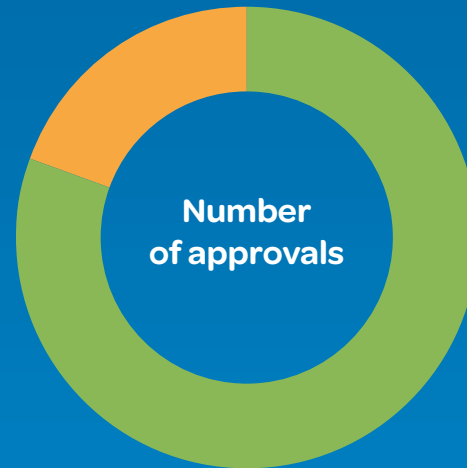
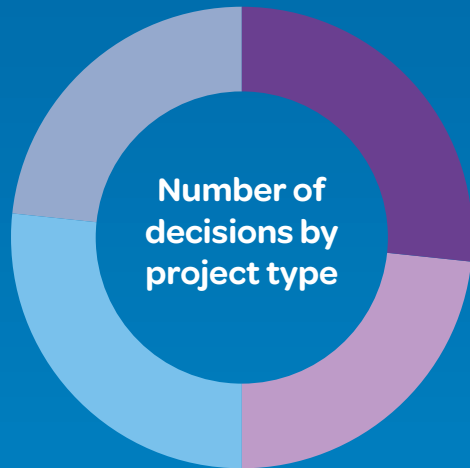


NZAP DECISIONS

NET ZERO APPEALS AND PLANNING DECISIONS

ISSUE 01

NOV 2024 - JAN 2025



Decisions by location



At a glance:

- Almost all decisions relate to solar, battery storage and onshore wind projects.
- Four S36 (Electricity Act) consents were issued by the Scottish Ministers: for onshore wind and battery energy storage projects.
- In Ireland, five permissions were issued for Strategic Infrastructure Development (71 wind turbines in total). An additional permission was granted, on appeal, for a further four turbines.
- Two onshore wind projects and two solar / BESS projects have been consented in Wales.
- The first appeal decision for energy infrastructure which engages the new NPPF concept of grey belt within the Green Belt was issued in England.
- In all cases substantial weight afforded to the benefits of renewable energy generation but a sensitive design response is still required.
- In the 'On the radar' section we highlight how Development Consent Orders have been granted for four NZI projects since November 2024 in England.

Explore
Net Zero
Infrastructure
at Turley

Turley

ADDRESS: Land at Cotton of Lownie Hillend of Lownie Forfar	DEVELOPMENT TYPE: Solar and Energy Storage 
APPELLANT / APPLICANT: Industria Solar Forfar Ltd	CONSENT TYPE: Planning permission
LPA: Angus Council	SCALE OF DEVELOPMENT: 36MW


The proposed construction of a 30MW solar farm, together with a 6MW battery energy storage system (BESS) at a site located in the Angus countryside, has been turned down after a Reporter found that the adverse localised landscape and visual impact of the proposal, combined with a lack of adequate mitigation, outweighed the benefits arising from green energy.

The appeal related to greenfield land in agricultural use. The Reporter held that, in addition to the significant contribution that the proposal made to renewable energy generation targets, the proposal was beneficial as it enabled a local concrete block making facility to be the first-of-its-kind to run on 100% green electricity thereby helping to safeguard 80 jobs. The Reporter also noted that the proposal resulted in a significant net gain to biodiversity. There was also benefit in co-locating solar and battery storage in one project.

However, significant landscape effects extending over 3km beyond the site were anticipated. The proposed development would also result in a loss of prime agricultural land raising the issue of national food security.

The Reporter concluded that relevant development plan polices were not sufficiently addressed in the project design, even when balanced against the significant weight in favour of renewable energy generation.

DISMISSED

ADDRESS: Ballivor Wind Farm, Co. Meath and Co. Westmeath	DEVELOPMENT TYPE: Onshore Wind 
APPELLANT / APPLICANT: Bord na Móna Powergen LTD	CONSENT TYPE: Planning permission granted under s37G of the Planning and Development Act 2000 (as amended)
LPA: An Bord Pleanála	SCALE OF DEVELOPMENT: 117-169MW

Permission has been granted for a proposed development of 26 wind turbines and associated infrastructure works.

Key issues assessed included principle of development, landscape and visual impact, residential amenity impacts (noise, shadow flicker etc.), traffic and transport, heritage/archaeological impacts, environmental and ecological impacts.

The Board determined that, subject to compliance with defined planning conditions, the proposed development would accord with European, national, regional and local planning policy, be consistent with national climate ambitions including the relevant provisions of the Climate Action Plan 2024, and would be acceptable in terms of impact on visual amenities and landscape character of the area.


The Board concluded that the proposal would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would not pose a risk to water quality and would be acceptable in terms of traffic safety.

Overall, the proposed development was considered to be in accordance with the proper planning and sustainable development of the area.

ALLOWED

ADDRESS: Ballinagree Wind Farm, Co. Cork	DEVELOPMENT TYPE: Onshore Wind
APPELLANT / APPLICANT: Ballinagree Wind DAC	CONSENT TYPE: Planning permission granted under s37G of the Planning and Development Act 2000 (as amended)
LPA: An Bord Pleanála	SCALE OF DEVELOPMENT: 118-132MW
<p>Permission has been granted for 20 wind turbines and associated infrastructure / works.</p> <p>Key issues assessed included principle of development, public consultation, public health, residential amenity, visual amenity, natural heritage, traffic and transportation, environmental and ecological impacts.</p> <p>The Board determined that the proposed development would accord with European, national, regional and local planning policy provision. It was also satisfied that the proposed development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2024.</p> <p>Subject to compliance with defined conditions, the proposed development would be in accordance with the relevant provisions of the Cork County Development Plan 2022-2028, would not seriously injure the visual amenities of the area, or of property in the area, would be acceptable in terms of traffic safety and would constitute an appropriate form of development.</p> <p>It was concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.</p>	
ALLOWED	

ADDRESS: Scart, Co. Kilkenny	DEVELOPMENT TYPE: Energy Storage
APPELLANT / APPLICANT: Clara Energy Storage Limited	CONSENT TYPE: Planning permission granted under s37G of the Planning and Development Act 2000 (as amended)
LPA: Kilkenny City and County Council	SCALE OF DEVELOPMENT: 55MW and a storage capacity of 220MWh
<p>Permission has been granted for an energy storage facility and associated infrastructure / works.</p> <p>Key issues assessed included principle of development, duration of permission, archaeology, fire safety matters, impacts to soil and water and ecology.</p> <p>The Board noted the proximity of the project to the national grid and considered that, subject to compliance with the defined conditions, the proposed development would be in accordance with European, national, regional and local planning and related policy and would be consistent with the provisions of the Climate Action Plan 2024.</p> <p>The Board also noted that the proposal would make a positive contribution towards Ireland’s renewable energy and security of energy supply requirements, would not have an unacceptable impact on the landscape, ecology or features of cultural heritage interest, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic and public safety.</p> <p>The proposed development was, therefore, considered to be in accordance with the proper planning and sustainable development of the area.</p>	
ALLOWED	

ADDRESS: Battery Storage System Saturland Farm, 168 Salterland Road, Barrhead, Glasgow, G78 1TF	DEVELOPMENT TYPE: Energy Storage	
APPELLANT / APPLICANT: Sustainability Unlimited LLP	CONSENT TYPE: Section 36	
LPA: Glasgow City Council umfries and Galloway Council	SCALE OF DEVELOPMENT: 60.8MW	

Section 36 consent and deemed planning permission has been granted by the Scottish Ministers who noted that the grid-scale battery energy storage facilitates would be a significant contribution to renewable energy generation targets as well as greenhouse gas (GHG) emission reduction ambitions. This was a significant factor weighing in favour of the proposed development.

It was also concluded that the proposed development would support the resilience of the electricity network.

Proposed screening in the form of mitigation planting satisfied the Scottish Ministers that any visual impacts in the local area would be alleviated as a result of this.

