Appellant's Statement of Case:
Spring Brook Met Mast Planning Appeal

Planning Application Reference: 2013/0747

Planning Appeal Reference:

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1 Introduction

1.1.1 The appealed proposal is for the erection of a single 60m meteorological mast.

1.1.2 The appeal site is on agricultural land associated with Sheephouse Farm, above Underbank Reservoir near Stocksbridge, as shown in **Figure 1.1**.

2 Planning History and Reasons for Refusal

2.1.1 The subject of the current appeal was validated by Barnsley Council ('the Council') on the 15th July 2013 and refused planning permission by Notice dated 24th March 2014 (**Appendix 1**). The Energy Workshop Ltd (TEW) prepared the planning application and is the agent for this appeal.

2.1.2 The Spring Brook met mast proposal was initially submitted to the Council in a single planning application which also contained a proposal for a single wind turbine, at the same location. Following concerns raised by the Council, regarding the possibility of a split decision, the application was split into two: one for the met mast, the other for the wind turbine. The case officer's Report (**Appendix 2**) to the Council's Planning Regulatory Board presents the two proposals together but contains separate conclusions for each. The conclusions pertaining to the met mast proposal are given in the Report, pp.88-91. The single reason for refusal of the met mast proposal is stated on p.92 of the Report and on the Decision Notice, as follows:

1. *The site lies within the Green Belt in the Barnsley Unitary Development Plan and the proposal constitutes inappropriate development. The Local Planning Authority is of the opinion that the very special circumstances put forward do not clearly outweigh the harm to the character and openness of the Green Belt by virtue of the proposed scale and siting of the mast in relation to the immediate surrounding landscape character. As such the proposal conflicts with the provisions of the NPPF, CSP34, CSP37 and the Barnsley Landscape Character Assessment.*

3 Green Belt

3.1.1 Green Belt covers around 77% of Barnsley Borough, as shown on the Barnsley Unitary Development Plan (UDP) proposals maps. The appeal site is located within the UDP Green Belt boundary, and the emerging Development Sites and Places DPD does not propose a change in this area.

3.1.2 Development Plan Policy on the Green Belt is contained in saved UDP Policy GS6 (Extent of the Green Belt), and Core Strategy Policy (CSP) 34 (Protection of the Green Belt), the latter of which leaves national planning policy on Green Belts (then contained in PPG2, now NPPF) to define appropriate uses and acknowledges that very special circumstances may arise where other types of development may be considered acceptable, after weighing harms against benefits.

3.1.3 The NPPF states (at paragraph 91) that 'many renewable energy projects will comprise inappropriate development' when located in the Green Belt, but that the wider environmental benefits associated with renewable energy schemes may be considered as very special circumstances. The meaning of 'very special circumstances' was clarified in a case at the High Court, which established that if very special circumstances are to exist, they must clearly outweigh harm

not only to the Green Belt but any other harm that may be identified.[1]

3.1.4 Regarding harm to Green Belt, the NPPF states that the essential characteristics of Green Belts are their openness and their permanence, and sets out their 5 purposes.

3.1.5 The harm to Green Belt identified in the case officer's Report relates both to its character and its purpose:

1. The met mast would fail to preserve openness due to its proposed 60m height and its siting on high land contours, exposed to open long distance views from Stocksbridge and Midhopestones to the south, with the bird deflectors adding further clutter.
2. The met mast would encroach into the countryside, and thereby conflict with one of the purposes of including land within the Green Belt. This assertion is not discussed further in the case officer's Report.

3.1.6 The Design and Access Statement submitted with the planning application describes the characteristics of the proposed met mast, as illustrated on Figures 4,6,7 and 8. Figures 1-3 show the proposed location of the met mast, its land take and site constraints.

3.1.7 Regarding the open character of the local landscape, the Barnsley Landscape Character Assessment (BLCA) describes features which contribute to the character of the area (Penistone Upland Farmland): low settlement density, unimproved pasture, panoramic views, but also scattered farmsteads, pylons and power lines. The case officer's Report mentions that the BLCA accords Penistone Upland Farmland a high landscape sensitivity and low landscape capacity to built development. However, the BLCA assessment was carried out primarily for the purpose of predicting the effects of new Greenfield housing development, and not specifically relevant for met mast or wind turbine development proposals. Given the characteristics of the proposed met mast, it is likely to blend in with the existing electrical

[1] High Court of Justice Judgment (The River Club v SSCLG & Royal Borough of Kingston upon Thames ([2009] EWHC 2674))

infrastructure in the locality, when visible, and not obstruct panoramic views across the site. Also, unlike the existing electrical infrastructure, the proposed met mast is a temporary structure, and will be removed after 24 months.

3.1.8 The case officer's Report acknowledges that a previous 70m high met mast, proposed in connection with the Sheephouse Heights wind farm proposal, was granted permission in 2008, but draws the following distinctions:

a) the previous met mast was for a 3 month period in contrast with the current proposal for up to 24 months; and

b) the previous met mast application was submitted in advance of the applications for the five larger wind turbines.

3.1.9 In response to (a), although the application for the previous met mast was for 3 months, the Council subsequently agreed[2] to allow the met mast to remain *in situ* for a further 12 months. This longer period was requested by the developer to give a broader understanding of on-site meteorological conditions over a further range of seasons. The appeal proposal builds in a contingency for any delay in commissioning the mast, ensuring at least 12 months of continuous recording.

3.1.10 In response to (b), it is not clear whether the case officer is using the Sheephouse Heights application as a justification for the previous met mast consent. The Report states that the met mast proposal is 'intrinsically linked to the proposed wind turbine', and states that the Council's refusal of the wind turbine proposal means that 'the need for the meteorological mast cannot be substantiated on this occasion'. At a met mast appeal in Norfolk, the Planning Inspector considered the relationship between the met mast proposal and a future wind farm proposal (**Appendix 3** – paragraphs 29-30), and concluded that:

> *'the presence of the anemometer mast would not provide any presumption in favour of a wind farm development as any application would fall to be determined on merit in the light of the*

[2] Planning Application Reference: 2008/1667

development plan and all other material considerations. Hence, the concerns about the possible impacts of a potential wind farm, including those of noise, are not material to my consideration.'

3.1.11 Although the met mast data may be necessary for the Spring Brook wind turbine proposal - to help select the most appropriate model of turbine and to justify the financial viability of the project to funders - the data would also be of value to any future wind turbine proposal on the site, and therefore not invaluable apart from the Spring Brook wind turbine, as the Council maintain.

3.1.12 The Peak District National Park Authority have not objected to the met mast proposal, as confirmed in the case officer's Report.

4 References

Barnsley Metropolitan Borough Council (2000) Barnsley Unitary Development Plan, http://www.barnsley.gov.uk/services/environment-and-planning/planning/local-development-framework/unitary-development-plan/

Barnsley Metropolitan Borough Council (2002) Barnsley Borough Landscape Character Assessment, ECUS & Land Use Consultants, http://www.barnsley.gov.uk/media/Development%20-%20Planning%20and%20Transportation/Planning%20Policy/LDF/preferred/underpinning_documents/Landscape%20Character%20Assessment.pdf

Barnsley Metropolitan Borough Council (2011) Barnsley Core Strategy, https://www.barnsley.gov.uk/services/environment-and-planning/planning/local-development-framework/core-strategy

Barnsley Metropolitan Borough Council (2014) Sustainability Appraisal Scoping Report, https://www.barnsley.gov.uk/services/environment-and-planning/planning/local-development-framework-local-plan/sustainability-appraisal

DCLG (2011) National Planning Policy Framework, https://www.gov.uk/government/publications/national-planning-policy-framework--2

DCLG (2014) National Planning Practice Guidance, http://planningguidance.planningportal.gov.uk

This Statement of Case was prepared by The Energy Workshop Ltd and submitted on behalf of Mr John Darwin and Family to the Planning Inspectorate on the 21st July 2014.

5 List of Documents

Appeal Documents

Completed Appeal Form

Statement of Case (this document)

Appeal Appendices

Appendix 1 – Decision Notice

Appendix 2 – Committee Report

Appendix 3 – Fring Met Mast Decision

Planning Application Documents

Planning Application Form and Ownership Certificate

Design and Access Statement

Figure 1 – Location Plan

Figure 2 – Site Plan

Figure 3 – Constraints Plan

Figure 4 – 60m Met Mast Elevation

Figure 5 - Vehicle for road transport of dissembled mast

Figures 6 A-B – Procedure for assembly and erection of mast

Figure 7 - Scheme for the marking of guy lines

Figure 8 - Indicative photograph of an anemometry mast