Dear Mr Hoar

Variation of Condition no 6 attached to planning permission 5/90/2312 (Erection of 15 wind turbines and construction of access ways) to vary the temporary time condition to allow retention of turbines until 31 March 2027, followed by one year to carry out decommissioning works.

Thank you for consulting us with regard to this application. Friends of the Lake District is the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District.

Friends of the Lake District object to the proposed variation of condition 6 attached to permission 5/90/2313 on the basis of continued detrimental impacts on landscape character and visual amenity of the immediate area and the impact upon the Lake District National Park which is now a World Heritage Site.

The original condition no 6 attached to permission 5/90/2312 was to ensure that the windfarm was temporary in nature and that the detrimental impacts on the landscape character, visual amenity, and access in the area would be reversed at the end of the 25 year period of the permission. To increase this timescale as per the proposal would elongate the undeniable detrimental impacts on the Landscape character of the area and the setting of the Lake District National Park.

The setting of the Lake District National Park is a material consideration in planning decisions. The National Planning Policy Framework stresses the importance of recognising the intrinsic character and the beauty of the countryside as a Core Planning Principle (Paragraph 17). Paragraph 115 of the NPPF also states:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Given the current policy framework, and the wealth of new guidance such as the’ Cumbria Landscape Character Guidance and Toolkit’ and the ‘Cumulative Impact of Vertical Infrastructure Study’ it is unlikely the operational scheme would be permitted if it was submitted today.
Furthermore, the Lake District National Park has recently been awarded World Heritage Site status. The prolonged impacts of the existing turbines must now also be considered in terms of their detrimental impact upon the setting of a World Heritage Site.

FLD consider that the removal of the turbines as per condition no 6 attached to permission 5/90/2312 would have a net benefit in landscape terms. The site is located within Landscape Character sub-type 9d ‘Ridges’ as classified in the Cumbria Landscape Character Guidance and Toolkit (2011).

Sensitive characteristics associated with LCT 9d include:

‘The open and distinct ridges and heather moorland and wide and expansive uninterrupted views to sea and the Lakeland Fells provide a sense of wildness that are sensitive to changes in land management and significant infrastructure development’.

The current windfarm constitutes significant infrastructure development. The timely removal, in line with the extant permission, provides an opportunity to remove this infrastructure and positively contribute to the characteristics above.

Furthermore, The Vision for this landscape type states:
‘This landscape will be conserved and enhanced. Development will be carefully controlled in order to ensure ridges aren’t cluttered or dominated by new development.’

Condition no 6 attached to permission 5/90/2312 exists as a mechanism to control the detrimental impacts of the development for a limited period of 25 years. FLD consider that approving the variation of this condition would be contrary to this vision and as such would conflict with Policy CS8.2 Protection and enhancement of landscape and settlement character which states:
‘Proposals for development should be informed by, and be sympathetic to, the distinctive character Landscape types identified in the: Cumbria Landscape Character Guidance and Toolkit’.

The application does not provide a justification for the retention of the turbines. FLD do not consider the fact that the turbines are currently operational is a justification for their retention. As previously highlighted if the proposal was submitted today it would be unlikely to gain approval. In addition the previous application for a repowering scheme (SL/2014/1220) was submitted due to the turbines being at the end of their working life. It is, therefore, reasonable to deduce that the turbines in situ are of diminished efficiency and not fit for purpose.

The issue of precedent is also of concern relating to this application. Planning conditions are used to enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
In this case condition no 6 was attached in order to time limit the development and ensure the timely reversal of the detrimental impacts brought about by the development. If a variation of this condition was permitted to extend the time period of the development it would weaken the implementation of planning conditions relating to wind energy infrastructure across the area.

In Summary, it is clear that the Kirkby Moor Wind Farm has a detrimental impact upon the landscape character and visual amenity of the area and the setting of the Lake District National Park. Removal of the turbines would constitute a net benefit in landscape terms. Permission no.6 was attached to the original permission in order to mitigate the adverse impacts of the development by making them time limited and, as such, FLD consider that these turbines should be removed in line with this condition. Furthermore, the policy context has moved on since the original development was permitted and we do not consider that it would be permitted if submitted as a new development today. Therefore, we urge you to refuse this application in line with local and national policy.

Please record these representations as those of the Campaign to Protect Rural England (CPRE-Cumbria Association). We would be grateful to receive a copy of the decision notice.

Yours sincerely,

Laura Fiske
Planning Officer