The proposed development would result in the loss of habitats and agricultural land however, the Scottish Ministers concluded that these impacts would only be slight, and thus acceptable when weighed with the benefits delivered by the proposed development.

ALLOWED

ADDRESS: Mid Moile Wind Farm, Land East of Cairnryan	DEVELOPMENT TYPE: Onshore Wind	
APPELLANT / APPLICANT: Energiekontor UK Limited	CONSENT TYPE: Section 36	
LPA: Dumfries and Galloway Council	SCALE OF DEVELOPMENT: 92.4MW	


Scottish Ministers have granted Section 36 consent with deemed planning permission having considered the potential benefits alongside likely impacts including to the landscape character and visual amenity.

Ministers acknowledged that significant landscape and visual impacts were anticipated but noted that no landscape designations would be significantly affected, and thus deemed visual impacts, including nighttime lighting, acceptable.

The proposed development was considered beneficial in its contribution to GHG emissions reduction targets.

The Scottish Ministers were satisfied that the proposed development would provide a valuable contribution to the economy.

ALLOWED

ADDRESS: Eccles II Battery Energy Storage System, Land West of Eccles Substation	DEVELOPMENT TYPE: Energy Storage	
APPELLANT / APPLICANT: Eccles Energy Centre Limited	CONSENT TYPE: Section 36	
LPA: Scottish Borders Council	SCALE OF DEVELOPMENT: 500MW	

Section 36 consent with deemed planning permission has been granted for a BESS project by the Scottish Ministers.

In granting consent, Ministers highlighted that grid-scale battery energy storage would facilitate a significant contribution to renewable energy generation targets, and GHG emission reduction targets by alleviating grid constraints. This was a significant factor weighing in favour of the proposed development.

It was also noted that the proposed development would provide direct and indirect local and regional economic benefits, alongside contributing towards meeting Scottish Government national energy targets and the transition to net zero.

The localised landscape and visual impacts were considered to be minor and would not result in unacceptable adverse impacts subject to suitable landscaping and boundary treatments.


Ministers were also satisfied that the need to develop on prime agricultural land was unavoidable given the specific locational requirements of the project.

Overall, the proposed development would support the resilience of the electricity network, contribute to sustainable development, and provide greater and more efficient use of generated renewable energy.

It was considered that the impacts of the proposed development would be acceptable in the context of the wider benefits to be provided.

The project was considered to be in accordance with the Scottish Borders LDP and NPF4.

ALLOWED

ADDRESS: Whitelee Wind Farm - Solar PV Farm and Battery Energy Storage System, Land Adjacent to Whitelee Wind Farm	DEVELOPMENT TYPE: Solar and Energy Storage	
APPELLANT / APPLICANT: ScottishPower Renewables	CONSENT TYPE: Section 36	
LPA: East Ayrshire Council	SCALE OF DEVELOPMENT: 90MW	


Section 36 consent with deemed planning permission has been granted for a solar / BESS project on land adjacent to the Whitelee Wind Farm.


Key issues in determination of the application included the principle of development, effect on peatland and habitats, landscape and visual effects, residential amenity, and the benefits of the proposed development.

In conclusion, the Reporter noted that there would likely be significant localised effects to peatland and biodiversity. They also concluded that, whilst there would be harm to landscape character and visual amenity, this would be mitigated by the visual presence of Whitelee Wind Farm and the low height of the proposed structures. Overall, it was felt that the landscape and visual effects of the development had been minimised.

The significant weight attached to the contribution to climate change objectives and emissions reduction targets outweighed any anticipated negative impacts.

ALLOWED

ADDRESS: 16km North of Cardiff, on the border of Caerphilly and Rhondda Cynon Taf (on Mynydd Eglwysilan)	DEVELOPMENT TYPE: Onshore Wind	
APPELLANT / APPLICANT: Twyn Hywel Energy Park Limited	CONSENT TYPE: Development of National Significance	
LPA: Caerphilly County Borough Council	SCALE OF DEVELOPMENT: 92.4MW	
<p>Permission has been granted for the construction and operation of up to 14 wind turbines (up to 200m in height) and associated infrastructure for a period of 45 years.</p> <p>The main considerations identified by the Inspector were:</p> <ul style="list-style-type: none"> • The effect on the landscape character and visual amenity of the area. The Inspector accepted there would be an adverse and significant effect on landscape character around the site, and a limited impact from certain views within the Bannau Brycheiniog (Brecon Beacons) National Park. However, the Inspector concluded the proposal would be consistent with the thrust of the development plan overall to support wind energy development, whilst recognising the adverse impacts locally on landscape character and visual amenity. • The effect on the ecology of the area. The Inspector concluded that the proposal, with mitigation, would avoid any unacceptable adverse impacts on protected sites and species, trees, habitats and biodiversity in general. A net benefit for biodiversity would also be secured. • The effect on historic assets and their settings. On this matter the Inspector concludes the proposal would have moderate (significant) adverse effects. • Whether any harm identified in relation to the foregoing considerations is outweighed by the benefits of the scheme, particularly its contribution to renewable energy generation and combating the effects of climate change. <p>The benefits of the scheme included CO₂ savings, contribution to Welsh Government’s targets for renewable energy generation, and employment opportunities.</p> <p>The Inspector concluded, whilst the harm identified to some of the relevant interests represent some conflict with relevant LDP policies, when the policies in FW are taken into account the proposal would comply with the development plan as a whole.</p>		
ALLOWED		


ADDRESS: Land fronting the A484 and Swansea Road (B4560) at Penyfodau Fawr Farm, Gowerton, Swansea	DEVELOPMENT TYPE: Solar	
APPELLANT / APPLICANT: CYP Solar Ltd	CONSENT TYPE: Development of National Significance	
LPA: Swansea Council	SCALE OF DEVELOPMENT: 20MW	
<p>Consent has been granted for a Development of National Significance.</p> <p>The solar farm will have an export capacity of c.20MW of electricity, enough to power approximately 5,300 homes annually over a 40-year lifespan.</p> <p>Whilst the Inspector identified policy conflict and attached significant weight to the likely adverse impact on the openness of the green wedge, this was significantly outweighed by matters in favour of the development, including the positive contribution that the development would make towards meeting Government energy targets and combatting the climate emergency.</p>		
ALLOWED		

ADDRESS: Land At Graig Y Pal, Glais, Swansea	DEVELOPMENT TYPE: Solar and Energy Storage 
APPELLANT / APPLICANT: CYP Solar Ltd	CONSENT TYPE: Development of National Significance
LPA: Swansea Council	SCALE OF DEVELOPMENT: 44.45MW

Consent has been granted for a solar array and battery storage facility generating 44.45MW of renewable energy and supporting the electricity needs of approximately 11,500 homes each year over its 40-year operational lifespan.

The Inspector noted that the proposal would make a meaningful contribution to the Welsh Government’s commitment to developing large-scale renewable and low carbon energy, and also gave significant weight to the biodiversity improvements. Moreover, the Inspector felt that the landscape is capable of accommodating the proposal and was satisfied it would not have an adverse impact on the living conditions of residents or on highway safety.

ALLOWED

ADDRESS: Between Mynydd Blaenafon and Mynydd Fforch Dwm, 1km North of Tonmawr Neath Port Talbot	DEVELOPMENT TYPE: Onshore Wind and Solar 
APPELLANT / APPLICANT: Mynydd Fforch Dwm Wind Energy 2021 Limited	CONSENT TYPE: Development of National Significance
LPA: Neath Port Talbot Council	SCALE OF DEVELOPMENT: 35MW

Consent has been consented for a co-located scheme of six wind turbines with a tip height of up to 200m and a 10ha solar array.

With a capacity of up to 35MW, the project could supply electricity to approximately 29,546 homes annually and contribute to reducing CO₂ emissions by over 53,207 tonnes each year.

Whilst it was noted that the scheme would result in a negative change in landscape character and have adverse effects to visual amenity, the Inspector did not consider these to be unacceptable. The Inspector noted the economic benefits of the scheme and gave considerable weight to the proposal’s contribution to renewable energy generation, and combatting the effects of climate change.

ALLOWED

ADDRESS: Cush Wind Farm, Co. Offaly	DEVELOPMENT TYPE: Onshore Wind 
APPELLANT / APPLICANT: Cush Wind Farm, Co. Offaly	CONSENT TYPE: Planning permission granted under s37G of the Planning and Development Act 2000 (as amended)
LPA: An Bord Pleanála	SCALE OF DEVELOPMENT: 50MW

Consent granted for a development of eight wind turbines and associated infrastructure / works with a total capacity of 50MW.

The Board determined that, subject to compliance with defined planning conditions, the proposed development would be in accordance with European, national, regional and local planning policy and would be consistent with national climate ambitions, and with the relevant provisions of the Climate Action Plan 2024.

The Board further considered that the proposal would be in accordance with the proper planning and sustainable development of the area as it would: make a positive contribution to Ireland’s national strategic policy on renewable energy, not have an adverse impact on the landscape, not seriously injure the residential or visual amenities of the area, not adversely affect the natural heritage of the area and not adversely impact the road network in the area.


ALLOWED

ADDRESS: Hamilton Hill Farm, Cauldwell Road, Sutton in Ashfield	DEVELOPMENT TYPE: Solar 
APPELLANT / APPLICANT: Hamilton Solar Limited	CONSENT TYPE: Section 78
LPA: Ashfield District Council	SCALE OF DEVELOPMENT: 7MW

The construction of a 7MW solar farm has been refused permission at appeal despite the potential to power approximately 2,000 homes and offset the emission of 1,170 tonnes of carbon dioxide.

The Inspector concluded that these benefits (acknowledged to be significant) and those relating to economic / social benefits (limited) were outweighed by the substantial harm to a Scheduled Ancient Monument through development within its setting.

DISMISSED

ADDRESS: Land north of Haddon Road and land north of the A605, approximately 830m east of Bullock Road, Haddon	DEVELOPMENT TYPE: Solar 
APPELLANT / APPLICANT: Wessex Solar Energy Ltd	CONSENT TYPE: Section 78
LPA: Huntingdonshire District Council	SCALE OF DEVELOPMENT: 25MW

The construction of a solar farm with the potential to generate 25MW of electricity (sufficient to supply c.7,700 homes per annum) was refused permission at appeal due to concerns regarding impacts to landscape character and insufficient evidence to demonstrate that the proposal did not harm the safe functioning of aircraft.

DISMISSED

ADDRESS: Paxhill, Park Lane, Lindfield, West Sussex	DEVELOPMENT TYPE: Solar 
APPELLANT / APPLICANT: Mr Christopher Bradbury	CONSENT TYPE: Section 78
LPA: Mid Sussex District Council	SCALE OF DEVELOPMENT: 67.4MW

Planning permission has been granted on appeal for a 67MW solar array.

The main issue is the effect of the proposed development upon the setting and significance of grade II listed designated heritage assets. Other matters considered included impact of root protection areas due to the cable route, impact on the rural landscape character and visibility to neighbouring properties.

Great weight was given to the asset’s conservation, and it was confirmed that less than substantial harm should not be equated with a less than substantial planning objection.

The Inspector recognised the proposal would increase the proportion of renewable low carbon energy used, reduce energy drawn from the National Grid in the face of increased national electricity demands, and improve the property’s carbon footprint and associated carbon emissions from how supplied energy is derived. As such, the appeal scheme would help to sustain and aid the longevity of the heritage assets served by it.

It was concluded that there would be a modest temporary economic benefit from and during construction, with very minor benefits from aspects of maintaining the development, including to the green economy. It is also likely a minorecological benefit could be secured from habitat creation and management.

The Inspector concluded that the public benefits of the development outweigh the harm to the setting and significance of designated heritage assets, the proposed development is compliant with the Framework read as a whole. The public benefits are such that the material considerations indicate the proposed development should be determined other than in accordance with the development plan.

ALLOWED

ADDRESS: Healey's Cyder Farm, Land at Healey's Cyder Farm, Callestick	DEVELOPMENT TYPE: Solar 
APPELLANT / APPLICANT: Healey's Cyder Farm	CONSENT TYPE: Section 78
LPA: Cornwall Council	SCALE OF DEVELOPMENT: 0.9MW

The construction of a solar farm with associated infrastructure to produce power for Healey's Cyder Farm has been granted on appeal.

Despite being of modest scale, the Inspector considered that the benefits of the project, which would offset the emission of 170 tonnes of carbon dioxide and support county and national level objectives, were significant and outweighed the identified harm to the character and appearance of the surrounding landscape and the setting of a Scheduled Ancient Monument (less than substantial).

ALLOWED

ADDRESS: Land South of Runwell Road, Runwell, Wickford, Essex	DEVELOPMENT TYPE: Solar and Energy Storage 
APPELLANT / APPLICANT: Enso Green Holdings J Limited	CONSENT TYPE: Section 78
LPA: Chelmsford City Council	SCALE OF DEVELOPMENT: 24.6MW

Planning permission has been granted on appeal for the construction of the installation of a solar farm with battery storage and associated infrastructure. The solar farm would have a generating capacity of 24.6MW – to meet the annual electrical needs of approximately 6,098 homes.

The BESS would have an import and export capacity of up to 57MW which would operate alongside the solar farm.

With the site located within the Green Belt, the Inspector concluded that Very Special Circumstances existed primarily due to the benefits of energy capacity in meeting the country's net zero goals, as well as noting that constraints at this site were very minimal with regard to good proximity to major roads and pylons.


ALLOWED

ADDRESS: Land at Fonmon, West of Cardiff Airport	DEVELOPMENT TYPE: Solar 
APPELLANT / APPLICANT: Low Carbon UK Solar Investment Company Ltd	CONSENT TYPE: Development of National Significance
LPA: Vale of Glamorgan Council	SCALE OF DEVELOPMENT: 35MW

Consent has been granted for a solar array which could generate 35MW of renewable energy, sufficient to meet the annual needs of approximately 11,639 homes and offset over 7,161 tonnes of CO₂ annually.

The inspector concluded that the benefits of the proposal, in securing renewable energy production and the consequent reduction in CO₂ emissions, outweighed the identified harm in respect to the green wedge and visual amenity which was also found to be justified and acceptable.

ALLOWED

ADDRESS: Land on the southwest side of Levedale Road, Penkridge, Staffordshire	DEVELOPMENT TYPE: Energy Storage 
APPELLANT / APPLICANT: Anglo ES Levedale Ltd	CONSENT TYPE: Section 78
LPA: South Staffordshire Council	SCALE OF DEVELOPMENT: 49.9MW

Permission has been granted on appeal for a battery storage scheme for a period of 35 years.

The Inspector found that the proposal would harm the landscape character of the surrounding area, however, these were considered to be outweighed by the benefits of the proposal in respect of climate change and achieving net zero objectives. Issues relating to the development plan conflict were resolved through conditions of the approval.

ALLOWED

ADDRESS: Land off Chapel Lane, Great Barr, Walsall	DEVELOPMENT TYPE: Energy Storage 
APPELLANT / APPLICANT: Anesco Limited	CONSENT TYPE: Section 78
LPA: Walsall Metropolitan Borough Council	SCALE OF DEVELOPMENT: 49MW

Permission has been granted on appeal for the construction of 49.35MW battery energy storage facility located within the Green Belt.

Key issues included whether the proposal would be an inappropriate development in the Green Belt, the effect on openness, the effect on the appearance and character of the area, the effect on heritage assets, the effect on residential amenity, and the effect on agricultural land.

In assessing whether the proposal was considered to be an inappropriate development in the Green Belt, the Inspector assessed if the land was grey belt. The Inspector assessed the proposal against Purpose A (Sprawl) and Purpose B (Merging).

With regard to Purpose A, the Inspector concluded that the development would be physically and visually discrete from the large built-up area. In this context, the site does not strongly contribute to Purpose A.

With regard to Purpose B, the Inspector acknowledged there is very limited visibility of the site, and the BESS would have no material impact on the perception of the gap. In this context, and given the proposal would be temporary and would not lead directly to the merging of neighbouring towns, the site does not strongly contribute to Purpose B.


The site was then assessed against paragraph 155 of the Framework. It was concluded that the relevant criteria, contained in Framework paragraph 155, were met and the development did not fall to be considered as an inappropriate development in the Green Belt. The Courts have found that where a development is found not to be an inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

The absence of an alternative site and the potential Biodiversity Net Gain (BNG) improvements were also given significant weight. These benefits were considered to outweigh the temporary adverse effects to landscape character, visual amenity and designated heritage assets and the limited harm to residential amenity (noise).

With regards to agricultural land impacts, the Inspector acknowledged the proposal would result in the temporary loss of the potential to use a small area of Best and Most Versatile (B&MV) land for food production. The site does not currently contribute to the nation's ability to maintain a secure food supply, and in light of the Department for Environment, Food & Rural Affairs' (DEFRA) conclusions, there is nothing to suggest that the temporary loss of the potential to use the site for food production would be material.

Ultimately, the Inspector concluded that the benefits of this proposal (as outlined above), clearly outweighed the harm to the Green Belt and the other harms identified such that Very Special Circumstances exist to justify this proposal. The proposal would not conflict with the development plan when read as a whole or the Framework.


ALLOWED

ADDRESS: Beechwood Farm, Hodgetts Lane, Berkswell, Solihull CV7 7DG	DEVELOPMENT TYPE: Energy Storage 
APPELLANT / APPLICANT: Enso Green Holdings P Limited	CONSENT TYPE: Section 78
LPA: Solihull Metropolitan Borough Council	SCALE OF DEVELOPMENT: 57MW

A battery energy storage facility with a capacity of 57MW within the Green Belt has been approved.

The Inspector concluded that the proposed development would have an adverse impact on the openness of the Green Belt undermining its role in preventing the coalescence of settlements. However, the economic, social and environmental benefits and the need for energy storage facilities collectively were awarded Very Substantial Weight and were deemed to outweigh the concerns.


ALLOWED

ADDRESS: Letter Wind Farm, Co. Leitrim	DEVELOPMENT TYPE: Onshore Wind 
APPELLANT / APPLICANT: Letter Wind Farm Limited	CONSENT TYPE: Refusal of planning permission
LPA: Leitrim County Council	SCALE OF DEVELOPMENT: 16.8MW

Permission has been refused on appeal for a development of four wind turbines and associated infrastructure/works (16.8MW).

The Board expressed concerns with regard to ground stability, and the volumes of peat and other spoil material requiring excavation, handling, storage and management on the site.

DISMISSED

ADDRESS: Bilboa Wind Farm, Co. Carlow	DEVELOPMENT TYPE: Onshore Wind 
APPELLANT / APPLICANT: Boolyvannanan Renewable Energy Ltd	CONSENT TYPE: Planning permission
LPA: Carlow County Council	SCALE OF DEVELOPMENT: 22.5MW

Permission has been granted for the construction of five wind turbines and associated infrastructure.

The Board granted permission generally in accordance with the Inspector's recommendation and had regard to, among other things, the Climate Action Plan 2024, European, national, regional and local planning policy and related policy, distance to dwellings and other sensitive receptors, the character of the landscape in the area, the planning history on the site, the submitted EIAR and NIS and implementation of the proposed mitigation measures.

ALLOWED

ADDRESS: Firlough Wind Farm, Co. Mayo and Hydrogen Plant, Co. Sligo	DEVELOPMENT TYPE: Onshore Wind and Hydrogen Renewables
APPELLANT / APPLICANT: Mercury Renewable (Carrowleagh) Limited	CONSENT TYPE: Planning permission granted under s37G of the Planning and Development Act 2000 (as amended)
LPA: An Bord Pleanála	SCALE OF DEVELOPMENT: 65-78MW


A co-located development of 13 wind turbines (with associated infrastructure) and hydrogen production infrastructure has been approved on appeal. The wind turbines would generate up to 78MW of renewable energy with excess electricity utilised to produce hydrogen through electrolysis.

The Board determined that, subject to compliance with defined planning conditions, the proposed development would accord with European, national, regional and local planning and related policies.

The Board also determined that, following the implementation of agreed mitigation measures, the effects on the environment and the community in the vicinity would come within acceptable standards, would not be likely to give rise to a risk of pollution or unsustainable demand for groundwater, would not be likely to give rise to major accidents, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural and archaeological heritage of the area, and would be acceptable in terms of pedestrian, cycling and traffic safety.

The Board was satisfied that an approval for the proposed development would be consistent with national climate ambitions, the relevant provisions of the Climate Action Plan 2024 and the proper planning and sustainable development of the area.

ALLOWED

ADDRESS: Strath Oykel Wind Farm, Strath Oykel Forest, Sutherland	DEVELOPMENT TYPE: Onshore Wind 	
APPELLANT / APPLICANT: Energiekontor UK Ltd	CONSENT TYPE: Section 36	
LPA: The Highland Council	SCALE OF DEVELOPMENT: 77.6MW	
<p>Section 36 consent with deemed planning permission has been granted by Scottish Ministers notwithstanding the concerns of the appointed Reporter.</p> <p>The Proposal</p> <ul style="list-style-type: none"> • The construction of 11 wind turbines up to 200m, with a generating capacity of 72.6MW and a battery electricity storage system of 5MW • On-site 132kV substation • New access junction • Watercourse crossing • Proposed operational period of 35 years <p>Key Issues</p> <p>LVIA: the impact of the proposal on the character and appearance of the area.</p> <p>Residential Amenity: the effect on living conditions of nearby residential properties in relation to outlook, noise etc.</p> <p>Compliance with Development Plan: the extent to which the development complies with the Development Plan.</p> <p>Decision & Planning Balance</p> <p>The appointed Reporter concluded that the proposed development was not compliant with the Development Plan, and should be refused.</p> <p>However, the Scottish Ministers did not agree with the recommendations, highlighting that given the contribution of the proposed development towards the Scottish Government’s renewable energy targets, the principle of development has significant support. The Scottish Ministers found that the proposed development accords with NPF4 and the LDP, and with regard to LVIA, concluded that the localised effects would not outweigh the benefits that the proposed development would bring.</p>	Key issues	Weight
	<p>LVIA: The development would not cause any significant effects on any landscape designations but would result in localised effects. The contribution to renewable energy targets outweighs localised effects. The cumulative effects are not considered to be significant for the landscape character type as a whole.</p>	Significant
	<p>Residential Amenity: Agreed that significant localised impacts would be expected. Considered that appropriate design has been implemented, reducing impacts to acceptable levels. Thus concluded that the effects on residential amenity would not be so severe that any property would become an unattractive place to live.</p>	Significant
	<p>Compliance with Development Plan: The location, siting and design are not so significantly detrimental that they outweigh the positive support provided in the LDP and NPF4. The development overall, despite anticipated effects, is considered to comply with the Development Plan.</p>	Moderate
ALLOWED		

On the radar: new schemes

In England, Development Consent Orders were granted in respect to:

- The Rivenhall Integrated Waste Management Facility and Energy Centre
- The Immingham Green Energy Terminal (comprising harbour and hydrogen production facilities)
- The West Burton Solar Park
- The Heckington Fen Solar Park

The next edition of the NZAP briefing will present further details of these approvals.

Get in touch

For guidance on appeals, or expert planning advice for your region of interest, contact:

England



Mark Worcester

Director, Planning

mark.worcester@turley.co.uk
+44 7920 492 462

Wales



Owen Francis

Director, Head of Planning Wales

owen.francis@turley.co.uk
+44 7966 386 704

Northern Ireland



Emma Kelly

Director, Planning

emma.kelly@turley.co.uk
+44 7867 163 414

Scotland



Gordon Thomson

Director, Head of Scotland

gordon.thomson@turley.co.uk
+44 7779 853 472

Ireland



Philip Stinson

Director

philip.stinson@turley.co.uk
+44 7825 275343