The Planning Inspectorate

# Appeal Decision

Inquiry held on 12 June 2012
Site visit made on 21 & 22 June 2012

**by S R G Baird BA(Hons) MRTPI**

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

**Decision date: 23 August 2012**

**Appeal Ref: APP/D0840/A/11/2163691**
**Land at Truthan Barton Farm, St Erme, Truro, Cornwall TR4 9BB**

- 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 Coronation Power Limited against the decision of Cornwall Council.
- The application Ref PA11/03197, dated 19 April 2011, was refused by notice dated 28 September 2011.
- The development proposed is the erection of 5 wind farm generators and ancillary development comprising crane hardstandings, control building and an electricity substation, a temporary construction compound, underground cables, site access tracks and a permanent anemometer mast.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Further to comments made by Natural England (NE), Coronation Power (CP) sought to amend the turbine layout. The change would relocate Turbine A from the 85m contour line to the 90m contour line some 33.5m to the north (Figure Nos. 001A and 2.3A). The local planning authority (lpa) has no objection to the amendment. The residents' group (2Big2Close) neither support nor oppose the amendment. I consider the relocation of Turbine A would not materially affect the conclusions of the ES or that any party would be prejudiced by the substitution.

3. 2Big2Close withdrew evidence on noise and hydrology issues and submitted written evidence on heritage matters. CP submitted written evidence on noise and hydrology matters. I have had regard to the Environmental Statement (ES) submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. I have also had regard to an appeal decision[1] dated 20 January 2011 for the erection of 7 wind turbines and ancillary works at Truthan Barton Farm, a subsequent High Court decision[2] and an appeal decision[3] permitting the repowering of the Carland Cross Windfarm.

[1] APP/D0840/A/10/2131156.
[2] [2011] EWHC 2216 (Admin).
[3] APP/D0840/A/09/2103026.

## Main Issues

4. The effect of the development individually and cumulatively with other windfarms on: (1). heritage assets; (2). landscape character and appearance; (3). the living conditions of local residents with particular reference to noise and outlook and (4). whether any harm identified is outweighed by the benefits of the scheme i.e. the planning balance.

## Reasons

National and Development Plan Policy and Other Guidance

National Policy

5. National planning policy is set out in The National Planning Policy Framework (The Framework), which replaces a series of national policy statements, circulars and guidance including Planning Policy Statement 22 - Renewable Energy (PPS22) and Planning Policy Statement 5 - Planning for the Historic Environment (PPS5). Whilst the thrust of previous policy in these documents is carried forward into The Framework, the wording is condensed and there have been some changes in policy. Most of the supporting guidance has been retained including the Companion Guide to PPS22 and the PPS5 Historic Environment Practice Guide. National Policy Statements form part of national planning policy and are a material consideration.

6. At the heart of The Framework is a presumption in favour of sustainable development for which there are 3 mutually dependent dimensions, economic, social and environmental. A core principle of The Framework is that in a changing climate planning should support the transition to a low carbon future and encourage the use of renewable resources. Paragraph 93 provides for planning to play a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable energy and associated infrastructure. This is central to the 3 dimensions of sustainable development. Paragraph 98 recognises that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

7. The Framework's core principles recognise the intrinsic character and beauty of the countryside and that development should contribute to conserving and enhancing the natural environment. On the historic environment, paragraph 129 indicates that the significance of the heritage asset and its setting should be assessed and taken into account when considering the impact of a proposal on that asset so as to avoid or minimise conflict. When assessing the impact on the significance of a heritage asset great weight should be given to the asset's conservation on the basis that the more important an asset is the greater the weight should be attached. It is made clear that significance can be harmed by development within the setting of a heritage asset. Where a development would lead to substantial harm to the significance of a designated heritage asset, permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. In the situation where development would result in less than substantial harm this harm should be weighed against the public benefits of the proposal.

8. National Policy Statements (NPSs) on Energy (EN-1) and Renewable Energy Infrastructure (EN-3) were approved by Parliament in July 2011. EN-1 highlights that to meet emissions targets, the consumption of electricity will need to be almost exclusively from low carbon sources. The implication is that, in the short-term, much of the new capacity would need to come from on and off-shore wind generated electricity. To meet the 2020 target for energy from renewable sources, EN-1 highlights an urgent need to bring forward new renewable electricity generating projects as soon as possible. Whilst off-shore wind is expected to provide the largest single contribution to the 2020 target, on-shore wind is highlighted as, the most well established and currently the most economically viable source of renewable energy available for future large-scale deployment. EN-3 reiterates the important role of on-shore wind and deals with issues including landscape, visual impact, noise, heritage assets recognising that there will always be significant landscape and visual impacts.

9. The Climate Change Act 2008 sets a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in $CO_2$ emissions of some 26% by 2020 against a 1990 base. EU Directive 2009/28/EC set the UK a target to produce 15% of all energy from renewable sources by 2020. These targets, when taken together with the pathway identified in the Renewable Energy Strategy (RES), indicate that by 2020 the proportion of electricity consumed from renewable sources will need to be in the region of 30%. The UK Renewable Energy Roadmap of July 2011 shows where we are now; provides an analysis of how deployment may evolve by 2020, and the actions required to achieve the deployment levels anticipated. Whilst the Road Map concludes that the UK can meet the 15% target by 2020 and the pipeline of renewable electricity projects is healthy it highlights that significant uncertainties remain and new large scale renewable projects need to come forward. In March 2012, the national figure for installed capacity for on and off-shore wind energy was 6,534MW compared to the RES and Roadmap expectation that by 2020 some 13-14,000MW of installed on-shore capacity alone will be required to meet targets.

Development Plan Policy

10. The development plan comprises Regional Planning Guidance dating from 2001 (RPG), saved policies of the Cornwall Structure Plan 2004 (SP) and saved policies of the Carrick District Wide Local Plan 1998 (LP). Given its age and nature, it was acknowledged that the RPG has limited relevance in this case. SP Policy 2 and LP Policy 3A seek to protect and enhance the quality and distinctiveness of the Cornish countryside. Policy 3A indicates that planning permission will not be granted for development that would have a significant adverse impact on the character and setting of settlements. SP Policy 7 indicates that provision should be made for renewable energy generation to maximise environmental and economic benefits whilst minimising any adverse local impacts. The scale and location of development should avoid the unreasonable proliferation of turbines in the landscape. The policy sets a target of 93MW (installed capacity) of electricity generating schemes by 2010. LP Policy indicates that renewable energy schemes will be permitted where there is no significant effect on the landscape, the setting of settlements and residents' living conditions and features of historic value. LP Policy 13C requires compliance with Policy 13B. LP Policy 4D says that proposals that would have a significant adverse impact on the setting of a Listed Building (LB) will not be approved.

11. The Framework reaffirms that planning decisions are to be determined in accordance with the provisions of the adopted local development plan unless material considerations indicate otherwise. Guidance contained in The Framework is a material consideration. The development plan predates the 2004 Act and as such the guidance set out in paragraph 215 of The Framework is applicable. This says that weight should be given to relevant policies according to their degree of consistency with The Framework i.e. the closer the policies in the plan are to policies in The Framework the greater the weight they may be given. One of the key threads of The Framework is balancing harm against the benefits when coming to a decision. SP Policies 2 and 7 and LP Policies 3A, 4D, 13B and 13C do not require the wider environmental benefits of renewable energy schemes to be weighed in the planning balance. As such they are significantly out of step with The Framework.

Other Guidance

12. Of the various documents referred to the following are the most relevant. In January 2012, as part of the emerging Core Strategy (CS), the lpa published for consultation Options and Preferred Options for Energy Minerals and Waste. Based on the 2009 EU Directive and the pathway identified in the RES, the preferred CS option is a target of 825MW of installed renewable electricity capacity over the plan period (2031). Alternative options of a 25% higher or lower figure are judged respectively to have significant implications for the Cornish landscape or a failure to make significant contributions to renewable energy shortfalls elsewhere in the UK. Annex 1 of the latest landscape study[4] prepared for the Council by Land Use Consultants (LUC) in April 2011 is particularly relevant. For each of the Landscape Character Areas (LCA) and based on key characteristics taken from an early 2007 study adopted by the Council, the LUC Study carries out a landscape sensitivity assessment for wind turbines and sets out a strategy based on turbine and cluster size.

13. In coming to my conclusions on the merits of this proposal, I consider, given the direction of travel the lpa plots in terms of renewable energy and the independent nature of the LUC Study that, as material considerations, significant weight can be given to the above guidance.

Issue 1 - Heritage Assets

14. The lpa's evidence concentrated on the effect on the group of Grade II LBs at Truthan, which include Truthan House, Truthan Cottage and Annex, a Well House and gate piers at Truthan House. The Coach House immediately to the east of Truthan House is included within the listing as, at the time of listing, it was within the curtilage of Truthan House. In addition to the group of LBs at Truthan, 2Big2Close highlight others including the Grade II* churches of St. Erme (St. Hermes) and St. Allen, the Grade II buildings at Treworgan House Farm; Eglos Erme Farmhouse; Lanhadron, Castle Cottage[5], Trevella; Killiserth Farmhouse Trefronwick and the Old Rectory at St. Allen.

15. S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the building or its setting. The Framework requires the decision maker to identify and assess the significance of the heritage asset and take this

[4] Annex 1: Landscape Strategy Matrices for each Landscape Character Area as contained in the Assessment of Landscape Sensitivity to On-Shore Wind Energy and Large Scale Photovoltaic Development in Cornwall
[5] On the list as Gatehouse to Trevella.

into account when considering the impact of a proposal. The Framework defines significance as the value of the heritage asset to this and future generations because of its heritage interest, which may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also its setting. Setting is defined as the surroundings in which a heritage asset is experienced.

16. The Framework at paragraphs 133 and 134 deal with the situation where a proposal would result in harm to the significance of a HA. Paragraph 133 notes that where the development would lead to substantial harm to significance, the decision maker should refuse planning permission unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 134 says that where development would lead to less than substantial harm to significance, this harm should be weighed against the public benefits of the development. Neither The Framework nor the Practice Guide to PPS5 indicate how to calibrate substantial or less than substantial harm. Rather it is for the decision maker to assess having regard to the evidence adduced.

17. The Parish Church of St. Erme is located in the extreme south-east of the village. Other than from the immediate area around the church, wider views of it are limited to the upper part of the tower. When viewed from these wider vantage points the tower is not a dominant or significant feature in the landscape. The turbines would not obscure important views of the church or diminish the significance of the tower in the wider landscape. The Church and Old Rectory at St Allen are located some 2km from the nearest turbine. Given this degree of separation, the turbines would not adversely affect the significance or setting of these heritage assets.

