Appeal Decision

Inquiry opened on 9 February 2010

Site visits made on 8 February 2010 & 7 April 2010.

by Chris Frost **BSc(Hons) DipLD FLI CBiol MBS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
8 July 2010

Appeal Ref: APP/Y2430/A/09/2108595
Site at Palmers Hollow (Field No. 2700) Main Street, Normanton, Bottesford, Leics NG13 0EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by RidgeWind Ltd against Melton Borough Council.
- The application Ref 08/00990/FUL, is dated 2 December 2008.
- The development proposed is a windfarm development comprising no more than 8 wind turbines with associated infrastructure including access roads, control building, transformers, wind monitoring mast and road improvements.

Decision

1. I dismiss the appeal and refuse planning permission for a windfarm development comprising no more than 8 wind turbines with associated infrastructure including access roads, control building, transformers, wind monitoring mast and road improvements at Palmers Hollow (Field 2700) Main Street, Normanton, Bottesford, Leics NG13 0EP.

Procedural Matters

2. An application for costs was made by Belvoir Local Oppose Turbines (BLOT) against RidgeWind Ltd. This application is the subject of a separate decision.

3. The planning application was submitted on 2 December 2008 and, following amendments and correspondence with the Council, was registered on 9 February 2009. This was accompanied by an Environmental Statement prepared under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 and this forms part of the application. Since February 2009 two sets of changes have been made[1] and these have been accompanied by Supplementary Environmental Information dated May 2009 and October 2009. Consultation on both sets of changes has been undertaken.

4. At the Inquiry the main parties agreed that the proposed changes were acceptable in accord with the principles laid down in Wheatcroft[2] and consequently I accepted that the scheme to be considered should incorporate the changes made in both May and October 2009.

[1] The first in May 2009 to increase the height of the turbines from 95m to 100m, the second in October 2009 to relocate the control building and construction compound.
[2] Bernard Wheatcroft Ltd v SSE [JPL 1982]

5. I am satisfied that the Environmental Statement complies with the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. I am also satisfied that sufficient environmental information has been provided to assess the environmental impact of the proposals. I have taken this environmental information into account in determining this appeal.

6. No planning obligation was offered at the inquiry as the appellant takes the view that all necessary matters could be adequately covered by the suggested conditions.

7. At the Inquiry matters were raised concerning the efficiency and viability of the proposals. PPS1 (Supplement on Planning and Climate Change) makes clear at paragraph 20 that applicants need not provide justification on these grounds. Accordingly, I do not propose to consider these matters in reaching my decision.

8. During the course of the Inquiry PPS5 was issued and this cancels the advice given in PPG15 & PPG16, which are no longer relevant. Evidence had been given at the Inquiry that was based on these now cancelled documents. Accordingly, the inquiry was resumed to hear further evidence relating to this change and my decision takes account of this evidence and the policies contained in PPS5.

9. The Inquiry sat for 11 days on 9, 10, 11, 12, 16, 17, 18 & 19 February 2010, 29 & 30 March 2010 and 9 June 2010 following which written closing submissions were submitted. The Inquiry closed on 23 June 2010. I was assisted by Mr Richard Thomas BA DipArch, RIBA, IHBC who sat with me throughout the Inquiry and attended the site visits.

10. In November 2008 an appeal decision concerning a windfarm proposal at Thackson's Well was issued (Ref: APP/E2530/A/08/2073384). This site was adjacent to the Palmers Hollow site, although within the confines of a different local planning authority (South Kesteven District Council in the county of Lincolnshire). This scheme envisaged 10 turbines, 125m in height. I regard the Thackson's Well decision as an important material consideration in the determination of the current appeal. The Palmers Hollow application was made subsequent to the appearance of the Thackson's Well decision. Whilst claims are made in the grounds of appeal that the application addresses the issues raised by the Inspector considering the Thackson's Well appeal, the appellant's planning witness confirmed during cross-examination that in his understanding the design of the Palmers Hollow scheme had not been informed by the outcome of the Thackson's Well decision, although he had not been engaged at that time.

11. I am invited to consider disregarding the evidence given by the appellant's planning witness on the basis of the inconsistency of some answers given in re-examination on energy targets. I do not consider that it would be reasonable to disregard his evidence as a whole, but I will continue to take heed of the answers given during cross-examination.

12. On 27 May 2010 the Secretary of State wrote to all local authorities regarding the future of Regional Spatial Strategies (RSS). I have taken account of the Secretary of State's letter as a material consideration in the determination of this appeal. However, for the time being the RSS remains part of the

Development Plan and I have taken account of relevant policies in the determination of this appeal.

Main issues

13. I consider the main issues to be the effect the development would have in relation to:

    1) The setting and visual amenity of nearby heritage assets;

    2) The character and quality of local landscapes;

    3) The living conditions of nearby residents, particularly in relation to noise, health, shadow flicker and visual effects;

    4) Traffic issues including highway safety and any distraction that might be caused to drivers on nearby roads; and

    5) Other matters, including any impact on birds, equestrian interests and ramblers.

14. I will also consider the extent to which any harmful effects that are identified are outweighed by the benefits of the development in the light of relevant Government policies.

Reasons

Heritage Assets

15. In common with many windfarm proposals the zone of visual influence (ZVI) of the proposed turbines covers a wide area. In this instance this includes a number of heritage sites and the likely effect on some of these is a matter of concern to the Council and others. The heritage assets affected include listed buildings, conservation areas, scheduled ancient monuments and registered parks and gardens.

Belvoir Castle

16. Belvoir Castle is Listed Grade I and its grounds Registered Grade II. It stands about 6km due south of the appeal site on a prominent ridge that gives it commanding views of the surrounding landscape and in turn it provides a strong focal point locally, principally within the Vale of Belvoir itself. Views towards the windfarm site can be obtained from the Castle and its immediate surroundings on the north side. However, the grounds (excluding the terrace) are at a lower level and views from here would be very limited and largely protected by vegetation and/or topography. This, coupled with the distance from the site leads me conclude that any effect on the grounds would be negligible.

17. Although I was not invited to visit the castle, and did not do so, from the evidence and photographs it is clear that views from the Castle itself are often extensive. I am confident of this not only from the evidence but in the light of visits I have made to Belvoir in the past and the experience of views from the terrace in particular. From the state rooms and terrace views are mainly directed to the northeast rather than northwards towards the windfarm site. Any visibility of the turbines within this main panorama would be in company

with other modern intrusions such as pylon lines, road and rail infrastructure and general development around Grantham. In this overall context I do not regard the presence of wind turbines as wholly unacceptable and bearing in mind the acknowledged contribution that they would make in providing energy in line with the aspirations of Government policy I can accept that there is insufficient reason to reject them on the basis of their effect on many of the views from the Castle.

18. However, a further and important aspect of the history and setting of the Castle is its relationship with St Mary's Church in Bottesford (Grade I Listed) which stands slightly to the west of north at a distance of about 6km with a 28.2m tower topped by a 34.8m spire. It is the parish church for Belvoir Castle and it is here that monuments to eight of the Earls of Rutland are housed. The special place of St Mary's is, I consider, aptly summarised by it being known as the 'Lady of the Vale'. A gap in the trees near to the Castle preserves a vista that includes the Church, but the proposed windfarm site is located in a more northerly direction and no analysis has been presented to demonstrate that the proposed turbines would be seen within the vista towards the church from the Castle itself. Nevertheless, the turbines would be seen standing within the Vale of Belvoir from some viewpoints close to the Castle (and undoubtedly within the Castle). Analysis shows that the hub height of the turbines would appear below the skyline.

19. The Council's heritage witness was particularly concerned at the association between views of the turbines and those towards St Mary's and I accept that this association would cause some harm to the historic quality of views from the Castle. In view of current day needs to provide energy from renewable sources such as wind and taking into account the 25 year limit of the permission that is sought, I do not regard this harm as sufficiently compelling to preclude the introduction of the proposed turbines on the basis of their effect on views from the Castle.

20. There are differences between this scheme and that considered at the Thackson's Well Inquiry (height and number of turbines (now 100m as opposed to 125m and 8 turbines as opposed to 10), distance (now about 6km as opposed to over 7km), position (now further to the south west) and contour (now on slightly higher ground)). Nevertheless, my conclusions relating to Belvoir Castle are broadly similar to, and I consider consistent with, those expressed in the decision on the Thackson's Well scheme.

Harlaxton Manor

21. Harlaxton Manor is Listed Grade I and its grounds Registered Grade II*. It stands about 10km southeast of the proposed windfarm site. Critically, the main axis of the house faces northwest and focuses on St Mary's Bottesford. The principal views from the house (the most important being from the State Dining Room) are directed along this axis and the main approach road to the house is also aligned with this axis. This provides the eye with a strong sense of direction out into the wider landscape, which is largely agricultural with some blocks of woodland. Belvoir Castle appears in this view to the west, but is well removed from and to the left of the axis provided by the approach road. While St Mary's gave inspiration to the creation of the view from the Manor, it

is too distant to be regarded as a consistently strong feature in the landscape at this distance as it can only be picked out on relatively clear days.

22. The proposed turbines would appear in the view from Harlaxton Manor. They would be located to the right of the main axis at a point where a block of woodland on a rising shoulder of land begins to contain more distant views of the surrounding landscape. In view of the inherent theatricality of the view from the house I consider it apt to describe this position as stage left and close to the left wing (the wooded shoulder) of the stage. On this analogy, St Mary's appears at stage centre and the wooded shoulder on the right hand side of an observer from Harlaxton.

23. This relationship would undoubtedly place the turbines in a prominent position that would form part of this particular stage set. Furthermore, the static nature of this historic view would become animated by the movement of the proposed turbine blades. While at a similar distance to St Mary's the height, colour and movement of the turbines would all contribute to giving them an enhanced presence in the landscape. I regard this as amounting to a significant intrusion into this historic and important view and consider that it would be significantly harmed by the introduction of the wind turbines. I do not consider that the benefits of the windfarm scheme should be seen as overriding that harm in this instance.

24. The gardens that immediately adjoin the house are on rising ground and these too give access to panoramic views of the surrounding landscape. These are obtained from viewpoints to the west of the main axis. Again the proposed turbines would appear in these views and again I find that they would become significantly harmed and that this would be unacceptable.

25. I note that the turbines proposed at Thackson's Well were also found to be unacceptable in respect of considerations arising in relation to Harlaxton Manor. These turbines would have appeared east of the shoulder of woodland and therefore, arguably, less prominent than what is now proposed. Accordingly, I consider that my conclusion here is consistent with those reached in respect of the Thackson's Well proposal.

Belton House

26. This is a Grade I Listed Building standing in extensive landscaped grounds that are Registered Grade I. It is held by the National Trust (who do not object to the proposals) and is open to the public. The main axis of views from the house is eastwards, away from the proposed windfarm and these are terminated by a structure known as the Belmont Tower which is a Grade II* Listed Building. The Tower stands towards the top of a slope such that it commands extensive views of the grounds of Belton House and the surrounding landscape. These can be obtained both at the base of the Tower and from an elevated viewing area within the building (which is accessible to the public on limited occasions and was available to me on my second site visit).

27. Looking westward from the base of the tower the view encompasses the grounds of Belton House and the wider landscape beyond, particularly towards the Gonerby ridge to the west which forms much of the skyline. Views towards Belton House are directed by an avenue of trees. The upper parts of some of

the proposed turbines would be visible in this view beyond the Gonerby ridge, most notably where the skyline is not wooded. They would be seen well to the left of the House at a distance of around 13km. While I am sure that some turbines would be picked out, the strength of the axis of view towards the House would, I consider, remain as the principal point of focus and interest. In this context it is my judgement that the appreciation of the setting of Belton House and its grounds would not be significantly altered by the appearance of the upper parts of some of the proposed turbines on a distant skyline at a point well to the left of the House. For these reasons, and in the context of the benefits attached to the generation of electricity from wind power, I find that the intrusion of the turbines should be regarded as acceptable in this instance.

28. I am aware that the Thackson's Well scheme was found to be unacceptable in respect of its intrusion into the same view. There the Inspector found that there would be up to 20 blade tips moving up and down among and above the trees along a considerable length of the skyline. All of those turbines would have appeared to the right of those now proposed and accordingly closer to the axis towards Belton House. The turbines were also taller and more visible. This situation would not be repeated with the Palmers Hollow proposals and while some of the turbines now proposed would be visible, I consider that their effect on the view would be significantly less and insufficient to trigger the same concerns as were expressed by the Inspector in relation to the Thackson's Well scheme.

Staunton Manor

29. Staunton Manor is a Grade II* Listed Building located north northwest of the turbine site at a distance of around 3km. It is enclosed and sheltered by mature trees, but there are some views out into the surrounding landscape. In particular, a view towards Belvoir Castle is preserved by means of pruning. This is done to mark links between the two resident families and for its historical interest.

30. From the house it seems that the proposed windfarm would be screened by the trees, but from beyond the trees, particularly where a modern although somewhat makeshift viewing platform has been erected in the grounds, the turbines would be visible over gently undulating farmland. Clear views would also be obtained from the top of the nearby church tower.

31. Important views towards Belvoir Castle and St Mary's Bottesford would remain and would not be directly impeded by the appearance of the proposed windfarm. Nevertheless, the outlook from the grounds of Staunton Manor would be affected by the appearance of the windfarm such that the present agricultural character of its surroundings would become altered to a significant extent. In view of the proximity of the proposed windfarm I regard the influence it would have on the appreciation of views to be both significant and harmful.

32. The effect of the Palmers Hollow scheme would in my view be more significant than that of the Thackson's Well scheme because the Palmers Hollow windfarm would be closer and more to the south. In the case of Thackson's Well the Inspector found that visitors would consider that the ambience of the historic landscape associated with the Manor would be spoilt by the intrusion of tall,

rotating turbines at relatively close distance, even into just this margin of the main field of view. I consider my conclusions here are entirely consistent with those findings.

Bennington Grange

33. Bennington Grange is a scheduled ancient monument that comprises the remains of a monastic farm originally attached to Long Bennington Priory which was located in the village of Long Bennington some 3km to the north. Little remains to be seen on the ground and the area of Bennington Grange is a grassed area covering a sizeable earthwork surrounded by hedges. The nearest of the proposed group of turbines would be about 1km distant to the south west.

34. The present agricultural setting of Bennington Grange and views out from it to local landmarks such at St Mary's Bottesford must all help in the interpretation of historic relationships and the setting of the site. The proximity of the proposed group of turbines and extent of their visibility along the skyline provided by Beacon Hill, beyond the turbines and to the south, would undoubtedly intrude and hamper the appreciation of the site and its historical context. I acknowledge that the monument itself would remain intact but it would be a matter of regret to impose such development in such close proximity as it would have a considerable harmful influence on the appreciation of the setting of the site. I am mindful of the limited period (of 25 years) for which permission is sought. This is important as the intrusion imposed could not extend over a longer period without further consideration being given to this issue. Also, I consider that present day energy needs help support acceptance of the temporary visual disturbance that would be imposed on this site in relation to its status as a scheduled ancient monument. Nevertheless, there would be harm and I do not find that there is adequate reason to accept this in view of the very considerable presence the windfarm would have in relation to this monument.

35. The Thackson's Well scheme would have seen the introduction of turbines within 200m of this monument and the Inspector came to the view that the setting of the monument would be harmed. In the present case there would also be harm and I find that despite increased distance and fewer turbines, together with their lesser height, there is insufficient reason to suggest acceptance of what is now proposed (even within the context of the envisaged 25 year lifespan and when seen in the context of current energy demands from renewable sources).

Muston Grange

36. Muston Grange is a scheduled monument located about 1.4km south of the nearest turbine and south of Beacon Hill, the Nottingham-Grantham railway line and A52 trunk road. It is essentially an earthwork with subsurface remains. Parts of the windfarm would be visible from the site and so its visual setting would be altered. However, neither English Heritage, Melton Borough Council nor BLOT has identified this as a relationship that is of particular concern. I endorse the appellant's view that the development would erode the understanding and appreciation of this heritage asset. Nevertheless, there are already intrusions such as the road and railway and these suggest acceptance

of the level of harm that has been identified. Accordingly, I find that the effect on this monument can be regarded as acceptable and of insufficient consequence to justify rejecting the windfarm scheme, particularly when regard is had to its energy producing potential.

37. The nearest turbine of the Thackson's Well scheme would have been over 2.5km north of Muston Grange and sited on a lower contour than Palmers Hollow. In my estimation that scheme would have had very little impact on the perception of the monument. It was not mentioned in the Thackson's Well decision.

St Mary's Bottesford

38. St Mary's Bottesford is a Grade I Listed Church. It has been described as the paramount parish church of Leicestershire after the churches of Leicester and Melton and is popularly known as the 'Lady of the Vale'. It would be the closest listed building to the proposed windfarm and from some viewpoints it would only be seen in conjunction with the turbines. They would act as a dynamic backdrop when approaching Bottesford along the Nottingham Road and would dominate the foreground in views to St Mary's from the Bennington Grange ancient monument. They would also appear in more distant views of the spire from locations such as the crossroads between Sutton and Elton, within the Vale of Belvoir. Even when not seen in direct conjunction with the spire the turbines would appear within the same field of view from many other viewpoints. This all suggests that the setting and perception of this important listed building would be degraded by the introduction of the proposed cluster of 8 wind turbines as a result of their visibility and motion. I regard this as a seriously harmful consequence that tells heavily against the current proposals.

39. Harm to the setting of the spire was also identified in relation to the Thackson's Well scheme. The closer proximity of the current scheme suggests that the Palmers Hollow scheme would be even more damaging, despite the lesser number of turbines and their reduced height.

Conservation Areas

40. There are a number of Conservation Area within 2km of the site at Bottesford, Normanton and Easthorpe (two separate areas: Easthorpe Manor and Easthorpe Castle View Road). Allington, in Lincolnshire, is over 2.5km to the east. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas where powers are exercised under the provisions of the planning Acts. In closing the appellant suggests that this section of the Act is not engaged, as the proposed development is outside the boundary of any Conservation Area.

41. Guidance on this matter is found in PPS5, in particular at policy HE7.1, which refers to elements of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset). My interpretation of that advice is that development that is outside a Conservation Area can affect the experience of that area because its character and visual qualities may be influenced by external development. Depending on the nature of such development such effects could be very significant indeed.

42. I heard no substantial evidence to support the view that Section 72 is not engaged and find that PPS5 fails to support this interpretation and that the wording of Section 72 does not preclude the consideration of the effects of development outside a Conservation Area upon land and buildings that lie within a Conservation Area. Accordingly, I find that Section 72 is relevant and in the light of policy HE7.1 of PPS5, it is necessary for me to consider the effects of the development that is proposed on nearby Conservation Areas.

43. The Normanton Conservation Area is the closest to the site with the nearest of the proposed turbines set less than 1km from its boundary. Normanton is a relatively small, linear settlement and the turbines would be seen from along Normanton Lane and Main Street and particularly from properties to the east. Visualisations have been produced and from these and my site visits I have formed the impression that the windfarm would have a very strong presence within Normanton. So much so that it would become one of the main visual elements that would impress itself on residents, visitors and those passing through the village. The effect would be so pronounced that it seems fair to say that this small rural settlement would become overwhelmed by the presence of the turbines in such close proximity. This leads me to conclude that the character and appearance of this unassuming rural settlement would suffer significant harm as a result of the siting of the proposed windfarm at Palmers Hollow.

44. Parts of the Thackson's Well windfarm would also have been seen from Normanton, at a distance largely over 2km. There the Inspector found that its setting would be suitably preserved. In this case the sense of immediacy that the proposed turbines at Palmers Hollow would attain satisfies me that a similar conclusion cannot now be reached.

45. The windfarm would be largely between 1km and 2km from the Bottesford Conservation Area. The intervening Beacon Hill would obscure the lower parts of the turbines, but views would be possible from near to the railway station, from the churchyard, from Queen Street and from the ford bridge along Devon Lane and possibly other locations. I do not consider that they would have a dominating effect, but their presence would pervade and become part of the perception associated with the Conservation Area and its setting. I regard this as a negative impact that signals a failure to preserve or enhance the character or appearance of the Bottesford Conservation Area. This perception would be reinforced in views towards the Conservation Area when approaching the village along Nottingham Road, as St Mary's can be seen from here set among farmland, trees and houses. This approach would become accompanied by what I regard as being significant views of the proposed turbines that would detract from the setting of the Conservation Area as well as St Mary's.

46. The Thackson's Well windfarm would have been around 1km further from Bottesford in the same direction and on lower ground. Although the turbines there would have been taller and more numerous, I consider that their impact would probably have been less immediate than those at Palmers Hollow. The Inspector there identified a harmful impact, which indicates consistency with the assessment I have made of the impact of the Palmers Hollow scheme on the Bottesford Conservation Area.

47. The Palmers Hollow windfarm would largely be between 1.5km and 2.5km from the Easthorpe Conservation Areas and there would be some views from within these areas. The intervening Beacon Hill would help contain views but more turbines would be visible from this location than from within the Bottesford Conservation Area. Again I identify this as a negative impact that would not serve to preserve or enhance the character or appearance of these Conservation Areas. At Thackson's Well the Inspector drew no conclusions relating to Easthorpe. As those turbines would have been about 1km further away it seems reasonable to assume that their impact would have been significantly less because of the increased distance and the greater degree of obscuration provided by Beacon Hill.

48. The Allington Conservation Area is located over 2.5km east of the proposed windfarm. No views have been identified from within the Conservation Area itself although views could be obtained from properties within the village to the west. In view of the lack of visibility from within the Conservation Area and the intervening distance I find that the appearance and character of this particular Conservation Area would remain preserved. I regard this conclusion as consistent with the Inspector's finding of harm in relation to the Thackson's Well scheme, as that windfarm would have been about 1km closer and the Inspector found that it would have been visible as a backdrop to the Conservation Area when viewed from the east.

Policy and Guidance

49. Government policy in respect of heritage assets is set out in PPS5 and supported by guidance in the accompanying Historic Environment Planning Practice Guide. Primary legislation that is concerned with heritage related matters is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the East Midlands Regional Plan 2009 (which forms the Regional Spatial Strategy (RSS) and is part of the Development Plan) supports the protection and enhancement of the Region's natural and cultural heritage. From all of this it follows that harm to heritage assets should, whenever possible, be avoided and that harm should only be entertained where there are potent and convincing reasons to support it.

50. My analysis shows that harm, in varying degrees, would be caused to a number of heritage assets, many of which are of high calibre. Accepting this harm without very good reason would be contrary to the Government's overarching aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Accordingly, it is necessary to critically examine the reasons put forward as to why the harm that I have identified might be found to be acceptable in this instance. In doing so I set aside those areas where I have already concluded that the level of harm would, on balance, be acceptable in the light of the need to support the generation of electricity from renewable sources.

51. I am urged to acknowledge any adverse effects of the development on, among other things, heritage assets and then to look at needs and benefits in relation to what is proposed. I am content to do this and acknowledge that there is substantial support for the provision of electricity from renewable sources and that challenging targets have been set for this provision to be realised. This is underpinned by the UK Renewable Energy Strategy that was published in 2009

(after the decision relating to Thackson's Well). However, it is possible and even likely that some targets (micro-generation was highlighted) may not be met and this would represent a disappointing outcome in terms of energy strategy. The appellants consider that this should heighten the case for allowing achievable energy provision. In addition, a Report by Faber Maunsell dated 12 June 2009 entitled Reviewing Renewable Energy and Energy Efficiency Targets for the East Midlands, seeks to advise on targets. However, it recognises that there are uncertainties and that targets used in the RSS should be flexible and allow for changes in the future.

52. I note that the appellants urged me to take a positive attitude towards the contribution that this wind energy scheme, which represents an achievable source of renewable energy, could make in meeting overall targets. I fully accept that the proposal deserves strong support in terms of its potential contribution towards achieving renewable energy targets and I give this aspect significant weight.

53. However, current policy does not seek to provide an overall presumption in favour of supporting renewable energy schemes irrespective of any harm that may be caused. Rather, PPS22 points out, at key principal 1(i), that renewable energy development should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. Where such impacts arise this suggests that the developer would be well advised to attempt to show how these impacts have been addressed.

54. In this case I have considered the impacts in relation to heritage assets and found the scheme wanting in several aspects. In some instances, I have found it reasonable to accept that the level of harm should not preclude the acceptance of the development proposed. In others I have been unable to reach that judgement. Accordingly, there remains harm that is not satisfactorily addressed and that tells substantially against the scheme.

55. PPS22, at key principle 1(iv), points out that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. Here I have considered the scheme against this background and attach significant weight to these wider benefits of the development and to the risk that overall renewable energy targets may not be met. However, the sum of the harm that I have identified to the often very significant heritage assets that would be affected by this development amounts to a very substantial objection to the Palmers Hollow Windfarm proposal. In view of the number or heritage assets that would be affected, their diversity and in some cases their close proximity I feel unable to accept that there is sufficient reason to accept the scheme, despite attaching significant weight to the benefits of the proposal.

56. I acknowledge that some of the impacts that were found to be associated with the Thackson's Well scheme would be reduced in the case of Palmers Hollow (e.g. Belton and Allington) and that target pressures relating to renewable energy supply have increased rather than diminished, not least because target dates are now closer. Also, PPS22 urges that policies should promote and encourage the development of renewable energy resources. Nevertheless, I

regard my conclusion as being consistent with that which was reached in respect of the Thackson's Well scheme and, taking account of current circumstances, I consider that the harm to heritage assets is not outweighed by the electricity generation benefits that would be achieved.

Landscape Character and Quality

57. The Vale of Belvoir is not recognised by any local or national landscape designation. It is a pleasant tract of open agricultural landscape that extends from southwest to northeast from around Langar and Harby in the southwest to beyond Bottesford in the northeast and includes parts of Nottinghamshire, Leicestershire and Lincolnshire. It is overlooked from Belvoir Castle and its environs. Its character derives from its gentle topography, agricultural use with its hedgerows and woodlands and dispersed settlement pattern which provides landmarks in the form of churches, with St Mary's Bottesford being the most distinctive of these. There are few detracting elements within the vale, but perhaps the most significant are pylon lines and the A52 trunk road. The proposed windfarm would stand within the vale near its northeastern extremity.

58. The proposed wind turbines would, in view of their height and movement, introduce a new element into this landscape that would be widely visible. This visibility and presence would exceed that of any existing local features by reason of the height, colour and movement of the proposed turbines. There can be no doubt that they would intrude upon the local landscape and in particular the Vale of Belvoir. The effects would be greatest from viewpoints to the north of Bottesford, but would not be confined to this area.

59. Perceptions of this intrusion are likely to vary as turbines can be seen by some as graceful structures and by others as unwanted elements in the landscape. Such perceptions will inevitably guide personal judgement as to their acceptability or otherwise. Professional opinion given at the inquiry on behalf of BLOT describes the proposed windfarm as a significant discordant feature. Evidence given on behalf of the appellant acknowledges that the turbines would result in significant effects on visual amenity. This is later equated to limited effects on landscape character and visual amenity, but in any event it is clear that these are seen as negative effects as reliance is placed on the advantages associated with wind energy as a compelling counterbalancing argument that leads them to the conclusion that this windfarm should be considered acceptable.

60. Accordingly, if other considerations are set aside, there seems to be an acceptance that the introduction of this windfarm would have a negative effect on the perception of and enjoyment of the local landscape which is largely contained within the Vale of Belvoir. I accept this conclusion and find that there would be harm in terms of landscape character and quality. This may appear to be at odds with the conclusion reached by the Inspector at the Thackson's Well Inquiry, where it was found that 'the local landscape, in topographical terms, would be capable of absorbing wind turbine development satisfactorily'. It should of course be noted that that scheme was further along the vale to the northeast and more closely related to nearby industrial development and a pylon line. In any event, it seems to me that the evidence given now points directly to conflict in terms of the effect on local landscapes.

While the strength of this judgement varies between the parties, I see no reason to differ from the finding that harm would be caused to landscape character and visual amenity as a result of the presence of the proposed windfarm and that the qualities now associated with the Vale of Belvoir would become diminished.

61. Saved policy OS2 of the Melton Borough Local Plan 1999 deals with development outside the town and village envelopes, although the policy dates from 1999 and does not address itself to developments such as windfarms. Nevertheless, the policy seeks to resist development except in specific circumstances such as the operational requirements of agriculture and forestry. This policy offers no support for development such as that now proposed, but as a counter to this I attach weight to more recent thinking and priorities relating to renewable energy schemes as an important material consideration that urges a positive approach towards such schemes. Accordingly, I do not consider that the scheme fails on the basis of consideration of saved policy OS2 as there are important material considerations that support the scheme, contrary to the general thrust of this policy.

62. Policy 31 of the RSS seeks to ensure that the Region's natural and heritage landscapes are protected and enhanced. The details of how such protection and enhancement is to be achieved is to be addressed in local Development Frameworks. Paragraph 3.3.23 of the RSS points out that *'The relative lack of national designations in the Region does not mean that there is a lack of landscapes of character that needs to be better conserved or enhanced through sensitive development and management.'* It would seem surprising to exclude the Vale of Belvoir as an area that deserves consideration in the light of this call. While, it may be that measures will at some stage be set out in more detail, my responsibility as a decision taker would not be exercised properly if I were to pay little heed to the qualities that have been identified in respect of the landscape of the Vale of Belvoir. Accordingly, my conclusion that the qualities associated with the Vale of Belvoir would become diminished points to a failing of the scheme that does not sit comfortably with the priorities set out in the RSS for the Region's landscapes.

63. I note that the RSS also points out that 'tranquillity' is a significant aspect of landscape character that is often overlooked. Accordingly, I will not overlook this concept (which is addressed by BLOT at BLOT/P/8) and appears to be concerned with concepts of calm and quietude. On this basis, impacts from a windfarm upon tranquillity could arise from both movement and sound. This suggests that the most important effects on tranquillity would be experienced within a relatively short range of the turbines, but would not preclude wider considerations. BLOT refers to a loss of tranquillity but fails to explain what particular effect the windfarm would have. Despite this lack of analysis, I have no doubt that awareness and distraction caused by the presence of the turbines would diminish the tranquil qualities that can currently be associated with areas that are relatively close to the proposed windfarm and that this would represent a further negative impact of the scheme. In my estimation, the main receptors here would be footpaths and bridleways within and around the site along with Beacon Hill and Bennington Grange. With the exception of Bennington Grange, which is in Lincolnshire, these areas are located in some of the most tranquil parts of Leicestershire (CD6.2).

64. I conclude that a loss of tranquillity would arise and that this would amount to a negative impact on landscape character. However, I also acknowledge the lack of analysis and quantification of this impact in the evidence presented. Accordingly, while this conclusion reinforces my general conclusions on landscape impact and further tells against the scheme, on the basis of the evidence given I am unable to attach a great deal of weight to this particular aspect of harm.

65. It remains important to consider the conflicts identified in the light of the acknowledged and important benefits that are associated with wind energy. I approach this by considering that the imposition of a windfarm is likely to have a negative impact in many locations but that this negative impact can often be seen as an acceptable consequence of this type of renewable energy scheme. Much depends upon the precise circumstances, arising from landscape quality and existing detracting elements.

66. Here we are not dealing with a landscape setting that is of the highest quality, as it does not benefit from any nationally recognised designations. It nevertheless has a rural character that is in the main little marred by detracting elements and furthermore performs an important rôle in providing a setting for Belvoir Castle which currently and historically occupies a prominent position in the landscape of the vale. This rôle would not be usurped by the windfarm but the windfarm would detract from it, particularly from some locations to the north of Bottesford. Overall, it seems to me that the landscape character of the Vale of Belvoir would not be adequately conserved if this windfarm project were allowed to proceed.

67. I have already acknowledged that the project is planned to have a lifetime of 25 years. Within this time frame I have concluded that some very specific types of harm can be seen as acceptable in this context (for example views from Belvoir Castle itself). However, 25 years is still a significant period of time and while some types of harm might be seen as acceptable within this time frame, I do not regard this finding as generally applicable. In the case of landscape character, which has an important bearing on the perception of a wide area and the communities within it, an exceptional case would have to be made to accept harm even for this limited length of time. While there are strong reasons supporting the introduction of windfarms in many inland locations, I do not accept that there is a strong enough case to justify accepting the landscape harm that would be associated with the Palmers Hollow proposal.

Living Conditions

Noise, including Amplitude Modulation

68. When considering the impact of noise from wind turbine proposals, paragraph 22 of PPS22 requires the use of the method set out in *The Assessment and Rating of Noise from Windfarms* for this purpose (ETSU 1997, referred to as ETSU-R-97). This says that noise from windfarms should be limited to 5dB(A) above background for both day and night-time periods. Although a change of 3dB(A) is the minimum perceptible to the human ear under normal conditions, it is not intended that there should be no perceptible noise at the nearest properties. Rather, the 5dB(A) limit is set to strike a balance between the

inevitable noise from turbines and the need to ensure satisfactory living conditions for those who might be exposed to it.

69. In accordance with ETSU-R-97 advice, once background levels have been measured and tabulated, the "permitted" level of noise above existing background levels is simply calculated by adding 5dB(A) to the surveyed figures, or by reference to an absolute level where appropriate. The revised predictions of turbine noise in the Environmental Statement and Dr McKenzie's evidence suggest that the proposed development would not result in the ETSU-R-97 limits being exceeded under any wind conditions at any dwelling in the surrounding area, and this was acknowledged by all parties.

70. Paragraph 10 of PPG24 states that much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. It cautions that the planning system should not place unjustifiable obstacles in the way of such development but advises that Local Planning Authorities should ensure that development does not cause an unacceptable degree of disturbance.

71. The potential for the disturbance of residents through noise from the operation of the windfarm is not a matter of issue with the Council which, together with the appellant has agreed a series of conditions relating to the control of noise. However, the siting of the background sound level survey point in Normanton was criticised by BLOT, which argued that background levels should have been measured at Elm Farm, the nearest property in the village to the proposed windfarm.

72. The objective of the assessments was to establish a background level that would be applicable for all dwellings in Normanton. With the agreement of the Council's Environmental Health Officer, Lower Covert Farm was selected as a proxy as it is in a more sheltered location than Elm Farm and sited away from traffic noise along Normanton Lane. I agree with the appellant's view that the resulting measurements taken at Lower Covert Farm are likely to give a lower level of background noise than if taken at Elm Farm and consider that using the lowest background level against which to assess the impact of any noise from the proposed turbines upon dwellings in the village would only be to the benefit of the residents of Normanton by setting a lower noise threshold.

73. BLOT also argued that the noise levels were particularly low in the open rural areas to the north of Bottesford. The lowest measured night-time background levels in the area varied between 25 and 30dB(A)$_{L90}$ over a range of wind speeds. As a result, in the case of Normanton and Downfields, the difference between background levels and the predicted noise level from the proposed turbines could be as much as 9.5dB(A). This increase, it was argued, was significantly more than the 5dB(A) increase permitted by ETSU-R-97 and consequently would be perceptible by residents, notwithstanding the overall noise level being below the 48dB(A) night-time noise limit set in ETSU-R-97.

74. BLOT argued that PPS22 requires windfarms to be sited so that increases in ambient noise levels around noise sensitive developments are kept to acceptable levels in relation to existing background noise. In this respect, BLOT made reference to the applicability of BS4142, which states that a difference of 8dB or more is likely to cause complaints. Mr Bowdler referred to

two appeal decisions where the approach set out in BS4142 had been used to determine the unacceptability of noise level likely to arise from wind turbine proposals (Auchtermuchty (BLOT/APP/2.1) and Gorsedd Bran (BLOT/APP/2.2)).

75. However, he acknowledged that the advice regarding ETSU-R-97 in the Scottish PAN45[3] and Welsh TAN8[4] differs from current Government advice in England. While the advice in these documents is that ETSU-R-97 can be regarded as relevant guidance on good practice, the guidance in PPS22 clearly states that: '*The 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development'*. This is the approach evident in the other English appeal decisions before the Inquiry and I have no reason to deviate from that clear guidance in this case. I conclude that the proposed development would satisfy the requirements set out in ETSU-R-97 and therefore conform to the guidance in PPS22.

76. The evidence of Mr Bowdler and Mrs Davis suggests that significant problems of Amplitude Modulation (AM) appear to exist in certain circumstances. The effect generally referred to as "blade swish" is recognised by ETSU-R-97 which attaches a penalty which is incorporated into the allowable margin against background to seek to compensate for this. However, Mrs Davis identified other effects, in particular a "thumping sound" when the blade passes the tower that she and her family at Deeping St Nicholas have suffered and which she attributes to AM.

77. Research in 2005[5] (CD8.7) into concerns regarding low frequency noise and its effect on health concluded that there was no evidence of health effects arising from infrasound or low frequency noise. However, the report went on to note that the phenomenon known as AM was occurring in isolated instances in ways not anticipated by ETSU. The University of Salford was commissioned to study the issue and published '*Research into Aerodynamic Modulation of Wind Noise'* in 2007. The research found that although AM cannot be fully predicted, the incidence of AM resulting from windfarms in the UK was low. Based on this, the Government in July 2007[6] (CD8.9) concluded that there was no compelling case for further research at that time. Moreover, the statement reiterated support for the approach set out in PPS22 regarding noise and the use of ETSU-R-97 as the basis to assess and rate noise.

78. Various theories have been advanced as to what could be the cause of AM, including turbine spacing and the relationship of hub height to rotor diameter. However, there is no general agreement over what the cause of this phenomenon is, what the level of risk is in relation to any one particular windfarm or even how to measure it. I take very seriously the concerns raised by BLOT, and the adverse impact that Mrs Davis considers windfarms have had on her family. However, taking all the factors together, I consider the evidence on the likelihood of AM occurring at this development remains inconclusive. However, the suggested condition, which has the agreement of the appellant and Council provides a means for assessing any AM together with a means of

[3] Planning Advice Note 45 '*Renewable Energy Technologies'*
[4] Technical Advice Note 8 '*Planning for Renewable Energy'*
[5] DEFRA, Proposed criteria for the assessment of low frequency noise disturbance
[6] DBERR, Government statement regarding the findings of the Salford University report into aerodynamic modelling of wind turbine noise

mitigating the problem, in the event that AM might occur were I to allow this appeal.

Shadow Flicker and Visual Effects

79. Shadow flicker can occur when the sun is obscured from view by the moving blades and the moving shadows pass over nearby buildings. It is predictable, given the location of the turbine and neighbouring buildings, and has been proven to occur only within ten rotor diameters of a turbine. The appellant has produced a plan showing the extent of the area potentially affected by shadow flicker, which encompasses both Elm Farm and Downfields.

80. Moving shadows can be distracting, especially when viewed through narrow windows. However, I am satisfied that any harm arising from moving shadows in these dwellings could be satisfactorily mitigated by means of a suggested condition. This would require the identification and avoidance of shadow flicker by stopping the turbines for the period during which they would otherwise be casting moving shadows on the buildings. Furthermore, should the problem persist, the condition provides for further mitigation measures. There is little evidence to suggest that moving shadows on open ground causes disturbance to animals grazing in fields beneath wind turbines, and I attach little weight to the suggestion that the proposed turbines would affect the normal performance and behaviour of animals. With regard to wider concerns relating to farm animals such as fertility and breeding, the companion guide to PPS22 suggests that there is little evidence to support such concerns and no contrary evidence of substance was brought to the Inquiry.

81. Mr Spencer, a local resident drew attention to the plight of sufferers from "Menière's Disease", the symptoms of which might be triggered or worsened by the sight of rotating blades. This resident lives in Long Bennington, some distance from the windfarm and he acknowledged that his experience was based upon approaching a windfarm much more closely, to within 500-800 metres. I appreciate the problems faced by Mr Spencer and others and acknowledge that the windfarm would probably restrict his use of his local countryside. However, I do not consider that it would be reasonable to prevent the appeal scheme solely on the basis that those with this or similar illnesses might suffer if they chose to approach the turbines. To do so would effectively prevent windfarm development in almost any location.

Health

82. Evidence presented to the Inquiry indicates that for some there are health issues that are believed to be linked to the operation of wind turbines. The health issues raised include sleep and behaviour patterns resulting in stress and consequential physical and mental effects along with more immediate sensations leading to unease, unexplained sensations and distress. It is suggested that these matters have not been adequately researched and I am urged to take a precautionary approach and to dismiss the appeal in view of the sometimes very serious circumstances that were brought to my attention.

83. Current Government advice is contained in the PPS22 'Companion Guide', which explains in the Technical Annex on Wind why electromagnetic emissions will rarely be a health problem and states that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be

harmful to human health. The latter point is expanded upon in two later studies in which the Appellant's noise consultant had a direct involvement. The first, in 2006 (from the Hayes-McKenzie Partnership(CD8.3)) was commissioned to investigate claims that infrasound or low frequency noise emitted by wind turbine generators was causing health effects. This noted that of the 126 windfarms then operating in the UK only 5 had attracted reports of low frequency noise problems.

84. Three of these were investigated in detail and it was found that AM rather than low frequency noise or infrasound was the cause of the complaints. The second study, in 2007 (from Salford University (CD8.8)) was accordingly commissioned in order to consider the subject of AM. Out of the 133 windfarms in operation at the time of this study, there were four cases where AM appeared to be a factor. Complaints were noted to have subsided at three of these sites, in one case as a result of remedial treatment in the form of a wind turbine control system. In the remaining case investigations are ongoing.

85. Based on these findings, Government has stated firstly (in 2006) that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines and, secondly (in 2007), that it does not consider there to be a compelling case for further work into AM and will not carry out any further research at this time, but will continue to keep the issue under review.

86. As matters currently stand, the number of cases where health complaints are directed at wind turbines is small. Those complaints that have been systematically investigated on behalf of Government have not been recorded as "illness" and none have yet been attributed to anything other than noise which (with the single exception of the case still under investigation) has been found capable of mitigation. There is even less evidence on which to base fear of adverse effects on people working in the vicinity (who would be exposed to a wide range of other potentially more likely causes with varying degrees of proximity and extent) or on farm animals grazing among the turbines. Nor is there any evidence that those who have been closely engaged in manufacturing, testing, installing or maintaining wind turbines on a daily basis over considerable periods of time, and who might therefore be expected to be susceptible to "emissions" in whatever form they could be, have developed any attributable health symptoms.

87. Notwithstanding the current state of understanding, I acknowledge the serious nature of many of the concerns that have been raised. However, I have to record that no expert medical witness was called to support the firm belief of those affected by, or concerned about, health issues, that the problems caused could be directly attributed to the operation of wind turbines. Scientific papers were presented that raise concerns about there being a link between windfarm operation and health but the nature of any link between the operation of wind turbines and health remains unconfirmed by way of scientific experiment. As no expert medical evidence was brought forward to be tested, this means that there is little scientific or medical analysis available to me that might support the adoption of a precautionary stance based on the experience of those who have found themselves exposed, by reason of proximity, to windfarm developments.

88. In summary, I find nothing of sufficient substance to warrant departure from the advice in the Companion Guide to PPS22 and the Government statements issued in 2006 and 2007 that might suggest that planning permission should be refused on the grounds of health issues. Notwithstanding this, my conclusions on other matters do indicate that planning permission should be refused.

Residential Amenity at Elm Farm and Downfields

89. I am dealing with residential amenity at these properties as a separate consideration as they are the closest properties to the proposed turbines and stand within the zone of potential shadow flicker impact. Accordingly, they have the potential to experience the most significant effects of this particular windfarm development. I have already concluded that flicker effects could be mitigated, but the sum of the effects on these properties goes beyond the potential effects of flicker alone.

90. Elm Farm is situated on the east side of the road through Normanton, and the house is aligned so that principal rooms and a large patio face east, across flat open farmland towards the appeal site. Proposed wind turbine T1 would be situated some 725m from the farmhouse and would be flanked by three turbines to its left and four to its right, extending some 1.7km away from the house. Given the proximity of the wind turbines to the dwelling, the lack of any screening, the orientation of the dwelling relative to the turbines and the spread of the turbines across the landscape, the proposed windfarm would be a prominent and intrusive feature in the outlook from principal rooms in the dwelling and from its associated outdoor amenity area. I consider that the turbines would dominate both the interior and exterior of the dwelling and its environs which are farmed by the current occupiers. The lives of the occupiers of this property would become dominated by the presence of the windfarm and I consider that this would have an unacceptably overbearing impact on living conditions.

91. The protection of residential amenity is generally considered to be an important aspect of development control policy. It forms part of the RSS core strategy at policy 2, which requires the design of new development to maintain amenity and privacy and benefit the quality of life of local people, among other things. It also figures in saved Local Plan policy OS1, although I note that this policy only applies to development within the town and village envelopes and similar considerations are not set out in policy OS2 that deals with development outside the town and village envelopes. More recent policy is contained in PPS4 that deals with sustainable economic growth. This provides for economic growth with a framework that seeks to protect the environment. In particular policy EC6 deals with economic development in rural areas and supports farm diversification, but based on policies that are consistent with their rural location in terms of environmental impact, among other things. In the light of the RSS and PPS4, I consider that the intensity of the impact of the proposed windfarm on the dwelling at Elm Farm would be contrary to policy. This suggests that there is justification to reject the proposals on the basis of its pervading effect on living conditions in this instance.

92. However, this indication needs to be considered in the light of the Government's strategy for wind energy and the limited time of 25 years for

which permission is sought. Both provide support for accepting the scheme so it is necessary to balance the interests of individuals who would suffer a loss of amenity and wider interests. This is not an easy balance to strike, but for a family to be exposed to the pervading influence of this windfarm for a period of 25 years appears to me to be wholly unacceptable and I do not consider that there is adequate reason to accept such harm in this instance.

93. Downfields is situated to the east of the proposed windfarm, with the nearest wind turbine situated some 750m away, with the remainder spread within an arc to the right at a distance of up to some 1.55km from the dwelling. While Downfields benefits from a relatively remote location, the building is aligned east-west, with principal windows facing north and south. As a consequence, while the proposed windfarm would be visible from within the garden areas, its impact within the interior of the dwelling would be less significant than at Elm Farm. These differences lead me to conclude that the proposed development would not have such a pervading effect here and accordingly would not have the same overbearing impact upon its occupiers as identified at Elm Farm.

Traffic Issues

94. BLOT quotes Leicestershire Highways Authority, who stated that the Highway Agency's main concerns in relation to windfarms are driver distraction by their sudden appearance, proximity to the highway network in the event of structure failure, and the impact of construction traffic.

95. BLOT argues that drivers of vehicles would be distracted by seeing the moving blades of the proposed windfarm, leading to the increased probability of collisions, especially along the A52 trunk road, which is seen as having a high accident record. However, I noted that when driving along the A52 one would get distant glimpses of the upper parts of some of the turbines as one approaches Bottesford from either direction. I also noted that the visibility tends to reduce the nearer one is to the windfarm, due to the height of Beacon Hill and the buildings and trees in Bottesford. Consequently, there would not be any 'sudden appearance' of the proposed windfarm, as considered harmful by the Highways Agency, but a more gradual revelation. I therefore conclude that the risk of driver distraction is not so significant as to render the proposal unacceptably harmful to highway safety. Since the proposed windfarm would not be close to any road, the risk to the highway network from structural failure is non existent and I turn now to construction issues.

96. The proposed increase in blade length from 35m to 40m would mean that the proposed access via Long Bennington using flat bed low-loader lorries would not be possible. An alternative method of transporting the longer blades was put forward by the appellant, involving the use of a 'blade adaptor'. This is a vehicle that would be able to lift one end of the blade to a sufficient height to effectively shorten the overall length of the vehicle and load. This would enable it to traverse the proposed route without oversailing private property abutting the highway. Both Leicestershire and Lincolnshire County Councils were consulted in their roles as highway authority and raised no objection to the proposed movements onto and off the A52, or to the transport of the blades through Long Bennington using this proposed method.

97. The 'blade adaptor' method of transportation has not previously been used in the British Isles, and no illustrations of any such vehicle, apart from a line drawing, were available at the time of the Inquiry. Consequently, I have no means of assessing the practicability or otherwise of transporting 40m long blades in an elevated position in a manner that poses no risk to life or property along the proposed route. However, since both the appellant and Council are agreeable to a condition requiring the submission and approval of a Construction Traffic Management Plan prior to development commencing were I minded to allow the appeal, I am satisfied that there is a mechanism by which any proposed blade transport arrangements could be thoroughly assessed for safety.

98. The number of heavy vehicle movements to and from the appeal site set out in the Environmental Statement was queried by BLOT, based upon their analysis of the amount of fill material that would have to be brought on site to form the access tracks and hard-standings. Witnesses for the Appellant and BLOT were unable to agree on the likely number of such vehicle movements. However, were the appeal to succeed, the traffic implications would be fully explored and resolved as part of the process of approving the Construction Traffic Management Plan that would be required by condition. This process would have the benefit of actual data from a geotechnical survey to work with, providing a more accurate assessment of the level of vehicle movements.

99. The majority of such movements would access the site from the A52 via Skerry Lane. In order to avoid congestion on this relatively busy single carriageway road, the Highways Agency suggested that it is possible that temporary junction improvements would be required and that further restrictions, such as left-in, left-out only, be implemented. The transport of large elements of the wind turbines, especially the blades, would be likely to create some delays to other traffic using the same routes. However, any such delays could be minimised by the avoidance of peak traffic hours through the use of the Construction Traffic Management Plan.

100. I acknowledge that delays can be inconvenient for drivers. However, any such short term inconvenience could be minimised and needs to be balanced against the long term public benefit in terms of renewable energy that the completed scheme would produce. While the proposed development would result in an increase in vehicle movements in the immediate area, there is little evidence to suggest that they could not be safely accommodated within the existing highway system, subject to such temporary arrangements as found necessary as part of the process of approving the Construction Traffic Management Plan.

Other Matters

Birds

101. Concerns were expressed, by BLOT in particular (BLOT/P/6), that the use of the turbines would unacceptably affect bird populations, arising, largely, from the risk of blade strike during flight. It seems to me that a windfarm would introduce such a risk and that the creation of casualties could not be ruled out. However, it would represent an over-cautious approach to avoid all such risks. In this instance, neither the RSPB nor Natural England have sought to voice

objection to the scheme (Natural England reviewed its position on 22 September 2009 and withdrew an earlier objection and following further information re-confirmed its lack of objection on 22 December 2009). I consider that this is consistent with the judgement that levels of risk would not be unacceptable. Accordingly, I find that there is insufficient reason to resist the proposals on the basis of potential harm to birds. I also note that a condition is suggested that would enable proposed ecological enhancements to be achieved. This could well be of benefit to some species of birds.

Public Rights of Way

102. The area within which the windfarm development would be located is an area that is crossed by a number of footpaths and bridleways and is used by horse riders and ramblers. In respect of horses, I accept that they can be spooked by new and strange items and sudden events. I have no doubt that horses have been spooked finding themselves faced with turbines, as these dynamic objects are likely to be unfamiliar to many animals. Much would seem to depend on the suddenness of any exposure, together with the experience of the horse and its mount. This windfarm development would however be widely visible and would not suddenly appear in views. It seems to me that local riders who use the bridleways, even infrequently, would have sufficient opportunity to acclimatise their horses to the new additions in the landscape and so avoid significant risks associated with equine behaviour.

103. Riders using bridleways F96 and F98 would pass just outside the 200m separation zone recommended by the British Horse Society, of turbines T4, T5 and T7, but within the minimum distance of turbines T2, T3 and T6. To maintain adequate separation, the appellant has proposed alternative routes that would be 200m or more from the proposed turbines. I consider that such diversions would provide an acceptable opportunity for keeping riders and their mounts away from potential danger. In the absence of any significant evidence that wind turbines have, by themselves, resulted in accidents to riders that have resulted in injury, I have no reason to conclude that the proposed development would necessarily be dangerous to riders on the bridleways in the area.

104. I heard that the existing footpath network is supplemented by regularly used routes that provide a circular route often frequented by local residents. The character of the outlook from these routes would inevitably change as a result of the proposed windfarm, from an essentially rural character to one dominated by wind turbines in the near foreground, especially when viewed from locations such as Beacon Hill. My conclusions on the landscape impact of the proposals are set out under the heading Landscape Character and Quality.

105. The proposed windfarm would not result in the loss of any footpaths, and the access tracks would provide hard surfaced alternative informal routes, particularly during inclement weather. Accordingly, I conclude that the proposed development would not have an unacceptably harmful impact upon the access to footpaths and bridleways in the surrounding area.

Conclusions

106. I have considered a wide range of potential effects that might flow from the construction and operation of the Palmers Hollow windfarm. I find that many

of these should not preclude the development from taking place. However, in some areas I find that the proposals would have a significant impact. These impacts need to be judged in the light of Government policy and strategy, which places a great sense of urgency on the need to increase wind energy generation. Nevertheless, this is not to be achieved at any cost and it remains important to take account of the wider consequences of such development. Here I consider that effects on landscape, heritage and residential amenity are of sufficient moment to justify rejecting this scheme, despite its capacity to contribute towards renewable energy production. While conditions can address certain impacts, the harmful effects cannot all be overcome or significantly ameliorated by way of conditions. Accordingly, I conclude that planning permission should be refused.

Chris Frost

Inspector

APPEARANCES

For The Local Planning Authority:

Mr Peter Goatley	Of Counsel, Instructed by Mrs Verina Wenham, Solicitor and Head of Legal Services, Melton Borough Council

He called

Michael Dawson, *BA, BA(Hons), MPhil*	CgMs Consulting
James Worley, *BA(Hons), BTP, MRTPI*	Head of Regulatory Services, Melton Borough Council

For Belvoir Locals Oppose Turbines (BLOT):

Mr John Campbell QC Instructed by Mike Sibthorpe Planning

He called

Mike Sibthorpe *BA(Hons), BTP, MRTPI, DMS*	Mike Sibthorpe Planning
Mr Mark Steele, *MLI*	Mark Steele Consultants
Mr Dick Bowdler	Acoustic Consultant
Mrs Pandora Mawer	Chairman of BLOT
Hon James Ogilvy	President of BLOT
Mr Edmund Staunton	Local resident
The Dowager Duchess of Rutland	Local resident
Mr Peter Finch	District Co-ordinator CPRE
Mrs Jane Davis	Resident near Deeping St Nicholas windfarm
Mrs Mariya Limerick	Local resident (evidence taken as read)
Mr Jamie Mawer	Local resident
Mr Peter Caswell	Local resident

For The Appellant:

Mr Marcus Trinick QC Partner, Eversheds LLP

He called

Mrs Caroline Hardie, *MA, MIfA, IHBC*	Archaeo-Environment Ltd
Ms Kay Hawkins, *BSc (Hons), BLD, CMLI*	E4e Ltd
Dr Andrew McKenzie, *PHD, BSc, MIOA*	Hayes McKenzie Partnership
Mr Peter Newland, *BSc (CEng), BA (Oxon), MICE, FRGs*	Albro Planning and Environmental

Interested Persons:

Melissa Schofield-Linnell	Nottinghamshire Resident
Prof John Twidell	Pro Wind Alliance
Mr Edward Hennessey	Local resident
Cllr J B Rhodes	Leicestershire County Councillor
Cllr Gareth Dawkins	Long Bennington Parish Council
Mr A W Charles	Local resident
The Rev Stuart Foster	Parish priest
Mrs Mo Caswell	Local resident
Mr G W Spencer	Local resident
Joyce Farnese	Local resident
Mr P D Strawson	Shouler & Son, Melton Mowbray, for Local Residents
Mr Colin Love	Local resident
Alan Duncan MP	Constituency MP

DOCUMENTS

General

Document 1 Attendance Lists for each day of the Inquiry
Document 2 Inspector's Pre-Inquiry briefing note
Document 3 Statement of Common Ground and addendum

Core Documents

1 Planning Application & Determination Papers

1.1 Application form and Grounds of Appeal
1.2 Environmental Statement:
- Volume 1 – Non-Technical Summary
- Volume 2 – Main Text
- Volume 3 – Figures
- Volume 4 – Appendices

1.3 Planning Appraisal
1.4 Design and Access Statement
1.5 Revisions made to Environmental Information – February 2009
1.6 Supplementary Environmental Information – May 2009
- Volume 1
- Volume 2

1.7 Supplementary Environmental Information – October 2009
1.8 Results of Archaeological Evaluation
1.9 Report to the planning committee meeting held on 27 August 2009
1.10 Minutes of the planning committee meeting held on 27 August 2009

2 Consultation Responses

2.1 Statutory Consultee Responses
2.2 Third Party Representations

3 Development Plan and Emerging Plan, including Supplementary Planning Guidance

3.1 The East Midlands Regional Plan: Partial Review – Options Consultation (June 2009)
3.2 The East Midlands Regional Plan (March 2009)
3.3 The 'saved' policies in Melton Borough Council Local Plan (1999)
3.4 The Melton Local Development Core Strategy (Preferred Options) Development Plan Document (January 2008)
3.5 Reviewing Renewable Energy and Energy Efficiency Targets for the East Midlands – final report by Faber Maunsell/AECOM (June 2009)
3.6 Melton Local Plan (adopted June 1999)
4.1 PPS1 Delivering Sustainable Development

4 Government Policy Statements, Guidance and Circulars

4.2 Supplement to PPS1 – Planning and Climate Change
4.3 PPS7 Sustainable Development in Rural Areas
4.4 PPS9 Biodiversity and Geological Conservation
4.5 PPG15 Planning and the Historic Environment
4.6 PPG16 Archaeology and Planning
4.7 PPS22 Renewable Energy
4.8 Planning for Renewable Energy – A Companion Guide to PPS22
4.9 PPG24 Planning and Noise
4.10 ODPM Circular 11/95: 'The Use of Conditions in Planning Permissions'
4.11 ODPM Circular 02/99:Enviromental Impact Assessment
4.12 Environmental Impact Assessment: A guide to good practice and procedures. A Consultation Paper. DCLG June 2006
4.13 Amended Circular on Environmental Impact Assessment. A Consultation Paper. DCLG June 2006
4.14 Draft PPS15 – Planning for the Historic Environment.

5 Renewable Energy: Policy and Background Documents

5.1 Climate change character area reports (31 March 2009), Natural England
5.2 Climate Change Policy (2008), Natural England
5.3 Economics of Climate Change (October 2006), The Stern Review, full report
5.4 Our Energy Future – Creating a Low Carbon Environment (2003), Energy White Paper, Department of Trade & Industry
5.5 Energy Review (July 2006)
5.6 Meeting the Energy Challenge (May 2007), DTI Energy White Paper
5.7 Positive Planning for Onshore Wind (March 2009), RSPB
5.8 Sustainable Energy Policy (2008), Natural England
5.9 Wind Power in the UK (2005), Sustainable Development Commission Report
5.10 2020 Vision – How the UK Meet its Target of 15% Renewable Energy (2008), Renewable Advisory Board
5.11 European directive 2009/28/EC on the promotion of the use of energy from renewable resources
5.12 UK Renewable Energy Strategy 2009
5.13 Climate Change Act (November 2008)
5.14 DECC, 2009, Digest of UK Energy Statistics 2009 – Chapters 5 & 7

6 Documents relating to Landscape and Visual matters

6.1 British Horse Society (2008) Windfarms: Advisory Statement
6.2 Not used
6.3 Not used

6.4 Letter to Heads of Planning re Windfarm Photographic Visualisation, Directorate for the Built Environment (20 January 2009)
6.5 Visual Representation of Windfarms: Good Practice Guidance. Prepared for SNH, the Scottish Renewables Forum and the Scottish Society of Directors of Planning, Horner + Maclennan and Envision (2006)
6.6 The Use of the Guidelines for Landscape and Visual Assessment. Practice Advice Note 01/99, Landscape Institute (1999)
6.7 Guidelines for Landscape and Visual Impact Assessment, Second Edition. Landscape Institute and Institute of Environmental Management and Assessment (2002)
6.8 Landscape Architecture and the Challenge of Climate Change. Landscape Institute (2008)
6.9 Use of Photographic and Photomontage in Landscape and Visual Assessment. Practice Advice Note 01/09. Landscape Institute (2009)
6.10 Melton Borough Landscape and Historic Urban Character Assessment Report. Melton Borough Council (2006)
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6.12 Landscape Character Assessment: Guidance for England and Scotland. Prepared for SNH and Countryside Agency. Swanwick C and Land Use Consultants (2002).
6.13 Landscape Assessment Series, Topic Paper 9 – Climate Change, For SNH and Countryside Agency. Swanwick C (2003)

7 Documents relating to Cultural Heritage

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7.2 Climate Change and the Historic Environment, English Heritage
7.3 Wind Energy and the Historic Environment (October 2005), English Heritage
7.4 Simon Collcutt, Journal of Planning and Environmental Law, 'Setting of Cultural Heritage Features', (Article Ref: JPL 1999, JUN, 498-513) 1999
7.5 Case Comment, Journal of Planning and Environmental Law, 'Potato Store – Castle – Listed Building – Judicial Review', (Article Ref: JPL 1990, JUL, 515-517) 1999
7.6 English Heritage: Guide on the management of conservation areas –update 200
7.7 English Heritage: Guidance on conservation area appraisals – update 2006
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7.9 A Charter for English Heritage Planning and Development Advisory Services, 3rd Ed Jan 2009
7.10 Conservation Principles – Policies and Guidance for the Sustainable Management of the Historic Environment. English Heritage, 2007
7.11 Guide to Belton House, Tinniswood A, National Trust 2007
7.12 Harlaxton Manor, Girouard M, 1979
7.13 National Trust, Belton Statement of Significance, nd
7.14 Seeing the History in the View. English Heritage
7.15 The Setting of Cultural Heritage Features Assessment Principles, Colcutt, S.N. R15 2009
7.16 EH's objection to Thackstons Well, written by Mike Dawson

8 Documents relating to Noise

8.1 ETSU-R-97: The Assessment and Rating of Noise from Wind Turbines (September 1996)
8.2 British Standard 4142: 1997 "Method for Rating Industrial Noise affecting mixed residential and industrial areas" (extracts)
8.3 The Measurement of Low Frequency Noise at Three UK Windfarms, Contract No W45/00656/00/00, DTI (2006) (extracts)

8.4 "Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques", IEC 61400-11:2002 2nd Edition (2002) (extracts)
8.5 "Acoustics – Attenuation of sound propagation outdoors: Part 2: General Method of Calculation", ISO 9613-2, International Standards Institution (1996) (extracts)
8.6 Windfarm noise', P. Styles, letter by Prof P Styles and S Toon printed in The Scotsman (August 2005).
8.7 'Proposed criteria for the assessment of low frequency noise disturbance', Report for DEFRA by A Moorhouse et al, DEFRA Contract No. NANR45 (February 2005) (extracts)
8.8 Department of Business, Enterprise and Regulatory Reform: "Research into aerodynamic modulation of wind turbine noise", report by the University of Salford (July 2007)
8.9 Government Statement regarding findings of the Salford University Report into Aerodynamic Modulation of Wind Turbine Noise Ref: URN 07/1276 (July 2007)
8.10 Prediction and assessment of wind turbine noise – agreement about relevant factors for noise assessment from wind energy projects. D Bowdler, AJ Bullmore, RA Davis, MD Hayes, M Jiggins, G Leventhall, AR McKenzie. Institute of Acoustics, Acoustics Bulletin, Vol 34, No 2 March/April 2009.
8.11 Low Frequency Noise and Vibration Measurements at a Modern Windfarm, ETSU W/13/00392/REP, 1997, Snow DJ
8.12 Windfarm Noise Predictions and Comparison with Measurements. Bullmore et al. Third International Meeting on Wind Turbine Noise, Aalborg Denmark, 2009
8.13 Not used
8.14 Wind Energy Industry Acknowledgement of Adverse health Effects, Part 1: Conclusion and Summary. The Society for Wind Vigilance, January 2010
8.15 Wind Energy Industry Acknowledgement of Adverse health Effects, Part 2: Detailed Analysis. The Society for Wind Vigilance, January 2010

9 BLOT Documents

9.1 BLOT's Consultation Response: Volume 1 Consultation Response
Volume 2 Photographs
Volume 3 Response Appendices
9.2 Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)
9.3 Draft 3 - Hayes/Mackenzie Wind Report
9.4 World Health Organisation Night Noise Guidelines For Europe
9.5 I.T.Power Planning for Climate Change (Leicestershire)
9.6 Decision of the Freedom of Information request to DECC for the drafting of the Hayes/Mackenzie Report (26/10/2009)
9.7 Noise radiation from wind turbines installed near homes: effects on health. Frey BJ. and Hadden PJ. 2007.
9.8 Draft National Planning Policy Statement 1: Overarching national Policy Statement for Energy (EN-1)
9.9 UK Low carbon transition Plan
9.10 Dear Chief Planning Officer Letter RE; NPS documents
9.11 RSS8: Schedule of Proposed Changes
9.12 English Heritage Living Draft: Historic Environment Planning Practice Guide
9.13 South Kesteven Local Plan

10 Appeal Decisions

10.1	Thackson's Well	(APP/E2530/A/08/2073384)
10.2	Middlemoor	(ELEC/2005/2004 – GDBC/001/602456)
10.3	Bradwell	(APP/X1545/A/06/2023805)
10.4	Kiln Pit Hill	(APP/R2928/A/08/2075/105)
10.5	Deeping St Nicholas	(APP/A2525/A/02/1099738)

10.6	Bradworthy, Torridge	(APP/W1145/A/02/1105474)
10.7	Darracott, Torridge	(APP/W1145/A/03/1119641)
10.8	Little Cheyne Court	(Section 36 Application, DTI GDBC/003/00001C) (decision letter and Inspector's conclusions and recommendations)
10.9	Ovenden Moor	(YH 5113/219/22)
10.10	Parc Cynog	(APP/M6825/A/99/513157)
10.11	Penrhys	(APP 54-4)
10.12	Carsington	(APP/P1045/A/07/2054080)
10.13	Knabs Ridge, Harrogate	(APP/E2/34/A/04/1161332)
10.14	Roskrow	(APP/Y0815/A/03/1129335)
10.15	Fullabrook Down	(GDBC/003/00024C)
10.16	Yelland	(APP/Q1153/A/05/1187563)
10.17	Crimp	(APP/C0820/A/07/2047583)
10.18	Wern Ddu	(APP/R6830/A/05/1185359 and APP/1198835)
10.19	Shipdham (1st and 2nd decisions)	(APP/F2605/A/03/1109816) and (APP/F2605/A/05/1174295)
10.20	Lynemouth	(APP/T2920/A/07/2046453)
10.21	Crow Holt	(APP/A3010/A/06/2017850)
10.22	Ellands	(APP/G2815/A/06/2019989)
10.23	Hall Farm	(APP/E001/A/07/2050015)
10.24	Land to N-E of Swinford	(APP/F2415/A/09/2096369)
10.25	Land south of West Linton Farm, Brow Lane, Balkholme, East Riding of Yorkshire	(APP/E2001/A/09/2101851)
10.26	Den Brook: Dr Pykett's decision	
10.27	Land west of Enifer Downs Farm and East of Archers Court Road and Little Pineham Farm, Langdon	(APP/X2220/A/08/2071880)
10.28	Shipdham (third decision)	(APP/F2605/A/08/2089810)
10.29	Garthbrengy	(1122720)
10.30	Edithmead	(APP/V3310/A/06/2031158)
10.31	Jordanston	(512221)
10.32	Auchtermuchty	(2501675)
10.33	Par	(1189328)
10.34	Boxworth	(1190473)
10.35	Brightenber Hill	(2107843)

11 Other Documents

11.1 Correspondence from Wild Frontier Ecology Ltd

Proofs of Evidence

Council Documents

MBC/P/1	James Worley – Planning Proof
MBC/S/1	James Worley – Summary of Evidence
MBC/P/2	Mike Dawson – Heritage Proof
MBC/S/2	Mike Dawson – Summary of Evidence
MBC/APP/2a I of 2	Mike Dawson - Appendices
MBC/APP/2a 2of 2	Mike Dawson - Photomontages for LVI
MBC/SP/2	Mike Dawson – Supplementary Proof on PPS5
MBC/OPEN	Peter Goatley-Opening submissions
MBC/CLOSE	Peter Goatley-Closing submissions

Appellant Documents

RW/1/P	Caroline Hardie – Historic Landscape and Cultural Heritage Proof
RW/1/S	Caroline Hardie – Summary of Evidence
RW/1/APP	Caroline Hardie – Appendices – Additional Visualisations
RW/1a/APP	Caroline Hardie - Appendices 1 – 22
RW/1/SP	Caroline Hardie – Supplementary Proof on PPS5
RW/P/2	Kay Hawkins – Landscape and Visual Amenity Proof
RW/S/2	Kay Hawkins – Summary of Evidence
RW/APP/2	Kay Hawkins - Appendices
RW/P/3	Andrew McKenzie – Noise Proof
RW/S/3	Andrew McKenzie – Summary of Evidence
RW/APP/3	Andrew McKenzie - Appendices
RW/P/4	Peter Newland – Planning Proof
RW/S/4	Peter Newland - Summary
RW/OPEN	Marcus Trinick-Opening submissions
RW/CLOSE	Marcus Trinick-Closing submissions and final comments
RW/COSTS	Marcus Trinick-Response to Costs Application

BLOT Documents

BLOT/P/1	Mark Steele – Landscape & Visual Proof
BLOT/S/1	Mark Steele – Summary of Evidence
BLOT/APP/1	Mark Steele - Appendices
BLOT/RP/1	Mark Steele – Rebuttal Proof
BLOT/P/2	Dick Bowdler – Noise Proof
BLOT/S/2	Dick Bowdler – Summary of Evidence
BLOT/APP/2	Dick Bowdler - Appendices
BLOT/P/3	Mike Sibthorpe - Planning Proof
BLOT/SP/3	Mike Sibthorpe – Supplementary Proof on PPS5
BLOT/P/4	Pandora Mawer– Planning Appraisal and Public Opinion Proof
BLOT/APP/4	Pandora Mawer - Appendices 4.1 – 4.6
BLOT/P/5	Hon James Ogilvy – Heritage Assets Proof
BLOT/APP/5	Hon James Ogilvy - Appendices 5.1 – 5.3
BLOT/P/6	Edmund Staunton – Staunton Hall & Ornithology Proof
BLOT/APP/6	Edmund Staunton - Appendices 6.1 – 6.5
BLOT/P/7	Dowager Duchess of Rutland – Heritage Proof
BLOT/P/8	Peter Finch – CPRE – Proof
BLOT/APP/8	Peter Finch - Appendices – 8.1 – 8.4
BLOT/P/9	Jane Davis – Proof
BLOT/APP/9	Jane Davis - Appendices 9.1 – 9.2
BLOT/P/10	Mariya Limerick – Quality of Evidence, Noise risk & Health Proof
BLOT/APP/10	Mariya Limerick - Appendices – 10.1 & 10.3
BLOT/P/11	Jamie Mawer – Public Rights of Way/Access/Traffic/Transport Proof
BLOT/APP/11	Jamie Mawer - Appendices 11.1 – 11.14
BLOT/P/12	Peter Caswell – Residential Amenity & Potential benefits Proof
BLOT/APP/ I 2	Peter Caswell - Appendices 12.1 – 12.7
BLOT/OPEN	John Campbell-Opening submissions
BLOT/CLOSE	John Campbell-Closing submissions and final comments
BLOT/COSTS	John Campbell-Costs Application and final comments

Third Party Documents

PUBLIC/P/1	Statement of Edward Hennessy
PUBLIC/P/2	Statement of G W Spencer
PUBLIC/P/3	Statement of M Caswell
PUBLIC/P/4	Statement of Mrs Joyce Farnese
PUBLIC/P/5	Statement of Philip Strawson of Shouler & Son
PUBLIC/P/6	Statement of Arthur Charles
PUBLIC/P/7	Statement of Anna & Martyn Stubbs
PUBLIC/P/8	Statement of Colin Love
PUBLIC/P/9	Statement of Cllr Byron Rhodes (Leicestershire County Council)
PUBLIC/P/10	Statement of Gareth Dawkins (Long Bennington PC)
PUBLIC/P/11	Statement of Prof John Twidell
PUBLIC/P/12	Statement of Melissa Schofield-Linnell
PUBLIC/P/13	Statement of Alan Duncan MP