

## Summary of the Long Fight to save Barningham High Moor

Comment: Barningham was always a landscape protection fight against an application for an inappropriate and damaging development, in this case a wind power station. It was decided, as I cannot stress enough, **by balancing potential benefits and potential disbenefits, something we must not lose**. Little was known at that time about wind energy so we visited Hagshaw Hill wind farm where the noise, that day, could be heard from about half a mile away.

The only true account of the High Moor to High Court battle was written personally to correct the misinformation elsewhere, including the Dti website and an Open University book on Renewables.

*In 1990 plans to build a wind farm in Upper Teesdale were rejected. It seemed logical therefore to assume that areas on the fringe of the Yorkshire Dales National Park or the North Pennines Area of Outstanding Natural Beauty would be protected from any controversial project. However, in 1995 the Jungle Telegraph started to beat and in 1996 a planning application to construct a wind farm of 30 turbines at Barningham High Moor was submitted to Teesdale District Council. This was refused, as was the 1997 application for 25 wind turbines, each 177ft in height.*

The site chosen by the country's principal wind operator, National Wind Power, was on the edge of both the Yorkshire Dales National Park and the North Pennines Area of Outstanding Natural Beauty and was a departure from the development plan.

Furthermore it was to be the largest Wind Farm in England and the turbines would have been clearly visible over large areas of lower Teesdale, Arkengarthdale and moorlands above Swaledale. National Wind Power's persistence in the face of these initial refusals not only served to highlight the National importance of the Barningham proposal but also to convince opponents of the scheme that we needed to combine the principal third party objectors under the umbrella of 'The Barningham High Moor Coalition.'

There was never any doubt in our minds of the National implications and the 'domino' effect of the Barningham issue. Our National Parks and AONBs were under threat from inappropriate developments, in this case wind power. We had two conflicting policies to contend with, landscape and energy. It was essential to fight to save our hard won system of countryside protection and therefore we founded and always stood as a landscape protection/conservation group; the Barningham High Moor Conservation Group; local, impecunious but increasingly knowledgeable. Conflicting information obtained from various sources, including BWEA, DTER and DTI, was worrying. However, the Government's stated commitment to protect the countryside against inappropriate development was reassuring.

A Public Inquiry was held over a period of two weeks in June 1998 when many parties appeared or submitted representations. These included the local planning authority, the Yorkshire Dales National Park, English Heritage and the Countryside Commission (now the Countryside Agency). The Barningham Coalition, funded by the Ramblers' Association, Durham Branch of CPRE, the Open Spaces Society and the YHA; was fortunate to be represented by Edinburgh-based barrister, Mr John Campbell QC and to have as its co-ordinator, Mr Geoffrey Sinclair of Environmental Information Services. Mr Sinclair has nationwide experience regarding environmental impact, particularly with respect to Wind Energy. Furthermore he has a detailed and intimate knowledge of the area. He led the Coalition's principal witnesses and provided background context nationwide whilst criticising the appraisal of environmental impact, as submitted by National Wind Power.

As originator of the Conservation Group (on which the Coalition was based), I gave a detailed local-based plea for the conservation of all the area's special qualities. Ms Ruth Chambers, the Assistant Director of the Council for National Parks, outlined the threat to nationally designated landscapes. Mr Trevor Askew, for the Open Spaces Society, objected to the intrusion of industrial machines in an area of peace and tranquillity. Mr Ian Martin (Barnard Castle) and Dr John Sugden (Guisborough), for the Ramblers' Association, described the effect on public enjoyment of the countryside. Dr Kenneth Ashby, of the County Durham Branch of the Council for the Protection of Rural England and the Youth Hostels Association, objected on landscape and recreational grounds, warning that consent would set a dangerous precedent. Mr Geoffrey Smith, The TV gardener, originally of Barningham, described the local landscape and the folly of destroying its character by subsidising wind power generation. Mrs Glenys Jones, a Welsh hill farmer's wife, described the impact of a "wind farm" that had been constructed on the hill next to her home. Bill Faassen de Heer (Sutherland) catalogued the problems arising in other countries as a result of deploying wind-turbine developments. Monsignor Basil Loftus (Wetherby) described the spiritual significance of high places and the need to keep them unspoilt.

