

PLANNING APPEAL DECISION

Lead Officer: John Groves – Strategic Nuclear and Planning Manager

To inform Members of a recent appeal decision in respect of a site to the east of Bonny Farm, Moresby Parks, Whitehaven

Recommendation: That the decision be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 Planning permission was refused for the erection of a single 66m high wind turbine on agricultural land to the east of Bonny Farm at Moresby Parks on 18th July 2013 for the following reason:-

"The proposed turbine due to its scale, prominence and proximity to the existing wind farm at Fairfield Farm and the approved turbine at Watch Hill is likely to have a significant landscape and visual impact and also an unacceptable wider cumulative impact within the landscape when seen in context with existing and approved wind turbines. The degree of harm is of a scale and character which prevents it being offset by the likely scale of benefits and it is concluded that the adverse effects of the proposal significantly and demonstrably outweigh the benefits of the proposal. As a consequence the proposal is considered to be contrary to Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 and the provisions of the National Planning Policy Framework."

1.2 The appeal has now been DISMISSED.

1.3 Landscape Character and Visual Impact

The Inspector noted that the turbine would be located in a scenic and tranquil landscape that is sensitive to change. He considered that a turbine in this location would be a stark utilitarian appearance which, allied to its scale, visual prominence and moving blades would combine to make an incongruous feature which would be widely visible from the local road and footpath network. He concluded that this would introduce a level of change in the views from the west towards the Lakeland fells that would cause significant harm to the local landscape character. He considered this effect to be unacceptable and would not be outweighed by the wider community benefits that would result from the proposed turbine.

1.4 Cumulative Impact

The Inspector acknowledges the presence of other turbines within the local area but does not consider that the proposal would cumulatively in sequence or combination with other wind turbines have a harmful landscape or visual impact.

1.5 Other Matters

The Inspector considered that the other issues raised by local residents with regards to noise, potential impacts on residential amenity, highway safety, ecology and heritage assets had been adequately addressed in the submitted application. He concluded that no negative effects would arise from the proposal with regards to these issues.

Contact Officer: Nick Hayhurst – Senior Planning Officer

Background Papers: A copy of the Inspector's decision letter is appended.

Appeal Decision

Site visit made on 17 December 2013

by **Richard McCoy BSc MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 April 2014

Appeal Ref: APP/Z0923/A/13/2205146

Bonny Farm, Moresby Parks, Whitehaven CA28 8UT

- 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 made by Mr C Stamer against the decision of Copeland Borough Council.
 - The application Ref 4/13/2145/OF1, dated 3 April 2013, was refused by notice dated 18 July 2013.
 - The development proposed is the installation of a single 500KW wind turbine and associated infrastructure.
-

Procedural matters

1. Since the Council made its decision, saved policies EGY1, EGY2 of the adopted Copeland Local Plan 2001-2016 (LP) have been replaced by policy DM2 of the Copeland Local Plan 2013-2028: Core Strategy (CS) and Development Management Policies (DM) Development Plan Document which was adopted on 5 December 2013. Furthermore, the saved policies of the Cumbria and Lake District Joint Structure Plan 2001-2016 have been revoked and the Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) has been cancelled. I have dealt with the appeal on this basis.
2. I have also had regard to the Planning Practice Guidance (the guidance) launched on 6 March 2014.

Decision

3. I dismiss the appeal.

Main Issues

4. The main issues are the effect of the proposal on the surrounding area in terms of landscape character, visual impact and any cumulative effect, and whether any harm, in the light of the development plan, would be outweighed by the national objective of promoting renewable energy generation.

Reasons

Background and policy

5. The appeal site is an agricultural field located around 450m to the east of the main building group at Bonny Farm. Proposed is the erection of a single turbine that would stand around 66m tall to the blade tip, on a concrete base. The turbine would be finished in a pale grey colour to blend into the skyline. A

link to the national grid would be formed via an underground cable and a transformer housed in a kiosk.

