

**APPEAL UNDER SECTION 78 (2) OF THE TOWN AND COUNTRY PLANNING ACT 1990  
AGAINST ISLE OF WIGHT COUNCIL'S REFUSAL OF AN APPLICATION FOR THE  
PROPOSED DEVELOPMENT ON LAND SOUTH OF WELLOW, EAST OF HOLMFIELD  
AVENUE, WEST OF STONEOVERS AND OFF BROAD LANE, SHALCOMBE, YARMOUTH,  
ISLE OF WIGHT**

**GROUNDINGS OF APPEAL**

- 1 This appeal is made under section 78(2) of the Town and Country Planning Act 1990 against the refusal by Isle of Wight Council ("the Council") of the Appellant's planning application for the erection of five wind turbines (100m to the tip of a rotor blade in a vertical position), provision of crane hardstandings, control buildings, substation, underground cabling, temporary construction compound, new access tracks off Broad Lane and Thorley Street (B3401) to accommodate construction traffic and a permanent 65m high anemometer mast (the "Proposed Development").
- 2 The application was submitted on 17 May 2011 and registered by the Council on 30 June 2011 under reference P/00706/11 - TCP/27774/A.
- 3 The Proposed Development required Environmental Impact Assessment and an Environmental Statement was submitted with the application which addressed the environmental impacts specifically that;
  - while there are significant effects in terms of landscape and views, these are limited in their extent and in landscape and visual terms are acceptable at this location. The Proposed Development will not affect the overall integrity of the Area of Outstanding Natural Beauty;
  - there is no overall significant adverse effect on hydrology, noise, ecology, ornithology, traffic and transport (including the safety of highway users), dust, land use and agriculture, community effects (including rights of way) or shadow flicker, either individually or cumulatively with other utility infrastructure;
  - the wind turbines comply with appropriate noise level thresholds set for residential users;
  - impacts on buried archaeology are offset through a programme of further archaeological investigation;
  - impacts on air quality in terms of greenhouse gas emissions are beneficial; and
  - the proposal includes all practicable measures to reduce any adverse impact on landscape, nature conservation and cultural heritage interests.
- 4 On 16 July 2012 the Planning Committee resolved to refuse the application. On 23 July 2012 the decision notice was issued refusing planning consent for the following reasons;
  - (a) The Proposed Development by virtue of its dominance, scale, siting and layout would result in a significant adverse visual impact on the character and appearance of the nationally designated landscape of the Isle of Wight Area of Outstanding Natural Beauty, in particular from; the chalk down to the south of the application site (Afton Down to Five Barrows and associated National Trust Access Land), and Tennyson Down, such that it would compromise the statutory purpose of the AONB. The applicant has not demonstrated that these identified adverse impacts are capable of satisfactory mitigation. In consequence the proposal is contrary Government advice in the National Planning Policy Framework and Policies SP5 (Environment), DM2 (Design Quality for New

Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM16 (Renewables) of the Island Plan Core Strategy.

- (b) The Proposed Development by virtue of its dominance, scale, siting and layout would result in a significant adverse visual impact on the character and appearance of the local landscape to the detriment of sensitive receptors in the area including; occupiers of residential properties in Thorley and Wellow (1 – 16 North View, Rosebank, Flowerburn Cottage, Wellow House, Teazle Cottage and Hartshole Cottage), Wellow Millennium Green, and users of the Island's Highway and Public Rights of Way network. The applicant has not demonstrated that these identified adverse impacts are capable of satisfactory mitigation. In consequence the proposal is contrary Government advice in the National Planning Policy Framework and Policies SP5 (Environment), DM2 (Design Quality for New Development), DM12 (Landscape, Seascape, Biodiversity and Geodiversity) and DM16 (Renewables) of the Island Plan Core Strategy.
- (c) The level of information supplied in support of the application is insufficient to demonstrate that potential works required to prevent damage to trees along the indicated delivery route of turbine components to the site is capable of satisfactory mitigation and resolution. In the absence of this information the proposal is contrary to Policy DM12 (Landscape, Seascape, Biodiversity and Geodiversity) of the Island Plan Core Strategy.

5 The Appellant contends that planning permission ought to be granted for the Proposed Development as:

- (a) the Proposed Development is in accordance with the relevant development plan, regional and national policies and guidance;
- (b) the benefits arising from the Proposed Development outweigh any potential adverse landscape and visual impacts; and
- (c) the Environmental Statement, Further Environmental Information, submitted application plans, written responses regards to trees and all other material provided to the Council are sufficient to demonstrate that a planning condition can be imposed to mitigate any adverse impacts on the indicated delivery route of turbine components.