18. Treworgan House Farm, Eglos Erme Farmhouse, Trevella, Killiserth Farmhouse and Trefronwick are all individual or groups of isolated buildings between one and 2km from the nearest turbine. Most are set well back from the public highway with their settings tightly defined by the topography of the area and mature dense planting. As such the turbines would have no effect on their settings or significance. In the case of Trevella, I note that a number of trees may have to be removed because of disease. I agree with the conclusion of my colleague in 2011 that removal of the trees would not extend the setting of Trevella and that the appeal site is not integral to the setting of this substantial house. Lanhadron is within the village and to its rear and north-east is a new housing development, which tightly defines its setting. In this context, the proposed development would have no impact on its setting and significance.

19. Castle Cottage is located some 680m south south-east of the nearest turbine. To the north, west and south the gatehouse is heavily screened by dense mature tree planting. Formerly attached to Trevella, the former gatehouse is a tall narrow, 3-storey building with an arch over the driveway that ran to the south-east. The former gatehouse is now in separate ownership and has no functional relationship with Trevella. The drive has been removed and replaced by a cricket ground and agricultural land. The former gatehouse is used as a dwelling with a recently constructed large 2-storey flat roofed extension on its southern side. Attempts to visually separate the extension from the gatehouse have failed, the symmetry of the building has been lost and the ability to determine its historical function diminished. In its immediate setting, the

significance of this former gatehouse and its importance as a designated heritage asset is significantly reduced.

20. Given the dense planting on the western roadside boundary, the main views of Castle Cottage are obtained in an arc to the south and south-east. The former drive is now a public footpath and there are no views of the building from its south-eastern end or for some distance as one walks to the west because of the topography and mature hedge planting. In closer views, the turbines would be located to the north-west of the building and at places obscured by the hedgerow. The main impact of the turbines on the setting and significance of this former gatehouse would be felt in views from the edge of the settlement to the east south-east. From here the turbines would be prominent with one turbine to the south-west and 4 turbines seen to the north-west which would further diminish the significance and setting of this former gatehouse. Thus, having regard to The Framework guidance, I consider the proposed development would result in less than substantial harm to the significance of Castle Cottage as a heritage asset.

21. The turbines would not affect the structure of Truthan House, the Cottage/Annex, the Well House and gate piers. Moreover, given the enclosed nature of the yard the setting of the Well House is limited to the yard and as such the turbines would have no effect on its setting.

22. Truthan House comprises a late 18th century building with the earlier Cottage and Annex from the 17th and 18th century all finished in vernacular materials. Early Ordnance Survey maps show the current house built on the "remains of a manor house" and it is acknowledged that there may have been a settlement on this site dating back to medieval times. Records indicate that former occupiers played a significant role in local and national governance. Access to the house is from 2 points on the road from Truthan hamlet to St. Erme. The first is from a long driveway that crosses parkland to the south of the house, which would appear to have been developed from the mid 1800s onwards. The second point is from the road to the north located between the house and The Coach House.

23. Truthan House is an attractive substantial and imposing building nestling in a rolling landscape that displays strong characteristics of a medieval agricultural landscape. Having regard to the history of Truthan and guidance produced by English Heritage (EH), I consider Truthan House to be a historically and visually important building of medium to high significance. Although glimpses of the house are obtained from the road through the hamlet, where it is perceived as a building of importance and significance, I agree that the development would have no impact on the setting of Truthan House when viewed from its immediate environs.

24. However and why ever it was developed, the driveway, the parkland to the south and in particular the rising agricultural land to the north beyond the hamlet form an important a significant part of its setting. When viewed from the driveway across the park The Coach House features prominently in most of the views and Truthan House is largely screened by what appears to be strategically planted individual and groups of trees. This strategic planting limits views of Truthan House to glimpses of the building. However, these glimpses are sufficient to create an anticipation of an approach to a significant building. Towards the western end of this part of the drive a significant view of the house can be obtained. This view is largely the same as it would have

been in the mid 1800s. The driveway turns through almost 90 degrees to the north where again views of the house are screened by strategic planting. It is only when the drive dog-legs around this planting that a full view of this substantial and attractive country house is revealed. In these views, the upper part of the turbines would be in view to the north-west of Truthan House and over The Coach House. The fact that these views are private does not diminish the importance of the park as part of the setting or the significance of the building.

25. Significant public views of Truthan House are obtained from the public footpath that runs for part of its route across open high ground to the south. For the majority of its length views of Truthan House are obscured by topography and dense planting. However, from a substantial length of the path running across the highest ground, Truthan House is prominent seen against a backdrop of rising fields to the north. In this view, Truthan House is seen as a substantial, distinctive and attractive building and one that would be interpreted by the lay observer as a historically/visually significant building. Although power lines cut across the foreground of the view and the existing Carland Cross turbines are seen in the distance to the north-west of the house, these do not materially diminish its significance as a heritage asset and the importance of its setting to the north. In the view from the public footpath to the south, Turbines C and D would be seen immediately to the west of Truthan House and Turbines E, B and A would be seen to the east. The separation from Truthan House to these turbines would be some 750m.

26. EH's "Wind Heritage and the Historic Environment" provides a useful checklist of factors to be borne in mind when assessing developments within the setting of heritage assets. These include visual dominance, scale, vistas and movement. In views, across the parkland and from the public footpath to the south, the turbines, particularly Turbines C and D closest to Truthan House, given their position on rising land which shortens the view, their uncompromising scale and the rotation of the blades, would unacceptably dominates this group of LBs and their setting resulting in substantial harm to their significance and setting.