6. The CS and DM Policies make similar provision for renewable energy development and landscape protection as the replaced LP Policies, with the exception that in line with the National Planning Policy Framework (NPPF) they provide for the balancing of adverse impacts with the benefits of the development. Specifically, CS Policy ER2 supports new renewable energy generation proposals which best maximise renewable energy resources and minimise environmental and amenity impacts, while DM Policy DM2 sets out the criteria to be satisfied (reflecting those of replaced LP Policies EGY1 and EGY2) including '*That there would be no unacceptable adverse visual effects*', '*That there would be no unacceptable adverse effects on landscape or townscape character and distinctiveness*' and '*Provision is made for the removal and site restoration at the end of the operating life of the installation*'.
7. The Cumbria Wind Energy Supplementary Planning Document (SPD) has been adopted by Copeland Borough Council. The Landscape Character Assessment on which the SPD is based is the Cumbria Landscape Character Guidance and Toolkit (LCGT). These locate the appeal site within the Type 9 "Intermediate Moorland and Plateau" area noted for its medium to large scale landscapes.
8. The NPPF states a presumption in favour of sustainable development at paragraph 14 and paragraph 93 makes clear that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development. The NPPF also states that even comparatively small scale projects can make a significant contribution to meeting national need.
9. This is reflected in the guidance which states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. It goes on to state that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
10. The guidance makes clear that there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology, and critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to.

Landscape character and visual impact

11. The appeal site is an open agricultural field which enjoys extensive views across moorland to the east and towards a ridge to the west, beyond which lies the coast. A busy road known as Red Lonning runs along the ridge. The Lake District National Park (LDNP) boundary, the St Bees Heritage Coast and the settlement of Morseby Parks are around 5.9km (south east), 6.6km (south west) and 600m (south west) of the appeal site respectively. The local landscape consists of large to medium sized fields, enclosed by hedgerows, interspersed with copses.

12. Across the moorland stand the Lakeland fells which form a dramatic backdrop to the appeal site when viewed from the west, although the view is crossed by a line of pylons. While there are wind turbine developments in the general vicinity, I did not observe any within the broad valley that lies between the appeal site and the LDNP. This remains the case in the light of the recent decision by the Secretary of State to dismiss an appeal and refuse planning permission (ref. APP/Z0923/A/13/2191361) for 6 wind turbines at nearby Arlecdon (Weddicar Rigg Wind Farm) to the east of the appeal site.
13. Natural England's document: *The North West Landscape Character Framework* identifies the site as being within the West Cumbria Coastal Plain Regional Character Area and the further sub-division of the 'Type 9' landscape by the LCGT places it within Sub Type 9a 'Open Moorlands'. This is considered to have a capacity to accommodate small groups of 3-5 turbines. Type 9a landscapes are assessed as being high open landscapes but in the vicinity of the appeal site the 9a landscape is considered to be less remote in terms of its managed appearance and past uses.
14. The appellant has submitted a Landscape Visual Impact Analysis (LVIA) which conforms to current best practice and includes a series of photomontages and wireframes to illustrate the effect of the proposal. The LVIA baseline assessment focussed on radii of 5 and 10km, taking account of landscape and visual impacts. The appellant argued that this demonstrates that the turbine would stand in a dip in the landscape, set back from local ridgelines so that in many views only the blade tips would be visible.
15. Be that as it may, from my observation, the turbine would feature prominently in views from the nearby settlements of Moor Row, Pica and Moresby Parks, with some open aspects available from these areas towards the proposal. Views would also be obtained from the A595, A5086, the West Cumbria rail line as well as the Cumbria Coastal Way and National Cycle Routes 71 and 72 recreational routes. The proposal would also be seen from local footpaths and bridleways such as the footpath which leads east from Moresby Parks from where it would break the skyline in several views.
16. I note the appellant's claim that from many of these locations the views obtained would be intermittent and obscured by landform, vegetation and buildings, and that in other instances the proposal would be seen in conjunction with other man made vertical structures, in particular the Fairfield wind farm. Nevertheless, in my judgement, the proposal would be sufficiently remote from the nearby operational and approved turbine developments so that it would not be visually integrated. In which case, it would appear as a stark, stand alone, eye-catching vertical feature in the landscape in long, uninterrupted views from Moresby Parks Road, Red Lonning, School Brow and the footpath leading east out of Moresby Parks.
17. The area containing the appeal site, while not subject to any formal designation, is a scenic and tranquil landscape that is sensitive to change. The stark, utilitarian appearance of the proposal, allied to its scale, visual prominence and moving blades, would combine to make it an incongruous feature. It would be seen by residents and visitors to the area from surrounding dwellings, roads and footpaths and would introduce a level of change in the views from the west towards the Lakeland fells that would cause significant harm to local landscape character and have an unacceptably adverse

visual impact. Notwithstanding the appellant's argument that fast growing species could be secured by a condition in the event of planning permission being granted, I consider that any planting would take several years to mitigate these effects to any significant degree.

