

APPENDIX 3: WIND ENERGY PROJECTS - PLANNING CASE LAW

Application Scheme Name	Details of Scheme	Key Issues	Inspector's Comments
Caton Moor Windfarm	<p>Type: Windfarm Size: Eight 2MW Turbines Location: Littledale, Caton with Littledale, Lancashire, LA2 9ET Application Details: replacement of 10 existing turbines and associated infrastructure</p>	<p>Two key issues:</p> <ul style="list-style-type: none"> The existing turbines that will be replaced are located in the Forest of Bowland AONB and therefore the replacement may compromise the objectives and quality of the AONB designation; and The windfarm is located close to a private residence at Roeburn Glade in Littledale and the replacement turbines and their access may harm the living conditions at the residence. 	<ul style="list-style-type: none"> Any significant change in the AONB would be limited to views and experiences relatively close to the site The replacement turbines would not compromise the objectives and qualities that underpin the AONB As the layout of the replacement turbines will be similar to that of the existing ones, and although there will be an increase in turbine size, the change will not be so overwhelming as to change the attractiveness of the landscape. No significant harm would occur to living conditions especially after mitigation. Expert noise evidence shows that the new turbines will be quieter than the existing ones. Visual impact would be experienced principally from the grounds rather than the house itself. <p>Decision: appeal upheld and planning permission granted subject to conditions.</p>
Borrowston Mains	<p>Type: Windfarm Size: 10 turbines, 93m to blade tip Location: Borrowston Mains, Dounreay, Thurso, Caithness Application Details: erection of turbines and associated infrastructure</p>	<p>Three key issues:</p> <ul style="list-style-type: none"> Due to the scales, siting and layout, the turbines would represent a dominant and linear feature in the landscape and are considered unacceptable as they will result in adverse impact on the landscape character and visual amenity of the coastal strip. Some of the turbines will have an adverse visual and 	<ul style="list-style-type: none"> Unconvinced that additional impacts on the integrity of the broader landscape would approach the degree of harm that would give anxiety in terms of national policy, in which it is clear that the generic public will have to 'live with' some harm to landscape as a result of wind energy developments. Visualisations do not show the visual and landscape effects of letting high quality and visually distinctive farmland take on a derelict appearance through the bird habitat management scheme. This would be an adverse change in landscape character which should not be ignored. The nearer clutter of man-made objects in the mostly open landscape would much reduce the subjective impact of the proposed windfarm in views to it from inland.

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		noise impacts on the residential amenity of nearby properties	<ul style="list-style-type: none"> • No weight is given to any minor blocking of sea views, from gardens and windows of nearby residences, by turbines as it is well established that protection of particular views from private properties is not a proper function of planning control. • Reliance on more usual background noise levels could lead to under-estimation of possible disturbance, such as distracting intrusion onto quiet evenings from turbine noise. • Something more than the standard noise assessment models is needed for coastal sites relatively close to houses. • It would not be responsible, nor fair on the affected households, to leave unresolved questions and future observance of essential conditions relating to noise impacts to further investigation after granting planning permission. <p>Decision: appeal dismissed and planning permission refused</p>

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Land North of Marsh Lane	<p>Type: Windfarm Size: 20 turbines, 1.5 - 1.75MW capacity each and up to 101m to blade tip. Location: Land North of Marsh Lane. Hogsthorpe Application Details: erection of 20 turbines and associated infrastructure.</p>	<p>There are three key issues:</p> <ul style="list-style-type: none"> • The effects of the development on the character and appearance of the area, • The effects on people living and working in the area, and • The balance to be struck between the benefits and harm of the scheme 	<ul style="list-style-type: none"> • It is not considered that the proposal would materially damage harm the landscape nor the enjoyment of the AONB/AGLV. • The scale of the proposed in the location proposed would change and unacceptably harm the character and appearance of the locality. • The impacts on local residents and their properties would fall within acceptable limits. <p>Decision: appeal dismissed and planning permission refused.</p>
Baydon Meadow	<p>Type: Windfarm Size: One 1.3MW turbine of 50m hub height and 62m rotor diameter Location: Baydon Meadow, Baydon Road, West Berkshire. Application Details: erection of one turbine and associated infrastructure</p>	<p>Key issues:</p> <ul style="list-style-type: none"> • The effect of the proposal on natural qualities of the landscape, • Implications for the safe operation of Membury Airfield, and • Impacts on nearby residents in terms of visual intrusion and disturbance. 	<ul style="list-style-type: none"> • The site is located in a part of the AONB that is not of bald upland, or a location where the mast and turbine would stand directly on the skyline, or where there is no significant upstanding vegetation or where human interference is entirely absent. • The landscape is one that is capable of absorbing some relatively large structures without undue interference. • The fact that on site screen would be of negligible effect is not a good reason to exclude suitable proposals for mitigating the visual impact of a tall rotating structure. • The development may be the cause of some inconvenience to airfield users but aircraft safety will not be inevitably compromised. • The lack of any proposal to supplement existing off-site vegetation on even a limited scale is a serious deficiency which makes the proposal unacceptable in neighbour amenity terms. • Placing embargoes on acceptable wind turbine developments in the interim before landscape capacity studies have been carried out and assimilated into planning policy would be wrong. <p>Decision: appeal is dismissed and planning permission refused.</p>

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Llethercynon Farm	<p>Type: Windfarm Size: six 1.3MW turbines with blade tip height of 76m. Location: Llethercynon Farm, Garthbreny, Brecon, Powys, LD3 9TZ Application Details: the erection of six wind turbines with associated infrastructure</p>	<p>The key issues relating to this appeal are as follows:</p> <ul style="list-style-type: none"> • Effect of the proposal on the surrounding landscape, • Noise and visual impacts upon the living conditions of neighbouring residents, • The effect upon the local economy • Effect upon highway safety during construction 	<ul style="list-style-type: none"> • Photomontages are an important tool but on their own these do not give an adequate impression of the scale of proposed turbines in the landscape. This is a cautionary note about making judgements on the basis of these alone. • Turbines are described as being 'prominent' when they are easily seen without the need for close examination of the landscape, 'dominant' where they are not just visible but draw the eye to the extent that little else is seen even in an attractive landscape, and 'overwhelming' if they are so close and of such a size as to make the observer uncomfortable and want to move away. • The proposed turbines would be dominant up to a distance of 2km and prominent at up to 6km. • Being prominent does not mean that the turbines cause unacceptable harm. • Impacts on each individual resident living in the vicinity of the proposed development are an aspect of public interest. Individual interests are an aspect of public interest. • Based on a survey carried out in Denmark where the majority of visitors were either positive or neutral towards windfarms, it is concluded that there will be no adverse effects on the number of tourists. • Despite the general agreement that sudden movement startles horses and decisions should not be based on a view that all horse riders are highly competent and experienced. <p>Recommendation: appeal should be dismissed.</p>
Knabs Ridge Windfarm	<p>Type: Windfarm Size: Eight turbines with a hub height of about 60m and blade tip height of up to 98m Location: Land at Knabs Ridge, Kettleasing, Harrogate, North Yorkshire</p>	<p>The appeal raised the following key issues:</p> <ul style="list-style-type: none"> • The link to national and regional policy. • Aviation interests: although aircraft safety was not a major issue, it was stated that the operating capacity 	<ul style="list-style-type: none"> • Regional and sub-regional targets need to be met and there is currently a shortfall. There is therefore a high degree of urgency if the region is to meet its targets. • There are reservations regarding the mathematical modelling used to predict the effects of the development on aviation radar. No attempt was made to calibrate the model at intermediate stages and only the end results were compared to real life situations.

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	<p>Application Details: the erection of eight turbines positioned in two rows of four.</p>	<p>or future growth would be affected.</p> <ul style="list-style-type: none"> • Impacts on landscape and visual interests • Other issues addressed include archaeology, noise, highway safety, lighting, ecology, economic and financial matters, shadow flicker and Infrasound, effects during construction and human rights. 	<ul style="list-style-type: none"> • The NATS model was also used and there is evidence that this model may over-estimate the likelihood of turbines affecting airport radar. • Concluded that the effect of the proposed development on aviation safety will be negligible and the effect on airport capacity would be slight. There is weak justification for withholding planning permission on the grounds related to aviation interests. • The negative effect of the development on longer-distance views from the AONB is overstated. • The presence of other developments with large structures may be regarded in different ways: helps make other tall structures acceptable or already 'spoils' the area and does not justify making it worse. • There many other developments in the area and the turbines will not be as alien or out of character. • Occupiers of dwellings in the vicinity of the proposed development are more concerned with the possible practical effect of the proposal on their daily lives than with more academic matters such as landscape character classification. • The judgement has been made partly based on written representation and although a greater proportion of the representations objected to the proposal, it is likely that supporters of proposals are less inclined than objectors to take trouble to submit written representations. • There is no evidence that the presence of windfarms near main roads has caused accident rates to increase. Some of the representations were submitted by people with direct personal experience of accidents on the nearby road. It would be wrong to refuse planning permission without clear justifying evidence. <p>Planning permission granted subject to conditions.</p>