

# WIND GENERATION APPEALS UPDATE

May 2015



Please find below a resume of decisions made between 2 April and 14 May 2015

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@squirepb.com](mailto:richard.glover@squirepb.com) or direct dial 0113 284 7023.

### Pen y Bryn

<b>PINs No.</b>	APP/T6905/A/14/2227946
<b>Decision and date</b>	Allowed 02/04/15
<b>Location</b>	Land at Pen y Bryn to the North West of Llangernyw, Conwy
<b>Inspector</b>	Iwan Lloyd
<b>Appellant</b>	Mr John Dilwyn Roberts
<b>LPA</b>	Conwy County Borough Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for two turbines with a blade tip height up to 50m. The main issue was the effect on the character and appearance of the area. The Inspector noted that the site was open grassland field with some gorse and bog areas, with Snowdonia National Park 9km to the west. It was also noted that the appeal site was located near overhead lines and existing turbine development to the south. The Inspector considered that the proposed turbines would dilute the tranquillity of the area, but that the effect of this would diminish with distance and the undulations in the land. Overall, the Inspector held that the proposed turbines would not harm the character and appearance of the area and would accord with the Development Plan policies.

### Spittens Farm

<b>PINs No.</b>	APP/B2355/A/14/2226951
<b>Decision and date</b>	Dismissed 10/04/15
<b>Location</b>	Spittens Farm, Roundhill Road, Accrington, BB5 3SW
<b>Inspector</b>	B Hellier
<b>Appellant</b>	DC21 Group Ltd
<b>LPA</b>	Rosendale Borough Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 46.3m. The main issues were the effects on the openness of the Green Belt and the character and appearance of the area. The Inspector found that the proposed turbine would result in a material loss of openness and gave this moderate weight. The Inspector considered that the landscape sensitivity was moderate-high due to its open and relatively unspoilt quality, where the proposed turbine would introduce a modest but incongruous element into the landscape. It was also noted that from nearby footpaths, the proposed turbine would appear out of scale. The Inspector concluded that the proposed turbine would have a significant adverse effect on the character and appearance of the area. The benefits of the proposal were not found to amount to the very special circumstances required to justify inappropriate development in the Green Belt and outweigh the harm to the landscape.

## Lammaston Farm

<b>PINs No.</b>	APP/N6845/A/14/2229044
<b>Decision and date</b>	Dismissed 21/04/15
<b>Location</b>	Lammaston Farm, Pembroke, Pembrokeshire, SA71 5NH
<b>Inspector</b>	A D Poulter
<b>Appellant</b>	Mr David John
<b>LPA</b>	Pembrokeshire County Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single turbine with a blade tip height of 42m. The main issues were the effects on the character and appearance of the area and the effect on the setting of heritage assets. The Inspector noted that the methodology of the LVIA was not set out and that the conclusions found therein were not supported by robust evidence. The Inspector found that the proposed turbine would be harmful to the attractive character of the local landscape given its position on the local skyline. It was also noted that the proposed turbine would be seen from views within the National Park, resulting in an adverse visual impact on the setting of the National Park. With regards to heritage assets, the Inspector found that there would be harm to the setting of Lamphey Court Mansion which is set within a Registered Historic Garden, as well as to a number of other listed buildings within 2km of the appeal site. Overall, the Inspector held that the benefits of the proposal were not capable of outweighing the harms.</p>

## Welton

<b>PINs No.</b>	PPA-120-2036
<b>Decision and date</b>	Allowed 29/04/15
<b>Location</b>	Welton, Kingoldrum, Kirriemuir, DD8 5HY
<b>Inspector</b>	Dan Jackman
<b>Appellant</b>	The Carrach Wind Farm LLP
<b>LPA</b>	Angus Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for two turbines with a blade tip height of up to 47m. The main issues were the landscape and visual impacts and the impacts on residential amenity. The Reporter considered that the impacts of the proposed turbines would be limited and would not be out of scale with the surrounding landscape. The Reporter noted that the main public viewpoints would be from the local road network and would therefore be for a relatively short duration. In terms of the effects on residential amenity, given the distances involved the Reporter found that the proposed turbines would not have a demonstrably harmful impact on the residential amenities of nearby houses. The Reporter held that the proposal was in accordance with the Development Plan and that no material considerations justified the refusal of the planning permission.</p>

## Glen Kyllachy

<b>PINs No.</b>	PPA-270-2115
<b>Decision and date</b>	Allowed 22/04/15
<b>Location</b>	Land 6km west of Findhorn Bridge, Glen Kyllachy, by Tomatin
<b>Inspector</b>	Timothy Brian
<b>Appellant</b>	RWE Innogy UK Limited
<b>LPA</b>	The Highland Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for up to 20 turbines with a maximum blade tip height of 110m. The main issues were the landscape and visual impacts. The Reporter noted that the proposed turbine would appear as a single development with the existing Farr wind farm turbines and would appear to be contained within the surrounding large scale landform. The Reporter considered that the proposed turbines would have a significant visual impact from certain viewpoints, but that the impact would be limited by the landform. It was also found that the proposal would not have a significant impact on the Cairngorms National Park or the Great Glen Way. The Reporter held that there would be no other material considerations which would justify refusing planning permission.

## Temple Hill

<b>PINs No.</b>	PPA-340-2088
<b>Decision and date</b>	Allowed 29/05/15
<b>Location</b>	Temple Hill, Glenfarg
<b>Inspector</b>	Dan Jackman
<b>Appellant</b>	e-Gen Partners Limited
<b>LPA</b>	Perth and Kinross Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 84m. The main issues were the landscape and visual impacts together with the effects on residential amenity. The Reporter noted that the proposed turbine would be seen close to existing pylons and would not be unduly prominent as it would be hidden by the varying topographical features of the landscape. The Reporter also considered that although there would be moderate visual impacts, these would only be from the closest viewpoints. With regards to residential amenity, the Reporter held that a single turbine would not dominate views. Overall, the proposal was found to accord with the provisions of the Development Plan.

## Garreg Lwyd

<b>PINs No.</b>	APP/T6850/A/13/2209593 and 2209595
<b>Decision and date</b>	Allowed 14/05/15
<b>Location</b>	Garreg Lwyd Hill, Felindre and LLanbadarn Fynydd, Llandrindod Wells, Powys
<b>Inspector</b>	Kay Sheffield
<b>Appellant</b>	RES UK & Ireland Limited
<b>LPA</b>	Powys County Council
<b>Determination process</b>	Inquiry (Recovered by Welsh Ministers)
<b>Summary of decision</b>	<p>Proposal for 23 turbines (reduced to 17) with a maximum blade tip height of 126.5m. The main issues were the effects on landscape character, visual amenity, heritage assets, noise, ecology, tourism and living conditions of neighbouring residential occupiers. The Inspector noted that although the proposed turbines would cause harm in respect of landscape character and visual amenity, being located in TAN 8 there is an implicit objective to accept significant change in landscape character. The Inspector considered that the harm caused in this regard would be consistent with the aims of TAN 8. However, in combination with other schemes it was noted that it could be found to be unacceptable. The Inspector found that there would be substantial harm to the setting of 3 SAMs. In terms of the effects on living conditions, the Inspector noted that impacts from shadow flicker could be controlled by condition. However, the proximity of Gatehouse and the health of the occupant was a concern. Although at no point did the Inspector believe that the property would become uninhabitable. Overall, the Inspector recommended that the benefits of the proposal were capable of outweighing the harms. Welsh Ministers agreed and allowed the appeal.</p>