

# WIND GENERATION APPEALS UPDATE

September 2015



## Decisions from 10 August to 2 September 2015

### Land associated with Windy Willows

<b>PINs No.</b>	APP/N6845/A/15/3006143
<b>Decision and date</b>	Dismissed 12/08/15
<b>Location</b>	Land associated with Windy Willows, Wolfscastle, Haverfordwest, Pembrokeshire, SA62 5NT
<b>Inspector</b>	Clive Nield
<b>Appellant</b>	Mr Clark
<b>LPA</b>	Pembrokeshire County Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a maximum blade tip height of 46.3 metres. The main issues in the appeal were the effect of the proposed wind turbine on the character and appearance of the area and the benefits of the proposal in the generation of renewable energy. The Inspector found that although the visual impact of a single moderately sized wind turbine may not in itself have an unacceptable impact on visual amenity, there were already a number of similar turbines in the area, which could produce a significant cumulative effect on the local area. It was further found that the benefits of renewable energy production, although not insignificant, did not outweigh the significant visual effect to the landscape, as outlined above.</p>

### Land at TY Coch

<b>PINs No.</b>	APP/A6835/A/15/3004924
<b>Decision and date</b>	Dismissed 19/08/15
<b>Location</b>	TY Coch, Crossways Road, Pen y Cefn, Caerwys, Mold, CH7 5BP
<b>Inspector</b>	Emyr Jones
<b>Appellant</b>	Mr David Read
<b>LPA</b>	Flintshire County Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a maximum blade tip height of 67 metres. The main issues were: (1) the effect of the proposal on the character and appearance of the surrounding rural area, part of which was situated within an Area of Outstanding Beauty; and (2) the effect of the proposal on buildings listed as being of special architectural or historic interest. The Inspector found that the adverse visual effect of the proposal far outweighed the benefits of renewable energy generation. Moreover, it was further found that the proposal did not have special regard to the desirability of preserving the settings of listed buildings, as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>

## Land at Winllan Bach

<b>PINs No.</b>	APP/T6905/A/15/3017888
<b>Decision and date</b>	Allowed 19/08/15
<b>Location</b>	Land at Winllan Bach, Henllan, LL16 5BN
<b>Inspector</b>	Emyr Jones
<b>Appellant</b>	Norvento Wind Energy UK
<b>LPA</b>	Conwy County Borough Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	Proposal for a 1 x 100 kW wind turbine. The main issue was the effect of the proposal on the character and appearance of the surrounding rural area. The Inspector found that the proposal would contribute significantly to the Welsh Government's renewable energy targets and would allow for farm diversification and contribution to the local economy.

## Land associated with Red Hall Farm

<b>PINs No.</b>	APP/V0728/A/14/2225907
<b>Decision and date</b>	Dismissed 20/08/15
<b>Location</b>	Land associated with Red Hall Farm, Moorsholm, TS12 3HY
<b>Inspector</b>	Richard McCoy
<b>Appellant</b>	Mr Fred Hart
<b>LPA</b>	Redcar and Cleveland Borough Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single wind turbine with a maximum blade tip height of 34.5 metres. The main issues were the effect of the proposal on the surrounding area in terms of landscape character and visual impact and the nearby heritage assets. The Inspector found that the proposal would only cause minor harm to the visual impact in long range views and moderate harm to vantage points. However, giving considerable weight to the desirability of preserving the setting of listed buildings, the Inspector found that the benefits of the proposal would not outweigh the totality of harm caused and would be contrary to CS Policies CS21, CS22, CS6 and CS25 and NPPF paragraph 134. The Inspector noted that he had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter his decision.

## Land at Winsham Cross

<b>PINs No.</b>	APP/X1118/A/15/3007947
<b>Decision and date</b>	Dismissed 20/08/15
<b>Location</b>	Land at Winsham Cross, West Down, Devon, EX33 2NH
<b>Inspector</b>	Simon Hand
<b>Appellant</b>	Mr John Hookway
<b>LPA</b>	North Devon District Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for two 50kW wind turbines with a maximum blade tip height of 34.2 metres. The main issues were the effect of the proposal on the character and appearance of the area, heritage assets and local amenities. The Inspector found that although the two turbines were modest in themselves, their cumulative effect would have a harmful impact on the local area. The Inspector also found that the proposal would have an adverse effect on the appearance of a number of listed buildings and residential amenities in the local area. The Inspector noted that he had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter his decision.</p>

## Ghyll Head Farm

<b>PINs No.</b>	APP/C2708/A/14/2221222
<b>Decision and date</b>	Dismissed 20/08/15
<b>Location</b>	Ghyll Head Farm, Moorside, Cononley, Keighley BD 20 8PD
<b>Inspector</b>	Michael Moffoot
<b>Appellant</b>	Mr Charles Ashton
<b>LPA</b>	Craven District Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single turbine with a maximum blade tip height of 46.3 metres. The main issues were: (1) the effect of the proposal on the character and visual quality of the surrounding area, including the cumulative impact; and (2) whether the economic benefits of the scheme would be sufficient to outweigh the harm caused. The Inspector found the local landscape to be sensitive and therefore considered that the effect of the proposal on the character of the local area would be moderate-major. The Inspector also found that the proposal would have a moderate effect on the visual quality of the area and concluded that the magnitude of harm to the character and visual quality would be unacceptable. The Inspector did not find that the economic benefits of the proposal outweighed the overall harm caused. The Inspector noted that he had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter his decision.</p>

## Land to south of More Lane

<b>PINs No.</b>	APP/F4410/A/14/2225835
<b>Decision and date</b>	Dismissed 20/08/15
<b>Location</b>	Land to south of More Lane, Micklebring, Rotherham
<b>Inspector</b>	Michael Moffoot
<b>Appellant</b>	Mr Simon Coles (One Wind Renewables Limited)
<b>LPA</b>	Doncaster Metropolitan Borough Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a maximum blade tip height of 79 metres. The main issues were: (1) whether the proposal would be an appropriate development in the Green Belt; (2) the effect on the character and visual quality of the area; (3) the effect on air safety; and (4) if it is found to be inappropriate development, whether the harm by reason of alleged inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The Inspector found that the proposal would inevitably interrupt visibility and diminish the openness of the Green Belt. Overall, the Inspector considered that the effect on landscape and character would be moderate to significant. The Inspector did not give detailed consideration to the air safety, noting that if he had been minded to allow the appeal, he would have sought more information. The Inspector noted that he had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter his decision.</p>

## Triol-Bach, Cynwyl Elfed

<b>PINs No.</b>	APP/M6825/A/15/3005586
<b>Decision and date</b>	Dismissed 02/09/15
<b>Location</b>	Triol-Bach, Cynwyl Elfed, Carmarthen, SA33 6SS
<b>Inspector</b>	Vicki Hirst
<b>Appellant</b>	Mr Emyr Davies
<b>LPA</b>	Carmarthenshire County Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a maximum blade tip height of 46 metres. The main issue was the effect of the proposed development on the character and appearance of the area, including its effect on visual amenity. The Inspector noted that the turbine would be visible from a number of locations within the surrounding area and would break the skyline from several viewpoints. Although a single turbine would not of itself have a significant impact on the overall landscape character, the Inspector considered that the cumulative effect of multiple turbines – several of which were already in existence in the local area – would be harmful to the character and appearance of the local area. The Inspector took account of all matters raised including the suggestion that a condition could be imposed requiring landscape and biodiversity mitigation, but found none that would outweigh the harm caused to the appearance of the local area.</p>

## Knowle Farm

<b>PINs No.</b>	APP/D0840/W/15/3004392
<b>Decision and date</b>	Dismissed 02/09/15
<b>Location</b>	Knowle Farm, Upton Cross, Liskeard PL14 5BG
<b>Inspector</b>	Sukie Tamplin
<b>Appellant</b>	Mr Phillip Stansfield (Cornish Cheese)
<b>LPA</b>	Cornwall Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a maximum blade tip height of 35 metres. The main issue was whether the benefits of the proposal, including the production of energy from a renewable resource, outweigh any harmful impacts having particular regard to: (1) the character and appearance of the landscape with particular regard to the Area of Outstanding Natural Beauty; and (2) the effect on the setting of the World Heritage Site and other heritage assets. The Inspector acknowledged that the harm caused by the proposal would be less than substantial and that there would be considerable public benefit in terms of generation of renewable energy and supporting rural enterprise. However, the Inspector drew attention to the finite and fragile character of heritage assets, the importance of preserving such assets and the strong presumption against granting permission in areas where heritage assets are situated. As such, the Inspector found that the harm identified to heritage assets and visual effect on the landscape of outstanding quality substantially outweighed the benefits of the proposal. The Inspector noted that she had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter her decision.</p>

## Creag A Bhaird Wind Farm

<b>PINs No.</b>	PPA-340-2097
<b>Decision and date</b>	Dismissed 02/09/15
<b>Location</b>	Creag A Bhaird Wind Farm, Amulree, Perth & Kinross
<b>Reporter</b>	Michael Cunliffe
<b>Appellant</b>	Force 9 Energy Partners LLP
<b>LPA</b>	Perth and Kinross Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the construction of 13 wind turbines with a maximum blade tip height of 115 metres. The main issues were: (1) the landscape and visual impacts of the proposed development, including cumulative impacts; (2) the effects on residential amenity; and (3) the effects on forestry. The Reporter found that the proposal would have a significant visual impact on a number of important viewpoints. Whilst the Reporter considered the cumulative impact of wind farms in view, as a result of the proposal, to be relatively minor, he was not satisfied that the public benefits would commensurate with the scale of woodland removal that would be required. The Reporter also noted that the proposal would have a significantly adverse effect on the landscape character of the local area.</p>

## Land 265 metres north-west of Upper Northfield Farm

<b>PINs No.</b>	PPA-270-2128
<b>Decision and date</b>	Allowed 18/08/15
<b>Location</b>	Land 265 metres north-west of Upper Northfield Farm, Hempriggs, Thrumster, Wick, Highland, KW1 5TP
<b>Reporter</b>	Trevor A Croft
<b>Appellant</b>	Fine Energy Limited
<b>LPA</b>	Highland Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the erection of a 50 kW single wind turbine with a maximum blade tip height of 32.4 metres. The main issues were: (1) the landscape and visual impacts of the proposed development, including cumulative impacts; and (2) the effects on wildlife in the local area. The Reporter took account of the effect of the proposal on a nearby farm, but found as the proposed turbine would be located 585 metres away, it would not have an unacceptable effect on visual amenity. The Reporter noted that there was an existing turbine in the local area, but found that this was well within the broad scale of the landscape and considered that there was nothing to suggest that the current proposal would be any different. The Reporter also found that the proposal would not have an adverse impact on the local wildlife, which included a population of over 300,000 birds. The Reporter therefore allowed the appeal subject to nine conditions which were proposed by the Council and accepted with only minor amendments.</p>

## Land at Upper Cuttlehill

<b>PINs No.</b>	PPA-110-2268
<b>Decision and date</b>	Allowed 10/08/15
<b>Location</b>	Land at Upper Cuttlehill, Ruthven, Huntly AB54 4SZ
<b>Reporter</b>	Michael Cunliffe
<b>Appellant</b>	Ian A Angus
<b>LPA</b>	Aberdeenshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the erection of a single wind turbine with a maximum blade tip height of 35 metres. The main issues were: (1) the landscape and visual impacts of the proposed turbine; (2) the effect on residential amenity; and (3) the contribution to renewable energy. The Reporter found that although the visual effect of the proposed turbine would be significant from the closest inhabited dwelling (420 metres away), it did not appear dominant or overbearing. The Reporter also found that there was sufficient distance between the turbine and local residential properties for there to be acceptable noise levels. Finally, the Reporter considered that the proposal supported the Scottish Planning Policy, making a small but worthwhile contribution to renewable energy. The appeal was therefore allowed.</p>

## Southrigg Farm

<b>PINs No.</b>	PPA-320-2086
<b>Decision and date</b>	Allowed 12/08/15
<b>Location</b>	Southrigg Farm, Armadale, EH48 3AW
<b>Reporter</b>	Richard Dent
<b>Appellant</b>	Muirhall Energy Limited
<b>LPA</b>	North Lanarkshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the installation of a single wind turbine with a maximum blade tip height of 125 metres and ancillary infrastructure including access track, substation and hardstanding area. The main issues were (1) whether there would be any insurmountable technical constraints; and (2) whether the proposed turbine would have any unacceptable environmental impacts, including cumulative impacts. The Reporter referred to seven separate technical issues and concluded that none was insurmountable. The Reporter noted that the following aspects could have an environmental impact: (i) cultural heritage; (ii) natural heritage (including forestry); and (iii) landscape and character. The Reporter concluded that the environmental impact of the proposed turbine would be acceptable in relation to all of the above aspects. The proposal was therefore allowed.</p>

## Bradley Nook Farm

<b>PINs No.</b>	APP/P1045/A/14/2219562
<b>Decision and date</b>	Dismissed 20/08/15
<b>Location</b>	Bradley Nook Farm, Hulland Ward, Ashbourne, DE6 3EL
<b>Inspector</b>	Victoria Lucas-Gosnold
<b>Appellant</b>	Mr E Wilde (NE Wilde & Son)
<b>LPA</b>	Derbyshire Dales District Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the installation of a single 50 kW wind turbine with a maximum blade tip height of 40 metres. The main issue was the effect of the proposed development on the landscape character and visual amenity of the area. The Inspector noted that the closest dwellings were 250 metres away from the proposed turbine and considered that this would have an unacceptable effect on the living conditions of residents within this area. Whilst the Inspector accepted that the proposal would result in significant environmental and economic benefits, he concluded that these did not outweigh the disadvantages that would be caused to the landscape and character of the local area. The Inspector noted that she had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter her decision.</p>

## Watston and Calton Farms

<b>PINs No.</b>	PPA-190-2043
<b>Decision and date</b>	Dismissed 21/08/15
<b>Location</b>	Watston and Calton Farms, Dumfries Road, Cumnock KA18 4PQ
<b>Reporter</b>	David Russell
<b>Appellant</b>	Banks Renewables (High Cumnock Wind Farm) Limited
<b>LPA</b>	East Ayrshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the installation of eight wind turbines with a maximum blade tip height of 132 metres. The main issues were the benefits of the proposed wind farm when compared to the landscape and visual impacts. The Reporter acknowledged that the proposal would contribute to sustainable development, but noted that the principles of Scottish Planning Policy required appropriate development in an appropriate location rather than development at any cost. As such, the Reporter considered that a proposal for eight wind turbines at 132 metres high would have unacceptable visual and landscape impacts and that these impacts would outweigh the benefits of the proposal.</p>

## Land adjacent to Coed Bychan Farm

<b>PINs No.</b>	APP/L6940/A/15/3005549
<b>Decision and date</b>	Dismissed 24/08/15
<b>Location</b>	Land adjacent to Coed Bychan Farm, Llanharan, Pontyclun CF72 9NG
<b>Inspector</b>	Alwyn Nixon
<b>Appellant</b>	Aspire Planning Limited
<b>LPA</b>	Rhondda Cynon Taf County Borough Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the installation of a single wind turbine with a maximum blade tip height of 45 metres. The main issue concerned the landscape and visual effects of the proposal, having particular regard to its effect on a Special Landscape Area and whether any harm in these terms would be outweighed by the public benefits generated. The Inspector noted that a previous appeal for a larger wind turbine had been dismissed due to its effect on local views. The Inspector acknowledged that the current proposal related to a smaller turbine, but considered that this did not address the objections which had led to the dismissal of the previous proposal. The Inspector concluded that, despite the smaller size of the current proposal, it would still result in considerable harm to the character and appearance of the landscape.</p>

## Land to the south of the B4320 and Corston Beacon Tumulus

<b>PINs No.</b>	APP/N6845/A/15/3018498
<b>Decision and date</b>	Dismissed 24/08/15
<b>Location</b>	Land to the south of the B4320 and Corston Beacon Tumulus, Hundleton, Pembrokeshire SA71 5RX
<b>Inspector</b>	Kay Sheffield
<b>Appellant</b>	Norvento Wind Energy UK
<b>LPA</b>	Pembrokeshire County Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for the installation of two 110kW wind turbines with a maximum blade tip height of 35.4 metres to tip and associated works. The main issues were: (1) the effect of the proposal on the character of the landscape and the visual amenity of the area; (2) the effect on the historic environment; and (3) whether sufficient information had been submitted to assess the effect of the proposal on protected species and their habitats. The Inspector found that the proposal would have an unacceptable effect on the landscape, character and visual amenity of the local area and would have a detrimental effect on the historic environment. The Inspector also found that the potential harm that could be caused to protected species carried further weight against the proposal and its benefits were insufficient to outweigh the overall harm that would be caused.</p>