the Inspector concluded that there would not be harm to the significance of any nearby heritage assets. Overall, the benefits of the proposal were considered sufficient to outweigh the harms. |

North Beer Farm

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| PINs No. | APP/Q1153/A/13/2195838 |
| Decision and date | Dismissed 18/03/14 |
| Location | Land east of North Beer Farm, Spreyton, Devon, EX17 5AP |
| Inspector | Graham Dudley |
| Appellant | Powerhawk Limited |
| Determination process: | Written Representations |
| Summary of decision | Proposed single turbine with a blade tip height of 77m. The main issues were the effects on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers and nearby heritage assets. The Inspector noted that the appeal site fell within a fairly empty, large-scale landscape. Whilst in close proximity of the proposed turbine it would be dominant and imposing and the Inspector found that although it would not change the character of the landscape, it would cause significant visual intrusion. In terms of heritage assets, the Inspector found that there would be a dominant and overbearing impact on Stockhay Grade II listed building and its setting, which is located 417m from the appeal site. Although, this was still not considered to amount to substantial harm. No other heritage assets were deemed to be affected to the extent of Stockhay. The outlook for the occupiers of Stockhay was also found to be altered substantially. Given the distance involved, the Inspector found that the proposed turbine would result in the building becoming an unattractive place to live. Overall, the benefits of the proposal were not considered sufficient to outweigh the harms. |

Beatrice Offshore

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| PINs No. | Beatrice |
| Decision and date | Allowed 19/03/14 |
| Location | Beatrice Offshore Generating Station, Outer Moray Firth |
| Inspector | Scottish Minister |
| Appellant | SSE |
| Determination process: | Call In |
| Summary of decision | Proposal for an offshore wind farm electricity generating station for up to 140 turbines with a maximum blade tip height of 198.4m. Scottish Ministers reviewed a number of issues including the impacts on: tourism, shipping and aviation, marine wildlife (including birds), salmon and sea trout, commercial fishing, the transmission cable route, the failure to meet the Aarhus Convention, the blue carbon effect and visual impacts. Scottish Ministers were satisfied that they had sufficient information to take those material considerations into account in making their final determination. |

Stevenson Offshore

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| PINs No. | Stevenson |
| Decision and date | Allowed 19/03/14 |
| Location | Stevenson Offshore Generating Station in Outer Moray, Firth |
| Inspector | Scottish Ministers |
| Appellant | Telford Offshore Windfarm Limited |
| Determination process: | Call In |
| Summary of decision | Proposal for an offshore wind farm electricity generating station for up to 62 turbines with a maximum blade tip height of 204m. Scottish Ministers reviewed a number of issues including the impacts on: tourism, shipping and aviation, marine wildlife (including birds), salmon and sea trout, commercial fishing, visual and aural pollution, cumulative presence in the Moray Firth, construction safety, new jobs and the failure to meet the Aarhus Convention. Scottish Ministers were satisfied that they had sufficient information to take those material considerations into account in making their final determination. |

Telford Offshore

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| PINs No. | Telford |
| Decision and date | Allowed 19/03/14 |
| Location | Telford Offshore Generating Station |
| Inspector | Scottish Ministers |
| Appellant | Telford Offshore Windfarm Limited |
| Determination process: | Call In |
| Summary of decision | Proposal for an offshore wind farm electricity generating station for up to 62 turbines with a maximum blade tip height of 204m. Scottish Ministers reviewed a number of issues including the impacts on: tourism, shipping and aviation, marine wildlife (including birds), salmon and sea trout, commercial fishing, visual and aural pollution, cumulative presence in the Moray Firth, construction safety, new jobs and the failure to meet the Aarhus Convention. Scottish Ministers were satisfied that they had sufficient information to take those material considerations into account in making their final determination. |

Pen Y Gaer

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| PINs No. | APP/M6825/A/13/2205589 |
| Decision and date | Dismissed 24/03/14 |
| Location | Field adjacent to Pen Y Gaer, nr. Llandovey, Carmarthenshire, SA20 0US |
| Inspector | Robert Gardener |
| Appellant | Mr Jonathan Charles Lodge |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 61m. The main issues were the effects on landscape character and appearance, the archaeological significance of Pen y Gaer hill-fort and the amenity of local residents. The immediate setting of the appeal site is an area of steeply rising upland with distinct character being very open. The Inspector found that the turbine would introduce a new, different and inconsistent feature into the landscape, which is otherwise devoid of prominent structures. It was therefore found that the proposed development would be significantly harmful. In regards to the hill-fort, although not a SAM, the Inspector considered that it remained a site with potentially significant archaeological remains. The Inspector was of the opinion further assessment of the archaeological remains were required before planning permission could be granted. In terms of the amenity of local residents, the Inspector found that there would not be a significant adverse impact in regard to noise and shadow flicker. In relation to one property however, at approx. 500m, the Inspector found that the visual amenity of the property would represent an unpleasantly overwhelming and unavoidable presence. This was due to the main outlook of the property facing directly towards the proposed development. Overall, the benefits of the proposed development were not considered sufficient to outweigh the harms. |