The Barningham High Moor Coalition is a responsible, credible, professionally organized and representative grouping and showed through the 8 day Public Inquiry that it was experienced in the proper presentation of cases and arguments. As principal third party objector it played a very full part throughout the Inquiry. Professional fees and expenses amounted to some £6200 (funded from voluntary sources). In addition members, witnesses and advisors must have spent many hundreds of hours in preparation and attendance. When summarizing the Coalition's case the Inspector, Mr Lavender, devoted more space to it than he did to any other party.

Durham Branch of CPRE have given their continuing moral and financial support, but it was not possible to convince CPRE National Office of the wider significance the Inquiry result would have; not only on the Rookhope proposal (for the largest Wind Farm in Europe) but for the whole direction of windpower policy. Ref APP/W1335/A/97/285005 Go-NE98.

In November 1998, in what has been described as a landmark decision, a government-appointed Planning Inspector Mr David Lavender, dismissed the appeal by National Wind Power. The resulting decision letter was short and a copy of this letter was made available from National Office. The Secretary of State agreed with the Inspector's conclusions and accepted his decision that planning permission should not be granted.

*In his conclusion the Inspector stated he found nothing to persuade him that the desirability of exploiting a clean renewable energy source at this prominent skyline outweighed other important national policy considerations, which include avoiding damage to attractive areas of landscape.*



*Hagshaw Hill (180' High) by John Dodds*



*Close Encounter (154' High) by Paul Glendell*

National Wind Power's response to the dismissal of their case at the Public Inquiry was to intimate that they would have to review the whole of their future operations unless the decision was overturned. They consequently recruited what was perhaps the top legal team in its field to attack the Inspector's conclusion and the Secretary of State's decision.

Teesdale District Council chose not to continue to take an active part in proceedings at this stage; I believe that financial restraints were the main reason. It became imperative that the Coalition, as the only objector actually present at the Public Inquiry, be on hand to give support to the Government's defence. The next stage was to raise funds to appear as a party to the action. County Durham Branch of CPRE started the Barningham High Moor Appeal with a letter to other branches from the Chairman, David Bridgland. The response was immediate and successful with financial and moral support flooding in. National Office was sympathetic but unable to help financially, believing their role is to influence policy rather than become involved in individual cases. We succeeded in collecting over £13000, most by request; but some voluntary contributions from Country Guardian and The Preservation of Weardale were gratefully accepted.

National Wind Power resisted for many months the request from the Coalition's solicitor to agree to the Coalition's participation in preparation for the hearing and the hearing itself which was scheduled for the 14th/15th October 1999 in London.

Eventually it was decided that the Coalition, (an ad hoc grouping for the Public Inquiry) could not appear under that name as it had no legal standing! County Durham Council for the Protection of Rural England agreed to front the Coalition but due to an historic anomaly is not yet registered separately with the Charity Commission. It was understandable that this participation by the branch was no longer an option as any costs awarded against it would then become the responsibility of National Office.

North-East law firm Ward Hadaway litigation partner, Nick O'Loughlin acting for the Coalition, realised that the only option left was for an individual to be joined as an additional respondent to the proceedings, as representative of the Coalition. The necessary witness statement \*was prepared and so through myself, Mary Elizabeth Mann, the Coalition appeared before the court as Third Respondent, represented by John Campbell QC. Nick O'Loughlin was in attendance throughout the hearing itself. John Campbell QC returned to London to receive the judgement.

Although The National Trust was not a member of the Coalition at the time of the public inquiry, it now actively supports the Coalition's stance in this matter generally, and this application in particular. In Summer 1999 the Trust published a photographic essay entitled 'A Call for The Wild' expressing dismay that some developments being advocated as 'green solutions' are further damaging wild places rather than enhancing them. It picked out wind - turbines as raising particular concern, and featured The Barningham High Moor proposal, quoting the Inspector's findings at the Public Inquiry and the applicant's subsequent challenge. 'A Call for The Wild' featured in the paginated bundle, marked "MEM1", prepared from my own knowledge and experience and to which reference was made in my witness statement.\*

National Wind Power (NWP) failed in its attempt to persuade the High Court to overturn The Secretary of State's decision to refuse the grant of planning permission for the largest wind power installation hitherto promoted in the UK. (High Court Ref.CO/5079/1998). In his judgment the Deputy High Court Judge Mr Christopher Lockhart-Mummery, QC, rejected all four of NWP's grounds of appeal – on energy, procedural, landscape and archaeological issues, but granted the company leave to appeal further if it wished.

Although we received many messages of congratulation, local, national and international, it was particularly gratifying to receive one from National Office; particularly as we have throughout followed CPRE's remit on wind energy. My following summary on this was agreed by Lilli Matson, the CPRE's Head of Natural Resources. Reference has been made to it in responding to Local Plans, Structure Plans, Regional Planning Guidance for the North East and any meetings where renewable energy has been mentioned:

CPRE is opposed to inappropriate wind energy development that damage high quality landscapes and where no effective assessment of alternative locations have been made. NFFO subsidies are given to the cheapest projects with no reference made to their environmental impact. Developers have focused on the very windiest sites, which often co-incide with our best upland landscapes We need to improve the way we fund renewable energy not weaken the planning protection for the countryside. We need to rule out environmentally damaging schemes and encourage a wider range of renewable energy projects. Barningham is widely seen as a test case for the degree to which national planning guidance can protect undesignated upland landscapes from damaging wind farm development. It is time for National Wind Power and other wind power companies to accept that our finest landscapes are justifiably no-go areas for ranks of giant turbines. If we are to make real progress towards increasing our share of renewable energy, some serious re- thinking is now needed by Government and operators alike.

***The Barningham High Moor Conservation Group, in answer to their request , received from Government Office-North East on 17th December 1999, the following information:***

Reference:Teesdale District Council/Barningham Windfarm National Wind Power/ High Court Challenge . ***We received a letter dated 30th November 1999 from National Wind Power's representative, Wilbraham & Co Solrs. It contained the following text, ' We confirm that our clients will not be appealing against the judgement of Christopher Lockhart Mummery QC dated 29th October 1999'***

To all who contributed in so many ways to this victory, a simple but heartfelt 'Thank you.' The vigil to protect designated and locally recognised landscapes against controversial projects, not just windpower, is not over. There is

pressure from developers to weaken the planning protection for our AONB's, but I believe all environmental groups will continue to put forward a strong case against.

Elizabeth Mann, Branch Co-ordinator .Durham CPRE & Hon. Secretary/Treasurer for Barningham High Moor Conservation Group/ Coalition.

Notes

### **Turbine Heights**

154ft high      Photograph by Paul Glendell from CPRE Annual Report 1997/Call For The Wild

177ft high      Proposed for Barningham High Moor.

180ft high      Photograph of Hagshaw Hill by .John Dodds

300ft high      Proposed for Rookhope

**CEWT**    The implications on visual impact resulting from the increasing height of turbines and the potential increase in the number of wind farms is the subject of a Government Study; The Cumulative Effect of Wind Turbines.(CEWT). It is paramount these results are available soon as the Public Examination of the Regional Planning Guidance for The North East is currently underway. Furthermore sub-regional seminars on renewable energy targets and are due to take place in July and such information is essential to an effective consultation particularly when onshore wind development has already been given a high profile by the developers.

**ZVI / 'Thomas' and 'Sinclair- Thomas' Matrices**    These matrices have been specially devised to show the potential visual impact of different sizes of wind turbines and to suggest a radius for analysis of the Zone of Visual Impact. (ZVI), For further information contact Environment Information Services. Fax/tel 01834 891475

**Climate Change. Draft UK Programme Feb2000 Chapter3para3**      **Supplementary support for offshore wind energy and energy crops is being considered .The renewable energy industry has been consulted on how part of the £50 million climate change levy fund might be used to promote renewables. An announcement is expected later in 2000.**

**Hansard 13<sup>th</sup> June 2000**      **Nick Raynsford MP has updated Government advice in PPG7. The assessment required in paragraph 4.5 of PPG7 in National Parks should also apply to proposals for major developments in AONBs.**

**Letter from R Pope on behalf of Margaret Beckett. 1998** Costs of offshore wind have been reducing John Battle anticipates that offshore wind will almost certainly need support, either through the NFFO or some other device. I see you have some misgivings over a countryside invasion by turbines. **Let me assure you that the Government is committed to ensuring the countryside is protected from inappropriate wind energy development.** The guidance in PPG22 makes clear that visual impacts must be taken into account and when assessing proposals in designated areas, such as Areas of Outstanding Natural Beauty and National Parks, there is a need to take full account of the specific features or qualities that justified designation.

**Letter from ETSU on behalf of Dti 1999**    **First let me say that the Government recognises that a number of renewable sources not just wind are needed to help tackle the serious problem of global warming. If a figure of 10% were to be achieved. it would almost certainly require a substantial contribution from offshore wind. There is little dispute that wind farms are visually intrusive. Significant visual impact has been the main reason for the majority of planning refusals.**

**A Call for the Wild** Copies available from; Estates Department (BoxRJ), National Trust, 33 Sheep Street, Cirencester, Gloucestershire GL7 1RQ

**Countryside Character** England's rich, diverse and beautiful landscape provides a unique legacy to bequeath to our children. The Countryside Commission, now the Countryside Agency, a national agency and Government advisor produced 8 full colour regional volumes describing the 159 character areas of England. Volume 1 covers the North East. The established character of an area provides a context for regional planning and local action. It can be used as a tool for sustainable development. The Countryside Agency aims to protect and enhance the English countryside so it can be enjoyed now and in the future.



### **John Muir Wilderness/ National Parks Movement**

John Muir pioneered the National Parks Movement in North America over 50 years ago. The result has been worldwide protection of wild places providing physical and spiritual refreshment, a sense of adventure and a source of inspiration. This protection has been long fought and hard won, for present and for future generations. We must not lose it.



Mount Whitney - 14,497ft



[Elizabeth and Stanley Mann on the John Muir Trail en route to the top of Mount Whitney 1993]

**CPRE** is a National Charity. It helps people to protect their local countryside where there is threat, to enhance it where there is opportunity and to keep it beautiful, productive and enjoyable for everyone.

There is at present a very real threat from inappropriate developments, in this case onshore wind as developers strive to weaken the planning system. We must look to encouraging a wider range of renewable energy projects and rule out any that are environmentally damaging.

Wind power currently provides about 0.1% of UK electricity

*Elizabeth Mann*

*In memory of Stanley Mann*

*20-11-33 02-07-2000*

"The countryside" he said, "he did not own, but it is all some of us have to leave to our children. It is the greatest of gifts" To respect it, preserve it and enjoy it; to save our open spaces seemed to be his message. He took great pleasure in seeing an area of Barningham High Moor, which he had fought hard to protect, pictured on the internet'



[Skiing in Austria March 2000]



[Stanley outside Bowfield Cottage after recovering from a triple bypass 1988]



[Stanley on the Karakoram highway in Pakistan 1994]

### **Tribute by Tim Murray**

I knew Stanley for a comparatively short time, as a neighbour and good friend for 4 years, yet I soon realised he was special person with many facets to his character, but always, caring, giving and with a sense of humour. Very much a family man he had over the years taken his wife, and children on numerous trips, hiking, camping, skiing, and flying in a light aircraft (which he piloted) Travelling worldwide he enriched their lives with so many varied experiences but at all times protecting them.

Always cheerful and enthusiastic but never more than when he was in the countryside he loved. Often he would ask me to join him whilst walking in the wooded valleys of the river Greta, on the open moors bordering the Yorkshire Dales National Park, on Cocker Hill, Arndale Beck or Osmands Gill with its prehistoric rock art. He knew the name of each and every valley stream and mountain within the panoramic view. His knowledge of all wildlife and particularly birds of prey was immense.

To sleep under the stars on the moor was a wonderful experience and one of the many that affected my appreciation and understanding of the countryside and its therapeutic effect.

His last day he spent with Elizabeth, in the area he loved so much; walking by the river, listening to the wind in the trees, the sound of the water running over the rocks, providing peace and tranquillity. At Stanley's request his ashes will be scattered there. I will always think of him resting under a pine tree where the deer sleep. It is 12 years since Stanley had a triple bypass and since the then he has regarded every day as a bonus. I think we all know that the bonus was ours.

He gave so much and will be sadly missed by all.