#### **Development Plan**

6 For the purposes of the appeal the development plan consists of the Island Core Strategy (2012). The adoption of the Island Core Strategy occurred post submission of the planning application, although the Island Plan Proposed Submission Core Strategy was assessed within the application as an emerging development plan document.

7 Until the South East Plan is revoked it is also part of the development plan and is likely to be considered as a material consideration.

8 The Appellant is content that, where necessary, conditions can be imposed so as to ensure compliance with the development plan and to ensure mitigation of any effects of the Proposed Development.

#### **Material Considerations**

9 There are a number of material considerations that should be taken in to account which include:

The National Planning Policy Framework (NPPF)

- 10 When the Appellant submitted its application the NPPF was not in draft or in force. Therefore the Appellant assessed the application against the relevant national policies at the time.
- 11 The NPPF states that when determining renewable energy planning applications, local planning authorities should apply the presumption in favour of sustainable development and approve if a proposal's impacts are (or can be made) acceptable, which is the case here.
- 12 The Appellant will produce evidence at the appeal to show that the Proposed Development is supported by the NPPF paragraphs 2, 6-10, 14, 17, 93-98 and 109.

#### Other National Policies

- 13 EU renewable energy obligations and UK renewables and climate change policy, including the UK Renewable Energy Roadmap, and the National Policy Statements EN-1 (Overarching Energy NPS) and EN3 (Renewable Energy Infrastructure NPS), support the appeal and are considered to be material considerations to be afforded considerable weight in the determination of this application.
- 14 EN1 at section 5.9 advises that attention should be given to landscape character assessments and that reversibility of development should be given consideration, when determining an application such as this and the fact that a proposed project will be visible from a designated area is not in itself sufficient to refuse planning permission.
- 15 EN3 at paragraph 2.7.17 also emphasises the reversibility of onshore wind development when considering landscape and visual impacts.
- 16 Further national strategies and plans were also taken into account in formulating and refining the development proposal and during the EIA process, which are detailed in the Appellant's Planning Statement.

#### **Benefits of the proposal**

- 17 The identified planning policy is supportive of renewable energy proposals, but it is recognised that this type of development may have adverse impacts. Where they are identified, the renewable energy contribution and other benefits of the proposal, including benefits in reducing pollution, must be balanced against those impacts.
- 18 Based on an assumed 2.5 MW capacity turbine, the proposed wind farm would make a significant contribution of 12.5 MW to the installed capacity of renewable generation on the Isle of Wight. In addition, the wind farm would produce an average annual energy total of 32,850,000 kWh, which is equivalent to the electricity required by 6989 UK homes per year.
- 19 During the operational phase, it is estimated that that the proposed development would result in a displacement of an estimated 14,125 tonnes of CO<sub>2</sub> emissions per year. The proposal would also reduce emissions of SO<sub>2</sub> and NO<sub>x</sub> thereby contributing positively to the national air quality and targets for greenhouse gas emissions and renewable energy generation.
- 20 The proposal comes directly as a response to central government policy and the target for 10% of the UK's electricity to come from renewable sources by 2010 and 15% by 2020. The 2010 target has not been met and the target deadline has passed. The 2020 target for the Region is for 10% of electricity to be generated from renewable resources, not including off shore wind. Policy SP6 of the adopted Island Core Strategy sets out the Islands target for renewable energy generation by 2020 as 100MW of installed capacity. The policy states that minimum potential contribution to this from onshore wind is believed by the Council to be 22.5MW. The proposed development could provide in the order of 55% of that target.

## **Conclusion**

- 21 The reasons above, the need for and other positive benefits of the Proposed Development outweigh any identified adverse effects.
- 22 These Grounds of Appeal incorporate the findings of the Environmental Statement and supporting documents. From this the Appellant concludes that the Proposed Development is acceptable in both planning and environmental terms and evidence will be brought to further demonstrate that this is the case.
- 23 The Appellant reserves the right to amend or add to these grounds in light of any response from the Council or interested parties.

