

Allerdale BC v Cumbria Wind Farms Ltd

Inquiry: March 14–15, and May 23–26 and 31, 2000

Decision letter: July 5, 2000

Inspector: R. D. Hiscox, MA (Oxon), DipTP, ARICS, MRTPI

Ref.: T/APP/G0908/A/99/1030901/P7

Appln No.: 2/99/0473; dated June 18, 1999; refused September 16, 1999

Act: [TCPA 1990, s.78](#)

S.I.s: Non Fossil Fuel Orders made under the Electricity Act 1989

PPGs: 1, 7, 9, 15, 22

RPG: 13

SPG: (Cumbria County Council) “Wind Energy Development in Cumbria” (July 1997)

Government Papers: “New and Renewable Energy: Prospects for the 21st Century—conclusions in Response to the Public Consultation” (January 2000)

Energy Paper Number 55: “Renewable Energy in the UK: The Way Forward” (June 1988)

County Council Technical Paper No. 4 Assessment of County Landscapes

Paper: “Guidelines for Landscape and Visual Impact Assessment—The Landscape Institute and Institute for Environmental Assessment (1995)” (GLVIA) Six wind turbines—substation—access tracks—underground cables—electricity for national grid—near Lake District National Park—Environmental Statement—landscape and visual character of area—need for proposal—benefit from additional power generation—impact on nearby residents—Structure and Local Plans—Landscapes of County Importance—sustainable development—Locally Important Landscape Area (LILA)—criteria for wind energy development—SPG—“Quieter Areas”—PPGs 1, 7, 9, 15, 22—RPG 13—site of 1.6ha—turbines 200–300m apart—steel towers 45m high—blades 27m long—overall height 72m—wind monitoring mast 45m high—adjacent to existing farm buildings—single storey substation 10m by 8m—turbines each of 1MW capacity—operational life of 25 years—return to pasture—balancing need for benefit against any harm identified—Non-Fossil Fuel Orders—energy output of 17,340MWh per annum—contribution to national requirements—reductions in greenhouse gases—construction employment benefits—area of “Higher Limestone—Rolling Fringe”—TV transmission masts nearby—distinction between landscape impacts and visual impacts—Zone of Visual Influence—turbines visible from many places—area sensitive to change—visual impact on residents and visitors—balancing *834 government energy policy in context of planning policy—possible UNESCO World Heritage Site—at edge of important cultural and historic landscape1.0Background and proposals1.1

The Council refused planning permission for the erection of six wind turbines together with sub-station, access tracks and underground cables, for the purpose of generating electricity for the national grid. The site was located on land at Hilltop Farm Brocklebank, Wigton, Cumbria.1.2

“Evidence has been presented on behalf of the Lake District National Park Authority (LDNPA) as part of the Council's case. A written statement has been submitted on behalf of Cumbria County Council, also included with the Council's case. Evidence was submitted on behalf of the voluntary member organisation, Friends of the Lake District (FLD), a body opposed to the proposal, whose representatives took an active part throughout the Inquiry. I have made separate reference to this additional evidence only where it differs from the case made by the Council. A statement in support of the proposal was made at the Inquiry on behalf of Friends of the Earth, and a number of private individuals spoke, some for and some against the proposal. Extensive written representations were made, both at the application stage and in respect of this appeal. All have been taken into account.”1.3

“An Environmental Statement (ES) was submitted as part of the planning application. This deals with, among other matters, archaeological considerations, nature conservation and ecology, noise and possible interference with electro-magnetic signals. No adverse impacts have been identified in these regards, and this is accepted by the Council.”2.0Issues2.1

The impact of the proposal upon the landscape and visual character of the area, balanced against the need for this proposal and the benefit that there may be from additional power generation in this way.2.2

The impact that it might have upon the living conditions of nearby residents, mainly as a result of visual intrusion, again balanced against any benefit from the proposal.3.0Planning policies3.1

“The Development Plan for this area comprises the Cumbria and Lake District Joint Structure Plan, 1999–2006, together with the Allerdale Local Plan, 1999.”3.2

“Policy 2 in the Structure Plan sets out the aim to protect the county's scenic beauty and natural resources from inappropriate development. Policy 11 aims to protect landscapes of national importance, including National Parks, from detrimental development. Policy 12 similarly aims to protect Landscapes of County Importance (LCI). Policy 13 deals with development in the rest of the countryside, stating that in undeveloped open countryside, development will not normally be permitted.”3.3

“Policy 56 deals with renewable energy proposals, stating that those which have no significant adverse impact on the environment, landscape or local communities will normally be permitted. Those which do have such ***835** adverse impact will only be permitted if this impact is outweighed by the energy contribution and other benefits including reducing pollution. Large scale proposals within or affecting National Parks will be considered under Policy 54.” 3.4

“The appeal site lies a few hundred metres to the north of the boundary of the Lake District National Park (LDNP). Policy 54 deals sets out criteria for major development which are more national than local in character. These include that the sum of benefits is shown clearly to outweigh any harm or risks to the local or wider environment.”3.5

“In the Local Plan, General Principle 1 aims to ensure that development is sustainable in terms of global impact, national resources and local environmental quality.”3.6

“The site is situated in an area identified in the Local Plan as a Locally Important Landscape Area (LILA). Policy EN23 sets out considerations for the protection of LILAs. Development that would have an unacceptable adverse effect upon the distinctive character of the area, or on the character and setting of the LDNP, or be unduly prominent in local or distant views, will be refused permission unless an overriding need for the development can be demonstrated.”3.7

“Policy RE2 sets out specific criteria for wind energy development which is not considered to be large-scale. These aim, among other matters, that the character and appearance of the landscape does not suffer unacceptable adverse effects and that residential amenities are protected. In considering proposals, consideration will be given to whether the benefits of the scheme outweigh any adverse impacts.”3.8

“The County Council, on behalf of the Planning Authorities in Cumbria, has published Supplementary Planning Guidance (SPG) entitled *Wind Energy Development in Cumbria*. The guidance is focused on landscape and visual impact issues, setting out different guidance areas according to their landscape classification. Although this guidance is non-statutory, it has been prepared in consultation with a wide range of interested bodies. It is a material consideration to which both the appellant and the Council attach considerable importance and I have given it weight accordingly.”3.9

“Reference has also been made by the LDNPA to policies in the Lake District National Park Local Plan. It is accepted by the LDNPA that these are not directly applicable to this proposal, and do not form part of the Development Plan for the purposes of considering this proposal. However, it is considered that they are material to the consideration of proposals adjacent to the Park, particularly with regard to identified ‘Quieter Areas’, a concept first introduced in the previous joint Structure Plan of 1988. I agree that these policies are not directly applicable to this proposal and have limited weight, but do provide useful background information as to the role and aims of the LDNPA.”3.10

“I have noted also the references made to government planning guidance in: Planning Policy Guidance Note 1 (PPG 1), *General Policy and Principles*; Planning Policy Guidance Note 7 (PPG 7), *The Countryside—Environmental Quality and Economic and Social Development*, Planning Policy Guidance Note 9 (PPG 9), *Nature Conservation*, Planning Policy *836 Guidance Note 15 (PPG 15), *Planning and the Historic Environment*, Planning Policy Guidance Note 22 (PPG 22), *Renewable Energy*; and Regional Planning Guidance Note 13 (RPG13), *Regional Planning Guidance for the North West*.”4.0Inspector's reasonsThe proposal4.1

“The proposed six wind turbines would be spaced some 200–300m apart across a site of some 1.6ha. Each turbine would be a galvanised steel tower, 45m to hub height and with blades up to 27m in length, giving an overall height to blade tip of 72m. The proposed colour for the turbines would be pale mid-grey with a semi-matt finish. There would also be a wind monitoring mast located to the west of the turbines. This would be a slender galvanised steel structure 45m in height, stabilised by steel guy wires.”4.2

“The substation would be located adjacent to existing farm buildings at Hilltop Farm. It would be a single storey building some 10m by 8m. No detailed design has been submitted. Access tracks to and between the turbines would be 4.5m wide, formed by stripping topsoil to a depth of some 300mm and laying local crushed stone onto a geotextile membrane. Electrical connections between the turbines and the substation would be laid underground, following the alignment of the access tracks.”4.3

“The turbines would be of a 1MW capacity, giving an overall installed capacity of 6MW. At the time of the application it was envisaged that connection to the grid would be by overhead line to an existing distribution system at Rosleyrigg. It has now been established that a wholly underground connection is feasible and that is the method of

connection now proposed.”4.4

“The wind turbines would have an operational life of some 25 years and the appellant would anticipate a condition attached to any permission granted requiring removal after this period. Decommissioning would entail removing all structures from the site and returning it to pasture.”Policy interpretation4.5

