

THWART APPENDIX 1A

OBJECTION TO AN APPLICATION BY WEST WIGHT WIND FARM LTD.
TO
ERECT SIX WIND TURBINES
ON
LAND SOUTH OF WELLOW, ISLE OF WIGHT
ON BEHALF OF
THE WIGHT AGAINST RURAL TURBINES
BY
ROBIN BRYER BA(Hons)Dunelm, MRTPI
Chartered Town Planner

1.0 LEGALITY

1.1 An applicant must be legally identifiable. At the time of the application, the name of the applicant company had not been registered, so it had no legal identity. However, I shall proceed as if it had, without prejudice to the concept that there is in fact no proper application and, therefore, nothing as yet to prompt formal objection.

2.0 SUBMISSION

2.1. The supporting submission does not adequately set the marine landscape of the site in its national context, in general, nor in local geological terms, in particular. It estimates the effect of the proposed development on the passing private motorist, but not upon the passing private sailor. While it does recognise that views from the Lymington-Yarmouth ferry would be compromised, it fails to identify these as being the ultimate test of the proposal's acceptability or otherwise. While it fairly records the location of the considerable number of listed buildings in the vicinity, it does not adequately assess the impact of the proposal on their setting. I briefly address these shortcomings.

3.0 MARINE LANDSCAPE

3.1. The application site is at the very heart of what must be England's finest marine landscape. Kent has its white cliffs, Cornwall and Yorkshire their rugged headlands, Suffolk its gentle estuaries, Poole and Falmouth their great natural harbours; islands there are too, as diverse as Lundy, Hayling and Lindisfarne; but nowhere do the best qualities of all these come together in such a compact area as here. From south to north, rugged coastline is succeeded by rolling downland, scrubby foreshore, sheltered sound and, finally, forest waterside. So much for what can be compared. Now add the incomparable - England's only sound (the Solent) between her only significant coastal island (the Wight) and her only historic coastal forest (the New), three unique and complementary features - and the primacy of this marine landscape is surely confirmed. It is no surprise, therefore, that the small area covered by Figure 1 includes two Heritage Coasts, three Areas of Outstanding Natural Beauty, a National Park and an undeniable candidate for that long mooted and recently re-visited designation, a National Water Park.

4.0.GEOLOGY

4.1 The key to all this is,of course,the area's geology.Fig.2 shows how the geology of central southern England,spread over some fifty kilometres inland,is repeated in just five,across the western end of the Isle of Wight.This is most dramatically visible in the juxtaposition of the chalk stacks of the Needles and the vertical stratas of sand in Allum Bay as one sails eastward into the Solent,but it is also appreciable as one sails past Bouldnor and looks due south.On the shoreline is the condensed mirror-image of the geology of the New Forest.In the middle distance the fields of the application site tell of the geology of the farmland to be found around Winchester while,just above,Compton Down mirrors the geology of the downs around Kingsclere.This is valuable for two reasons:first,distance does not allow one to survey the geology of central southern England itself in one glance;second,even if one could,much of it would be hidden by human artefacts, so having it compressed and replicated here,not just within a matter of five kilometres but also(as yet)remarkably undeveloped is doubly important,and not just for the pleasure of some passing solitary sailor for this is probably part of the busiest salt-water recreation area to be found anywhere in the world.

5.0.PERCEPTION

5.1.Such objective analysis of landscape and its author,geology,leads to the subjective-but equally important- analysis of the way they are perceived in relation to human impact upon them.On water,moving west to east,one comes past Hurst into the sheltered waters of The Solent.The only discernable elements on either shore which post-date the eighteenth century are the defoliated "forest"of tin masts at Lymington Yacht Haven (those at Yarmouth opposite are less extensive and more absorbed into their surroundings) and the pencil thin TV mast on the Island's highest point.Certainly,ahead is the chimney of Fawley Power Station and,less visible over woodland,the stacks of Fawley Oil Refinery,but these are both distant and static.The eye edits them out or,at most,notes them as landmarks heralding Southampton Water and Spithead,those two more commercial and urban arms of the waters of the Wight which contrast with this almost timeless and untouched third arm,the Solent ,between forest and island.Moving east -west on water the illusion is complete.Apart from the small elements noted,neither this nor the last century impinge at all.Moving north-south on water the same applies again.In particular the raised foreshore leads the eye to the gently sloping fields of the appeal site and then upwards to the downs above(as just noted).The low church tower and crouching castle at Yarmouth make these downs,by comparison,look taller than their modest hundred metres.On land,one looks down from the downs at the farmland sweeping towards the Solent shore,looking north.Looking south from the mainland,these downs lend an unspoilt backdrop to the New Forest ,by contrast green and cultivated but nonetheless more closely related than the distance might suggest,the intervening Solent being typically hidden from view-not so,of course,from the shore itself where water and unblemished hills complement one another.

6.0 IMPACT

6.1 The introduction of six wind turbines, a hundred metres high and more, into this unique marine landscape would have a significant impact upon it, therefore, both real and perceived. One has only to glance at the cross-section in Fig 1 to see that this would be so, even allowing for the necessary difference, to be legible, between the horizontal and vertical scales. The walker on the downs would look across to them, rather than down upon them. To the ferry passenger, those same downs would appear diminished while Yarmouth church, today's only yardstick, would appear dwarfed. They might escape the notice of the observer sailing by, on the mainland shore or on the forest heathlands, in certain lights against the downs, were it not for an essential part of their function, their busily waving arms, insisting on drawing his attention. Graphic methods alone cannot presage such impact, such is the nature of the eye and the brain. Will the seeker of the unspoilt in the centre of the south coast of one of the world's most developed countries forgive such intrusion? The sailor might observe that he is using wind power and not begrudge the generators doing likewise. The tourist might be impressed by both their scale and novelty. The objector might take solace in their only having perhaps twenty years of life. All might reflect on their contribution to greenhouse gas reduction. But the sailor's mast is only perhaps a tenth of what their height would be and at sea level, not half way up a hill (the key to why off-shore wind turbines look so much more appropriate perhaps). To the tourist, novelty quickly wears thin and scale soon ceases to impress, particularly when "stepping back in time", rather than that of a "brave new world," is the sentiment which (to date at least) most draws him to both the Island and the Forest. To the objector, time is short and twenty years is understandably too long to wait. All of us know that we must play our part in espousing renewable energy if we are to save our planet, but we must be sure that it is still worth saving in the process. Windpower is not free if it is bought at the cost of our landscape. If the returns were great, the sacrifice might be justified, but they are not. Onshore wind turbines are politically attractive simply because they are conspicuous - governments are seen to be doing something. - but there are less conspicuous options offshore in shallow water or using tidal power, both possibilities in the vicinity of the Island, but unreasonably discounted as being outside planning jurisdiction. All in all, however admirable the applicants' objective, the granting of planning permission here, in terms of the wider landscape, must surely be perceived as too high a price to pay.

7.0 SETTING OF LISTED BUILDINGS

7.1 The applicant helpfully shows how thick upon the ground are listed buildings in the site's vicinity (our Fig 3). This prompts one to turn now from the wider to the local landscape. This is both rural and intimate in scale. Obviously, with such things as power lines and phone boxes, as well as newer buildings close to hand, one does not see these listed buildings quite as originally intended. Nonetheless the changes in their vicinity over the centuries have been relatively small. To travel past the six proposed giant wind turbines to and from these buildings, even if they were not visible one from another, would diminish their setting and thereby damage one's appreciation of them. This likewise leads one to conclude that the granting of permission would be too high a price to pay.

8.0 APPEAL DECISIONS

8.1. Every case should be judged upon its own merits (or lack of them). Planning Policy Statement 22 Renewable Energy might seem to suggest that those merits need only be slight to tip the balance in favour of development. Not so. The appeal decisions summarised in Appendix 1 show that over 40% of appeals have been dismissed, some purely through minority considerations such as birdlife (not explored here, but certainly an issue). Nor does a location in a National Park or Area of Outstanding Natural Beauty, confirmed or potential, guarantee dismissal or exclusion from such areas point to an appeal being allowed. Success or failure may be for one major reason or a combination of minor ones. However, two decisions surely assist in determining the right outcome in this case. The first concerned a proposal at Whinash in Cumbria (Appendix 2) and the second a proposal at Guestwick in Norfolk (Appendix 3). The former assists with the wider landscape issues and the latter with those concerning the setting of listed buildings.

8.2. The parallel between Wellow and Whinash is that both sites are close to, but not in, national parks and both are in key "gateway" tourist locations. The promoters of Whinash discounted the harm to views of it from the M6, the Tebay Service Station and the west coast mainline railway despite the fact that, as they descend from Shap Fell into the Lune Gap, the most jaded of travellers' hearts are lifted; in the same way the promoters of this scheme would seem to discount the view of the Island from the Lymington-Yarmouth ferry, despite the fact that this is the precise point at which the traveller feels his journey to have been worthwhile, as well as entirely disregard the views of the recreational sailor. At Whinash the inspector noted that "set amongst the key principles of (Planning Policy Statement) 22 is the need to take account of environmental impacts in terms of landscape and visual effects which will vary on a case by case basis according to the type of development, its location and landscape setting. I have already assessed those effects as very serious having particular regard to the contribution of the Whinash site to a much wider landscape, part of which is of national importance. I have also expressed concerns about the highly damaging effect of the development on recreation and the appreciation of the wider landscape. My view on both these points remains untouched, even in the knowledge that climate change, if left unchecked, will result in a gradual and natural evolutionary degradation of this cherished landscape" (his para. 15.52). He concluded that "the adverse impact on the landscape, and its consequential enjoyment for recreation, would be so great that it should be the determining factor leading to my recommendation of refusal" (his para. 15.53). His conclusion would surely be the same with this likewise conspicuous but undesignated site, in an equally iconic tourist and recreation location, particularly with sailors added to walkers in the equation.

8.3. The parallel between Wellow and Guestwick is that both are in the vicinity of a lot of listed buildings, something which concerned the Guestwick inspector so much as partly to justify suspension of his inquiry so that further evidence could be gathered and considered. He noted that Planning Policy Statement 22 "says that special care will be needed if proposed sites for turbines happen to be near listed buildings and refers to PPG15 'Planning and the Historic Environment'". He then notes that this says, among other things, "that physical survivals of our past are an irreplaceable record, the presence of which adds to our understanding of both the present and the past" (his para 47). He then

observes that “both the number and concentration of Listed Buildings in this relatively small area of countryside.....are in my experience,unusually great”.He appreciates that there are also listed buildings at Swaffham nearby,where there are also turbines, but these “are viewed closely together in the much more urban context of a bustling market town”while “the defining characteristics of the settings of the many Listed Buildings concerned in this particular case are their historic and enduring isolation and their individual prominence in the local landscape”(his para.49).He concluded that “while the turbines might only be in place for 25 years,this time period would represent almost an entire generation of people who would be unable to view not just one,but a large number of Listed Buildings in the area,in a landscape appropriate to their special architectural or historic interest.That setting (both overall and individually)would,I consider,be seriously harmed by the intrusion of such high,rotating and uncompromising modern structures”(his para.49).While obviously there will be differences between the quality,quantity and setting of the listed buildings at Wellow and Guestwick,nonetheless these are both quiet and hitherto unspoilt rural locations and neither would seem to involve great set-pieces such Castle Howard or Blenheim Palace.Both would seem to involve qualities which derive from intimacy rather than grandeur.At the least,the Wellow proposal deserves to be scrutinised as rigorously in this regard as the Guestwick case and, surely,as conclusively.

9.0 CONCLUSION

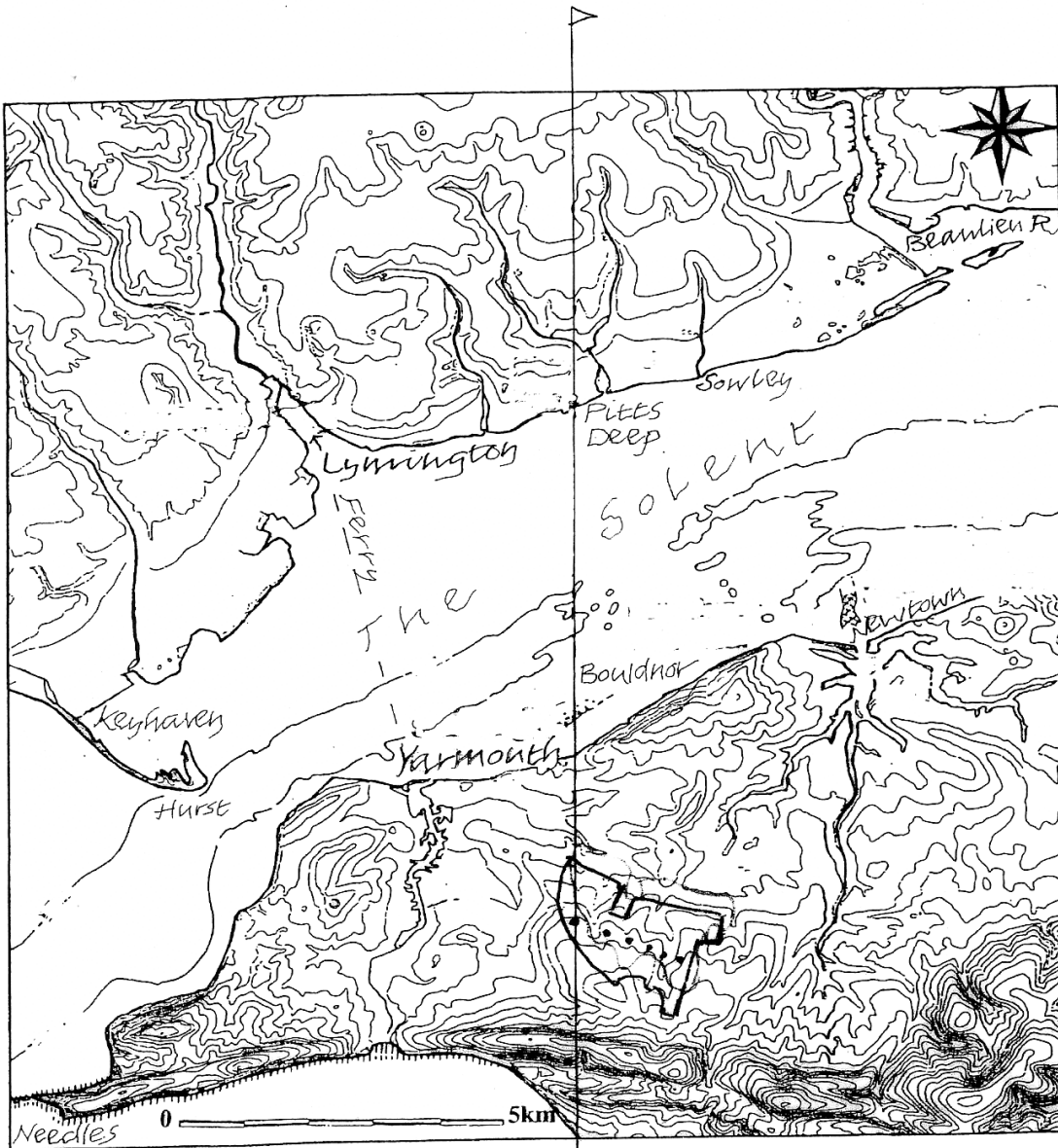
9.1. If the application is indeed properly made,and while there are other reasons for refusal,including harm to birdlife,which others will cover,I urge that this application be rejected as being unduly detrimental to the landscape in general,much of it protectively designated,and the setting of listed buildings in particular,without its benefits being adequately compensating ,such benefits likewise being assessed by others.

8.2 Without prejudice to the foregoing,if the application is allowed I urge that it be temporary;that no more and/or larger turbines be allowed on the site and that it be subject to prior approval of a landscape mitigation scheme.

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19.6.06.

ROBIN BRYER has a degree in town planning from Durham University.As a Senior Planning Assistant with Hampshire County Council,he drafted the conservation plan for the New Forest and co-ordinated two conferences of Solentside authorities,the second of which first mooted the concept of a National Water Park.Subsequently,in private practice,his work has concentrated on coastal,rural and conservation planning nationwide.He has lectured regularly about our coastal heritage on round-Britain cruises with The Swan Hellenic Travellers Club.

Proposed Wind Turbines, Wellow, I.o.W



Cross section

Horizontal scale 1:50,000
Vertical scale 1:10,000

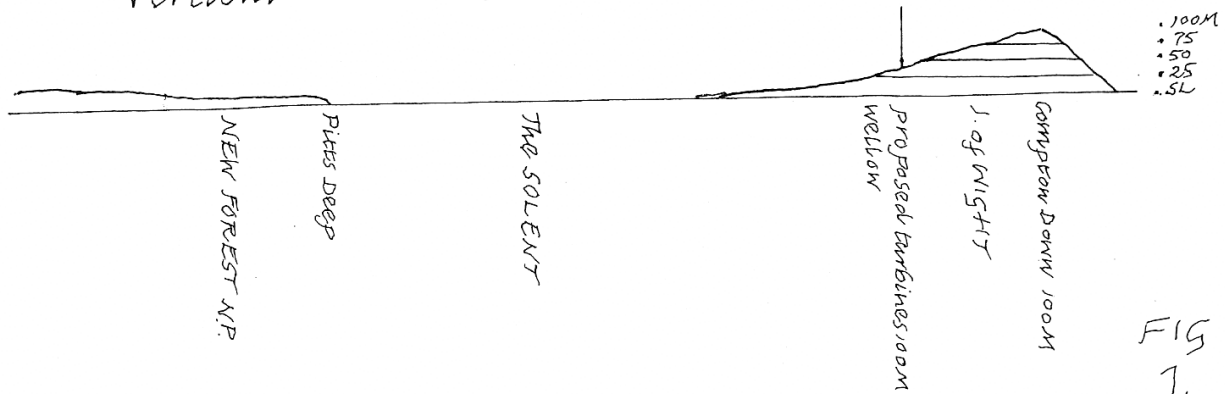
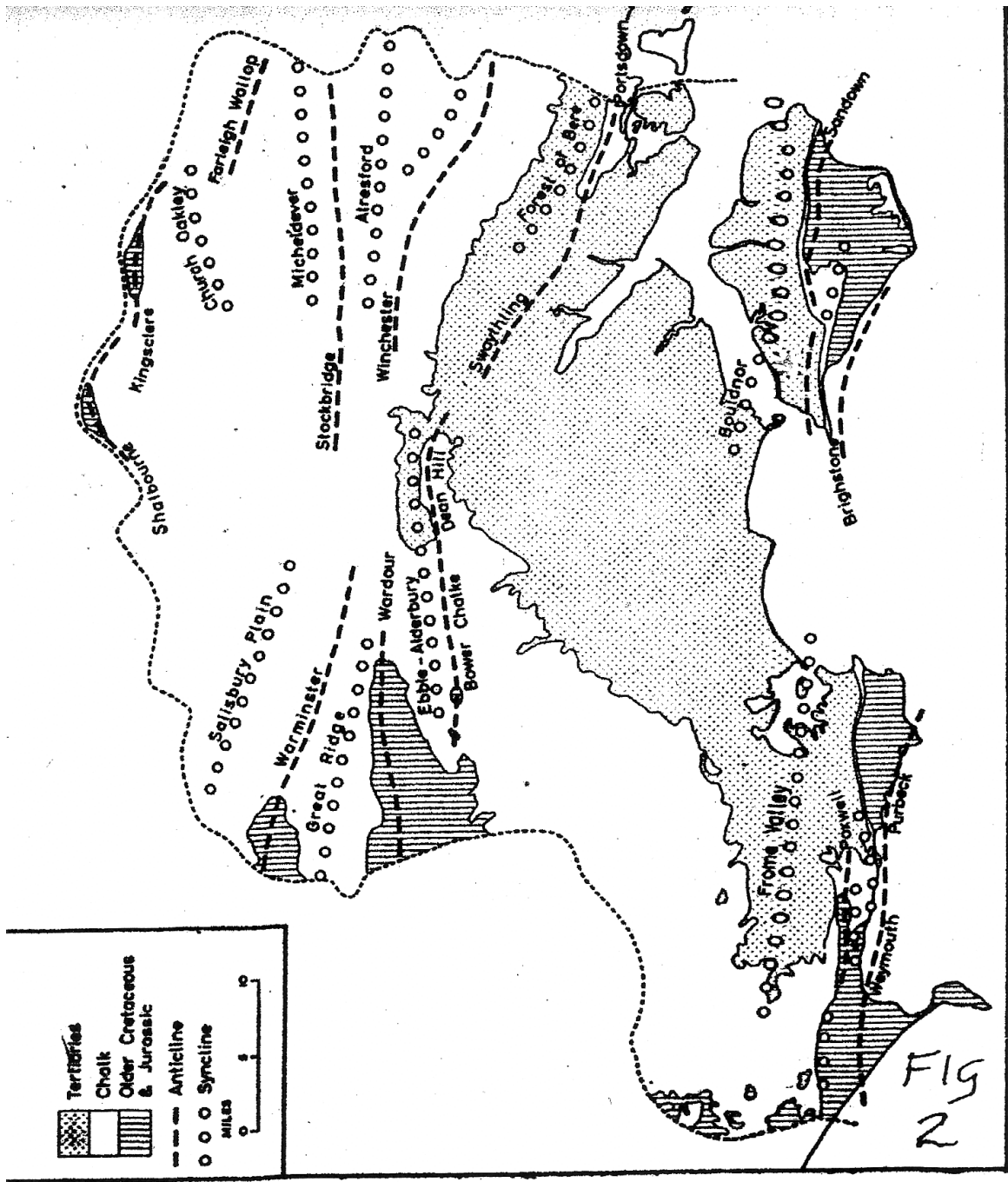
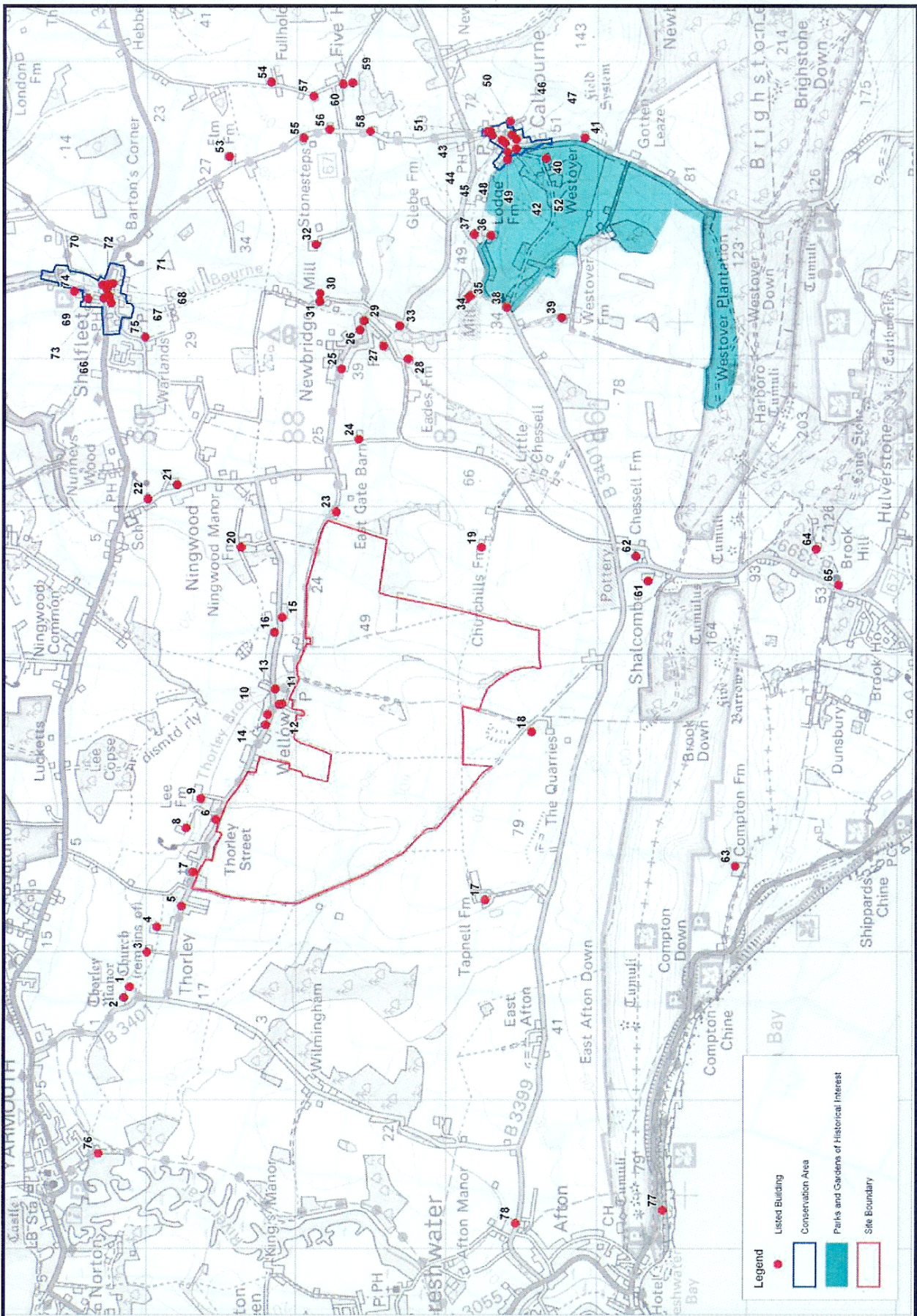


FIG 1



The geological structure of central south England.

FIGURE 3



Appendix 1 (pages 9-43)



Search title: Wind Turbine / related

Search conducted by Peter Thomas on 28/04/ 2006 101 results
Compass search ref: 28042006103551PT

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1 DCS No 100041615

WIND FARM (6 TURBINE-EACH 70M DIA/100M HEIGHT/2MW OUTPUT) ON PROMINENT RIDGE IN OPEN CSIDE ADJ SSSI-PREV APP 2003 WITHDRAWN-NO HARM TO RES AMENITY FROM SHADOW FLICKER/NOISE-NO RISK TO PUBLIC SAFETY-NO HARM TO INFORMAL RECREATION AMENITY-NO HARM TO WILD LIFE/SSSI-SIGNIF HARM TO LANDSCAPE CHARACTER/VISUAL AMENITY(CUMMULATIVELY WITH ESTAB WIND FARM)DUE TO TALL STRUCTURES ON SIGNIF VISIBLE FEATURE

Date 15/03/2006 Outcome: Dismissed
Inspector: I.LUMSDEN Appellant: GARVOCK HILL WIND FARM LTD
Address: EAST BRADDESTON FARM, BY LAURENCEKIRK
Authority: ABERDEENSHIRE Dec Type: Inquiry

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2 DCS No 100041362

Web Download Available

24 TURBINE WIND FARM IN LANDSCAPE OF COUNTY IMPORTANCE ADJ 2 NAT PARKS-HARM TO CHARACTER/APPEARANCE OF LCI & SETTING OF NAT PARKS-NOT OUTWEIGHED BY NATIONAL NEED FOR RENEWABLE ENERGY-STRONG EXPRESSIONS OF PUBLIC OPINION

In accepting his Inspector's recommendation, the secretary of state for trade and industry refused to issue a direction under section 90 of the 1990 Act that planning permission for a wind farm next to a national park be deemed to be granted. The proposal involved the construction of 24 wind turbines, together with access tracks, temporary hardstandings, two meteorological masts and an electricity substation. The inspector noted that the Energy White Paper gave recognition to the role of renewable energy supplies in tackling climate change. He remarked that its targets were ambitious and that it was acknowledged that there needed to be a step change to achieve such programmes. Wind energy, he accepted, was seen as having a crucial role. The Inspector further noted that PPS22 established the national framework for facilitating the delivery of renewable energy projects and provided recognition for the wider environmental and economic benefits of such proposals. He observed that all renewable energy projects, whatever their scale, were capable of contributing to the overall quantum of clean energy and the response to the damaging effects of climate change. In the case before him he found the scale of that contribution to be of considerable importance, and that there might be economic benefits, given the number of firms within the region that were associated with the energy industry. He also found that the energy likely to be generated at the site was significant in the context of conservative regional targets and the general desire to deliver even more where the targets were met. With regard to visual impact, the inspector noted that set amongst the key principles of PPS22 was the need to take account of environmental impacts in terms of landscape and visual effects. He assessed those effects as very serious having particular regard to the contribution of the site to a much wider landscape, part of which was of national importance. He expressed concerns about the highly damaging effect of the development on recreation and the appreciation of the wider landscape. He maintained his view on both these points, even, he confirmed, in the knowledge that climate change, if left unchecked, would result in a gradual and natural evolutionary degradation of the cherished landscape. The inspector came to the conclusion that the adverse impact on the landscape would be so great that it should be the determining factor leading to his recommendation of refusal.

Date 02/03/2006 Outcome: Dismissed
Inspector: D.ROSE/SOS Appellant: CHALMERSTON WIND POWER LTD
Address: WHINASH WIND FARM, NEAR TEBAY, CUMBRIA
Authority: CUMBRIA CC EDEN LAKE DISTRICT N.PK Dec Type: Inquiry

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

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Find more information on this type of development in **chapter 26.5 of Development Control Practice.**

3 DCS No 100040635

Web Download Available

10 WIND TURBINES/SUB STATION/ANEMOMETRY MAST IN OPEN COUNTRYSIDE/ADJ.AGLV-NO UNACCEPTABLE HARM DUE TO NOISE/VIBRATION/FLICKER-NO HAZARD TO ROAD SAFETY DUE TO DISTRACTION-NO HARM TO ECOLOGY(BIRDS)-AT 100M OVERALL HEIGHT TURBINES WOULD BE SUBSTANTIAL STRUCTURES HAVING MAJOR EFFECT ON CHARACTER/APPEARANCE OF AREA & VISUAL AMENITY OF NEIGHBOURING VILLAGES WHICH OUTWEIGHS SUSTAINABLE ENERGY BENEFITS

The erection of ten wind turbine generators were judged likely to give rise to unacceptable levels of visual impact, particularly in respect of a nearby village. The site comprised an area of arable farmland consisting of large fields. To the west lay a large area of coniferous woodland. The turbines would be sited a minimum of 250m apart, set against the woodland when viewed from certain directions. Each would have a 60m tall mast with a maximum rotor diameter of 80m. The inspector agreed that the characterisation of the landscape and the precise definition of character area boundaries, was not an exact science. He also accepted that the turbines would be substantial structures, being much taller than any other man-made feature in the immediate area. He also accepted the appellant's contention that the wind farm would become a defining characteristic of the local landscape. In his opinion the primary effect of the development would fall upon the nearest village, which would be unacceptably harmed by the proximity of two of the turbines. The latter he judged would have a dominating and over-bearing impact. Although the scheme would generate up to 27.5MW which would contribute towards renewable energy supply objectives, the adverse impact on the village was sufficient to withhold planning permission.

Date 11/01/2006 Outcome: Dismissed

Inspector: C.GOSSOP Appellant: LAUGHTON WIND FARM LTD

Address: LAUGHTON WIND FARM, MOUNT PLEASANT FARM, SCOTTER ROAD, LAUGHTON

Authority: WEST LINDSEY Dec Type: Inquiry

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4 DCS No 100040533

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9M WIND TURBINE IN REAR GARDEN OF DWELLING IN OPEN COUNTRYSIDE-NO HARM TO CHARACTER/APPEARANCE OF AREA-NO LOSS OF RES.AMENITY DUE TO NOISE/LIGHT FLICKER

The erection of a wind turbine generator, was approved after an appellant argued that it was part of his on-going programme of reducing his family's dependence on energy generated from fossil fuels. The turbine was to be supported on a nine metre high tower to which a 5.6 metre diameter rotor would be affixed. The council claimed that it would cause shadow flicker and create unacceptable noise disturbance to a neighbouring resident. The reporter disagreed. He noted that the turbine would generate noise at less than 5dB above the prevailing background noise level. Moreover since the closest residential properties were more than 100 m distant, shadow flicker would not be a problem. he decided.

Date 21/12/2005 Outcome: Allowed

Inspector: A.WALKER Appellant: SIMON RICHARDS

Address: EAST BURNHEAD COTTAGE, GLENBERVIE, STONEHAVEN

Authority: ABERDEENSHIRE Dec Type: Written Reps

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Find more information on this type of development in **chapter 12.10 of Development Control Practice.**

5 DCS No 100039292

26 TURBINE WIND FARM ON RECLAIMED MARSH IN LOCAL LANDSCAPE AREA-WOULD CONTRIBUTE TO RENEWABLE ENERGY TARGETS-LITTLE LOSS OF RES.AMENITY DUE TO NOISE/VISUAL INTRUSION-ANY ADD.HARM TO CHARACTER/APPEARANCE OF L.A WOULD BE REVERSIBLE-ACCEPTABLE RISK TO BIRDS IN S.P.A-HAZARD TO AIRCRAFT USING NEARBY AIRFIELD COULD BE OVERCOME BY RADAR-NOT OUTWEIGHED BY LOCAL OPPOSITION

Date 18/10/2005 Outcome: Allowed

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

Inspector: C.RICHARDSON/SOS **Appellant:** IPOWDER RENEWABLES LTD
Address: LITTLE CHEYNE COURT, WALLAND MARSH, KENT
Authority: KENT CC SHEPWAY **Dec Type:** Inquiry

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6 DCS No 100039105

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3 X 95M WIND TURBINES IN OPEN COUNTRYSIDE-ASSESSMENT OF LAND CONTAMINATION/STABILITY BY COND.-NO HARM TO RES.AMENITY DUE TO NOISE/DISTURBANCE-LOCAL SCREENING FEATURES & PATTERNS OF FIELDS & VEGETAION AT LONGER VIEWS WOULD RENDER THE TURBINES RELATIVELY INCIDENTAL IN A LANDSCAPE WHICH INCLUDES INDUSTRIAL ELEMENTS & EXISTING WIND FARM-OBJECTORS BALANCED WITH THOSE WHO SEE ADVANTAGES

The construction of three wind turbines on farmland was secured with an Inspector placing significant weight on the need to promote renewable energy supplies. The inspector observed that the existing landscape contained a mixture of lowland, ridge and valley and high limestone character types. It contained undulating pastures, groups of trees, hedges and minor roads flowing across a lowland plateau below the higher land to the south, he recorded. In his opinion although there would be local impacts which would include some change to "well loved views" across the plain, following the construction of three wind turbines, the change would be acceptable and could be absorbed by the landscape. He therefore allowed the appeal.

Date: 21/09/2005 **Outcome:** Allowed
Inspector: K.DURRANT **Appellant:** MR M JEFFERSON
Address: LAND AT HIGH POW FARM, BOLTON NEW HOUSES, WIGTON, CUMBRIA
Authority: ALLERDALE **Dec Type:** Written Repts

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7 DCS No 100038801

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8 WIND TURBINES WITH MAX HEIGHT OF 98M IN OPEN COUNTRYSIDE NEAR AONB BOUNDARY-LIMITED ON SITE ARCHAEOLOGICAL OR ECOLOGICAL INTEREST-NO HARM TO RES.AMENITY DUE TO NOISE/DISTURBANCE/FLICKER-NO HAZARD TO ROAD SAFETY DUE TO DISTRACTION-NEGGLIGABLE EFFECT ON AIRCRAFT SAFETY AT ADJ.AIRPORT-NEED FOR RENEWABLE ENERGY OUTWEIGHS HARM TO CHARACTER/APPEARANCE OF AREA/ADJ.AONB & RES.VISUAL AMENITY

An electricity provider gained planning permission for a wind farm at a site about five kilometres primarily because any harm to the landscape or aviation interests would be outweighed by need. The proposal entailed eight turbines of the horizontal axis type with three blades up to 38 metres in length, mounted on masts with a hub height above ground level of about 60 metres, giving a maximum blade tip height of about 98 metres. The wind farm was designed for an operational life of twenty years. An inspector found that the effect on aviation safety at a local airport would be negligible and the effect on airport capacity would be slight. He noted that about sixty percent of the written representations received at appeal stage objected to the development, but about forty percent supported it. He remarked that in his experience supporters of development proposals were generally less inclined than objectors to take the trouble to submit written representations, and that it was apparent from this evidence that a significant proportion of people, seeing the wind farm from places such as footpaths or roads, would feel positively towards it. He judged that the likely landscape and visual impact of the proposal would lie somewhere between what was claimed by the appellants or supporters of the proposal and what was claimed by the council or other objectors. The inspector considered that the need to provide energy from renewable sources, as set out in national policy and the regional spatial strategy, carried considerable weight. For the region and sub-region it was a pressing need, he held, bearing in mind the large scale of the shortfall between current provision and policy-based targets. He found that the development would have some harmful effects on the landscape and in other visual respects such as spoiling the view from residential properties. Any adverse impact on aviation would be minor, and not such as to justify refusing planning permission. He concluded overall that the wider benefits of the proposal in helping to meet a pressing need would outweigh its adverse impact on the local environment.

Date: 05/09/2005 **Outcome:** Allowed
Inspector: G.SELF **Appellant:** IPOWDER RENEWABLES LTD
Address: LAND AT KNABS RIDGE, KETTLESIN, HARROGATE, NORTH YORKSHIRE
Authority: HARROGATE **Dec Type:** Inquiry

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<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

Find more information on this type of development in **chapter 26.5 of Development Control Practice.**

8 DCS No 100038548

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2 WIND TURBINES IN OPEN COUNTRYSIDE-WOULD HELP TO MEET GOVERNMENT RENEWABLE ENERGY TARGETS IN AREA UNLIKELY TO BE MET BY OTHER MEANS-LITTLE HARM TO CHARACTER/APPEARANCE OF AREA-NO LOSS OF RES.AMENITY DUE TO NOISE/VISUAL INTRUSION/SHADOW FLICKER-WOULD NOT CAUSE HARM TO NEARBY EQUESTRIAN CENTRE BY FRIGHTENING HORSES-NO HUMAN RIGHTS BREACH-NO HARM TO BIRDS

An inspector in granting permission for the erection of two wind turbines questioned the council's interpretation of its own planning policies. The site comprised an expanse of arable land and the developers proposed to erect two turbines each 60m high with a three blade rotor 62m in diameter. Each would generate approximately 1.3MW and the application had been submitted under the 'windworks' scheme, which sought to encourage local landowners to participate in small scale energy projects. The inspector noted that the application had been recommended for approval by the council's officers. He recorded that the appeal site fell within an area identified in a local plan as being one of the most potentially viable locations for wind farms in the district and its suitability for such development had been carefully examined. However he noted that the council had refused permission on the basis that there was no need for the scheme notwithstanding the fact that a local plan policy supported on-shore wind schemes without the requirement to demonstrate that they met a proven need. Additionally he concluded that the council had also failed to take properly into account government advice on renewable energy in PPS22. The fact that renewable energy targets for the county could be met by schemes which already had planning permission, did not mean that further schemes should be refused or be required as a minimum to prove that they would make a significant contribution towards meeting targets, he opined. He noted that PPS22 made it clear that renewable energy targets should be set for achievement and the fact that any or all of them might have been met, should not be used as a basis for refusing permission. In his opinion the need to locate the turbines in a rural location had been demonstrated and it would make an appropriate and necessary contribution towards meeting government targets. The area did not fall within a special landscape the inspector noted and he concluded that they would not dominate the large scale open character of the area. In addition he did not believe that it would undermine the visual and residential amenity of local residents and he allowed the appeal.

Date 16/08/2005 Outcome: Allowed

**Inspector: D.CULLINGFORD Appellant: SPENCER FARM PRODUCE
Address: LAND AT THE HOLLIES, CROFT, SKEGNESS, LINCOLNSHIRE
Authority: EAST LINDSEY Dec Type: Inquiry**

Order this case as part of your Compass search by quoting result no:8 or DCS No: 100038548
Download this case at www.planningresource.co.uk/dcs/appeals quoting the DCS No.

Find more information on this type of development in **chapter 26.5 of Development Control Practice.**

9 DCS No 100038231

4 WIND TURBINES IN LANDSCAPE CHARACTER AREA-NO HARM TO CHARACTER/APPEARANCE OF LCA OR ADJ.AHLV-NO LOSS OF RES.AMENITY DUE TO NOISE-NO HAZARD TO AIRCRAFT-OBJECTIONS OUTWEIGHED BY BENEFITS OF RENEWABLE ENERGY SUPPLY

A scheme promoted by EDF Energy for four wind turbines, won support from an inspector who decided that the landscape was capable of assimilating the tall structures. The site lay in gently undulating countryside which had previously been subject to much coal mining activity. The appellants proposed that each turbine would have a hub height of 46m with a total height to blade tip of 76m, with each generating 1.3MW of electricity. The inspector recorded that the site lay within the magnesian limestone plateau landscape character area. He noted that the landscape appraisal suggested that the impact on the area would be localised. In his opinion the landscape surrounding the site was of moderate sensitivity and did not have the acute sensitivity of wilder and finer grained landscapes. With regard to the potential impact on aircraft safety, the inspector agreed that the technical assessments demonstrated that they would not harm the operation of local international airports. In respect of a local aerodrome, he also accepted that it would not place any significant obstacles to aircraft landing and taking off.