Dykehead Farm

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| PINs No. | PPA-380-2038 |
| Decision and date | Allowed 25/03/14 |
| Location | Dykehead Farm (Lochwood), Dykehead Rd, Stonehouse, Larkhall, ML9 3PD |
| Inspector | Don Rankin |
| Appellant | S and A Moody |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 79m. The main issue was the landscape and visual impacts. The appeal site lies within a medium to large landscape with simple smoothly undulating landforms. The Reporter noted that the proposed turbine would be sited at a low point of the landscape and would have a limited impact on the landscape character. It was also found that views from nearby settlements would be largely screened by intervening trees. The Reporter stated that there were a large number of existing, consented and proposed turbine developments in the area, which cumulatively could cause adverse landscape and visual impact if they were all constructed. However, the Reporter noted that barring the existing turbine at Dykehouse, there would be a separation distance between the proposed development and other proposed turbines of 2km. The Reporter considered that this reduced the cumulative impact. The benefits of the scheme were found to outweigh the limited harms. |

Dukes Farm

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| PINs No. | APP/C2708/A/13/2204095 |
| Decision and date | Dismissed 26/03/14 |
| Location | Dukes Farm, Hainstock Moor, Cowling, Keighley, BD22 0LW |
| Inspector | Alison Partington |
| Appellant | Nigel Ogley |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 34.2m. The main issues in this appeal were the impact on the character of the landscape and its visual effect. The appeal site is situated in an elevated and isolated position in open countryside. The Inspector considered that the proposed development would be a prominent and striking addition to the landscape. The Inspector felt that the capacity of the landscape to absorb any more turbines was limited. It was also found that the proposed turbine would have an adverse visual impact on those using nearby roads and footpaths. Overall, the Inspector concluded that the benefits of the scheme did not outweigh the harms. |

Caerdegog Uchaf

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| PINs No. | APP/L6805/A/13/2206726 |
| Decision and date | Allowed 26/03/14 |
| Location | Caerdegog Uchaf, Llanfechell, Amlwch, LL68 0UE |
| Inspector | A D Poulter |
| Appellant | Mr Richard Jones |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 34.6m. The main issues were the landscape and visual effects. The Inspector found that although the proposed turbine would be a distinct feature and there would be a change in the landscape, the proposed turbine would be within an area where similar wind energy development was already a characteristic of the landscape. It was also found that as the site was not within the AONB, there would not be any direct effect on its landscape character. The effect on views to and from the AONB were considered to be negligible. The Inspector concluded that the benefits of the proposed turbine would outweigh the very limited harms identified. |

St Eval

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| PINs No. | APP/D0840/A/13/2204465 |
| Decision and date | Dismissed 26/03/14 |
| Location | St Eval Recycling Centre, St Eval, Cornwall, PL27 7UL |
| Inspector | S R G Baird |
| Appellant | Mr W Doble |
| Determination process: | Written Representations |
| Summary of decision | Proposal for a single turbine with a blade tip height of 61m. The main issues were the effects on the setting and significance of the Parish Church of St Eval (Grade I) and on the character and appearance of the landscape. The Church is located 800m from the proposed development. The Church itself sits isolated on an exposed plateau and is prominent in the landscape. The Inspector found that the proposed development would have a greater visual presence than the church and would therefore draw attention away from the Church. This was deemed to result in a significant adverse impact on the setting and significance of the Church, which was considered to amount to substantial harm. The appeal site is also close to the AONB, with the greatest potential impact on the Coastal Path between Trevoze to Stepper Point. However, the Inspector found that due to the scale of the landscape, the proposed turbine could be accommodated without significant adverse effects. The benefits of the scheme were not considered sufficient to outweigh the harm to the setting and significance of the Church. |

Ormiston Farm

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| PINs No. | PPA-400-2033-1 |
| Decision and date | Allowed 28/03/14 |
| Location | Ormiston Farm, Kirknewton, West Lothian EH27 8DQ |
| Inspector | David N Gordon |
| Appellant | Brian Simmers |
| Determination process: | Written Representations |
| Summary of decision | <p>Proposal for a single turbine with a blade tip height of 61m. The main issues were the landscape and visual impacts, the effects on residential amenity and aviation safety. The appeal was a re-determined appeal following an appeal to the Court of Session. The appeal site is within a large scale undulating landscape, which the Reporter found was capable of accommodating the proposed development. The Pentland Hills Regional Park and AGLV lie about 2km from the appeal site. However, the Reporter considered that the hills would remain the dominant feature in the landscape. The nearest properties to the development would be 400m away and it was the Reporter's view that the proposed development would have a significant effect on the visual amenity on two of the closest properties. In terms of aviation safety, the Reporter issued a suspensive condition. Overall, the Reporter found that there were no material considerations that justified refusing planning permission.</p> |

