
Appeal Decision

Site visits made on 6 December 2016 and 19 January 2017

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 17 May 2017

Appeal Ref: APP/D0840/W/16/3151618

Land at Carwitham Barton Farm, Marshgate, Camelford PL32 9YW

- 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 Mr & Mrs E G & N B Quinn against the decision of Cornwall Council.
 - The application Ref.PA15/06639, dated 16 July 2015, was refused by notice dated 8 December 2015.
 - The development proposed is the proposed erection of two wind turbines with maximum blade tip height of 35m, together with associated works and formation of access tracks.
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Preliminary Matters

1. My first site visit on 6 December 2016 was undermined by restricted visibility. I returned to the area on 19 January 2017, in excellent visibility, when I was able to take in all the viewpoints, near and more distant, helpfully suggested by the main parties.
2. On 22 November 2016, in the lead up to the first site visit, the Council adopted the Cornwall Local Plan: Strategic Policies 2010-2030¹. I gave the Council and the appellant the opportunity to reassess their cases on the basis of the new policy position. I have proceeded, of course, on the basis of the development plan as it now stands.
3. The proposal was considered to be EIA development. The application was accompanied by an Environmental Statement² which was subsequently supplemented. There is no suggestion that the ES, as supplemented, fails to meet the requirements of the relevant regulations and I have taken it into account in arriving at my decision.

Decision

4. The appeal is dismissed.

Main Issue

5. This is the effect of the proposal on the Cornwall Area of Outstanding Natural Beauty³. That analysis needs to take place in the context of the benefits the proposal would bring forward. There is also a need to address the Written Ministerial Statement of 18 June 2015⁴.

¹ Referred to hereafter as CLP

² Referred to hereafter as ES

³ Referred to hereafter as AONB

⁴ Referred to hereafter as WMS

Reasons

6. CLP Policy 14 deals specifically with renewable and low-carbon energy and has a number of strands. The first strand supports the production of renewable energy where of relevance to wind turbines, they are within an area allocated by Neighbourhood Plans. Strand 2 supports renewable energy developments that are led by or meet the needs of local communities, and create opportunities for co-location of energy producers with energy users. Strand 3 says that when considering proposals for renewable and low carbon energy, regard will be given to the wider benefits of providing energy from renewable sources, as well as the potential effects on the local environment, including any cumulative impact.
7. Strand 4 sets out that in, and within the setting of, AONBs, such developments will only be permitted in exceptional circumstances and should generally be very small in scale in order that the natural beauty of these areas may be conserved. Following on from that, strand 5 is clear that when considering proposals for renewables that impact upon the AONB and its setting, applicants⁵ should apply other relevant policies in the Plan.
8. That brings into play CLP Policy 23 which relates to the natural environment. It explains that in AONBs, great weight will be given to conserving the landscape and scenic beauty within or affecting the setting of the AONB. Proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONB's sensitivity and capacity.
9. In many ways, that approach to the AONB is born of the statutory provisions of s.85 of the Countryside and Rights of Way Act 2000. It reflects too the National Planning Policy Framework⁶. Paragraph 109 is clear that the planning system should protect and enhance valued landscapes while paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads, and AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
10. Against all that, one of the core principles of the Framework is that planning should support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources (for example, by the development of renewable energy).
11. Paragraph 93 tells us that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability, and providing resilience to the impacts of climate change, and supporting the delivery of renewable energy and associated infrastructure. This, we are told, is central to the economic, social and environmental dimensions of sustainable development.
12. As an aid to decision-making, paragraph 98 says that we should not require applicants for energy development to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In very simple terms, applications should be approved if impacts are (or can be made) acceptable.

⁵ And I take that to mean decision-makers in general

⁶ Referred to hereafter as the Framework

13. There is also the WMS of 18 June 2015 to consider. For proposals like that at issue in this appeal, where the transitional provisions apply, we are told that local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.
14. Longer views towards the appeal site, and into the AONB, from Warbstow Bury and its surroundings, take in a large number of existing wind turbines, notably the relatively tall (67m to tip) wind turbines that form the Otterham Wind Farm (on the opposite side of the A39 to the appeal site and outside the AONB), the existing 35m high wind turbine at Carwitham Barton Farm (within the AONB), and the existing wind turbine, of similar height, as far as I could ascertain, near to Cansford Quarry (also within the AONB). Closer views of the appeal site from the A39 itself, and from the lanes to the north, west, and south of Marshgate, also take in these existing wind turbines.
15. Notwithstanding the exposed coastal location, as significant man-made impositions on the landscape, this varied collection of wind turbines has a manifestly negative impact on the landscape character and natural beauty of the AONB, and its setting. Indeed, I would go as far to say that in distant (from and around Warbstow Bury), mid-range (approaching on the A39), and close-up (from Marshgate and its immediate surroundings) views towards the appeal site, the landscape is dominated by wind turbines.
16. It is suggested that the wind turbines proposed, being similar in height and appearance to the 35m high wind turbine at Carwitham Barton Farm, would form a coherent cluster, or grouping, with it. I do not accept that; the wind turbines proposed, even if they ended up similar in appearance⁷ to that currently in place at the farm, would be too distant from it to achieve that. Rather, they would be seen as a separate pair of wind turbines, and a further significant man-made imposition on the landscape.
17. In my judgement, the wind turbines proposed would be of considerable scale and widely visible. They would have an impact that would accentuate the harm that has already been caused to the landscape and scenic beauty of the AONB by wind turbines previously erected. Notwithstanding the temporary and reversible nature of the proposal, it is inescapable that the proposal would be contrary to CLP Policy 23.
18. Informed by the Landscape and Visual Impact Assessment⁸, the ES concludes that while there would be some impact upon the landscape, it would not be unacceptable and nor would the overall rural nature of the area undergo significant change. I do not agree with that assessment largely because the whole basis of local and national policy is to protect the *natural* beauty of AONBs. That does not appear to have been properly accounted for in the conclusions drawn by the LVIA.
19. In terms of CLP Policy 14, the proposal draws no support from strand 1 because there is no Neighbourhood Plan in place. Notwithstanding that, it is fair to say that the wind turbines would provide some power for the farm. This co-location of renewable energy production and use means that there is a measure of support from strand 2.

⁷ And I note that the final choice of wind turbine is moot

⁸ Referred to hereafter as LVIA

20. Strand 3 requires a balance between the benefits and any environmental harm that would be caused. The appellant suggests in the Design and Access Statement that each of the wind turbines proposed could generate as much as 270,000 kWh per year. I accept that this would be a considerable benefit generally, but also a great help to the financial well-being of the rural enterprise.
21. Nevertheless, bearing in mind that great weight must be attached to conserving landscape and scenic beauty in the AONB, these benefits are insufficient to outweigh the considerable harm to these characteristics that would be caused. Moreover, even if the final wind turbines chosen were 100 kW models, doubling the projected output, they would still be insufficient. On that overall basis, the proposal draws no support from strand 3.
22. Most importantly, there would be a complete failure to accord with strands 4 and 5. These seem to me to be the most important strands of the policy in relation to renewable energy proposals in the AONB. There are no exceptional circumstances to justify the scheme and it cannot be deemed very small in scale. Natural beauty would not be conserved by the proposal and there would be no accord with CLP Policy 23.
23. For all these reasons, I conclude therefore that the scheme falls contrary to CLP Policy 14 and consequently, the development plan as a whole.
24. In terms of the Framework, there would be a clear failure to accord with paragraphs 109 and 115 and the approach therein to valued landscapes and AONBs. In simple terms, the impacts are not, and cannot be made, acceptable so there is no support for the proposal from paragraph 98.
25. Dealing with the WMS, I note that there have been letters of support for, as well as objections to, the proposal so there is no definitive local community view. However, based on my conclusions above, it cannot be said that the impact on the landscape and scenic beauty of the AONB has been addressed. The proposal does not accord with the WMS, therefore.
26. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR