

# WIND GENERATION APPEALS UPDATE

June 2015



Please find below a resume of decisions made between 11 May and 5 June 2015

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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#### Ashmark Farm

<b>PINs No.</b>	PPA-190-2042
<b>Decision and date</b>	Dismissed 11/05/15
<b>Location</b>	Ashmark Farm, Afton Road, Mossmark, New Cumnock KA184PR
<b>Inspector</b>	Richard Hickman
<b>Appellant</b>	RWE Innology UK Ltd
<b>LPA</b>	East Ayrshire Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for seven turbines with a maximum blade tip height of 116m. The main issue was the adverse landscape impact of the proposal. The Reporter noted that the proposed turbines would result in a series of significant adverse landscape effects because of their prominent location on the northern edge of a ridge. It was also found that the close proximity and height of the turbines in relation to the lower terrain and settlements to the north and the sensitivity of Glen Afton as a distinctive small scale landscape feature would result in harm to the landscape. Overall, the Reporter held that given the prominent site of the proposed turbines, the fairly modest benefits of the proposal were insufficient to outweigh the harms.

#### Rogerhill Farm

<b>PINs No.</b>	PPA-380-2052
<b>Decision and date</b>	Dismissed 12/05/15
<b>Location</b>	Rogerhill Farm, Vere Road, Kirkmuirhill, Lanark ML11 9PH
<b>Inspector</b>	John H Martin
<b>Appellant</b>	Alec Hamilton
<b>LPA</b>	South Lanarkshire Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 62m. The main issues were the impacts on the landscape character and visual amenity of the area and the impact on residential amenity. The Reporter found that the proposed turbine would be an alien structure in a relatively enclosed landscape. In terms of residential amenity, the Reporter considered that the proposed turbine would dominate views from new houses 600m from the appeal site. The Reporter held that there were no material considerations which would justify granting planning permission.

## Spittal Hill

<b>PINs No.</b>	PPA-270-2119
<b>Decision and date</b>	Dismissed 12/5/15
<b>Location</b>	Land to the east of Spittal Hill, Caithness
<b>Inspector</b>	Timothy Brian
<b>Appellant</b>	Spittal Hill Windfarm Ltd
<b>LPA</b>	The Highland Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for seven turbines with a maximum blade tip height of 100m. The main issues were landscape and visual impacts and residential amenity impacts. The Reporter found that the proposed turbines would have a significant detrimental impact on the landscape character of the area. The Reporter considered that there would be a major impact on residents of Lower Dunn, facing towards the proposed turbines. Although the Reporter was of the view that none of these properties would individually become overwhelmed or dominated by the proposed turbines, he held that a significant number would become less pleasant places in which to live. In conclusion, the Reporter considered that there were no material considerations which would justify granting planning permission.

## Brownhill Farm

<b>PINs No.</b>	PPA-320-2073
<b>Decision and date</b>	Dismissed 20/05/15
<b>Location</b>	Land to the east of Brownhill Farm, West Benhar Road, Eastfield, Harthill ML57 5TG
<b>Inspector</b>	David Liddell
<b>Appellant</b>	Airvolution Energy Limited
<b>LPA</b>	North Lanarkshire Council
<b>Determination process</b>	Hearing
<b>Summary of decision</b>	Proposal for six turbines with a blade tip height up to 131m. The main issues were the landscape and visual impacts and residential amenity impacts. The Reporter noted that the appeal site and its immediate environs were of predominantly low scenic quality. The landscape itself was considered to be relatively extensive and for these reasons the Reporter found that the landscape had the capacity to accommodate the proposed turbines. In terms of visual impacts, the Reporter noted that there would be open views of the turbines on a number of roads and PROWs. The Reporter noted that the closest non-involved property would be located 780m from the nearest proposed turbine, with other properties just beyond this up to 1.2km from the nearest turbine. The Reporter found that there would be very significant harm to residential amenity, which would be exacerbated should another nearby wind farm be granted consent. The Reporter concluded on this point that no material considerations existed that justified granting planning permission.

## Land at Greendykes Farm

<b>PINs No.</b>	PPA-110-2257
<b>Decision and date</b>	Allowed 21/05/15
<b>Location</b>	Land at Greendykes Farm, Cornhill, Banff AB45 2HS
<b>Inspector</b>	Karen Heywood
<b>Appellant</b>	1 Renewables Caledonia Ltd
<b>LPA</b>	Aberdeenshire Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 67m. The main issues were the landscape and visual impact, and impact on the historic environment. The Reporter noted that the proposed turbine would sit within a landscape where turbines have already modified that character of the area. The proposed turbine would not therefore be seen as an incongruous feature. With regards to the historic environment, the Reporter noted that concerns had been raised about the impact on Park House (category A). However, Historic Scotland considered that the proposed turbine would not unduly harm Park House and the Reporter agreed with this view. The Reporter concluded that there were no material considerations which would justify refusing planning permission.

## West Down Farm

<b>PINs No.</b>	APP/M6825/A/14/2229717
<b>Decision and date</b>	Dismissed 22/05/15
<b>Location</b>	West Down Farm, Heol Llansaint, Kidwelly, SA17 5JN
<b>Inspector</b>	Declan Beggan
<b>Appellant</b>	H Williams
<b>LPA</b>	Carmarthenshire Country Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 34.4m. The main issues were the effects on the character and appearance of the area and the setting of heritage assets. The Inspector considered that the modernity and engineered appearance of the proposed turbine would be a stark contrast to the rural landscape surrounding it. The Inspector found that there would be significant visual impacts from viewpoints on the Wales Coast path, as well as from residential properties near to the site. With regards to the effects on the setting of heritage assets, the Inspector held that the proposed turbine would harm the setting of the Llansaint Conservation Area and the church of All Saints. Overall, the Inspector held that the benefits of the proposal were not capable of outweighing the harms.

## Easter Tolmauds

<b>PINs No.</b>	PPA-110-2239
<b>Decision and date</b>	Allowed 29/05/15
<b>Location</b>	Easter Tolmauds, Torphins, Banchory, AB31 4PP
<b>Inspector</b>	Dannie Onn
<b>Appellant</b>	Frank A Smart & Son Ltd
<b>LPA</b>	Aberdeenshire Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for two turbines with a blade tip height of 79.6m. The main issues were the effects on the character and appearance of the area and residential amenity due to noise. The Reporter noted that the proposed turbines would not be in a prominent location or on a prominent ridge. It would be a small group of two turbines, remote from other turbines of comparable scale. The Reporter considered that the landscape would be able to accommodate the proposed turbines. With regards to noise issues, the Reporter noted that the proposed turbines would not exceed ETSU-R-97 and would be unlikely to make living conditions unacceptable. Overall, the Reporter found that there were no material considerations which would justify refusing the planning permission.

## Hendre Ilwyn Y Maen

<b>PINs No.</b>	APP/T6905/A/14/2227796
<b>Decision and date</b>	Dismissed 05/06/15
<b>Location</b>	Hendre Ilwyn Y Maen, Llanfairtalhaiarn, Abergele, Conwy, LL22 8TE
<b>Inspector</b>	Declan Beggan
<b>Appellant</b>	Mr R L Crossley
<b>LPA</b>	Conwy County Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 54.7m. The main issues were the effects on the character and appearance of the area and on the living conditions of local residents. The Inspector considered that the proposed turbine would appear as a large and modern engineered structure that would be clearly visible within the local landscape. The closest property without a financial interest would be located 656m from the proposed turbine, although the main façade of the property does not face towards the proposed turbine. The second closest property would be 810m away and would directly face the proposed turbine. However, the Inspector held that the proposed turbine would not be unduly overbearing due to separation distance and partial screening. In conclusion, the Inspector was of the view that the harm to the landscape could not be outweighed by the benefits of the proposal and the appeal was dismissed.