Hill of Glaschyle

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| PINs No. | PPA-300-2032 |
| Decision and date | Allowed 31/03/14 |
| Location | Hill of Glaschyle, Dunphail, Forres, Moray IV36 2QR |
| Inspector | David Russell |
| Appellant | Hill of Glaschyle Renewables LLP |
| Determination process: | Written Representations |
| Summary of decision | <p>Proposal for 12 turbines each with a blade tip height of 99.5m. The main issue was the landscape and visual impact. The appeal site is within an undulating landscape, which includes some woodland, but also some open moorland. The Council's guidance provides that the landscape has the potential to accommodate wind farms with large turbines. The Reporter noted that the impact on the immediate site would clearly be very significant. The Reporter considered that although the proposed development would form part of some views from Dava Moor, but he did not think it would impinge on the moor itself. The benefits of the proposal were considered to outweigh the limited harm.</p> |

Thunderton Farm

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| PINs No. | APP/A4710/A/13/2204368 |
| Decision and date | Dismissed 31/03/14 |
| Location | Thunderton Farm, Longroyd, Sowerby Bridge, West Yorkshire, HX6 1NX |
| Inspector | S R G Baird |
| Appellant | Mr D Robinson |
| Determination process: | Written Representations |
| Summary of decision | <p>A proposal for a single turbine with a blade tip height of 17.5m. The main issues in this appeal were the effect on the openness of the Green Belt, the appearance of the area and the setting of Toot Hill End Grade II listed building. It was not disputed that the proposed turbine would be inappropriate development in the Green Belt, but given the limited height of the proposal, the Inspector found that the effect on the openness of the Green Belt would be slight. The Inspector considered that the proposed turbine would be prominent in some views from the immediate area, which would result in some adverse landscape and visual impacts. However, this impact was not deemed to be to a significant level. Toot Hill End is located 105m from the appeal site. The Inspector was of the opinion that the listed building and the proposed turbine would be seen together in views from the north and west. The Inspector found that there would be an impact on the setting and significance of the Toot Hill End, but that this would be less than substantial harm. Overall, the Inspector held that the very special circumstances required to outweigh inappropriate development in the Green Belt did not exist.</p> |

Pant Mawr

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| PINs No. | APP/T6850/A/13/2203429 |
| Decision and date | Dismissed 3/04/14 |
| Location | Pant Mawr, Meifod, Powys, SY22 6YF |
| Inspector | A D Poulter |
| Appellant | Mr Peter Bailey |
| Determination process: | Written Representations |
| Summary of decision | <p>Proposal for a single turbine with a blade tip height of 34.8m. The main issue was the effect on the character and appearance of the landscape. The LVIA did not include details taken from the LANDMAP information system and no formal assessment of the effects of the proposal on the character of the landscape had been included either. The Inspector also noted that no ZTV had been included in the LVIA, therefore it was not possible to establish all positions where significant visual effects may occur. Overall, the Inspector concluded that the application was not accompanied by sufficient information to enable the effect of the proposed turbine to be properly assessed. The appeal was therefore dismissed.</p> |

Trelessy Farm

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| PINs No. | APP/L9503/A/13/2207758 |
| Decision and date | Dismissed 3/04/14 |
| Location | Trelessy Farm, Amroth, Narberth, Pembrokeshire SA67 8PT |
| Inspector | James Ellis |
| Appellant | Mr R Lawrence |
| Determination process: | Hearing |
| Summary of decision | <p>Proposal for a single turbine with a blade tip height of 44.55m. The main issues were the effects on the character and appearance of the landscape and on biodiversity. The Inspector noted that the proposed turbine would introduce a tall structure some distance away from an urban settlement. It would therefore be seen out of context with the rural landscape around it. The Inspector considered that the proposal would result in significant harm to the landscape character. The Inspector also found that from a variety of viewpoints, the proposed turbine would be seen as a prominent feature on a rural skyline and it would have an adverse impact on views along the coast, resulting in significant harm to the appearance of the area. In terms of the effects on biodiversity, the ecological impact assessment was based on incorrectly plotted maps. Therefore, the Inspector was not satisfied there was sufficient evidence before him to demonstrate that the proposal would not have a material adverse impact on biodiversity levels. The benefits of the proposal were not considered sufficient to outweigh the harms.</p> |