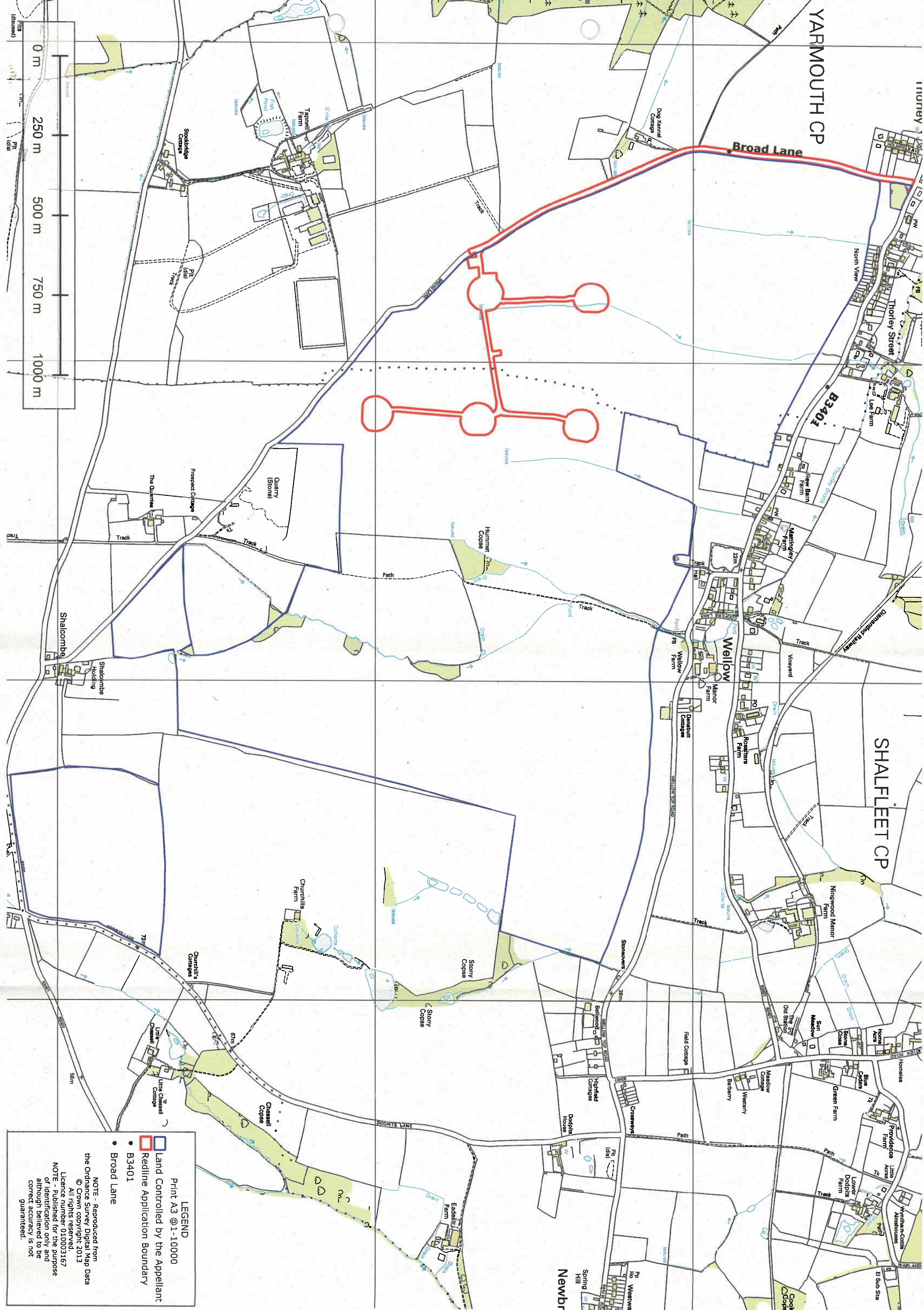
### Schedule of Documents: Vectis Wind Farm appeal

<b>Folder No</b>	<b>Folder Title</b>	<b>Document No</b>	<b>Document Description</b>
1	Application Form	1.1	Planning Application Form
2	Site Ownership	2.1	Site Ownership Certificate
3	Decision Notice	3.1	Decision Notice - Refused
4	Site Plan Documents	4.1	Site location plan: 6304/1
		4.2	Site location plan updated
5	Application Documents		
5.1	Plans	5.1.1	Substation and Control Building Typical Plan (Figure 2.3)
		5.1.2	Substation and Control Building Typical Elevation and Section (Figure 2.4)
		5.1.3	Elevation Proposed - Control Building
		5.1.4	Turbine Dimensions (Figure 2.2)
		5.1.5	Turbine Foundation Elevation and Section (Figure 2.8)
		5.1.6	Anemometry Mast and Foundations (Figure 2.5)
		5.1.7	Cable Trenches and Access Tracks (Cross-sections) (Figure 2.6)
		5.1.8	Drawing JNY6595-20 Proposed Modifications to Broad Lane B3401 Junction
		5.1.9	Drawing JNY6595-19 Rev D Proposed Site Access from Broad Lane
		5.1.10	Drawing JNY6595-22 Rev A Proposed Passing Places
		5.1.11	Digital Terrain Model 5m x 5m
		5.1.12	DTM 5m x 5m Cheverton approved and Current Wellow
		5.1.13	DTM 5m x 5m Intersect Cheverton approved and Current Wellow
		5.1.14	DTM 5m x 5m Wellow
5.2	Statement of Community Consultation	5.2.1	Statement of Community Consultation
		5.2.2	Appendices to Statement of Community Consultation
		5.3	Planning Statement
		5.4	Badger Report CONFIDENTIAL
6	Additional Documents	6.1	Bird Data Appendix Report
		6.2	Breeding Bird Survey Data Part 1
		6.3	Breeding Bird Survey Data Part 2
		6.4	Breeding Bird Survey Data Part 3
		6.5	Breeding Bird Survey Data Part 4
		6.6	Golden Plover Survey Data
		6.7	Raw Vantage Point Survey Data

		6.8	Wintering Bird Survey Data 1
		6.9	Wintering Bird Survey Data 2
		6.10	Wintering Bird Survey Data 3
		6.11	Wintering Bird Survey Data 4
		6.12	Wintering Bird Survey Data 5
		6.13	Bat Survey Report - Statement in Response to Regulation 22 Request
		6.14	Figure 1 Rights of Way - Statement in Response to Regulation 22 Request
		6.15	Supplementary Cultural Heritage Assessment Report - Statement in Response to Regulation 22 Request
		6.16	Infinergy Response to Enplan Report Produced by RPS
7	Design and Access Statement	7.1	Design and Access Statement
8	Not previously seen documents	8.1	Site location plan updated (as at 4.2 above)
9	Correspondence	9.1	Article 11 Notice to Barry Cooke 13 May 2011
		9.2	Planning Application Cover Letter 16 May 2011
		9.3	Article 11 Notice to Rachael Holmes 27 May 2011
		9.4	Notice under Article 11 27 May 2011
		9.5	IOWC to the applicant under Regulation 19-1 6 September 2011
		9.6	Infinergy to IOWC Response to Regulation request 19 4 October 2011
		9.7	Infinergy to IOWC Response to Regulation 22 request 24 February 2012
		9.8	Burges Salmon to Phil Salmon 24 February 2012
		9.9	Mark Rawlings to Mr S Wiltshire 25 May 2012
		9.10	Infinergy to IOWC Vectis Wind Farm 29 May 2012
		9.11	IOWC to Infinergy RE Vectis Wind Farm 5 July 2012
12	Environmental Statement		
		12.1	Non-Technical Summary
		12.2	Chapter 1: Introduction
		12.3	Chapter 2: Description of the Project
		12.4	Chapter 3: Need for the Project and Alternatives Considered
		12.5	Chapter 4: Consultation, Scoping and Methodology
		12.6	Chapter 5: Landscape and Visual Effects
		12.7	Chapter 6: Terrestrial Ecology and Nature Conservation
		12.8	Chapter 7: Ornithology
		12.9	Chapter 8: Historic Development
		12.10	Chapter 9: Traffic and Transport
		12.11	Chapter 10: Noise and Vibration

	12.12	Chapter 11: Air Quality and Climate
	12.13	Chapter 12: Flood Risk, Hydrology and Water Quality
	12.14	Chapter 13: Land Use and Community Effects
	12.15	Chapter 14: Geology, Ground Conditions and Groundwater
	12.16	Chapter 15: Shadow Flicker
	12.17	Appendices Chapter 1 Introduction
	12.18	Appendices Chapter 4 Consultation Scoping and Methodology
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	12.32	Written Statement Contributors page





YARMOUTH CP

SHALFLEET CP

0 m 250 m 500 m 750 m 1000 m

Broad Lane

B3401

Wellow

LEGEND  
Print A3 @1-10000

- Land Controlled by the Appellant
- Redline Application Boundary
- B3401
- Broad Lane

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