27. The owners of Truthan House and Trevella submit that it is a financially demanding privilege to own and maintain a LB and the threat of the development has put on hold existing plans for maintenance/restoration. The owner of Truthan House also suggests that if developed the turbines would make it hard to find a purchaser willing to commit to these demands. Thus, it could be that the building would be uninhabited for a substantial period and its fabric would decline. The owners of LBs have a duty to maintain their buildings and whilst I have some sympathy with the views expressed, it is something that is asserted rather than tested. Moreover, given the particular attractions of the buildings the development may not adversely affect the perception of all potential purchasers.

28. On this issue, I conclude that the proposed windfarm would result in less than substantial harm to the significance of Castle Cottage and substantial harm to the significance of Truthan House as designated heritage assets. In this regard, the proposal would conflict with the objectives of LP Policy 4D.

Issue 2 – Landscape Impact

29. National Energy Policy recognises that modern onshore wind turbines would be significant landscape and visual features and their effects would be felt for some distance around a site. The LUC Study shows the site located in LCA 14: Newlyn Downs and close to LCA 16: Mid Fal Plateau. LCA 14 is assessed as a large scale landform with a gently undulating plateau that falls away at the LCA boundary and shallow valleys. The study notes that this LCA contains prominent windfarms as distinctive features. LCA 16 is described as a gently undulating medium scale plateau.

30. The LUC Study defines a large turbine as being between 100-150m high and a small cluster as 5 or fewer turbines and medium clusters being 6 to 10 turbines. Taking into account various criteria, which includes an assessment of the historic landscape character and scenic quality, the study concludes that outside the Area of Outstanding Natural Beauty LCA 14 has a low to moderate sensitivity to wind energy development and LCA 16 a moderate sensitivity.

31. For LCA 14, the landscape strategy is for a landscape with windfarms with small or medium clusters comprising turbines up to and including the smaller end of the large scale. This is qualified with an indication that parts of LCA 14 might be sensitive to turbines towards the larger end of the large category and that areas of Medieval Farmland are more sensitive to large scale turbines. The strategy for LCA 16 is for a landscape with occasional small clusters of turbines up to the lower end of the large scale. The appeal site is located close to the boundary of the 2 character areas on land that falls away from the plateau at Carland Cross in a distinctive area of Medieval Farmland. Bringing the above observations together with the conclusions and landscape strategies of the LUC Study, it strikes me that the appeal site is located within an area that would be particularly sensitive to turbines with a height of 120m.

32. Dealing first with the issue of cumulative impact, the A30, which runs north-east to south-west is the key route used by residents and tourists. On the approach from the east there is a significant viewpoint where the road cuts through at Fraddon Hill. From here, there is an extensive vista over south-west Cornwall. In this view, because of the extensive open rural landscape and the gap that would exist between them, the existing or repowered Carland Cross Windfarm and the appeal proposal would appear as distinct separate clusters. I formed the same impression on the A30 approach from the south-west. In some views from the south and north, the proposed turbines would be seen against the backdrop of the turbines at Carland Cross. In these views, the spacing of the turbines would be such that the overall view would not appear confused and the cumulative impact would be acceptable.

33. In some journeys, sequential views of wind energy developments of varying scale are obtained. However, because of the separation between them and the localised screening effects of topography and planting, there is no appreciation of a landscape being unacceptably dominated by wind turbines. In this context, the introduction of a small cluster of turbines at Truthan would not materially alter this situation. Thus, in terms of the wider Cornish landscape, the existing windfarms and smaller individual turbines whilst seen as a key characteristic of the landscape are not the defining characteristic of the area. Thus, the proposal would not result in an unacceptable cumulative impact on the landscape and would not conflict with the objectives of SP Policy 7, which seeks to avoid an unacceptable proliferation of turbines.

34. From the various vantage points visited, I conclude that the most significant landscape impacts would be felt close to the site and in the area up to 4km. The distinctive Medieval Farmland and rising landscape to the north-west creates an attractive backdrop and setting for the village. Here, the introduction of five, 120m high turbines and their rotating blades would have a very significant impact and they would become the dominant characteristic of the landscape setting of the villages. The villages would be within and on the cusp of a windfarm landscape.

35. On this issue, notwithstanding my favourable conclusion on the wider impact of the proposal on the Cornish landscape, I agree with my colleague in the 2011 decision that the proposed turbines would have a significant adverse effect on the landscape setting of Trispen and St. Erme contrary to the provisions of LP Policies 13B and 13C.

Issue 3 - Living Conditions

Noise

36. The Framework indicates that the decision maker should aim to avoid noise resulting from new development giving rise to significant adverse impacts on health and quality of life. The Noise Policy Statement for England (2010) (NPSE), seeks to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development. The NPSE seek to avoid significant adverse impacts and to mitigate and minimise adverse impacts. In terms of windfarms, it is not an objective of national policy that a windfarm should be inaudible or that there should be a minimum separation distance to any dwelling. Rather they should be located and designed so that increases in ambient noise levels around noise sensitive developments are kept to acceptable levels in relation to existing background noise levels. ETSU attempts to strike a balance between the environmental benefits of wind energy development on one hand and the potential for environmental damage by noise pollution. The concerns expressed by interested persons relate to the utility of ETSU-R-97 as a method for assessing the impact of turbines, the choice of the noise locations, the level of noise likely to be generated and heath effects.

37. Notwithstanding that ETSU-R-97, as a method for assessing and rating the noise from wind farms, predates the use of larger turbines, The Framework says that when determining applications for wind energy developments the decision maker should follow the approach set out in NPS EN-3. This NPS, which is the most up to date expression of national policy, says that the assessment of noise should use ETSU-R-97 taking account of the latest industry good practice.

38. ETSU indicates that noise limits should be set relative to background noise. Thus, the noise levels which the turbines should not exceed and the judgement as to whether any increases in ambient noise levels are within an acceptable range are wholly dependent on the noise monitoring exercise. The ES for the 5 turbine scheme uses the same noise measurement locations as those for the 7 turbine scheme, which were agreed with the lpa prior to the noise surveys being carried out. As in the 7 turbine appeal, some residents have expressed concern regarding the appellant's choice of locations suggesting that other locations, particularly their own properties, would have given what they consider to be more representative of background noise levels.

39. The lpa consulted independent noise consultants who took no issue with the choice of monitoring locations concluding that the assessment provides "…a firm basis for setting conditions to control the impact of noise and robustly confirms that the proposed noise limits are achievable". In the 2011 appeal decision, the Inspector concluded, "…the selected locations provide an adequate basis for assessing background noise". Having viewed and assessed the monitoring locations, I have no reason to disagree with the conclusions of my colleague or the lpa's noise advisors. Thus, whilst ambient noise levels in the area would change, I have no reason to disagree with the conclusion that the ETSU night-time and lower daytime limits can be achieved at all locations in all wind speeds. A robust suite of planning conditions relating to noise levels and monitoring have been agreed, which would provide a high degree of protection for residents.

40. Residents, some of whom are medically qualified, submitted evidence regarding the impact of turbine noise on general health, amplitude modulation (AM), low frequency noise and vibration. Amongst others, these concerns relate to sleep disturbance, irritability, headaches, nausea, and heart related problems. Collectively, these issues are generally referred to as Wind Turbine Syndrome or Vibro-Acoustic Disease (VAD).

41. AM is a phenomenon recognised by ETSU-R-97 and the recommended noise levels take account of this. Research in 2005/2006 into low frequency noise did note that AM was occurring in isolated instances in ways not anticipated by ETSU-R-97. However, based on research, the Government has concluded that although AM cannot be fully predicted, the incidence of AM resulting from wind farms in the UK is low and that the use of ETSU-R-97 remains appropriate.

42. In terms of vibration, a 1997 ETSU study found that vibration levels 100m from the nearest turbine were a factor of 10 less than those recommended for human exposure. A Keele University report on the likely impact of ground-borne vibrations from turbines on the highly sensitive seismic array at Eskdalemuir concluded that the level of vibrations from wind turbines are so small that only the most sophisticated instrumentation can reveal their presence and as such they are almost impossible to detect. In 2006 a Department of Trade and Industry study concluded that low frequency noise was not a significant factor in complaints and there was no evidence of adverse health effects.

43. I am conscious that the research papers submitted by the residents, post-dates much the contrary evidence cited above. Although these papers purport to provide compelling evidence of harm from wind energy developments, they have not as far as I am aware been subject to scientific review, some are based on what appear to be very small and or self-selected samples and some are based on these studies. As such, a link between the operations of wind turbines and serious health problems is unproven. Whilst I do not seek to downplay the seriousness of the issues raised by the residents, there is nothing of substance to justify departing from Government advice on health matters relating to the operation of wind farms.

Outlook

44. The planning system does not exist to protect the private interest of one person against the activities of another, although in some cases private interests may coincide with the public interest. The ES assessment of visual

impact uses the Guidelines for Landscape and Visual Impact Assessment (GLVIA) and concludes that the development would have moderate to substantial visual effects on residents. However, NPS EN-3 recognises that modern wind turbines are large structures and for some distance around a site there will always be significant visual effects. Therefore, in assessing whether, in the public interest, there is a case to resist this scheme the test relating to impact has to go beyond that carried out for the ES. 2Big2Close accepted that in assessing the effect of the scheme on the outlook of residents, the question to answer is, as articulated in the Spaldington appeal decision[6], would the proposal affect the outlook of residents to such an extent that it would be so unpleasant, overwhelming and oppressive, that the property would become an unacceptably unattractive place in which to live?

45. To show the likelihood of obtaining a view of the turbines, 2Big2Close flew a blimp located on the 85m contour to the east of the site to show the height of Turbine A. Whilst I understand that residents consider this to be a potent demonstration of the height and likely visibility of the turbines, I did not find it useful and I consider it gives a misleading impression. Although the blimp is released to the tip height it rarely flies vertically because of the wind. Moreover, the bulky mass of the blimp is flown at tip height, which does not reflect the likely visual impact of a slender blade against the sky. This ability to mislead is demonstrated by the submissions of some that they could clearly see the blimp from the Roseland Peninsula some distance to the south-west. I have no doubt they did; indeed the ZTV[7] maps shows that from some distant areas the blade tips might be seen. However, at that distance the tips would be almost imperceptible elements against the sky.

46. Five, 120m high wind turbines in the rolling agricultural landscape to the north-west of the village would change the outlook of many properties within the villages of Trispen and St. Erme and the surrounding area. Some residents would see more than one turbine; others would see parts of more than one turbine. Others, particularly some within the village given the topography of the area, their orientation and the screening effect of nearby buildings and landscaping would have no views of the turbines from habitable rooms or gardens. For others, including Killigrew Barns (500m)[8], Truthan Barton Bungalow (650m), Honeycombe Farm (1.35km), Predannack (1.5km), Trevispian-Vean (1.45km), Polglaze (750m), Castle Cottage (680m), Tallamar (1.15km) and Carland Cottages (2km) which are close to the existing and the soon to be repowered Carland Cross Windfarm, the scheme would be prominent and significantly change their view to one where turbines or parts of turbines would be a significant part of their outlook. However, a change in outlook, even a significant change is not necessarily harmful. Given the separation distances, the broad sweep of the landscape when viewed from many of the properties and the layout and spacing of the turbines, I consider the development would not appear so unpleasant, overwhelming and oppressive to render house in Trispen, St. Erme and the surrounding area unattractive places to live.

[6] APP/E2001/A/10/2137617 & 2139965.
[7] Zones of Theoretical Visibility
[8] Approximate distance to the nearest turbine.

Issue 4 – The Planning Balance

47. Tackling climate change is one the greatest long term challenges facing the world and is a key Government policy through the active promotion of renewable energy projects. One of The Framework's core planning principles is that planning should support the transition to a low carbon future through, amongst other things, the development of renewable energy. The Framework says that applicants for energy development should not be required to demonstrate the need for renewable energy and recognises that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

48. Notwithstanding the reference in The Framework to need, it is useful to review existing provision at the local and national level. At national level, the RES and Roadmap indicates that to meet the binding targets set by the EU, some 13 to 14,000MW of installed on-shore capacity will be required by 2020 to meet targets. In March 2012, the installed capacity for on and off-shore wind was some 6,534MW. NPS EN-1 identifies an urgent need to bring forward new renewable electricity generating projects as soon as possible, highlighting that, on-shore wind is the best established and currently the most economically viable source of renewable energy available for future large-scale deployment.

49. Locally, the SP set a target of 93MW of installed capacity from renewables by 2010 and this was missed. This target was only exceeded in the period between 2010 and 2012 with an estimated 131MW of installed capacity for generating electricity and some 195MW of installed capacity permitted but not approved. However, it has to be noted that the 2010 target did not reflect the increase in installed capacity required by the EU directive and not all approved schemes will be implemented. Moreover, the Council's preferred option for the emerging Core Strategy suggests a challenging target of 825MW of installed renewable electricity capacity by 2031. I can understand the Council's desire to see a balanced approach in terms of the mix of energy sources, given the significant increase in the deployment of non-domestic photovoltaic schemes (PV). There is no doubt that the substantial increase in the deployment of PV schemes has assisted in tackling the deficit locally and nationally in renewable energy schemes. However, the national target for electricity can only be achieved by an accumulation of all types of renewable energy schemes across the county and the country, particularly in those areas where the potential resource is the greatest. Thus, I agree, with my colleague in 2011, that the emergence of PV schemes does not dilute the benefits of CP's scheme.

50. Turning to benefits, the scheme would provide 12.5MW of installed capacity towards national and local targets for renewable electricity generation. Additionally, although not quantified, there would be small but nonetheless important contributions to reductions in greenhouses gases, farm diversification and employment in local and national manufacturing and construction industries.

51. The above considerations need to be weighed in the balance against the harm I have identified to the landscape setting of Trispen and St. Erme and the less than substantial harm to the setting and significance of Castle Cottage and the substantial harm to the setting and significance of Truthan House and associated buildings/structures, all Grade II LBs. The Framework indicates that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the scheme (paragraph 134). However, where development would

lead to substantial harm, planning permission should be refused unless it can be demonstrated that "the substantial harm is necessary to achieve substantial public benefits that outweigh that harm".

52. In weighing harm against benefits, whilst the scheme would conflict with the provisions of the development plan policies, I note that they are significantly out of step with The Framework and as such I attach greater weight to the provisions of The Framework as a material consideration. Similarly, I have weighed in the balance in favour of the scheme the likely temporary nature of the effect on the landscape/LBs and my colleague's indication that he considered the issue of a split decision that would limit the permission to the 5 turbines that form the current appeal scheme. However, in this regard it appeared to me that my colleague had significantly less expert evidence before him on the significance of and impact on HAs. Thus, taking all these matters into consideration and notwithstanding my conclusion on the absence of harm to neighbours' living conditions, I consider the public benefits of the scheme are such that they would not outweigh the substantial harm to setting and significance of Truthan House and the landscape settings of Trispen and St. Erme.

Other Matters

Hydrology

53. Individual dwellings and farms outside the settlements are served by Private Water Supplies (PWSs). Notwithstanding the lack of objection by the Environment Agency some residents have significant concerns that the concrete foundations for the turbines could result in contamination of PWSs. Wet concrete or sediment should it escape into a water supply can lead to incidences of contamination. However, there are well established construction protocols and techniques to eliminate or substantially mitigate the risk of such contamination during construction. These include the dewatering of foundations, stringent sediment control and the use of impermeable geotextile materials to prevent wet concrete flowing into fractured rock.

54. Residents are also concerned about the long term impact of the leaching of contaminants from concrete foundations into PWSs, which is largely based on the contents of a paper entitled, "Effect of Cement Paste on Drinking Water". However, this study assessed the potential for the contamination of drinking water when using concrete pipes, which is an entirely different situation to that which would exist here. Moreover, the study concludes that there is no risk with drinking water where it is flowing continuously over or past a concrete surface. The paper only suggests that water quality could be affected when it is contained within a small bore concrete pipe for extended periods.