“On behalf of the appellant it is argued that Policy 54 in the Structure Plan should not apply to this proposal, and that it should be assessed in accordance with the requirements of Policy 56. The explanatory text to Policy 54 gives some guidance that a wind farm of more than 10 turbines or having a total installed capacity of more than 5MW would be a major project by reason of scale. It also says that the question of large-scale will need to be assessed in relation to the scale of the landscape in which a development is proposed, and goes on to say that where large-scale proposals are in locations affecting National Parks the same tests are applied to their acceptability as if they were major projects. Policy 56 also says that large-scale proposals affecting the National Parks will be considered under Policy 54.”4.6

“I appreciate the argument for the appellant that the capacity of this proposal, being just over the 5MW threshold, is a reflection of improving technology and higher capacities available for a single turbine than would have been the case when the Structure Plan was prepared. At the same time, it seems to me that the higher capacities often entail a taller overall structure. *837 PPG 22 refers to turbines typically having a hub height of some 30–35m, whereas these proposed turbines would have a hub height of 45m. Structure Plan Policy 54 states that scale needs to be assessed in relation to the scale of the landscape. In this instance, the proposal would have a substantial impact upon the local landscape character, and in my view it should therefore be considered as large-scale. Additionally, the County of Cumbria is a net explorer of electricity, and the power generated would not be directly meeting a local need and so the balancing consideration of need and benefit is based upon national rather than local considerations.” 4.7

“For these reasons I have come to the view that the proposal should be considered in terms of the criteria of Policy 54 rather than those of the generally more permissive Policy 56. In either case, both policies require a balancing exercise, that the sum of benefits is shown to outweigh any harm. A similar balancing exercise is contained in Local Plan policies EN23 and RE2. It is argued for the appellant that if Structure Plan Policy 54 is applicable, then Local Plan Policy RE2 cannot be, as this deals with wind energy proposals other than those regarded as large-scale. The Council acknowledges that the Local Plan does not specifically set out considerations for large-scale wind energy proposals, but considers that the criteria in Policy RE2 would equally apply to a large-scale proposal. To my mind, the considerations in this particular case remain the same, requiring a balancing between need for benefit from the proposal against any harm identified.”The need for and benefits of the proposalEnergy policy background4.8

“The need to promote and develop renewable energy resources has been recognised in various government statements since it was first defined in Energy Paper No. 55, *Renewable Energy in the UK: The Way Forward* (June 1988). In addition to the fact that, by their nature, fossil fuels will eventually run out, an important part of this need is concern over climate change and the requirement to achieve a reduction of greenhouse gas emissions.” 4.9

“A primary policy basis for implementing this aim in England and Wales has been the making of Non Fossil Fuel Orders (NFFOs) under the Electricity Act 1989. These Orders require public electricity suppliers to supply a specified amount of generating capacity from non-fossil fuel, and provide funding by means of price-assisted contracts to encourage the establishment of renewable energy generators. Wind power is one of the forms of renewable energy technology supported by the NFFO arrangements, and power generated from the appeal site would have the benefit of a NFFO contract.”4.10

“The latest statement of government Policy is *New and Renewable Energy, Prospects for the 21st Century*—

Conclusions in response to the Public Consultation, published in January 2000. This sets out initial conclusions following response to the public consultation document published in March 1999. This confirms a target of producing 10 per cent of our electricity from renewable sources by 2010. It also indicates a likely move away from the NFFO arrangements to a new Renewables Obligation to be imposed upon electricity suppliers.” *838 The benefits of this proposal^{4.11}

“The six turbines are predicted to produce an energy output of some 17,340 megawatt hours (MWh) per annum. This is somewhat lower than the estimate given in the ES, having been recalculated on a more conservative basis to take into account array losses and electrical losses on site. This estimate is accepted by the Council. This would meet the domestic electricity requirements of some 4,000 households, although it is also pointed out by the Council that the overall electricity needs of a community are considerably greater than just the domestic household consumption, and the electricity produced would only meet the overall requirements of a community of some 1,200 persons.”^{4.12}

“The contribution of this additional energy output to national requirements has been assessed in a number of ways. On behalf of the Council, it has been assessed in terms of its contribution to the total renewable energy requirement needed to meet the 10 per cent target for year 2020 as being between 0.043 per cent and 0.052 per cent of that requirement, depending upon the actual growth of overall supply by that time. On behalf of the appellant, the output from this proposal has been related to the likely additional wind power generation that will be required if the 10 per cent target is to be met. There are at present no separate targets within that 10 per cent for wind power or other forms of renewables technology, and so a continuation of the existing trend has been taken, with onshore wind providing some 20 per cent of total renewable energy supply. On that basis, the appellant calculates that this proposal would meet some 0.3 per cent of the likely new wind element of the 10 per cent target for 2010.”^{4.13}

“On behalf of the Council, it is acknowledged that this would be a real, if very small, contribution to meeting the Government's aim in respect of electricity production from renewable sources. In my view, this is correct. In comparison to other forms of electricity generation, individual wind turbine developments do at present make only a small contribution to overall requirements. However, this does not mean that their overall and cumulative contribution should be discounted, and the contribution of this proposal towards government targets for renewable energy production is, in my opinion, a tangible benefit which should be taken into account in any balancing exercise.”^{4.14}

“Turning next to the question of emissions savings, figures are produced for the appellant based upon the assumption that each unit of electricity produced by wind energy displaces a unit of electricity which would otherwise have been produced by a coal-fired power station. These show reductions in atmospheric emissions of some 16,250–17,700 tonnes per annum of CO₂, some 240–284 tonnes per annum of SO₂ and some 43–91 tonnes per annum of NO_x, which are sometimes known as greenhouse gases. These calculations are not challenged by the Council, but it is argued that the savings would be more theoretical than real. The basis of this argument is that the output from a coal-fired power station cannot be rapidly adjusted up or down, and therefore the fluctuating contribution from these proposed wind turbines, depending on wind conditions, would not make any difference to the level of coal burn required at a distant conventional power station.”^{4.15}

“In response, on behalf of the appellant, it is argued that output from *839 coal-fired generators has to be regulated up and down in response to varying demand, and while there may be some delay, resulting in coal continuing to be burnt and electricity produced above the level needed, this is absorbed in the system which needs to have ‘back-up’ for fluctuating demand or the need to cope with any failure of a major generator.”^{4.16}

“From the evidence that I have heard, there appears to be some doubt that each unit of electricity produced by wind energy directly saves the emissions from that unit otherwise being produced from a coal-fired generator. At the same

time, the Council has not produced convincing evidence to show that the contribution of electricity from this proposal would have no effect upon the coal burning requirements of conventional power stations. My conclusion from this is that this proposal would be likely to result in some savings of greenhouse gas emissions, but there is insufficient evidence before me to quantify this. While, as with the generation of electricity, the contribution of this individual proposal would be small in relation to Government targets for the overall reduction in greenhouse gas emissions, this too is, in my opinion, a benefit which should be taken into account in any balancing exercise.”4.17

“On behalf of the appellant, reference is also made to a number of other benefits. The construction contracts would have a value of some £1.16 million, which would be placed, in the region. A part-time job would be created for an operator to take day-to-day responsibility for the windcluster, together with regular locally-based mechanical and electrical maintenance work. In addition, the appellant has offered to donate 1 per cent of the gross revenue from the proposal to a community fund to assist local schools to use Wigton swimming pool. Negotiations with the County Council have taken place to this effect, but no legal agreement is proposed.”The landscape4.18

“The appeal site is situated a few hundred metres to the north of the boundary of the LDNP at Faulds Brow. It is in an area classified as a LILA in the Local Plan. It is not in an area of LCI, but there are two such areas nearby, one adjoining this LILA to the south and west and bordering the National Park in that direction, and another to the south and east, also bordering the National Park in that direction.”4.19

“The County Council Landscape Classification (1995), prepared by Cumbria County Council, provides a general classification of landscape types. The appeal site is in area classified as type 12, ‘Higher Limestone’, sub-type b, ‘Rolling Fringe’. The rolling fringe in Allerdale is described as forming the fringe to the northern Lake District Fells, mainly open grazing land, with large, often rectangular, fields divided by fences or hedges but no walls. This is considered to give a generally open and unspoilt landscape, rather bland, with pleasant wide views. Television transmission masts dominate views on the eastern side. The Caldbeck mast is only a few hundred metres from the appeal site, with the Sandale mast some 3km away, and these feature in many of the views from which the proposed turbines would be seen.”4.20

“The SPG places this site in guidance area G4, which says that wind turbine development is likely to have significant adverse landscape and visual impact on open moorland and rough grazing. On other types of *840 upland landscape in this category, in circumstances where local topography provides significant visual containment, there may be scope for development up to the scale of a small cluster. The SPG also states, at paragraph 4.15, that because of the height of wind turbines, it will rarely be the case that any given proposal will only affect a single landscape type, continuing to say that assessments should identify the likely impact on all landscape types.” 4.21