Date 28/07/2005 Outcome: Allowed

**Inspector: C.RICHARDSON Appellant: EDF ENERGY
Address: SOUTHERN LAW FARM, TRIMDON GARAGE, COUNTY DURHAM
Authority: DURHAM Dec Type: Written Reps**

Order this case as part of your Compass search by quoting result no:9 or DCS No: 100038231

Find more information on this type of development in **chapter 26.5 of Development Control Practice.**

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchrxf=2...> 28/04/2006

Appendix 1 (pages 9-43)

10 DCS No 100037336

50M ANEMOMETER MAST IN AREA OF BEST LANDSCAPE-NEED TO ASSESS WIND SPEEDS FOR RENEWABLE ENERGY GENERATION OUTWEIGHS SLIGHT HARM TO CHARACTER/APPEARANCE OF ABL

Date 18/05/2005 **Outcome:** Allowed

Inspector: D. METCALFE **Appellant:** THE ENERGY WORKSHOP

Address: LAND WEST OF BULLOCK ROAD, COPPINGFORD, CAMBRIDGESHIRE

Authority: HUNTINGDONSHIRE **Dec Type:** Written Reps

Order this case as part of your Compass search by quoting result no:10 or DCS No: 100037336
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

11 DCS No 100036873

1)21X2MW WIND FARM 2)OPENING OF 3 SMALL BORROW PITS-25 YR PP GIVEN-5.6SQKM OPEN MOORLAND SITE-SHALLOW RIDGE OF HILLS-100M TOTAL HEIGHT-NOTES E.S/ENVIRON.STATEMENT-VIS INTRUSION ALLEGED-SITING/SLENDER DESIGN OK-ON SKYLINE BUT WOULD APPEAR VERY SMALL IN DISTANT VIEWS-RES AMENITY HARM SUBJECTIVE-SOME EMPL.BENEFIT-2)EXCAV.OF MATRL FOR ACCESS ROADWAY OK-

Date 11/04/2005 **Outcome:** Allowed

Inspector: T.A.CROFT **Appellant:** RENEWABLE ENERGY SYSTEMS LTD

Address: HILL OF TOWIE, KNOCKAN, AND MACHATTIES'S CAIRN, DRUMMER ESTATE, KEITH, BANF

Authority: MORAY **Dec Type:** Written Reps

Order this case as part of your Compass search by quoting result no:11 or DCS No: 100036873
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

12 DCS No 100036756

8 WIND TURBINES IN SLA-LAPSED PP FOR 12 SMALLER TURBINES-SOME HARM TO CHARACTER/APPEARANCE OF SLA OUTWEIGHED BY BENEFITS OF RENEWABLE ENERGY

Eight wind turbines at a site in the south Wales valleys were allowed because their contribution to the generation of renewable energy far outweighed any visual harm. An inspector held that the most important aspect of the landscape in the area of the site was the openness of the uplands in contrast to the steep sided and highly developed valleys. He opined that there was no question that the wind farm would have a significant effect on the landscape character. He remarked that it was not possible to hide turbines or to mitigate their presence by normal local landscaping schemes. However, in terms of development plan policies, it appeared to him that the proposed siting of the turbines had been carefully considered so as to minimise the harmful effects. He noted that the turbines would reflect the local ground topography and make maximum use of the width of an upland ridge to reduce the visibility of the turbines from the bottom of the valleys. He considered that there would be some harm to the landscape and visual quality of the area but, given the size of the turbines, reasonable steps had been taken to minimise their harm. The inspector noted that the site was included within the Rhondda landscape of special historic interest, but it appeared to him that it was the settlements along the valley floors which were of the greatest significance. He considered that any harm to this aspect would be relatively moderate. With regard to visual amenity, the inspector noted that the nature of the valley settlements was that views of the tops of the hills were often screened by the terraced houses fronting the streets. In many areas the views of the wind farm would be a glimpse between buildings rather than of a clear unobstructed view. In other areas the wind farm would be clearly visible and would have a significant effect on the visual amenity of the persons affected. He remarked that some people might find that objectionable whilst others might not, but there were no dwellings located so close to the nearest turbine to be completely dominated by the proposal. He concluded on this issue that the wind farm would be visible over a wide area of the upland plateau but would represent only a small man made intrusion which would not dominate the views. Having identified the likely level of impact of the proposal the inspector balanced any harm against its benefits. He held that the proposal would make a significant contribution to the generation of renewable energy with the related savings in the production of green house gases. It would also add to the security of supply of electricity generated in the UK and connected locally to the grid. These benefits would help to achieve UK and National Assembly government targets for the generation of renewable energy. He considered that these benefits far outweighed any harm which would result from the proposal in respect of effects on the landscape setting and visual amenity of the area or on the historic and cultural character of the area.

Date 06/04/2005 **Outcome:** Allowed

Inspector: S.WILD **Appellant:** ARTS FACTORY

Address: MYNYDD THIN TYLE, S/O TOWN FERNDALE, N/W OF PENRHYS

Authority: RHONDDA CYNON TAFF **Dec Type:** Inquiry

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Appendix 1 (pages 9-43)

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

13 DCS No 57300286

10 WIND TURBINES ADJ.COASTAL NUCLEAR POWER STATION-NEED FOR RENEWABLE ENERGY OUTWEIGHED BY HARM TO CHARACTER/APPEARANCE OF AREA & TO AMENITY OF RES.WITH NO FINANCIAL STAKE DUE TO NOISE/OUTLOOK/Flicker-POTENTIAL HAZARD TO ECOLOGY (BIRDS)

A reporter in rejecting a scheme by CRE Energy on the north coast of Scotland near to the Dounreay nuclear establishment, concluded that the wind turbines would unacceptably harm the outlook of local residents. The scheme involved the erection of two rows of five wind turbines parallel to each other. Each would have a hub height of 60m with a maximum blade tip height of 93m above ground level. The appellants argued that their impact of the scheme had been undertaken in accordance with standard landscape assessment methodology and was transparent and rigorous. In contrast the assessment used by objectors to the scheme had been subjective and idiosyncratic, they asserted. The Inspector decided that in deciding upon the likely landscape impact, the assessments provided by the appellants were professionally sound and technically accurate. However he had to make his own judgements based upon the evidence and from his own site visits to the area. In his opinion the deciding issue was the effect of the turbines on the outlook of residents living within 650 metres of the development. He could not with a "clear conscience" conclude that the views from these houses would not be unacceptably dominated by the wind farm. In addition he held that there were also unresolved issues in respect of noise impact and it would in his view be inappropriate to impose conditions limiting noise levels, which might not prove effective. In arriving at the planning balance, the reporter noted that the Scottish Executive was strongly supportive of developing renewable energy sources. In his view this meant that for schemes to be rejected, it must be shown that there was more than minor environmental harm or marginal conflict with planning policies. In the case before him, he decided that the impact on residents who had no financial stake in the development, was overruling and in clear breach of development plan policies.

Date: 03/03/2005 **Outcome:** Dismissed
Inspector: W.PATTERSON **Appellant:** CRE ENERGY
Address: BORROWSTON MAINS, DOUNREAY, THURSO, CAITHNESS
Authority: HIGHLAND **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:13 or DCS No: 57300286
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

14 DCS No 59645023

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WIND TURBINE (50m HUB HEIGHT/62m ROTOR DIAMETER) ADJ.M4 M'WAY/AIRFIELD IN AONB-NO HAZ.TO AIRFIELD SAFETY-HARM TO RES.AMENITY DUE TO NOISE/OUTLOOK LOSS-SITE OF INSUFFICIENT SIZE TO ACCOMMODATE SUFF.SCREENING SO HARM TO CHARACTER/APPEARANCE OF AONB

The erection of an 82m high wind turbine within an AONB, was rejected by an inspector who placed weight on the conclusions of a management plan for the area. The appellant stated that he had purchased the site, which was located on the north side of a motorway and close to a service area, in order to develop a wind energy scheme. The 1.3MW turbine would he claimed, be capable of meeting the energy needs of between 600 and 1,000 dwellings over a 20 year period. The inspector noted that the plans accompanying the application indicated that the turbine and rotor blades would be visible over a considerable part of the AONB. While a management plan for the AONB did not seek to exclude all forms of renewable energy development, it suggested that the impact of wind turbines should be mitigated by off-site planting, the inspector observed. In the case of the proposal various important views could be obtained with the natural contours of the land, providing only partial screening. In the absence of a landscaping scheme which mitigated views from these directions and which contributed to the scenic qualities of the area, the impact of the wind turbine was unacceptable, the inspector determined. With regard to the impact on nearby residential properties, the inspector concluded that at least two properties would have direct views of the turbine and their occupiers would be subject to the full visual impact of the rotating blades for considerable periods of time. Unlike the potential to provide landscaping within the context of the management plan for the AONB, views from the two properties could not be mitigated because they would require agreement with private individuals.

Date: 14/12/2004 **Outcome:** Dismissed
Inspector: D.LAVENDER **Appellant:** MATTHEW PARTRIDGE
Address: BAYDON MEADOW, BAYDON ROAD, WEST BERKSHIRE
Authority: WEST BERKSHIRE **Dec Type:** Written Reps

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Appendix 1 (pages 9-43)

15 DCS No 48406673

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6 WIND TURBINES IN OPEN COUNTRYSIDE ADJ. ANCIENT MONUMENT-NO HARM TO NEARBY NAT. PARK-HARM TO RES. AMENITY/CHARACTER/APPEARANCE OF AREA & SETTING OF ANCIENT MON. OUTWEIGHS CONTRIBUTION TOWARDS RENEWABLE ENERGY TARGETS

The Welsh Assembly government agreed with one of its inspectors and refused to allow an appeal seeking the erection of six wind turbines, concluding that the adverse harm to the landscape outweighed the need to increase electricity generation from renewable energy sources. The inspector noted the photomontages and wire frame diagrams, which had been produced by the appellants. He agreed that while they were useful in illustrating the visual impact of the proposed turbines, it was inappropriate in his opinion to make judgements on the basis of these alone. He agreed that the turbines would not adversely affect the setting or character of a national park, which was some distance away. However in his view they would adversely affect the setting of a common and mar a largely unspoilt rural landscape, dominating the character within two kilometres of the site. In addition it would adversely affect the setting of an ancient hill fort which was a designated ancient monument. Set against this harm was the contribution it would make towards meeting renewable energy targets and reducing the emissions of carbon dioxide and other greenhouse gases. In his opinion the visual impact coupled to the noise generated by the turning blades, would detract from the peace and tranquillity of the common and while it might be argued that the greater public interest justified building the wind farm, this was not a view he shared and the Welsh Assembly government agreed.

Date 07/12/2004 **Outcome:** Dismissed

Appellant: WINDJEN POWER LTD

Address: LLETHERCYNON FARM, GARTHBRENBY, BRECON, POWYS, LD3 9TZ

Authority: POWYS **Dec Type:** Inquiry

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16 DCS No 30635713

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VAR. OF HEIGHT RESTRICTIONS ON 2 EXTANT PP'S FOR 5 WIND TURBINES IN OPEN COUNTRYSIDE- INCREASED HEIGHT WOULD MAKE A LARGER CONTRIBUTION TOWARDS RENEWABLE DEVT TARGETS & NO HARM TO CHARACTER/APPEARANCE OF AREA

A reporter agreed to vary a condition imposed on a planning permission for five wind turbines, concluding that the proposed increase in their height would not have a harmful impact on a scenic area. A planning permission granted in 2002 allowed the erection of five turbines with a blade tip height of 53.5m. However the appellants sought the installation of turbines with a blade tip of 99.3m. Such an increase they claimed would allow them to install wind turbines capable of generating up to 2MW of electricity apiece. The council claimed that the additional increase in height would exacerbate the conspicuous nature of the turbines, with the turning blades capable of being viewed over a much wider area. This impact when taken in combination with another wind farm nearby, would erode the character of the area to an unacceptable degree, it argued. The reporter noted that the larger turbines would lead to a significant increase in electricity output compared with the approved scheme. It would therefore make a larger contribution to meeting national renewable energy targets. Although he could understand the frustration of the council and local residents at being faced with an increase in the height of the turbines, he decided that they would not have an unacceptable impact on the landscape and consequently varying the condition was acceptable in policy terms.

Date 09/11/2004 **Outcome:** Allowed

Inspector: M. MAHONY **Appellant:** MR & MRS NEWART

Address: CARLESGILL HILL, LANGHOLM

Authority: DUMFRIES & GALLOWAY **Dec Type:** Written Reps

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17 DCS No 53132559

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8 WIND TURBINES TO REPLACE 10 SMALLER TURBINES IN OPEN COUNTRYSIDE/AONB-NO HARM TO CHARACTER/APPEARANCE OF AONB DUE TO 2< INCREASE IN HEIGHT-NO INCREASED HARM TO RES. AMENITY DUE TO NOISE/DISTURBANCE/LOSS OF OUTLOOK

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

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The erection of eight 2MW wind turbine generators in an AONB, was permitted as an acceptable replacement of 10 smaller wind turbines. The proposal involved dispersing the structures over a larger area of moorland pasture, an inspector noted. However in his view this would not compromise the qualities and objectives of the AONB. Moreover the seven-fold increase in electricity generation would play an important role in meeting regional targets for renewable energy, he decided.

Date 13/10/2004 **Outcome:** Allowed

Inspector: K.DURRANT **Appellant:** HAINSFORD ENERGY CATON MOOR LTD

Address: CATON MOOR WIND FARM, LITLED ALE, CATON WITH LITLED ALE, LANCAHIRE, LA2 9ET

Authority: LANCASTER **Dec Type:** Written Repts

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18 DCS No 33442105

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7 TURBINE WIND FARM IN OPEN COUNTRYSIDE-CONSISTENT WITH DEV'T PLAN-NEED FOR RENEWABLE ENERGY & NO HARM TO CHARACTER/APPEARANCE OF AREA OR TO RES.AMENITY DUE TO NOISE

A reporter granted permission for the erection of seven wind turbines, concluding that the scheme should be permitted subject to an extensive list of conditions. Tetro Energy Ltd argued that the 75m high turbines would meet government targets in terms of generating renewable energy and reducing carbon dioxide emissions. The company asserted that there would be no unacceptable adverse visual effects and it would create significant economic and social benefits to the area. The reporter decided that some development plan policies, which had been adopted over 15 years ago, were of little relevance to the appeal proposal. The general suitability of the site for wind energy development was supported by structure plan policies and the landscape was not specially protected. The impacts of the turbines would be relatively modest and the cumulative impact with other schemes which had yet to receive planning permission, was not a valid basis for refusing permission, he concluded. He decided that permission should be granted subject to various conditions. He agreed that a condition should be imposed which provided the council with information on wind speed and direction. This would assist the council in assessing the suitability of other sites in its area and the likely performance of individual wind farms. In addition he agreed that conditions limiting the noise output from each turbine should be imposed. Finally a condition requiring the developer to monitor and record the number of bird strikes was also imposed in order to assess the impact on local and migrant species.

Date 22/09/2004 **Outcome:** Allowed

Inspector: P.HUTCHINSON **Appellant:** TETRO ENERGY LTD

Address: MAINS OF DUMMIE & EAST MAINS OF DUMMIE, DRUMBLADE, HUNTLY

Authority: ABERDEENSHIRE **Dec Type:** Written Repts

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

19 DCS No 33278789

2 x 67m HUB HEIGHT WIND TURBINES AT COASTAL CHEMICAL WORKS-ENVIRONMENTAL/SOCIAL & ECONOMIC BENEFITS OUTWEIGH SLIGHT HARM TO CHARACTER/APPEARANCE OF AREA DUE TO VISUAL IMPACT-NO INCREASED HARM TO RES.OUTLOOK OR TO RES.AMENITY DUE TO NOISE/SHADOW FLICKER

Date 01/09/2004 **Outcome:** Allowed

Inspector: K.SMITH **Appellant:** VORIDIAN ENGLAND LTD

Address: VORIDIAN ENGLAND LTD, SIDDICK, WORKINGTON, CUMBRIA, CA14 1LG

Authority: ALLERDALE **Dec Type:** Written Repts

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

20 DCS No 30557828

Web Download Available

11X 79M HIGH WIND TURBINES & EQUIP.ON MOUNTAIN TOP IN S.L.A.ADJ.5 ANCIENT MONUMENTS-NO HARM TO ARCHAEOLOGY-HARM TO CHARACTER/APPEARANCE OF S.L.A./FAR REACHING VIEWS & OPENNESS OUTWEIGHS RENEWABLE ENERGY POLICY

The erection of 11 wind turbine generators was rejected after an inspector concluded that the appellants

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landscape character analysis was seriously deficient. The proposal involved erecting eleven 79m high turbines with a combined generating capacity of 19.25MW. The turbines would have a maximum hub height of 46m and a maximum rotor diameter of 66m. Eight of the turbines would occupy locations on the summit of a nearby mountain plateau at elevations of between 550-560m above sea level. In assessing various matters, the inspector decided that the landscape character analysis carried out as part of the environmental impact assessment accompanying the application, was seriously deficient. It essentially comprised a desk top study and was not informed or verified by systematic fieldwork in establishing the baseline character, quality and sensitivity to change. For the appeal, the appellant had not taken the opportunity to re-evaluate the baseline landscape character once national guidelines which established the quality of different landscape characteristics had been published for the whole of Wales. The latter provided a suitable indicator of the high quality of the area and while there were some tall man-made features in the locality, the 11 wind turbines would be much larger and extend over a much greater area. He decided that the greatest impact upon the summit of the plateau, together with upland ridges radiating from it. He determined that even at between eight and nine kilometres distant, the turbines because of their elevation, scale and characteristic movement, would be a prominent feature and the environmental statement seriously underplayed the magnitude of the impact. The inspector acknowledged the need to balance the benefits of developing energy production from clean, renewable sources against the protection of important landscapes. He decided that the landscape impact of the scheme was of overriding concern and this justified dismissing the appeal.

Date: 25/08/2004 **Outcome:** Dismissed
Inspector: A.NIXON **Appellant:** AMEC WIND
Address: SITE AR WERFA, NANT-Y-MOEL, BRIDGEND
Authority: BRIDGEND **Dec Type:** Inquiry **Costs:** N

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

21 DCS No 53481678

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OFFSHORE WINDFARM IN SWANSEA BAY-NOT NEC.TO CONSIDER ALT.SITES-SOS O'TURN AS HARM TO CHAR/APPEAR OF AREA/VISUAL AMENITY & POTENTIAL EFFECT ON LOCAL TOURISM OUTWEIGHED BY BENEFITS OF HELPING TO MEET 10% RENEWABLE ENERGY TARGETS FOR UK

The Welsh Assembly Government issued a decision that it was minded to grant planning permission for the construction of a wind farm, despite receiving an inspector's report which recommended that permission should be denied. United Utilities Ltd sought permission together with an order under the Transport and Works Act 1992, for the construction of 30 wind turbines. Each turbine would be capable of generating 3.6MW (megawatts) providing a total capacity of 108MW. The height of each turbine hub would be 83m with a maximum height to blade tip of 135m. An inspector noted that the wind farm would have the ability to supply 82,000 homes with electricity and despite the limitations of the intermittent nature of the power generated, it would be capable of making a significant contribution towards renewable energy targets. Moreover there was no convincing evidence that it was impracticable to build the scheme in off-shore waters. With regard to alternative sites, the inspector concluded that the chosen site appeared to have been selected without looking in detail at other locations. Therefore it was not possible to conclude that other sites within the area might not be equally suitable or potentially more suitable than the chosen site. In respect of the main issue identified by the inspector relating to the visual impact of the turbines, he concluded that because of their height they would be visible over a very wide area. However the majority of observers would view them from distances of six kilometres or more and this effectively reduced their apparent size. He decided overall that the visual impact would be significant and harmful from viewpoints and its immediate hinterland. This included the harbour and two golf clubs. When viewed from these locations, the turbines would be silhouetted against the horizon, an effect which would be exacerbated when the sun was setting in the west. In dealing with other issues, such as the impact on the local tourism industry, the inspector decided that it was difficult to quantify the degree of effect. The introduction of large scale man-made features directly off the coast would have a very significant impact on golfers, walkers, surfers and others undertaking recreational and leisure activities. It would not be possible to calculate the effects until after the wind farm had been built, he determined. Overall the inspector decided that the planning balance lay against granting permission. The harmful visual effects were sufficient to outweigh the benefits of securing renewable energy for the country. In assessing the inspector's report the Welsh Assembly Government agreed that the determining issues involved a balance between the benefits of the production of renewable energy set against the disbenefits of the effects of the proposal on the visual amenity and the related impact on tourism and recreation. The government decided that although the scheme would have a visual impact on the area, the perception of such impact varied with each individual and was to a degree subjective. In its view the production of renewable energy was of overwhelming significance and this was sufficient to justify granting permission subject to final approval by the Assembly Members after the Summer recess.

Date: 06/07/2004 **Outcome:** Allowed
Inspector: S.WILD **Appellant:** UNITED UTILITIES SCARWEATHER SANDS LTD
Address: SCARWEATHER SANDS, 11KMS S/O PORT TALBOT, NEATH PORT TALBOT
Authority: NEATH PORT TALBOT **Dec Type:** Call in

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22 DCS No 49490234

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20 WIND TURBINE WIND FARM IN ACNB ADJ./GLV-RES.OUTLOOK/NOISE/SHADOW FLICKER/PUBLIC SAFETY OK-LOCAL EMP.& RENEW.ENERGY BENEFITS OUTWE'ED BY CONSOLIDATION OF MAN MADE STRUCTURES SO OUT OF KEEPING & HARM CHARACTER/APPEAL..OF AONB DUE TO SCALE/VISUAL IMPACT

A wind farm consisting of 20 wind turbine generators over 100 metres high, was rejected after an inspector decided that they would introduce strong vertical elements into a landscape dominated by horizontal features. The site lay inland from a coastal resort and comprised part of a 430ha area of flat, agricultural land in the open countryside. The inspector noted that the area had few notable features and concluded that within a four kilometre radius of the site, the turbines would have a significant effect on the landscape. In particular they would be clearly seen by residents, workers and holiday makers. She determined that the turbines would introduce "strong vertical elements" into an essentially flat landscape. While this was not necessarily a bad thing, the inspector opined, the magnitude of the change was influenced by their appearance, materials and movement, which would draw the eye in any otherwise still landscape. This harm outweighed the need to promote renewable energy developments and the lack of objections to the scheme on other grounds. Comment: The case highlights the inevitable tension between on-shore renewable wind energy developments and the need to protect the countryside for its own sake. In the case of the appeal site, it was not subject to any national landscape protection. However the overall height of the turbines in excess of 100 metres to blade tip together with their number and construction, was judged to be visually overwhelming notwithstanding the "big skies" argument advanced by the appellants. However on other aspects of the scheme including noise impact, visual impact and the effect on the local tourist industry, the inspector found in favour of the appellants.

Date 22/06/2004 Outcome: Dismissed
Inspector: D.BURROWS Appellant: MARK CAUDWELL LTD
Address: LAND N/O MARSH LANE, HOGSTHOF,PE
Authority: EAST LINDSEY Dec Type: Inquiry

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

23 DCS No 37424244

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3 x 50m WIND TURBINES WITH 62m DIAMETER ROTORS ADJ.RESERVOIR IN OPEN COUNTRYSIDE-NO HARM TO TOURISM OR TO RES.AMENITY DUE TO NOISE/HEALTH-NO HAZ.TO AIRCRAFT AT ADJ.AIRFIELD-APPROP.& NEC.CONTR.TOWARDS RENEW.ENERGY NEEDS: OUTWEIGHS EFFECT ON LANDSCAPE

The development of three wind turbines won support from an inspector who concluded that there was a degree of urgency associated with the provision of renewable energy development in the county as a whole. The site lay within an area of search for on-shore wind energy schemes and the three 50m high turbines would generate a total of 3.9MW of electricity. In recommending the scheme for approval the planning officers had concluded that it would make an important contribution towards meeting national and regional targets for renewable energy production and would not harm the local landscape. The inspector noted that the county council had approved a policy which supported the provision of 151MW of electricity from the use of renewable energy sources by 2010. Of this he observed that two-thirds of the total was likely to be needed from on-shore wind energy developments which was the equivalent of building 26 schemes with the capacity of the appeal proposal over the next six and a half years. He determined that the impact of the turbines on the local landscape which already contained a number of man-made features, would not be unacceptably harmful. It would not undermine the tourism interests of the locality and subject to an appropriate condition, would not erode the amenity of residents by virtue of noise disturbance

Date 13/05/2004 Outcome: Allowed
Inspector: D.CULLINGFORD Appellant: MR & MRS P F GEORGE
Address: LAND AT HIGHER DARRACOTT, ADJ.TO DARRACOTT RESERVOIR, GREAT TORRINGTON
Authority: TORRIDGE Dec Type: Inquiry Costs: N

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24 DCS No 32143237

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181.5M WIND TURBINE AT COASTAL SITE-HARM TO VISUAL & RES. AMENITY DUE TO SIZE & SCALE-HARM TO HIGHWAY SAFETY DUE TO DISTRACTION

A 181.5 metre high, 4.5MW wind turbine generator was rejected because the need for the development of a renewable energy scheme on the site was outweighed by its effect on residential amenities and highway safety. The coastal site consisted of a small part of a flat area of land on the edge of a very extensive petro-chemicals plant and complex which was in the course of being shut down. It was proposed to erect a single wind turbine generator with a conical steel tower, some 125 metre to hub height, supporting a three bladed rotor with a diameter of approximately 113 metres. Its overall height to blade tip would be 181.5 metres. The rotor speed would be variable between 8 to 12 rpm, with the rotor sweeping an area of approximately 10,000m². An inspector remarked that the proposed wind turbine was the largest of its kind in the world, taller than Big Ben, the London Eye or Blackpool Tower. He opined that it would be a highly visible and prominent structure and would tower over the power station stack at 80 metres high. He did not accept that the proposal should be assessed purely in the context of its industrial surroundings. Not only were its impacts likely to be considerable over a wide area of contrasting urban, rural, foreshore and seascape landscapes, but the appeal site immediately adjoined an extensive area of dunes, burrows and a sandy beach. He held that in the wider landscape the wind turbine would intrude significantly on the extensive vistas across the bay to the horizon and Mumbles Head and also towards the rural hills, which served as an attractive backdrop to the highly urbanized coastal plain. The inspector judged that the wind turbine was unlikely to result in undue noise disturbance to residents. However, it would appear highly intrusive and dominating with the moving blades being particularly distracting and somewhat intimidating. This impact would be unavoidable and ever present with resultant likely harm to the residential and visual amenities over a large part of the nearby residential estate. The inspector also considered that the wind turbine would be an unfamiliar structure to many users of the highway network within three to four kilometres of the site and would be an object of considerable curiosity that would command attention and be a distraction. It would therefore constitute a traffic hazard that would be likely to harm interests of highway safety. In undertaking a balancing exercise, the inspector accepted that renewables were an essential ingredient of the climate change programme and the encouragement of on-shore wind power was an important component of it. However, he did not consider that the necessity to develop such a renewable source of energy on the site was sufficient to outweigh the clear planning and highway objections.

Date: 28/04/2004 **Outcome:** Dismissed
Inspector: D. SHEERS **Appellant:** ENERGYTECH LTD
Address: LAND S/W OF BP BAGLAN BAY, PORT TALBOT
Authority: NEATH PORT TALBOT **Dec Type:** Written Reps

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Find more information on this type of development in **chapter 19.1 of Development Control Practice.**

25 DCS No 43734833

WIND TURBINE AT DWELLING IN OPEN COUNTRYSIDE IN S.L.A IN GREEN BELT-HARM TO CHARACTER/APPEARANCE OF AREA DUE TO DESIGN

Date: 11/03/2004 **Outcome:** Dismissed
Inspector: D. RUSDALE **Appellant:** MR & MRS G KERSHAW
Address: HARBOUR LODGE, HOWARTH MOOR, KEIGHLEY
Authority: BRADFORD **Dec Type:** Written Reps

Order this case as part of your Compass search by quoting result no:25 or DCS No: 43734833
Find more information on this type of development in **chapter 12.8 of Development Control Practice.**

26 DCS No 30591270

2 x 70.5m WIND TURBINES IN OPEN COUNTRYSIDE-MATERIAL CHANGE TO THE APPEARANCE OF THE LANDSCAPE IS NOT NECESSARILY HARMFUL & OUTWEIGHED BY BENEFITS OF RENEWABLE ENERGY

Date: 25/02/2004 **Outcome:** Allowed
Inspector: G. GRINDEY **Appellant:** MR & MRS D TOMS
Address: ROSKROW BARTON FARM, ROSKROW, PENRYN, CORNWALL
Authority: KERRIER **Dec Type:** Written Reps

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

27 DCS No 38321338

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8 x 87m WIND TURBINES ON SET ASIDE LAND ADJ. SEWAGE WORKS IN OPEN C/SIDE - WOULD MAKE A SIG. CONTR. TO RENEWABLE ENERGY TARGETS - RURAL LOC. REQ. & NO SIG. HARM TO CHAR./APPEAR. OF AREA FROM PROPOSAL OR CUMULATIVELY - NO HARM TO RES. AMEN. DUE TO NOISE/LIGHT FLICKER

Planning permission was granted for the erection of eight wind turbines, an inspector concluding that they would create an imposing vertical focus which would contrast with the horizontal monotony of the landscape. The eight 600kW turbines were proposed on a bleak expanse of flat arable land near a sewage treatment works. The council claimed that they would harm the character of the area and if approved in an ad-hoc manner without a coherent regional framework, would also lead to undesirable incremental change, which would compound the harm. The Inspector decided that a significant 'step change' was required in order to get anywhere near government targets for renewable energy. He noted that regional and county wide targets were emerging and the site lay within a coastal strip which was identified as being highly suitable to accommodate wind energy developments. Although the turbines would be prominent they would not have an adverse impact on the landscape. They would contribute towards meeting renewable energy targets and subject to a suitable noise condition, would not adversely affect the amenities of local residents, he concluded.

Date 23/02/2004 **Outcome:** Allowed

Inspector: D. CULLINGFORD **Appellant:** ECO-RICITY

Address: LAND AT BAMBER'S FARM, MILE LANE, MABLETHORPE, LINCOLNSHIRE

Authority: EAST LINDSEY **Dec Type:** Written Reps

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

28 DCS No 34566811

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a)12 b)3 WIND TURBINES AT 2 SITES IN OPEN C/SIDE - a) HARM TO CHAR./APPEAR. OF AREA/VIS. AMENITY OF USERS OF FOOTPATHS & CUMULATIVE IMPACT b) CONTR. TO NATIONAL RENEWABLE ENERGY TARGETS/AID TO FARM DIVERSIFICATION & ACCEPTABLE EFFECT ON CHAR./APPEAR. OF AREA

The deputy prime minister granted planning permission for the erection of a cluster of three wind turbine generators, concluding that their landscape impact would be acceptable. In so doing he placed little weight on emerging guidance within PPS22 and imposed a 35 decibel noise limit on their operation. In parallel he also refused to sanction the construction of a wind farm consisting of 12 turbines, accepting his inspector's conclusion that the local impact of the scheme was sufficient to outweigh any benefits associated with promoting renewable energy development. The smaller proposal involved three turbines with a maximum blade tip height of 91m and having a total generating capacity of 3.9MW. The appellant argued that it would make a small but measurable contribution towards meeting national and regional renewable energy targets. While they would have a localised impact surrounding the town, it would not undermine their intrinsic character. In assessing these matters, the inspector noted that the turbines would occupy ground forming part of the moors above the town. He observed that the site faced local and middle distant views embracing the town's urban edge, industrial land and man made structures. He concluded that although the impact on the local character and visual amenity would be significant for those who were close to them, he decided that they would tend to reinforce the character of the urban fringe. This conclusion was reinforced by the lack of local opposition, limited public access by footpaths and the modest number of turbines involved. In addition he agreed that it was a matter of balance and judgement, assessing the impact on the landscape with the need to promote renewable energy schemes. He decided that in addition to meeting renewable energy targets, it would also support the diversification of the appellant's farm. Taken as a whole these matters justified granting permission. With regard to the larger proposal promoted by United Utilities Green Energy Ltd., the inspector noted that 12 turbines were proposed with a maximum blade tip of 72.5 metres and having the capacity to generate 12MW of electricity. He decided on the basis of the evidence that the site was relatively self-contained and faced away from the town. He noted that national and structure plan policies accepted that wind energy developments may have to be accepted in areas which gave rise to local landscape impacts, if renewable energy targets had to be met. However he determined that the local impact taken in combination with the cumulative impact of another wind farm, would exceed the environmental capacity of the site. Despite the presence of overhead power lines, the proximity of the site to a community woodland, together with its use for informal recreation, justified rejecting the scheme. Moreover he asserted that adverse direct views from individual houses, might not normally be decisive, in this case local residents would collectively feel that their daily lives were dominated by the structures. In agreeing that the larger scheme should be rejected, the deputy prime minister also stated that the draft advice published in PPS22 on renewable energy while a material consideration, should be given limited weight. In granting permission for the smaller scheme he imposed a condition which required that the maximum noise level from the turbines, should not exceed 35 decibels.

Date 23/02/2004 **Outcome:** Allowed/Dismissed

Inspector: K. DURRANT/SOS **Appellant:** UNITED UTILITIES GREEN ENERGY LTD & MISS J E HASELDEN

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Appendix 1 (pages 9-43)

Address: LAND AT CROWN POINT & CLOWBRIDGE RESERVOIR, CLOWBRIDGE, BURNLEY
Authority: BURNLEY **Dec Type:** Call in

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29 DCS No 36156348

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11 X 49M WIND TURBINES IN CONS.AREA ADJ.GR I HISTORIC PARK/ANCIENT MONS.-BENEFITS OF RENEWABLE ENERGY SOURCE & ECONOMIC/EMPLOYMENT BENEFITS OUTWEIGHED BY HARM TO SETTING OF PARK/MONUMENTS & CHARACTER/APPEARANCE OF CONS.AREA

The Welsh Assembly Government agreed with one of its inspectors and rejected a wind farm proposal, agreeing that it would harm the setting of an historic park and scheduled ancient monuments. The scheme promoted by Community Power Ltd involved the erection of 11 three-bladed wind turbines with a hub height of 49m and a blade length of 26m. They would be erected in the general vicinity of one of only 35 grade I historic parks and gardens in Wales and classified as being of outstanding interest. Some of the turbines would also be positioned in close proximity to a prehistoric round barrow, ring cairn and standing stones. The Inspector accepted that the scheme would give rise to some benefits associated with generating electricity from renewable energy sources. Additionally there would also be economic and employment benefits, mainly associated with the construction phase of the development. These were important considerations which the Inspector decided, should not be underestimated. However in reviewing some of the limitations associated with the preparation of zones of visual influence and photomontages of the scheme, he acknowledged that the appellants had selected the site prior to obtaining specialist landscape and archaeological advice and this had undermined the robustness of a supporting environmental statement. In his view the lack of attention to these matters fundamentally weakened the site selection process and undermined the suggestion that the green energy benefits derived from the scheme could not be obtained at less environmental cost on another site in the area. With regard to the impact of some of the turbines on the country park, he noted that the latter was well managed and supported a wide range of recreational, cultural and other events. Five of the turbines would be sited between 550 and 1000 metres from the boundary of the park and their proposed height with the additional and unusual characteristic of blade movement, would have a dominant and damaging impact which would undermine its historic and visual attributes. This harm would be compounded by their impact on the wider area which while not being designated as being of outstanding special historic interest, was recognised as being of special interest and worthy of protection in its own right. In addition he concluded that it would demonstrably harm important and nationally recognised ancient monuments with the siting of one of the turbines impinging directly upon a pre-historic earthwork. He decided that it would not be possible to impose a condition requiring the detailed siting of this turbine because of the detailed nature of the application and site area. With regard to the overall balancing exercise, he concluded that the benefits of the scheme were outweighed by the serious and highly adverse environmental impacts. The area had special historic and heritage value which was of national significance and this had to be protected.

Date: 23/01/2004 **Outcome:** Dismissed

Inspector: A.NIXON **Appellant:** COMMUNITY POWER LTD

Address: LAND AT TON MAWR FARM NEAR MARGAM & CASTELL FARM, LLANGYNWYD

Authority: NEATH PORT TALBOT **Dec Type:** Call in

Court Case: Appeal subject to later court action. Community Power Ltd v National Assembly for Wales & another

High Court

Reference: CO/1139/2004 **Date:** 15/06/2005

Description: Community Power Ltd failed to overturn a decision of the Welsh Assembly Government to refuse permission for the erection of 11 wind turbines in two groups close to an historic park in south Wales. An inspector concluded that the two groups of wind turbines would make a contribution towards meeting national targets for renewable energy production. However he held that they would undermine the historic setting of the parkland and an ancient monument. Additionally he concluded that the setting of a conservation area would also be adversely affected. The company claimed however that the inspector and Welsh Assembly Government had failed to consider separately the impact of the two groups of wind turbines. As a consequence the visual and landscape impact of the group closest to the historic parkland had influenced the decision to refuse permission for the whole scheme. Judge Rich QC disagreed. He decided that the inspector had clearly identified an unacceptable environmental impact associated with all of the turbines on both the historic parkland, ancient monument and conservation area.

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Appendix 1 (pages 9-43)

30 DCS No 29417567

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2 x 65m WIND TURBINES IN OPEN COUNTRYSIDE ADJ.VILLAGE CONS.AREA/GRADE I LSTD.BLDG.-NO HARM TO CHAR/APPEAR.OR TO SETTING OF CONS.AREA/LSTD.BLDG.-NAT.BENEFITS BUT NO LOCAL BENEFITS-NO HAZ.TO ROAD/AIRCRAFT SAFETY-NO HARM TO HEALTH BUT OUTLOOK LOSS PROB.

The development of two 65m high wind turbines founded because of the likely impact on local residents from noise associated with the turning blades. An inspector noted that the appellant was willing to accept a condition which limited the noise levels to five decibels above background levels during the day and night. However provisional noise readings suggested that at night background levels could fall to very low levels given the countryside nature of the location. On this basis it would be inappropriate to impose a condition which was incapable of being met. In arriving at this view the inspector held that the turbines would not have a demonstrably harmful impact on the landscape and would not interfere with the safe operation of Norwich airport. Additionally he accepted that it would contribute towards national policy which supported the development of renewable energy sources.

Date 15/09/2003 **Outcome:** Dismissed
Inspector: D.BURROWS **Appellant:** ECOTRICITY
Address: LAND NEAR WOOD FARM, SHIPDHAM
Authority: BRECKLAND **Dec Type:** Inquiry

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

31 DCS No 34919293

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3 x 1mw WIND TURBINES IN OPEN COUNTRYSIDE/LANDSCAPE AREA ADJ.AONB/CPA/AGLV-NO HARM TO RES.AMENITY DUE TO LOSS OF OUTLOOK/NOISE/DISTURBANCE OR TO TOURISM/REC.ACTIVITIES/HEALTH-HARM TO CHARACTER/APPEARANCE OF LOCAL AREA ONLY & OUTWED BY RENEWABLE ENERGY

A proposed three turbine wind farm on the coast was allowed despite a claim that it would not violate the human rights of residents. The turbines proposed by West Coast Energy Ltd would have a height of 75m from base to blade tip and the company argued that they would assist in reducing the emission of greenhouse gases as non-renewable fossil fuels would not need to be burnt. In assessing the landscape impact of the turbines, an inspector agreed that they would not have a significant effect on the character and appearance of the area, although there would be some local impact when viewed from local roads and nearby dwellings. However in making a value judgment it was concluded that impact was acceptable. The inspector also felt that the development would contribute to government targets that 10% of the country's electricity requirements should come from renewable sources by 2010. It was also considered that some benefits would arise in terms of job creation and there would be no harm to the tourist industry. Finally the inspector ruled that, accepting that the turbines could result in an interference with homes, family life and the peaceful enjoyment of possessions under the first protocol of the European Convention on Human Rights, these effects had to be balanced against the rights and freedoms of others in the community. It was concluded that allowing the appeal would not place a disproportionate burden on any party.

Date 04/08/2003 **Outcome:** Allowed
Inspector: D.BURROWS **Appellant:** WEST COAST ENERGY LTD
Address: STOWFORD CROSS, BRADWORTHY
Authority: TORRIDGE **Dec Type:** Inquiry

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

32 DCS No 31922350

3 WIND TURBINES (60M HIGH) AT FARM IN ARLY IN OPEN COUNTRYSIDE-HARM TO LANDSCAPE DUE TO INTRUSION NOT OUTWEIGHED BY CONTRIBUTION TO ENERGY FROM WIND TURBINE TARGETS-HARM TO HIGHWAY SAFETY DUE TO DISTRACTION TO MOTORISTS

Date 11/07/2003 **Outcome:** Dismissed
Inspector: D.CULLINGFORD **Appellant:** G Y MCNAY TRUST
Address: LAND ADJ.TO THE A697 AT WANDYSTEADS FARM, EDLINGHAM, ALNWICK, NORTHUMBERLAND
Authority: ALNWICK **Dec Type:** Inquiry

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Appendix 1 (pages 9-43)

33 DCS No 51066170

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8 WIND TURBINES/TRACKS/UNDERGROUND CABLES/BUILDING/MAST IN OPEN COUNTRYSIDE-NO HARM TO LANDSCAPE/VISUAL AMENITY DUE TO LOCATION/DISTANCES-NO PRECEDENT/PREMATURITY CASE-ECONOMIC BENEFITS-CONSISTENT WITH RENEWABLE ENERGY OBJECTIVES

The construction of eight wind turbines and associated infrastructure in the Lincolnshire Fens was approved after a careful assessment of landscape impact set against the need for renewable energy sources. The turbines were proposed on arable farming land in an area of flat, open landscape punctuated by scattered farmsteads and occasional blocks of woodland. In assessing the potential impact on this landscape an Inspector noted that just because the impact might be significant, this did not necessarily mean that it would be unacceptable. It was noted that public opinion was divided as to the likely harm. The inspector observed that the turbines had an obvious functional purpose, and the landscape was already highly artificial created by many years of mechanised farming. They would impinge upon the skyline, but this was huge given the openness of the area. Consequently the Inspector reasoned that the turbines would not unacceptably harm the visual amenity of the area. The Inspector made it clear that allowing the appeal would not create a precedent because each site differed and any cumulative impact would be a material consideration. It was concluded that the scheme would create many benefits, making a significant contribution towards county and regional targets for renewable energy, and would also create jobs and boost the local economy.

Date 19/05/2003 **Outcome:** Allowed

Inspector: C.GOSSOP **Appellant:** WIND PROSPECT DEVELOPMENTS LTD

Address: VINE HOUSE FARM & WORTHS FARM & PORTERS FARM, DEEPING ST NICHOLAS, SPALDING

Authority: SOUTH HOLLAND **Dec Type:** Inquiry

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34 DCS No 29504924

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2.4 M HIGH WIND TURBINE ON SIDE OF DWELLING IN RES.AREA-SUSTAINABLE RENEWAL DEV'T & NO HARM TO CHARACTER/APPEARANCE OF AREA DUE TO SCALE/MASS/VISUAL IMPACT OUTWEIGHED BY HARM TO RES.AMENITY DUE TO NOISE/DISTURBANCE

The retention of a wind turbine attached to the side of a house, was rejected because of the noise generated by the blades when turning at high speed. The turbine had a three-arm rotary blade with a diameter of approximately one metre mounted on a single pole. It projected 2.4m above the roof of the dwelling and other residential properties bordered the site. An inspector agreed with the appellant that the visual impact was acceptable. However she noted that local residents had complained about the noise and accepted that it was uncharacteristic of a residential area. The noise was therefore harmful to the amenity of people living in nearby properties and this justified dismissing the appeal.

Date 24/01/2003 **Outcome:** Dismissed

Inspector: C.SHERRATT **Appellant:** ROBERT ELLIS

Address: 47 CHARLTON RISE, LUDLOW

Authority: SOUTH SHROPSHIRE **Dec Type:** Inquiry

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Find more information on this type of development in **chapter 26.4-12.10 of Development Control Practice.**

35 DCS No 40044421

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25 WIND TURBINES IN S.L.A. ADJ.SSSI/NAT.PARK & AONB-NO HARM TO CHARACTER/APPEARANCE OF AREA OR TO ARCHAEOLOGY DUE TO SCALE/MASS-NO HARM TO RES.AMENITY DUE TO NOISE/VIS.IMPACT-NO HARM TO ECOLOGY(BLACK GROUSE) WITH 105 UNDERTAKING RE.HABITAT MANAGEMENT

The National Assembly finally granted planning permission for the construction of 25 wind turbines together with substation and monitoring masts in north Wales. This decision was taken following notification in July 2002, that it was minded to allow the appeal subject to the completion of a comprehensive section 106 undertaking. The inspector in his report had commented that at 75m in height, the wind turbines would be very tall structures and this accounted in part for the widespread objections to their construction. In assessing the landscape impact he noted that the wind farm would be sited approximately mid-way between the Clwydian

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Range AONB and the Snowdonia national park. The panoramic views available would assist in minimising the impact of the development and accordingly its effect on the two sensitive landscape areas would be acceptable. In terms of potential impact on local tourism, it was concluded that it might attract visitors in its own right. There was no firm evidence that it would discourage walkers from using footpaths and recreational walks. Neither was there clear cut evidence that the scheme would harm human health. Although development plan policies made it clear that the protection of the countryside and its landscape from inappropriate development was important, the overall level of harm would not be so severe as to justify withholding permission and the inspector therefore recommended that planning permission should be granted. In granting permission the Assembly agreed that the undertaking which had been signed provided the necessary degree of protection for the black grouse habitat. In addition 35 conditions were imposed requiring amongst other things, that the towers should be located on precise grid reference points and the blades should all rotate in the same direction. All the towers should be constructed of tubular steel and none shall carry logos, signs or advertisements. Moreover should any of the turbines fail to generate electricity for a continuous period of six months, it along with other ancillary equipment should be removed from the site.

Date 19/12/2002 **Outcome:** Allowed
Inspector: S.WILD/SMIN **Appellant:** WINDJEN POWER LTD
Address: LAND AT TIR MOSTYN & FOEL GOCH, NANTGLYN, NEAR DENBIGH
Authority: DENBIGHSHIRE **Dec Type:** Call in

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36 DCS No 33627328

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600 KW WIND TURBINE GENERATOR AT IND. ESTATE-NO HARM TO AIR DEFENCE RADAR OPERATIONS-ACCEPTABLE ENVIRONMENTAL IMPACT-SUSTAINABLE DEV'T

A single wind turbine generator proposed to be constructed on the Suffolk coast was allowed by the SOS despite concerns expressed by the Ministry of Defence regarding interference with the operation of defence radar systems and objections by a rival operator. The scheme, promoted by Next Generation Group, involved constructing a 65m hub with a 44m blade to generate 600MW of electricity. Another operating company, SLP Energy, argued that to permit the appeal would jeopardise its ability to construct a larger generator nearby which was to be preferred in terms of electricity generation and siting. This position was supported by the local planning authority who had concluded that only one scheme should be permitted and the SLP Energy scheme was to be preferred having regard to the greater amount of electricity generated and the level of new employment created which would be created by the larger development. With regard to the effect of the scheme on this alternative proposal, the inspector noted the advice in PPG22 which set out the Government's target of meeting 10% of electricity needs from renewable sources by 2010. The fact that one generator might impact adversely on another, or prevent the efficient operation of both, was of less importance than securing an overall increase in renewable output. Since either proposal would contribute to this output regardless of whether only one or both were constructed, allowing the scheme would not conflict with the underlying aims of national planning guidance on siting, certification and safeguarding of wind powered electricity generators. In addition the evidence that the appeal proposal would jeopardise the implementation of the alternative scheme was inconclusive. The latter proposed a much larger turbine generating 3.2MW and was of a design and operation not found in urban or marine environments. The appeal proposal was however based upon proven technology and there was no basis for withholding planning permission on the basis that the alternative scheme might be prejudiced. The inspector in dealing with the objection by the Ministry of Defence, placed weight on a consultants report which indicated that the strength of a radar echo from a single generator would be very small and unlikely to compromise the operation of the national air defence radar operation. The inspector concluded that radar problems experienced by the Royal Naval Air Station at Culdrose in Cornwall had been caused by a cluster of generators which could be readily distinguished from the effects associated with a single generator. The SOS agreed, also concluding that the possible impact on the alternative scheme was not of sufficient weight to justify withholding planning permission. The appeal was allowed with conditions imposed requiring the installation to be lit and a scheme approved if necessary to reduce any electrical or physical radio interference.

Date 04/12/2002 **Outcome:** Allowed
Inspector: D.LAVENDER/SOS **Appellant:** NEXT GENERATION LTD
Address: BEACH INDUSTRIAL ESTATE, NESS POINT, LOWESTOFT
Authority: WAVENEY **Dec Type:** Call in

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37 DCS No 44198309

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VARIATION IN FREQUENCY OF NOISE SURVEYS COND. OF PP FOR WIND FARM IN OPEN COUNTRYSIDE-
COND. ESTABLISHED AS UNREASONABLE/UNNECESSARY TO PROTECT RES. FROM NOISE/DISTURBANCE-
RANDOM MONITORING WOULD BE PREFERABLE

An inspector allowed an appeal made by Renewable Energy Systems Ltd, which sought to vary a condition imposed on a wind farm development near Truro. The condition in question required that noise levels should be measured and correlated with limits imposed under other conditions and this investigation had to be undertaken annually. The appellant sought to vary the condition to permit monitoring every three years. The inspector having received the correct noise measurements from the appellant following the identification of various inconsistencies in the data, noted that other conditions set limits on the amount of noise which the turbines and blades could emit. He expressed surprise that compliance with the defined limits was expected to depend solely upon a pre-arranged annual monitoring exercise since a more rigorous test would entail some kind of unannounced random survey. However it was agreed that the condition should be varied to permit assessments to occur every three years particularly since information from previous years indicated that the wind farm operated well within defined noise limits.

Date: 12/11/2002 **Outcome:** Allowed
Inspector: D.CULLINGFORD **Appellant:** RENEWABLE ENERGY SYSTEMS LTD
Address: FOUR BURROWS WIND FARM, TRURO, CORNWALL
Authority: CARRICK **Dec Type:** Written Reps

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

38 DCS No 49570000

DWELLING & 10m WIND TURBINE IN OPEN COUNTRYSIDE/NATIONAL SCENIC AREA-HARM TO
CHARACTER/APPEARANCE OF AREA

Date: 07/10/2002 **Outcome:** Dismissed
Inspector: T.BRIAN **Appellant:** D KIRKLAND
Address: LAND NEXT TO OTTERS GILL, STENNESS, ORKNEY
Authority: ORKNEY ISLANDS **Dec Type:** Written Reps

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Find more information on this type of development in **chapter 09.2/26.4 of Development Control Practice**

39 DCS No 100035604

Web Download Available

WIND FARM (25 TURBINES) IN SLA ADJ.AONB & NAT.PARK-LITTLE HARM TO CHARACTER/APPEARANCE OF SLA
OR HISTORIC GROUSE MOOR-NO LOSS OF AMENITY DUE TO NOISE WITH MITIGATING MEASURES-NO RISK
TO HORSES/BIRDS/PUBLIC HEALTH-NO HARM TO TOURISM-OK WITH AG.RE GROUSE

Date: 29/07/2002 **Outcome:** =
Inspector: S.WILD/SMIN **Appellant:** WINDJEN POWER LTD
Address: SITE AT TIR MOSTYN, FOEL GOCH, NANTGLYN, DENBIGHSHIRE
Authority: DENBIGHSHIRE **Dec Type:** Call in

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40 DCS No 52832669

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VARIATION OF SCALE CONDS. OF PP FOR 5 WIND TURBINES IN OPEN COUNTRYSIDE/REGIONAL SCENIC AREA
SLIGHT HARM TO CHARACTER/APPEARANCE OF AREA DUE TO SCALE OUTWEIGHED BY IMPROVED
TECHNOLOGY RE:NOISE SUPPRESSION-NEED FOR RENEWABLE ENERGY AS PER NPPG6

The appeal concerned an application to vary the terms of a planning permission enabling larger wind turbines to be erected within a Regional Scenic Area in Scotland. The case related to an appeal decision allowing the erection of five wind turbines subject, inter alia, to a condition that when installed the agreed dimensions should not be exceeded. The current appeal sought to vary this condition to allow turbines with a greater tower height. The reporter noted that there had been a commencement of the development meaning that the permission remained extant, and he concluded that this amounted to a weighty material consideration. He

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

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accepted the appellant's submission that the slower, larger turbines were more harmonious in the landscape, and by being less eye-catching this was a beneficial effect that outweighed any additional scale of impact. The previous appeal decision had found the original proposal to be in keeping with policy, and could be considered as a 'special need' justifying an exception to the strong presumption against sporadic development in the countryside, and the second reporter concurred. He observed that national policy stated that much of the Scottish target for renewable energy production would come from wind farms and that ministers expected the planning system to play its part in making positive provision for renewable energy developments. Although the level of output from a given scheme was not a material planning consideration it was nevertheless a fact that the new proposal provided a doubling of output and that that gave support to the proposal. Overall the reporter concluded that the landscape included no features against which any increase in size would be particularly discernible and given the benefits he felt that permission could be granted for the variation sought.

Date 11/07/2002 **Outcome:** Allowed
Inspector: D.DUNCAN **Appellant:** NEWART
Address: CARLESGILL HILL, LANGHOLM
Authority: DUMFRIES & GALLOWAY **Dec Type:** Written Reps

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41 DCS No 32780169

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8 WIND TURBINES/VISITOR CENTRE IN L.I.L.F. ADJ.NAT.PARK-ARCHAEOLOGICAL SURVEY REQUIRED-NO HARM TO CHARACTER/APPEARANCE OF L.L.A./ADJ.NAT.PARK-VISUAL IMPACT OUTWEIGHED BY RENEWABLE ENERGY TARGETS/BENEFITS & TOURISM BENEFITS

National Wind Power Ltd sought approval for the development of eight wind turbines on the edge of the Lake District national park. Each wind turbine was proposed to be 50m high to the hub with a 31m to blade tip and they would be spread across an area of approximately 1.7ha. Allerdale Borough Council, supported by the national park authority, objected to the development, arguing that it would harm a locally important landscape which protected the setting of the national park. The inspector accepted that in assessing the landscape impact it was necessary to make subjective judgments. However, he noted that the council and the appellant had prepared detailed landscape assessments which followed recognised practice and from these he held that the broad, open and generally unremarkable landscape of the high fells was of a type which could accommodate the type and scale of development proposed without fundamentally disrupting its underlying character. He also concluded that the setting of the national park would not be adversely affected although the visual impact in close proximity to the turbines would be significant. In balancing the degree of harm, the inspector noted that the government was committed to achieving 10 per cent of electricity production from renewable energy sources by 2010 and that various reports indicated that for this target to be met, on-shore wind production would have to make a significant contribution. He agreed with the appellant that the cumulative effects of wind generated electricity would be likely to result in some savings of gas emissions associated with the burning of fossil fuels albeit that quantifying the level from each wind farm would be difficult. Overall the inspector held that the scheme would make a tangible benefit towards reducing fossil fuel dependency and gas emissions, which given the limited landscape impacts, justified allowing the appeal. Notes archaeological survey required.

Date 19/06/2002 **Outcome:** Allowed
Inspector: R.HISCOX **Appellant:** NATIONAL WIND POWER LTD
Address: WHARRELS HILL, BOTHEL
Authority: ALLERDALE **Dec Type:** Inquiry

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42 DCS No 35699619

17 WIND TURBINES IN S.L.A./ADJ.SSSI-NO HARM TO ECOLOGY/ARCHAEOLOGICAL NOISE/DISTURB/TRAFFIC-HARM TO CHARACTER/APPEARANCE OF S.L.A. & TO AMENITY OF USERS OF FOOTPATHS/NATIONAL TRAIL FROM CUM.EFFECTS WITH NEARBY TURBINES OUTWIEDED BY CONTR.TO RENEW.ENERGY TARGETS

Date 23/05/2002 **Outcome:** Allowed
Inspector: D.WILKS **Appellant:** RENEWABLE ENERGY SOLUTIONS LTD, POWERGEN RENEWABLES & NATIONAL WIND POWER
Address: MYNYDD CLOGAU, NEAR ADFA, POWYS
Authority: POWYS **Dec Type:** Call in

Order this case as part of your Compass search by quoting result no:42 or DCS No: 35699619

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

43 DCS No 44048385

3 WIND TURBINES IN 2 LOCATIONS IN AONB/CPA-CLOSE NAT.PARK BOUNDARY-LITTLE LOSS OF RES.AMENITY DUE TO NOISE-HARM TO CHARACTER/APPEARANCE OF AONB/CPA DUE TO CUMULATIVE IMPACT-NOT OUTWEIGHED BY BENEFITS OF RENEWABLE ENERGY

Date 19/12/2001 **Outcome:** Dismissed
Inspector: D.BURROWS **Appellant:** TXU EUROPE POWER LTD
Address: THE OLD RACECOURSE, OPP LITTLE BRAY CLOSE, BRATTON FLEMING
Authority: NORTH DEVON **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:43 or DCS No: 44048385
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

44 DCS No 54633525

12.5m WIND TURBINE AT YOUTH HOSTEL ADJ SSSI & S.P.A. IN AONB-EFFECT ON ECOLOGY NEEDS MORE INFORMATION-BUSINESS NEEDS & SOCIAL/ECONOMIC/EDUCATION BENEFITS OUTWEIGHED BY HARM TO CHARACTER/APPEARANCE OF AREA

Date 15/11/2001 **Outcome:** Dismissed
Inspector: K.SMITH **Appellant:** E BOYD
Address: LANGDON BECK YHA, FOREST IN TEESDALE, NR BARNARD CASTLE
Authority: TEESDALE **Dec Type:** Written Rep :

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45 DCS No 32186598

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17 TURBINE WIND FARM ADJ.COASTAL NAT.PARK-POSSIBLE HARM TO TOURISM-HARM TO BADGER HABITAT-NOT OUTWEIGHED BY NEED FOR RENEWABLE ENERGY

The National Assembly refused permission for 17 wind turbine generators near Fishguard in Pembrokeshire and just outside a national park. The site covered about 200 hectares and comprised mainly treeless, open agricultural land. The scheme involved erecting two separate clusters of ten and seven turbines about 900 metres apart with each blade tip being 60 metres in height. National Windpower Ltd argued that the scheme struck the right balance between the benefits associated with promoting renewable energy development and the effect on the landscape. The council's principal concern related to the impact on the Pembrokeshire Coast national park from which the development would be viewed over considerable distances. The council was also concerned that it would impact unacceptably on the local tourist economy which accounted for 17 per cent of a employment in the county. An Inspector did not question the need for and desirability of power from renewable sources. However it was noted that national guidance also recognised that the planning system had to protect the countryside. If permitted it would be among the largest windfarms in Wales. A visual assessment confirmed that within a zone of visual influence, approximately 80 per cent of an area within five kilometres of the site would have views of some or all of the windfarm. Distances of up to two kilometres would be dominated by the blades and turbines he noted and while this did not automatically render the development demonstrably harmful, it was judged that the rotation of the blades in a cluster would have a highly distracting and discordant effect, undermining the tranquillity of the area. It would be impossible for local residents to ignore their presence as they went about their daily lives. Although in certain landscapes wind turbines might be seen as striking even elegant, in the proposed location they would appear intimidating and would unacceptably dominate both local and intermediate views. In particular the general area was not sparsely populated with some properties lying within 600 metres of the proposed turbines. These effects would have an undesirable impact on local residents, visitors and tourists and would run counter to the statutory purpose of conserving the natural beauty of the national park. The need to develop renewable energy sources in order to meet a UK target of 5 per cent of electricity production by 2003, was not outweighed by the severe landscape impact and the harm to the natural qualities and historic and cultural associations within the national park

Date 13/09/2001 **Outcome:** Dismissed
Inspector: D.SHEERS **Appellant:** NATIONAL WINDPOWER LTD
Address: LAND AT JORDANSTON 4 KM SOUTH - WEST OF FISHGUARD, NORTH PEMBROKESHIRE
Authority: PEMBROKESHIRE **Dec Type:** Inquiry

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Appendix 1 (pages 9-43)

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46 DCS No 29349328

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3 WIND TURBINES IN NAT.PARK-HARM TO CHARACTER/APPEARANCE OF NAT.PARK-LOSS OF RES.AMENITY DUE TO OUTLOOK HARM/NOISE-NOT OUTWEIGHED BY NEED FOR RENEWABLE ENERGY

An inspector rejected a scheme involving the construction of three 750kW wind turbine generators near Pembroke. The generators would have an overall height to blade tip of 74 m and the inspector noted that this would make them amongst the largest onshore in the UK. The inspector observed that the site adjoined the Pembrokeshire Coast national park and with an area of 1,809 sqm swept by each blade, there was the potential to have a significant impact on the character of the area. They would appear obvious and distracting up to one and a half kilometres from the site. Although a oil refinery could be viewed in the distance, the two forms of development would be seen as quite separate features. The wind turbines would be seen in whole or in part from a significant stretch of the coastal footpath. The inspector concluded that although the benefits of renewable energy was not to be underestimated, this support was not unequivocal and the scheme had to pass the test of environmental acceptability.

Date: 16/08/2001 **Outcome:** Dismissed

Inspector: D.SHEERS **Appellant:** TXU EUROPE POWER LTD
Address: LAND AT WOGASTON FARM, ANGLE, PEMBROKE
Authority: PEMBROKESHIRE **Dec Type:** Inquiry

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47 DCS No 39913057

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65m WIND TURBINE IN OPEN COUNTRYSIDE ADJ.NAT.PARK-NO HARM TO VIEWS FROM NAT.PARK BUT HARM TO CHARACTER/APPEARANCE OF COUNTRYSIDE-NOT OUTWEIGHED BY NEED FOR RENEWABLE ENERGY

Next Generation Ltd sought permission for a single wind turbine development involving a 65 m high tower and 70 m blade in Cumbria. The inspector accepted that the turbine would not harm views of peaks in the Lake District National Park. However the turbine would be sited in a dip approximately 20 m below the summit of a locally prominent hillock and it would be completely incongruous and unacceptably out of scale with the local landscape. Whilst it would make a contribution towards meeting the government's target for the production of energy from renewable sources of 10% by 2010, this would be relatively small and it did not outweigh the landscape harm.

Date: 13/03/2001 **Outcome:** Dismissed

Inspector: N.BALL **Appellant:** NEXT GENERATION LTD
Address: LOWICK COMMON, LOWICK
Authority: SOUTH LAKELAND **Dec Type:** Written Reps

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48 DCS No 28234630

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3 74M WIND TURBINES IN SLA-HARM TO CHARACTER/APPEARANCE OF S.L.A.-ALSO FLICKER HARM TO NEARBY DWELLING

A proposal involved three wind turbines, a 40 m monitoring mast and associated building and site roads. Before reviewing the evidence, the inspector considered a submission by the council that much of the environmental and landscape evidence presented by the appellant was different from that considered by the council at the time of the planning application and which had been presented in the form of an Environmental Statement. The inspector held that the scale of the development did not necessitate a statement and that it was reasonable for the appellant to present additional evidence to overcome the council's concerns. The inspector noted that at 74 m tall the turbines would be significantly taller than most of the wind turbines in Wales. They would be sited along the southern side of an attractive valley which ran parallel with the coast and it contained a number of settlements. Its importance in visual terms was heightened by its proximity to the coast and the number of tourists attracted to the area. Overall the turbines would be much more visually harmful than a police radio mast and electricity pylons although the effects of shadow flicker on a nearby dwelling would not be harmful. A partial award of costs in favour of the appellant was made in respect of addressing highway, noise and shadow

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flicker concerns. These objections were not withdrawn until the first day of the inquiry and the inspector ruled that the council's decision to pursue a legal argument and not present detailed evidence was unreasonable.

Date: 27/11/2000 **Outcome:** Dismissed
Inspector: S.WILD **Appellant:** WINDJEN POWER LTD
Address: S/O MYNYDD GLYN LWS, BETWS Y FHOS
Authority: CONWY **Dec Type:** Inquiry **Costs:** A

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Find more information on this type of development in **chapter 25.4 of Development Control Practice.**

49 DCS No 38792475

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7 WIND TURBINES ON CLIFF TOP-LITTLE HARM TO CHARACTER/APPEARANCE OF AREA IN CONTEXT OF NEARBY GAS TERMINALS

The S.O.S. approved a scheme by Powergen Renewables for the erection of seven wind turbines with a capacity of nine megawatts near the village of Eastington on the east coast. A second scheme by Renewable Energy Systems Ltd for a wind farm of thirteen turbines at Eastfield Farm also with East Yorkshire was refused permission. Each application was accompanied by an environmental statement and all the turbines would be up to 50 metres in height with three blades of 27 metres in length. The council opposed both schemes particularly on the grounds of adverse landscape impact in addition to a local action group named SHOWT ('South Holderness opposes wind turbines'). The inspector noted that the Eastington proposal was located close to existing gas terminals and these had an influence on the landscape character of the area such that overall a wind farm would not be visually harmful. Conversely he observed that the Eastfield Farm scheme would be set within predominantly flat landscape and if permitted would erode the simplicity and openness of the area. Neither scheme was found by the inspector as likely to harm the Humber Flats special protection area in terms of impact on local and migratory birds. The inspector also placed weight on the small but significant contribution each scheme would play in generating electricity although any local employment benefits were likely to be short lived. Overall the benefits of allowing the Eastington scheme outweighed any harmful landscape impact whilst this issue was overriding in relation to the second

Date: 11/09/2000 **Outcome:** Allowed
Inspector: D.ROSE/SOS **Appellant:** POWERGEN RENEWABLES LTD
Address: WARMER LANE, OUT NEWTON
Authority: EAST RIDING OF YORKSHIRE **Dec Type:** Inquiry

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50 DCS No 40012069

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13 WIND TURBINES IN OPEN COASTAL COUNTRYSIDE-HARM TO CHARACTER/APPEARANCE OF AREA & FROM NEARBY CONS.AREAS & GRI LSTD.CHURCH-HARM TO SPA/MIGRATORY BIRDS

The S.O.S. approved a scheme by Powergen Renewables for the erection of seven wind turbines with a capacity of nine megawatts near the village of Eastington on the east coast. A second scheme by Renewable Energy Systems Ltd for a wind farm of thirteen turbines at Eastfield Farm also with East Yorkshire was refused permission. Each application was accompanied by an environmental statement and all the turbines would be up to 50 metres in height with three blades of 27 metres in length. The council opposed both schemes particularly on the grounds of adverse landscape impact in addition to a local action group named SHOWT ('South Holderness opposes wind turbines'). The inspector noted that the Eastington proposal was located close to existing gas terminals and these had an influence on the landscape character of the area such that overall a wind farm would not be visually harmful. Conversely he observed that the Eastfield Farm scheme would be set within predominantly flat landscape and if permitted would erode the simplicity and openness of the area. Neither scheme was found by the inspector as likely to harm the Humber Flats special protection area in terms of impact on SPA local and migratory birds. The inspector also placed weight on the small but significant contribution each scheme would play in generating electricity although any local employment benefits were likely to be short lived. Overall the benefits of allowing the Eastington scheme outweighed any harmful landscape impact whilst this issue was overriding in relation to the second

Date: 11/09/2000 **Outcome:** Dismissed
Inspector: D.ROSE **Appellant:** RENEWABLE ENERGY SYSTEMS LTD
Address: EASTFIELD FARM, SOUTH LEYS ROAD, HOLLYM
Authority: EAST RIDING OF YORKSHIRE **Dec Type:** Inquiry

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51 DCS No 29415794

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6 WIND TURBINES-HARM TO CHARACTER/APPEARANCE OF AREA-NOT OUTWEIGHED BY NEED FOR RENEWABLE ENERGY

Six wind turbines spaced between 200 m. to 300 m. apart were proposed on 1.6 ha. Each would be 45 m. to the hub with blades 27 m. in length. They would be capable of generating 1MW each and would be connected to the national grid. The need for higher capacities required larger structure which would have a life span of approximately 25 years. They would be capable of meeting the domestic requirements of 4,000 houses and whilst cumulatively the contribution to renewable energy was small, it was nonetheless important. However there was doubt as to whether it would lead to any less emission of CO₂ from coal fired stations since their electricity generation was variable. The landscape impacts were considered within an ES. However an inspector concluded that under certain conditions the impact would be unacceptable when blades were orientated in a certain manner. This harm outweighed the renewable energy benefits and permission was denied.

Date 05/07/2000 Outcome: Dismissed
Inspector: R.HISCOX **Appellant:** CUMBRIA WIND FARMS LTD
Address: HILLTOP FARM, BROCKLEBANK, WIGTON
Authority: ALLERDALE **Dec Type:** Inquiry

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52 DCS No 31956014

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4 WIND TURBINES NEAR GAS FIRED POWER STATION UNDER CONSTRUCTION ON IND. ESTATE-NO HARM TO CHARACTER/APPEARANCE OF AREA-NO LOSS OF RES. AMENITY DUE TO SHADOW FLICKER

Western Windpower Ltd. was successful in obtaining permission for the construction of a wind park in Great Yarmouth. The development consisted of 4 turbines of 67 m. in height with 35 m. long blades. The application had been accompanied by an Environmental Impact Assessment, and other reports dealing with landscape impact, shadow flicker and the impact on wild birds. The turbines would generate 18% of the domestic needs of Great Yarmouth. An inspector concluded that their location within an urban setting on an industrial estate would not be out of place, given that the port area was typified by cranes, masts of ships and funfair rides which provided a tradition of large structures and movement. Shadow flicker would be at acceptable levels and a condition was imposed requiring the shutting down of the turbines via a photocell when the sun's rays combined with wind direction would particularly affect local properties.

Date 28/04/2000 Outcome: Allowed
Inspector: D.BURROWS **Appellant:** WESTERN WINDPOWER LTD
Address: SOUTH DENES IND. AREA, SOUTH BEACH PARADE, GREAT YARMOUTH
Authority: GREAT YARMOUTH **Dec Type:** Written Reps

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53 DCS No 54365294

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DWELLING FROM STABLES & 17M WIND TURBINE IN SLA-LITTLE CHANGE TO BLDG.-NO HARM TO CHARACTER/APPEARANCE OF SLA-'ECO FRIENDLY FEATURES NOT DECIDING ISSUE'

It was proposed to convert former stables to a 'environmentally friendly' dwelling and including a 17 m. high wind turbine. The appeal building was a simple 'U' shaped structure with a mono-pitched roof and brick walls. There would be little outward change to its appearance. Slates would replace the roof and overall the impact on a SLA would be acceptable. The wind turbine would be around 50 m. from the dwelling and it would contribute to using renewable energy sources. The fact that the dwelling may be environmentally friendly did not mean that this should override normal countryside policies of restraint. However the conversion was acceptable and permission granted.

Date 05/04/2000 Outcome: Allowed

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Inspector: H.ROWLANDS **Appellant:** MR & MRS BARNES
Address: RANGEMORE GARDENS,RANGEMORE,BURTON UPON TRENT
Authority: EAST STAFFORDSHIRE **Dec Type:** Hearing **Costs:** N

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54 DCS No 38982538

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WINDFARM/TURBINE DEVELOPMENT-REPORT AS PER P/PP/75/96/H/2

It was proposed to erect three wind turbine farms comprising 38 turbines in total on three different sites and by three different applicants. All three proposals had been called in by the S.O.S. The turbines were exceptionally large with tower heights of around 46 m, and a rotor diameter of 44 m, giving a total height of 63 m. Their claimed elegance or symbolic value was a matter of taste and highly subjective. Impacts would be more than a purely local significance. The turbines might also interfere with the migratory path of the Redwing. There would be significant surface effects associated with mains connections. There were clear risks to the fragile tourist economy. Any benefits from construction would be transitory. There was a convincing overall picture of public opposition and this was a very powerful material consideration. The need for securing renewable energy production did not outweigh the objections. Each scheme had unresolved difficulties relating to access, de-crofting and the setting up of community funds. The S.O.S agreed.

Date: 19/07/1999 **Outcome:** Dismissed
Inspector: P.HUTCHINSON/SMIN **Appellant:** BORDER WIND FARMS LTD
Address: CREAG RIASGAIN, CRAIKAIG ESTATE, HELMSDALE
Authority: HIGHLAND **Dec Type:** Call In **Costs:** N

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55 DCS No 38838431

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16 TURBINE WIND FARM-REPORT AS PER P/Pf/75/96/H/2

It was proposed to erect three wind turbine farms comprising 38 turbines in total on three different sites and by three different applicants. All three proposals had been called in by the S.O.S. The turbines were exceptionally large with tower heights of around 46 m, and a rotor diameter of 44 m, giving a total height of 63 m. Their claimed elegance or symbolic value was a matter of taste and highly subjective. Impacts would be more than a purely local significance. The turbines might also interfere with the migratory path of the Redwing. There would be significant surface effects associated with mains connections. There were clear risks to the fragile tourist economy. Any benefits from construction would be transitory. There was a convincing overall picture of public opposition and this was a very powerful material consideration. The need for securing renewable energy production did not outweigh the objections. Each scheme had unresolved difficulties relating to access, de-crofting and the setting up of community funds. The S.O.S agreed.

Date: 19/07/1999 **Outcome:** Dismissed
Inspector: P.HUTCHINSON/SMIN **Appellant:** MICON TURBINES UK LTD
Address: WEST GARTY, HELMSDALE
Authority: HIGHLAND **Dec Type:** Call In **Costs:** N

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

56 DCS No 38534414

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14 TURBINE WINDFARM IN COASTAL AREA-ONE OF 3 PROPOSED IN AREA-HARM TO CHARACTER/APPEARANCE OF AREA-RISK TO REDWINGS-STIFF LOCAL OPPOSITION-HARM TO TOURIST IND.-NOT OUTWEIGHED BY SUSTAINABILITY ARGUMENTS

It was proposed to erect three wind turbine farms comprising 38 turbines in total on three different sites and by three different applicants. All three proposals had been called in by the S.O.S. The turbines were exceptionally large with tower heights of around 46 m, and a rotor diameter of 44 m, giving a total height of 63 m. Their

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claimed elegance or symbolic value was a matter of taste and highly subjective. Impacts would be more than a purely local significance. The turbines might also interfere with the migratory path of the Redwing. There would be significant surface effects associated with mains connections. There were clear risks to the fragile tourist economy. Any benefits from construction would be transitory. There was a convincing overall picture of public opposition and this was a very powerful material consideration. The need for securing renewable energy production did not outweigh the objections. Each scheme had unresolved difficulties relating to access, de-crafting and the setting up of community funds. The S.O.S agreed.

Date 19/07/1999 **Outcome:** Dismissed
Inspector: P.HUTCHINSON/SMIN **Appellant:** RENEWABLE ENERGY SYSTEMS LTD
Address: GARTYMORE, BY HELMSDALE
Authority: HIGHLAND **Dec Type:** Call In **Costs:** N

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

57 DCS No 50072959

CALL IN-5 WIND TURBINES IN SPECIAL PROTECTION AREA/SPECIAL AREA OF CONSERVATION-UNACCEPTABLE RISK TO GREENLAND WHITE FRONTED GEESE

Date 11/06/1999 **Outcome:** Dismissed
Inspector: J.MCCULLOCH/SMIN **Appellant:** WINDCLUSTER LTD
Address: BEINN CHURCHLAICH, ISLAND/CORFARY FARMS, BOWMORE, ISLAY
Authority: ARGYLL & BUTE **Dec Type:** Inquiry

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Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

58 DCS No 50230828

7 WIND TURBINES ON SEA CLIFFS-ENVIRONMENTAL STATEMENT CONSID.-SOME ADVERSE LANDSCAPE/VISUAL IMPACTS BUT OUTWEIGHED BY SUSTAINABLE BENEFITS/PPG22-20 YR.PP GIVEN

Seven wind turbines approved. A site between Workington and Whitehaven was proposed for seven, 40 m.high 3 blade turbines by Powergen. An environmental statement accompanied the application and a council argued that there would be no significant environmental effects. Whilst there would be some adverse landscape impacts, these were outweighed by the benefits in terms of renewable energy and sustainable development. Note -Environmental Statement considered.

Date 19/03/1999 **Outcome:** Allowed
Inspector: P.ASQUITH **Appellant:** POWERGEN RENEWABLES LTD
Address: PARK HOUSE FARM, LOWCA, WORKINGTON
Authority: COPELAND **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:58 or DCS No: 50230828
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

59 DCS No 49773361

Web Download Available

CALL IN-6 WIND TURBINES-ADJ.SITE WITH 24 TURBINES-CUMULATIVE IMPACT NOT HARMFUL TO WIDER LANDSCAPE-NOT APPROP. TO APPLY NOISE CONDITION TO EXISTING WINDFARM-NB INSP REC. THAT 2 TURBINES VISUALLY HARMFUL REJECTED

Six wind turbine generators approved. Permission was sought for the development of 6 WTG's within twin blades and generating up to 400KW each as an extension to an existing wind farm of 24 turbines. They would be erected in 3 clusters of 2 WTG's on separate spurs of land on the west coast of Wales. There was a dwelling 700m away. The application had been called in the S.O.S. An Inspector reviewed the visual and aural impact associated with the existing wind farm. It was concluded that four of the six WTG's were acceptable but another two were not having regard to their impact when viewed from both short and long distances. The S.O.S. rejected this view and granted permission for all 6 turbines. Moreover a condition limiting the noise associated with the existing 24 turbines was also rejected. It was acknowledged that controls over an existing use may be justified where a need is created for them by a new development. However the additional noise levels did not justify control development which already existed.

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

Date 16/03/1999 **Outcome:** Allowed
Inspector: S.WILD **Appellant:** WIND ENERGY GROUP
Address: CEMMAES WINDFARM, MYNYDD Y CEMMAES, MACHYNLLETH
Authority: POWYS **Dec Type:** Call in

Order this case as part of your Compass search by quoting result no:59 or DCS No: 49773361
Download this case at www.planningresource.co.uk/dcs/appeals quoting the DCS No.
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

60 DCS No 38964863

CALL IN-25x600kw WIND TURBINE/FARM-MAIN ISSUE IMPACT ON SSSI/LOCAL POPULATION OF GREENLAND
WHITEFRONTED GEESE-HABITATS DIRECTIVE APPLIED-CONDITION REQUIRING CLOSING DOWN WHEN
GEESE ARE FLYING NOT CERTAIN ENOUGH AS MITIGATION OF PROBLEM

Date 17/11/1998 **Outcome:** ?
Inspector: D.RUSSELL/SMIN **Appellant:** TRIGEN (KINTYRE) LTD
Address: LARGIE ESTATE, TAYINLOAN, BY TARBERT
Authority: ARGYLL & BUTE **Dec Type:** Call in

Order this case as part of your Compass search by quoting result no:60 or DCS No: 38964863
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

61 DCS No 52607274

25 WINDTURBINES-UP TO 54m TALL-& ANCIL.BUILDINGS-HARM TO LANDSCAPE OF NATIONAL
PK./AONB/AHLV -SIZEABLE AND CONSPICUOUS-HARM TO SETTING LISTED BUILDING/ARCHAEOLOGICAL
SITE-NEED FOR ALT.POWER GEN.FACILITIES DOES NOT OUTWEIGH-(NB.COMMONS CONS.ALSO REQD.)

Largest wind farm in England rejected. National wind and Power applied for permission to develop a wind farm including 25 wind turbines with a maximum height of 54 metres, temporary access tracks, substation and associated works in Teesdale. The site partly included common land and there were rights of common still existing. The appellant submitted that the site had been carefully selected having regard to wind speed, landscape quality, nature conservation, grid connection and ground conditions. An environmental statement identified the potential effects and impact on the landscape. English heritage objected on the basis that there was evidence of human activity on the site dating from c. 6000-4000 BC. An inspector concluded that the development would create a very extensive grouping of tall, man made structures in a moorland landscape. Which would alter the existing ambience of the area. Moreover it would harm the character of the Yorkshire Dales National Park even though the site lay beyond it. The Bowes Museum, listed as being a collection of outstanding quality would also be harmed due to the visual impact of the turbines. The scheme would accord with government advice in respect of renewable energy and if permitted it would be the largest in England. However this did not outweigh the identified harm and the S.O.S. agreed.

Date 12/11/1998 **Outcome:** Dismissed
Inspector: D.LAVENDER/SOS **Appellant:** NATIONAL WINDPOWER LTD
Address: HIGH MOOR FARM, COCKER HILL, N.R.BARNINGHAM
Authority: TEESDALE **Dec Type:** Call in

Court Case: Appeal subject to later court action. National Wind Power Ltd v SOS & Teesdale DC & Another

High Court
Reference: CO/5079/98 **Date:** 29/10/1999
Description: CORRECT WEIGHT TO NEED

Order this case as part of your Compass search by quoting result no:61 or DCS No: 52607274
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

62 DCS No 33478161

BREACH OF ANTI STROBING COND.ON WIND TURBINE GENERATOR-COND.PARTIALLY BREACHED AS ONE
HOUSE NOT PROTECTED-COND.NECESSARY-REQUIREMENTS EXCESSIVE-MORE REASONABLE/ENFORCEABLE
CONDS.IMPOSED

Date 20/02/1998 **Outcome:** Dismissed
Inspector: J.DAVIES **Appellant:** MR & MRS MOSS
Address: BULLHOUSE WORKS, MANCHESTER ROAD, MILLHOUSE GREEN, BARNSLY

Appendix 1 (pages 9-43)

Date: 16/03/1999 **Outcome:** Allowed
Inspector: S.WILD **Appellant:** WIND ENERGY GROUP
Address: CEMMAES WINDFARM, MYNYDD Y CEMMAES, MACHYNLLETH
Authority: POWYS **Dec Type:** Call In

Order this case as part of your Compass search by quoting result no:59 or DCS No: 49773361
Download this case at www.planningresource.co.uk/dcs/appeals quoting the DCS No.
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

60 DCS No 38964863

CALL IN-25x600kw WIND TURBINE/FARM-MAIN ISSUE IMPACT ON SSSI/LOCAL POPULATION OF GREENLAND
WHITEFRONTED GEESE-HABITATS DIRECTIVE APPLIED-CONDITION REQUIRING CLOSING DOWN WHEN
GEESE ARE FLYING NOT CERTAIN ENOUGH AS MITIGATION OF PROBLEM

Date: 17/11/1998 **Outcome:** =
Inspector: D.RUSSELL/SMIN **Appellant:** TRIGIEN (KINTYRE) LTD
Address: LARGIE ESTATE, TAYINLOAN, BY TARBERT
Authority: ARGYLL & BUTE **Dec Type:** Call In

Order this case as part of your Compass search by quoting result no:60 or DCS No: 38964863
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

61 DCS No 52607274

25 WINDTURBINES-UP TO 54m TALL-& ANCIL.BUILDINGS-HARM TO LANDSCAPE OF NATIONAL
PK./AONB/AHLV -SIZEABLE AND CONSPICUOUS-HARM TO SETTING LISTED BUILDING/ARCHAEOLOGICAL
SITE-NEED FOR ALT.POWER GEN.FACILITIES (DOES NOT OUTWEIGH-(NB.COMMONS CONS.ALSO REQD.)

Largest wind farm in England rejected. National Wind and Power applied for permission to develop a wind farm including 25 wind turbines with a maximum height of 54 metres, temporary access tracks, substation and associated works in Teesdale. The site partly included common land and there were rights of common still existing. The appellant submitted that the site had been carefully selected having regard to wind speed, landscape quality, nature conservation, grid connection and ground conditions. An environmental statement identified the potential effects and impact on the landscape. English heritage objected on the basis that there was evidence of human activity on the site dating from c. 6000-4000 BC. An inspector concluded that the development would create a very extensive grouping of tall, man made structures in a moorland landscape. Which would alter the existing ambience of the area. Moreover it would harm the character of the Yorkshire Dales National Park even though the site lay beyond it. The Bowes Museum, listed as being a collection of outstanding quality would also be harmed due to the visual impact of the turbines. The scheme would accord with government advice in respect of renewable energy and if permitted it would be the largest in England. However this did not outweigh the identified harm and the S.O.S. agreed.

Date: 12/11/1998 **Outcome:** Dismissed
Inspector: D.LAVENDER/SOS **Appellant:** NATIONAL WINDPOWER LTD
Address: HIGH MOOR FARM, COCKER HILL, NR.BARNINGHAM
Authority: TEESDALE **Dec Type:** Call In

Court Case: Appeal subject to later court action. National Wind Power Ltd v SOS & Teesdale DC & Another

High Court
Reference: CO/5079/98 **Date:** 29/10/1999
Description: CORRECT WEIGHT TO NEED

Order this case as part of your Compass search by quoting result no:61 or DCS No: 52607274
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

62 DCS No 33478161

BREACH OF ANTI STROBING COND.ON WIND TURBINE GENERATOR-COND.PARTIALLY BREACHED AS ONE
HOUSE NOT PROTECTED-COND.NECESSARY-REQUIREMENTS EXCESSIVE-MORE REASONABLE/ENFORCEABLE
CONDS.IMPOSED

Date: 20/02/1998 **Outcome:** Dismissed
Inspector: J.DAVIES **Appellant:** MR & MRS MOSS
Address: BULLHOUSE WORKS, MANCHESTER ROAD, MILLHOUSE GREEN, BARNSLY

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Appendix 1 (pages 9-43)

Authority: BARNSELEY Dec Type: Inquiry Costs: N

Order this case as part of your Compass search by quoting result no:62 or DCS No: 33478161
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

63 DCS No 33903403

5 WIND TURBINES ETC.-COASTAL AREA NEAR LAKE DISTRICT NATIONAL PARK-HARM TO DISTINCTIVE LOCAL LANDSCAPE AND VIEWS FROM NATIONAL PARK-HARM TO AMENITY OF LOCAL RESIDENTS THRU VISUAL INTRUSION-NO HARM TO SETTING ANCIENT MON.-BENEFITS DO NOT OUTWEIGH OBJ'S.

Date 30/12/1997 Outcome: Dismissed
Inspector: D.METCALFE Appellant: WIND PROSPECT LTD
Address: ADJ.SHORE ROAD, DRIGG
Authority: COPELAND Dec Type: Inquiry

Order this case as part of your Compass search by quoting result no:63 or DCS No: 33903403
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

64 DCS No 42145568

14x54m TURBINE WIND FARM IN SSSI-ONLY (SHORT TERM REVERSIBLE HARM TO HEATHLAND/PO'D RIGHTS REMOVED-ELECTRO-MAG AGMNT-NOISE OK WITH COND BUT "LARGE SCALE"-COUNTY LANDSCAPE&VIS IMPACT/CUM IMPACT HARM-DOM.INTRUSIVE APPEARANCE-WOULD INDUSTRIALISE OPEN RIDGE SITE

Date 06/10/1997 Outcome: Dismissed
Inspector: K.SMITH/SOS Appellant: NATIONAL WINDPOWER LTD
Address: GUNSON HEIGHT, KIRKBY MOOR, KIRKBY-IN-FURNESS
Authority: SOUTH LAKELAND Dec Type: Inquiry

Order this case as part of your Compass search by quoting result no:64 or DCS No: 42145568
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

65 DCS No 29333417

7 TURBINES-VIS IMPACT ON A)NEARBY SETTLEMENT & B)HAEMATITE TRAIL.F.PATH-A)SOME IMPACT ON NEARBY RES BUT WELL SEPARATED FROM DWLPT-B)POSS.ENJOYMENT LOSS TO SOME WALKERS,BUT OF INTEREST TO OTHERS-WORTHWHILE CONTRIB.TO NATIONAL ENERGY TARGET FOR RENEWABLES

Date 06/10/1997 Outcome: Allowed
Inspector: C.GOSSOP/SOS Appellant: WIND CLUSTER LTD
Address: FAR OLD PARK FARM, IRELETH
Authority: BARROW-IN-FURNESS Dec Type: Inquiry

Order this case as part of your Compass search by quoting result no:65 or DCS No: 29333417
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

66 DCS No 41881088

3 WIND TURBINES-OK IN LONG VIEWS FROM N.PK AS ASSIM.INTO LANDSCAPE/NOISE OK BUT WOULD DOMINATE NEARBY(353-850m)RES/AMNTY LOSS/CLOSE-TO VIS IMPACT HARM-ENERGY GEN.NOT OUTWEIGH:FAILS BUT EXPEDIENT TO ALLOW UNDER SEC.194LAW&PROPERTY ACT/RE:COMMONER BENEFITS

Date 06/10/1997 Outcome: Dismissed
Inspector: G.GRINDEY/SOS Appellant: MR & MRS MILLER
Address: LOWICK BEACON
Authority: SOUTH LAKELAND Dec Type: Inquiry

Order this case as part of your Compass search by quoting result no:66 or DCS No: 41881088
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

Appendix 1 (pages 9-43)

67 DCS No 40497577

5 WIND TURBINES IN S.P.A/SPECIAL AREA OF CONS.ON REMOTE ISLAND-ADVERSE EFFECT ON INTEGRITY OF SPA/S.A.C & GEESE HABITAT-REFUSAL LIKELY BUT FURTHER SUBMISSIONS INVITED

Permission was sought for 5 wind turbines on the Isle of Islay. Concern centred upon the potential risk to Greenland White-fronted geese hitting the blades and suffering injury or death. Debate centred at a re-opened inquiry upon whether the geese were to be considered under paragraph 41(ii) rather than 41(iii) of "Wild Geese and Agriculture in Scotland- A discussion paper". The S.O.S. determined that they lay within the first category and were afforded higher protection. Detailed calculations were made as to likely impacts. There was considerable doubt over the level of fatalities and the likely impact on breeding populations. The precautionary principle was applied since the level of fatalities could not be controlled by condition i.e. shutting down at sunrise and sun set if the number of deaths rose above 14 per annum. There was a theoretical possibility of 1800 fatalities per year and thus caution was necessary.

Date 24/09/1997 **Outcome:** =

Inspector: J.MCCULLOCH/SMIN **Appellant:** WINDCLUSTER LTD

Address: BEINN CHURLAICH, ISLAND & CORFARY FARMS, BOWMORE, ISLAY

Authority: ARGYLL & BUTE **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:67 or DCS No: 40497577
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

68 DCS No 39707995

6 WIND TURBINES ADJ.NATURE RESERVE ON EDGE OF ESTUARY CLOSE RES./HOLIDAY CONS.AREA-VISUALLY ACCEPTABLE-NO HARM TO NATURE RESERVE/BIRDS-NO HARM TO VIEWS FROM NEARBY CONS.AREA

Date 22/08/1997 **Outcome:** Allowed

Inspector: S.HESKETH **Appellant:** MERSEY DOCKS & HARBOUR CO

Address: SEAFORTH DOCK, PORT OF LIVERPOOL, BOOTLE

Authority: SEFTON **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:68 or DCS No: 39707995
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

69 DCS No 100033835

CALL IN-17&3 WIND TURBINES&ACCESS RD-tr.SSSI/E.S.A-HIGH MOORLAND-E.I.A NOTED-NOISE OK-PLANTS OK AS MODIFIED LAYOUT-RISK TO BIRDS BUT OK WITH MITG.MEASURES/MONITORING-VIS INTRUSION IN LOCAL SCENIC AREA/ZVI MAP OK IF TURBINES RELOCATED-ACCORDS ENERGY POL

Date 05/03/1997 **Outcome:** Allowed

Inspector: R.HICKMAN/SMIN **Appellant:** DALHANNA FARMING CO

Address: HARE HILL, NEW CUMNOCK & MCCFIERICKS CAIRN, KIRKCONNEL

Authority: EAST AYRSHIRE /DUMFRIES & GALLOWAY **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:69 or DCS No: 100033835
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

70 DCS No 33737044

10 WIND TURBINES ON COASTAL FARM CLOSE NATIONAL PARK-UNACCEPTABLE INTRUSION IN OPEN COUNTRYSIDE/COASTAL AREA-DETRIMENTAL TO VIEWS FROM NAT.PARK-PRECEDENT WOULD BE SET FOR SMALL SCALE INSTALLATIONS ACROSS A SWITHE OF MOORLAND

Date 24/01/1997 **Outcome:** ~~Dismissed~~

Inspector: S.C.MEYRICK **Appellant:** R & M FOTHERINGTON & OTHERS

Address: FAIRFIELD FARM, PICA, DISTINGTON

Authority: COPELAND **Dec Type:** Written Rep's

Court Case: Appeal subject to later court action

High Court

Date: 01/05/1997

Description: RE PRECEDENT ISSUE

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Appendix 1 (pages 9-43)

Order this case as part of your Compass search by quoting result no:70 or DCS No: 33737044
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

71 DCS No 47479706

5 WIND TURBINES IN OPEN COUNTRYSIDE-POSSIBLE INTERFERENCE WITH NEARBY M.O.D ELECTRONIC WARFARE TACTICS RANGE & R.A.F LOW FLYING AIRCRAFT

Date 13/01/1997 **Outcome:** Dismissed
Inspector: A.WALKER/SMIN **Appellant:** BORDERS COUNTIES MANAGEMENT LTD
Address: BLINKBONNY HEIGHT, SORBIETREES, NEWCASTLETON
Authority: SCOTTISH BORDERS **Dec Type:** Call in

Order this case as part of your Compass search by quoting result no:71 or DCS No: 47479706
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

72 DCS No 32456001

6 TURBINE WIND FARM ON FACTORY SPOIL HEAP IN HILLY GREEN BELT/ABL/ADJ.NATIONAL PK-NOT PRESERVE OPENNESS AS 56mHT/SCALE/MOVEMENT MAKES VERY VISIBLE IN VIEWS FROM NAT PK/ABL VIS HARM-DOMINATE NEARBY(490/630m)DWLGS NOTE:SOME FLICKER AMNTY LOSS OK WITH CND

Date 03/12/1996 **Outcome:** Dismissed
Inspector: P.FARROW **Appellant:** HEPWORTH BUILDING PRODUCTS LTD
Address: HEPWORTH'S SITE, FLINT LANE, CROW EDGE, STOCKSBRIDGE
Authority: BARNESLEY **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:72 or DCS No: 32456001
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

73 DCS No 39374353

5WIND TURBINES ALONG RIDGE/SKYLINE IN ATTRACTIVE RURAL AREA-POL EXCEPTION AS SCHEME/RENEWABLE ENERGY GVNMT.POL A'SPECIAL NEED'(AS 5 CRITERIA MET-1)NOT DESIGNATED AREA 2) NO NOISE AMNTY LOSS OR 3)FLICKER/DRIVE/DISTRACTN&NOT EFFECT 4)AIRCRAFT,5)BIRD HABITAT

Date 22/07/1996 **Outcome:** Allowed
Inspector: D.RUSSELL **Appellant:** N.EWART
Address: CARLESGILL HILL, LANGHOLM
Authority: DUMFRIES & GALLOWAY **Dec Type:** Written Reps

Order this case as part of your Compass search by quoting result no:73 or DCS No: 39374353
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

74 DCS No 38134141

CALL IN-17 TURBINE WINDFARM-AGLV-ADJ.AONB/HERITAGE COAST-NOISE OK BUT VIS INTRUSION IN SENSITIVE OPEN LANDSCAPE AS COUPLED WITH EXSTG W.FARM,WOULD APPEAR AS CONTINUOUS STRING OF TURBINES STRETCHING ACROSS COUNTRYSIDE HARMING UNSPOILT AREA CHARACTER

Date 26/06/1996 **Outcome:** Dismissed
Inspector: D.BRADLEY/SOS **Appellant:** WORTHYVALE MANOR PARTNERSHIP
Address: WORTHYVALE MANOR/WATERPIT DOWN, CAMELFORD
Authority: NORTH CORNWALL **Dec Type:** Call in

Order this case as part of your Compass search by quoting result no:74 or DCS No: 38134141
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

75 DCS No 100033087

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

60m WIND TURBINE ON SHELLFISH FARM IN LOCAL SCENIC AREA ON THINLY POPULATED ISLAND-LITTLE HARM TO CHARACTER/APPEARANCE OF LOCAL SCENIC AREA-NO HARM TO BIRDS/NEARBY SSSI

Date: 16/11/1995 **Outcome:** Allowed
Inspector: R.HICKMAN **Appellants:** TIRSHELL LTD
Address: TORSHELL SITE AT BAUGH, ISLE OF TIRRE
Authority: ARGYLL & BUTE **Dec Type:** Written Reps

Order this case as part of your Compass search by quoting result no:75 or DCS No: 100033287
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

76 DCS No 100032749

4WIND TURBINES-AILO/NR AONB-ROTATING BLADES/66M HT ON ELEVATED PLATEAU WOULD ATTRACT THE EYE-ALIEN STRUCTURES OUT OF SCALE WITH SMALL,RURAL CHAR OF AREA-DOMINATE LANDSCAPE-AONB OK BUT HARM SETTING OF CASTLE/HALL(ANC.MON)-PRECEDENT-NOISE DSTRB AMNTY LOSS-
NOTE:BS4142NOISE STD-FLICKER RARE-H.S. = SAFETY OK-AWAY FROM HIWAY-TV HARM

Date: 08/09/1995 **Outcome:** Dismissed
Inspector: H.ROWLANDS **Appellants:** JE MACIK
Address: POND FARM, CHURCH RD, BODHAM
Authority: NORTH NORFOLK **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:76 or DCS No: 100032749
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

77 DCS No 100032215

WIND MONITORING MAST IN OPEN COUNTRY:IDE-RELATIVELY UNOBTUSIVE-PP WOULD NOT PREJUDICE FUTURE DECISION ON POSSIBLE APPLICATION FOR WIND FARM

Date: 02/05/1995 **Outcome:** Allowed
Inspector: W.MITCHELL **Appellant:** M.HENRY
Address: COIR A'GHOBHAINN, 5.OF ROINEVAL SUMMIT, DRYNOCH, SKYE
Authority: HIGHLAND **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:77 or DCS No: 100032215
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

78 DCS No 100031904

WIND TURBINES-ADJ.URBAN AREA-PORT VIAE NEED-VIS IMPACT OF 15 ALONG 1.6km BEACH DOM.&OPPRESIVE-EVE.NOISE(?COND)&MOVING BLADE VIS DISTRB-?HEALTH RISK-TV/ELECTRO MAG.INTERF.OK WITH AGMNT-SOS/INSP DIS/ GREE AS SOMEIMPACT UPON PORT FUNCTION AS STAT.UNDERTAKER

Date: 14/02/1995 **Outcome:** Dismissed
Inspector: K.SMITH/SOS **Appellant:** SHOREHAM PORT AUTHORITY
Address: BASIN ROAD SOUTH, HOVE & OUTER LAY-BY WHARF, SHOREHAM
Authority: ADUR /HOVE **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:78 or DCS No: 100031904
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

79 DCS No 30307056

10WIND TURBINES-GREEN BELT/ACLV/ABLV-OPEN UPLAND LANDSCAPE-CUM.VIS IMPACT WITH NEARBY WIND FARM WOULD DOMINATE DON VALLEY-COLOUR CONTRAST WITH DARK HILLSIDE BACKGRND-VIS DISRUPTION OF ROTORS-HARM RECR.ENJOYMENT-LOSS RES.OUTLOOK/SHADOW FLICKER/NOISE HARM

Date: 23/12/1994 **Outcome:** Dismissed
Inspector: A.ROBINSON **Appellant:** CENTURY STEELS LTD
Address: MANCHESTER ROAD, FULLSHAW, PENISTONE, NR.SHEFFIELD

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

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Authority: BARNSELY **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:79 or DCS No: 30307056
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

80 DCS No 100031542

2 WIND TURBINES-GREEN BELT/SLA/AGLV-OK IN G.BELT/LESS PROMINENT THAN NAYLOR SCHEME BUT STILL INTRUSIVE IN OPEN UPLAND BRONTE LANDSCAPE/SKYLINE BY VERTICAL EMPHASIS & MOTION OF ROTORS-
NOTES BS4142/CONCERN OF 12 DBA INCR NCISE-ONLY LTD ADD.TO ENERGY SUPPLY-NEARBY MOBILE HOMES TO BE TAKEN AS STD DWLLGS IN TERMS OF NOISE STD

Date: 06/12/1994 **Outcome:** Dismissed
Inspector: R.BROOKS **Appellant:** R.FEATHER
Address: CUCKOO PARK QUARRY, off BLACK MOOR ROAD, HAWORTH
Authority: BRADFORD **Dec Type:** Inquiry **Costs:** N

Order this case as part of your Compass search by quoting result no:80 or DCS No: 100031542
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

81 DCS No 100031543

8WIND TURBINES-GREEN BELT/SLA/AGLV-SIGNIF CONTRIB TO ENERGY SUPPLY BUT OUTWEIGHED BY INTRUSIVE&OUT OF SCALE WITH OTHER FEATURES IN PASTORAL VALLEY LANDSCAP-LOSE PUBLIC RECR.ENJOYMENT OF OPEN MOORLAND&HARM VILL SETTING-16dBA INCR NOISE/LOSS OF OUTLOOK HARM

Date: 06/12/1994 **Outcome:** Dismissed
Inspector: R.BROOKS **Appellant:** URIAH WOODHEAD & SONS LTD
Address: junction of OTLEY ROAD & HEIGHTS LANE, EAST MORTON
Authority: BRADFORD **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:81 or DCS No: 100031543
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

82 DCS No 100031528

2WIND TURBINES-PROMINENT IN OPEN MOORLAND-GREEN BELT/AGLV/SLA/ALLS-NOISE OK(5dBA INCR)-NOT HARM G.B FUNCTION BUT WOULD LOSE OPENNESS&BE VIS INTRUSIV ON VALLEY EDGE SKYLINE AFFECTING EXPERIENCE OF BRONTE LOCAL SCENE/TOURISM-ENERGY CONTRIB TANGIBLE BUT LTD

Date: 01/12/1994 **Outcome:** Dismissed
Inspector: R.BROOKS **Appellant:** DENNIS GILLSON & SONS
Address: NAYLOR HILL QUARRY, BLACK MOOR ROAD, HAWORTH
Authority: BRADFORD **Dec Type:** Inquiry **Costs:** N

Order this case as part of your Compass search by quoting result no:82 or DCS No: 100031528
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

83 DCS No 100030926

9&17 WIND TURBINE-FARMS-2 SITES-RENEWABLE ENERGY BENEFIT BUT OUTWEIGHED BY DESIGN/SIZE VIS HARM TO HIGH QUALITY UNDESIGNATED COUNTRYSIDE & SERIOUS NOISE POLLUTION/LOSS OUTLOOK & DOMINANT HARM ADJ.RES-NO DRIVER DISTRACTION

Date: 27/07/1994 **Outcome:** Dismissed
Inspector: R.TAMPLIN **Appellant:** WEST COAST WIND FARMS/K APPS
Address: FULLABROOK & CRACKAWAY BARTON WEST DOWN nr ILFRACOMBE
Authority: NORTH DEVON **Dec Type:** Inquiry

Court Case: Appeal subject to later court action

High Court
Date: 23/03/1995

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Order this case as part of your Compass search by quoting result no:83 or DCS No: 100030926
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

84 DCS No 100030294

10 WIND TURBINES-FLAT COASTAL PLAIN ARE A-GOOD OPERATIONAL SITE-NOISE, ECOLOGICAL AND ELECTROMAG INTERFERENCE COULD BE DEALT WITH BY CONDITIONS-BUT OVERRIDING HARM TO VULNERABLE LANDSCAPE-REMAINING UNDEVELOPED COAST IN THIS REGION PARTI.C. VALUABLE

Date 07/03/1994 **Outcome:** Dismissed
Inspector: W.WEEKS **Appellant:** A.BRETON
Address: GREATHAM FARM, HAM ROAD, SIDLESHAM
Authority: CHICHESTER **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:84 or DCS No: 100030294
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

85 DCS No 38917622

14 WIND TURBINES IN OPEN COUNTRYSIDE-VISUAL INTRUSION OUTWEIGHED BY NEED FOR RENEWABLE ENERGY-LITTLE LOSS OF RES.AMENITY DUE TO NOISE-AGREEMENT REACHED ON IMPROVING TV RECEPTION AFFECTED BY TURBINES

Date 10/12/1993 **Outcome:** Allowed
Inspector: D.SHEERS **Appellant:** NATIONAL MIND POWER LTD
Address: TRYSGLWYN FARM RHOSYBOL AMLV/CH
Authority: YNYS MON **Dec Type:** Inquiry **Costs:** C

Order this case as part of your Compass search by quoting result no:85 or DCS No: 38917622
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

86 DCS No 35170984

8 WIND TURBINES ON SEMI DERELICT OLD MINING HILL WITH PP FOR NEW MINING CLOSE AONB-NO HARM TO SSSIs-NOISE LEVELS ACCEPTABLE-UNACCEPTABLE VISUAL INTRUSION-HARM TO SETTING OF LSTD.BLDGS/ANCIENT MONUMENTS-OUTWEIGH SMALL ECON.BENEFITS

Date 10/11/1993 **Outcome:** ~~Dismissed~~
Inspector: P.FARROW **Appellant:** ANGLESEY MINING PLC
Address: LAND AT PARYS MOUNTAIN
Authority: YNYS MON /ISLE OF ANGLESEY **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:86 or DCS No: 35170984
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

87 DCS No 100029391

15 WIND TURBINES-OPEN DOWNLAND-AGLV/AGHV/NR.SAGLV-PROMINENT SITE/MATERIALS-ALTHOUGH UNUSUAL WOULD APPEAR AS NEAT&ELEGANT, ENHANCE&COMPLEMENT THE VIEW/LANDSCAPE-BENEFIT SETTING OF ANCIENT MONUMENTS-NOISE OK/CONSTRUCT.TRAF HZD-SHORT TERM/QUIET RDS.

Date 01/09/1993 **Outcome:** Allowed
Inspector: B.YOUNG **Appellant:** MESSRS ECOGEN
Address: ST BREOCK DOWNS nr.WADEBRIDGE
Authority: NORTH CORNWALL **Dec Type:** Inquiry **Costs:** N

Order this case as part of your Compass search by quoting result no:87 or DCS No: 100029391
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

88 DCS No 50240041

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

15 WIND TURBINES-LTD WEIGHT TO ENVIRONMENTAL ASSESSMENT(E.I.A)-OPEN COUNTRYSIDE-NOT INCONGRUOUS-EXTENSIVE NOISE DEBATE/ACCEPTABLE-LTD DRIVER DISTRACTION/TRAF HZD-EFFECT ON ANCIENT MONUM.OK-NATIONAL NEED-VIS HARM TO 5 DWLLGS NOT OUTWEIGH DVLPT

Date 06/08/1993 **Outcome:** Allowed
Inspector: P ROBINSON **Appellant:** ECOGEN LTD
Address: LAND AT FOUR BURROWS, KENWYN, TRURO, CORNWALL
Authority: CARRICK **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:88 or DCS No: 50240041
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

89 DCS No 100029038

10 WIND TURBINE GENERATORS-HILLSIDE IN AONB-ACCEPTABLE IN COMPROMISED AREA-WOULD HELP TO SUPPLY RENEWABLE RESOURCE/PPG22-ENVIRONMENTAL STATEMENT(E.I.A) INDICATES NO HARM

Date 01/07/1993 **Outcome:** Allowed
Inspector: D.HOLLIS/SOS **Appellant:** WHITENDALE GENERATION LTD
Address: CATON MOOR, CATON-WITH-LITLEDALE, LANCASTER
Authority: LANCASTER **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:89 or DCS No: 100029038
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

90 DCS No 31024095

12 WIND TURBINES & CONTROL BLDG.IN OPEN COUNTRYSIDE-SITE HAS NO SPECIAL LANDSCAPE STATUS-VISUALLY INTRUSIVE BUT NOT UNATTRACTIVE-DEVT.IN LINE WITH EEC & GOVT.GUIDELINES ON RENEWABLE ENERGY RESOURCES

Date 02/04/1993 **Outcome:** Allowed
Inspector: F.COSGROVE **Appellant:** RENEWABLE ENERGY SYSTEMS LTD
Address: LAND AT PENRHYS, YSTRAD RHONDDA
Authority: RHONDDA **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:90 or DCS No: 31024095
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

91 DCS No 57539986

2 WIND TURBINES-SIDE OF RIDGE AT FARM-/GLSV/APAC-27.5m HT-WHETHER ESSENTIAL DISC-MOVEMENT OF BLADES DRAWS ATTENTION-NOTES NFFO TARGET/PPG1&12 SUPPORTS APPEAL&PUBLIC SUPPORT-OUTWEIGH VIS HARM-NOISE FROM 600m NOT INTRUSIVE

Date 08/09/1992 **Outcome:** Allowed
Inspector: J.GRIFFITHS **Appellant:** ANTHONY MARMONT
Address: WEST BEACON FARM, DEACONS LAINE, CHARLEY
Authority: NORTH WEST LEICESTERSHIRE **Dec Type:** Inquiry **Costs:** C

Order this case as part of your Compass search by quoting result no:91 or DCS No: 57539986
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

92 DCS No 38900290

12 WIND TURBINES-ADJACENT TO AONB/AGL //COAST.P.AREA-RENEWABLE ENERGY RESOURCES POL-VIS IMPACT OF EITHER TYPE OF TURBINE DESIGN OK IN LANDSCAPE,BUT WILL HARM VIS AMENITY/DOMINATE ADJ(300m)DWLLGS & CAUSE SIGNIFICANT NOISE DISTURB

Date 10/08/1992 **Outcome:** Dismissed
Inspector: C.HOILE/SOS **Appellant:** K APPS
Address: LAND AT FULLABROOK BARTON, WEST DOWN, ILFRACOMBE

Appendix 1 (pages 9-43)

Authority: NORTH DEVON **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:92 or DCS No: 38900290
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

93 DCS No 100027006

23 TURBINE WIND FARM IN GREEN BELT-APPEAL APPROPRIATE IN GREEN BELT-NO LOSS OF AMENITY DUE TO NOISE-
NEED TO EXPLOIT RENEWABLE ENERGY SOURCES OUTWEIGH VISUAL INTRUSION

Date: 02/07/1992 **Outcome:** Allowed
Inspector: K. BARTON/SOS **Appellant:** YORKSHIRE WINDPOWER
Address: OVENDEN MOOR, WAINSTALLS, HALIFAX
Authority: CALDERDALE **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:93 or DCS No: 100027006
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

94 DCS No 100026926

THREE WIND TURBINES-OPEN HILL TOP IN SHETLANDS-COUNCIL ALLEGE PREMATURE BEFORE POLICY
PREPARATION-USE OF DRAFT DOE GUIDELINES-GOOD OPERATIONAL LOCATION-ALREADY MASTS IN
VICINITY-OK IF WIRES/CABLES UNDERGROUND & TV RELAY STN IF REQD

Date: 23/06/1992 **Outcome:** Allowed
Inspector: R. JESSOP **Appellant:** SHETLAND AEROGENERATORS LTD
Address: BURRA DALE TINGWALL
Authority: SHETLAND ISLANDS **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:94 or DCS No: 100026926
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

95 DCS No 100026927

ONE WIND TURBINE-OPEN HILL TOP IN SHETLANDS-USE OF DRAFT DOE GUIDELINES-TV
INTERFERENCE/LANDSCAPE IMPACT ISSUES-NO HARM AS OTHER MASTS/EXISTING ACCESS

Date: 23/06/1992 **Outcome:** Allowed
Inspector: R. JESSOP **Appellant:** SHETLAND AEROGENERATORS LTD
Address: STOURA ROONA BRINDISTER
Authority: SHETLAND ISLANDS **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:95 or DCS No: 100026927
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

96 DCS No 100026909

SIX WIND TURBINES-NEEDED TO GENERATE ELECTRICITY FOR CROP DRYING BUSINESS-ELEVATED POSITION
IN COUNTRYSIDE-NOT NECESSARILY INCONGRUOUS BUT DOMINATE ADJ.RES/TOO SMALL SCALE/PRECEDENT
HARM FROM NUMEROUS SMALL SITES IN COUNTRYSIDE

Date: 22/06/1992 **Outcome:** Dismissed
Inspector: R. MORDEY/SOS **Appellant:** WAYWIND FARM LTD
Address: WAY BARTON, NORTH DEVON
Authority: TORRIDGE **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:96 or DCS No: 100026909
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

97 DCS No 35820750

<http://dcs1/devcontrol/clientreport.aspx?delivery=2&sid=1&hid=23872&searchref=2...> 28/04/2006

Appendix 1 (pages 9-43)

CALL IN-a)15 WIND TURBINES-b)SAME UNDER S194 LAW OF PROPERTY ACT 1925-COUNTRYSIDE PROTECTION POL(AGLV) NATIONAL RENEWABLE ENERGY POLICIES/SSSI/ECOLOGY-EFFECT ON HEATHER& GROUSE-NOT PROPOSED S.P.A/NOISE OK-NOISES AMBIENT NOISE FROM WIND

Date 11/03/1992 **Outcome:** Allowed
Inspector: E.WILLIAMS/SOS **Appellants:** R LORRD-WIND ENERGY GROUP LTD
Address: KIRKBY MOOR & LOWICK COMMON, FURNESS
Authority: SOUTH LAKELAND **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:97 or DCS No: 35820750
Find more information on this type of development in **chapter 26 of Development Control Practice.**

98 DCS No 100025305

24 WIND TURBINES-WELSH MOUNTAINS-GOVERNMENT POLICY TO ENCOURGE NON FOSSIL/RENEWABLE ENERGY SOURCES-NEAR NATIONAL PARK BOUNDARY AND VISUAL IMPACT CONSIDERABLE-COMPELLING NEED OVERRIDES

Date 19/09/1991 **Outcome:** Allowed
Inspector: D.SHEERS **Appellant:** WIND ENERGY GROUP LTD
Address: MYNYDD Y CEMMAES, POWYS
Authority: MONTGOMERY **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:98 or DCS No: 100025305
Find more information on this type of development in **chapter 26 of Development Control Practice.**

99 DCS No 100025029

REM.10 YEAR TIME LIMIT COND.ON WIND TURBINE IN OPEN COUNTRYSIDE-15 YEAR LIMIT TO PROVE VIABILITY NOT UNREASONABLE-BETTER SITING WOULD REDUCE VISUAL IMPACT-TO BE AGREED WITH LA BEFORE ERECTION

Date 06/08/1991 **Outcome:** Allowed
Inspector: J.HENDERSON **Appellant:** A.WESTBROOK
Address: BEALACH BARR
Authority: KYLE & CARRICK **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:99 or DCS No: 100025029
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**

100DCS No 100011576

LIMITED PERIOD CONDITION-WIND TURBINE-AT FARM-A.O.N.B.-VISUAL IMPACT/VIABILITY

Date 10/04/1987 **Outcome:** Dismissed
Inspector: D.DAVEY **Appellant:** L STROM
Address: CRAGFORD, TREGIFFIAN - SENNEN
Authority: PENWITH **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:100 or DCS No: 100011576

101DCS No 34362487

WIND TURBINE-ELEC.GENERATION USE-ATTRACTIVE AREA OF OPEN COUNTRYSIDE-OPEN TO VIEW/SCALE & HEIGHT OF AN EYECATCHING FEATURE OUT OF KEEPING WITH RURAL CHARACTER

Date 31/12/1985 **Outcome:** Dismissed
Inspector: X.SOS/SOS **Appellant:** A MARMONT
Address: WEST BEACON FM,DEANS LANE,WOODHOUSE EAVES, LOUGHBOROUGH
Authority: CHARNWOOD **Dec Type:** Inquiry

Order this case as part of your Compass search by quoting result no:101 or DCS No: 34362487
Find more information on this type of development in **chapter 26.4 of Development Control Practice.**



Report to the Secretaries of State for Trade and Industry; and for Environment, Food and Rural Affairs

by David M H Rose BA (Hons) MRTPI

**an Inspector appointed by the Secretary of State for Trade and
Industry, with the agreement of the Secretary of State for
Environment, Food and Rural Affairs**

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

Date: 3 February 2006

Whinash Wind Farm

Concurrent Public Inquiries opened on 19 April 2005

ELECTRICITY ACT 1989 (SECTION 36 AND SCHEDULE 8)

TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 90)

LAW OF PROPERTY ACT 1925 (SECTION 194)

INCLOSURE ACT 1845

COMMONS ACT 1876

Applications by Chalmerston Wind Power Limited for:-

- (i) consent to construct and operate a 67.5MW wind turbine generating station under Section 36 of the Electricity Act 1989; and**
- (ii) consent to construct 24 wind turbines, access tracks, temporary hardstandings, 2 meteorological masts and an electricity substation, on common land, under the provisions of Section 194 of the Law of Property Act 1925**

Whinash Wind Farm: Inspector's Report

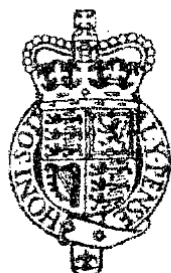
area. However, these surveys, and the one undertaken by Orton Farmers Ltd, are forward looking and largely hypothetical and have to be considered in the context of other studies in areas of operational wind farms, and the views of the North West Regional Assembly, which counter these concerns. On balance, I see no justification to contemplate adverse effects on tourism and the rural economy.^[2.13 – 2.14, 2.62]

- 15.47 On **property prices**, it is understandable, within a generally open and undeveloped landscape with far reaching views, that there is an expectation that any significant change in aspect will be reflected in property valuations.^[7.19] However, in the light of credible evidence, from the Royal Institution of Chartered Surveyors, that initial perceptions are not borne out and that there is no lasting impact on property prices, I find no basis to come to a contrary view.^[2.63]
- 15.48 In terms of **shadow flicker** I am satisfied that the critical conditions required to cause such effects, as explained in some detail in the *Companion Guide to PPS22*, (and in expert evidence for the Applicant) are unlikely to arise having particular regard to the distances between the turbines and residential properties and the influence of local topography.^[2.64] *The Companion Guide* also confirms that turbines should not be considered as particularly hazardous from a **road safety** point of view.^[2.65] The same document notes that there is no statutory separation distance from **bridle paths** and the British Horse Society's preferred exclusion zone can be the subject of negotiation.^[2.36] Legitimate worries about **television reception** have been taken into account in the Planning Obligation; and there is no evidence that there would be any interference to other forms of communication.^[1.21]
- 15.49 Finally, in terms of the rights under **Article 8 of the European Convention on Human Rights**, expressed by the occupants of Bretherdale Foot,^[7.27] I have concluded that planning conditions can be appropriately imposed to control noise; I am satisfied that strobe or shadow flicker effects are unlikely to arise; there will be effective measures to protect local water supplies; safeguards for television reception; and there is nothing of substance in relation to alleged adverse impacts on other forms of communication.^[2.66]

The Planning Balance

- 15.50 The *Energy White Paper* acclaims itself to be '*a milestone in energy policy*' giving recognition to the role of renewable energy supplies in tackling climate change. Its targets are ambitious and it is acknowledged that there needs to be a step change to achieve such programmes. Wind energy is seen as having a crucial role. The gravity of climate change, and the sincerity of the Government's response, is reflected in the Prime Minister's statement that '*climate change is the world's greatest environmental challenge*'. The message, and the associated urgency, could not be clearer.^[1.22, 2.2 - 2.3, 2.68]
- 15.51 *PPS22* establishes the national framework for facilitating the delivery of renewable energy projects and provides recognition for the wider environmental and economic benefits of such proposals. All renewable energy projects, whatever their scale, are capable of contributing to the overall quantum of clean energy and the response to the damaging effects of climate change. Here, the scale of that contribution is of considerable importance; and there may be economic benefits, given the number of firms within the region that are associated with the energy industry. The energy likely to be generated at Whinash is also significant in the context of 'conservative' regional targets and the general desire to deliver even more where the targets are met.^[2.4 – 2.6, 8.25]

Appendix 3 (pages 46-48)



Appeal Decision

Inquiry held on 10 -13 January and 6 March 2006

Site visit made on 7 March 2006

by David Lavender MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
Tel: 0117 312 8372
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inspectorate.gov.uk

Date

21 APR 2006

Appeal Ref: APP/K2610/A/05/1180/85

Farmland adjacent to Skitfield Road, Guestwick, Norwich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Enertrag (UK) Ltd against the decision of Broadland District Council.
- The application Ref 20041819, dated 15 November 2004, was refused by notice dated 31 March 2005.
- The development proposed is the construction of a wind farm.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. An Environmental Statement was prepared by the appellant when the application was submitted. I am content that this was produced in accordance with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (as amended). In the light of evidence presented during the course of the Inquiry, it became apparent that additional Environmental Information would be necessary to enable me to properly consider the proposal. Firstly, Clause 4 of Part II to Schedule 4 of the Regulations requires reference to the main alternatives considered, and I requested supplementary information in this regard relative to nearby previously developed land referred to by objectors. Secondly, in order to exercise my duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with paragraph 4.14 of PPG15, I requested information with regard to the effect of the proposals on the settings of nearby Listed Buildings and Conservation Areas. With the agreement of the parties, I adjourned the Inquiry to allow sufficient time for this additional information to be compiled and circulated, a process that was completed in time for the Inquiry to resume on 6 March 2006. I have taken account of both the Environmental Statement and this additional Environmental Information, together with the views of statutory consultees and others who have referred to it, in determining this appeal.
2. At the Inquiry an application for costs was made by Enertrag (UK) Ltd against Broadland District Council. That application is the subject of a separate decision.

The site and proposal

3. The site lies deep in rural Norfolk, about 25 km to the north west of the centre of Norwich and some 4 km distant from the A1067 Norwich to Fakenham Road. It consists of parts of an area of open farmland, 1.6 ha in overall extent, between the settlements of Guestwick (to the east), Foulsham (to the south west) and Hindolveston (to the north west). A pattern of six wind turbines is proposed, positioned to either side of Skitfield Road. As originally proposed, each turbine would have had a hub height of not more than 85 m and blade length

accept the movement of the turbines as unexceptional but for others an alternative diversionary route may need to be planned by riders in advance. This could be inconvenient but would avoid any risk of danger directly attributable to the presence of the turbines. It would also, in my view, be a more suitably proportionate response than preventing the proposed development altogether.

45. In the light of all of these conclusions, I find that there would therefore be no insurmountably harmful consequences for local residents in terms of the effect on their living conditions and their wider enjoyment of the countryside arising from noise, shadow flicker, or safety concerns.

Overall conclusions:

46. I formulate my conclusions within the framework provided by the various clauses of paragraph 16 of PPS7, which advises on the factors Local Planning Authorities should take into account in determining applications for development in the countryside. There is no suggestion that the turbines would specifically support development that delivers diverse and sustainable farming enterprises (*clause (i)*). While I note economic benefits of the type revealed by the DTI's Scroby Sands Supply Chain Analysis (referred to in the EERA Renewable Energy Supplement), that analysis considers the region as a whole. It does not show that the proposal would directly support countryside enterprises and activities which contribute to rural economies, or promote recreation and countryside enjoyment (*clause (ii)*). The proposed development would implicitly take account of the need to protect natural resources (*clause (iii)*). The fundamental balance in this case, however, is between providing for the sensitive exploitation of renewable energy in accordance with PPS22 (*clause (iv)*) and the conservation of specific features of recognised value, in accordance with statutory designations (*clause (v)*).
47. PPS22 says that special care will be needed if proposed sites for turbines happen to be near listed buildings or conservation areas, and refers to PPG15 "*Planning and the Historic Environment*". Paragraph 1.1 of PPG15 sets out the general context for the protection for all aspects of the historic environment. It says, among other things, that physical survivals of our past are an irreplaceable record, the presence of which adds to our understanding of both the present and the past. They add to the quality of our lives by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside, as well as being of immense importance for leisure and recreation. In setting out the Government's commitment to the concept of sustainable development, PPG15 cautions however that the historic environment of England is all-pervasive and cannot in practice be preserved unchanged. It nonetheless affirms that the impact of development on the historic environment must be given full weight, alongside other considerations.
48. Both the number and concentration of Listed Buildings in this relatively small area of countryside, including those in the highest grades (Grade I and Grade II*) are, in my experience, unusually great. I am aware that there are two turbines of similar dimensions to those proposed here, at nearby Swaffham. These were referred to in passing at the Inquiry but were not included in my accompanied site inspection itinerary. There is also no information before me on how many Listed Buildings there are in Swaffham, or their Grades, but I would expect both to be as great, if not greater, than at Guestwick. I refer to Swaffham only to make a general point. This is that the turbines and buildings there are

Appendix 3 (pages 46-48)

Appeal Decision APP/K2610/A/05/1180685

viewed closely together in the much more urban context of a bustling market town. The acceptability of turbines in that setting serves to illustrate, in my view, that the presence of wind turbines in proximity to Listed Buildings (and large numbers of them) cannot always be regarded as unacceptable. The difference between Swaffham and the appeal site is that the defining characteristics of the settings of the many Listed Buildings concerned in this particular case are their historic and enduring rural isolation and their individual prominence in the local landscape.

49. In referring to the various viewpoints, I have identified specific examples where the inherently rural settings of specific buildings would demonstrably not be preserved. Not all others would be seen within the same frame of view as the proposed turbines but the settings of many more than I have already referred to would be similarly affected to varying degree, including, for example, isolated farmsteads to the north east of the site (such as Abbey Farm, about 700 m distant). Indeed, with the inclusion of St George's tower at Hindolveston, it seems to me that Listed Buildings would be seen with the proposed turbines impinging on their setting in almost all directions of view. At distances of more than 2.5 km, it must be said that the effect would be on the attractiveness of the overall rural tableau, while beyond 5 km the significance of the turbines in this particular landscape would quickly diminish to the point of insignificance. However, within the 2.5 km radius, the visual impact would be much more immediate and severe. While the turbines might only be in place for 25 years, this time period would represent almost an entire generation of people who would be unable to view not just one, but a large number of the Listed Buildings in the area, in a landscape setting appropriate to their special architectural or historic interest. That setting (both overall and individually) would, I consider, be seriously harmed by the intrusion of such high, rotating and uncompromisingly modern structures in the number and location proposed.
50. The evidence of a significant impending potential shortfall against regional on-shore wind energy targets to 2010 is clearly an important material consideration in this appeal. However, the balance between on-shore wind energy generation across the region and local protection of the rural environment will not become firmly established in policy terms until RSS14 in its final version is published in early 2007, the further work on targets and apportionment proposed by EERA has been carried out, and local criteria-based policies like emerging Local Plan policies ENV1, ENV14 and CS7 (albeit compiled with approved regional targets in mind) have been formulated. That is, I acknowledge, likely to be some way off. However, as matters currently stand, it cannot be said that the proposal is either plan-led (as intended by PPG22) or wholly in accord with either the existing and emerging development plan policies. In these circumstances, it would be wrong to regard EERA's currently recommended targets for inclusion in draft RSS14 as a reason for attaching greater weight to the exploitation of wind energy from this particular site than to other aspects of the environment which, in the public interest, ought to be protected.
51. It is also apparent from my findings on the second main issue that the lack of certainty over the proposed means of access threatens to leave important environmental safeguards unsecured. In this respect, and also with regard to the now proposed increase in blade length, coverage of potential impacts in the Environmental Statement cannot be regarded as completely accurate or comprehensive. While the subject of blade length may be of little consequence in terms of overall extent of visibility, it is illustrative of shortcomings in the presentation of the application before me brought about largely by late changes. The