Llanllwyda

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| PINs No. | APP/H9504/A/13/2207296 |
| Decision and date | Dismissed 3/04/14 |
| Location | Llanllwyda, Llanfihangel-Y-Pennant, Tywyn. Gwynedd, LL36 9TN |
| Inspector | A D Poulter |
| Appellant | Mr Lewis Williams |
| Determination process: | Written Representations |
| Summary of decision | <p>Proposal for a single turbine with a blade tip height of 20.2m. The main issue was the effect on the character and appearance of the area. The Inspector noted that despite the fact the proposed turbine would be slim and close to farm buildings, it would be tall and its height would be emphasised by its location on a rocky outcrop. The Inspector considered that the proposal would be significantly at odds with and would degrade the rural character of the valley. Clear views of the proposed turbine were anticipated on nearby roads, which the Inspector believed would mainly be used by walkers and tourists travelling slowly to appreciate the views. Overall, the Inspector held that the proposed development would have a material adverse effect on the character and appearance of the area. The benefits were not deemed to outweigh this harm.</p> |

Queen Margaret University

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| PINs No. | PPA-210-2040 |
| Decision and date | Allowed 08/04/14 |
| Location | Queen Margaret University, University Drive, Musselburgh, EH21 6UU |
| Inspector | Lance R Guildford |
| Appellant | Queen Margaret University |
| Determination process: | Written Representations |
| Summary of decision | <p>Proposal for a single turbine with a blade tip height of approx. 47m. The main issue was the landscape and visual effects. The Reporter noted that the area consists of some undulating, but mainly flat agricultural land. The Reporter found that although the proposed turbine would be quite prominent in the local landscape from views close to the site, it would be seen in the context of the University buildings. The scale of the University buildings were deemed to mitigate the impact of the turbine on the local landscape character. In terms of visual impact, the Reporter was of the view that there would be some significant visual impact. In conclusion, the Reporter considered that the benefits of the scheme outweighed the harm and allowed the appeal.</p> |

Wester Kilmany Farm

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| PINs No. | PPA-250-2182 |
| Decision and date | Allowed 08/04/14 |
| Location | Wester Kilmany Farm, Kilmany, Cupar, KY15 4PT |
| Inspector | David Liddell |
| Appellant | Rob Whiteford |
| Determination process: | Written Representations |
| Summary of decision | <p>Proposal for a single turbine with a blade tip height of 87m. The main issues were the landscape and visual impacts and impacts on residential amenity. The Reporter found that the landscape had the capacity to accommodate the proposed turbine as it would not be so dominant as to significantly alter the landscape. It was noted that from some locations the visual impact of the proposed turbine would be high, but given the visual characteristics of the landscape, the Reporter did not consider that the proposed turbine would appear alien or out of place. The closest properties to the proposed turbine would be 600m away. Due to the intervening trees, the presence of the busy A92 and the farm itself, the Reporter did not believe that the proposed development would result in significant harm to the amenity of local residents. The Reporter did consider other issues, such as heritage and road safety impacts, but did not deem these sufficient reasons to warrant refusal. The benefits of the scheme were found to outweigh the limited harms.</p> |

Mains of Melrose

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| PINs No. | NA/ABS/039 |
| Decision and date | Dismissed 08/04/14 |
| Location | Mains of Melrose, Gamrie, Banff |
| Inspector | David Buylla (Scottish Ministers) |
| Appellant | Muirden Energy |
| Determination process: | Call In |
| Summary of decision | <p>A proposal for a single turbine with a blade tip height of 80m. The main issues were the effects on the Law of Melrose cairn and landscape and visual effects. The Reporter noted that the proposed turbine would not have a significant direct impact on the cairn, being over 200m away. However, in terms of the setting, the Reporter found that this would encompass the whole of the hill on which it was located. The proposed turbine would introduce a significant feature onto the hill, which would become the dominant focal point in any views towards the hill. The Reporter concluded that the proposed turbine would detract from the setting of the monument to an unacceptable degree, which was too significant to overcome by the benefits of the proposal.</p> |

Manor Farm

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| PINs No. | APP/W4705/A/13/2205029 |
| Decision and date | Dismissed 09/04/14 |
| Location | Manor Farm, Station Road, Cullingworth, Bradford, BD13 5HN |
| Inspector | Philip Major |
| Appellant | Mr Robert Thompson |
| Determination process: | Written Representations |
| Summary of decision | <p>Proposal for a single turbine with blade tip height of 65.7m. The main issues were the effects on the openness of the Green Belt and the effect on the character and appearance of the landscape. The Inspector found that the proposed turbine would be inappropriate development in the Green Belt and that it would detract from the openness of the Green Belt. With regards to landscape character, the Inspector noted that proposed turbine would be at odds with the defined characteristics of the landscape, creating an adverse impact. Visually, the Inspector found that there would be a substantial impact on receptors. Overall, the Inspector did not find that very special circumstances required to outweigh the harm caused by inappropriate development in the Green Belt existed.</p> |