55. Here, surface and groundwater would flow continuously around the foundations where the extent of contact and its duration would be limited resulting in a low level of risk to PWSs. Moreover, the suggested conditions provide for detailed Construction Environmental Management and Private Water Supply Protection Plans to mitigate the effect of the development. The latter plan provides for the sampling, measurement and analysis of PWSs before during and for 6 months after construction. In the event of the interruption of or adverse change to supply arrangements alternative suitable and sufficient water supplies would be made on a temporary and/or permanent basis. In light of

the above, I consider the risk to PWSs is slight and would be adequately mitigated by the imposition of appropriate planning conditions.

Shadow Flicker

56. The incidence of shadow flicker can be calculated with reasonable certainty. Accordingly, the turbine controls can be programmed to ensure that a turbine is taken out of operation at the appropriate time. Reflected light can be acceptably mitigated by careful choice of blade colour and finish. Here, appropriate conditions have been suggested and as such, the living conditions of residents would be protected.

St. Erme Cricket Club

57. Based at Castle Field to the south-east of the appeal site, the Club is successful, popular, particularly in terms of youth cricket and makes a significant contribution to community life. In addition to general environmental concerns, the Club is particularly concerned about player safety. The cricket square is orientated north/south and the photomontage based on a viewpoint on the cricket ground shows that upper parts of the blades to 2 turbines would be seen above the mature trees at Castle Cottage. The Club's concerns relate to the distraction of a batsman by turbines rotating in the view and the effect on deep fielders in the south-east part of the field.

58. In terms of the impact on and risk to a batsman, given the orientation of the square and the position of the proposed turbines to the left of the bowler, I consider the risk of distraction and danger to a batsman to be very low. For deep fielders, the risk, would only occur when balls were struck high in the direction of the south-east and the arc of the ball crossed the rotating blades. The Club acknowledges that the likelihood of such an event would be slim but that there would still be a risk adversely affecting the attractiveness of the Club. Cricket is not a risk free sport and whilst risk can be mitigated through training and the wearing of protective equipment, it can never be eliminated. I appreciate that sensitivities on this matter have been heightened by the death several years ago of a player after being struck by a ball. However, I consider the level of risk to be small such that it would not represent an unacceptable or unavoidable risk to a player or the future of the club.

Bats

59. The species of bats found in the area are largely common species. These are listed by NE as being at low to medium risk from wind energy developments. Moreover, most bat species in the UK prefer to fly close to habitat features for protection and are unlikely to come into contact with turbine blades during their normal movements as they do not migrate at high altitude and rarely fly at heights that would intersect with the turbine blades. NE has not objected to the proposal, rather it suggested that Turbine A appeared to be within the buffer zone identified in Technical Information Note 051 – Bats and Onshore Wind Turbines and suggested that it be relocated. Based on CP's amended plan, Turbine A would be located so that it would not oversail the nearest field hedge. Thus, there is unlikely to be a materially adverse effect on bats.

Property Values

60. The concern expressed by residents is understandable. However, it is not for the planning system to protect the private interests of one person against the

activities of another. Therefore, it is not whether a development would cause financial loss to neighbouring owners, but whether it would have detrimental effects on the locality generally and on amenities that ought to be protected in the public interest. In this context, concerns relating to the impact on the value of an individuals property are a private matter and not one of public policy and as such it is not generally a material consideration.

61. A 2007 RICS report identified a potential link between property values and proximity to a windfarm. However, when estate agents were consulted the view was "that proximity to a windfarm simply was not an issue". This research suggests that assessing the impact of a windfarm on property values is a complex and emotive subject with apparent changes in value disappearing when examined more closely. In light of the evidence before me, I am not in a position to decide whether in considering the effect on property values there is a wider public interest that should be protected.

Public Safety

62. It was suggested that Turbine A would be too close to the busy A39 used to access Truro and the coast. Taking account of the roadside verge, the turbine would be located beyond the recommended topple over distance. The highway authority has no objection to the proposal. Turbines of the scale proposed are not an unusual feature in the landscape and they are slow to start up. As such road users would not be surprised or distracted by their presence or activity. It is not unknown for a turbine to collapse, shed a blade or piece of a blade. However, this event is rare and there are no recorded examples of any injuries. On balance, I consider the risk of total or partial collapse to be low and as such the proposed development would not represent an unacceptable hazard to public safety.

Spectrum House

63. Spectrum House is a residential care home for young adults with autism located in the extreme south-east of the village and well screened by dense mature trees. Concern was expressed that the turbines would have an unsettling effect on residents of the home. Given the topography of the area and the screening effect of buildings/trees, the development would have no direct impact on the home or its residents. When residents are out in the community, they would see some or all of the turbines. However, that is something that already exists with existing wind energy developments in the wider area.

Telecommunications

64. Nationally and regionally the development of wireless broadband is recognised as a major contributor to economic and social development. Wireless broadband is particularly important in providing electronic access for businesses and residents in areas where existing connections offer only limited access and where fibre optic cables cannot reach. Cornwall and this area in particular is part of a trial relating to the development of 4G wireless broadband. Concern is expressed that the turbines would interfere with wireless signals leading to an unacceptable degradation or loss of the connection through blocking and reflection.

65. In terms of signal blocking, the severity of any potential reduction depends on the size of the structure and the actual size of the "shadow" cast by the

structure. Although the turbines are tall they are relatively slim and the separation to the edge of the settlement is some 1km. Thus, the area where the largest reduction or complete loss of a signal could be experienced would be limited to the immediate area of the turbines. General guidance provided by OFCOM suggests that this area is generally measured in a few tens of metres and that with defraction the potential for "shadow" effectively disappears at around 1km. Reflection can sometimes cause reception problems, but as I understand it digital systems are much more resistant to the effects of reflection. In terms of the direct effect of the proposal on wireless broadband signals and digital television/radio signals to the local area, the evidence before me is very general and inconclusive. On this basis, I cannot come to a conclusion on whether the proposal would have an unacceptable effect on wireless broadband signals.

**Overall Conclusion**

66. Notwithstanding my conclusions in respect of the other matters, the absence of harm to the living conditions of neighbours and the public benefits of the scheme, together these matters do not outweigh the substantial and unacceptable harm I identify to the setting and significance of Truthan House and the landscape setting of the villages. Accordingly, I dismiss the appeal.

*George Baird*

INSPECTOR

## APPEARANCES

## FOR CORONATION POWER

David Manley QC instructed by Edward Romaine of Coronation Power Limited.

He called:

David Stewart MA (Cantab), Dip TP, MRTPI.
Principal, David Stewart Associates.

Anne Priscott BA (Hons), CMLI.
Anne Priscott Associates Limited.

Charles Lequesne MA (Hons), IFA.
RPS Energy.

J McMahon
Environmental Consultant, RPS Energy.

## FOR THE LOCAL PLANNING AUTHORITY

Gavin Collett of Counsel instructed by Karen Jackson, Solicitor to Cornwall Council.

He called:

Cllr. David Biggs.
Cambourne West Division, Cornwall Council.

Daniel Ratcliffe BA (Hons), MA, MIfA.
Team Leader, Historic Environment Advice Team, Cornwall Council.

Peter Blackshaw BA (Hons), MRTPI.
Team Leader, Appeals Team, Cornwall Council.

## FOR 2BIG2CLOSE

Martin Pearse (Solicitor) of Follett Stock LLP.

He called:

Nick Dymond

Mrs Anne-Marie Hurst

Andrew Norfolk
AJN Landscape Consultants.

Paul Bateman
Influence Planning.

**Interested Persons**

Cllr. Egerton. Cornwall Council.
Cllr. Eathorne Gibbons. Cornwall Council.
Mr Jones. St. Erme Parish Council.
Mr N Bowen. Press Officer & Club Development Manager, St. Erme Cricket Club.
Mr Moses. Youth Development Manager, St. Erme Cricket Club.
Mr D Mageean. Cornwall Windfarm Action Alliance
Mr Edwards.
Mr Lear.
Mr Spencer Breeze.
Mr Matthews.
Ms Tucker.
Mr Debble.
Mr Birkby.
Mr Money.
Mr Parker.
Mrs Masters.
Mr Masters.
Mr Pink.
Ms Pinder.
Miss White.
Mr Shepherd.
Miss Collins.
Mrs Bawden.
Mr Bonsall.
Mr Savage.
Miss Neufville.
Miss Oliver.
Ms Wright.
Mr Byrne MD FRCOG.
Dr. Tisdale.
Mr E Dymond.
Mrs R Gray.
Mrs E Jewell.
Mrs Jones.
Mrs Jay.
Mrs White.

**DOCUMENTS SUBMITTED AT THE INQUIRY**

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| Doc 1 | - | Council's letter of notification and list of persons notified. |
| Doc 2 | - | Written submissions of Mrs D Hunter. |
| Doc 3 | - | Written submissions of Mr K Jones & family. |
| Doc 4 | - | Submissions and photographs by St. Erme Cricket Club. |
| Doc 5 | - | Note from 8 residents on the visibility of the balloon. |
| Doc 6 | - | List of suggested conditions. |
| Doc 7 | - | Proposed layout overlaid on 1990s proposed scheme. |
| Doc 8 | - | BBC News Cornwall Extract - 14 June 2012. |
| Doc 9 | - | Index of photomontages, Mr Norfolk for 2Big2Close. |
| Doc 10 | - | Response to Mrs A Priscott Appendix 1 by Mr Norfolk. |

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| Doc 11 | - | Case No. CO/13120/2010, High Court of Justice, Queen's Bench Division, Administrative Court. |
| Doc 12 | - | R (Lewis) v Redcar & Cleveland BC (CA), Court of Appeal, (2008) EWCA Civ 746. |
| Doc 13 | - | Policy 3A, Carrick District Wide Local Plan Policy 3A. |
| Doc 14 | - | Options and Preferred Options for Energy, Minerals and Waste, Cornwall County Council. |
| Doc 15 | - | Extract from Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment. |
| Doc 16 | - | What is the Impact of Wind Farms on House Prices? RICS Research March 2007. |
| Doc 17 | - | Cornwall Structure Plan 2004. |
| Doc 18 | - | Renewable Energy Guidance Note 3, The Development of Onshore Wind Turbines. |
| Doc 19 | - | Bundle of documents, representations by interested persons and requests to speak. |
| Doc 20 | - | Written submissions on heritage matters on behalf 2Big2Close by Mr White. |
| Doc 21 | - | Written submissions on hydrology by Coronation Power. |
| Doc 22 | - | Written submissions on noise matters on behalf of Coronation Power by Mr Hayes. |

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