“References have also been made to a number of other landscape classification documents. The main ones are, a County Council document Technical Paper No. 4; *Assessment of County Landscapes*, to which both the appellant and the Council refer. This sets out the methodology used in the designation of areas of LCI, although the appeal site is not actually within an area of LCI. The Council also refers to the *Character of England Map*, prepared by the Countryside Commission, which shows the appeal site as within the Cumbria High Fells, a character area that also covers much of the National Park.” 4.22

“Appraisals of the landscape and visual impact of this proposal have been presented on behalf of both the appellant and the Council, both using a similar methodology based upon *Guidelines for Landscape and Visual Impact Assessment—The Landscape Institute and Institute for Environmental Assessment*, (1995, GLVIA) and other guidelines. These are essentially based upon an assessment of the quality and value of the landscape together with its sensitivity or vulnerability, with the likely impact of this proposal assessed in the context of the sensitivity of the landscape.” 4.23

“Both the main parties make a distinction between landscape impacts and visual impacts. The GLVIA guidelines describe landscape impacts as changes in the fabric, character and quality of the landscape and visual impacts as a subset of landscape impacts, relating to changes in available views of the landscape and the effects of those changes on people.”Landscape impacts4.24

“There is no disagreement over the viewpoints from which the proposal would be seen, as shown on the computer-generated Zone of Visual Influence (ZVI) plans in the Environmental Statement. There is also a considerable amount of agreement as to those places where the impact of the proposal would be substantial, mainly at close proximity in the local area, and those where the impact would be more moderate or slight, generally becoming so with increased distance. It is acknowledged on behalf of the appellant that a wind cluster of the size proposed would have substantial impact up to a distance of some 3km away in those places that it would be seen. The main disagreements relate to the significance of these impacts and the ability of the landscape to absorb them.”Impact in the local area4.25

“In terms of impact within the National Park, Faulds Brow would provide screening from many locations within 3km to the south. However, there is an area of some 2km sq. at the northern side of Faulds Brow where all six turbines would be seen, in places from distances of only a few hundred metres. The turbines would be visible from sections of the B5299 at Priests Brow, at a distance of some 2km, from where the upper tower and blades would be seen. Along the C2004, running south-eastwards from Priests *841 Brow there would be views mainly of the blades of the turbines, progressively and eventually screened by the rising ground of Faulds Brow. There would also be views from the unclassified 2136 by Keepers Cottage, where all six turbines would be seen from a distance of roughly 1km.” 4.26

“While the impact of the proposal from these locations would be substantial, it is pointed out for the appellant that this would affect only a very small percentage of the whole area of the National Park. It is argued that this demonstrates the very limited extent of the impact on the National Park. While the extent of the area affected must be a consideration, with the National Park extending to almost 2,300km sq. it is likely that most proposals, even very large-scale ones, would have an impact on only a small percentage of that area. In my view, the main requirement is to reach an assessment of impact in whatever area would be affected, and for a consideration of what, if any, harm this would cause to be put into a final balance.”4.27

“In terms of the landscape character of the immediate area around the appeal site, within the designated LILA, it is the appellant's argument that this is of only moderate sensitivity. It is considered to be of a generally bland and somewhat degraded nature, and also with a significant detractor in the presence of the Caldbeck mast as close by the appeal site. It is argued that this landscape has the capacity to absorb this proposal without causing unacceptable harm, particularly as the site sits in a fold in the land which would contain the proposal and screen it from a good many locations to the east.”4.28

“The Council maintains that the landscape quality of the LILA around the appeal site is moderate to high, that it is very sensitive to change of the scale proposed and also that account must be taken of its function as part of the landscape that provides a setting to the LDNP. In the Council's view, an important consideration is that the boundary of the National Park is not a precise boundary definition of a change in landscape type. In this particular locality, the boundary was defined to follow a Parish boundary, and is marked by a stone wall on the northern side of Faulds Brow.”4.29

“While it has been sought, on behalf of the appellant, to demonstrate that there is a marked difference between land around the appeal site and the open moorland landscape of Faulds Brow and the National Park, I have not been

convinced that this difference is fundamental. The most obvious difference relates to ground cover, with heather predominating on Faulds Brow, as opposed to rough grassland on the appeal site and surrounding land. However, this is largely the result of different management rather than underlying geological or landscape differences, and in my opinion many characteristics of the High Fell within the National Park do flow over the boundary into this area of semi-improved grassland. I consider that this is particularly illustrated in the view eastwards from the unclassified road, the 2136, by Keepers Cottage, where the wall marking the boundary of the Park is seen as an arbitrary line running across the rolling hillside falling away from Faulds Brow.”4.30

