

You will no doubt have heard by now that the appeal of the decision by SLDC to refuse the time extension for Kirkby Moor wind-farm has been allowed by a Government Inspector. 15 local Parish Councils made the decision to join SLDC in their defence of their decision to refuse permission at the Inquiry in January this year.

SLDC and the Rule 6 Group including Parish Councils, Friends of the Lake District and many other organisations and individuals presented a powerful case but at the end of the day, it was for nought, as the Inspector based his decision on the definition of a word. The word was "repower". Footnote 49 to paragraph 154 of the current Planning Framework says that "local planning authorities should approve the application if its impacts are acceptable except for applications for the repowering of existing wind turbines". Simply, if the inspector decided that leaving the Kirkby Moor wind turbines as they are for another 8 years was a "repower", then the appellant would not have to prove that their plans had the backing of the affected local community, which would cut the legs off the local community's case.

The Inspector's definition of "repower" is his own, in the continued absence of any official Government definition, and does not accord with any dictionary definition, as was strongly argued by SLDC. According to all dictionaries "repower" means rebuild, replace etc, but the application was for the turbines to remain exactly the same. The inspector's definition does not accord with normal speech or meaning. It will be interesting to see what happens if and when the Government decides on a definitive definition of "repower", particularly if it doesn't agree with the inspector's definition.

For anyone who had supported the Rule 6 Group, for the decision to turn on the subjective meaning of one word was pretty galling. The inspector summarily dismissed the landscape argument overruling the Sandford Principle which is clear about favouring landscape over development in sensitive locations such as the setting of a National Park, and stating that "the landscape is more than capable of assimilating the wind-farm without significant harm to its essential character". Unfortunately this also lays down a worrying marker for any future, larger development plans for the site. The Lake District National Park Authority did not object to the "repower" and now finds that, for the first time it will have to incorporate a wind-farm into the National Park as it seeks to extend its Southern border.

A challenge to the inspector's decision was considered by SLDC and the Rule 6 Group but the cost of such a statutory challenge would have been immense, with no guarantee of success.

It remains to thank all our local Parish Councils, District and County Councillors and our MP for their support throughout the application and appeal process. Many individuals and organisations put hours of time into making the case against the "repower" of a wind-farm in such a beautiful, prominent location and the disappointment at the decision was felt keenly. So now we must look forward to the day eight years hence when Kirkby Moor will hopefully be returned to its natural state. In the meantime all Parish Councils and community groups should be aware of the hugely increased payments that the wind-farm has promised to put into our communities via the Cumbria Community Foundation and we would urge you all to make the most of those payments