

Lead Officer John Groves – Head of Nuclear, Energy and Planning.

To inform Members of a recent appeal decision in respect of Fairladies Farm, Egremont.

**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

### 1.1 SUPPORTING INFORMATION

1.1 Planning Panel were minded to refuse permission for the erection of a 66m high (ground to tip) wind turbine on agricultural land forming part of Fairladies Farm off the B5345, near St Bees in April this year for the following reason:

"The proposed siting of one large turbine, some 66m high, would introduce an isolated and prominent feature, incongruous in its surroundings, which would have an adverse visual and materially harmful effect on the character of the surrounding sensitive landscape, which is designated as a 'Landscape of County Importance' and is within close proximity of the undeveloped St Bees Heritage Coast, contrary to Policies EGY 1, EGY 2, ENV 6, ENV 7, ENV 8 and ENV 14 of the Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the guidance contained in the National Planning Policy Framework."

1.2 An appeal against non-determination was lodged just prior to Planning Panel's consideration of the application and has been DISMISSED.

1.3 The Inspector in reaching his decision considered that the main issues were the effect of the proposed turbine on the surrounding area in terms of landscape character and visual impact and whether any harm in light of the development plan would be outweighed by the national objective of promoting renewable energy generation.

1.4 In his judgement the Inspector felt the proposal would introduce a prominent vertical structure into an area with strong scenic qualities which is sensitive to such development. The turbine would be clearly visible from St Bees Head area of the Heritage Coast and would have an unacceptable adverse impact on a scenic and tranquil landscape. He considered that the harm would not be outweighed by the acknowledged environmental and economic benefits nor by any of the suggested mitigation or the establishment of a community fund.

1.5 A copy of the decision letter is appended to this report.

**Contact Officer:** Heather Morrison, Senior Planning Officer

**Background Papers:** Planning Application file ref 4/13/2026/0F1

## 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: 4 March 2014

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**Appeal Ref: APP/Z0923/A/13/2197791**

**Fairladies Farm, Egremont, Cumbria CA22 2TZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr John Clark against Copeland Borough Council.
  - The application Ref 4/13/2026/OF1, is dated 18 January 2013.
  - The development proposed is the installation of a 500kW wind turbine with ancillary development including temporary access tracks and crane pads.
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### Procedural matters

1. I note the recommendation attached to the officer's report to Committee submitted with the Council's statement. While this is not the application decision as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.
2. Since the time the above recommendation was made, 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, while saved LP policies ENV6, ENV7, ENV8 and ENV14 were replaced by CS policies CS ENV2 and CS ENV5, and DM policy DM26. I have dealt with the appeal on this basis.

### Decision

3. I dismiss the appeal and refuse to grant planning permission for the installation of a 500kW wind turbine with ancillary development including temporary access tracks and crane pads.

### Main Issues

4. The main issues are the effect of the proposed turbine on the surrounding area in terms of landscape character and visual impact 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 close to the coast. Proposed is the erection of a single turbine that would be situated around 520m to the

south west of the farm. It would stand around 66m tall to the blade tip, on a concrete base and have a pale grey finish. A link to the national grid would be formed via an underground cable and a transformer. Currently 2 no. turbines are situated on the appellant's land around 350m to the north east of the farm. These were allowed on appeal ref. APP/Z0923/A/11/2152265.

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 any adverse impacts with any 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. CS policy ENV2 on coastal management seeks amongst other things to protect the intrinsic qualities of the St Bees Head Heritage Coast in terms of development proposals within or affecting views from the designation and CS policy ENV5 seeks to protect the Borough's landscapes from inappropriate change while including provisions which allow that the benefits of development may outweigh the potential harm. The proposal would be located within a Landscape of County Importance (LCI). DM policy DM26 provides, in line with the replaced policies of the LP, that such landscapes are to be protected from *'inappropriate change'*.
8. 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 "Coastal Sandstone" area noted for its exposed coastal edge comprising sandstone cliffs, rolling hills and plateaux.
9. The NPPF states a presumption in favour of sustainable development at paragraph 14. This presumption requires that planning permission should be granted unless any adverse impacts of a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Paragraph 93 makes clear that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development.
10. The NPPF also states that even comparatively small scale projects can make a significant contribution to meeting national need. This is reflected in the Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) 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. The Guidance 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.

*Landscape character and visual impact*

11. I observed that the landscape around the appeal site contains wide uninterrupted views across to the sea and along the coast, making the skyline a very prominent and distinctive feature. Woodland cover is sparse in this agricultural landscape of medium to large sized fields that are subdivided by a mix of hedgerows and stone walls. The landscape includes the distinctive landform feature of St Bees Head which provides a dramatic contrast to the flatter coastal plain, adding visual interest and variety, and giving the area a very high scenic quality. Overall, despite distant views to the Sellafield industrial complex, the area around the proposal has an isolated, tranquil character. The Council's officer report notes that the LCGT states that the object is to manage, enhance and restore the landscape and advises that further large scale developments such as wind energy should be discouraged in prominent coastal locations. The SPD notes that the landscape capacity of the area to wind turbine development is low/moderate and could accommodate developments of 3-5 turbines.
12. The appellant submitted a Landscape and Visual Impact Assessment which included a Zone of Theoretical Visibility. Within this, 7 viewpoints are featured as photomontages, showing the impact of the proposal on the landscape. The proposal would feature prominently in views from nearby recreational and transport routes. This would be apparent in views from the strategic recreational Coast to Coast footpath to the north west of St Bees beach, the area around St Bees Head (within the Heritage Coast) and in views from Outrigg Road, the B5345, and the nearby railway.
13. Although views from the railway would be oblique and of brief duration, and from the footpath would be of a moderate duration, they would be of a longer duration from the cliff top. This is because visitors to the cliffs around St Bees Head (from where the Coast to Coast path starts/ends) are likely to linger to take in the views. In addition, several views of the proposal would be obtained from the surrounding minor road network. As a result, the turbine would feature prominently in the views looking from St Bees Head across the coastal plain and from nearby roads looking towards St Bees Head.
14. The importance of the landscape is reflected in its designation as a LCI. It has a distinctive quality as set out in the LCGT which is reinforced by its proximity to the Heritage Coast at St Bees. In my judgement, the proposal would introduce a prominent vertical structure into an area with strong scenic qualities that is sensitive to such development. It would be clearly visible from the St Bees Head area of the Heritage Coast. Its strong vertical emphasis would break the skyline and its presence would be emphasised by the eye-catching blade movement. Despite its slender design and grey finish, such a prominent and striking addition would be at odds with the inherent characteristics of the landscape, notably its scenic qualities and its tranquillity, and would introduce an unacceptably incongruous vertical feature that would detract from the area's visual amenity.
15. While the adverse effect would be temporary (the Council suggests a period of 20 years in a condition to be attached to any grant of planning permission) it would nevertheless endure for a considerable period of time which would cause unacceptable harm to the character and appearance of the landscape. Notwithstanding the fact that the landscape has been identified as one that

could accommodate small scale wind energy developments, I consider that the proposal would represent an alien intrusive feature that would be a harmful addition to this scenic and tranquil rural landscape, in conflict with CS policies ER2, ENV2, ENV5 and DM policies DM2 and DM26.

*Other matters*

16. Concern was raised that the proposal would have an adverse visual impact on nearby dwellings. However, the distance, intervening topography, field boundaries/planting and orientation of rooms would mean that the outlook from surrounding dwellings would not be harmfully changed by the proposal.
17. A signed and dated Planning Obligation (PO) under Section 106 of the Town and Country Planning Act 1990 has been submitted which would remove the 2 no. existing turbines from the appellant's land. These are 2 bladed, 18m lattice towers with a blade diameter of 13m. Although the proposal, through the PO would provide an opportunity to rationalise existing structures at Fairladies to prevent any adverse cumulative impact, the new turbine would nevertheless be larger and more prominent than those to be removed.
18. A Community Fund is proposed for the duration of the operational lifetime of the development. This would be used to deliver community benefits in the local area. However, I consider that this would not mitigate the unacceptable harm the proposal would cause to the character and visual amenity of the local landscape.

*Benefits*

19. The turbine would have an output of around 500kW and the appellant claims that the additional income raised from exporting energy to the national grid would support his dairy farm, making it self sufficient in terms of energy production and use. 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.

**Conclusion**

20. While the proposal would not be harmful to living conditions, would support a rural enterprise and would accord with some development plan and national policy aims for the generation of renewable energy, the overall conclusion is that it would have an unacceptably adverse impact on a scenic and tranquil landscape. The harm to the landscape would not be outweighed by the acknowledged environmental and economic benefits. Neither would it be made acceptable by the suggested mitigation measures of the removal of the existing turbines and establishing a Community Fund.
21. For the reasons given above and having regard to the letters and petition in support of the proposal, I conclude that the appeal should be dismissed.

*Richard McCoy*

INSPECTOR