“In my view, therefore, the landscape immediately around the appeal site is very sensitive to change, both in its own right and in its context as part of the setting for the National Park. While an LILA is the third tier of landscape designation, coming below the National Park and areas of LCI, it *842 is important to take into account the reasons for its designation. This local LILA at Brocklebank is designated because it is one of a number of prominent areas above the 200m contour close to the boundary with the National Park. The Local Plan acknowledges that 200m is a somewhat arbitrary line to choose, but to my mind, the significance of this LILA is both its proximity to the National Park boundary and its importance as the setting within which Faulds Brow is seen, particularly in views from the north and west. As seen from a number of viewpoints, the proposed turbines would break the horizon along and around Faulds Brow, as shown in photomontage viewpoint C in the ES. This proposal would have a substantial impact across approximately the central third of this designated LILA, and this would result in considerable harm to its own distinctive character and to the setting of the immediately adjoining part of the National Park.” 4.32

“The inclusion of this area in the SPG landscape classification as guidance area G4 also reflects similar considerations. The guidance for G4 effectively has two parts, first that for open moorland and rough grazing where wind turbine development is likely to have significant adverse impact, and secondly for other areas, particularly where local topography provides significant visual containment, where there may be scope for a small cluster. The appellants believe that the appeal site falls into the second category and does have significant visual containment from local topography. In my opinion, while there is visual containment to the north-east, the site is prominent and widely open to view to the north and west, and overall does not have significant visual containment.”4.33

“The reasoning to the guidance for G4 in the SPG states that the restriction on wind turbine development in these areas is justified by reference to the prominence of these higher areas. It seems to me that the appeal site lies in one of the higher and more prominent of the areas identified as G4. Further, while G4 does allow for a small cluster of turbines, subject to careful individual appraisal, the SPG defines a small cluster as two-five turbines in a single installation. This proposal is for six turbines spread across a wide area, some 0.8km long. I do not consider this to be a small cluster in terms of the SPG.”4.34

“Finally, in terms of local impact, the turbines would have a substantial impact as seen from a small part of an area of LCI to the west of Keepers Cottage. However, the area affected is very small indeed, and I do not consider that this raises any special issues in terms of LCI designation or policy.”Impact from more distant viewpoints4.35

“From distances of greater than 3km in the National Park, there would be views of the proposal from Caldbeck and Uldale Fells, mainly from distances of between 5 and 8km. From closer viewpoints, only the blades would be seen above the ridge line of Faulds Brow, as in photomontage viewpoint F in the ES, but as the land rises to the south more of the turbines and towers would be seen. In my view, at distances of over 5km, the impact of this proposal would be moderate at most. This would be particularly so in some light conditions, where the movements of the blades would catch sunlight and stand out against the dark ridge of Faulds Brow. However, with increased distance, if visibility is good enough to see the turbines, they would *843 be seen mainly against a backdrop of the Solway Plain, and would be more likely to melt into this background and have only a slight to moderate impact upon the landscape character of the National Park.” 4.36

“There would be glimpses of the proposal from minor roads to the east around Hesket Newmarket, Hatcliff Bridge and Hutton Roof, from which the blade tips of some of the turbines would be seen. From distances of over 10km, there would be places where the turbines could be seen from upper levels around Skiddaw and on Binsey Hill, and possibly from Broom Fell on the other side of Bassenthwaite Lake. To my mind, the distance involved in these instances is such that any glimpses of the proposal would have only a slight impact on the landscape.”4.37

“From the north and west there would be extensive areas from which the proposal would be seen. From places such as viewpoint C in the ES, at about 3km from the proposal, the impact would be substantial as already mentioned. However, with increased distance, the land falls away, and Faulds Brow becomes a less prominent feature and so the significance of the Brocklebank LILA as part of the setting of the National Park becomes less apparent. For example, from Red Dial, viewpoint E in the ES at a distance of some 6km, the turbines would be clearly seen breaking the horizon around Faulds Brow, but from this distance Faulds Brow is no longer easily discernible as a significant landscape feature, and the impact of the proposal would be only slight to moderate.”4.38

“At greater distances, there are many places from which the proposal would be seen, along the A595, the A596, in and around Wigton and well beyond. However, in my opinion, from these greater distances the landscape is well able to absorb the proposal and its impact would be slight to minimal from these greater distances.”Visual impact4.39

“Evidence is put forward for the appellant concerning public perception of wind farms. In broad terms this suggests that many people who live within sight of existing wind farms come to accept them and that visitors or tourists are unlikely to be deterred from visiting certain areas because of the presence of wind farms. Indeed, they are sometimes seen as a positive attraction, and it is pointed out for the appellant that they are sometimes used in promotional publications, including by this Council and other Authorities in the area. I am in no doubt that wind turbine development is a feature that many residents do come to accept and grow accustomed to. At the same time, the impact upon closer residents, where this impact is substantial, may sometimes be more difficult to accept or get accustomed to than the more moderate impact for those who live further away. As for visitors or tourism, it seems to me that a great deal depends on the type of location involved and the type of visitor likely to go to such a place, which will vary greatly from one prospective wind turbine location to another.”4.40

“Taking first, the visual impact of the proposal upon nearby residents, it is agreed that there are five residential properties where the impact would be substantial, and a further four residential properties where the impact would be substantial, the occupiers of two of these have a financial interest in the proposal. I have also noted the argument for the appellant that, for a proposal of this kind, there are a relatively small number of residential *844 properties adversely affected. Nevertheless, the proposal would result in moderate to severe visual intrusion for a number of nearby residents. Whether or not those residents would come to accept this and get used to it is, to my mind, an open question, and this must be considered as potentially a matter of harm to be weighed in the balance of considerations.” 4.41

“The other visual impact to be considered is the effect upon visitors or people passing through places from which the turbines would be seen. The number of road viewpoints from which the proposal would have a substantial impact is quite limited, and from most of these, I do not consider that an occasional glimpse of the turbines would have much impact on passers-by. The main exception to this on the B5299 in the vicinity of Priests Brow, where, along a number of sections of the road, the blades would be seen at close proximity standing above the horizon in an otherwise largely open and unspoilt landscape. From these viewpoints, there would be an element of surprise that would add to the visual impact, particularly when the blades were rotating or catching the sun.”4.42

“The main visual impact for visitors would be the effect upon walkers or other recreational users in those open areas of the LDNP where the proposal would have a substantial or moderate-to-substantial impact. A particular area of substantial impact has been identified across Faulds Brow, which is part of the public access area of the LDNP. Although a number of local residents say that this is an area that is not greatly used by members of the public I have also heard from the LDNPA that it is normally used by at least a small number of people for walking, horse riding and other quiet activities. There is no firm evidence either way, and while I consider it likely that the area is less used by walkers or visitors than some of the more obvious attractions of the LDNP, I am mindful that this remoteness may well form part of the attraction of the location for visitors and local recreational users. It seems to me that this is very much the kind of location where visitors or recreational users would be likely to be sensitive to the visual impact of wind turbines rather than find them to be a source of interest, and so the visual impact of the proposal would be high and potentially harmful.”^{4.43}

“Similar considerations apply to more distant locations to the south on Caldbeck and Uldale Fells. These areas also fall within the public access area of the LDNP, and also include the Cumbria Way, a long-distance footpath, which passes round High Pike before dropping down towards Caldbeck. I consider it likely that many visitors or recreational users would be sensitive to the visual impact of wind turbines, having chosen to make a visit to these locations for their wildness and sense of isolation. While increasing distance undoubtedly reduces their visual impact, there is, in my opinion, potential for moderate to high visual intrusion, particularly in certain light conditions when the movement of the blades may be emphasised.”^{Balancing considerations}^{4.44}

“There has been some discussion as to how government energy policy should be assessed in the context of planning policy. The guidance in PPG 22 makes it clear that authorities should, in formulating the policies and proposals in their Development Plans, take account of the government's *845 policy for renewable energy. Both the Structure and Local Plan in this instance do contain policies that deal with renewable energy requirements. I am in no doubt, therefore, that government energy policy is a strong material consideration to be taken into account in assessing this proposal.”^{4.45}

“I have concluded above that the contribution of this proposal towards government targets both for renewable energy production and for the reduction in the emission of greenhouse gases, while relatively small, is a tangible benefit which should be taken into account in any balancing exercise. As for the other benefits put forward for the appellants, these are clearly of some value, but this is very limited in terms of the overall balance of considerations.”^{4.46}

“The Council accepts that guidance in PPG 22 states that most development of wind turbines will be proposed in the uplands or other particularly exposed areas where the highest mean wind speeds are found. The Council also acknowledges that just because the proposal is close to the National Park in an area designated as a LILA, this does not in itself make it unacceptable. Indeed, examples have been given where permission has been granted for large-scale wind turbine development within or close to a National Park or other areas of designated landscape quality. It is quite clear that what is at issue here is the specific impact of this particular proposal in this particular location.”^{4.47}

“Structure Plan Policies 54 and 56 refer to significant adverse effects needing to be balanced against need or benefit. Local Plan Policies EN23 and RE2 similarly refer to balancing against unacceptable adverse effects.”^{4.48}

“It is clear that the proposal would have a substantial landscape impact across a large part of the designated LILA within which it would be sited, and in small parts of the nearby LDNP. There would also be substantial visual impact for some local residents and for walkers or visitors in the immediate area, and potential for moderate-to-high visual intrusion in some more distant locations to the south. The Council's assertion that there is no greater harm to

landscape than that from substantial impact has not been challenged on behalf of the appellant. I am in no doubt, therefore, that such harm does amount to significant adverse effects as outlined in the Structure Plan Policies, or unacceptable adverse effects as outlined in the Local Plan Policies.”4.49

“This, therefore, is the harm that must be balanced against the renewable energy need and benefit put forward. In my view, a key consideration in this balance rests with the sensitivity of the area around the appeal site where the impact would be substantial. In terms of landscape impact, not only is part of this area within the LDNP, which is agreed to be the highest level of landscape designation requiring the highest level of protection, but there would be a substantial impact across a large part of the designated LILA, one of the most important characteristics of which is, in my view, its importance as part of the setting of the LDNP. Taken together with the level of visual intrusion for some local residents and for walkers and other recreational users in the LDNP, I have reached the conclusion that the harm in this particular case would outweigh the benefits for renewable energy that have been identified. The proposal would therefore be contrary to the relevant Structure and Local Plan Policies considered above.” *846
Other considerations4.50

“Both the LDNPA and FLD have raised the consideration that the LDNP has been put forward to be considered by UNESCO for designation as a World Heritage Site. Although no additional statutory controls would follow from such designation, guidance in P states that Policies should place great weight on the need to protect these sites and that development proposals should be carefully scrutinised for their likely effect on the site or its setting in the longer term. FLD in particular raise the need for a buffer zone around a World Heritage site.” 4.51

“However, there is no certainty that the LDNP will be designated as a World Heritage Site, and it seems that a final decision may not be taken for some years. In those circumstances I have taken the view that this possible designation is not a consideration to which I can attach much weight in this particular case.”4.52

“FLD also raises the concern that the appeal site is situated at the edge of an important cultural and historic landscape. It is probable that the present boundary of the LDNP was also once the boundary of the Royal Forest of Inglewood (which can be translated as Forest of the Angles) and that this also at one time formed a border between England and Scotland. However, this raises no site-specific considerations in terms of potential archaeological finds, and I do not consider that this proposal would have any especial effect upon the historic or cultural interest of the local landscape.”4.53

“I am mindful that the proposal put forward in this appeal represents a considerable reduction in the number of turbines previously proposed for this site, and that considerable effort has been made to achieve a layout that amounts to what has been described as the best fit in the landscape. The Council's Planning Officer acknowledges that this proposal is a considerable improvement upon the previous proposals, which were recommended for approval, albeit by a different Planning Officer. However, those recommendations predate the recently adopted local plan and also the SPG. In addition, those recommendations were not accepted by the Council's Planning Committee.”4.54

“I am also aware that the County Council's Senior Landscape Architect has given the view that this site is one where the proposal could be accommodated in this landscape without undue harm and that the County Council's Planning Officer recommended that the County Council raise no objection. However, the County Council's Committee resolved that a strong strategic objection be raised to the proposal. While I have taken into account the views of a previous Planning Officer of the Council and of Officers of the County Council, I have not found them to be considerations that should outweigh my own conclusions based on the evidence put before me in this appeal.”4.55

“I have taken into account all other matters raised, but have found nothing which should either alter or add to the

conclusion that I have reached from my consideration of the main issues above.”5.0Decision

Appeal dismissed. *847 6.0Comment

This appeal related to a proposed group of six wind turbines on a hilltop in Cumbria. The decision depended upon weighing in the balance the impact of the proposal, which would be seen for many kilometres from many directions because, by its nature, it had to be on a hilltop to get the most energy from the winds, against the national benefit of the extra electricity generated without use of fossil fuels. The amount it would produce was not negligible, but was small in percentage terms of the total amount needed to be produced. On the balance the effects on the landscape and visual character of the area were found to outweigh the competing environmental benefits (which were difficult to quantify precisely) of non-fossil fuel energy. *848

END OF DOCUMENT