18. While I note the appellant's argument that the SPD relates to taller turbines than that proposed, it is nevertheless made clear in the LCGT that the open character and expansive views across moorland and higher farmed areas are sensitive to large scale infrastructure development that could obscure or significantly interrupt the views. The LCGT goes on to advise against siting large scale wind energy and other vertical structures in open and prominent areas where it could degrade the open expansive character. In addition, it is advised that they should be sited so as to prevent visual clutter with existing pylons.
19. Accordingly, I consider that the proposal would cause significant harm to local landscape character and would have an incongruous visual impact, contrary to CS Policy ER2 and DM Policy DM2.

Cumulative impact

20. With regard to cumulative landscape impact, I observed that 5 turbines at Fairfield Farm wind farm are located nearby and a single turbine development has been approved at Watchhill. Other wind farms and single turbine developments may be seen in the wider area as set out in appendix 1 of the appellant's "Additional Evidence" statement. However, the separation distances with other wind turbine developments would be such that the effect of those turbines and this proposal on the landscape would remain distinct. Consequently, the proposal would not result in a level of change such that it would become a significant or defining characteristic of the landscape.
21. In terms of cumulative visual impact, the LVIA takes into account the cumulative effects of the proposal in conjunction with other wind turbine developments in the general area. The viewpoints illustrated take account of the operational, consented and proposed wind turbine developments within the 10Km radius. While there may be some locations within the surrounding area from where 2 or more of these turbines may be seen in a particular view or sequence of views, given the scale of the existing and proposed turbine and the separation distances between them, I consider that they would not collectively become a significant or defining characteristic of the area such that they would have a harmful effect on the overall experience of the landscape.
22. Against this background, I consider that the proposal would not, cumulatively in sequence or combination with the other wind turbine developments, have a harmful landscape or visual impact. Accordingly, in this regard it would not conflict with CS Policy ER2 and DM Policy DM2.

Other matters

23. Interested parties raised concerns in respect of harm to the living conditions of local residents from loss of outlook, noise and shadow flicker, along with alleged harm to highway safety and ecology. These matters were considered by the Council taking advice from bodies such as the County Council's Highway Engineer, Natural England and the RSPB. I note from the officer report that the conclusion is drawn that subject to conditions, there would be no negative

effects arising from the proposal in respect of these matters. I further note the officer's conclusion that no heritage assets would be likely to be affected by the proposal. From my assessment of the submitted evidence, I have no reason to disagree.

Benefits

24. The turbine would generate around 1,973MWh per annum and the appellant claims that the additional income raised from exporting energy to the national grid would help to secure the future of the farm which in turn would preserve local landscape character. The development plan provides in-principle support for renewable energy and the NPPF at paragraph 98 recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The development would contribute to the generation of renewable energy which would assist in meeting national targets that seek to reduce carbon emissions in order to tackle climate change. It would also make a contribution to supporting rural enterprise and economic activity.
25. In addition, it is pointed out in the officer's report that the appellant would provide a community benefit scheme if planning permission is granted. While it is unclear if this has been secured through a signed and dated S106 planning obligation agreement with the Council, it would take the form of a financial contribution to Moresby School, to assist with funding a multi-use games area and the construction of an access road.

Conclusion

26. Although community benefits of the kind offered on a voluntary basis are encouraged by the Government, it does not follow that such payments accord with the tests set out in NPPF at paragraph 204. In particular, the community benefits on offer are not a requirement of planning policy and they would not be directly related to the development. I therefore consider that these benefits should not be taken into account in the planning balance.
27. Furthermore, while the proposal would support a rural enterprise, accord with some development plan and national policy aims for the generation of renewable energy and would not be harmful in terms of cumulative impact and those matters set out under *other matters* above, it would have an unacceptably adverse effect on a scenic and tranquil landscape. I consider that the significant harm in respect of landscape character and visual impact would demonstrably outweigh the acknowledged environmental and economic benefits. Accordingly, the proposal would conflict with NPPF paragraph 98, CS Policy ER2 and DM Policy DM2 in that there would be unacceptable adverse effects on landscape character and visual impact which would not be outweighed by the other benefits.
28. For the reasons given above, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR