

**PLANNING APPEAL DECISION**

**Lead Officer:** John Groves – Head of Nuclear, Energy & Planning

**To inform Members of a recent appeal decision in respect of a site at Kidburngill Farm, Lamplugh.**

**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 67m high wind turbine on agricultural land in an elevated location at near Kidburngill Farm, Lamplugh on 16 August 2012 for the following reasons:-

1. The proposed siting of one large turbine, some 67 metres in overall height, would introduce a prominent feature within the landscape which would have a materially harmful effect on the character and appearance of the surrounding rural landscape, contrary to Policies EGY 1 and EGY 2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009).
2. Based upon the submitted information the Local Planning Authority do not consider that it has been established that the proposed wind turbine will not have a detrimental impact on both the nearby roosting and foraging areas for hen harriers. As a consequence this proposal would be contrary to Policies ENV 4 and ENV 5 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009).

1.2 A subsequent appeal against the decision has been DISMISSED.

1.3 In summing up, whilst the Inspector notes that the proposed turbine would have the undoubted benefit of helping to meet the need for renewable energy, as is made clear in the Written Ministerial Statement of July 2013, this does not automatically override environmental protection. In this instance, the local landscape is a valued feature and the significant harm the proposed turbine would cause to its character and appearance outweighs the wider community benefits of that turbine.

1.4 In terms of the impact on Hen Harriers the Inspector indicated that the additional information that had been submitted by the Appellants following consultation with Natural England was acceptable and clarified that the proposed turbine would not pose a significant danger to these birds.

**Contact Officer:** Nick Hayhurst – Senior Planning Officer

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



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## Appeal Decision

Site visit made on 18 November 2013

by **R J Yuille MSc Dip TP MRTPI**

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

Decision date: 9 January 2014

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**Appeal Ref: APP/Z0923/A/13/2192444**

**Land to the north west of Kidburngill Farm, Lamplugh, Workington, CA14 4RL**

- 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 Empirica Investments Limited against the decision of Copeland Borough Council.
  - The application Ref: 4/12/2246/0F1, dated 27/04/12, was refused by notice dated 16/08/12.
  - The development proposed is the erection of a 67 meter single wind turbine.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issue in this appeal is whether the proposed turbine would have a harmful effect on the appearance of the landscape and on the hen harrier population in the vicinity; and, if it would, whether this would be outweighed by any wider community benefits.

### Reasons

#### *Policy Considerations*

3. Since the Council determined the application the subject of this appeal it has adopted its *Local Plan 2013-2028 Core Strategy and Development Management Policies*. Policies ER2 and DM2 of this plan, when read as a whole, allow any benefits of renewable energy projects to be balanced against any harm they might cause to the environment and to amenity. This is consistent with the approach taken in the National Planning Policy Framework. I will attach full weight to these policies.

#### *Landscape*

4. The proposed turbine would be located in an area of upland fringe in which pasture fields give way to the moorlands and rough fields of the Lakeland fells. The River Marron runs in a north south direction between the ridges which characterise the area. There are areas of recently restored opencast mining and a number of recent spruce plantations in the vicinity. This is a landscape which, generally speaking, has a moderate capacity to accommodate wind energy development, in other words there is no objection in principle to a single turbine of the scale proposed.

5. In this particular instance, however, the turbine would be a dominant feature in views along the valley from Deans Cross to the north and from the settlement of Asby, particularly in the vicinity of the property known as Sunny Howe, to the south. From such points it is possible to obtain broad sweeping views of the austere attractive upland landscape, a landscape which, at present, has no structures which approach the height of the proposed turbine. In such views the proposed turbine, rising well above the skyline, would be a discordant and distracting feature that would cause significant harm to the appearance of the landscape. The proposed turbine would in this respect run counter to the relevant provisions of DPD Policy DM2 which seek to avoid unacceptable visual impacts.

#### *Hen Harriers*

6. The fact that wind turbines can kill or displace birds is a material consideration in determining an appeal of this nature. In this instance concern focussed on the effect of the turbine on the local hen harrier population – a rare and protected species in England. At the time it determined the application the Council did not have sufficient information to rule out the possibility that the proposed turbine would pose a significant danger to these birds.
7. Since then a survey has been carried out which indicates that the area is rarely frequented by hen harriers so there is no significant risk of them colliding with the turbine. It also indicates that the area only provides a low quality hunting habitat and is not used as a roost so there is no significant likelihood of hen harriers being displaced by the construction of the proposed turbine. The Council, which has been consulted, does not dispute the findings of this survey. The evidence indicates, therefore, that the proposed turbine would not conflict with the aims of DPD Policy DM2 insofar as this seeks to avoid any unacceptable effect on biodiversity.

#### *Wider Community Benefits*

8. Relatively little evidence is provided as to the amount of energy that the proposed turbine would generate or the purpose to which it would be put. Nonetheless it can be assumed that the energy it would generate would be used on site or exported to the grid. Either way it would make a contribution to the provision of low carbon energy and while this may be small, the Framework makes clear that even small scale projects can make a valuable contribution to cutting green house gas emissions. Consequently I attach considerable weight to the wider community benefits that would result from the cut in greenhouse gas emissions that this proposal would provide.

#### *Balancing Exercise*

9. The balancing exercise in this appeal involves weighing the harm to the appearance of the landscape that the proposed turbine would cause against its wider community benefits – the absence of harm to the hen harrier population is a neutral factor which weighs neither in favour of nor against the scheme.
10. The proposed turbine would have the undoubted benefit of helping to meet the need for renewable energy. However, as is made clear in the Written Ministerial Statement of June 2013, this does not automatically override environmental protection. In this instance, the local landscape is an attractive and valued feature and I consider that the significant harm the proposed turbine would cause to its appearance outweighs the wider community benefits of that turbine.

11. In this respect the proposed turbine would run counter to the aims of DPD Policies STC2 and DM2 insofar as these seek to support renewable energy schemes which best maximise renewable resources while minimising environmental impacts.

*Conclusions*

12. For the reasons given above and having had regard to all other matters raised I conclude that the appeal should be dismissed.

*R J Yuille*

Inspector