



**Leeds**  
CITY COUNCIL

Originator: Louise White

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**Report of the Chief Planning Officer**

***PLANS PANEL (EAST)***

**Date:** 26<sup>th</sup> January 2012

**Subject:** Application 08/01118/FU – Appeal by Banks Renewables Ltd against the refusal of planning permission for 5 Wind Turbines, Monitoring Mast & Associated Infrastructure at Hook Moor, Near Micklefield

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**Electoral Wards Affected:**

**Kippax & Methley**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**Members are requested to note the contents of this report**

**1.0 KEY ISSUES**

- 1.1 The appeal was heard at a Public Inquiry on 11<sup>th</sup> October 2011 and was allowed. As the site is located within the Green Belt the Inspector identified that one of the main issues in the determination of this case was whether the proposed wind farm would represent inappropriate development in the Green Belt and if it did, whether very special circumstances were demonstrated that would clearly outweigh any harm by reason of inappropriateness and any other harm, including its effect on the openness of the Green Belt and its visual amenities. The Inspector also considered the effects of the proposal on, amongst other things, nearby heritage assets and nearby residents and on wildlife.

## **2.0 SUMMARY OF COMMENT**

- 2.1 The Council refused permission for 2 reasons, both related to the MoD's objection regarding aviation safety. The applicants appealed that decision and a public inquiry was held in October 2010. The Inspector dismissed the appeal as reported within the previous report presented to Panel Members in December 2010. However, the Inspector's decision was challenged by the appellants and subsequently quashed by the Court as the Inspector had failed to take into consideration the Regional Spatial Strategy (RSS). The public inquiry was re-run in October 2011. A different planning Inspector was appointed and the appeal was subsequently allowed.
- 2.2 In relation to the reasons for refusal, following the issue of the Statements of Common Ground between the Appellant, the Council and the MoD, the outstanding technical objections relating to aviation safety were resolved between the parties prior to the inquiry being held, subject to the imposition of a suitable Grampian condition requiring suitable mitigation measures to be put into place.
- 2.3 The Inspector summarised the matters which he considered weighed against the proposal (the harm) as follows:
- i) The development constituted inappropriate development in the Green Belt. This attracted substantial weight in its own right;
  - ii) There would be some harm to the openness and purposes of the Green Belt, which was of moderate weight;
  - iii) There would be a degree of harm to the character and appearance of the landscape, but this was of moderate weight overall;
  - iv) There would be minor harm to the setting of Lotherton Hall gardens, but this could be mitigated and was of limited weight.
- 2.4 The matters which the Inspector considered weighed in favour of the proposal were summarised as:
- i) The strong national support for renewable energy in order to tackle the effects of climate change was a significant factor in favour of the proposal, and carried substantial weight;
  - ii) The locally emerging targets for renewable energy, together with the anticipated provision of 20MW of wind generated energy, were considerations of significant weight;
  - iii) The provision of employment was a matter of some weight.
- 2.5 In relation to matters raised by local residents such as shadow flicker, visual dominance, TV interference etc., the Inspector considered that those matters did not detract from the proposal. He also considered that such matters did not add weight to the position in favour of the development. He concluded that such matters did not, therefore, engage materially with the overall balance.
- 2.6 The Inspector commented that the competing matters in the balance are all of importance, but in this case it was concluded that, in his judgement, the case for renewable energy, and the support given to it at both national, regional and local level, clearly outweighs the harm by inappropriateness and the other harm identified. The Inspector was therefore satisfied that the other considerations demonstrated

amount to the very special circumstances necessary to justify development in this case. As a result there was deemed to be no conflict with the saved UDP Green Belt policies.

- 2.7 The Inspector of the 2011 public inquiry therefore reached different conclusion to that of the previous Inspector. In coming to this decision, the Inspector confirmed that circumstances had changed since the previous decision was taken. In particular the Inspector identified the emergence of national and local policy and guidance, including the National Renewable Energy Action Plan, the Promotion and Use of Energy from Renewable Sources Regulations, The UK Renewable Energy Road Map, and the Natural Resources & Waste DPD, all of which add to the support for renewable energy which previously existed (and which continues to exist). The Inspector's decision was therefore taken in a different policy context, and one which he concluded altered the balance of considerations in favour of the proposal.

### **3.0 DECISION**

- 3.1 The Inspector concluded that subject to the imposition of conditions, the proposed development was, on balance, acceptable. Circumstances had changed sufficiently since the previous inquiry for a different conclusion to be reached.
- 3.2 In reaching this conclusion the Inspector confirmed that he had taken into consideration all of the written material submitted as well as the evidence and information provided at and (by agreement) after the inquiry. For the reasons given above he concluded that the appeal should be allowed

### **4.0 IMPLICATIONS FOR COUNCIL**

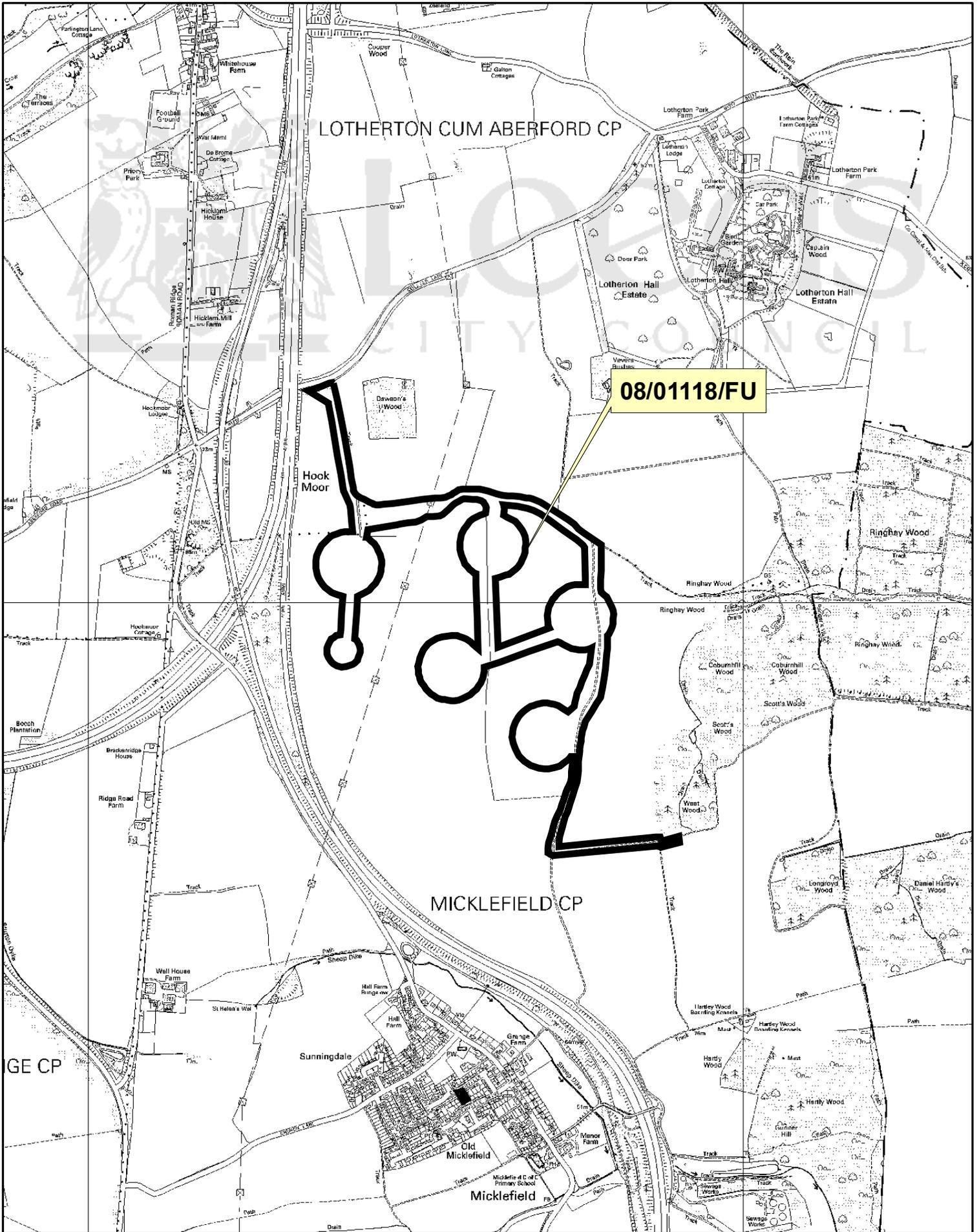
- 4.1 This case has shown that the weight to be afforded to renewable energy proposals should be substantial, even when sited within Green Belt locations. In this particular case, the weight afforded to the renewable energy provision (together with some weight towards employment) was considered to outweigh the harm to the Green Belt, in terms of the proposals being inappropriate development, its impact upon the openness and purposes of the Green Belt; and any other harm, including the harm to the character and appearance of the landscape and the minor harm to the setting of Lotherton Hall (which could be mitigated).
- 4.2 The Inspector afforded significant weight to the contents of the Council's Natural Resources and Waste Development Plan Document as it is at an advanced stage having recently been submitted for examination.
- 4.3 Obviously each proposal must be assessed on its own merits and every site is distinct but this decision will be important to note in relation to future proposals for wind turbines within Leeds, including those for smaller scale generation.

#### **Background Papers:**

Planning Application 08/01118/FU

Appeal Papers (ref. APP/N4720/A/10/2121279)

PINS decision letter and report



# EAST PLANS PANEL



Scale 1/ 15000

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