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# Appeal Decision

Site visit made on 16 April 2013

**by R P E Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI**

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

**Decision date: 14 May 2013**

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**Appeal Ref: APP/G0908/A/12/2187146**

**Land to the South of The Flatt Farm, Great Orton, Carlisle CA5 6NG**

- 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 Ltd against the decision of Allerdale Borough Council.
  - The application Ref 2/2012/0524, dated 31 May 2012, was refused by notice dated 12 October 2012.
  - The development proposed is the erection of a 67m single wind turbine.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Empirica Investments Ltd against Allerdale Borough Council. This application is the subject of a separate Decision.

## Procedural Matters

3. The proposed turbine would have: a hub height of 45m; an overall height to blade tip of 67m; 3 blades with a diameter of 44m; and an output capacity of 900kw. The turbine would fall within the description at paragraph 3(i) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. However the Council has issued a screening opinion dated 14 May 2012 in which it was concluded that the proposal would not constitute EIA development and I do not disagree with that conclusion. I also agree with the Council that there is sufficient submitted information to determine the proposal.

## Main Issues

4. The Council refused permission on the grounds of detrimental cumulative impact on the visual amenity of the surrounding landscape with the existing wind turbines at Great Orton airfield and the surrounding area. Local residents have also raised additional objections on the grounds of residential amenity including noise and outlook.
5. The main issues are therefore considered to be: the individual cumulative impact with other existing or permitted turbines on the visual amenity and landscape character of the site and its surroundings; the effect on the living conditions of residents in respect of noise and outlook; and whether any identified harm in those regards may be outweighed in the public interest by any benefits of the proposal.

## Policy Context

6. One of the core planning principles of the National Planning Policy Framework (2012) (the Framework) at paragraph 17 is that planning should support the transition to a low carbon future by, amongst other things, encouraging the use of renewable resources, for example by the development of renewable energy. Other core principles include to contribute to conserving and enhancing the natural environment and reducing pollution. The Framework also provides amongst other things at paragraph 97 that to address climate change local planning authorities should design policies to maximise renewable and low carbon energy development whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. Paragraph 98 includes that even small scale projects provide a valuable contribution to cutting greenhouse gases and that applications should be approved if their impacts are (or can be made) acceptable. Paragraph 28 seeks a positive approach to sustainable new development in rural areas and supports the development and diversification of agricultural and other rural based business.
7. At the date of writing the development plan includes the saved policies of the Allerdale Local Plan (1999) (the LP) and the Cumbria and Lake District Joint Structure Plan 2001-2016 (2006)(the JSP), together with the North West of England Plan Regional Spatial Strategy to 2021 (the RSS). The RSS and JSP include policies which are supportive of renewable energy and include regional targets for installation but which also require that such benefits are weighed with any significant adverse landscape and visual impacts of wind turbine development. However an order to revoke the RSS was laid in Parliament on 24 April 2013 and will come into effect on 20 May 2013 when the RSS and JSP policies would cease to be part of the development plan. That is an important material consideration.
8. There are no saved policies for renewable energy development in the LP but Policy EN19 seeks in summary to conserve and enhance the landscape and to retain local distinctiveness. LP Policy EN25 seeks to strictly control development in open countryside. However it does specifically allow for essential development, or that for which there is a locational need, including those required for local infrastructure needs, subject to criteria.
9. Whilst the RSS policies on renewable energy and the indicative targets for electricity production are on the point of revocation, there remain unmet national targets. These depend upon the implementation of schemes at the local level and they would have been taken into account in the setting of the regional targets. In the absence of any more up-to-date assessment of renewable energy needs at the local level the evidence-based RSS assessment remains a material consideration as does evidence on the amount of renewable energy production that has been consented.
10. The Cumbria Wind Energy Supplementary Planning Document (2007) (the SPD) is not part of the statutory development plan but it has been adopted by the Council as part of the local development framework and is an important material consideration. Amongst other things it considers the area's Landscape Character types and provides guidance on their capacity for wind turbine development. The SPD includes advice on assessing cumulative impacts but advises that these can only be done on a case by case basis.

## Reasons

### *Landscape and Visual Impact*

11. The site is located in open countryside on slightly undulating low-lying ground within Landscape Character Type 5a Ridge and Valley. It is located on farmland close to the disused WWII Great Orton airfield. Access would be along the former runway. The former airfield also accommodates the existing Great Orton windfarm about 850m south of the appeal site which comprises a line of 6 x 68.5m regularly spaced turbines about 250m apart. Other former airfield land accommodates a nature reserve and was previously used to bury the remains of farm animals after a major outbreak of foot and mouth disease.
12. The appeal site directly adjoins the administrative boundary with Carlisle City Council (CCC). CCC has granted planning permission for a single 74m turbine on land about 400m south of the appeal site (Midtown Farm - 12/0345) but has also refused planning permission for a single 74m turbine on land about 850m to the south east (The Flatt - 12/0638) which is the subject of a current appeal (Ref 2190325). A further application for a single 62m turbine is under consideration by Allerdale BC (ABC) on land west of the airfield and 1.57km south west of the appeal site (2/2012/0682). Another application to ABC for a 79.6m turbine 282m north of the appeal site has been withdrawn.
13. The SPD does not seek to preclude either single wind turbines or groups from this landscape type subject to relevant criteria. The proposed turbine would be of similar scale and design to those at the windfarm. It would be set away from roads and settlements and its individual landscape impact would diminish with distance. However the turbine would not be an isolated development and the Framework explicitly requires that regard be had to the potential cumulative impact of multiple developments, whether of single turbines or groups, or a combination of both. In this case the cumulative impacts mainly relate to the simultaneous appearance of different existing and proposed turbines in the same views and how they would relate to one another. The SPD includes advice at paragraph 1.42 of Part 2 that: '... a consistent and coherent approach to the siting, design, spacing and scale of schemes in relation to the receiving landscape type will be required to ensure that they make a positive contribution to the overall image. A succession of schemes with different designs and relationships to the landscape can appear confusing as well as raise questions about the visual rationale and suitability of each development.'
14. In terms of cumulative impact the most relevant developments currently are the extant Great Orton windfarm and the nearby permitted 74m turbine at Midtown Farm. Consideration of the cumulative effects of the other nearby proposals that remain to be determined would be a matter for the relevant decision taker at that time, whether that is ABC, CCC, or an appeal Inspector. Although reference has been made to other extant and permitted single turbines and windfarms turbines at greater distances, having regard to the respective scales of the turbines, the separation distances and limited opportunities for shared or sequential visibility, I do not consider that the cumulative landscape and visual effects with any of these more distant developments would be significantly adverse.
15. The rural area around the former airfield is dotted with farm buildings, dwellings and woodland. These, together with the slightly undulating topography and some hedgerows, cause interruptions in the otherwise extensive views that are available

across the area. The existing Great Orton turbines can nevertheless be seen frequently over a wide area including from local roads and footpaths, from parts of the A595, including in distant views, from dwellings in the countryside, and from settlements of which the most significant in terms of both size and proximity is Great Orton village about 1.3km to the east. The appeal turbine is likely to be of similar visual prominence as the Great Orton windfarm turbines because it would be of similar size. However the CCC Midtown 74m turbine would likely appear larger and more prominent in views from Great Orton village owing to its greater height and closer proximity to the village and to the footpaths and bridleways which provide circular routes out towards the former airfield from the west side of the village.

16. The permitted Great Orton windfarm was clearly designed as an integrated scheme of matching turbines in a nearly straight line with regular spacing of about 250m between the turbines. It is a notable man-made landscape feature which dominates its immediate surroundings in a largely man-made and structured landscape of straight roads, paths and field boundaries. The visual impact of the windfarm diminishes with distance but, like all wind turbines, the motion will catch the eye even in distant views. I noted that in clear conditions the motion and the white colour in sunlight mean that the windfarm is seen at a considerable distance from parts of the A595, albeit as a relatively small element in a still dominant and expansive rural landscape. It is an ordered and coherent designed scheme which is isolated from other windfarm developments and which some would consider to contribute positive visual interest to the local landscape.
17. With 6 turbines the Great Orton windfarm is already arguably a 'large scheme' in terms of the SPD. Such schemes are only exceptionally to be permitted in a Landscape Type 5a location of moderate capacity. That the turbines are only 68.5m tall and not the 95-120m tall turbines envisaged in the SPD (and which are increasingly common in commercial windfarms) does not to my mind prevent this from being considered as such a large scheme. It follows that the addition of between 1 and 3 turbines to the existing windfarm could potentially comply with the guidance if they are perceived as a single coherent group. Even so, the SPD provides that such large groups should only be permitted in exceptional circumstances and subject amongst other things to an acceptable landscape and visual impact.
18. The permitted single Midtown Farm turbine will be seen in most of the same views as the existing windfarm. That it has not been designed as an integrated extension of the existing windfarm is evident in its greater height and the increased spacing of about 550m from the nearest windfarm turbine. It might appear to be part of one large group windfarm in some views from the south, including in long views from the A595. But in closer views from local roads and dwellings to the north it would appear significantly larger than the more distant and evenly sized windfarm turbines and would not appear to be obviously part of the same scheme. Also when seen from the east and west the existing windfarm turbines appear very closely grouped. But in these same views, including in several views from Great Orton village, the Midtown Farm turbine would appear as a separate isolated scheme by reason of the wide gap to the windfarm turbines.
19. The appeal proposal would be even further from the windfarm. Whilst it would be closer to the Midtown farm turbine than to the windfarm, the gap to the Midtown farm turbine would be about double the width of the gap between the Great Orton windfarm turbines. The appeal turbine would be shorter than the Midtown Farm turbine. From the south it may appear to be part of one group with the windfarm

and the Midtown turbine, albeit a less ordered group than the present windfarm. However from the north it would appear much closer to the viewer than the windfarm and hence larger and more closely associated with the Midtown Farm turbine. From the east and west the even wider gap would again isolate the turbine from the windfarm. In those views it would remain more closely associated with the taller Midtown Farm turbine. However the appeal turbine would not appear one of an obvious pair or group with the Midtown Farm turbine owing to the significant separation between the 2 turbines and their differing height.

20. The Landscape and Visual Impact Assessment (LVIA) submitted with the application included consideration of the cumulative impact of the developments. It acknowledged that the additional turbine would alter the perception of the Great Orton windfarm from being a predominantly linear development to that of being three dimensional<sup>1</sup> but considered that the turbine would be seen as part of the group. When considered with the 2 turbines proposed in the CCC area (including one that has since been refused permission), it was considered that this would be seen as a new cluster that would be seen as separate to the Great Orton windfarm from some viewpoints but would appear as a single, evenly spaced, designed scheme. The magnitude of change in each case was regarded as medium and the cumulative effect as moderate. I disagree with these conclusions.
21. I consider that the proposed single turbine by reason of its location and irregular spacing would be neither sufficiently integrated with the Great Orton windfarm to be perceived as part of that windfarm group in most views, nor sufficiently isolated from that group to avoid a cumulative impact (including the Midtown Farm turbine) that would be visually incoherent and which would disrupt the ordered appearance and layout of the linear windfarm. Neither would these 2 turbines be of the same height as each other, or with similar spacing as the windfarm. Thus they would not appear as a single designed group, whether or not the third refused turbine with its different spacing is also taken into account. The resulting piecemeal appearance of the development would be unsettling to the viewer and would have a significant adverse impact on the local ordered rural landscape, contrary to local plan objectives to conserve and enhance the landscape and to advice at paragraph 1.42 of the SPD. Neither would it accord with Framework objectives to satisfactorily address adverse cumulative impacts.
22. The adverse cumulative visual impact of the turbines on the landscape would be experienced by visitors to the adjacent nature reserve who would experience turbines on both sides within a wind turbine landscape. It would also be experienced by those using local footpaths to the east of the area and local roads to the north and west and in the outlook from dwellings and open spaces at Great Orton and from other isolated dwellings to the north.
23. For the above reasons the development would conflict with Local Plan objectives to conserve or enhance the landscape and with Framework objectives to avoid adverse cumulative impacts.

#### *Living Conditions*

24. The nearest dwellings would be Rosebank Cottage and Bank House which are 600-700m away to the north west. Bank House is oriented away from the appeal site such that only oblique and filtered views are likely to be available from there of either the appeal turbine or of other existing and permitted turbines. The rear

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<sup>1</sup> Strictly in these terms the change would be from a 1 dimensional line to a 2 dimensional layout.

elevation of Rosebank Cottage is oriented towards the appeal site but outward views are likely to be filtered by vegetation. When it could be seen from the dwelling or garden the appeal turbine would be closer to the viewer than either the windfarm or the Midtown Farm turbines and some of the adverse cumulative landscape impact would be experienced here. However, having regard to the scale of the turbine, the distance and the filtering, the turbine should not appear oppressive or dominant and should not make this an unattractive place to live. Distant views would be available from some other dwellings in the surrounding area, most of which would also contain views of other existing or permitted turbines at similar distances. Again this should not significantly harm living conditions there.

25. Residents of the nearest dwelling to the turbine and residents of Great Orton comment that noise from the existing windfarm can reach their locations. However there is no evidence before me that such noise levels have been measured or that they exceed recommended limits in the Government endorsed document ETSU-R-97 '*The Rating and Assessment of Noise from Windfarms*'. Nor is there evidence that there is any alleged breach of any existing planning conditions to control such noise. A noise impact assessment submitted by the Appellant indicates that noise immissions at the nearest dwelling would be less than 35db(A) at wind speeds up to 10m/s. That would be below the bottom end of the noise limits advised in the ETSU guidance. Noise immissions at all other dwellings would be lower still. Having regard also to the advice of their Environmental Health Officer, the Council is satisfied that noise can be adequately controlled by the application of planning conditions and I agree. The Council did not refuse planning permission on noise grounds and it would not be a reason to dismiss the appeal.
26. It is concluded on this issue that, although the turbine could be seen and possibly heard at several dwellings at various distances, there would not be unacceptable harm to the living conditions of any resident or associated conflict with the development plan or Framework objectives.

### *Benefits*

27. Whilst the development would be financially beneficial to the landowner, it is not closely associated with any farm processes and there is no evidence that it otherwise forms part of a farm diversification scheme. It is probable that most or even all of the electricity generated would be exported to the grid. However in that regard the 900kW capacity is much greater than many single farm turbines and it would make a significant contribution towards extant national targets for renewable energy to reduce carbon emissions and contribute to energy security, including the requirements of the Climate Change Act 2008. These national targets will still need to be met by local delivery, notwithstanding the imminent revocation of the specific RSS regional targets.
28. It is acknowledged that Allerdale has already made a very substantial contribution to renewable energy generation in Cumbria. This reflects its relative suitability for wind generation and the constraints that exist in many other parts of Cumbria such as landscape sensitivity within the national park. However it does not follow that all schemes including the appeal scheme will be found acceptable or that any identified harm must be inevitably be outweighed by the benefits in terms of renewable energy production. There remain numerous other proposals for renewable energy developments in Allerdale and elsewhere. A proportion of these are likely to be considered to be suitably designed and located and otherwise in accordance with local and national policies and thus able to contribute to the continuing need for renewable energy.

## **Planning Balance**

29. In this case, there would be no unacceptable harm to residents' living conditions and there would be clear and significant benefits in terms of renewable energy generation which would accord with some Framework objectives. Whilst the decision is finely balanced, I do not consider that these conclusions are sufficient to outweigh the significant adverse cumulative impact on the landscape of introducing a further wind turbine as a piecemeal development in a location which is neither integrated with the layout and design of the existing windfarm or with another permitted turbine, nor sufficiently isolated from those developments to avoid adverse cumulative visual and landscape impacts. The scheme would conflict with the local plan and does not satisfactorily address its adverse cumulative impacts as required by the Framework. There are no other material considerations sufficient to outweigh the identified conflict with the development plan, which applies whether or not the development plan only includes the LP or also includes the RSS and JSP. Account has been taken of all other matters raised by interested persons but they do not outweigh my conclusions on the main issues or my overall conclusion that the appeal should be dismissed.

*RPE Mellor*

INSPECTOR