

WIND GENERATION APPEALS UPDATE

June 2014



Please find below a resume of decisions made between 15 May 2014 and 17 June 2014

If you have any queries in relation to any of the decisions listed below, or other renewable schemes please contact Richard Glover.

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Laburnam Farm

PINs No.	APP/N2739/A/13/2204642
Decision and date	Dismissed 15/05/14
Location	Laburnam Farm, Wistow Lordship, Selby, North Yorkshire
Inspector	Philip Major
Appellant	Mr John Sherwood
Determination process:	Recovered by Secretary of State
Summary of decision	Proposal for a single turbine with a blade tip height of 61m. The main issues were the effects on: the character and appearance of the area; living conditions of nearby residents; and heritage assets. The appeal site lies within a flat open landscape dominated by agricultural activity. The Inspector noted that as the area was relatively free of man-made structures, the influence of the proposed turbine would be more marked than might be the case elsewhere. Therefore, significantly affecting the character of the area to a distance of around 1km. With regards to the effects on living conditions, the main issue was noise. The Inspector found that the results of the noise assessment were not clear and robust enough to be able to conclude that the living conditions of nearby residents would not be unacceptably harmed. The Inspector considered that there would be no material impacts on any nearby heritage assets. Overall, the Inspector recommended that the appeal be dismissed as the benefits were not capable of outweighing the harms. The Secretary of State agreed with the Inspector's recommendation.

Hunday Farm

PINs No.	APP/G0908/A/13/2198688
Decision and date	Allowed 15/05/14
Location	Hunday Farm, Winscales, Workington, CA14 4JF
Inspector	Richard McCoy
Appellant	Mr John Bowe
Determination process:	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues were the effects on aircraft safety and the setting of Grade II listed Schoose Farm. The appeal site lies within an agricultural field around 1km from Workington. NATS had originally put in an objection against the proposed turbine, but this was removed following the completion of a mitigation agreement with the appellant. With regard to Schoose Farm, the Inspector found that the intervening distance of 1km between the proposed turbine and Schoose Farm, the marked difference in level of the land at each and the existing vegetation would be such that there would only be limited visibility. Therefore, the Inspector found that the proposed turbine would not form a major element within the setting of the listed building and therefore contributed little to its significance. In conclusion the Inspector found that the benefits of the scheme outweighed the harm.

Smallwood Manor Farm

PINs No.	APP/B3410/A/13/2196561
Decision and date	Allowed 15/05/14
Location	Smallwood Manor Farm, Smallwood Manor, Uttoxeter, ST14 8NR
Inspector	P J Asquith
Appellant	Piran Renewable Investments Ltd
Determination process:	Written Representations
Summary of decision	<p>Proposal for two turbines with a blade tip height of 32.6m. The main issues were the effects on the character of the landscape, the setting of Grade II Smallwood Manor and the living conditions of local residents. The appeal site is situated within attractive undulating countryside. The Inspector found that the limited range of views from which the turbine would be clearly visible would mean that the proposed turbine would not be a prominent or obtrusive feature. Smallwood Manor operates as a school and is located 370m from the appeal site. The Inspector considered that because of the distance and the relationship of the building and the appeal site, the proposal would not visually dominate Smallwood Manor. Therefore, the setting and the significance of the listed building was found to be preserved. The Inspector did not find any effects on the living conditions of nearby residents that would result in an unacceptable impact. Overall, the Inspector found that the benefits of the proposal outweighed the limited harms.</p>

Hendy Farm

PINs No.	APP/Q6810/A/13/2190468
Decision and date	Dismissed 15/05/14
Location	Hendy Farm, Pant Road, Caernarfon, Gwynedd, LL54 5RL
Inspector	Kay Sheffield
Appellant	Mr Aled Jones
Determination process:	Written Representations
Summary of decision	<p>Proposed single turbine with a blade tip height of 47.5m. The main issues were the effects on the character and appearance of the surrounding area, the setting of Caernarfon Castle and the living conditions of neighbouring occupiers. The appeal site lies within an undulating landscape with a scattering of farm buildings and residential properties. The Inspector found that due to the height of the proposed turbine and the open character of the landscape, the proposed turbine would create a dominant feature in the landscape which would disrupt the character of the rural setting. Caernarfon Castle is a World Heritage Site. The proposed turbine would be taller than the Castle and the Inspector was of the view that it would create a prominent feature to the south of the Castle. The Inspector considered that the proposed turbine would be an unacceptable intrusion which would have a significant impact on the setting of the Castle. The Inspector noted the effect on the living conditions of nearby properties and found that for at least one property the proposed turbine would be sufficiently close to dominate the view from the property and make the living conditions significantly less pleasant. Overall, the Inspector found that the benefits of the proposal were not sufficient to outweigh the harms.</p>

Ewe Hill

PINs No.	Ewe Hill
Decision and date	Allowed 16/05/14
Location	Ewe Hill Wind Powered Electricity Generating Station in the area of Dumfries and Galloway
Inspector	Scottish Ministers
Appellant	Scottish Power Renewables
Determination process:	Inquiry
Summary of decision	Proposal for a wind powered generating station of up to 51MW (22 turbines). The main issue was the landscape and visual impacts. Ministers noted that the proposed development would have cumulative landscape and visual impacts in combination with Minsca wind farm and that it would also have a significant impact from some higher ground around the site. Overall Scottish Ministers are satisfied that the environmental impacts can be appropriately addressed by way of mitigation and that any impacts which remain are outweighed by the benefits the developments would bring.

Holm Point

PINs No.	PPA-410-2003
Decision and date	Allowed 19/05/14
Location	Holm Point, Sandwick, Isle of Lewis
Inspector	Janet M McNair
Appellant	Scottish Water
Determination process:	Written Representations
Summary of decision	Proposal for five turbines with a blade tip height of 17.75m. The main issues in this appeal were the landscape and visual impacts, impacts on the amenity of local residents and impacts on heritage assets. The Reporter considered that the location, siting and design of the proposal would be appropriate to the surroundings and would not have an unacceptable adverse impact in landscape and visual terms. With regards to the amenity of local residents, the Reporter found that the proposal would be far enough away from the settlement of Sandwick, as well as the two closest properties, not to have an unacceptable impact. The Reporter noted that due to the existing 10 turbines, the additional 5 that were the subject to this appeal would only result in a slight increase in the effect on the setting of the nearby Lolair monument. Overall, the Reporter was of the view that there were no material considerations which would justify refusing planning permission.

Lyth Wind Farm

PINs No.	PPA-270-2101
Decision and date	Dismissed 20/05/14
Location	Lyth Wind Farm, Near Lyth, Wick, KW1 4UD
Inspector	Douglas G Hope
Appellant	Eurowind UK
Determination process:	Written Representations
Summary of decision	Proposal for 10 turbines with a maximum blade tip height of 99.5m. The main issue in this appeal was the landscape and visual impacts. The Reporter considered that the proposal, together with the consented Stroupster Wind Farm, would result in the turbines becoming a dominating and defining feature of the landscape. The Reporter also noted that the proposal would have a significant visual effect on a number of properties from a number of settlements within 5km. In conclusion, the Reporter found that the benefits of the proposal were not capable of outweighing the harms.

Honeywell Farm

PINs No.	APP/X1118/A/13/2201533
Decision and date	Dismissed 20/05/14
Location	Honeywell Farm, Muddiford, Barnstaple, Devon, EX31 4HS
Inspector	Jessica Graham
Appellant	Mr Richard Berry
Determination process:	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 61m. The main issue was the effect on the character and appearance of the landscape. The Inspector noted that the proposed turbine would be sited in an elevated, large arable field within the local rolling landscape with dramatic and far reaching views. AONB's lies 500m south of the appeal site and 2.9km north of the appeal site. The Inspector considered that the proposed turbine would be prominent above the skyline in close-range views and a visually intrusive feature which would have a significant adverse effect on the existing character of the landscape. The benefits of the proposal were not deemed to outweigh the harms.

Thornholme Fields

PINs No.	APP/E2001/A/13/2190363
Decision and date	Dismissed 21/05/14
Location	Thornholme Fields, Rudstone Road, Burton Agnes
Inspector	Paul Griffiths
Appellant	Wind Prospect Developments
Determination process:	Recovered by the Secretary of State
Summary of decision	Proposal for 9 turbines with a blade tip height of 110m. The main issues were the effects on: the character and appearance of the area; heritage assets; and the living conditions of local residents. The appeal site lies within a large scale open landscape with few skyline features. The Inspector considered that the features of the landscape would allow a relatively comfortable absorption of the proposal. A number of heritage assets are located close to the appeal site, with Burton Agnes Hall being the main concern at 1.5km away. However, the Inspector found that the harm to the heritage assets would not equate to substantial harm to the significance of the assets. The closest non-involved properties to the proposal are 960m away. The Inspector was of the view that the proposal, either alone or in combination with other wind farms, would have no significant impact on the living conditions of local residents. In conclusion, the Inspector recommended that the appeal be allowed as the benefits of the scheme outweighed the harms. The Secretary of State disagreed with the Inspector and considered that the harm to the landscape was significant. He was also of the opinion that the effect on heritage assets and living conditions was played down by the Inspector. Overall he dismissed the appeal.

Nisbet Farm

PINs No.	PPA-210-2041
Decision and date	Allowed 22/05/14
Location	Nisbet Farm, Pencaitland, Tranent, East Lothian, EH34 5BH
Inspector	Donald Harris
Appellant	Fredoch Ltd
Determination process:	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 34.4m. The main issues in this appeal were the landscape and visual effects. The Reporter considered that the proposed turbine would be very conspicuous from the nearby lane to Nisbet and from across the valley, but that from most viewpoints and from isolated dwellings the blades of the turbine would be below the skyline. Overall, the Reporter considered that the impact of the proposed turbine would be acceptable given the careful siting in the valley of the river Tyne.

Heslerton Wold

PINs No.	APP/Y2736/A/13/2201109
Decision and date	Dismissed 27/05/14
Location	East Heslerton Wold, East Heslerton, Ryedale, North Yorkshire
Inspector	Paul Jackson
Appellant	RWE N Power
Determination process:	Recovered by Secretary of State
Summary of decision	<p>Proposal for 10 turbines with a maximum blade tip height of 126m. The main issue was the effect on landscape character and visual amenity. The Inspector was of the opinion that breadth and scale of the undulating arable landscape, would be of such a size as to absorb the height and movement of the turbines. The most significant effect was considered to be within 3.5km of the site, becoming a significant and defining characteristic of the landscape. The Inspector also noted the effect on the North York Moors National Park (situated 9km north of the site). He considered that the angle of view occupied by the turbines would be small and would not significantly detract from the natural beauty and special qualities of the National Park or its setting. With regard to visual amenity, the Inspector noted that there would be significant visual impact for those that live and work within 1km of the turbines. However, he found that the dwellings and buildings are mostly shielded by landform, trees and other buildings. Overall, the Inspector found that the benefits outweighed the harms and recommended that the appeal be allowed. The Secretary of State disagreed with the Inspector's recommendation after placing more weight on the effect on the National Park and also attaching considerable importance to the desirability of preserving the setting of heritage assets.</p>

Idoch Farm

PINs No.	PPA-110-2200
Decision and date	Dismissed 29/05/14
Location	Site to the East of Burnside of Idoch Farm, Turriff, Aberdeenshire, AB53 8DY
Inspector	David Liddell
Appellant	Harmony Energy Ltd
Determination process:	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 77m. The main issues were landscape and visual impacts and the impacts on residential amenity. The Reporter considered that the proposed turbine would be a dominant feature in several views, but that the visual impacts would not be unacceptably adverse. However, the Reporter did consider that the cumulative landscape and visual impacts would exceed the capacity of the local landscape to acceptably accommodate turbines of this size, altering the landscape character to its detriment. The Reporter found that the proposed turbine would be unduly dominant and have an unacceptably adverse effect on the amenity of the closest properties 600m - 800m away. Overall, the Reporter believed that the benefits of the scheme did not outweigh the harms.</p>

Redhill Farm

PINs No.	PPA-300-2033
Decision and date	Dismissed 2/06/14
Location	Redhill Farm, Rothiemay, Moray, AB54 7NB
Inspector	Douglas G Hope
Appellant	E-Gen Partners Limited
Determination process:	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 54m. The main issue were the landscape and visual impacts. The Reporter agreed with the Council that the proposed turbine would not be sensitively sited and would have an unacceptable impact in terms of visual appearance. Further, the Reporter considered that due to the height and location of the proposed turbine, on the shoulder of Fourman Hill, it would have a significant impact on the landscape character. In carrying out the planning balance, the Reporter concluded that the benefits of the scheme did not outweigh the harms.

High Barcaple

PINs No.	PPA-170-2089
Decision and date	Allowed 03/06/14
Location	High Barcaple, Ringford, Castle Douglas
Inspector	Dan Jackman
Appellant	Mrs Margaret Armstrong
Determination process:	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 62m. The main issues were the landscape and visual effects. The Reporter was of the opinion that the proposed turbine would not be out of scale with or dominate the surrounding area. The main visual impacts were found to be localised and acceptable. The Reporter also considered the impacts on Tourism, Amenity, Traffic and Wildlife and concluded that the impacts would be acceptable in all regards. Overall, the Reporter found that there were no material considerations that would justify refusal of planning permission.

Stronelairg

PINs No.	Stronelairg
Decision and date	Allowed 06/06/14 (although various turbines deleted)
Location	Stronelairg wind powered electricity generating station, Highlands
Inspector	Scottish Ministers
Appellant	SSE Renewables
Determination process:	Call In
Summary of decision	Proposal for wind powered electricity generating station. 67 turbines were consented in this appeal, with 16 turbines removed from the proposal. The maximum blade tip height of the turbines being 135m. The main issues were the landscape and visual impacts. Ministers were of the view that the removal of 16 turbines, repositioning of 2 met masts, the lowering of 10 turbines and the lowering and repositioning of 1 turbine would mitigate the landscape and visual impacts to a degree, but significant impacts would remain. However, Ministers believed that these remaining impacts were at an acceptable level. Ministers also considered that the proposal would not affect the integrity of the Cairngorms National Park, nor would it significantly affect the special qualities for which the National Park had been designated. Overall, Ministers were satisfied that environmental issues would be appropriately addressed by way of mitigation and the impacts that remained were outweighed by the benefits.

Newfield

PINs No.	Newfield Wind Farm
Decision and date	Dismissed 06/06/14
Location	Newfield, 2km east of Lockerbie
Inspector	Michael Shield (Scottish Ministers)
Appellant	Wind Energy (Newfield) Limited
Determination process:	Inquiry
Summary of decision	<p>A proposal for 21 turbines with a maximum blade tip height of 125m. The main issues in this appeal were the landscape and visual effects and the visual impact on residential properties. The Reporter considered that the proposal would have a substantial adverse effect on the landscape character due to its location on the skyline. It was also noted by the Reporter that there would be a substantial adverse cumulative effect with the existing Minsca and consented Ewe Hill wind farms. The Reporter found that with the imposition of suitable conditions the proposal would be ETSU compliant and would therefore not have an unacceptable effect on the amenity of residents in the area. Overall, the Reporter was of the view that the benefits of the proposal did not outweigh the landscape and visual impacts and recommended that the appeal be dismissed. Scottish ministers agreed.</p>

East Anglia One

PINs No.	12.04.09.04/199C
Decision and date	Allowed 17/06/14
Location	East Anglia One Offshore Wind Farm
Inspector	Panel
Appellant	East Anglia Offshore Limited
Determination process:	Development Consent Order
Summary of decision	<p>Proposal for up to 325 turbines. The Panel recommended that there was a compelling case for granting consent of the development given the contribution it will make to the production of renewable energy. The case was not outweighed by the potential adverse local impacts. The Secretary of State accepted the recommendation of the Panel, subject to the modifications. The number of turbines was reduced from 325 to 240, with the proviso that each turbine would have a minimum generating capacity of 5MW.</p>