



Appeal Decision

Inquiry held on 8-11, 15-18, 22, 23, 29 and 30 March, 6 April and 13 May 2011
Site visits made on 24, 25 March and 13 May 2011

by John Woolcock BNatRes(Hons) MURP DipLaw MPIA MRTPI

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

Decision date: 30 August 2011

Appeal Ref: APP/P2114/A/10/2125561

**Cheverton Farm, Land at Cheverton Down, Cheverton Shute, Shorwell,
Newport, Isle of Wight PO30 3JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cornwall Light and Power Ltd/Vestas against the decision of Isle of Wight Council.
 - The application Ref.No:P/00021/09 – TCP/21144/E, dated 19 December 2008, was refused by notice dated 22 December 2009.
 - The development proposed is 3 No. wind turbine generators with hub height of 80 m and rotor diameter of 90 m (tip height 125 m), control building, access tracks, underground electrical cables and temporary construction compound.
[This was amended at the appeal stage to a tip height of 110 m – as set out below]
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Applications for costs

1. At the Inquiry an application for costs was made by Cornwall Light and Power Ltd (CLP)/Vestas against Isle of Wight Council (hereinafter referred to as the Council).¹ The Council applied for costs against the appellants.² The Rule 6(6) party, The Wight Against Rural Turbines (ThWART), participated in the Inquiry and made an application for costs against the appellants.³ I have determined the costs applications, which are the subject of separate Decisions. The appellants also made an application to The Planning Inspectorate (PINS) for an ex-gratia payment.⁴ This is dealt with separately by PINS.

Decision

2. I dismiss the appeal.

Preliminary matters

3. A list of abbreviations used below is included on the last page of this decision.
4. The application and appeal forms state that the appeal site has an area of 2.9 ha. However, the plan submitted with the application, Figure 1.2 Site Layout Plan, shows a much larger area encompassing the proposed turbines, access tracks and adjoining land as "Red Line Area_Overall". It also depicts a larger area, which includes adjoining farmland and is edged in blue as "Site boundary (approx)". It was clarified at the Inquiry that the appeal site is the

¹ ID Appell 34.1, 36 and 37.

² ID Council 17 and 19.

³ ID ThWT 12.

⁴ ID Appell 34.2.

area edged red, and that the 2.9 ha was only used for the purposes of calculating the application fee.⁵ The proposed turbines are denoted as T1-T3 from west to east across the site. There is an extant planning permission for three wind turbines on this site, which I deal with in more detail later.

5. The Council's fifth reason for refusal is that insufficient information on bat population data was presented to demonstrate that there would not be a detrimental impact on protected bat species. Following further work and correspondence from Natural England (NE), the Council advised in its Rule 6 Statement of Case that it had withdrawn its objection in this respect and would not defend or present evidence in respect of refusal ground 5. ThWART objects to the proposal on nature conservation grounds, including the effects on bats.
6. I deal next with the appellants' request for an amendment of the scheme at the appeal stage. The background is as follows. The application for three 125 m high turbines was accompanied by an Environmental Statement (ES). I refer to this as the '125 m scheme' in this decision. The ES was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations).⁶ In response to the application the Council received almost 2,000 written representations; 877 in support and 1,085 opposing the proposed development. The appeal was received by PINS on 26 March 2010. In response to the notification about the appeal 49 written representations were submitted.
7. The appellants, by letter dated 26 July 2010, requested that the scheme be amended to reduce the wind turbines' tip height from 125 m to 110 m. This was discussed at the Pre-Inquiry Meeting (PIM) held on 11 August 2010. I subsequently ruled that the appellants should be given the opportunity to postpone the Inquiry, so as to undertake further consultation. However, for the reasons set out in my ruling, I reserved judgement about whether the appeal should proceed on the basis of an amended scheme.⁷
8. The appellants advertised Supplementary Environmental Information (SEI) about the 110 m high scheme on 8 October 2010, and representations were accepted up until 30 November 2010. The SEI is "any other information" pursuant to the EIA Regulations.⁸ In response to notification about the SEI some 23 written representations were submitted. The appellants advised by letter, dated 14 January 2011, that they would only be seeking to pursue the amended scheme at the appeal, and that should the Inspector decide at the opening of the Inquiry not to allow the amendments to the scheme to be made then the appellants would immediately withdraw the appeal.⁹
9. I heard submissions about this as a preliminary matter on the first day of the Inquiry. I ruled that the appeal should proceed on the basis of the amended scheme, subject to certain considerations.¹⁰ The Inquiry then proceeded on the basis of the following revised description of the proposed development:

⁵ ID Council 14.

⁶ Which continue to apply in accordance with the transitional arrangements for the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

⁷ My Ruling is at Annex 1 of this decision.

⁸ EIA Regulation 2(1) defines "any other information" as any other substantive information relating to the environmental statement and provided by the applicant or appellant.

⁹ This was 17 working days before the 8 February deadline for submission of proofs of evidence.

¹⁰ My Ruling given at the Inquiry on 8 March 2011 is set out at Annex 2 of this decision.

3 No. wind turbine generators with hub height of 65 m and rotor diameter of 90 m (tip height 110 m), control building, access tracks, underground electrical cables and temporary construction compound.

The application drawings included Figure 2.1 "Front Elevation, Generic 3 MW Class Wind Turbine (based on Vestas V90)", which depicts a 125 m high turbine with 80 m hub height. This was subsequently replaced by revised Figure 2.1.¹¹ The revised scheme is referred to as the '110 m scheme' in this decision.

10. The Council, ThWART and local parish councils object to the amendment at the appeal stage. The parish councils are particularly concerned about consultation because local residents may not have been aware of the press advertisement, or might not have had access to relevant websites.¹² ThWART cite the Planning Inspectorate's PINS Note 09/2009, which advises, amongst other things, that the appeal process should not be a means to progress alternatives to a scheme that has been refused or a chance to amend a scheme so as to overcome the reasons for refusal.¹³ It adds that if consultation on an amended scheme is considered necessary the appellant should normally be expected to seek to gain permission for a revised scheme using the free service for re-submitted applications. However, the Note also states that where amendments are proposed to a scheme, the Inspector will be guided by the *Wheatcroft* principles, and that there may be occasions where amendments could be made to a scheme without prejudice to the delivery of a fair and more efficient system.¹⁴
11. ThWART refers to an Inspector's report which found that a proposed alteration requiring additional land would be substantial, and that this would conflict with the underlying principle that any changes should be minor. I share the appellants' reservations about whether the reference to a minor change is an appropriate representation of the *Wheatcroft* principles. In this regard PINS Note 09/2009 advises that whilst amendments to a scheme might be thought to be of little significance, in some cases even minor changes may be considered to materially alter the nature of an application and lead to possible prejudice. I have also taken into account ThWART's submission that it would be disadvantaged because of its limited resources. It argues that it is unable, for the 110 m scheme, to provide the substantive and comprehensive response that it prepared for the original application. I understand that resources for such local organisations are limited, but it seems to me that ThWART might be in a similar position if the amendment were to be rejected and the appellants pursued the matter by means of a new application.
12. ThWART and the Council refer to the judgement in *British Telecommunications plc*, which commented, in respect of appeals, that there will be more limited scope to accept what is in effect an amended application at that juncture.¹⁵ The judgement went on to add that it will not be possible at that stage, for example, to permit further consultation, and that it would plainly not be appropriate to grant planning permission in circumstances where the statutory requirements have not been complied with. However, in the appeal before me,

¹¹ ID Appell 38.

¹² ID Other 1.

¹³ PINS Good Practice Advice Note 09/2009 *Accepting amendments to schemes at appeal*.

¹⁴ *Bernard Wheatcroft Ltd v SSE* (1982) 43 P. & C.R. 233.

¹⁵ *British Telecommunications Plc Bloomsbury Land Investments and Gloucester City Council*, Case No:CO1986/2001.

provision exists for representations to be made about the “any other information” by virtue of EIA Regulation 19(2). The “any other information”, along with any representations duly made by any other person about the environmental effects of the development, is part of the “environmental information”. EIA Regulation 3(2) requires the “environmental information” to be taken into consideration prior to any grant of planning permission.

13. The appellants argue that the consequence of change from 125 m to 110 m high turbines is irrelevant, and that what is required is a procedural decision according to the law, not a planning decision based on any number of material considerations. The true test was considered in *Wheatcroft* to be; “is the effect of the conditional planning permission to allow development that is in substance not that which was applied for?” To answer this question, I consider that it is relevant here to look beyond the essential differences between the 125 m and 110 m schemes, and to also consider likely effects.
14. The only difference between the ES scheme (80 m to hub and 125 m to blade tip) and the SEI scheme (65 m to hub and 110 m to blade tip) is the reduced hub height. This would bring the proposed 45 m blades 15 m closer to the ground. The SEI documents the likely effects of the revision to the proposed hub height in respect of archaeology/cultural heritage, landscape and visual impact, ecology and noise. It is evident from this that there would be some significant differences in the likely effects of the respective schemes, but in my judgement these are not great enough to amount to a substantially different development. For the purposes of ruling on accepting an alteration at the appeal stage, the amended scheme would not, in substance, be substantially different from that which was considered by the Council in determining the application.
15. I turn next to consultation. Prior to the opening of the Inquiry I requested details about who had been sent copies of the ES, and who had been sent copies of the SEI.¹⁶ This information was agreed at the Inquiry.¹⁷ However, I was not satisfied that the consultation on the SEI complied with statutory requirements, and ruled that I would not close the Inquiry until this was done. But subject to this requirement, dealing with the amended scheme at the appeal stage would not be prejudicial to the interests of any party or persons, given the consultation undertaken by the appellants on the SEI, along with the opportunity for further consultation to be undertaken prior to the closure of the Inquiry. At the Inquiry the appellants, the Council and ThWART agreed further consultation procedures and a process to be undertaken.¹⁸ A letter to consultees, dated 11 March 2011, advised that the Inquiry was proceeding on the basis of the amended scheme, and provided a further period of consultation for 28 days.¹⁹ During this period 119 written submissions were received.²⁰ Several submissions received outside this period were also accepted at the Inquiry on 13 May 2011.²¹ I have taken all these representations into account.
16. The statutory requirements for “any other information” under the EIA Regulations have been complied with, and I closed the Inquiry on 13 May

¹⁶ EIA Regulation 19(4) provides that a copy of the “any other information” shall be sent to each person to whom the statement (ES) to which it relates was sent.

¹⁷ Sections 1 and 2 of ID Other 15.2.

¹⁸ Section 3 of ID Other 15.2.

¹⁹ ID Other 15.3.

²⁰ ID Other 50.1-50.119.

²¹ The Garden History Society, Miss M Barton, Mrs M Harman.

2011. I am satisfied that dealing with the appeal on the basis of the amended scheme complies with the *Wheatcroft* principles.
17. Given my decision to deal with the appeal on the basis of the amended scheme, a query was raised about whether the written representations at the application stage for the 125 m scheme would be taken into account.²² I have considered all the representations, many of which are root and branch support for, or objection to, large wind turbines. Representations made prior to the amendment, both for and against the proposed development, will necessarily apply to the 125 m scheme. However, where these make comments of relevance to the amended scheme, or which refer to matters in the ES that apply to the amended scheme, I have taken these into account in determining the appeal. Clearly any representations in response to the advertisement of the SEI scheme, or the 28 day further period for representations during the Inquiry, will be specifically about the 110 m scheme.
18. The ES did not record that Cheverton Farm is a listed building. However, the drawing showing site access and swept path analysis indicated that the farm complex did include a Grade II listed building, and noted that a barn/carport, which is also referred to as a barn/store, and a wall were to be removed from part of the farm complex.²³ The realignment of the wall and removal of the barn/store would be necessary for long vehicles transporting turbine blades to access the site from Cheverton Shute. The SEI referred to the listed building, but did not specifically document the likely effects of the proposed access. The Inquiry was informed about a Listed Building Consent application made to the Council for these works.²⁴ Whilst this application is not a matter for me, I did request further information from the parties about the likely effects of the proposed access arrangements on the heritage assets at Cheverton Farm, because this would be a relevant consideration in determining the planning merits of the appeal scheme.²⁵ I also inspected the barn/store on an accompanied site visit.
19. The written representations, and responses to my requests for further information, along with the evidence adduced at the Inquiry, are part of the environmental information, which I have taken into account in determining the appeal. I am satisfied the environmental information as a whole meets the requirements of the EIA Regulations, and that there is sufficient information before me to assess the environmental impact of the proposal.
20. Matters agreed between the Council and the appellants are set out in the Statement of Common Ground (SoCG), but ThWART disputed some matters agreed by the other parties.²⁶ The appeal site lies in a central location within the largest of the five distinct land parcels that comprise the Isle of Wight Area of Outstanding Natural Beauty (AONB). The AONB covers about half the land area of the island. The designated Tennyson Heritage Coast extends from Ventnor, west along the southern coast of the island, to Totland. The house at Northcourt, Shorwell, is a Grade II listed building. Northcourt historic park and garden (RPG) was registered Grade II in February 2003. Wolverton Manor is a Grade I listed building, and West Court Grade II*. Other listed buildings, along with conservation areas, in the wider vicinity of the appeal site are set out in

²² Written submissions at ID Appell 33, ID Council 16 and ID ThWT 11.

²³ ES Fig.11.6.

²⁴ I requested details, which are at ID Other 16.1 and 16.2.

²⁵ ID Appell 35, ID Council 15 and ID ThWT 10.

²⁶ ID Other 54 and ID ThWT 8.

the SEI.²⁷

21. A unilateral planning obligation, dated 11 May 2011, would in the event that the appeal succeeded, provide for surveys and assessments concerning television reception, along with remedial works.²⁸ It also includes provisions for a decommissioning fund. The obligation specifies that the developer would use the Vestas V90 – 3.0 MW model of wind turbine and no other make or model. Provisions of the obligation specify that the developer would either elect to implement permission for the appeal scheme or continue the implementation of the extant permission, but if the former, would not at any time further implement the earlier permission, and would not claim any compensation in respect of the undertaking. I deal with specific provisions of the obligation in more detail later.
22. With the agreement of the parties, I made unaccompanied site visits to the site, the locality and view points on 12, 14, 23 and 28 March, 7 April and 12, 14 and 15 May 2011. There was some criticism of the submitted wireframes and photomontages as useful aids in visualising the proposed development. The appellants confirmed that the scaling was geometrically proportional.²⁹ I also requested wireframes that included existing telecommunications masts, of agreed heights, so that the scale could be checked in the field.³⁰ Insofar as it is possible to assess scaling by eye, my observations are that the wireframes, when used correctly at a 300 mm viewing distance, give a reasonable representation of the scale of the proposed turbines in their local context. I have used them extensively on my site visits and in making judgements about visual impacts. Photographs of a blimp flown for the 125 m scheme cannot be given much weight because it was flown from a position some 290 m south of T1.³¹

Main issues

23. I consider the main issues in this appeal to be:
- (a) The effects of the proposed development on the character and appearance of the area, and the AONB and Heritage Coast, having regard to relevant policies.
 - (b) The effects of the proposed development on cultural heritage.
 - (c) The effects of the proposed development on the living conditions of nearby residents, and on other land uses and activities in the locality, with particular reference to visual amenity, noise and disturbance.
 - (d) The effects of the proposed development on ecology and protected species.
 - (e) The social and economic effects of the proposal.
 - (f) The compatibility of the proposed development with national and local policy in respect of the generation of energy from renewable sources.

²⁷ SEI Figures 6.4 and 6.5.

²⁸ ID Appell 13.6.

²⁹ ID Appell 11.

³⁰ ID Other 45 and ID Appell 26.

³¹ ID Other 21.2 and CD F41.

I have also considered whether the benefits of the scheme would be sufficient to outweigh any harm that might be caused, and whether there are any other considerations which would justify allowing the appeal.

The appeal site and its locality³²

24. The appeal site is an elevated and exposed chalk down about 5 km south-west of Newport. The villages of Brighstone, Limerstone and Shorwell are situated within 1.5 km of the site. The site comprises undulating agricultural land, which rises from 40 m AOD in the east, to 195 m AOD towards its south-western corner. The Cheverton Down Bronze Age Barrow cemetery comprises 15 barrows, 6 of which are Scheduled Ancient Monuments (SAM), arranged in an east-west band on the northern side of a ridge, which crosses part of the appeal site. Brighstone Forest lies further to the north and west of the site. The Worsley Trail passes through the southern part of the land edged in blue on the application plan. The Tennyson Trail, from The Needles to Carisbrooke, passes through Brighstone Forest and to its north-east. These long distance trails across the island are well publicised and extensively used for recreation.³³ There is a Public Right of Way (PRoW) along Fern Bottom and a permissive bridleway which rises from it up to the appeal site. This joins another permissive bridleway that follows the track up Cheverton Down. This passes near to the proposed sites for T2 and T3. A further permissive bridleway extends from the Worsley Trail onto Cheverton Down.³⁴

The proposed development³⁵

25. The scheme proposes three Vestas V90 turbines, each with a generating capacity of 3 MW. They would have 45 m blades. The turbines would be located about 180 m above sea level, supported on reinforced concrete foundations of 15 m x 15 m and approximately 2.5 m deep depending upon geotechnical investigation. The appellants state that the scheme could power around 4,800 homes annually. A temporary site compound/storage area of about 1,470 m² would be provided during the construction, testing and commissioning phase. The control building would be approximately 12 m x 8 m and 2.6 m to eaves. The site would be accessed from Cheverton Shute, which is a continuation of Bowcombe Road. Internal access tracks would be 5 m wide during the construction phase and subsequently narrowed to 2.6 m wide for operations and maintenance vehicles. All on-site power cabling would be buried in trenches. Grid connection would be likely to be via underground cables along the public highway to the nearest 33 kV connection near Forest Road. At the end of its 25 year life the development would be decommissioned and the land restored.

Planning history

26. Planning permission was granted in 1995, and the permission renewed in 2001, for 3 turbines measuring 45.5 m to blade tip on a 30 m tower on the appeal site, but with different siting to that now proposed in the appeal scheme.³⁶ These are referred to as eT1-eT3 in this decision. Condition 5 states that all

³² Based on matters agreed in the SoCG at ID Other 54.

³³ Including the Isle of Wight Walking Festival, at ID Other 4, and Walk the Wight, an important fund raising event for a local hospice, at ID Other 47.

³⁴ The position of eT1-eT3 for the extant permission and T1-T3 for the appeal scheme are shown on ID Other 56 in relation to nearby PRoW and permissive bridleways.

³⁵ The description of the proposal is based on the SoCG and application drawings.

³⁶ CD A9 and A18.

construction traffic associated with the development shall approach the site via the applicant's farm and the roadway which presently serves Cheverton chalk pit and not under any circumstances use the Worsley or Tennyson Trails. A variation to allow an increase of blade length from 15.5 m to 22 m was permitted in 2002.³⁷ These permissions, which are not time limited, have been implemented by the commencement of foundation construction.³⁸ But no further work has progressed. The extant permission is the subject of a planning agreement concerning access.³⁹ I refer to this development as the '52 m scheme' in this decision.

27. The essence of any fall-back contention, as set out in *Martin Simpson and SoS and Medway Council*, is weighing any harm from the fall-back position against any harm from the proposed development.⁴⁰ Procedurally this requires an assessment of the appeal scheme, firstly on its own merits, and a determination as to whether the resultant benefits would outweigh any disadvantages, and so justify the grant of planning permission. However, if this balancing exercise were to have a negative outcome, with disadvantages outweighing benefits, it would then be necessary to consider the fall-back position, and to ask whether the appeal scheme should be judged to be acceptable in view of what would or might occur if permission for it were to be refused. I return to this in more detail later.

Planning policy

28. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The development plan for the area includes The South East Plan Regional Spatial Strategy, May 2009 (RSS), and saved policies in the Isle of Wight Unitary Development Plan, which was adopted in May 2001 (UDP). I was referred to many policies, but I have focused on those most relevant to the determination of the issues that arise in this appeal. I have taken into account the Government's proposed abolition of Regional Strategies. However, the progress of the Localism Bill is a matter for parliament, and there is no compelling evidence to indicate that much weight should be given to the Government's intention in the particular circumstances which apply in this case.
29. RSS Policies NRM13 and NRM14 set out targets for land-based renewable energy (RE), whilst Policy NRM15 concerns the location of RE development. The latter provides, amongst other things, that within AONBs development should generally be of a small scale or community-based. The supporting text adds that wind energy development should not be precluded in AONBs as there will be locations where small scale construction e.g. of between one and four turbines not generating more than 5 MW, can be accommodated where conflict with statutory landscape protection purposes in PPS7 can be avoided or minimised through careful siting and design. Policy NRM15 also provides that proposals should demonstrate that they would not undermine the objectives that underpin the purposes of the AONB designation. Policy C3 gives a high priority to the conservation and enhancement of natural beauty in the AONB,

³⁷ CD A17.

³⁸ It was suggested that the implementation took place one day after the planning permission expired, however, the Council's letter dated 18 March 2003 confirms that the excavation works of the eastern most turbine are in accordance with the approved plans. ID Other 50.112 and CD A16. The SoCG records the permission as extant, and in the absence of evidence to show otherwise, I have proceeded on this basis.

³⁹ ID Council 8.

⁴⁰ *Martin Simpson and SoS and Medway Council* CO/10703/2009 at ID Appell 5.

- along with emphasis to sustainably located and designed small-scale proposals. Cross-cutting Policies CC1 and CC2 concern sustainable development and climate change, respectively.
30. UDP Policy U18 provides for the production of energy from renewable sources subject to certain criteria, including that they would avoid and would not have an unacceptable adverse impact on the most sensitive areas of designated landscape, coastal, nature conservation or archaeological importance. The appellants refer to Policy B2, concerning the appearance, setting and/or the curtilage of a listed building, but this policy has not been saved.⁴¹ Policy B9 provides that development proposals likely to adversely affect archaeological heritage, directly or indirectly, would not be permitted. Policy B10 states, amongst other things, that development proposals likely to adversely affect an Historic Park or Garden or Historic Landscape of national or local importance, or its setting, directly or indirectly, would not be permitted.
31. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) provides that AONBs have the highest status of protection in relation to landscape and scenic beauty, where the conservation of the natural beauty of the landscape and countryside should be given great weight. It also sets out guidance for major developments in AONBs. Planning Policy Statement 22: *Renewable Energy* (PPS22) advises that planning permission for RE projects should only be granted where it can be demonstrated that the objectives of designation would not be compromised, and any significant adverse effects on the qualities for which the area has been designated would be clearly outweighed by the environmental, social and economic benefits. It provides for regional and local policies to set out the circumstances in which particular types and sizes of RE development would be acceptable in AONBs, and adds that small-scale developments should be permitted within AONBs provided that there would be no significant environmental detriment to the area. I refer also to the Companion Guide to PPS22 (PPS22CG), along with other national planning policy, where relevant.
32. A new version of the Core Strategy is being prepared for submission to the Secretary of State, but the parties agreed that this will not have material relevance to this appeal. Given its early stage, I concur that this work can be given little weight.
33. National Policy Statements EN-1 *Overarching Energy* and EN-3 *Renewable Energy Infrastructure* were designated, and the Draft National Planning Policy Framework (NPPF) published, after the close of the Inquiry. The parties were given the opportunity to comment on these, and I have taken their written responses into account. The NPPF is in draft form and subject to change, and so can be accorded little weight at this stage. However, it does indicate an intention to carry forward the policy about giving great weight to protecting landscape and scenic beauty in AONBs.⁴²

Reasons

Character and appearance, AONB and Heritage Coast

34. The Council's second and fourth reasons for refusal refer to the Tennyson Heritage Coast, which includes large areas inland of the coastline. But the

⁴¹ ID Council 5.

⁴² *Draft National Planning Policy Framework*, paragraph 167.

appeal site does not lie within the Heritage Coast. As far as the appeal scheme is concerned, there are no issues concerning the Heritage Coast that are not also relevant to the AONB, and so I do not refer to it as a separate consideration in this decision, but incorporate it into my findings about the AONB where relevant.⁴³

35. Some people appreciate the aesthetic qualities of large turbines, others do not. The extent to which views about their aesthetics are polarised is clear from the volume of written representations for and against this scheme. However, PPS22 at paragraph 19 advises that proposed developments should be assessed using objective descriptive material and analysis wherever possible even though the final decision on the visual and landscape effects will be, to some extent, one made by professional judgement. I consider that more weight should be given to the evidence adduced about landscape character and visual impact assessment than to the spectrum of response, or 'valency', which exists towards wind turbines. PPS22 advises that of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. Irrespective of whether people like to see turbines or not, it seems to me that they would be large utilitarian structures that would be fundamentally at odds with the natural beauty of the AONB.
36. Much was written and said at the Inquiry about landscape character and visual impact.⁴⁴ I also had the benefit of seeing for myself the site and surrounds, the wider area and its context within the island. I walked many parts of the extensive footpath network, and was able to do so at different times of day, and during different lighting and atmospheric conditions. From all the evidence before the Inquiry, the following distils out what I consider to be the most relevant considerations, in determining this appeal, concerning landscape and visual impact.
37. The site lies within Countryside Character Area 127 – Isle of Wight, the key characteristics of which include the chalk downs.⁴⁵ These are characterised by open rolling arable lands with remnant unimproved pasture on the steeper and usually higher areas. The description of landscape character notes that the chalk down land provides an impressive and hilly backcloth for the open rolling countryside of the southern coastal farmlands. The site also lies within the more local Landscape Character Type LCT1 Chalk Downs. This is described as having an open landscape with long vistas and distinct skylines. It is the most dominant landscape character type within the AONB. Key characteristics of LCT1 are that it is open and exposed with sparse hedgerows, has limited windswept and scrubby vegetation on the higher downs, and includes dominant chalk cliffs. LCT2 Traditional Enclosed Pasture Land is some distance to both the north and east of the appeal site. The lower slopes south of LCT1 are part of the Sandstone Hills and Gravel Ridges unit LCT5. A key characteristic of this area is the traditional sheltered settlements, and management aims include retaining the character of the rights of way network. LCT4 Southern Coastal Farmland lies between Brighstone and the coastline, and is described as having an open exposed feel, with a gently undulating land form. It contains a dense network of ancient tracks and paths running from settlements to the eroding

⁴³ I note that issues relating to the Heritage Coasts and AONB have since 1992 been incorporated into one overall AONB Management Plan. CD D3 page 9.

⁴⁴ Including expert evidence of Mr Stevenson for the appellants, Mr Bolt for the Council, along with comment from Mr Barnard and others for ThWART and interested persons. Mr Bolton's report for Natural England [CD F11] and Miss Bolger's report for ThWART [CD J6], which both deal with the 125 m scheme, provide some relevant background.

⁴⁵ ES Appendix 7.

- coastline, which is of key geological and archaeological interest. The Intensive Agricultural Land unit LCT3 lies further to the south-east.
38. The SEI states that significant character effects would occur where turbines would be said to characterise the landscape, whether as a wind farm landscape or as part of a local landscape with wind farm sub-types. It adds that the 110 m scheme would, theoretically, exert a locally characterising effect up to about 1.3 km to 2.2 km. I accept that in practice this effect would not extend far into the larger and denser woodland areas to the north of the appeal site. Similarly, the steep sloping land to the south would mean that the effect would not be so evident towards Moortown, Brighstone, Limerstone and Shorwell and beyond. I am not convinced by the Council's evidence that the 110 m scheme would have a substantial and significant/adverse effect on LCT2, LCT3 and LCT4. However, this would be so for LCT1. But given the topography, I find that the proposal would have a moderate effect on LCT5, only a slight effect on LCT4, and a negligible effect on LCT2 and LCT3. Visual effects might be evident from these more distance areas, and I consider this later.
39. The appellant's predicted wind farm landscape, where the turbines would be a defining characteristic, would be contained within LCT1, but on some of its highest ground. The turbines might well be additive, in the sense that they would add a feature and leave others untouched; and they would have some visual permeability, such that viewers could look between and beyond the structures. Neither factor seems to me to go very far in counteracting the effects of such large and utilitarian structures in this open and exposed down land. The SEI records that there would be significant direct character effects within the down land landscape. This effect would be limited geographically, and it would impact upon a landscape that is not unique or rare. But the proposal would, nonetheless, have a significant adverse effect on a scenic landscape within an AONB. I find that the proposal would have a substantial and detrimental impact on the landscape character of the area.
40. I turn next to visual effects. Both the appellants' and the Council's assessments stem from the guidance in the Landscape Institute's *Guidelines for Landscape and Visual Impact Assessment* (GLVIA). The Council's evidence adopts a more statistical approach so as to increase its objectivity, but this does not always make the subjective judgements inherent within the methodology readily apparent. Furthermore, it was acknowledged at the Inquiry that the Council's Zone of Theoretical Visibility (ZTV) had not, in some cases, been fully verified on the ground. I prefer the appellants' assessment, but I do not agree with all the judgements made in it.
41. There is a vast amount of evidence before the Inquiry about visual effects. This includes the appellants' viewpoint assessments from 16 locations in the SEI (View Points VP1-VP16), along with the visualisations in the wireframes for 37 residential test locations.⁴⁶ Many of the written representations and submissions to the Inquiry set out opinion and comment on the visual effects of the proposal from various vantage points and footpaths. I also rely on my observations made at site visits. I have taken into account all the evidence adduced, and from it synthesise below what I consider to be the most relevant considerations in assessing the visual effects of the proposed 110 m scheme on the following broadly defined six areas;

⁴⁶ SEI Table 7.1 and wireframes in Appendix 7.8.

1. the immediate vicinity of the appeal site,
 2. nearby settlements to the south of the site,
 3. between these settlements and the coastline,
 4. the Tennyson Trail and areas to the west of the site,
 5. areas to the north of the site, and
 6. areas to the east of the site.
42. Before looking at these six areas, I note that the appellants consider significant visual effects are likely to be found within a radius of up to about 4 km – 5 km, derived from judgements of change for *High* sensitivity receptors being of *Moderate/Major* significance and requiring only a *Medium* magnitude of change. This is considered to give rise to significant effects in terms of the EIA Regulations. With respect to long distance views, the appellants acknowledge that the appeal scheme would have significant visual effect from VP1, VP4 and VP5. Within the range from 4 km – 5 km to about 13 km the magnitude of change, the appellants submit, would drop below *Medium*. The appellants' case is that the 110 m high turbines would not give rise to a significant visual effect from VP8, VP9 or VP12. However, I do not consider that these more distant views are irrelevant in assessing the visual effects of such large structures for the purposes of assessing their planning merit. For the reasons set out below, I consider that the appellants' assessment underestimates how widespread the significance and impact of these structures would be. Nevertheless, I agree that beyond about 13 km the proposed wind farm would be likely to be perceived only in clear visibility conditions and would be seen as part of the wider landscape composition, albeit with the movement of blades likely to attract some attention.
43. In the immediate vicinity of appeal site and from the nearby footpaths I agree with the appellants that the scheme would have *High* magnitude and *Major* significance, as is indicated in the SEI for VP1. The turbines would have a dominating effect at such close range. This would have a damaging effect on the outlook from the 360 degree vantage point nearby at Limerstone Down. The gently rolling downs to the north of the Worsley Trail provide an interesting contrast or foil to the dramatic views down to the coastline in the other direction. The height and horizontal spread of the proposed turbines would blight this effect. The 800 m linear distance of the wind farm would extend this impact along a considerable length of the Worsley Trail.
44. Wireframes from the nearby settlements are provided for VP2 at Brighstone, VP3 at Shorwell, and for many of the residential test locations. The SEI accords VP2 and VP3 *Medium* magnitude and *Moderate/Major* significance. From open locations in these settlements all three turbines, or large parts thereof, would be seen from areas in Shorwell, Limerstone, Yafford and Thorncross, but from parts of Brighstone only one turbine above hub height would be seen and part of the blades of another, and all would be screened by the intervening ridge further west towards Moortown and Mottistone. For the settlements to the east and south of the site, I consider that the turbines would have a significant adverse effect on the attractive background to these areas.
45. The area between the above settlements and the coastline area is depicted by VP5 and some of the residential test locations. The SEI states that from VP5 the turbines would be perceived as lying behind the ridge, and gives this view *Moderate/Major* significance for focussed views, and less when taking the full

sweep into consideration. From residential test location 19 and VP5 it seems to me that the turbines would be higher than, or would compete with, the height of the ridges that step down to the coastal plain, and so the wind farm would effectively diminish the scale of the topographical features.

46. The area to the west of the appeal site includes the long chalk ridge that extends to the Needles, and incorporates an elevated section of the Tennyson Trail, which offers extensive coastal views. From VP12, at Tennyson's Monument, the hubs of all three turbines would appear on or above the skyline, when atmospheric conditions and lighting provided clear visibility at this distance of 11.4 km. In views along this part of the Trail the turbines would be prominent in the landscape because their scale would dominate the scale of the intersecting valleys and ridges that are a feature of the landform in this part of the island. I consider that the SEI finding of *Low* magnitude and *Moderate* significance underestimates how significant the wind farm would be in views from this part of the Tennyson Trail.
47. Areas to the north of the site encompass the area depicted in the views from VP9, VP10 and VP11. From VP9, at Arreton Down, the turbines would appear partly stacked with overlapping blade movement likely, at times, to draw attention to their size, along what is a long relatively flat skyline. VP10 is from Carisbrooke Castle. The SEI states that this view would be approaching, but falling just below the cusp of visual significance in this context. I disagree with the appellants' submission that the turbines would not be visually significant when considered within the whole width and depth of the panorama from elevated vantage points in the castle. From my site visit, I consider that the scale of the 110 m turbines would dominate the intersecting lower ridges apparent towards the end of the Bowcombe valley. From VP11, at Wellow, the hub of one turbine and parts of the blades of the other two would interrupt the long skyline. The wireframes from the residential test locations indicate that parts of blades of between one and three turbines would be apparent from this area. However, locations 11, 13 and 14 show that the view from this part of the B3323 would include all three turbines rising high above the sloping landform.
48. I consider next areas to the east of the site. The SEI gives VP4, at Chillerton Down, a *Medium/High* magnitude and between *Moderate/Major* and *Major* significance. It notes that turbines would be seen as standing 'sentinel' on the higher ground, which then drops to the coast in a broad and deep panorama. I consider that the dominant scale of the turbines in relation to the local topography would be particularly apparent from this vantage point. The chalk and gravel pits on the lower part of Cheverton Down are visible from the footpaths in this area. These are a scar in the landscape but their orientation, along with the fact that they are excavations, limits how widespread they are seen in the local area. This is evident from VP4. But this would not be so for the proposed turbines. From VP7, at Godshill, the SEI states that the turbines would be seen in a subordinate position with a tall communications mast nearby. However, the mast is a very slender structure and its visibility at these distances depends much on the lighting conditions. The mast would be higher than the proposed turbines, but does not draw the eye as would the moving turbine blades. From VP8, near Apse Heath, the turbines would appear above a long skyline, albeit at a distance of 11.5 km, and their prominence would depend upon atmospheric and lighting conditions. The same would apply to

VP16 at St Boniface Down, and to the panoramic view from Stenbury Down.⁴⁷ Site 18 of the residential test locations for this area to the east of the appeal site shows how the turbines would tower over the local landscape. This would also be so for the footpaths to the east of Shorwell.

49. Taking into account all the information available from the submitted documents, evidence at the Inquiry, and my site visits, concerning the likely effects of the proposed wind farm on the six areas outlined above, I find that the proposal would have a substantial and detrimental impact on attractive and important views in the local landscape.
50. I have also had regard to relevant documents concerning the likely effects of climate change on the landscape, for example the possibility of more severe summer droughts and winter storms.⁴⁸ For this to be an influential consideration, it would be necessary to demonstrate some more specific effects of direct relevance to the appeal proposal and its context. The appellants rely only on a general reference to accelerated coastal erosion. Not much weight, over and above that to be awarded to the benefits of RE in reducing greenhouse gases (GHG), can be given here to such generalised impacts of climate change.
51. The Council and the appellants agreed that at the time of the submission of the SEI there were no other relevant operational, consented or submitted proposals for wind farm development, which would give rise to a need for a cumulative assessment. ThWART argues that a scheme at Wellow was at scoping stage and that there was sufficient detail available for this to be included in a cumulative assessment. No convincing case for this was made at the Inquiry, and I concluded that there was no requirement to undertake a cumulative assessment.⁴⁹ The awarding of a site by the Crown Estate to Eneco for a wind park of between 150 and 240 off-shore turbines, some 8.4 miles to the south-west of the Isle of Wight does not, given the details available about this scheme, warrant such an assessment.⁵⁰
52. I assess next whether the proposal would, in RSS Policy NRM15 terms, undermine the objectives that underpin the purposes of the AONB designation, and whether it would accord with the advice in PPS22 about the objectives of designation not being compromised. These policy considerations cover the same issue, but the wording used does not lend itself to assessment by means of any objective test. Furthermore, I was not referred to any specific objectives or purposes for this AONB, but to the Statement of Significance in the statutory *Isle of Wight AONB Management Plan 2009-2014*. This is a material consideration, although not part of the development plan.⁵¹
53. The Statement, in what appears to be more inspirational prose rather than objective goals, sets out the special qualities of the AONB, including its; "majestic sea cliffs and sweeping beaches to the quiet solitude of ancient woodlands; the ever changing patchwork of worked fields to the timeless and enduring presence of the downs; the intricate inlets of tranquil creeks to the

⁴⁷ ID Other 20.1.

⁴⁸ ID Other 28.1, CD F2 and CD F12.

⁴⁹ I was informed in August 2011 that an application for a wind farm near Wellow had been submitted. However, as I was then minded to dismiss the appeal for the reasons set out in this decision, I considered that it would have been unreasonable to require a cumulative assessment.

⁵⁰ ID ThWART 7.

⁵¹ But to which RSS Policy C3 states local planning authorities should have regard in drafting local development documents.

long distance views from coastal heath and downland; the planned and manicured gardens...; the dark starlit skies; the winding paths, shutes and hollow ways in the countryside; place names and dialect to poetry, literature and art; isolated houses, hamlets and rural villages,...castles and tumuli; plants and animals..."⁵² It seems to me that underlying many of these qualities is a basic feature of the landscape, which is its landform.

54. Of the qualities cited above, NE in its analysis highlights the timeless enduring presence of the downs, and the long distant views from coastal heath and down land.⁵³ The Council considers that three of the objectives for the AONB would be compromised by the appeal scheme. Firstly, that the changes would be introduced into an area where the topography has resulted in a wide and broad landscape, with low and smooth landform with little vertical emphasis. Secondly, that the longer range views across the AONB would be compromised. And finally, that the attractive and uncluttered panorama from the sea cliffs and coast paths would be impaired.
55. Whilst the qualities of the AONB are expressed in the terms outlined above, the overall aim of the *AONB Management Plan* is to ensure continuity and consistency of management over time, and to conserve and enhance the natural beauty of the landscape for the use and enjoyment of future generations.⁵⁴ This is consistent with RSS Policy C3, which in turn accords with national policy; namely, that the purpose or objectives of AONB designation is the conservation and enhancement of natural beauty. A key element of the natural beauty of this AONB, as outlined above, is its landform, with rolling downs, long unbroken skylines, and intersecting valleys rising up from the coast. I have found that the proposed 110 m turbines with 45 m blades would dominate this landform, and so diminish its importance as a landscape feature. I find that the proposed development would, therefore, be inimical to the underlying objectives and purpose of the AONB designation. Some support for this conclusion comes from the SEI, albeit that this is made solely on the basis of landscape and visual effects. The SEI states that the 110 m scheme, in the absence of a previously consented wind farm, would run counter to the *AONB Management Plan's* preservationist aims and therefore should be regarded as adverse in that respect.⁵⁵ Furthermore, NE considers that the appeal scheme would adversely impact upon the landscape character and would compromise the objectives to conserve and enhance the Isle of Wight AONB.⁵⁶ I agree.
56. Even if I am wrong about this, and the appeal scheme would not compromise the designation of the AONB or undermine its objectives, PPS22 also advises that any significant adverse effects on the qualities for which the area was designated should be outweighed by the environmental, social and economic benefits. Whether the proposal would accord with PPS22 therefore depends upon the planning balance, which I deal with later.
57. The nexus between PPS7/PPS22 and RSS Policy NRM15 was highlighted in the Glyndebourne appeal.⁵⁷ However, neither national nor regional policy defines small scale development. The absence of a definition gives greater

⁵² CD D3 page 14.

⁵³ CD F11.

⁵⁴ CD D3 page 11.

⁵⁵ SEI paragraph 7.11.24.

⁵⁶ ID Appell 4.

⁵⁷ CD E1(m). The proposal was for one 850 kW turbine, 70 m high with 26 m blades, which the Inspector found fell well within the terms of the RSS illustration, and where the Secretary of State considered that the scheme would constitute the sensitive exploitation of a RE source without significant detriment to the AONB.

consequence to the example referred to in the supporting text to the RSS policy, even though it is just an illustration. The example indicates that relevant factors in assessing scale include both the number of turbines and their generating capacity. The appeal scheme, at 9 MW capacity, would significantly exceed the 5 MW cited in the example. I disagree with the appellants' submission that capacity is in itself irrelevant to the issue of impact. Capacity is dependent on the swept area of blades. Larger blades require higher turbines. Increased blade length and tip height give such structures greater scale, and increase their visual impact. Clearly the inclusion of a capacity limit in the RSS example is intended as a measure to restrict visual impact. The appellants point out that two 2.5 MW turbines, which might achieve a height of 110 m, would fall within the terms of the RSS example. But such a scheme would be unlikely, in my view, to have a comparable scale, or visual impact, to that of the appeal scheme.

58. The *AONB Management Plan*, insofar as it encourages the preparation of landscape and visual impact assessments to demonstrate how proposals would provide long-term, sustained support to the economic and social well-being of the local community, equates large scale RE developments with major infrastructure projects, and states that anything above domestic size would be medium scale. This is of little help in assessing what might be small-scale development for the purposes of applying national and development plan policy. The opinion expressed in the *AONB Management Plan* that commercial-scale wind turbine developments would be unacceptable within the AONB unless the requirements of PPS22 were fully satisfied, is even less helpful.⁵⁸
59. The *Renewable Energy Technologies in the Isle of Wight AONB*, was produced in 2010 by the AONB Partnership as part of the delivery plan of actions for the *AONB Management Plan*.⁵⁹ This states that notwithstanding other definitions of what is considered to be a large or medium scale wind turbine, the AONB Partnership considers that within the protected landscape a turbine of hub height from 30 m to 60 m would be medium scale, and over 60 m large scale. It concludes that turbines with a hub height over 30 m high would not be appropriate in the AONB. Such provisions, which are specific to this AONB, are relevant, and I don't dismiss them. Nonetheless, they are clearly difficult to reconcile with the provisions of the RSS, particularly as the *AONB Management Plan* states that, in terms of its legal status, it does not override other statutory plans or strategies, but seeks to support and influence them.⁶⁰ This limits the weight which can properly be accorded to specific management plan provisions where these differ from the development plan. Furthermore, in determining what is small-scale development, not much weight can be given to the work intended to inform the emerging Core Strategy, which assumes 2 MW turbines with 90 m diameter rotors for the purposes of evaluating search areas.⁶¹ PPS7/PPS22 and the RSS make no reference to blade size.
60. It seems to me that what is small scale for the purposes of applying relevant policy is a matter to be determined on the particular facts which apply, having regard to the example cited in the RSS, and giving limited weight to the local provisions for the management of this AONB. Taking all the above into

⁵⁸ CD D3 page 50.

⁵⁹ CD F36.

⁶⁰ CD D3 page 11.

⁶¹ *Windfarm Site Search Assessment* by URS at CD B27A and ID Other 36 re background to Core Strategy. The URS study found that an area at Rowridge/Cheverton would be suitable in principle for development with a capacity of up to 6 MW.

account, I do not consider that a wind farm of three 110 m high turbines with 45 m blades, extending over a linear distance of more than 800 m, and having a generating capacity of 9 MW, is small-scale development for the purposes of applying RSS Policy NRM15, or national policy. In any event, even if I am wrong about this, a finding that the proposal was small scale would not, by itself, secure compliance with relevant policy, because the proviso in PPS22 requires that there would be no significant environmental detriment to the area. I have found that the proposal would have a substantial adverse impact on the local landscape.

61. PPS7 does not define major developments. The only assistance it offers in this regard is to include proposals that raise issues of national significance within this policy. This suggests to me a high threshold for what might constitute a major development for the purposes of applying the national guidance. A development might be major because of factors like its size, importance or significance. A finding that the appeal scheme would not be small-scale development does not, however, imply that it is major development, for which, as I have indicated above, different criteria might apply. I disagree with the submissions by the Council and ThWART, and find that the appeal scheme, by reason of its size, importance or significance, would not be a major development to which the provisions of paragraph 22 of PPS7 should apply. Nor do I agree with ThWART's submission that the advice in PPS1 about design should be decisive here. The extent to which the design might be inappropriate in its context, or fails to take the opportunities available for improving the character and quality of the area and the way it functions, is a matter to be weighed in the planning balance.
62. On the first main issue, I consider that the proposed development would have a substantial adverse effect on the character and appearance of the area and on the AONB. I find that the proposed development would undermine the objectives that underpin the purposes of the AONB designation, and so would be contrary to RSS Policy NRM15. The appeal scheme would not be small-scale, and so would not benefit from the policy support for such development in the AONB.

Cultural heritage

63. The Council's Historic Environment Action Plan (HEAP) states that this area of the island has the greatest time depth in terms of visible landscape components.⁶² This prompted a dispute at the Inquiry, about whether the HEAP referred to layers of visible evidence across the ages, or an unchanging backdrop to the lower lying areas. However, the evidence about this did not throw much light on the cultural heritage significance of the downs, or the impact upon it of the proposed turbines.
64. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. PPS5 defines setting as the surroundings in which a heritage asset is experienced. I have also had regard to relevant advice and guidance about the setting of heritage assets.⁶³ From this, it seems to me, that the setting of listed buildings, the RPG and other heritage assets includes their surroundings, insofar as they provide local context that relates to and complements the appreciation and understanding of

⁶² ID Appell 3 and CD G3.

⁶³ CD G1 and CD G2.

- the heritage asset. In this regard, setting could be influenced by the extent to which a material change within it could affect the significance of the asset.
65. Northcourt House and its formal garden, woodland and parkland are nestled into the valley at Shorwell, with some of the woods and walks extending to higher areas. The garden forms the setting for the house, and so I deal with the house and garden together, rather than as separate designated assets. English Heritage's (EH) Register of Parks and Gardens records that Northcourt is one of the earliest manor houses on the island, begun in 1615, with surviving elements including a serpentine mount and walks from the seventeenth century, together with later gardens, parkland, and ornamental woodland in the Picturesque style.⁶⁴ The Garden History Society considers that Northcourt would be seriously affected by the proposed development because it argues that the re-landscaping carried out by Elizabeth Bull in the late eighteenth century and early nineteenth century extended to distant views as an essential part of the overall designed landscape.⁶⁵ The Society refers to a survey in 1791, which showed extensive terracing south of the house, ornamental woodland with a central axis to the west, a large walled garden to the north-west, and park pasture to the north. It also refers to books given to Elizabeth Bull, which are thought to be her likely inspiration for the re-landscaping. However, this is speculation.
66. There is no compelling evidence that the design was influenced by references to specific features in the wider landscape. After my site visit, I was left with the impression that the house and gardens have a strong sense of enclosure and confinement. In moving through the RPG, its various components and features appeared to be interrelated in a way that was intended to make visual and functional links within the house and garden more important than associations or connections with the wider landscape. I note that EH considers that the design is intended to serially unfold the landscape rather than at a particular point, such as a vista. It refers particularly to the view across the western part of the park in this regard. Nevertheless, it seems to me that the RPG has a setting which falls well short of Cheverton Down for the purposes of assessing the likely effects of the proposed turbines on that setting.
67. The appearance of parts of turbine blades on the distant skyline from some vantage points within the RPG would not be unduly intrusive in the largely self-contained landscape of Northcourt house and its garden. The front of the house faces away from the appeal site, but parts of the turbine blades would be visible from some windows, for example the window on the staircase. I have taken into account the simulation of blade movement, and submissions that where only part of blades appeared above the skyline their rotation would be seen to speed up as they flicked up and down.⁶⁶ I do not believe that the illustrations demonstrate that this would add significantly to the likely visual intrusion of the turbines. The wireframes and photomontages, even allowing for the fact that these do not portray blade movement, do not demonstrate that the proposed development would adversely affect the house and its RPG, or their setting. Notwithstanding the many submissions in this regard, the evidence adduced does not indicate that the likely effects on the setting of Northcourt house and the RPG would weigh significantly against allowing the appeal.

⁶⁴ CD G7.

⁶⁵ CD A5(jjj) and letter dated 9 May 2011 concerning the 110 m scheme.

⁶⁶ ID Other 55.

68. Wolverton Manor is a fine Elizabethan mansion, with a moat. The principal view of it is from the south-east, from which it is approached, with the downs as a backdrop. The appellants consider that Cheverton Down lies within the secondary, incidental, setting of Wolverton Manor, but note that the main views from the house are to the south-east and away from Cheverton Down. Nonetheless, the appellants acknowledge that the proposed development would have a moderate impact at a distance of 2 km on the setting of Wolverton Manor, which would result in some harm. I have had regard to the photomontages and wireframes, and find no reason to disagree. PPS5 Policy HE10.1 advises that any harm, arising from proposals that would not preserve those elements of the setting of a heritage asset that make a positive contribution to or better reveal the significance of the asset, should be weighed against the wider benefits of the proposal. The harm to the setting of Wolverton Manor is, accordingly, a factor to be weighed in the overall balance.
69. There is a dispute between the parties about whether the harm to the setting of a heritage asset falls to be considered under PPS5 Policy HE9.1, and subject to the development controls test therein. The policy states that significance can be harmed through, amongst other things, development within its setting. But the starting point for this policy is the presumption in favour of the conservation of designated heritage assets, and that this presumption is greater for more significant assets. The appellants' submission that HE9.1 is concerned only with physical intervention affecting the asset does not square with what it says. But I do not believe that it is of much consequence here, because the harm to the setting of Wolverton Manor would not be substantial harm, and PPS5 Policy HE9.4 would require a balancing exercise not dissimilar to that required by Policy HE10.1.
70. West Court is less formal than the houses referred to above, and it is located close to the toe of the slope to the downs. The B3399 curves around to the front and side of the house. The hub of two turbines and part of the blades of the third would be visible from the vicinity of West Court on the skyline above the down. The house would be seen in views from nearby footpaths with the turbines in the background, but I do not consider that the backdrop here forms part of the setting of the heritage asset, as it does for Wolverton Manor. I have had regard to historic links, in terms of farming practices, between the house and the sloping land on the other side of the road up to the downs. But this does not justify a finding that the proposed turbines would have a significant adverse effect on the setting of the house.
71. I do not consider that the proposed turbines would unduly affect the setting of Carisbrooke Castle because they would be seen to be at the far end of the Bowcombe Valley, where the effects would be more visual rather than impacting upon cultural heritage.
72. The construction of the turbines would not directly affect the barrows or the SAM. Nonetheless, EH considers that the proposed turbines would affect the ability to perceive them as funerary monuments, in an appropriate quiet and unmoving context, and so would adversely affect their setting.⁶⁷ However, this is a modern working farm, with large agricultural buildings nearby, and associated activity. The barrow cemeteries in the vicinity of the appeal site have been ploughed to the point where they are difficult to perceive visually. However, the appellants' concede that on the wording of UDP Policy B9 there

⁶⁷ English Heritage letter dated January 2011 at Appendix 3 to Mr Bourne's proof of evidence.

would be a marginal breach of the policy because of some slight effects on the setting of the archaeological remains.

73. Other than this consideration, I have had regard to the archaeological evaluation report and other relevant evidence, and believe that archaeological interests could be adequately safeguarded by the imposition of appropriate planning conditions. The proposal would conflict with UDP Policy B9 concerning archaeological features. However, I agree with the appellants' submission that the reference in this policy to conflicting proposals not being permitted, is at odds with the advice in PPS5 about applying a balancing exercise. This is a consideration which outweighs the conflict with UDP Policy B9.
74. The barn/store and wall at Cheverton Farm are curtilage listed structures, which would be affected by the proposed access off Cheverton Shute. The barn/store, which is proposed to be demolished and not replaced, is an agricultural building constructed of rubble stone, flint and timber. It joins directly to a low flint wall that otherwise forms a boundary to the land to the south. It was apparent from my site visit that the barn/store and boundary wall are not disconnected from the historic setting, as is argued by the appellants, but are an integral part of the enclosed courtyard farmstead.⁶⁸ The wall could be rebuilt, albeit with a different alignment, and given existing repairs to it, this would be unlikely to significantly affect the historic value of the farmstead. However, the loss of the barn/store weighs heavily against granting planning permission for the appeal scheme, because it would have an adverse effect on the integrity of the listed building, and would conflict with the presumption in favour of the conservation of designated heritage assets in Policy HE9.1 of PPS5.
75. I have taken into account the likely effects of the proposal on Conservation Areas, including those at Brighstone, Shorwell and Carisbrooke. However, given the separation distance and the local topography, I consider that the proposed wind farm would have a neutral effect on the character and appearance of these areas. The turbines would not affect the setting of the many other listed buildings and gardens in the wider area, including those at Appuldurcombe House, because the settings of these assets are confined to their more immediate surroundings. The likely effects of climate change on heritage assets is a material consideration, but not a factor here which would attract additional weight, over and above that to be awarded to the GHG reduction benefits of this RE project, in terms of Policy HE1.3 of PPS5.⁶⁹
76. On the second main issue, I find that the proposal would not have a significant adverse effect on Northcourt House and its registered garden or their setting. However, the proposed development would have an adverse effect on the setting of Wolverton Manor, some slight adverse effect on the setting of the archaeological remains, and would result in the loss of a heritage asset at Cheverton Farm. These are matters, especially the latter, that weigh against allowing the appeal, and so, in accordance with the guidance in PPS5 Policy HE1.3, are considerations to be balanced against the public benefit of mitigating the effects of climate change.

⁶⁸ Taking into account the Historic Building Assessment, representations on the Listed Building Consent application, and submissions to the Inquiry. ID Other 16.1 and 16.2.

⁶⁹ CD G4.

Living conditions

77. Many local residents raise concerns about the effects of the proposed turbines on the outlook from their properties. Wireframes were submitted for 37 residential test locations, and I was able to assess the likely impact on dwellings from these, and from my accompanied and unaccompanied site visits. Although on the latter it was necessary to make judgements from public vantage points. The turbines would significantly alter the view or outlook from many dwellings and their associated amenity space. However, this is not a decisive consideration. The issue is whether the number, size, layout and proximity of wind turbines would have such an overwhelming and oppressive visual impact on a dwelling and its garden that they would result in unsatisfactory living conditions, and so unacceptably affect amenities and the use of land and buildings which ought to be protected in the public interest.
78. The nearest dwellings to the proposed wind farm site are located to its south, on the lower slopes of the downs. In these locations the intervening ridge would restrict what could be seen of the turbines. For example, from Coombe Farm and nearby dwellings, which would be about 900 m from T1, most of the tower would be screened, but the hub and blades would be visible above the ridge.⁷⁰ T2 and T3 would not be visible. I saw at my site inspection that properties in this area have extensive amenity space, along with rooms and living spaces that face towards the proposed turbines. However, given the intervening distance and the local topography, I do not consider that what could be seen of the wind farm would have a dominating effect on the outlook from these properties. The wireframe for Blakes, which would be some 950 m from the nearest turbine, indicates a theoretically similar view to that from Coombe Farm, with the additional blade tip of T2 visible above the ridge.⁷¹ But the existing mature trees in the nearby area to this property and its outbuildings provide considerable screening. Even without the existing vegetation, I do not consider that the turbines would have an overwhelming or oppressive effect on the outlook from Blakes.
79. Some residents might find the movement of blades distracting or annoying and I have had regard to the simulation from Hill Top, a property off Moor Lane.⁷² However, such an effect at this distance would be unlikely to significantly detract from the residential amenity of the dwelling. The proposed turbines would not be so high or so close to the nearest dwellings that they would have an unacceptable dominating impact. Other dwellings that would be sited further from the proposed wind farm, such as Northcourt Farm, at about 1.2 km, and properties in Moortown, some 1.4 km away, would be even less affected. I do not consider that the proposal would have an overbearing or oppressive effect on dwellings in the locality that would adversely affect the living conditions of occupiers.
80. There is also local concern about noise and disturbance, and the effects of the turbines on the tranquillity of the area. PPS22 provides that RE developments should be located and designed in such a way so as to minimise increases in ambient noise levels. PPS22CG endorses the recommendations in ETSU as relevant guidance on good practice. ETSU is not, therefore, to be interpreted as statute or applied inflexibly, especially as the document describes a framework for the measurement of wind farm noise and gives indicative noise

⁷⁰ SEI Figure 7.9A.

⁷¹ SEI Figure 7.9B.

⁷² ID Other 55.

levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens of developers or local authorities. The noise limits set out in ETSU are fixed limits of $L_{A90,10min}$ 35-40 dB during the day and 43 dB during the night (with higher limits for dwellings with a financial interest in the scheme), or 5 dB above the prevailing background level, whichever is the greater.

81. The evidence before the Inquiry, which is not disputed by the Council, is that the proposed development could comply with these limits. Given the distance to the nearest dwellings, along with the local topography, I do not consider that there are any special circumstances or factors which would apply here to indicate that both construction and operational noise from the proposed wind farm could not be adequately controlled by the conditions suggested to the Inquiry. Cheverton Down is a quiet rural area and the noise from the turbines would, at times, be heard by those using the nearby PRoW and permissive bridleways. It would to some extent impair the tranquillity of the area, but for those travelling along the paths it would do so for a limited time. There is no evidence that the likely noise levels would have a significant effect on those passing by. There is no compelling evidence that the proposal by reason of shadow flicker, low frequency noise or other emissions would affect sleep or the mental well-being of those living nearby.⁷³
82. On the third main issue, I do not consider that the proposed development would have a significant adverse effect on the living conditions of those residing nearby by reason of outlook and visual amenity, or noise and disturbance. The proposal would not unduly affect other land uses and activities in the locality on these grounds.

Ecology and protected species

83. The Isle of Wight is acknowledged as an important area for bats, with 12 species recorded within 5 km of the appeal site, including three rare woodland species; Barbastelle, Bechstein and grey long-eared. All UK species of bats are protected under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).⁷⁴ The Council took no issue about bats, but both ThWART and interested persons presented substantial submissions.
84. ThWART is critical of the bat surveys undertaken by the appellants on the grounds of inappropriate timing, for example during high winds or low temperatures when no bats would be present, and insufficient radio tracking to establish whether there was a Barbastelle maternity roost in Brighstone Forest.⁷⁵ It argues that the survey work carried out is inadequate to show that there would be no significant adverse impact on bats.
85. Survey work extended over three years and employed a range of survey methodology, including mist netting, radio tracking, walked transects and static detectors.⁷⁶ I am satisfied that there was adequate survey coverage during the

⁷³ ID Other 35 and ID Other 47.

⁷⁴ Regulation 41 prohibits the deliberate injury or killing of bats and their deliberate disturbance. However, NE may grant a licence to do so under Regulation 53 for imperative reasons of overriding public interest, providing there was no satisfactory alternative and authorisation would not be detrimental to the maintenance of the population of bats at a favourable conservation status in their natural range.

⁷⁵ ThWART refers to guidance by Eurobats at CD H1 and to the Bat Conservation Trust Survey Guidelines at ID Other 3.9, whilst the appellants rely on Natural England's guidelines at CD H2.

⁷⁶ I have had regard to the version at ID Appell 28 rather than the version at SEI Appendix 8.9, which contains some presentation errors.

spring period, and that differences in patterns of bat behaviour between the years does not discredit the validity of the results. Radio tracking is an intrusive method that can cause stress to bats. It seems to me that the extent to which it is employed in any particular survey is a matter of judgement for the experts involved. I draw no adverse inference here from the way that radio tracking was used.

86. Furthermore, there is no reason to doubt that NE would have intervened or expressed criticism had it considered the survey work to be deficient, as it did in March 2009.⁷⁷ However, NE stated in September 2009 that it was pleased with the methodology used, the activity and capture surveys including radio tracking and, on the assumption that the automated bat detector data for the autumn months did not radically alter the findings, which was later confirmed in January 2010, NE was satisfied with the level of detail and discussion within the documents submitted.⁷⁸
87. ThWART maintains that Brighstone Forest should qualify for designation as a Special Area of Conservation (SAC) on the basis of a Barbastelle maternity roost in the forest. On the evidence before me, this remains unproven. I also note submissions that in the proposed layout a hedge would be closer to the turbines than the minimum separation distance specified in the NE Guidelines. But the letter from NE, dated September 2009, states that its opinion on the application had been guided by the careful siting of the proposed turbines in accordance with NE's guidelines.
88. The conditions suggested, were planning permission to be granted, would require both monitoring and mitigation, along with proposed measures to enhance bat habitats, such as woodland management, bat boxes, and grassland management.⁷⁹ The mitigation measures proposed, which arise from the survey work on the site, propose that the cut-in wind speed for the turbines would be increased to 5.5 m/s at 16 m above ground level during periods when the air temperature was 12 Celsius or warmer, during the hours of darkness in the months of April to October. ThWART is critical of these measures because it considers that shutting down the turbines at specific times, wind speeds and temperatures is untested in the UK, and in any event would only reduce the frequency of collisions and barotrauma, and not avoid them all together. The appellants' expert evidence, which reviewed collision risk for each species, was that with the proposed mitigation the collision risk threat to bat populations would, for all species, be low or negligible, in that collisions would be unlikely or at worst very infrequent, or less likely.
89. Monitoring bat collisions would not be without some practical difficulties, but it is likely that it would be able to detect any significant bat strike. The proposed restrictions on operating times are precise and readily enforceable. The land management measures proposed would also be of some benefit to local bat populations. The mitigation measures would be an important consideration is assessing the risk to bats from the turbines. Furthermore, it is evident that NE takes a different view from ThWART about the likely effectiveness of the proposed mitigation measures. NE advised by letter dated 8 April 2011, in response to notification that the Inquiry was proceeding on the basis of the amended scheme, and having benefit of the additional information submitted to the Inquiry, that it had no objection to the proposed development

⁷⁷ CD A5(n).

⁷⁸ CD A5(m) and CD A5(l).

⁷⁹ CD H6.

- concerning bats.⁸⁰ I assign a lot of weight to NE's views because it is the authority that would be responsible for any licences granted under the Habitats Regulations.
90. ThWART and interested persons brought a lot of useful local knowledge about bats to the Inquiry, which was well supported by written expert opinion, but I give preference to the appellants' expert evidence, because the work on which it is based is supported by NE. The many gaps in scientific knowledge about the behaviour of rare bat species were evident at the Inquiry; for example little is known about possible migration, flight paths and heights. NE, in concurring with the appellants' conclusions, acknowledged that an assessment of risk is difficult to make when such little evidence base is available nationally. However, I am satisfied that the amount and quality of the evidence before the Inquiry is adequate for me to make a judgement, in deciding whether planning permission should be granted, about risk to, and the likelihood of any criminal offence being committed against, protected bats.
91. The judgement in *Woolley v Cheshire East Borough Council and Another* is relevant in this regard.⁸¹ Taking into account the proposed mitigation measures, it seems to me unlikely, were planning permission to be granted, that a licence from NE might be required. Furthermore, were monitoring to discover bat deaths, notwithstanding the mitigation measures, the wind farm operator would either need to apply further mitigation or apply for a licence. The appellants are not confident, were such circumstances to arise, that the rigorous tests for the latter could be passed, and that further mitigation would not only be preferable, but would also be required by law irrespective of the conditions imposed on any planning permission. I find in the circumstances applying here that likely harm to bats is not a consideration which, by itself would justify dismissing the appeal, or would weigh significantly against the proposal.
92. The Inquiry saw dramatic video of a wind turbine bird strike in Crete, and photographic evidence about herring gull deaths from small turbines.⁸² However, there is no compelling evidence that the likely effects of the appeal scheme on birds would be significant in terms of relevant nature conservation policy. There is local concern about the effects on other wildlife, but I am satisfied that these were adequately assessed in the ES.⁸³ The effects on local ground water, springs and land slip were also raised by local residents as possible adverse effects of the wind farm. These are matters that could be adequately addressed by approving construction methods, which could be the subject of a planning condition.⁸⁴
93. On the fourth main issue, I find that the likely effects of the proposed development on wildlife, whilst not benign, would not materially weigh against allowing the appeal. Subject to the imposition of appropriate planning conditions, I consider that the proposal would not have a significant adverse impact on the interests of ecology and nature conservation. I find no conflict with the guidance in PPS9.

⁸⁰ ID Appell 4 and ID Appell 29.

⁸¹ ID Other 3.4.

⁸² ID Other 35 and ID Other 43.

⁸³ ID Other 21.1.

⁸⁴ ID Other 22 and ID Other 47.

Socio-economic effects

94. ThWART and many others in written submissions and evidence to the Inquiry, consider that the proposal would adversely affect tourism, which is so important to the economy of the island.⁸⁵ Various surveys, studies and questionnaires were submitted in this regard.⁸⁶ Those studies which are prospective are easily criticised on the grounds that there is no guarantee that opinions would equate to actual responses to any change. In retrospective studies, it is not usually possible to say what would have happened had the change not occurred. Methods to try to quantify the effects of turbines on tourism in monetary terms are particularly fraught with difficulty.⁸⁷ None of the studies presented to the Inquiry provide useful insight into the likely effects of the proposed turbines on tourism. The harm I have identified to landscape character and the AONB might detract from the recreational experience of those who come to the area to enjoy these attributes, but there is nothing to demonstrate that this would deter them from coming in numbers that would significantly impact upon the tourist economy.
95. I appreciate concerns about the effects on specific local enterprises. Uncertainty about the likely implications of change to this landscape is understandably a matter of some anxiety for those making investment decisions about tourism infrastructure and local businesses. However, for this to weigh significantly against allowing the proposal there would need to be some evidential basis for finding that the turbines would materially affect tourism, and the evidence presented to the Inquiry falls short of doing so.
96. Limerstone Down is a favoured location for hang gliding and paragliding.⁸⁸ It is a good take-off point for cross-country flying, allowing for a wide range of wind directions, with lower fields for landing if required. However, I am not convinced that the proposed turbines would necessarily mean that flying from this site ceased. No doubt such high and moving structures would add to the safety risk. But experienced flyers use Chillerton Down, notwithstanding the existing television mast. Those who considered the risk to be too high would be forced to use other, perhaps less desirable, locations, but it seems to me that the financial effects of doing so would be unlikely to have a significant impact on the island's tourist economy. This is not a consideration which weighs heavily against allowing the appeal.
97. The effect of the turbines on equestrians was raised.⁸⁹ The nearest bridleway that is a public right of way would be some 250 m from the turbines. This would exceed the 200 m exclusion zone advocated by the British Horse Society, and cited in PPS22CG. The permissive bridleway would run close to T2 and T3. But these could be closed, albeit at a cost to the landowner.⁹⁰ Whilst this might necessitate the use of other routes, it is not a consideration of much significance in determining this appeal. The scheme would not be likely to pose a significant risk to those nearby by reason of ice throw or blade failure. I do not consider that the likely effects of the proposed wind farm on equestrians would weigh significantly against the proposal.

⁸⁵ ID Other 10, ID Other 38, ID Other 2.1 and 2.3.

⁸⁶ Mr Stewart's Appendices 5-8, ThWART's evidence concerning studies in Scotland and Wales, ID Other 52.

⁸⁷ CD L3.

⁸⁸ ID Other 35.

⁸⁹ ID Other 7.

⁹⁰ ID Apell 24.

98. I turn next to employment considerations. Some jobs would be created during the construction phase, but few during the operational lifetime of the wind farm. The ES considered direct employment to have a negligible magnitude of benefit.⁹¹ However, the appellants argue that the high value attributed to this scheme in terms of the vitally important research and development function of Vestas on the Isle of Wight should be given significant weight.
99. Although any planning permission granted for the appeal scheme would run with the land, the unilateral obligation specifies a requirement for Vestas V90 turbines. It is not disputed that this would be necessary and reasonable, and on the basis that this was the model of turbine used in the SEI assessment, I have no reason to find otherwise. The Inquiry was advised that a contract is in place for Vestas to supply the three turbines, although this was not submitted for reasons of commercial confidentiality. The contract provides that Vestas would have access to the proposed wind farm to provide for the testing of blades, but the details are not before the Inquiry. For Vestas, having V90 turbines on an operational wind farm so close to its research centres might be of some commercial advantage in terms of testing technology, and it might also have some promotional value. Vestas currently employs over 200 people on the island and a new facility designed for up to 390 employees is soon to open. These centres, as I saw on my accompanied site visit, host extensive blade design, prototyping and test facilities. I do not underestimate how much the link between the proposed wind farm and Vestas would be beneficial for the company. But how much this would translate into matters of public interest, and planning benefit, such as local employment or economic effects is more difficult to establish.
100. No clear provisions for testing alternative blades were presented to the Inquiry. The lack of transparency concerning the commercial agreement between Vestas and CLP makes this a difficult consideration to assess. The summary of the legal position indicates only that research would be permitted. Without more certainty about the nature of the research, and its likely benefits to employment provision on the island, it is difficult to give the link between Vestas and the proposed wind farm the substantial weight accorded to it by the appellants. Nevertheless, the link would be beneficial, and I give it some weight, but it is unlikely to be a decisive consideration. Other possible benefits such as land management and associated ecological benefits, along with use of the wind farm as an educational resource would not be very significant in comparison with the more weighty considerations that apply in determining this appeal.
101. On the fifth main issue, the proposed wind farm would result in some disadvantage to specific recreational interests, but there is no evidence of any likely significant overall harm to tourism on the island, or to the tourism economy. The scheme would have some limited benefits from the additional employment it would create, and from the link with Vestas research centres on the island.

Renewable energy

102. RSS Policy NRM13 advises minimum regional targets for RE electricity generation, by the development and use of all appropriate resources and technologies. These include installed capacity of 620 MW by 2010, 895 MW by 2016 and 1,130 MW by 2020. RSS Policy NRM14 includes indicative sub-

⁹¹ ES 14.6.10 and 14.6.11.

regional targets for land-based RE. For Hampshire and the Isle of Wight these are 115 MW by 2010 and 122 MW by 2016. No up to date information is available for Hampshire, but the latest data for the Isle of Wight indicates an installed RE capacity of about 3.4 MW and permitted schemes of about 20 MW capacity.⁹² ThWART submits that the schedule of RE projects on the island indicates a rapidly increasing trajectory of schemes coming forward to meet the island's targets, and that there is every chance that these would be met without the need for the appeal scheme. Others at the Inquiry argue that private and community based projects should be preferred, and priority given to other forms of RE, such as tidal power, photo-voltaics, and off-shore wind farms.⁹³ However, the Council accepts that the region and the island still fall short of their targets. Even with optimistic assumptions about the completion of new RE schemes, a significant shortfall in meeting targets is likely. Many submissions to the Inquiry questioned the effectiveness of wind energy, but it is part of the mix of technologies which the Government foresees will provide the required RE to reduce GHG.⁹⁴

103. The appellants refer to the Renewable Energy Strategy and the EU Renewable Energy Directive 2009, which commits the UK to securing 15% of its energy requirements from renewable sources by 2020, and the requirement to maintain a reasonable trajectory towards the achievement of targets.⁹⁵ It is stressed that progress through the granting of planning permissions must be maintained if targets, and the legal obligation on the UK Government, are to be met. The appellants submit that this is a material consideration of very considerable importance, and is not simply just another part of the planning balance. It is not necessary to set out in any more detail matters about energy policy, which is the subject of an agreed appendix to the SoCG, except to comment on a difference between the Council and the appellants about the policy implications of a target shortfall.

104. I note that in the Crook Hill appeal it was found that the following submission; "Thus, the greater the need by reference to national and regional targets then the greater the weight that should attach to renewable energy proposals", had considerable force.⁹⁶ However, it seems to me that a shortfall in meeting targets would indicate a need for more sites to come forward, not that those which do should be permitted to result in more harm than would be so were targets being met. I think it unlikely that this would have been the construction on which the Crook Hill decision was based, because awarding greater weight in proportion to target short-fall would directly apply strategic targets to individual planning applications, which would conflict with the guidance in paragraph 16 of PPS1Supp. Furthermore, PPS1Supp advises that the remedy for consistent under-performance against planned outcomes should be a policy and implementation response. The Court's finding that the Inspector had come to a rational reconciliation of the apparent conflicts between PPS1Supp and PPS22 in the Carsington appeal, must have had regard not only to his view that it would be irrational to keep individual planning applications and regional targets completely separate because targets would only be achieved by an accumulation of individual proposals, but also to his interpretation of paragraph 16 of PPS1Supp; that it proscribes assessing

⁹² ID Other 46.3.

⁹³ ID Other 17.

⁹⁴ ID Other 47 and ID Other 53.

⁹⁵ CD B4 and CD B8.

⁹⁶ CD E1(u).

individual proposals directly by reference to regional targets, for example by allowing an application because there was a shortfall against a target.⁹⁷

105. The scheme would have a capacity to generate 9 MW of renewable energy, with only a small reduction predicted to comply with limitations to safeguard bats, as outlined above. The proposal would, cumulatively, make an important contribution to meeting targets and to reducing GHG. On the sixth main issue, I find that, in accordance with relevant policy, significant weight should be given to the RE benefits of the proposed development.

Other matters

106. It is national policy that the time-limited nature of wind farms is likely to be an important consideration when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets.⁹⁸ In the event that planning permission was granted for the appeal scheme the unilateral obligation would prevent completion of the 52 m scheme after the end of the 25 year period. It would also provide for decommissioning. So the site could be restored with no lasting effects on the AONB at the end of the period. Nonetheless, this would be a long time for a designated national asset to endure the scale of the harm I have identified. The temporary nature of the permission would not, in the circumstances which apply here, be a forceful consideration.
107. I was referred to the appeal decisions for Caton Moor and Goonhilly wind farms, both of which are in AONBs.⁹⁹ These were for re-powering schemes, which might on that basis have some similarities with the appeal before me if the appellants' submissions about the fall-back position were to be accepted. I deal with this later. However, decisions such as these in scenic areas depend crucially on the particular circumstances and specific impacts. It is therefore difficult to draw more general conclusions which might have wider applicability. The appellants' reference to these appeal decisions adds little to their case.
108. Provision would exist to deal with any television interference, and whilst the transport of large structures on the local roads would be likely to cause some inconvenience, this would only be for a short duration. The imposition of planning conditions could deal appropriately with many of the other concerns raised by local residents. For example, the relevant authorities have not requested provision of air safety lighting, and a condition was suggested by the appellants to preclude such lighting. There is considerable public support for the appeal scheme with many people stressing the benefits of the proposal in terms of energy security, improved air quality and the achievement of the objectives of *EcoIsland The Isle of Wight's sustainable community strategy*.¹⁰⁰ These are all considerations which I have taken into account in the following balancing exercise.

Planning balance

109. There is strong policy support for RE at all levels. PPS1Supp stresses the urgent need for action on climate change. It is a key principle of PPS22 that the wider environmental and economic benefits of all proposals for RE projects,

⁹⁷ CD E1(r) and Mr Stewart's Appendix 2 which cites the *Derbyshire Dales District Council* judgement [2009] EWHC 1729 (Admin).

⁹⁸ *National Policy Statement for Renewable Energy Infrastructure* (EN-3), paragraph 2.7.17.

⁹⁹ CD J2, CD E1(n) and Mr Stevenson's evidence.

¹⁰⁰ ID Other 17, ID Other 27-31, ID Other 49 and ID Other 51.

whatever their scale, are material considerations that should be given significant weight. PPS22 also provides that RE developments 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. This requires a balancing exercise. If, having full and proper regard to all relevant considerations, the benefits of the scheme would outweigh the disadvantages then the environmental impact would be satisfactorily addressed. The converse must be that if disadvantages outweighed benefits unacceptable harm would result, and the proposal would conflict with the guidance in PPS22 because the environmental impact would not be satisfactorily addressed.

110. The proposal for three 110 m turbines would have significant RE benefits. Cumulatively it would make a useful contribution to meeting targets and the overall national aims for generating energy from renewable sources. This is a consideration which weighs heavily in favour of allowing the appeal. In addition, there would be some, but limited, benefits to the local economy from the link with Vestas' research centres on the island. Against this must be weighed the substantial detrimental impact on the character and appearance of the area, taking into account that great weight should be given to the conservation of the natural beauty of the landscape and countryside in the AONB. In my judgement, the adverse impact on the AONB would outweigh the benefits of the appeal scheme. The loss of the barn/store heritage asset at Cheverton Farm would tip the balance even further against granting planning permission for the appeal scheme. I find that the disadvantages of the 110 m scheme would far outweigh its benefits.
111. In dealing with the proposed development on its own merits, I find that it would conflict with UDP Policy U18 because it would have an unacceptable adverse impact on the most sensitive areas of designated landscape. Reading the development plan as a whole, taking into account the targets in RSS Policies NRM13 and NRM14, the aims of NRM15, along with Policy C3 and the cross-cutting Policies CC1 and CC2, I find that the proposed development would not accord with its provisions. Furthermore, its significant adverse effects on the qualities of the AONB would not be clearly outweighed by the environmental, social and economic benefits, and so it would conflict with the advice in PPS22. The harm and policy conflict I have identified would, in the absence of the extant permission, justify dismissing the appeal. Given this finding, I turn next to the fall-back position.

Fall-back position

112. It is necessary to consider the likely outcome were the appeal to be refused, and to compare the harm identified above from the appeal scheme with any harm from this alternative outcome. Relative harm in this context, where a balancing exercise is involved, is a measure of the extent to which disadvantages outweigh benefits. A finding that the harm, attributable to the likely outcome in the event that the appeal was dismissed, would be no worse, or worse, than that which would be likely to arise from the appeal scheme, might be a consideration that could justify allowing the appeal.
113. It was established in *South Buckinghamshire District Council v SoSE* that the likelihood of the alternative operations being carried out has to be established, and that unless these are a realistic possibility it would be *Wednesbury* unreasonable to treat the harm that would result from them as a reason for

granting planning permission for the development.¹⁰¹ The Council considers that there is significant doubt about the financial viability of the scheme, along with legal and practical difficulties with its access arrangements, such that it would be unsafe to proceed on the basis that the fall-back scheme would be implemented, and so it should not be regarded as a material consideration. ThWART also argues that the existing permission has no realistic chance of being implemented because of its commercial viability, and no apparent legal rights of passage over all the required access route. The appellants submit that it would be possible to comply with the provisions of the obligation and the condition, but also question the enforceability of the agreement and the lawfulness of the condition. These disputes might ultimately be for the Court to decide, but for the reasons set out below, they are not matters about which it is necessary for me to come to a view in dealing with this appeal.

114. The evidence before the Inquiry indicates that completion of the 52 m scheme would not be a straightforward exercise. Financial viability might be affected by various factors, and securing access looks problematic. However, these are matters for which solutions might reasonably be found in time. I am not convinced that there is no reasonable prospect of building out the consented scheme. There can be no certainty about whether it would be completed or not. Having regard to all the evidence about the legal, technical, practical and financial grounds argued in considerable detail at the Inquiry, I find that the fall-back position passes the 'realistic possibility' test set out in *South Buckinghamshire District Council v SoSE*. It is therefore necessary to consider a balancing exercise for the fall-back scheme, along the same lines as that undertaken above for the 110 m scheme; to deal with character and appearance, cultural heritage, living conditions, ecology, socio-economic impact and the benefits of RE, so as to provide a comparative basis.

Fall-back: character and appearance

115. The siting of the 52 m scheme is different to that now proposed in the 110 m scheme.¹⁰² Turbine T1 of the appeal scheme and eT2 of the consented scheme are located close together, as are T2 and eT3. Turbine eT1 of the 52 m scheme is set further to the south and closer to Limerstone Down, on a slightly higher part of the appeal site. T3 in the 110 m scheme is proposed more to the east, and on a lower part of Cheverton Down. The fall-back scheme would have a hub height of 30 m compared with 65 m for the appeal scheme, and blade sweep of 44 m diameter compared with 90 m for the 110 m scheme. The difference in scale would have important implications in terms of visual impact in the local landscape and likely effects on the AONB. The ZTVs indicate areas where none of the 52 m turbines would be visible, but all three of the 110 m turbines would be apparent, unless screened by features in the immediate locality not accounted for in the ZTVs.¹⁰³ I highlight some of these areas below. I have also compared the wireframes for the 110 m scheme and the 52 m scheme.¹⁰⁴

¹⁰¹ Cited in *Martin Simpson and SoS and Medway Council* at ID Appell 5.

¹⁰² Siting for the 52 m scheme is shown on ES Fig. 2. ID Other 56 shows the siting of both schemes in relation to public rights of way and permissive bridleways.

¹⁰³ I was invited at the Inquiry to compare in detail the differences between the ZTVs. I have relied on the ZTVs submitted with the SEI. My findings are based on a comparison between Figure 7.8b for the 52 m scheme and Figure 7.6b for the 110 m scheme, to blade tip height, and which both include provision for woodlands and settlements.

¹⁰⁴ View Points 1-16 in SEI Vol.II Figure 7.7 series for 110 m scheme compared with the SEI Appendix 7.9.

116. The SEI acknowledges that the 110 m scheme would give rise to a greater range of significant visual and landscape effects compared to the consented scheme.¹⁰⁵ But the appellants argue that the nature of these effects would be noticeably less because of the difference in rotational speed, layout, and most importantly, the potential to time limit the 110 m scheme. The blades of the smaller scheme would rotate significantly faster than the larger blades of the 110 m scheme.¹⁰⁶ I acknowledge that some people might find this more annoying or distracting. In the immediate vicinity of the turbines this might be of some significance, but I consider that the effect would rapidly diminish with distance. There may be some anecdotal evidence about blade speed and annoyance, but in the absence of any research to quantify this effect it is not a factor which can be given much weight in differentiating between the consented and the appeal schemes. I find the appellants' submission that the consented scheme would be less pleasing than the appeal scheme, because the former would be unbalanced and have a disjointed appearance, far from convincing. I see no reason why a triangular layout should somehow be more unpleasant than a linear layout. Particularly as the latter would result in stacking, where overlapping blade movements would be apparent in views along the row of turbines. I deal with the time limit consideration later.
117. In terms of effects on landscape character, the consented scheme would, on the appellants' evidence, result in a theoretical wind farm landscape within 300 m of the turbines, whereas the corresponding distance for the appeal scheme would be 650 m. Not only would this differential be significant, but the linear layout of the 110 m scheme would mean that the theoretical wind farm landscape would encompass a much larger area, including longer sections of the Worsley Trail and the footpaths along Fern Bottom towards Rowborough Down.¹⁰⁷ I find that the appeal scheme would have a significantly greater adverse effect on landscape character than would the completion of the 52 m scheme. I turn next to the visual effects of the respective schemes, and do so by reference to the same six broad areas described above.
118. From the immediate vicinity of the appeal site, and from VP1, eT1 of the 52 m scheme would be set near to this part of the Worsley Trail, close to Limerstone Down, and would dominate the outlook. The faster blade rotation of the smaller turbines might add to the degree to which they were distracting or annoying to those walking nearby.¹⁰⁸ For these reasons, I consider that the smaller scheme, notwithstanding the reduced turbine heights and shorter linear spread, would have a comparable visual impact from VP1 to that of the 110 m scheme. However, I have also taken into account the visual impact from the footpath through Fern Bottom and further along the Tennyson Trail to the north-east of the appeal site. From these paths the 110 m turbines would appear high above the local topographic features. They would have a far greater adverse impact than would the smaller turbines. In particular, T3 would give the wind farm a more elongated form than the more compact 52 m scheme, and would extend its adverse visual impact further along the Tennyson Trail to the north-east of the site. T3 would also have this effect on the Worsley Trail to the east of VP1 along Fore Down. Overall, I consider that the visual impact of the larger scheme on the area close to the appeal site would be significantly greater than that of the 52 m scheme.

¹⁰⁵ SEI paragraph 7.16.2.

¹⁰⁶ A nominal speed of 26 rpm for the consented scheme and about 16 rpm for the 110 m turbines was not disputed at the Inquiry.

¹⁰⁷ The areas covered by the theoretical wind farm landscape are shown on SEI Figures 7.10b and 7.10c.

¹⁰⁸ CD F33.

119. For the nearby settlements, from VP2 at Brighstone, only part of the blade of one turbine in the 52 m scheme would be seen above the down that forms the backdrop to the settlement. Whereas, most of one turbine, along with a blade tip of another, of the 110 m scheme would be visible from VP2. In this part of Shorwell, from VP3, most of eT1, along with the blade tips of eT2 and eT3, in the 52 m scheme would be seen. For the 110 m scheme only the lower parts of the towers of all three turbines would be screened by the ridge. The SEI acknowledges that the consented scheme would be noticeably less pronounced, but considers that the larger scheme would be more regular and “in tune” with the skyline. On the contrary, I consider that the 110 m scheme would dominate this skyline, and that its regularity would serve to draw attention to this dominance.
120. From the coastal area the ZTVs indicate that all three of the 110 m turbines would be apparent from an area between Brighstone/Limerstone and the coast, which includes part of Military Road, whereas only one or two of the 52 m turbines would be visible. This area is within the AONB, some 1.5 km to 3 km from the nearest turbine, and is traversed by several public footpaths, including a section of the Coastal Path. VP5 shows the view from this part of the A3055 near to Barnes High. From this area, the 110 m turbines would occupy a far greater length of the skyline above the downs than would the smaller scheme. They would also be more prominent because of their greater height.
121. The area to the west of the appeal site includes a part of the Tennyson Trail, within the AONB where none of the 52 m turbines would be visible, but all three of the 110 m turbines would be apparent. This is a long stretch of the Trail east of the Freshwater Bay Golf Course, along part of Compton Down, some 7 km from the nearest turbine, along with part of Brook Down and slopes to it, which also forms part of the Tennyson Trail, just over 5 km from the nearest turbine. From VP12 at Tennyson’s Monument the hubs of all turbines in both schemes would be on or above the skyline, albeit at a distance of 11.4 km. However, the larger scheme would be much more prominent in the landscape because the scale of the turbines would dominate the scale of the intersecting valleys and ridges that are seen to step down from the top of the downs to the sea in this view. The 52 m scheme would be more sympathetic to the scale of the local topography. The SEI finds that neither scheme would be visually significant from VP12, but I do not consider that this adequately reflects how the different schemes would be perceived along this western part of the Tennyson Trail.
122. The area to the north of the appeal site includes several localities where none of the 52 m turbines would be visible, but all three of the 110 m turbines would be apparent. These include small areas in the vicinity of Calbourne, part of Apes Down up to the site of the Rowridge television mast, which has vehicular access. Also included are large areas in the vicinity of Newbridge Mill, to the north of Five Houses, and to the west of Parkhurst Forest, which lies between separate parts of the AONB, but are traversed by many footpaths and sections of the A3054, which is the main road between Yarmouth and Newport, and parts of the B3401. The ZTVs show all three of the 110 m turbines would be apparent from a large area outside the AONB in the vicinity of Thorley, Wellow and extending south towards Shalcombe, whereas only one or two of the 52 m turbines would be visible. This area is crossed by part of the Hamstead Trail. An area to the north of Newtown, which lies within the AONB, would be similarly affected; however, a large part has restricted public access.

123. From VP9 at Arreton Down, 9.8 km away, only two of the smaller turbines would be visible. Although these would appear more separated than the three larger turbines, which would be more in line from this vantage point, the much greater size of the 110 m scheme would make the turbines more prominent on this long stretch of skyline. From VP10, at Carisbrooke Castle, the schemes would have a comparable configuration, but the additional height and blade sweep of the larger scheme would give it much more prominence from this view point. The blade tips of two turbines and the hub of the other for the 110 m scheme would be visible from Wellow, at VP11 (6.1 km), but the 52 m scheme would not be visible at all. From the more distant view points; VP13 at Pennington Marshes (14 km), VP14 Lepe Country Park (14.1 km), VP15 Spinnaker Tower Portsmouth (24.2 km) and VP16 St Boniface Down (13.9 km) whether the turbines would be visible would depend much on the climatic conditions. Nevertheless, in conditions of clear visibility and with appropriate orientation of the sun, the larger scheme would be seen to be more prominent than would the smaller scheme.
124. The area to the east of the site includes some localities where none of the 52 m turbines would be visible, but all three of the 110 m turbines would be apparent. For example, an area of land south of Rookley, along the road to Niton, which is within the AONB. There are several public footpaths off the road in this area. A large area outside the AONB to the north, north-west and south-east of Merstone, which includes many footpaths and a section of the A3056, which is the main road between Newport and Sandown, would be similarly affected. The ZTVs show that all three of the 110 m turbines would be apparent from a stretch of land to the west of Branstone that extends between an area to the east of Arreton to land located north-east of Godshell, whereas only one or two of the 52 m turbines would be visible. This area is crossed by the Bembridge Trail, the Yar River Trail and the Stenbury Trail.
125. From Chillerton Down, at VP4, the 110 m scheme would appear to be set further back from Limerstone Down than the 52 m scheme. However, the size of the larger turbines would more than outweigh any lessening of the visual impact that would result from setting the wind farm further into Cheverton Down. In the view from part of Godshell, at VP7, the blade tips would be visible for two of the turbines for the 52 m scheme. The hub of the third would be above the skyline. In the 110 m scheme the hubs of all three turbines would appear on or above the horizon. At Apse Heath, which is VP8 on the A3056, a distance of 11.5 km from the nearest turbine, the 110 m scheme would be more prominent than the 52 m scheme. In the latter only blade tips would be visible, whereas the hubs of all three turbines in the larger scheme would appear above the horizon. From St Catherine's Oratory at VP6 all three hubs of the 110 m scheme would appear above the skyline, whereas only one hub would do so for the 52 m scheme. Furthermore, the smaller scheme would more readily, at this distance of 8.5 km, soften into the background than would the larger scheme.
126. It is evident from the above that there would be some important differences between the ZTVs for the two schemes. Key in this regard would be part of the Tennyson Trail. The contrast between the schemes would also be particularly notable from the area between Brighstone and the coastline, with additional turbines seen high on the skyline above the coastal plain in the larger scheme. I find, by reason of the reduced scale, that the 52 m scheme would have a significantly lower visual impact than the 110 m scheme, with respect to both the extent of the area affected, and the nature of the change in views. The

larger scheme would have a substantially greater adverse effect on the AONB and other areas of open countryside by reason of its impact on the character and appearance of the area.

Fall-back: cultural heritage

127. I have compared the photomontages for Northcourt House and Wolverton Manor for the 110 m and 52 m schemes.¹⁰⁹ The effects of the fall-back scheme on the setting of the RPG would be very similar to that likely from the larger turbines, which would be set further back from the ridge. The smaller turbines would have less impact on the setting of Wolverton Manor. The schemes would be likely to have a comparable impact on West Court and other listed buildings, and similar effects on the setting of the archaeological remains. However, the fall-back scheme would not result in the loss of the barn/store at Cheverton Farm. Overall, I consider that the two schemes would be likely to have comparable implications for cultural heritage, except that the smaller scheme would have a slightly reduced impact on the setting of Wolverton Manor, and would not result in the loss of the heritage asset at Cheverton Farm.

Fall-back: living conditions

128. Given the siting of the fall-back scheme it is unlikely that it would have a significantly different effect on noise levels in the locality to that likely from the appeal scheme. In terms of visual impact on nearby dwellings, the wireframe for the 52 m scheme from Blakes indicates that theoretically the hub of eT1 would be visible, if not screened by vegetation.¹¹⁰ This would be a smaller structure than T1 and the visual impact would be less. The same would be likely to apply to Coombe Farm and nearby dwellings. The fall-back scheme would have comparable, or less, impact on the living conditions of occupiers of dwellings in the area.

Fall-back: ecology

129. The siting of T1/eT2 and T2/eT3 would be much the same in terms of their proximity to Brighstone Forest. In the smaller scheme eT1 would be sited in a more exposed location than would T3, but would be closer to the southern tip of the forest. The blades of the 110 m scheme would have a much larger swept area than the smaller scheme, but the latter would be closer to the ground, where bats might be foraging. There is little information to assess the extent that this might be significant locality. The 52 m scheme would not incorporate the mitigation measures proposed for the appeal scheme, which would to some extent counter the difference in swept area insofar as possible effects on bats is concerned. I find no evidence that points to a significant difference between the schemes by reason of likely impacts on protected species and other wildlife. Overall, ecological effects would be likely to be a neutral consideration in comparing the schemes.

Fall-back: socio-economic impact

130. Construction and operational employment provision would be similar for the two schemes. Completion of the extant permission would site a turbine close to Limerstone Down, with consequences for hang gliding and paragliding. The turbines would be smaller than those proposed in the appeal scheme, but the effects on flying activities at this location, and the overall implications for

¹⁰⁹ Mr Bourne's Figs.11/12, 13/14 and 15/16.

¹¹⁰ ID Appell 22.

tourism, would be likely to be comparable. The smaller scheme would not provide for research on large blades. The limited benefits of the link between the wind farm and Vestas would not, therefore, apply to the fall-back scheme.

Fall-back: benefits of RE

131. The capacity of the 110 m scheme at 9 MW would be much greater than that which could be achieved by completion of the 52 m scheme. If the turbines favoured by the appellants for use in the fall-back scheme were installed, the appeal scheme would have some 7.5 times the capacity of the smaller turbines.¹¹¹ The difference in the contribution to GHG reduction over the 25 year life time of the appeal scheme would be substantial.

132. As noted above, the time-limited nature of wind farms is a material consideration. The obverse must be, that so too is a permission's lack of a time limit. But where a balancing exercise is involved, the time consideration applies to both benefits and disadvantages. Any adverse effects, such as landscape and visual impact, would be worse because they would last longer, but there would also be more time for benefits to accrue. In circumstances where the benefits of development outweighed its disadvantages, it might be argued that the longer the facility continued to operate the better. If that were to be the case for the 52 m scheme, the fact that the extant permission is not time limited would not weigh in on the negative side of the balance. The absence of a time-limiting condition would only become germane if the benefits of the 52 m scheme did not outweigh its disadvantages.¹¹² Accordingly, I next consider how this applies here, after first considering the relevant balancing exercise.

Balancing exercise for 52 m scheme

133. The RE benefits of the fall-back scheme would be more modest than that of the larger scheme, but I have found that the impact on the AONB and other areas of countryside valued for recreation would be much reduced in the smaller scheme. It seems to me that the benefits and disadvantages of the 52 m scheme are evenly balanced. It would, therefore, be unlikely that any considerations arising from the absence of a time limit on the extant permission would be influential in the overall planning balance.

Finding on fall-back position

134. I have found that the disadvantages of the 110 m appeal scheme would far outweigh its benefits. Whereas, for the 52 m fall-back scheme, I consider that the benefits and disadvantages would be more finely balanced. The respective balancing exercises do not indicate that the 52 m scheme would, overall, be a less advantageous outcome. The 110 m scheme would not be acceptable in view of what would or might occur if permission for it was refused. I find, therefore, no justification for allowing the appeal on the grounds of the fall-back position.

¹¹¹ Mr Harris for the appellants considered that turbines in the 300 kW to 400 kW range were available, and gave an example of the Turbowinds T400, for which a price had been obtained for the economic appraisal.

¹¹² My attention was drawn to the weight given to the temporary nature of the replacement scheme in the Caton Moor decision at CD E1(n). But the formulation of the key issue at paragraph 5, which is essentially whether the adverse effects of the appeal scheme, compared with the fall-back position, would be outweighed by the benefits, is not inconsistent with this logic.

Other matters

135. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusion.

Conclusion

136. I have found the proposed development would, on its own merits, have an unacceptable adverse effect on the landscape, the AONB and heritage assets, and would conflict with the development plan and relevant national policy. I have taken into account all other considerations, including the fall-back position, but find nothing which would justify determining the appeal other than in accordance with the provisions of the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Fraser-Urquhart of Counsel	Instructed by the Solicitor, Isle of Wight Council.
He called	
Katie-Sue Wilson BSc(Hons) AIFA IHBC	Conservation Officer, Isle of Wight Council.
Philippe Salmon BA(Hons) DMS MRTPI	Deputy Head of Planning Services, Isle of Wight Council.
David Bolt BA(Hons) CMLJ	Landscape architect.

FOR THE APPELLANTS:

Marcus Trinick QC and Jennifer Holgate	Partner Eversheds LLP Solicitor Eversheds LLP.
They called	
Dr Peter Shepherd MIEEM	Partner, Baker Shepherd Gillespie.
Rob Sauven BSc MSc	Vice President and Managing Director, Vestas Technology UK Ltd.
Robert Bourn BA MA MIFA	Director, CgMs Consulting.
Dr Andrew McKenzie PhD BSc MIOA	Director, Hayes McKenzie Partnership Ltd.
David Stewart MA(Cantab) DipTP MRTPI	Principal, David Stewart Associates.
Neil Harris CEng FStructE MICE MCIQB BSc(Eng) ACGI MSc(Eng) DIC MaPS	Director, The Cornwall Light and Power Co Ltd.
Jeffrey Stevenson MA MPhil DipEconDev CMLI MRTPI MInstEnvSci FRGS	Principal, JSA Ltd.

FOR THWART RULE 6(6) PARTY:

Michael Barnard and Belinda Walters	
They called	
Michael Barnard BA(Hons)	Consultant.
John Brownscombe BSc	Rural, Environmental and Landscape Consultant.
Brendan Shore	Retired Sound Supervisor, BBC.

INTERESTED PERSONS:

Against the proposed development

Cllr Peter Bingham	Representing Shorwell Parish Council.
Cllr John Cirrone	Representing Brighstone Parish Council.
Michael Poland	Resident.
Don Prescott	Retired petro-chemical Engineering Inspector.
Charles Peplow	Resident.
Maureen Le Roi-Hegarty	Resident.
John Harrison	Resident.
Johanna Jones BA MPhil	Resident and local historian.
David Heasman	Resident.
Mrs PM Ignarski	Resident.
Jane Frost	Resident.
David Howarth	Representing Isle of Wight Ramblers.
Malcolm Blunn	Resident.
Colin West	Resident.
John Nash	Resident.
Laurie Gavaghan BA(Hons) FRICS FCIOB MAPM	Representing Isle of Wight Hang Gliding and Paragliding Club.
James Miller	Resident.
Mary Barton	Resident.
Christine Bentley	Resident.
Terry Hack	Resident.
Christopher Butterworth Dipl Arch RIBA	Architect and resident.
Professor Arnold Taylor	Resident.

For the proposed development

Lois Prior	Environmental auditor and associate of the Institute of Environmental Management and Assessment.
Hugh Walding MA(Oxon) PhD(Abdn)	Representing Isle of Wight Friends of the Earth.
Jill Wareham	Resident.
Christopher Dodd BA RIBA	Resident and retired architect.
David Arbutnott	Resident and former employee of Vestas Blades UK.
Stewart Blackmore	Resident.

DOCUMENTS SUBMITTED AT OR DURING THE INQUIRY

Submitted by the Council

- ID Council 1 Opening statement on behalf of Isle of Wight Council.
- ID Council 2 Plan of North Court Designated Park and Garden with annotated features 1-27.
- ID Council 3 Planning permission land opposite Bardon Vectis site PV and report.
- ID Council 4 Planning permission Durrants Farm 5MW PV and justification for decision.
- ID Council 5 Saved policies Isle of Wight UDP 1996-2011.
- ID Council 6 Correspondence from GOSE re targets.
- ID Council 7 Bundle of documentation concerning extant planning permission for 52 m scheme.
- ID Council 8 Extract from Planning Charges and section 106 agreements dated 2 February 2001, 25 January 1995 and 5 January 1987.
- ID Council 9 Additional documents submitted by Mr Bolt.
- 9.1 Supplementary Information for Basic Land and Property Unit and Rights of Way.
- 9.2 Figure A1.14a: Revised Postal Code Addresses 5 km R.
- 9.3 Figure S2.
- 9.4 Figure S1.
- 9.5 Figure A1.29.
- 9.6 Amended table Appendix B 05.
- 9.7 Statistics of joined rights of way 2500.
- 9.8 Figure A1.28.
- 9.9 Figure A1.12: Amended Topography.
- 9.10 Section through WT1 to Northcourt House and RPG.
- 9.11 Revised Table 11 Summary re PROW. [requested by Inspector]
- ID Council 10 *A Jacobean Mayfair Notes on Shorwell's buildings* by Isle of Wight Council and extracts from *Castles to Cottages The Storey of Isle of Wight Houses* by Johanna Jones.
- ID Council 11 Email from Council dated 4 April 2011 concerning draft unilateral undertaking and suggested conditions.
- ID Council 12 Email from Council dated 6 April 2011 re venue on 30 March.
- ID Council 13 Email from Council dated 3 May 2011 with comments on draft unilateral undertaking.
- ID Council 14 Emails from Council dated 6 and 11 May 2011 re appeal site edged red and 2.9 ha.
- ID Council 15 Statement re curtilage listed building. [requested by Inspector]
- ID Council 16 Statement re representations on 125 m scheme. [requested by Inspector]
- ID Council 17 Application for costs.
- ID Council 18 Email dated 12 May 2011 stating that access to site does not require planning permission.

- ID Council 19 Response to costs application.
ID Council 20 Closing submissions.

Submitted by the appellants

- ID Appell 1 Emails dated 17 September 2010 and 5 October 2010 concerning list of consultees.
- ID Appell 2 Opening statement on behalf of the appellants.
- ID Appell 3 *Historic Environment Action Plan Vision, Aims, Objectives and Actions*, October 2008.
- ID Appell 4 Letter from Natural England dated 22 October 2010.
- ID Appell 5 *Martin Simpson and SoS and Medway Council* CO/10703/2009.
- ID Appell 6 Letter from Defence Estates dated 25 February 2011.
- ID Appell 7 Council memo dated 27 March 2009 concerning ecology.
- ID Appell 8 Plan of North Court Registered Park and Garden.
- ID Appell 9.1 Draft suggested conditions dated 3 March 2011.
9.2 Revised conditions discussed at Inquiry on 6 April 2011.
9.3 Revised conditions email dated 6 May 2011.
9.4 Revised conditions dated 13 May 2011 including Figure 8.3.
- ID Appell 10 Comparison Beaufort scale and wind speeds.
- ID Appell 11 Confirmation of SEI wireframe scale.
- ID Appell 12 Revised noise assessment dated 14 March 2011.
- ID Appell 13.1 Draft unilateral undertaking 8 March 2011.
13.2 Replacement Clause 6.
13.3 Revised draft 24 March 2011.
13.4 Revised draft 28 April 2011.
13.5 Revised draft 13 May 2011.
13.6 Signed copy Undertaking dated 11 May 2011.
[submitted after close of Inquiry]
- ID Appell 14.1 Draft letter to Natural England.
14.2 Inspector's suggested text.
14.3 Letter sent to Natural England dated 17 March 2011.
- ID Appell 15 Suggested planning conditions on noise issues, revised tables 1 and 2.
- ID Appell 16 Report on Vehicular Access, Scott Wilson, February 2003 including A1 plans.
- ID Appell 17 Additional wireframes Figs 6.18, 6.18A, 6.19, 6.20, 6.21 re North Court.
- ID Appell 18.1 Mr Bolt's Fig.A1.14a annotated by Mr Stevenson re postcodes.
18.2 Additional annotations.
- ID Appell 19 Site visit note – Vestas Centres.
- ID Appell 20 Further note on bats by Dr Shepherd, dated 18 March 2011.
[requested by Inspector]

ID Appell	21	Enlarged and annotated extract from Mr Bolt's Fig A1.24.
ID Appell	22	Wireframe view for consented 52 m scheme from Blakes.
ID Appell	23	Letters dated 29 March 2011 to Natural England and Mr Poland copying Dr Shepherd's additional statement [ID Appell 20 above].
ID Appell	24	Email dated 4 April 2011 from Natural England concerning permissive paths.
ID Appell	25	Extract from October 2010 Government response to the Consultation of the draft NPSs for Energy Infrastructure re use of term 'temporary'.
ID Appell	26	Additional wireframes VPs 6, 10 and 12 with masts. [requested by Inspector]
ID Appell	27	Email dated 5 April 2011 from Natural England re <i>Making Space</i> .
ID Appell	28	Revised SEI Appendix 8.9 re bats - Further survey methodology and results.
ID Appell	29	Letter dated 8 April 2011 from Natural England advising no objection in respect of bats.
ID Appell	30	Letters dated 11 April 2011 to Natural England and Mr Poland re resumption on 13 May 2011.
ID Appell	31	Email from appellants dated 21 April 2011 concerning decommissioning bond and including extracts draft s106 agreement for Sancton Hill.
ID Appell	32	Email from appellants dated 26 April 2011 including <i>Response to final submission of Mr Poland dated 7 April 2011</i> , Baker Shepherd Gillespie.
ID Appell	33	Email from appellants dated 4 May 2011 concerning comments made on the original scheme. [requested by Inspector]
ID Appell	34.1	Application for costs.
ID Appell	34.2	Application for ex-gratia payment.
ID Appell	35	Submissions in relation to Listed Building Consent. [requested by Inspector]
ID Appell	36	Appellants' response by email dated 6 May 2011 to application from ThWART for an award of costs against the Appellants.
ID Appell	37	Response to costs application.
ID Appell	38	Revised Figure 2.1.
ID Appell	39	Closing submissions.

Submitted by ThWART

ID ThWT	1	Opening submission by ThWART.
ID ThWT	2	HEAP West Wight Downland Edge and Sandstone Ridge at Appendix 2 John Brownscombe.
ID ThWT	3	HEAP South-West Wight Coastal Zone at Appendix 3 John Brownscombe.

ID ThWT	4	Section 106 agreement dated 2 February 2001.
ID ThWT	5	Plan showing permissive access at Cheverton Down.
ID ThWT	6	<i>Wind power: your questions answered</i> , Friends of the Earth.
ID ThWT	7	<i>The Eneco Wind Park Project</i> . Leaflet by Eneco wind UK Ltd.
ID ThWT	8	ThWART response to SoCG.
ID ThWT	9	ThWART response to the unilateral undertaking.
ID ThWT	10	Statement by ThWART response re loss of designated heritage assets. [requested by Inspector]
ID ThWT	11	Statement by ThWART regarding public responses to the original 125m scheme. [requested by Inspector]
ID ThWT	12	Application for costs.
ID ThWT	13	ThWART comments on suggested conditions 4 May 2011.
ID ThWT	14	Closing submissions.

Other documents

ID Other	1	Written submission by Shorwell Parish Council concerning amended scheme, 1 March 2011.
ID Other	2.1	Statement and Appendices 1-4 by John Harrison.
	2.2	Addendum – including extract from Eco Island Priorities.
	2.3	Survey/comment sheets.
ID Other	3	Documents submitted by Michael Poland.
	3.1	Wight Conservation Response re: Bats and Birds.
	3.2	Ian Davidson-Watts Final Report.
	3.3	Extracts from Habitats Directive.
	3.4	Woolley High Court judgement CO/2820/2008.
	3.5	Aerial photograph of Kingston Copse.
	3.6	Figs 1 and 2 Orly Rozgour.
	3.7	OS map with reputed maternal bat roost marked.
	3.8	1900 OS map.
	3.9	Bat Conservation Trust Extract Table 3.3.
	3.10	Emails to/from Ian Davidson-Watts 1 and 7 March 2011.
	3.11	Mr Poland's email dated 14 March 2011 re European case law.
ID Other	4	Statement and attachments 1-4 by Charles Peplow.
ID Other	5.1	Statement by Don Prescott.
	5.2	Rebuttal email dated 13 April 2011 by Don Prescott.
ID Other	6.1	Statement and Appendices A-K by JS and PM Ignarski.
	6.2	Plan showing permissive paths.
ID Other	7	Statement by Jane Frost including extract from British Horse Society Policy.
ID Other	8	Statement by Isle of Wight Ramblers.
ID Other	9	Statement by Shorwell Parish Council re Socio-economic.
ID Other	10	Statement by Shorwell Parish Council re Tourism.
ID Other	11	Statement by Maureen Le Roi-Hegarty.

ID Other	12	Written statement by Colin Bridges.
ID Other	13	Written statement by Robert Cummins.
ID Other	14	Statement and Appendices 1-3 by Christine and Peter Bentley.
ID Other	15.1	Draft Consultation Procedure.
	15.2	Consultation Procedure - Agreed note between the parties.
	15.3	Consultation letter dated 11 March 2011 and list of addresses.
ID Other	16.1	Application for part demolition and reconstruction of curtilage listed building wall and demolition of barn/store to the south of the access track, including the Heritage Building Assessment.
	16.2	Representations on the above application. [requested by Inspector]
ID Other	17	Extract from <i>EcoIsland The Isle of Wight's sustainable community strategy 2008-2020</i> .
ID Other	18	Statement by Johanna Jones.
ID Other	19.1	Annex II Habitats Directive.
	19.2	The Conservation of Habitats and Species Regulations 2010.
ID Other	20.1	Statement and Appendices 1-4 by John Nash.
	20.2	Extract from AONB Management Plan.
	20.3	Addendum, including Figures A and B.
	20.4	Letter dated 7 April 2011 re scale of Figure B.
ID Other	21.1	Statement and attachment A by Shorwell Parish Council.
	21.2	Correction, additional information and attachments B and C.
ID Other	22	Statement including Appendix A-H by James Miller.
ID Other	23	Note of request by Inspector for comment from Dr Shepherd on bat detector results.
ID Other	24	Written statement by Annie Dawes.
ID Other	25	Statement and attachment by Malcolm Blunn.
ID Other	26	Statement by Colin West.
ID Other	27	Statement and attachments A-E by Lois Prior.
ID Other	28.1	Statement and figures by Hugh Walding.
	28.2	Letter from Hugh Walding dated 20 March 2011 concerning <i>Wind power: your questions answered</i> , Friends of the Earth.
ID Other	29.1	Statement by Jill Wareham.
	29.2	Tourism questionnaire form and results.
ID Other	30	Statement and attachments by Christopher Dodd.
ID Other	31	Statement by David Arbuthnott.
ID Other	32	Written representation by Mrs Deanne Puttick dated 18 March 2011.
ID Other	33	Written representation by Ruby Lawrence dated 16 March 2011.
ID Other	34	Statement by Mary Barton.
ID Other	35	Statement by Laurie Gavaghan BA(Hons) FRICS FCIOB MAPM

ID Other	36	Website extract Island Plan showing URS <i>Wind Farm Search Area</i> as background document to Core Strategy.
ID Other	37	Website extract showing location of proposed offshore Eneco wind park.
ID Other	38	<i>Tourism Development Plan</i> , Isle of Wight Council, October 2005.
ID Other	39	Letter received 23 March 2011 from Mrs R Bingham concerning site visit.
ID Other	40	Brighstone Parish Village Design Statement.
ID Other	41	Email dated 23 March 2011 from MG and K Blee concerning visual impact of proposal.
ID Other	42	Email dated 22 March 2011 from Paul Biggin concerning effect on AONB and power generation.
ID Other	43	Letter from Michael Poland dated 23 March 2011 with website extract Portland Bird Observatory and Field Centre.
ID Other	44	Letter from Jean Kelley received 29 March 2011 objecting to scheme.
ID Other	45	Agreed mast heights for Chillerton and Rowridge.
ID Other	46.1	Installed and proposed renewable energy schemes Isle of Wight March 2011.
	46.2	Revised version 6 April 2011.
	46.3	Revised version 11 May 2011.
ID Other	47	Statement by John Cirrone on behalf of Brighstone Parish Council.
ID Other	48.1	Statement by Christopher Butterworth.
	48.2	Scale relationship of a turbine to a container ship.
ID Other	49	Statement by Stewart Blackmore.
ID Other	50	Bundle of written representations and emails [119 received at 8.4.11] submitted during further 28 day period for representations whilst Inquiry sitting [in response to ID Other 15.3 above].
ID Other	51	Letters in support of wind power on the island [957 letters] submitted by Lois Prior.
ID Other	52	Tourism Questionnaire 2010 [79 respondents] submitted by Jill Wareham.
ID Other	53	Statement by Terence Hack.
ID Other	54	Signed and dated Statement of Common Ground.
ID Other	55	Statement by Professor Arnold Taylor re animations of wire photo-montages in Shorwell and Brighstone, as shown at the Inquiry.
ID Other	56	Plan showing permissive paths/PROW and proposed siting for consented and appeal schemes. [requested by Inspector]

SCHEDULE OF PLANS

The following figures from Environmental Statement 2008

Figure 1.1 Site Location Plan.

Figure 1.2 Site Layout Plan.

Figure 1.3 Site Design.

Figure 2.2 Control Room.

Revised Figure 2.1 submitted at Inquiry.

CORE DOCUMENTS [CD]

APPLICATION DOCUMENTS	
A1	Planning application (ref P/00021/09) registered by the Council on 21 January 2009.
A2	The Environmental Statement. ES Vol I Dec 2008. ES Vol II Dec 2008. ES Vol III Dec 2008.
A3	Planning Statement.
A4	Design and Access Statement.
A5	Consultee Responses to the Application.
A5 (a)	Isle of Wight Friends of the Earth 14.10.09.
A5 (b)	Isle of Wight Friends of the Earth 23.02.09.
A5 (c)	Isle of Wight Gardens Trust 26.02.09.
A5 (d)	Isle of Wight Natural History and Archaeological Society 24.02.09.
A5 (e)	The Joint Radio Company Limited 22.04.09.
A5 (f)	Maritime and Coastguard Agency 2.03.09.
A5 (g)	Maritime and Coastguard Agency 27.10.09.
A5 (h)	MOD Defence Estates 18.02.09.
A5 (i)	National Trust 24.02.09.
A5 (j)	NATS 26.02.09.
A5 (k)	NATS 08.10.09.
A5 (l)	Natural England 12.01.10.
A5 (m)	Natural England 18.09.09.
A5 (n)	Natural England 19.03.09.
A5 (o)	New Forest District Council 16.03.09.
A5 (p)	New Forest District Council 06.06.09.
A5 (q)	New Forest District council 20.10.09.
A5 (r)	Ofcom 01.05.09.
A5 (s)	Ofcom 20.02.09.
A5 (t)	Public Rights of Way 13.02.09.
A5 (u)	Shorwell Parish Council 08.07.09.
A5 (v)	Shorwell Parish Council 08.10.09.
A5 (w)	Shorwell Parish Council Photo's.
A5 (x)	Shorwell Parish Council Implications.
A5 (y)	Shorwell Parish Council Response.
A5 (z)	Shorwell Parish Council Response doc 2.
A5 (aa)	Shorwell Parish Council Landscape Character Assessment.
A5 (bb)	Shorwell Parish Council.
A5 (cc)	Southampton Airport 02.04.09.

A5 (dd)	Southern Gas Networks 13.10.09.
A5 (ee)	Southern Gas Networks 18.05.09.
A5 (ff)	Southern Water 05.05.09.
A5 (gg)	Southern Water 18.02.09.
A5 (hh)	Southern Water 28.10.09.
A5 (ii)	The Footprint Trust 23.10.09.
A5 (jj)	The Footprint Trust 27.02.09.
A5 (kk)	Wight Conservation 24.02.09.
A5 (ll)	AONB Comment List to DC 04.02.09.
A5 (mm)	AONB Response 27.02.11.
A5 (nn)	AONB Comment List for DC 24.04.09.
A5 (oo)	AONB Response 13.10.09.
A5 (pp)	AONB Response 20.10.09.
A5 (qq)	AONB Response 27.10.09.
A5 (rr)	Argiva Response 218.02.09.
A5 (ss)	Association of Garden Trusts 02.03.09.
A5 (tt)	Brighstone Parish Council.
A5 (uu)	Brighstone Parish Council 14.05.09.
A5 (vv)	Brighstone Parish Council 15.10.09.
A5 (ww)	Brighstone Parish Council 29.10.09.
A5 (xx)	The British Horse Society 20.02.09.
A5 (yy)	Civil Aviation Authority 20.10.09.
A5 (zz)	CAA 6.02.09.
A5 (aaa)	CRPE 25.02.09.
A5 (bbb)	East Midlands Airport.
A5 (ccc)	English Heritage.
A5 (ddd)	CgMs Consulting 13.10.09.
A5 (eee)	English Heritage 17.03.09.
A5 (fff)	IWC Environmental Health Dept 13.02.09.
A5 (ggg)	Environment Agency 11.5.09.
A5 (hhh)	Environment Agency 13.10.09.
A5 (iii)	Environment Agency 25.02.09.
A5 (jjj)	The Garden History Society.
A5 (kkk)	Gatcombe Parish Council 22.05.09.
A5 (lll)	Hampshire and Isle of Wight Wildlife Trust 16.03.09.
A5 (mmm)	The Isle of Wight Economic Partnership Ltd 02.03.09.
A5 (nnn)	The Ramblers Association 03.03.09.
A5 (ooo)	The Ramblers Association 27.02.09.
A5 (ppp)	Thwart 20.03.09.
A5 (qqq)	Thwart 22.05.09.
A5 (rrr)	Thwart 27.02.09.
A5 (sss)	Letter from ThWART 23.10.2009.
A6	Third Party Responses to the Application.
A7	Planning Officer's Report to Committee.
A8	Appeal form and Grounds of Appeal as Submitted.
A9	Planning permission ref TCP/21144/S/27379.
A10	Statement of Community Involvement.
A11	Report on Tree and Hedge Pruning Requirements.
A12	Tree Constraints Plan and Arboriculture Implications Assessment.
A13	Archaeological Evaluation Report.
A14	Supplementary Bat Study.

A15	Supplementary Environmental Information. SEI Vol I Text Sept 2010. SEI Vol II Figures Sept 2010. SEI Non-Technical Summary Sept 2010.
A16	Letter Confirmation of Planning Implementation March 2003
A17	Planning Permission variation 21144B – 2002.
A18	Permission renewal dated 2 February 2001 (P/00051/00-TCP/21144/B).
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B2	The Stern Review, <i>Economics of Climate Change</i> (October 2006).
B3	Climate Change 2007: Synthesis Report - Summary for Policy Makers.
B4	EU Renewable Energy Directive 2009.
B5	Natural England Climate Change Policy (16 June 2008).
B6	European Commission White Paper <i>Energy for the Future: Renewable Sources of Energy</i> – COM (97) 599 final, 26 November 1997.
B7	OXERA Environmental & ARUP, <i>A Report to the DTI and the DTLR - Regional Renewable Energy Assessments</i> , 6 February 2002.
B8	<i>UK Renewable Energy Strategy 2009</i> .
B9	DTI Energy White Paper <i>Our Energy Future: Creating a Low Carbon Economy</i> (2003).
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B12	<i>Wind Power and the UK Wind Resource</i> , Environmental Change Institute at Oxford University (2005).
B13	English Heritage <i>Wind Energy and the Historic Environment</i> (2005).
B14	UKERC <i>The Costs and Impacts of Intermittency: An Assessment of the Evidence on the Costs and Impacts of Intermittent Generation on the British Electricity Network</i> (2006).
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B16	DTI Energy White Paper <i>Meeting the Energy Challenge</i> (May 2007).
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B18	Speech made by John Hutton, Secretary of State for Business, to the Fabian Society, 17 September 2007.
B19	This has been left deliberately blank
B20	Speech by the Prime Minister to the Low Carbon Economy Summit, June 2008.
B21	<i>2020 VISION – How the UK can meet its Target of 15% Renewable Energy</i> Report by the Renewables Advisory Board (RAB), June 2008.
B22	This has been left deliberately blank
B23	This has been left deliberately blank
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B25	Coalition Agreement June 2010 (extracts on energy).
B26	Isle of Wight - A Unique Offer for Renewable Energy.
B27	Natural England's Position Statement on Wind Energy.
B27A	URS – <i>Windfarm Site Search Assessment</i> - Mr Salmon's Appendix 4.
B28	Natural England's Policy on Wind Energy (March 2009).

B29	Natural England's Position Statement on Climate Change.
B30	Natural England: <i>Sustainable Energy Policy</i> (2008).
B31	Natural England's <i>Making Space for Renewable Energy</i> .
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C1	Planning Policy Statement (PPS) 1.
C2	Supplement to PPS 1 – Planning Policy and Climate Change.
C3	PPS7 – <i>Sustainable Development in Rural Areas</i> .
C4	PPS22 – <i>Renewable Energy</i> .
C5	PPS22 – <i>Companion Guide</i> .
C6	PPS5: <i>Planning for the Historical Environment</i> (2010).
C7	PPG24: <i>Planning and Noise</i> (1994).
C8	Planning White Paper (Planning for a Sustainable Future).
C9	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations (1999).
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C14	PAN 45.
C15	National Renewable Energy Action Plan.
C16	Letter on Revocation of the RSSs of 27 May 2010.
C17	Guidance to LPAs on revocation of RSSs of 6 July 2010.
C18	Statement to the House of Commons on the NPS reissue Oct 2010.
C19	Scottish Planning Policy 6.
DEVELOPMENT PLAN	
D1	Regional Spatial Strategy for the South East of England (May 2009).
D2	The Isle of Wight Unitary Development Plan.
D3	Isle of Wight AONB Management Plan.
D4	IoW LDF; Island Plan Core Strategy Proposed Submission Version.
WIND FARM APPEAL DECISIONS	
E1 (a)	Little Cheyne Court (Section 36 Application, DTI GDBC/003/00001C dated 13 May 2005).
E1 (b)	Southern Law Farm (Ref: APP/Z1320/A/05/1175109 dated 28 July 2005).
E1 (c)	Fullabrook GDBC/003/00024C.
E1 (d)	Den Brook (two decisions) APP/Q1153/A/08/2017162.
E1 (e)	Bradwell (two decisions) APP/X1545/A/06/2023805.
E1 (f)	Yelvertoft.
E1 (g)	Hoff Moor APP/HO928/A/07/2053230.
E1 (h)	Crimp APP/CO820/A/07/2047583.
E1 (i)	Hogsthorpe.
E1 (j)	Whinash.
E1 (k)	This has been left blank deliberately
E1 (l)	Land at Cotton Farm, Offord Road, Graveley, St Neots, Cambridgeshire Inspectors report.
E1 (m)	Glyndebourne.
E1 (n)	Caton Moor.
E1 (o)	Carland Cross.
E1 (p)	Middlemoor.
E1 (q)	Kiln Pit Hill.

E1 (r)	Carsington Pastures.
E1 (s)	Langholm 1 and 2 (Dumfries and Galloway).
E1 (t)	Flimby (Allerdale).
E1 (u)	Crook Hill/Reaps Moss/Todmorden.
E1 (v)	North Dover.
E1 (w)	Hempnall.
E1 (x)	Wadlow Farm.
E1 (y)	Shooters Bottom.
E1 (z)	Sixpenny Wood.
E1 (aa)	Swinford.
E1 (bb)	Earls Hall.
E1 (cc)	Newlands.
E1 (dd)	Truthan Barton.
E1 (ee)	French Farm.
E1 (ff)	Brightenber.
E1 (gg)	Green Rigg.
E1 (hh)	Tallentire.
E1 (ii)	This has been left deliberately blank
E1 (jj)	Routh.
E1 (kk)	Newbury (two decisions) - 1150153; 2077166.
E1 (ll)	Thacksons Well - APP/E2530/A/08/2073384.
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F10	Capita Symonds Report.
F11	Natural England report <i>Cheverton Down: the proposed wind energy project - assessment of the landscape capacity of Cheverton downs to accommodate wind turbine development at a scale in excess of the current permission</i> , prepared by Chris Bolton, MPhil.
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F13	Campaign to Protect Rural England (CPRE), <i>Mapping Tranquillity</i> ; (2005).
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F16	Isle of Wight AONB Landscape Character Areas and Types.
F17	Shorwell Landscape Character Assessment.
F18	Settlements within 15 km Study Zone.
F19	Landscape Capacity Assessment Criteria.
F20	LVIA Tables of Sensitivity and Magnitude of Landscape Effects.
F21	Landscape assessment plans Fig A1.1 thru A1.29 – Appendix A David Bolt’s Proof Isle of Wight Council.
F22	Analysis of ZVI and GIS Data.
F23	NCA Landscape Typology.
F24	<i>Assessing the Environmental Capacity for On-Shore Wind Energy Development - Consultation on Proposed Approach to Natural England Guidance</i> , Natural England, 2009.
F25	<i>Landscape Character Assessment Guidance for England and Scotland</i> , Countryside Agency/SNH 2002.
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F27	<i>Wind Energy Development in Northern Islands Landscapes</i> , SPG Accompanying PPS18.
F28	Cumbria Wind Energy SPD Part 2 section 2 <i>Landscape capacity assessment</i> , July 2007 Pages 25 – 37 and 93 – 119.
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F31	Hampshire County Council Interactive Landscape Character Assessment on-line resource.
F33	Video Representation of rotating turbines permitted and SEI schemes shown at Inquiry.
F34	<i>Siting and Designing Windfarms in the Landscape</i> (SNH) 2009,
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F36	Renewable Energy Technologies in the IOW AONBs.
F37	Shropshire AONB Management Plan - 2009-14.
F38	Cotswold Conservation Board Position Statement - Renewable Energy Projects.
F39	Kent Downs AONB Renewable Energy Position Statement.
F40	DTI Guidance on the assessment of the Impact of Offshore Wind Farms - <i>Seascape and Visual Impact Report</i> .
F41	Note and wireframes re blimp.

HERITAGE	
G1	<i>The Setting of Heritage Assets: English Heritage Guidance Consultation Draft – 2010.</i>
G2	<i>Conservation Principles Policies and Guidance for the sustainable Management of the Historic Environment - EH 2008.</i>
G3	Historic Environment Action Plan West Wight Chalk Downland - Isle of Wight Council 2008.
G4	English Heritage, <i>Climate Change and the Historic Environment 2008.</i>
G5	National Trust – <i>Forecast Changeable.</i>
G6	National Trust – <i>Shifting Shores.</i>
G7	English Heritage Register of Historic Parks and Gardens. [Ms Wilson Appendix 1]
G8	An Extract form the Ordnance Survey dated 1862, showing the RPG and wider area. [Ms Wilson Appendix 2]
G9	Photographs or Northcourt Park in its wider landscape setting. [Ms Wilson Appendix 3]
ECOLOGY	
H1	Eurobats Guidance on Bats and Windfarms.
H2	Natural England Wind Farm Guidance note TIN051.
H3	Bat survey reports 2009.
H4	Bat survey reports 2010.
H5	Bat activity and wind data analysis.
H6	Mitigation and monitoring report.
H7	Letter From Natural England to Isle of Wight Council 22 October 2009.
NOISE	
I1	<i>The Assessment and Rating of noise from Wind Farms ETSU-R-97.</i>
I2	Institute of Acoustics Bulletin Vol 34 no 2 <i>Prediction and Assessment of Wind Turbine Noise.</i>
I3	ISO9613-2 Acoustics - Attenuation of sound propagation outdoors: part 2 <i>General method of calculation.</i>
I4	<i>Method for rating industrial noise affecting mixed residential and industrial areas (1997), BS4142.</i>
I5	<i>WHO Night Noise Guidelines.</i>
I6	Note on noise – Den Brook.
CONSULTEE RESPONSES	
J1	Deliberately left blank
J2	Natural England Response to Goonhilly.
J3	AONB Team Response Mrs N Downer 11 November 2010.
J4	Environmental Health Officer Response 8 October 2010.
J5	ThWART Submission Volume 1- Detailed Objection to proposed Cheverton Down Wind Turbine Development.
J6	ThWART Submission Volume 2 - Michelle Bolger Landscape Response.
J7	ThWART Submission Volume 3 - ThWART Photographs.
TOURISM	
L1	<i>Investigation Into the Potential Impact of Wind Farms on Tourism in Scotland (2002).</i>
L2	<i>Investigation into the Potential Impact of Wind Farms on Tourism in Wales (2003).</i>
L3	<i>Economic Impact of Wind Farms on Scottish Tourism (2008).</i>

ANNEX1

Ruling given in writing after PIM held on 11 August 2010

1. I have had regard to the submissions about an amended scheme set out in correspondence and made at the Pre-Inquiry Meeting (PIM). I have also taken into account the policy in PINS *Good Practice Advice Note 09/2009* and the law as set out in *Bernard Wheatcroft Ltd v SoSE (1982) 43 P & CR 233*.
2. The parties agree that provision exists for amendments to be accepted at the appeal stage provided that the alteration would not result in a substantially different scheme and that no party would be prejudiced.
3. There is a dispute about whether the proposed amendment would result in a substantially different proposal. My preliminary view is that a reduction of wind turbine hub height of 15 m would be unlikely to result in a substantially different scheme, but I accept that the effects of such an alteration might be a relevant consideration in making such a judgement. These are matters that would be considered in the Supplementary Environmental Information and discussed at the Inquiry.
4. The additional time available arising from a postponement of the Inquiry and provision for further consultation would limit the scope for possible prejudice to interested parties. However, I acknowledge that parties would require both time and resources to respond to the proposed amendment.
5. I will not be in a position to determine these 'substantial difference' and 'prejudice' points until the Inquiry. I reserve my judgement on both these matters and on the question of compliance with *Wheatcroft*. However, I consider, having regard to the advice in Planning Policy Statement: *Planning and Climate Change Supplement to Planning Policy Statement 1*, about the expeditious and sympathetic handling of proposals that might contribute to the delivery of its Key Planning Objectives, that it would be appropriate for the appellant to be given the opportunity to address the matters outlined above by postponing the Inquiry.
6. I shall, therefore, not rule at this stage on whether the appeal should proceed on the basis of the amended scheme. If the Inquiry is postponed I will hear submissions about this at the Inquiry and make a determination in the light of the information that would then be available. Nevertheless, for the reasons set out above, I consider that the appellant, who heard the other parties' views at the PIM, should be given the option of postponing the Inquiry.
7. Accordingly, the appellant should notify the Case Officer and other parties in writing within 7 days of this Ruling if it wishes the Inquiry to be postponed to a date to be set. If no such notice is given the appeal will proceed, on the basis of the current scheme, at the Inquiry scheduled to open on 23 November 2010.
8. This Ruling is without prejudice to consideration of any costs applications made at the Inquiry.

John Woolcock
Inspector

ANNEX 2

Ruling given orally at Inquiry on 8 March 2011

I have given careful consideration to the written statements and the submissions made this morning about whether the appeal should proceed on the basis of an amended scheme, and I have taken into account the relevant law and guidance, along with the particular circumstances which apply in this case.

My finding, in summary, is that for the purposes of making this ruling, the amended scheme would not in substance be substantially different from that considered by the Council in determining the application, albeit there are some significant differences.

I am also satisfied that dealing with the amended scheme at the appeal stage would not, subject to what I say next, be prejudicial to the interests of any party or persons. Without prejudice to my views about whether the EIA Regulations apply actually or in spirit to the circumstances here – those consultation bodies not already in receipt of the ‘any other information’ shall be supplied with copies and given time to respond – and that I will not close the Inquiry until I am satisfied that any statutory requirements here have been complied with.

For the reasons which I will set out in full in my written decision on the appeal, I rule that the amendment shall be accepted, and that this appeal will now proceed on the basis of the amended scheme, having regard to the SEI and where relevant the ES.

The description of the proposed development is therefore, “3 No. wind turbine generators with hub height of 65 m and rotor diameter of 90 m (tip height 110 m), control building, access tracks, underground electrical cables and temporary construction compound”.

John Woolcock
Inspector

ABBREVIATIONS

AOD	Above Ordnance Datum
AONB	Isle of Wight Area of Outstanding Natural Beauty
CD	Inquiry Core Document
CLP	Cornwall Light and Power Ltd
EH	English Heritage
EIA	Environmental Impact Assessment
ES	Environmental Statement
eT1-eT3	Proposed wind turbines e1 to e3 in permitted scheme
ETSU	ETSU-R-97 by Energy Technology Support Unit
GHG	Greenhouse Gases
GLVIA	<i>Guidelines for Landscape and Visual Impact Assessment</i> , Landscape Institute
HEAP	Historic Environment Action Plan
ID	Inquiry Document – document submitted during the Inquiry
LCT	Landscape Character Type
NE	Natural England
NPPF	draft National Planning Policy Framework
PIM	Pre-Inquiry Meeting
PINS	The Planning Inspectorate
PPS1	Planning Policy Statement 1: <i>Delivering Sustainable Development</i>
PPS1Supp	<i>Supplement on Planning and Climate Change</i>
PPS5	Planning Policy Statement 5: <i>Planning for the Historic Environment</i>
PPS7	Planning Policy Statement 7: <i>Sustainable Development in Rural Areas</i>
PPS9	Planning Policy Statement 9: <i>Biodiversity and Geological Conservation</i>
PPS22	Planning Policy Statement 22: <i>Renewable Energy</i>
PPS22CG	<i>Planning for Renewable Energy – A Companion Guide to PPS22</i>
PRoW	Public right of way
RE	Renewable energy
RPG	The parkland at North Court which appears on the Register of Parks and Gardens of Special Historic Interest
RSS	South East Regional Plan
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument
SEI	Supplementary Environmental Information
SoCG	Statement of Common Ground between Council and appellants
ThWART	Rule 6(6) party The Wight Against Rural Turbines
T1-T3	Proposed wind turbines 1 to 3 in appeal scheme
UDP	Isle of Wight Unitary Development Plan
VP	View Point
ZTV	Zone of Theoretical Visibility
52 m scheme	extant permission for 3 wind turbines
110 m scheme	SEI revised appeal scheme
125 m scheme	ES application scheme

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